



MARIN COUNTY  
 COMMUNITY DEVELOPMENT AGENCY  
 BRIAN C. CRAWFORD, DIRECTOR

**STAFF REPORT TO THE PLANNING COMMISSION  
 LOCAL COASTAL PROGRAM AMENDMENT (LCPA)  
 Development Code (LCP Implementation Program) Amendments:  
 Overall Format and Chapters 22.60, 22.68 and 22.70  
 Marin County Code, Title 22, Article V**

Item No: 4  
 Workshop Date: August 31, 2011  
 Planners: Jack Liebster, Principal Planner  
 Christine Gimmler, Senior Planner  
 Steve Scholl, AICP, Consulting Planner

**RECOMMENDATION:**

- 1. Conduct public workshop;**
- 2. Approve format and Chap 22.60, 22.68 and 22.70;**
- 3. Provide direction to staff**

**SUMMARY RECOMMENDATION:** This report presents changes to the overall structure and format of the LCP implementation program to reflect the re-organization of the Development Code that was adopted county-wide in 2003. Additionally, specific changes to the coastal permit requirements and administration provisions of Chapter 22.60, 22.68 and 22.70, including public notice procedures, the addition of “de minimis” waivers, emergency permits and coastal zone variances consistent with the Coastal Act and the Coastal Commission’s Administrative Regulations, are proposed. Staff recommends the Commission review the proposed Public Review Draft (PRD) Development Code Amendments, hear public testimony, discuss the amendments, tentatively approve the LCP Development Code overall format and Chapters 22.60, 22.68 and 22.70, and provide any necessary additional direction to staff. Final PC action is scheduled for November, 2011.

**NOTE:** *Prior to the hearing, staff intends to issue an “Errata” and possibly certain revised staff recommendations in response to recent public outreach. Notice of these will be sent to our mailing list, and they will be posted under “What’s New” on [www.MarinLCP.org](http://www.MarinLCP.org).*

**BACKGROUND:** Following a series of public workshops conducted by the Planning Commission during 2009 and 2010 and extensive public input, a Public Review Draft of Amendments to the certified Marin County Local Coastal Program (LCP) was prepared for further consideration. The release of the Public Review Draft of Amendments to the certified LCP was the subject of a special joint public workshop before the Planning Commission and Board of Supervisors on June 28, 2011. During July, staff held four Community Presentations, and a number of meetings with interested groups to explain and answer questions about the Public Review Draft, as well as to hear current concerns. Now the process turns to formal public

hearings before the Planning Commission and Board of Supervisors prior to submittal to the California Coastal Commission for the Commission’s certification of the proposed amendments.

The Local Coastal Program (LCP) is a planning document that identifies the location, type, densities, and other ground rules for development in the coastal zone. The purpose of the LCP is to implement, at the local level, the provisions of the California Coastal Act of 1976. The LCP has two main components, both of which are presented in the Public Review Draft: the land use plan amendments and the Development Code amendments including, zoning and other implementation measures which are encompassed primarily in Article V of Title 22 of the Marin County Code.

The LCP Public Review Draft (PRD) includes:

- Land Use Plan policies, reflecting proposed amendments (document entitled Marin County Local Coastal Program, dated June 2011)
- Proposed Development Code Amendments (in a separate document, also dated June 2011. This is also often called the “Implementation Program,” or “IP.”)

**WHAT IS ADDRESSED IN THIS STAFF REPORT:** This report concentrates on the structure and format of the Development Code, and its provisions for coastal permit administration. When the countywide Development Code was reformatted and adopted by the Board of Supervisors in 2003, the current, certified coastal Development Code provisions were also reformatted into a draft Coastal Zone section called Title 22, Article V. This reformatting was not submitted to the Coastal Commission for certification, pending amendments to the Land Use Plan policies.

With the completion of the Countywide Plan (CWP), the LCP Amendment process was re-started, and amended LUP policies were developed, considered by the Planning Commission during a series of workshops held during 2009-10, and compiled in the *Preliminary Draft LUP* dated January 25, 2011. With the Planning Commission’s tentative adoption of the amended policies, staff turned in earnest to crafting amendments to the 2003 draft of Article V, with the aim to make it “conform with and be adequate to carry out” the LUP policies as mandated by the Coastal Act (*Public Resources Code Section 30513*). The proposed amendments to the Development Code have not been addressed previously during LCP workshops, therefore the first in the series of upcoming Planning Commission hearings will address the overall structure of the Development Code including coastal permit requirement and administration.

Subsequent staff reports will focus on the policy components of the LUP, (listed below) and also will address how those land use policies would be implemented by the proposed Development Code amendments.

September 19, 2011 (Special meeting)	Built Environment & Socio-Economic Development Standards	1:00 PM - 8:00* PM
October 10, 2011	Agriculture Allowable Land Uses & Standards	10:00 AM - 5:00* PM
October 24, 2011	Natural Systems Resource Management Standards	10:00 AM - 5:00* PM
November 7, 2011 (Special Meeting)	Contingent Meeting <i>If unresolved issues remain from previous hearings</i>	10:00 AM - 5:00* PM
November 14, 2011 (Special Meeting)	Final PC Hearing and Adoption	10:00 AM - 5:00* PM

*\* Please note the proposed subject areas and times are estimates only and may be subject to change. Specific dates, topics, and times will be set for each continued hearing as revised and confirmed at each previous hearing.*

**SUPPORTING MATERIALS:** The Land Use Plan document includes a set of maps, which are also available for viewing at higher resolution on the Marin Local Coastal Program website at: [http://www.co.marin.ca.us/depts/CD/main/lcp/LCP\\_Maps\\_WEB.pdf](http://www.co.marin.ca.us/depts/CD/main/lcp/LCP_Maps_WEB.pdf)

Note that Maps 27a and 27b Appeal and Permit Jurisdiction Areas are new digital versions of maps previously adopted by the Coastal Commission in 1980–81; the digital Appeal and Permit Jurisdiction Area maps will be subject to re-adoption by the Coastal Commission in conjunction with the Local Coastal Program amendments. Together, the maps are an important component of the Local Coastal Program.

Background documents for the Local Coastal Program include 9 draft Appendices that were released in a separate volume and posted on the website at the same time as the LUP and Development Code amendment documents. Since then in response to requests at the Community Presentations and in meetings with various groups, additional background information has been placed on the website as “Supplements”. (*Click on “Plans and Documents,” see “Local Coastal Program Documents”*). Except as noted below, the draft Appendices are not intended to be part of the Local Coastal Program for purposes of the California Coastal Act (that is, they will not be subject to review and approval by the Coastal Commission). The draft Appendices include:

- Appendix 1: Policies of Chapter 3 of the California Coastal Act of 1976
- Appendix 2: Local Coastal Program Framework. This document addresses coastal permits and their relationship to other County land use permits, as well as a brief history of the Marin County LCP. The document is intended to be descriptive only and is subject to change, depending on the final form of the Local Coastal Program amendment.
- Appendix 3: Unit I Existing and Proposed Policy Comparison
- Appendix 4: Unit II Existing and Proposed Policy Comparison
- Appendix 5: List of Recommended Public Coastal Accessways. Land Use Plan Policy C-PA-6 provides that the recommended public coastal accessways on this list shall receive first priority for future acquisition, and thus the list is part of the Local Coastal Program.
- Appendix 6: Inventory of Visitor-Serving, Commercial, and Recreational Facilities in the Coastal Zone
- Appendix 7: Coastal Village Community Character Review Checklist
- Appendix 8: Design Guidelines for Construction in Areas of Special Character and Visitor Appeal and for Pre-1930's Structures. Land Use Plan Policy C-HAR-5 provides that these Design Guidelines apply to certain development projects and therefore the Guidelines are part of the Local Coastal Program.
- Appendix 9: Seadrift Settlement Agreement

The additional informational supplements more recently placed on the Local Coastal Program website ([www.MarinLCP.org](http://www.MarinLCP.org)) include:

- Supplement 1: Zoning maps
- Supplement 2: Categorical Exclusion Orders. The Categorical Exclusion Orders are documents previously adopted by the California Coastal Commission in order to exempt certain specified developments, as provided by law, from the need to obtain a coastal permit. The Categorical Exclusion Orders have already been approved by the Coastal Commission following approval of the LCP in 1980–81, under procedures separate from those that apply to Local Coastal Programs. Supplement 2 includes the text of the Categorical Exclusion Orders; the maps that accompany the Orders are included among the package of maps described above and numbered Maps 26a–26k. Maps 26a–26k are new digital versions of maps previously adopted by the Coastal Commission when approving the Categorical Exclusion Orders for Marin County.
- Supplement 3: “Road Map” of Interim Code and Proposed Code Amendments. The Road Map is a list of provisions found in the existing Interim Code with an indication of where to find the comparable provisions in the Proposed amended Development Code. (it is also appended here as Attachment 3)
- Supplement 4: “Comparison of Interim Code and Proposed Code Amendments.” This table presents a side-by-side comparison of existing and proposed Code sections, with introductions and highlighting to identify significant differences. (it is also appended here as Attachment 4)
- Supplement 5: Revised draft Appeal and Permit Jurisdiction Area maps prepared by the Coastal Commission. These revised draft maps reflect a possible alternate interpretation of the “first public road” depicted on the maps and thus represent a potential alternative to Maps 27a and 27b of the Public Review Draft..

Some reformatting and potential revision of the amended Local Coastal Program is anticipated as the LCP moves through the process of public hearings and review by the Planning Commission and Board of Supervisors. The Appendices, Supplements, and any other supporting documents thus are subject to change. At such time as the future LCP submittal to the Coastal Commission is prepared, all documents that will form part of that submittal will be arranged together and clearly identified as parts of the Local Coastal Program, while all other documents will be grouped as “Supporting Materials.”

To receive periodic status updates on the LCP process and schedule, follow “MarinLCP” on Facebook and Twitter or sign up at [www.MarinLCP.org](http://www.MarinLCP.org)

**RECOMMENDATION:** Staff recommends the workshop be conducted as follows:

- Staff presentation of the LCP **Development Code, Article V** framework.
- Public testimony (per adopted protocols attached: 3 minutes per individual, 6 minutes per organization).
- Close public testimony and conduct Commission deliberations.
- Tentatively approve LCP Development Code overall format and Chapters 22.60, 22.68 and 22.70.
- Provide comments and direction to staff.
- Continue public hearing to September 19, 2011.

**Attachments**

1. **Attachment 1:** Overview: Public Review Draft (PRD) Development Code Amendments
2. **Attachment 2:** Additions to LUP Introduction
3. **Attachment 3:** Road Map / cross-walk by section: existing Dev. Code. v. Proposed.
4. **Attachment 4:** Comparison of sections of existing Title 22I Interim Code and PRD proposed Development Code Amendments.

## **OVERVIEW: PUBLIC REVIEW DRAFT (PRD) DEVELOPMENT CODE AMENDMENTS**

### **I. Introduction.**

The coast of California is a place of tremendous natural beauty, recreational opportunity, and economic vitality for residents and visitors alike. In adopting the law known as the California Coastal Act, the state legislature in 1976 declared that “the California coastal zone is a distinct and valuable natural resource of vital and enduring interest to all the people. . .” (*Pub. Resources Code (PRC) Sec. 30001(a)*). To protect the resources of the coast the Coastal Act established the land use planning tool known as the Local Coastal Program, or LCP. The LCP is a set of documents and maps that identify the location, type, and density of new development in the coastal zone. Two main components make up an LCP: a Land Use Plan and a set of Zoning/Implementation measures.

Protection of coastal resources can be achieved in a variety of ways, and the Local Coastal Programs adopted by cities and counties up and down California reflect many different approaches. Indeed, the legislature in adopting the Coastal Act in 1976 rejected an earlier effort to craft one statewide plan for the entire coast and called instead for local plans, each one adopted by local government and designed to respond to local conditions. The Coastal Act mandates that the “precise content of each local coastal program shall be determined by the local government. . . in full consultation with the [Coastal] commission and with full public participation.” (*PRC Section 30500(c)*).

The Marin County Local Coastal Program, which was adopted by the Board of Supervisors in 1979–80, was among the earliest LCPs approved by the Coastal Commission. The Land Use Plan component of Marin County’s LCP was prepared in two geographic segments, known as Unit I and Unit II. Unit I, certified by the Coastal Commission in 1980, includes the communities of Muir Beach, Stinson Beach, Seadrift, and Bolinas. The Unit II plan was certified in 1981 and includes the communities of Olema, Point Reyes Station, Inverness Park, Inverness, Dillon Beach, Oceana Marin, Marshall, and Tomales. The Zoning/Implementation portion of the LCP was prepared as one set of provisions for the entire coastal zone; it includes Chapters 22.56 and 22.57 of the Marin County Code, now referred to as the Interim Code, accompanied by zoning maps and other maps.

The amendments that are now proposed to the certified LCP are contained in a set of draft Land Use Plan policy amendments, intended to replace the Unit I and Unit II plans, and a set of Development Code amendments, which constitute the Zoning/Implementation component of the LCP. Zoning maps and other maps, only some of which are proposed to be changed, are also part of the LCP amendment. Supporting the proposed LCP amendment are Appendices and Supplements that, unless specifically noted, are not part of the LCP.

The proposed amendments reflect a number of changes intended to improve the utility and effectiveness of the LCP. In particular, the two Land Use Plans (Unit I and Unit II) adopted for two parts of the County are merged into one plan. A consistent set of policies will apply to the entire coastal zone of the County, thus avoiding any uncertainty regarding any differences that appear in parallel provisions of the two plans.

At the same time, many of the policy provisions of the existing LCP have been determined to adequately carry out Coastal Act policies as they are, and thus they are not proposed to be

changed. The proposed amendments have been the subject of a series of public workshops, at which the Planning Commission reviewed and preliminarily endorsed the proposed changes.

Highlights of the proposed Local Coastal Program amendments are summarized below. Additional detail regarding proposed changes is included in the remainder of this staff report, and more information will be provided in subsequent staff reports. In particular, subsequent staff reports will address proposed changes to the substantive policies of the LCP Land Use Plan and to the proposed methods of implementing those policies through the revised Development Code.

A. *What would change:*

1. **One comprehensive plan.** Merger of the two sets of policies (Unit I and Unit II) into one Land Use Plan, resulting in a more concise, consistent, comprehensive and easier-to-use document. Many minor text changes are required, of course, simply to merge two sets of policies into one.
2. **Available digitally.** Unlike the existing certified LCP, the proposed amended LCP is presented in digital form; all components, including maps, can be viewed, searched, and printed by planners and members of the public using electronic media.
3. **Programs to address complex problems.** Research and planning programs are proposed with the goal of supplementing land use plan policies, in order to address on-going issues that require additional study or attention (such as sea level rise).
4. **Coastal Permit implements all of LCP.** The role of the “coastal permit,” a key mechanism by which LCP policies are applied to the review of proposed development projects, is clarified with respect to other County discretionary permits. The coastal permit alone bears the responsibility of carrying out LCP policies. Meanwhile, other County discretionary reviews such as Master Plans, Design Review, and Use Permits would continue to implement other County policies, such as those of the Marin Countywide Plan and Community Plans.
5. **New, updated water quality protections.** Improved provisions to protect coastal water quality are incorporated, in contrast to the original LCP, which addressed only the water quality impacts of development projects that involve a substantial amount of grading.
6. **Appropriate renewable energy.** The production of energy from renewable sources such as the wind is addressed.
7. **Community-specific priorities incorporated.** Key provisions of existing community plans are proposed to be drawn into the LCP, in order to assure their implementation through the review of coastal permits.

While incorporating changes as summarized above, the proposed LCP amendments would also “carry over” many existing provisions substantially unchanged.

B. *What would not change:*

1. **Strong protection for natural resources.** Environmentally sensitive habitat areas continue to be protected against any significant disruption of habitat values, and only land uses dependent upon those resources may be considered. Wetlands and coastal streams continue to be protected, consistent with Coastal Act policies, and only those uses specified by the Coastal Act may be considered within them. In addition to maintaining

protection for natural resources, the proposed LCP amendments would provide for limited wetland buffer adjustments in situations such as where a wetland is part of a sewage treatment pond or human-made drainage ditch. Such adjustments would apply only to the width of the wetland buffer and not to the wetland designation itself. Additional information on the subject of biological resources will be provided in a subsequent staff report for consideration at a future Planning Commission public hearing.

2. **Protection of agricultural lands against subdivision and maintenance of such lands in agricultural use.** The typical family-operated character of farms in Marin County continues to be supported by new measures such as those allowing, in certain cases, up to two intergenerational homes on a parcel in addition to the farm or ranch house. As additional measures to assure the maintenance of agricultural lands in agricultural use, the proposed amendments would support diversifying agricultural activities, such as very limited retail sales of items principally grown by the operator of the property or by a consignor who is actively growing agricultural products in Marin County.
3. **Concentration of new residential and commercial development in existing developed areas.** Existing village limit boundaries are maintained, with only minor adjustments to reflect state or federal land acquisitions that have occurred on the periphery of Inverness, Olema, and Point Reyes Station. Furthermore, Bolinas, Stinson Beach, and Muir Beach, which lacked village limit boundaries in the Unit I LCP, are designated with such limits that reflect the existence of surrounding public and agricultural lands.
4. **Protection of the existing character of coastal villages.** Policies drawn from existing community plans require maintenance of the small-scale and mixed-use character of the villages, with no change in height or bulk limits proposed.
5. **Expansion of already ample opportunities for public coastal access and recreation.** The list of proposed additional coastal public accessways found in the Unit I and Unit II plans is updated and carried over. Policies requiring the examination of new development for potential impacts on public access to the coast are amended, to reflect changes in law.
6. **Appropriate application of land use plan policies to proposed developments.** Consistent with the format of policies in the Marin Countywide Plan, coastal policies in the Public Review Draft are constructed using an action verb, rather than a description of the proposed outcome of the County's review. For instance, certain policies commence with words such as "require," "preserve," "protect," or "prohibit." Those terms carry a mandatory meaning, parallel to the typical construction of policies in the Unit I and Unit II plans, where the phrase "shall be allowed" or "shall be prohibited" is included. Where the "old" policies used the term "should," indicating a policy preference but not an absolute requirement, the amended policies commence with an action verb or phrase such as "maintain where feasible" or "consider." No change in the application of policies to proposed developments is implied by the use of action verbs; instead, the purpose is to direct the action of decision-makers more clearly, by indicating what exactly is expected of them when reviewing a coastal permit application. Suggested text further clarifying the mandatory language is proposed to be added to the Introduction of the Land Use plan as included in Attachment #3. The related implementing Development Code sections do specifically use the terms "shall" and "should" (as will the biological standards which will be corrected in the Natural Systems staff report).

Additional information on what would change, and what would not change, with respect to various Land Use Plan policies is provided below or will follow in subsequent staff reports.



## **II. Coastal Commission review process.**

To certify (that is, to approve) a Local Coastal Program Land Use Plan, or amendments to a Land Use Plan, the Coastal Commission must find that the plan meets the requirements of and is in conformity with the policies of Chapter 3 of the Coastal Act of 1976. In reviewing a proposed LCP Land Use Plan or amendments thereto, the Coastal Commission may certify amendments to the plan as submitted or instead may suggest modifications to the plan. If the Coastal Commission suggests modifications, and those modifications are subsequently adopted by the local government, then the land use plan amendment is deemed to be certified.

The Zoning/Implementation measures are the subject of a separate vote by the Coastal Commission, which may either reject the measures or decline to reject them. The standard of review for Zoning/Implementation measures (in Marin's case, the Development Code amendments) is that the Development Code "conforms with and is adequate to carry out the Land Use Plan." If the Coastal Commission chooses to reject the Zoning/Implementation measures as submitted, then it may suggest modifications; those modifications, if agreed to by the local government, result in certification of the Zoning/Implementation measures.

If suggested modifications to either the LCP Land Use Plan or the Zoning/Implementation measures are adopted by the Coastal Commission, the local government retains the option to respond to the Coastal Commission's rejection in a manner other than as suggested. In other words, the local government may propose an entirely different method of carrying out Coastal Act requirements. Or the local government may agree to only some of the suggested modifications, while proposing alternate measures to respond to others.

The question before the Coastal Commission when considering a proposed LCP amendment is whether the LCP, as amended, would meet the requirements of Chapter 3 of the Coastal Act. The question is not whether the amended LCP would be "better" than the existing LCP, or how the amended LCP would differ from the existing one. Nevertheless, in order to make it easier to understand the proposed changes, the following addresses both "carried-over" provisions, and others to which changes are proposed.

## **III. Development Code Structure/Coastal Permit administration.**

A key characteristic of the proposed Development Code amendment is that it provides for the application of Land Use Plan policies to proposed developments in several different ways that operate simultaneously. This approach is appropriate because zoning, as a regulatory mechanism, addresses land development from several points of view at once. That is, zoning addresses specific land uses and structures, such as dwellings or farm buildings, that share common characteristics regardless of their location. Zoning also addresses the concerns of communities that share certain common characteristics, even while they house a variety of land uses and structures. And zoning addresses coastal resources, such as wetlands or streams that share common characteristics, even when located in different parts of the coastal zone.

In order to facilitate the process of looking at these different aspects of proposed developments, the Development Code contains several chapters that reflect applicable Land Use Plan policies. Proposed Chapter 22.62 defines the zoning districts into which the coastal zone is divided and indicates the uses that are potentially allowable, or not allowable, in each district. The districts are grouped in three categories: Agricultural and Resource-Related Districts, Residential Districts, and Commercial/Mixed Use Districts. A look at Chapter 22.62 gives a preliminary indication of whether a proposed development might be permissible.

Additional standards for certain zoning districts, those indicated as “planned districts,” are contained in Chapter 22.65. Furthermore, certain community standards, applicable to the various coastal villages, are contained in Chapter 22.66, and additional standards in Chapter 22.32 apply to specific land uses or activities.

Finally, requirements that apply to specific coastal resources, regardless of where such resources are found, are contained in Chapter 22.64. These resource-protection standards apply to all types of proposed developments, whether inside or outside of specific communities. Application of all these standards simultaneously through coastal permit review is the means by which the Land Use Plan policies are fully implemented.

The revised structure of the proposed Development Code Amendments can be contrasted with the structure of the existing LCP implementation provisions found in the Interim Code Chapters 22.56 and 22.57. In the Interim Code, resource management provisions are divided between the two chapters, with some of them appearing to apply to all developments, while others appear to apply only to projects within certain zoning districts. For instance, Section 22.57.024 Design Standards for the C-ARP zoning district includes extensive Site Preparation requirements for grading and erosion control; parallel requirements do not appear in other zoning districts. Meanwhile, additional grading and excavation requirements applicable to all coastal projects are found in an entirely different part of the Interim Code; see Section 22.56.130.C. The revised structure of the proposed Development Code groups resource protection provisions in a way that is easier to follow and clarifies, for example, that grading in any location, regardless of zoning district, carries the risk of adverse impacts to coastal water quality and other resources and therefore is subject to the same requirements.

A. *What would not change:*

1. **Coastal zoning districts and zoning maps.** The following C zoning districts (“C” for “coastal”) apply to land in the coastal zone: Agricultural and Resource-Related Districts (C-APZ, C-ARP, and C-OA), Residential Districts (C-RA, C-R1, C-RSP, C-RSPS, C-R2, C-RMP), and Commercial/Mixed Use Districts (C-VCR, C-H1, C-CP, C-RMPC, and C-RCR). The C-PF district applies to Public Facilities, and the B-combining district applies to certain parcels designated C-R1, C-RA, or C-VCR (the B-combining designation has the effect of substituting different development standards regarding minimum lot area, minimum setback, and in some cases maximum height, and maximum floor area ratio). The C districts remain unchanged by the LCP amendments; see item 1 in Attachment #1 to this staff report. Furthermore, the zoning maps that show which district applies to each parcel of land also remain unchanged.

Although the coastal zoning districts and the zoning maps are not proposed to change, in some instances, certain uses allowable within those districts are proposed to change as part of the LCP amendments. Such changes, where proposed, will be discussed in subsequent staff reports that address specific topics within the Local Coastal Program (i.e., Built Environment, Agriculture, and so on).

2. **Functional organization.** The procedural and the substantive requirements of zoning continue to be addressed separately in the LCP. The procedural requirements for coastal permits are found in Chapters 22.68 and 22.70 in the proposed Development Code amendments, while substantive requirements for coastal permits are found in Chapters 22.60, 22.62, 22.64, 22.65, and 22.66, supplemented by certain Standards for Specific Land Uses found in Chapter 22.32 and Definitions found in Chapter 22.130.

3. **Village limit boundaries.** Village limit boundaries, with minor adjustments to reflect past acquisition of lands by state or federal agencies or to fill in missing boundaries, are shown on the Land Use Policy maps. See draft maps 18a through 18m. The village limit boundaries are intended, in part, to address the requirement of Coastal Act Section 30250(a), which provides that new residential, commercial, or industrial development, with certain exceptions, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it. The coastal villages in Marin County represent existing developed areas, where at least modest levels of new development are able to be supported.
4. **Categorical exclusion orders.** The “categorical exclusion orders” that were previously adopted by the Coastal Commission in 1981–82 remain in effect. Those orders provide that specified developments in mapped locations with no potential adverse impacts on coastal resources are exempt from a coastal permit. While the categorical exclusion orders are not a part of the LCP, they are proposed to be linked to the LCP by reference and would continue unchanged. See Supplement 2 for the text of the categorical exclusion orders and Maps 26a through 26k.

B. *What would change:*

1. **Use in the LCP of the Development Code format.** The Zoning/ Implementation measures are restructured from the old format used in Chapters 22.56 and 22.57 of the Interim Code and now appear in a format that is consistent with the remainder of the Development Code (already applicable to the non-coastal jurisdiction of Marin County). Only those portions of the Development Code that apply to the coastal zone will be submitted to the Coastal Commission. Most of the LCP implementation measures are grouped in Article V of the Development Code, while applicable Standards for Specific Land Uses are found in Article III, Chapter 22.32 and Definitions are found in Article VIII, Chapter 22.130. Creation of a single, consistently organized Development Code that is applicable to the County’s entire jurisdiction area, both within and outside the coastal zone, will make County permit requirements easier to understand and more efficient to implement.
2. **Definition of “development.”** The Coastal Act defines the range of activities that constitute “development” and therefore require a coastal permit, unless the activity is specifically exempted or excluded from a coastal permit; (*see Public Resources Code Sections 30106 and 30610*). The Coastal Act provides the authority for the County to review coastal permits under the Local Coastal Program.

In the existing Interim Code, the Definitions in Section 22.56.030 utilize the term “project” rather than “development.” The definition of “project” closely tracks the definition of “development” found in the Coastal Act, but the phrases are rearranged. Furthermore, the definition of “project,” in paragraph #7, includes the removal of “major trees, rare or endangered species and permanently established riparian vegetation other than for agricultural purposes.” That phrase is not found in the Coastal Act definition of “development.” Instead, the Coastal Act more broadly construes “development” to include removal of “major vegetation” other than for agricultural purposes, kelp harvesting, and certain timber operations.

In the proposed Development Code Amendments, a definition of “development (coastal)” is provided; see Chapter 22.130. The proposed definition is the same as that found in the Coastal Act in Section 30106. The change is proposed in order to bring the definition into

close alignment with the law that provides the foundation for regulating activities in the coastal zone. See Item 2 in Attachment #1 to this staff report for a side-by-side comparison of the definitions.

3. **Clarification of the purpose of the “coastal permit.”** The coastal permit is a key mechanism that implements Local Coastal Program requirements. The purpose of the coastal permit is unchanged in the amended LCP, but the distinction between the coastal permit and other County entitlements has been clarified. In the existing Interim Zoning Code, if a non-coastal permit such as a tidelands permit or a grading permit is required for a proposed project, then a coastal permit is required also (*see Section 22.56.040.B. and C*). Thus it may not be entirely clear whether the project requires a coastal permit because of the nature of the proposed activity, or simply because some other County entitlement is required. In the amended LCP, by contrast, the requirement for a coastal permit is based on whether the proposed activity constitutes “development” as defined by the Coastal Act; see Section 22.68.030.

With respect to the “coastal permit,” all applicable procedural and substantive requirements are placed in Article V of the Development Code, and those requirements carry out all LCP land use requirements. Section 22.70.070 lists the applicable findings that must be made in order to approve a coastal permit, and those findings address the substantive requirements of the Local Coastal Program land use plan. Other County discretionary review processes, meanwhile, including the Design Review process addressed by Chapter 22.42, Master Plan/Precise Development Plan review addressed by Chapter 22.44, and Use Permits addressed by Chapter 22.48, if applicable, are conducted in parallel with the coastal permit review. Such other discretionary reviews are based on standards found “outside” the LCP, such as those of the Marin Countywide Plan. A coastal permit is usually processed concurrently with other County reviews, of course, but each permit, to be approved, must be supported by its own separate findings based on applicable plans and policies. In the event of an appeal of a County-approved coastal permit to the Coastal Commission, any potential uncertainty regarding the Coastal Commission’s scope of review will thus be avoided.

4. **Tables of allowed uses and permit requirements.** In Article V of the Development Code amendments (applicable to the coastal zone) just as in Article II (applicable outside the coastal zone), the key provisions for allowed uses and applicable permit requirements are presented in the form of tables rather than in the form of text. For instance, Table 5-1-a in Article V, Section 22.62.060 contains a list of allowed uses and permit requirements for coastal agricultural and resource-related zoning districts. By contrast, in the existing LCP, allowed uses are listed in somewhat-hard-to-follow text form, such as in Interim Code Sections 22.57.022 and 22.57.023 that apply to the C-ARP zoning district. (*See example in Item 3 in Attachment 4 to this staff report*).

Furthermore, in the Tables of allowed uses and permit requirements in proposed Article V, uses are indicated either as “E” (potentially exempt from permit requirements), “PP” (principal permitted use, meaning that approval of such use is only appealable to the Coastal Commission if the project site is located within the geographic appeals area, “P” (use allowed with a Coastal Permit), “U” (Use Permit required, separate from the Coastal Permit), or “—” (a use not allowed in the particular zoning district). The table format presents complex information in a way that is readily understandable and also allows easy comparison of allowed uses and permit requirements among different zoning districts.

5. **Concise resource management standards.** The proposed resource management standards in the Development Code avoid needless replication of text by referring in appropriate places to the applicable text of the supporting land use plan policy standards. For instance, rather than repeat the detailed requirements of land use policy C-BIO-1 regarding environmentally sensitive habitat areas, proposed Development Code Section 22.64.050.B.1 simply refers the reader to the relevant land use plan policy that must be carried out. See also Development Code Section 22.64.050 through 22.64.180. Providing clear references within the Development Code to land use plan policies thus meets the Coastal Act requirement that LCP zoning measures must conform with and be adequate to carry out the certified land use plan; see Public Resources Code Section 30513.
6. **Potential use of more accurate appeal maps for development located between the sea and the first public road paralleling the sea.** Because of potential impacts to public shoreline access, under the Coastal Act all developments between the sea and the first public road are considered to be appealable to the Coastal Commission; (*see Public Resources Code Section 30603(a)(1)*). For each city or county, the Coastal Commission formally adopts an Appeal and Permit Jurisdiction Map which defines “the first public road” for that jurisdiction. Where the map adopted by the Coastal Commission defines a road as the “first public road” that is located nowhere near the shoreline, however, that requirement may cause many projects with no potential for impacts to shoreline access to be treated as appealable, thus necessitating a public hearing, even for minor projects. Proposed revisions being considered by the Coastal Commission staff to the- map of appealable areas pursuant to Commission Administrative Regulation section 13577(i)(3) would reduce the number of developments subject to potential appeal to the Coastal Commission by “narrowing” those areas on the Bolinas Mesa and Inverness Ridge that are currently defined as being located between the first public road and the sea, and therefore are potentially subject to Coastal Commission appeals..
7. **De minimis waiver for minor developments.** For proposed developments with minimal impacts, a procedure known as a “de minimis waiver” is proposed. This procedure allows a waiver of the otherwise-required coastal permit, following public notice, if the project would involve no potential for adverse effects on coastal resources and would not be potentially appealable to the Coastal Commission. (*See proposed Development Code Section 22.68.070 and also Item 12 in Attachment 4 to this staff report*). A de minimis waiver procedure would be parallel to that exercised by the Coastal Commission under Public Resources Code Section 30624.7.

Another means of focusing permit efforts, which might serve as an alternative to the possibility of the de minimis waiver process, would be an additional **Categorical Exclusion Order**, to be proposed for adoption by the Coastal Commission. The existing Categorical Exclusion Orders already approved by the Coastal Commission under the authority of Public Resources Code Section 30610(e) apply to certain specific categories of development in mapped areas. For instance, under Order E-81-6, barns, dairy pollution projects, fencing, and certain other agriculturally-related developments in specified locations are excluded from the coastal permit requirement, as are single-family dwellings in parts of Point Reyes Station. An advantage of the Categorical Exclusion Order, in comparison to the de minimis waiver process, is that the Categorical Exclusion Order provides a clear statement of what it might apply to (that is, the precise category of development and the location), and furthermore it can potentially apply to a broad area within the coastal zone, other than lots immediately adjacent to beaches or the mean high tide line where there is no beach. Furthermore, a Categorical Exclusion Order is reviewed directly under the California Environmental Quality Act (CEQA) and is subject to terms and conditions adopted by the Coastal Commission to assure that no significant change in

density, height, or nature of uses will occur. (See *Public Resources Code Section 30610.5(b)*).

8. **Waiver of public hearing for certain minor developments.** For minor developments that require no discretionary approvals other than a coastal permit and that would have no adverse effects on coastal resources, (such a building home in a conventional residential district where it meets all standards, is outside ESHA buffers and does not exceed the triggers for Design Review), a public hearing that would otherwise be required for the coastal permit may be waived. The waiver of the public hearing would take place only if notice is first provided to all persons who would otherwise be required to be notified and no request for a public hearing is then received. (See *proposed Development Code Section 22.70.030.B.5 and also Item 17 in Attachment 4*). The procedure for waiving a public hearing for minor developments for which no request for a hearing is received from interested parties was not available to the County at the time the original Local Coastal Program was adopted in 1980–81. The procedure is authorized by Public Resources Code Section 30624.9, which reflects an amendment to the Coastal Act that took place in 1995, subsequent to the adoption of the LCP.
9. **Emergency coastal permits and coastal zone variances.** Coastal permit procedures that are needed to respond to disasters and to provide for uniquely situated parcels are proposed (i.e., “emergency coastal permits” and “coastal zone variances”). (See *proposed Development Code Sections 22.70.140 and 22.70.150 and also Item 18 in Attachment 4*). Emergency situations and uniquely situated parcels are found in the coastal zone, just as in inland areas, and the lack of procedures in the existing Local Coastal Program to address those situations creates uncertainty and potential hardship for permit applicants. An “after the fact” coastal permit is required when an emergency permit is issued, providing for compliance with LCP provisions, including potentially the removal of the emergency work. Inclusion in the LCP of emergency coastal permit procedures is consistent with Public Resources Code Section 30624, which addresses emergencies.
10. **Consolidated coastal permits.** Complex projects that require a coastal permit from both the Coastal Commission and the County of Marin can be reviewed through a more efficient, consolidated coastal permit process by the Coastal Commission (but only if all parties are agreeable). (See *proposed Development Code Section 22.68.090, and also Item 13 in Attachment 4*). The procedure for a consolidated coastal permit for certain developments was not available to the County at the time the original Local Coastal Program was adopted in 1980–81. The procedure is authorized by Public Resources Code Section 30601.3, which reflects a later amendment to the Coastal Act.
11. **Public notice of coastal permit review.** The Coastal Commission’s regulations contain certain requirements for the contents and the distribution method of public notices to be provided when an applicant files a coastal permit application with the County. Those requirements provide slightly different provisions for three types of development: development that is appealable to the Coastal Commission, development that is not appealable to the Coastal Commission but that requires a public hearing under local ordinance, and development that is not appealable and does not require a public hearing under local ordinance. The Coastal Commission’s requirements are somewhat different than those found in the Government Code and that are applicable to various types of County permits.

Public notice provisions for coastal permits are addressed in Section 22.70.050 of the proposed Development Code amendments (see *Item 16 in Attachment 4*). The provisions as stated in the draft amendments reflect an effort to merge the notice requirements into

one set of procedures that would be applicable to all coastal permits, whether or not the development in question is appealable to the Coastal Commission and whether or not the development requires a public hearing, while meeting minimum Coastal Commission requirements. The purpose of attempting to merge those requirements is to result in procedures that are uniform and easy to implement, while still providing broad public notice.

Additional or broader notice requirements may be employed, of course, as long as they meet the minimum requirements of the Coastal Commission's regulations. For instance, the particular components indicated in the draft amendments, such as notice to neighboring owners within 100 feet of a parcel proposed for development, could be adjusted to provide for notice to owners within 300 feet. In addition, posted notice on the project site could be required, taking into account that such notice places an additional burden on either staff or applicants which must be considered in light of the additional public benefit that it would afford. Finally, public noticing requirements for non-coastal permits is under separate review by the Planning Commission as this staff report is written, and therefore additional information will be provided subsequently on this subject.

12. **Determination of permit category.** When a coastal permit application is filed, agency staff (under the Director's authority) makes a determination of whether the application requires a public hearing or not. For instance, most projects that are appealable to the Coastal Commission require a public hearing. The draft Development Code amendments provide for staff to make the required determination upon filing of whether a proposed project is categorically excluded (that is, does not require a coastal permit), qualifies for a De Minimis Waiver of the coastal permit, requires a coastal permit with a public hearing, or requires a coastal permit without a public hearing. The provisions are rephrased compared to those included in the Interim Ordinance, but are similar in most respects. For instance, both the Interim ordinance and the draft Development Code amendments provide for the staff's decision to be appealed to the Planning Commission or Board of Supervisors.

The draft Development Code amendments reflect several additions to the procedure for determination of permit category: one for the De Minimis Waiver of coastal permit that is tentatively proposed and another regarding the public hearing waiver. The De Minimis Waiver for minor developments, described above, would allow for a simple permit application process for specified types of projects with no potential for adverse effects on coastal resources. The public hearing waiver would provide for notice of the potential for a public hearing on certain minor developments (again, those with no potential for adverse effects on coastal resources) and the subsequent waiver of such a hearing if no interested party requests a hearing.

In addition, a change is proposed to the procedures for determination of permit category to reflect the fact that under state housing law (amended since the Marin County LCP was originally adopted), a public hearing shall not be held on a second unit, even if the second unit would be appealable to the Coastal Commission. If a second unit is appealable, it could still be appealed to the Coastal Commission regardless of the lack of a public hearing at the County level, and the Coastal Commission may hold a public hearing on such an appeal.

## **Interpretation of the Land Use Plan** (new subsection in the LUP Intro)

The following provides guidance on how the LUP should be interpreted and implemented.

**LUP Policy interpretation.** For consistency with the Marin Countywide Plan and other County documents, most of the policies contained in the LUP have been written in the imperative form. In other words, the policy sentence begins with a verb that gives instructions or commands (for example, “limit roads in the Coastal Zone to two lanes” or “preserve and restore structures with special character.”) Where the imperative form is used, the policy should be interpreted as being a mandatory requirement which, if written in a “subject-verb” format, would incorporate the term “shall” (for example, “roads in the Coastal Zone shall be limited to two lanes” or “structures with special character shall be preserved and restored”). Alternatively, a policy statement which incorporates the term “should” is not mandatory, but strongly recommended, whereas a policy statement which uses “may” is permissive. Finally, the term “including” should be interpreted to mean “including but not limited to...”

**Conflicts with existing laws.** The Local Coastal Program is guided by all applicable laws and none of the provisions of the LUP will be interpreted by the County in a manner which violates those local, state, or federal laws. In particular, as consistent with the Coastal Act Section 30010, Marin County will not grant or deny a permit in a manner that would take or damage private property for public use, without the payment of just compensation. The term “take” derives from the Fifth Amendment of the U.S Constitution, which states, in part: “nor shall private property be taken for public use, without just compensation.”

**Effect of headings and titles.** Each LUP policy is accompanied by a heading or title. These are provided for convenience only. To the degree that these headings or titles conflict with the text they accompany, the text shall govern.

**Relationship to community plans.** Community plans are considered part of the Marin Countywide Plan (CWP) and supplement the CWP by providing local goals and objectives that pertain to an individual community. With the exception of Dillon Beach and the Bolinas Gridded Mesa area, existing community plans in Marin’s coastal zone were not certified by the Coastal Commission and thus are not a formal part of the Local Coastal Program. However, the provisions of these plans do govern any permits issued under the CWP, such as Design Reviews and Use Permits, which are applicable to a majority of development in the Coastal Zone. In addition, the LUP incorporates many community plan policies that were identified by members of the communities as being appropriate to be part of the LCP. Accordingly, although the community plans themselves are separate documents from the LCP, they remain as important and relevant policy guides for development in their respective communities.



**Road Map / Cross-walk**  
**Chapter 22.56 and 22.57, Title 22I, Marin County Code (Interim Code)**  
**and**  
**Development Code Amendments (Proposed New Code)**

Please see Attachment 4 for additional detail on the General Provisions and Permit Procedures that are the subject of the August 31, 2011 Planning Commission hearing.

Additional detail pertinent to the subjects to be discussed will be provided in advance of the appropriate Planning Commission hearing.

To use this chart in the meantime, open the Interim Code and Proposed New Code, side by side. The components of the Interim Code are listed in the second column below, in numerical order. To find the comparable provisions in the Proposed New Code, see the third column. If no comparable provision exists, box is marked “-----”  
 Shading is added simply to improve legibility.

	Interim Code	Proposed New Code
<b>GENERAL PROVISIONS AND PERMIT PROCEDURES</b>		
1. Purpose of the code	22.56.010	22.60.010
2. General applicability of the regulations	22.56.020	22.60.020
3. Coastal zoning districts	22.56.020 (cont.)	22.62.030
4. Consistency with the Coastal Act	22.56.023	22.60.030
5. Applicability of the specific requirements of each district	22.56.025	22.64.020
6. Coastal master planned districts (C-ARP, C-APZ, C-RMP, C-RSP, C-RSPS, C-CP, C-RMPC, C-RCP districts)	22.56.026 (invokes requirements of Chap. 22.45 for master plans)	22.65.020 (in the coastal zone, the coastal permit carries out all LCP requirements; master plans, if required, are separate from coastal permits)
7. Plan area for C-planned districts	22.56.027	-----
8. Definition of terms	22.56.030	22.130.030
9. Definition of “project” or “development”		
10. Projects allowed by coastal permit	22.56.040 22.56.055	22.68.030 22.68.060

	Interim Code	Proposed New Code
11. Projects exempt from a coastal permit	22.56.050	22.68.040 (Cat. Exclusion Orders) 22.68.050
12. De minimis waiver of coastal permit	-----	22.68.070
13. Consolidated coastal permit (Marin Co. plus CCC jurisdiction)	-----	22.68.090
14. Application process for a coastal permit	22.56.060	22.70.030.A
15a. Determination of permit category: initial determination	22.56.062 (first part)	22.70.030.B
15b. Determination of permit category: appeals	22.56.062 (remainder)	22.70.040
16. Public notice required	22.56.065	22.70.050
17. Waiver of public hearing for minor developments	-----	22.70.030.B.5
18. Emergency coastal permit	-----	22.70.140
19. Coastal permit variance	-----	22.70.150 through 170
20. Action/decision on a coastal project permit	22.56.070	22.70.060
21. Appeals to county appellate bodies	22.56.075	22.70.080.A
22. Appeals to the Coastal Commission	22.56.080	22.70.080.B
23. Projects requiring a Coastal Commission permit	22.56.090	22.68.080
24. Findings for approval of a coastal project permit	22.56.095	22.70.070
25. Notice of final action on a coastal project permit	22.56.100	22.70.090
26. Failure to act within time limits	22.56.105	22.70.100
27. Effective date of final action	22.56.110	22.70.110
28. Amendments to a coastal project permit	22.56.115	22.70.130
29. Expiration date and time extensions for a coastal project permit	22.56.120	22.70.120
30. Violations and enforcement	22.56.140	-----
31. Allowable uses and permit requirements	Chapter 22.57	Chapter 22.62

	Interim Code	Proposed New Code
<b>SPECIFIC REGULATIONS FOR EACH COASTAL ZONING DISTRICT</b>  (The 14 coastal zoning districts fall in three categories: agricultural/resource-related; residential; and commercial/mixed-use. Eight of the 14 districts are planned districts.)		
Applicability of specific regulations for each zoning district	22.57.010	22.62.020
<b>C-ARP</b> – Coastal agricultural, residential, planned district	22.57.020	
Purpose	22.57.021	22.62.060.B.2
Principal permitted uses	22.57.022	22.62.060.C and Table 5-1 (coastal agricultural and resource-related districts)
Conditional uses	22.57.023	22.62.060.C and Table 5-1
Design standards (including clustering, height limits, grading and erosion control provisions, and more)	22.57.024	Chp. 22.64 (coastal zone development and resource management standards, applicable to all districts); 22.64.030 and Table 5-4 (applicable to all districts); 22.64.080 (grading and erosion controls) 22.65.030 (standards applicable to all planned districts); 22.65.050 (standards applicable to C-ARP district alone);
Density	22.57.025	22.64.030 and Table 5-4; see zoning map
Submission requirements	22.57.026	22.70.030.A
<b>C-APZ</b> – Coastal agricultural production zone district	22.57.030	
Purpose	22.57.031	22.62.060.B.1
Principal permitted uses	22.57.032	22.62.060.C and Table 5-1 (coastal agricultural and resource-related districts)
Conditional uses	22.57.033	22.62.060.C and Table 5-1

	Interim Code	Proposed New Code
Density	22.57.034	22.64.030 and Table 5-4; see zoning map
Development standards and requirements (including clustering and design standards)	22.57.035 (includes by reference the same design standards as the C-ARP district; see 22.57.024)	Chp. 22.64 (coastal zone development and resource management standards, applicable to all districts); 22.64.030 and Table 5-4; 22.64.080 (grading and erosion controls) 22.65.030 (standards applicable to all planned districts); 22.65.040 (applicable to C-APZ district alone)
Required findings	22.57.036	22.65.040.D 22.70.070
Transfer of Development Rights in C-APZ districts	22.57.037 (misnumbered as “22.56.037”)	22.65.040.E refers to Chapter 22.34
<b>C-RA</b> – Coastal residential, agricultural district	22.57.040	
Purpose	22.57.041	22.62.070.B.1
Principal permitted uses	22.57.042	22.62.070.C and Table 5-2 (coastal residential districts)
Conditional uses	22.57.043	22.62.070.C and Table 5-2
Design standards (including building site area and width, building setbacks, height limits, and floor area ratio)	22.57.044, refers to 22.57.200 “Design standards table”;  22.57.201 – B-combining district, if indicated on zoning map	Chp. 22.64 (coastal zone development and resource management standards, applicable to all districts); 22.64.030 and Table 5-4; 22.64.040 and Table 5-5, B-combining district (if indicated on zoning map); 22.64.080 (grading and erosion controls) Chp. 22.66 (coastal zone community standards, if applicable)
Exceptions (for small parcels)	22.57.045	-----
<b>C-R1</b> – Coastal one-family residence district	22.57.050	

	Interim Code	Proposed New Code
Purpose	22.57.051	22.62.070.B.2
Principal permitted uses	22.57.052	22.62.070.C and Table 5-2 (coastal residential districts)
Conditional uses	22.57.053	22.62.070.C and Table 5-2
Design standards (including building site area and width, building setbacks, height limits, and floor area ratio)	22.57.054, refers to 22.57.200 “Design standards table”;  22.57.201 – B-combining district, if indicated on zoning map	Chp. 22.64 (coastal zone development and resource management standards, applicable to all districts); 22.64.030 and Table 5-4; 22.64.040 and Table 5-5, B-combining district (if indicated on zoning map); 22.64.080 (grading and erosion controls) Chp. 22.66 (coastal zone community standards, if applicable); 22.66.110 (for properties in Dillon Beach designated C-R1:BD)
Exceptions (for small parcels)	22.57.055	-----
<b>C-R2 – Coastal two-family residence district</b>	22.57.060	
Purpose	22.57.061	22.62.070.B.5
Principal permitted uses	22.57.062	22.62.070.C and Table 5-2 (coastal residential districts)
Conditional uses	22.57.063	22.62.070.C and Table 5-2
Design standards (including building site area and width, building setbacks, height limits, and floor area ratio)	22.57.064, refers to 22.57.200 “Design standards table”	Chp. 22.64 (coastal zone development and resource management standards, applicable to all districts); 22.64.030 and Table 5-4; 22.64.080 (grading and erosion controls) Chp. 22.66 (coastal zone community standards, if applicable)
Exceptions (for small parcels)	22.57.065	-----
<b>C-RMP – Coastal residential multiple planned district</b>	22.57.070	

	Interim Code	Proposed New Code
Purpose	22.57.071	22.62.070.B.6
Principal permitted uses	22.57.072	22.62.070.C and Table 5-2 (coastal residential districts)
Conditional uses	22.57.073	22.62.070.C and Table 5-2
Density	22.57.074	22.64.030 and Table 5-4; see zoning map
Design standards	22.57.075	Chp. 22.64 (coastal zone development and resource management standards, applicable to all districts); 22.64.030 and Table 5-4; 22.64.080 (grading and erosion controls) 22.65.030 (applicable to all planned districts); Chp. 22.66 (coastal zone community standards, if applicable)
<b>C-RSP – Coastal residential single-family planned district</b>		
Purpose	22.57.080	
Purpose	22.57.081	22.62.070.B.3
Principal permitted uses	22.57.082	22.62.070.C and Table 5-2 (coastal residential districts)
Conditional uses	22.57.083	22.62.070.C and Table 5-2
Density	22.57.084	22.64.030 and Table 5-4; see zoning map
Submission requirements	22.57.085	22.70.030.A
Site preparation and project design (including grading, erosion control, clustering, height limits, and more)	22.57.086	Chp. 22.64 (coastal zone development and resource management standards, applicable to all districts); 22.64.030 and Table 5-4; 22.64.080 (grading and erosion controls) 22.65.030 (applicable to all planned districts); Chp. 22.66 (coastal zone community standards, if applicable)

	Interim Code	Proposed New Code
<b>C-RSPS</b> – Coastal residential, single-family planned, Seadrift Subdivision districts	22.57.090	
Application	22.57.091	22.62.070.B.4
Principal permitted uses	22.57.092	22.62.070.C and Table 5-2 (coastal residential districts)
Ocean setbacks	22.57.093	22.65.070.C
Height limits	22.57.094	22.64.030 and Table 5-4 (which refer to 22.65.070.D for height limits specific to Seadrift);
Lot consolidation	22.57.095	22.66.040.C (which refers to LUP Policy C-SB-3)
Specific master plan areas	22.57.096	22.66.040.C (which refers to LUP Policy C-SB-3)
Site preparation and project design	-----	Chp. 22.64 (coastal zone development and resource management standards, applicable to all districts); 22.64.080 (grading and erosion controls) 22.65.030 (applicable to all planned districts); Chp. 22.66 (coastal zone community standards, if applicable)
<b>C-CP</b> – Coastal planned commercial district	22.57.100	
Purpose	22.57.101	22.62.080.B.3
Principal permitted uses	22.57.102	22.62.080.C and Table 5-3 (coastal commercial/mixed use districts)
Conditional uses	-----	22.62.080.C and Table 5-3

	Interim Code	Proposed New Code
Design standards	22.57.103	Chp. 22.64 (coastal zone development and resource management standards, applicable to all districts); 22.64.030 and Table 5-4; 22.64.080 (grading and erosion controls) 22.65.030 (applicable to all planned districts); Chp. 22.66 (coastal zone community standards, if applicable)
<b>C-H1</b> – Coastal limited roadside business district	22.57.110	
Purpose	22.57.111	22.62.080.B.2
Principal permitted uses	22.57.112	22.62.080.C and Table 5-3 (coastal commercial/mixed use districts)
Conditional uses	22.57.113	22.62.080.C and Table 5-3
Design standards (including building height)	22.57.114, refers to 22.57.200 “Design standards table”	Chp. 22.64 (coastal zone development and resource management standards, applicable to all districts); 22.64.030 and Table 5-4; 22.64.080 (grading and erosion controls) Chp. 22.66 (coastal zone community standards, if applicable)
Exceptions (for small parcels)	22.57.115	-----
<b>C-VCR</b> – Coastal village commercial residential district	22.57.120	
Purpose	22.57.121	22.62.080.B.1
Principal permitted uses	22.57.122	22.62.080.C and Table 5-3 (coastal commercial/mixed use districts)
Conditional uses	22.57.123	22.62.080.C and Table 5-3
Design standards (including building site	22.57.124, refers to	Chp. 22.64 (coastal zone



	Interim Code	Proposed New Code
area, setbacks, and height)	22.57.200 “Design standards table”; 22.57.201 – B-combining district, if indicated on zoning map	development and resource management standards, applicable to all districts); 22.64.030 and Table 5-4; 22.64.040 and Table 5-5, B-combining district (if indicated on zoning map) 22.64.080 (grading and erosion controls) Chp. 22.66 (coastal zone community standards, if applicable)
<b>C-OA – Coastal open area district</b>	22.57.130	
Purpose	22.57.131	22.62.060.D
Principal permitted uses	22.57.132	22.62.060.C and Table 5-1 (coastal agricultural and resource-related districts)
Conditional uses	22.57.133	22.62.060.C and Table 5-1
Uses prohibited	22.57.134	-----
Building approval	22.57.135 (refers to location, architectural appearance and character, height and bulk as approved under Chp. 22.82)	Chp. 22.64 (coastal zone development and resource management standards, applicable to all districts); 22.64.030 and Table 5-4 (residential density for C-OA district determined through the coastal permit); 22.64.080 (grading and erosion controls)
<b>C-RMPC – Coastal residential multiple planned commercial district</b>	22.57.140	
Purpose	22.57.141	22.62.080.B.4
Principal permitted uses	22.57.142	22.62.080.C. and Table 5-3 (coastal commercial/mixed use districts)
Conditional uses	-----	22.62.080.C. and Table 5-3
Density	22.57.143	22.64.030 and Table 5-4; see

	Interim Code	Proposed New Code
		zoning map
Design standards	22.57.144 (same requirements as for C-RMP and C-CP districts)	Chp. 22.64 (coastal zone development and resource management standards, applicable to all districts); 22.64.030 and Table 5-4; 22.64.080 (grading and erosion controls); 22.65.030 (applicable to all planned districts); Chp. 22.66 (coastal zone community standards, if applicable)
<b>C-RCR</b> – Coastal resort and commercial recreation district	22.57.150	
Purpose	22.57.151	22.62.080.B.5
Principal permitted uses	22.57.152	22.62.080.C and Table 5-3 (coastal commercial/mixed use districts)
Conditional uses	-----	22.62.080.C and Table 5-3
Design standards	22.57.153	Chp. 22.64 (coastal zone development and resource management standards, applicable to all districts); 22.64.030 and Table 5-4; 22.64.080 (grading and erosion controls); Chp. 22.66 (coastal zone community standards, if applicable)
Submission requirements	22.57.154	22.70.030.A
<b>Miscellaneous</b>		
Design standards table	22.57.200 (applicable only to: C-RA, C-H1, C-R1, C-R2, C-VCR)	22.64.030 and Table 5-4
Regulations for “B” districts	22.57.201	22.64.040 and Table 5-5

## Comparison of provisions of (existing) Interim Code and (proposed) Development Code Amendments

**NOTE:** The Coastal Act standard to approve and certify the LCP Development Code is whether or not the Development Code is **consistent with and adequate to carry out the Land Use Plan policies**. It is not whether or not the new Development Code changes the present Code. As long as the County meets that standard, it can add additional or more stringent requirements at its discretion.

The PRD Development Code amendments were based primarily on three factors:

- **The structure and organization of Article V of the Development Code.** Article V was part of the comprehensive reorganization of the Countywide Development Code that the Board adopted in 2003. Article V, however, never went into effect because it required certification by the Coastal Commission, and the County chose to delay that until update of the LUP. The essential characteristic of Article V, as it was explained to the LCP team, is that it did not change the substance of Title 22I, but simply re-organized and clarified it. Therefore it was used as the base for the PRD Development Code amendments, rather than the current format of Title 22I.
- **Title 22I.** For Permit processing and administration sections, we modified Title 22I Chapter 22.56I based upon the Coastal Act, the Coastal Commission's Administrative Regulations, and guidance subsequently issued by the Commission.
- **New and modified provisions** were crafted as necessary to carry out policy changes proposed by the PRD.

In the following chart, provisions of the existing Interim Code are presented in the left-hand column, in numerical order, section by section.

In the right-hand column is the proposed Development Code text that correlates with each section of the Interim Code. Where it appears useful to assist in comparison, key terms or phrases are **high-lighted**. Where "old" and "new" language is similar, ~~strike-out~~ and underline is used in the right-hand column to show proposed addition or deletion of words or phrases; where old and new language are completely different, proposed changes are described in the introductory paragraph instead.

Interim Code Title 22I (existing)	Development Code Amendments PRD (proposed)
<p><b>1. Purpose [of the code].</b> The provisions of the Interim Code and the proposed Development Code Amendments are substantially similar.</p>	
<p><b>Section 22.56.010 Purpose</b></p> <p>The purpose of this chapter is to provide the mechanisms to implement coastal policies for Marin County. This chapter implements policies which identify the location and density of development, provide for access to and along the coast, protect significant natural resources, protect archeological and historical resources and provide standards for public and private actions.</p> <p><i>(Ord. 2637 § 6 (part), 1981)</i></p>	<p><b>22.60.010 - Purpose of Chapter</b></p> <p>This Article provides permit requirements and development standards for proposed development and new land uses in the unincorporated areas of Marin County within the Coastal Zone established by the California Coastal Act of 1976. This Article implements applicable policies of the Marin County Local Coastal Program (Local Coastal Plan), which identify the location and density of development, provide for visitor-serving facilities, provide for public access to and along the coast, and protect significant natural resources.</p>
<p><b>2. Applications/Applicability.</b> In Section 22.56.020I below, Chapters 22.62 through 22.74I are incorporated by reference. The proposed Development Code Amendments clarify that although other (that is, non-coastal) provisions of the Development Code may apply to any given development project, the LCP provisions shall take precedence over any non-LCP provisions.</p>	
<p><b>Section 22.56.020 Applications.</b></p> <p>The C district shall conform to the coastal zone as established by the Coastal Act of 1976. The following general regulations shall apply in all C zoning districts as noted below and should be subject to the provisions of Chapters 22.62 through 22.74I of this title. The</p>	<p><b>22.60.020 – Applicability</b></p> <p>The requirements of this Article apply to all proposed development and new land uses within the Coastal Zone. These requirements apply in addition to all other applicable provisions of this Development Code. In the event of any perceived conflict between</p>

Interim Code Title 22I (existing)	Development Code Amendments PRD (proposed)
provisions of Section 22.88.010I (3), (5), (6), (7a) through (7e) and (8) shall not apply in C districts.	the requirements of this Article and any other provisions of this Development Code, this Article shall control.
<p><b>3. C District/Coastal zoning districts.</b> No change is proposed to the titles of zoning districts that are applicable<sup>±</sup> to coastal property. No new coastal zoning districts are proposed, and no coastal districts currently in use are proposed for deletion. Zoning maps are proposed to change only in limited circumstances to reflect changes in ownership, such as where a parcel has been acquired by the National Park Service and its designation is proposed to change to C-OA (Coastal, open area district). Code provisions that establish the coastal zoning districts are proposed to change simply in order to conform to the Development Code format. For instance, see the relevant code sections below:</p>	

Interim Code Title 22I (existing)	Development Code Amendments PRD (proposed)																												
<p><b>Section 22.56.020 Applications.</b> C District</p> <table border="1" data-bbox="203 475 1043 1149"> <tr><td>C-ARP</td><td>Coastal, agricultural residential planned district.</td></tr> <tr><td>C-APZ</td><td>Coastal, agricultural production zone district</td></tr> <tr><td>C-R-A</td><td>Coastal, residential agricultural district</td></tr> <tr><td>C-R-1</td><td>Coastal, one-family residence district</td></tr> <tr><td>C-R-2</td><td>Coastal, two-family residence district</td></tr> <tr><td>C-RMP</td><td>Coastal, residential multiple planned district</td></tr> <tr><td>C-RSP</td><td>Coastal, residential one-family planned district</td></tr> <tr><td>C-RSPS</td><td>Coastal, residential one-family planned district Seadrift Subdivision</td></tr> <tr><td>C-CP</td><td>Coastal, planned commercial district</td></tr> <tr><td>C-H-1</td><td>Coastal, limited roadside business district</td></tr> <tr><td>C-VCR</td><td>Coastal, village commercial residential district</td></tr> <tr><td>C-OA</td><td>Coastal, open area district</td></tr> <tr><td>C-RMPC</td><td>Coastal, residential multiple planned commercial district</td></tr> <tr><td>C-RCR</td><td>Coastal, resort commercial recreation district</td></tr> </table> <p><i>(Ord. 2703 § 1, 1982; Ord. 2637 § 6 (part), 1981)</i></p>	C-ARP	Coastal, agricultural residential planned district.	C-APZ	Coastal, agricultural production zone district	C-R-A	Coastal, residential agricultural district	C-R-1	Coastal, one-family residence district	C-R-2	Coastal, two-family residence district	C-RMP	Coastal, residential multiple planned district	C-RSP	Coastal, residential one-family planned district	C-RSPS	Coastal, residential one-family planned district Seadrift Subdivision	C-CP	Coastal, planned commercial district	C-H-1	Coastal, limited roadside business district	C-VCR	Coastal, village commercial residential district	C-OA	Coastal, open area district	C-RMPC	Coastal, residential multiple planned commercial district	C-RCR	Coastal, resort commercial recreation district	<p><b>Section 22.62.030 - Coastal Zoning Districts Established</b> The unincorporated areas of Marin County within the Coastal Zone shall be divided into zoning districts which consistently implement the Marin Countywide Plan and Marin County Local Coastal Program. The following coastal zoning districts are established, and shall be shown on the official Zoning Map (Section 22.06.030 (Zoning Map Adopted)).</p> <p><b>A. Agricultural and Resource-Related Districts Map Symbol</b> Coastal, Agricultural Production Zone C-APZ Coastal, Agricultural, Residential Planned C-ARP Coastal, Open Area C-OA</p> <p><b>B. Residential Zoning Districts</b> Coastal, Residential, Agricultural C-RA Coastal, Residential, Single-Family C-R1 Coastal, Residential, Single-Family Planned C-RSP Coastal, Residential, Single-Family Planned, Seadrift Subdivision C-RSPS Coastal, Residential, Two-Family C-R2 Coastal, Residential, Multiple Planned C-RMP</p> <p><b>C. Commercial and Mixed-Use Zoning Districts Map Symbol</b> Coastal, Village Commercial/Residential C-VCR Coastal, Limited Roadside Business C-H1 Coastal, Planned Commercial C-CP Coastal, Residential/Commercial Multiple Planned C-RMPC Coastal, Resort and Commercial Recreation C-RCR</p> <p><b>D. Special Purpose and Combining Districts</b> Open Area C-OA Public Facilities C-PF Minimum Lot Size B</p>
C-ARP	Coastal, agricultural residential planned district.																												
C-APZ	Coastal, agricultural production zone district																												
C-R-A	Coastal, residential agricultural district																												
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Interim Code Title 22I (existing)	Development Code Amendments PRD (proposed)
<p><b>4. Consistency with the Coastal Act.</b> The provisions of the Interim Code and the proposed Development Code Amendments are similar, with one key difference: the Interim Code provides that development shall be “generally consistent with the Coastal Act,” whereas the proposed Development Code provides that development shall be “consistent with the Marin County Local Coastal Program.” The Local Coastal Program is the mechanism that the County utilizes to carry out Coastal Act policies. Once the LCP is approved and certified, therefore, it is appropriate for development to be reviewed for conformity with the LCP rather than with the Coastal Act.</p>	
<p><b>22.56.023 Consistency with California Coastal Act of 1976.</b></p> <p>Development of all projects in the coastal zone of Marin County shall be generally consistent with the Coastal Act of 1976 and specifically with the Public Access and Recreational Policies (Chapter 6, Sections 30200, 30210, 30211, 30212, 30212.5, 30213, 30220, 30221, 30222, and 30223). In addition, the process of review and approval of any project shall be consistent with the appeals section of the Coastal Act (Chapter 6, Section 30603, paragraph A and B).</p> <p><i>(Ord. 2637 § 6(part), 1981)</i></p>	<p><b>22.60.030 - Consistency with Coastal Act</b></p> <p>All development in the Coastal Zone shall be consistent with the Marin County Local Coastal Program in order to carry out the California Coastal Act of 1976, specifically the Public Access and Recreational Policies (Public Resources Code Chapter 6, Sections 30200, 30210, 30211, 30212, 30212.5, 30213, 30220, 30221, 30222, and 30223). The process of review and approval of any project shall also be consistent with the appeals section of the Coastal Act (Chapter 6, Section 30603, Paragraphs A and B).</p>

Interim Code Title 22I (existing)	Development Code Amendments PRD (proposed)
<p><b>5. Application of specific regulations.</b> Interim Code Section 22.56.025 provides that regulations are of two types: general regulations that are applicable to all C districts, and specific regulations that apply to each separate coastal zoning district. Section 22.64.020 of the proposed Development Code addresses that issue in a slightly different way, by indicating that proposed development must meet:</p> <ul style="list-style-type: none"> <li>• Coastal zone development resource management standards (Chapter 22.64)</li> <li>• Requirements that are arranged in the code by coastal zoning district (Chapter 22.62)</li> <li>• Requirements that are arranged by community (Chapter 22.66), and</li> <li>• All other applicable provisions.</li> </ul>	
<p><b>22.56.025 Application of specific regulations.</b></p> <p>Specific regulations in addition to the general regulations applicable to all C districts are contained in the provisions for each type of district (Chapter 22.571).</p> <p><i>(Ord. 2637 § 6 (part), 1981)</i></p>	<p><b>22.64.020 – Applicability</b></p> <p>The provisions of this Chapter apply to proposed development and new land uses in all coastal zoning districts, which require Coastal Permit approval in addition to the requirements of Chapters 22.62 (Coastal Zoning Districts and Allowable Land Uses), 22.66 (Coastal Zone Community Standards), and all other applicable provisions of this Development Code.</p>
<p><b>6. Coastal master plan districts.</b> Interim Code Section 22.56.026 incorporates the requirements of Chapter 22.45 by reference. Chapter 22.45 contains provisions for planned districts, including the submittal of master plan applications and procedures for the review and approval of master plans. The proposed Development Code amendments place all coastal zone-specific requirements in the Local Coastal Program and rely on the coastal permit as the mechanism to implement all LCP requirements. Thus Chapter 22.65 contains various substantive requirements for development within planned coastal zoning districts, and those requirements are intended to be carried out through the coastal permit. A given development project may require master plan approval or other non-coastal permits, but if applicable, those other permits would be reviewed separately from the coastal permit.</p>	



Interim Code Title 22I (existing)	Development Code Amendments PRD (proposed)
<p><b>22.56.026 Coastal master plan districts.</b></p> <p>The following C districts shall be subject to the requirements of Chapter 22.45 in addition to the requirements of this chapter: C-ARP, C-RSP, C-RMP, C-CP, C-APZ, C-RSPS, C-RMPC, C-RCR.</p> <p>All coastal project permits in coastal master plan districts, including approval of a master plan, are appealable under Section 30603 (a) of the Coastal Act. The conceptual land uses approved in any master plan shall not be considered subject to appeal to the California Coastal Commission upon issuance of any subsequent coastal project permit within the master plan district.</p> <p>The requirements of Chapter 22.45 may be waived by the planning director when:</p> <ul style="list-style-type: none"> <li>A. One single-family dwelling unit is proposed for construction on a legal building site;</li> <li>B. A tentative map requiring a parcel map for four parcels or less is proposed, except in C-APZ districts;</li> <li>C. The planning director determines that a proposed development is minor or incidental in nature and within the intent and objectives of the local coastal plan.</li> </ul> <p>In granting a waiver from the requirements of Chapter 22.45, the planning director may designate such conditions therewith as will, in the opinion of the planning director, secure substantially the objectives of the regulation or provision for which such waiver is</p>	<p><b>22.65.020 - Applicability of Planned District Standards</b></p> <p>A. Compliance with standards required. Proposed development and new land uses shall be designed and constructed in conformity with:</p> <ul style="list-style-type: none"> <li>1. All standards and requirements established through the approval of a Coastal Permit;</li> <li>2. Any provisions of this Chapter applicable to a specific planned coastal zoning district; and</li> <li>3. The provisions of Chapter 22.64 (Coastal Zone Development and Resource Management Standards).</li> <li>4. Any provisions of Sections 22.62.060 (Coastal Agricultural and Resource Related Districts), 22.62.070 (Coastal Residential Districts), or 22.62.080 (Coastal Commercial and Mixed-Use Districts); and</li> </ul>

Interim Code Title 22I (existing)	Development Code Amendments PRD (proposed)
<p>granted.</p> <p>If master plan requirements are waived, a proposal shall be submitted which meets the requirements of Chapter 22.82I (Design review). (Ord. 2703 § 2, 1982)</p>	
<p><b>7. Plan area for C-planned districts.</b> Interim Code section 22.56.027 provides that any master plan should encompass all contiguous properties under the same ownership. Because that provision addresses a master plan requirement, rather than a coastal permit requirement, it is not proposed to be carried over to the Development Code amendments proposed as part of the LCP. (A similar provision is found elsewhere in the Development Code, in Chapter 22.44 – Master Plans and Precise Development Plans, which is not proposed to be included in the LCP; see Section 22.44.030A.1.)</p>	
<p><b>22.56.027 Plan area for C-planned districts</b></p> <p>The area of the master plan and development plan shall include at least all contiguous properties under the same ownership. The area may also include multiple ownerships.</p> <p>(Ord. 2637 § 6 (part), 1981)</p>	<p>-----</p>

Interim Code Title 22I (existing)	Development Code Amendments PRD (proposed)
<p><b>8. Definition of terms.</b> A limited number of terms are defined in Chapter 22.56 of the Interim Code. By contrast, in the proposed amendments to the Development Code, there is a more extensive list of definitions. The Development Code definitions are found in Article VIII of the proposed amendments. Article VIII includes several types of definitions:</p> <ul style="list-style-type: none"> <li>• Definitions marked as “coastal” which are specific to the LCP</li> <li>• Definitions not directly related to the LCP for which changes are currently being considered by the Planning Commission through a broader Development Code amendment process</li> <li>• Definitions not proposed for change at this time.</li> </ul> <p>When completed, the changes made through the broader Development Code amendment process will be combined with the coastal-specific definitions presented in the Public Review Draft of the LCP amendment.</p> <p>The definition of “development” (or “project” in the Interim Code) carries particular significance and is addressed below in Item 9 of this chart.</p>	
<p><b>22.56.030 Definitions</b></p> <p>For the purposes of this chapter, the following terms are defined as follows:</p> <p>A. "Stream bank" is the immediate watershed and relatively permanent elevation at the waterline of the stream channel which separates the bed from the adjacent upland and confines and preserves the course of the stream. In areas where the bank is not readily discernible, the bank boundary shall be determined by the first line of permanently established riparian vegetation closest to the stream.</p> <p>B. "Discretionary action" means approval or denial by a county</p>	<p>See the Public Review Draft of the Development Code, Article VIII, for Definitions (not included here for space reasons)</p>

Interim Code Title 22I (existing)	Development Code Amendments PRD (proposed)
<p>officer, board, or commission, of a project based on findings of fact.</p> <p>C. "Project" means, on land, in or under water:</p> <ol style="list-style-type: none"> <li>1. The placement or creation of any solid material or structure, including but not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line;</li> <li>2. Discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste, and the mining or extraction of any material;</li> <li>3. Grading, removing, dredging, mining, or extraction of any materials;</li> <li>4. Change in the density or intensity of use of land, including but not limited to subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code) and any other division of land, including lot splits, except where the land division is for the purchase of such land by a public agency for public recreational use;</li> <li>5. Change in the intensity or use of water, or of access thereto;</li> <li>6. Construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public or municipal utility; and</li> </ol>	

Interim Code Title 22I (existing)	Development Code Amendments PRD (proposed)
<p>7. The removal or harvesting of major trees, rare or endangered species and permanently established riparian vegetation other than for agricultural purposes.</p> <p>D. "Structure" means any building, road, pipe, flume, conduit, siphon, well, telephone line, and electrical power transmission and distribution lines.</p> <p>E. "Coastal dependent use" means any development or use which requires a site on, or adjacent to, the sea to be able to function at all.</p> <p>F. "Visitor-serving facility" means stores, shops, businesses, bed and breakfast houses, recreational facilities (both public and private), which provide accommodations, food and services: including hotels, motels, campgrounds, parks, nature preserves, restaurants, and commercial recreational development such as shopping, eating and amusement areas which are used by the traveling public.</p> <p>G. "Historic area" means those areas mapped and described in the local coastal plan. These areas are located within Tomales, Marshall, Point Reyes Station, Olema, Inverness, Bolinas and Stinson Beach.</p> <p>H. "Historic structure" means any building constructed prior to 1930. "Historic structure" also includes secondary buildings on a lot. <i>(Ord. 2739 § 1, 1982; Ord. 2637 § 6 (part), 1981)</i></p>	

Interim Code Title 22I (existing)	Development Code Amendments PRD (proposed)
<p><b>9. Definition of “development.”</b> The proposed change to the definition of “development” below is proposed in order to bring the definition into alignment with the Coastal Act:. Changes from the current Title 22I, Section 22.56.030 are highlighted, marked with cross-out/underline and briefly annotated in the proposed text of section 22.130, “Definitions.”</p>	
<p><b>Section 22.56.030 Definitions</b></p> <p>"Project" means, on land, in or under water: ...</p> <p>C. “Project” means, on land, in or under water:</p> <ol style="list-style-type: none"> <li>1. The placement or creation of any solid material or structure, including but not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line;</li> <li>2. Discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste, and the mining or extraction of any material;</li> <li>3. Grading, removing, dredging, mining, or extraction of any materials;</li> <li>4. Change in the density or intensity of use of land, including but not limited to subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code) and any other division of land, including lot splits, except where the</li> </ol>	<p><b>Chapter 22.130 Definitions <i>[notes in italics]</i></b></p> <p><b><u>Development (coastal).</u></b>“Project” means, <del>o</del>On land, in or under water:</p> <ol style="list-style-type: none"> <li><del>1</del>—<del>T</del>he placement or <del>erection</del> <del>ereation</del> of any solid material or structure, <u>including but not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.</u> <i>[included in next to last paragraph below]</i></li> <li><del>2</del>—<del>D</del>ischarge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste, <u>and the mining or extraction of any material.</u> <i>[duplicate below]</i></li> <li><del>3</del>—<del>G</del>grading, removing, dredging, mining, or extraction of any materials;</li> <li><del>4</del>—<del>C</del>hange in the density or intensity of use of land, including <u>but not limited to</u> <i>[LCP defines this as part of “including”]</i> subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code) and any other division of land, <u>including lot splits.</u> <i>[this should be restored to the PRD and clarified]</i></li> </ol>

Interim Code Title 22I (existing)	Development Code Amendments PRD (proposed)
<p>land division is for the purchase of such land by a public agency for public recreational use;</p> <p>5. Change in the intensity or use of water, or of access thereto;</p> <p>6. Construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public or municipal utility; and</p> <p>7. The removal or harvesting of major trees, rare or endangered species and permanently established riparian vegetation other than for agricultural purposes.</p>	<p><i>re Lot Line Adjustments]</i> except where the land division is for the purchase of such land by a public agency for public recreational use;</p> <p><del>5.</del> Change in the intensity or use of water, or of access thereto;</p> <p><del>6.</del> Construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public or municipal utility; and</p> <p><del>7.</del> The removal or harvesting of major <b>trees, rare or endangered species and permanently established riparian</b> vegetation other than for agricultural purposes. <i>[see definition of "major vegetation." Consider including heritage trees and historical windrows]</i> 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).</p> <p><b>As used in this section, "structure" includes any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line. [moved from above]</b></p> <p><u>"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.</u></p>
<p><b>10. Projects allowed by coastal permit.</b> The Interim Code provisions for requiring a coastal project permit are somewhat complex. First, in Section 22.56.040, all “projects” (see definition of the term in Section 22.56.030) require a coastal project permit if not exempted. Secondly, projects “not otherwise requiring a coastal project permit shall require a coastal project permit.” Third, projects subject to other permits and approvals, such as variances, use permits, master plans, and design review, require a coastal</p>	

Interim Code Title 22I (existing)	Development Code Amendments PRD (proposed)
<p>project permit. Then in Section 22.56.055, additional types and classes of improvements are stated to require a coastal project permit. These latter types of improvements respond to the Coastal Commission’s regulations (found in the California Administrative Code Title 14 Sections 13250, 13252, and 13253) that modify the Coastal Act’s general exemption in Section 30610 for certain additions to existing structures and repair and maintenance of existing structures.</p> <p>The proposed Development Code amendments are intended to make the process of determining if a coastal permit is required more straightforward. The first question is whether a proposed activity constitutes a “development,” which is the term used by the Coastal Act, rather than “project” as in the Interim Code. Section 22.68.030 states that a coastal permit is required for a development unless the development qualifies for an exclusion, exemption, or waiver. Sections 22.68.040 and 22.68.050 then list the types of projects that are excluded under already approved Categorical Exclusion Orders adopted by the Coastal Commission or exempted by the Coastal Act. Section 22.68.060 provides for “exceptions” from the list of exemptions. For instance, although the Coastal Act generally exempts improvements to existing structures from the requirement to obtain a coastal permit, an exception to that exemption applies if the improvement is proposed to a structure located on a beach or in an environmentally sensitive habitat area. Thus Section 22.68.060 addresses those exceptions from the potential exemptions. Finally, Section 22.68.070 provides for a “de minimis waiver of coastal permit” for certain minor projects that do not qualify for a permit exemption; see Item #12 below in this chart.</p> <p>See Item #11 below for more about exemptions from coastal permits.</p>	
<p><b>22.56.040 Projects allowed by permit.</b></p> <p>All projects including those of state and local public agencies not exempted by Section 22.56.050I or not otherwise requiring a coastal project permit shall require a coastal project permit. Notwithstanding other requirements of this title, the following projects shall be permitted by approval of a coastal project permit:</p>	<p><b>22.68.030 – Coastal Permit Required</b></p> <p>A Coastal Permit is required for coastal development proposed by a private entity or a State or local agency unless the development is categorically excluded, exempt, or qualifies for a De Minimis Waiver. Coastal development is defined in Article VIII of this Development Code and is interpreted to include water or sewage disposal systems, the closure of County-managed public accessways, agricultural</p>



Interim Code Title 22I (existing)	Development Code Amendments PRD (proposed)
<p>A. Uses and structures permitted in the respective coastal districts, including but not limited to:</p> <ol style="list-style-type: none"> <li>1. Variances,</li> <li>2. Use permits,</li> <li>3. Master plans and development plans,</li> <li>4. Design review,</li> <li>5. Sign permits;</li> </ol> <p>B. Tidelands permits processed under Chapter 22.77I;</p> <p>C. Permits for projects processed under other chapters and titles of the Marin County Code, including but not limited to:</p> <ol style="list-style-type: none"> <li>1. Grading and excavation permits issued under Title 23</li> <li>2. Creek permits issued under Title 11</li> <li>3. Dam permits issued under Title 11</li> <li>4. Quarry and mining permits issued under Title 23</li> <li>5. Domestic water supply permits issued under Title 7</li> <li>6. Individual sewage disposal system permits issued under Title 18</li> </ol>	<p>processing facilities and the significant alteration of landforms. Significant alteration of land forms entails the removal or placement of vegetation on a beach, wetland, or sand dune, or within 100 feet of the edge of a coastal bluff, stream, or in areas of natural vegetation designated as environmentally sensitive habitat areas. Agricultural crop management and grazing are not considered to be a significant alteration of land forms.</p> <p><b>22.68.060 – Non-Exempt Projects</b></p> <p><b>Notwithstanding the provisions of Section 22.68.050 – Exempt Projects, a Coastal Permit shall be required for all of the following projects unless the development is categorically excluded or qualifies for a De Minimis Waiver:</b></p> <ol style="list-style-type: none"> <li>A. Improvements to existing structures. Improvements to a structure if the structure is located on a beach, in a wetland, seaward of the mean high tide line, in an environmentally sensitive habitat area, or within 50 feet of the edge of a coastal bluff.</li> <li>B. Alterations within appealable areas. On property that is located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, improvement that would result in an increase of 10 percent or more of floor area of an existing structure or an additional improvement of 10 percent or less where an improvement to the structure had previously been exempt from Coastal Permit requirements, an increase in height by more than 10 percent of an existing structure and/or any significant non-</li> </ol>

Interim Code Title 22I (existing)	Development Code Amendments PRD (proposed)
<p>D. Tentative subdivision maps processed under Title 20, and other subdivision activities as defined by the state Subdivision Map Act;</p> <p>E. The issuance of building permits not exempted under Section 22.56.050I;</p> <p>F. Demolition of existing residential, commercial and other principal structures;</p> <p>G. Those repair and maintenance activities which involve seawalls and similar shoreline structures as identified in Section 22.56.050I(A);</p> <p>H. Those improvements and additions to existing buildings and structures which are identified in Section 22.56.055I(A-G) as requiring a coastal project permit;</p> <p>I. Projects conducted by public agencies and private individuals which would normally require a coastal project permit but which are undertaken as emergency measures for the protection of public safety during natural disasters. Such a project shall be reported to the deputy zoning administrator within three working days following its commencement and a coastal project permit applied for;</p> <p>J. All projects including those of state and local public agencies not exempted by Section 22.56.050I or not otherwise requiring a coastal project permit.</p>	<p>attached structure such as garages, fences, shoreline protective works or docks.</p> <p>C. Shoreline protective devices. Those repair and maintenance activities which involve seawalls and similar shoreline structures.</p> <p>D. Seadrift Revetment. Extraordinary maintenance of the rock revetment as permitted by Coastal Commission permit #A-1-MAR-87-235-A issued August 31, 1994. Extraordinary maintenance is defined to include placement of any material on or adjacent to the seaward face of the revetment (other than replacement of dislodged material) or which expands the height or length of the revetment.</p> <p>E. Changes in intensity of use. Improvements to a structure other than a single-family residence or public works facility, which increases or decreases the intensity of use of the structure, as determined by the Director.</p> <p>F. Conversions. Improvements carried out in conjunction with the conversion of an existing structure from a multi-family residential rental or visitor-serving commercial use to a use involving a fee ownership or long-term leasehold, including a condominium conversion, stock cooperative conversion or motel/hotel conversion, not including a time-share project.</p> <p>G. Structures of special character and visitor appeal. Demolition of, or substantial alterations or additions to any structure built prior to 1930, except for maintenance or repair consistent with its original architectural character and maintenance or repair that</p>

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<p><i>(Ord. 2637 § 6 (part), 1981)</i></p> <p><b>22.56.055 Projects requiring a coastal project permit.</b></p> <p>The following types and classes of improvements and additions, in addition to those listed in Section 22.56.040I, shall require a coastal project permit:</p> <ul style="list-style-type: none"> <li>A. Improvements to any structure on a beach, wetland, stream or seaward of the mean high waterline as established by the U.S. Coast and Geodetic Survey;</li> <li>B. Any significant alteration of land forms including removal or placement of vegetation on a beach wetland or sand dune, or within one hundred feet of the edge of a coastal bluff, or stream or in areas of natural vegetation designated by the local coastal program as significant natural habitat;</li> <li>C. The expansion or construction of water wells or septic systems;</li> <li>D. On property located within the appeal jurisdiction of the California Coastal Commission pursuant to Public Resources Code Sections 30519 (b) and 30603 (a)(1) and (a)(2), an improvement that would result in an increase of ten percent or more of internal floor area of the existing structure, or constitute an additional improvement of ten percent or less where an improvement to the structure has previously been undertaken pursuant to this section, and/or the construction of an additional story (including lofts) in an existing structure;</li> </ul>	<p>includes replacement-in kind of building components.</p> <ul style="list-style-type: none"> <li>H. Water wells and septic systems. The expansion or construction of water wells or septic systems.</li> <li>I. Landform alterations. Any significant alteration of land forms.</li> </ul>

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<p>E. Any improvement to a structure where the development permit issued for the original structure by the county or coastal commission indicated that any future improvements would require a development permit;</p> <p>F. Any improvement to a structure which increases or decreases the intensity of use of the structure, except as exempted in Section 22.56.050I (D)(4);</p> <p>G. Any improvement made pursuant to a conversion of an existing structure from a multiple unit rental use or visitor-serving commercial use to a use involving a fee ownership or long-term leasehold, including but not limited to a condominium conversion stock cooperative conversion or motel/hotel time-sharing conversion;</p> <p>H. Except as exempted in Section 22.56.050I (F), any alteration, addition to or demolition of any structure constructed prior to 1930; provided, such addition, alteration or demolition would require a building permit pursuant to Title 19 of this code. Maintenance or repair to restore the structure to its original architectural character shall not require a coastal project permit.</p> <p><i>(Ord. 2739 § 3, 1982; Ord. 2637 § 6 (part), 1981)</i></p>	
<p><b>11. Projects exempt from a coastal permit.</b> As noted in Item #10 above, certain activities are specifically exempted by the Coastal Act from the requirement to obtain a coastal permit. See Public Resources Code Section 30610, as well as California Administrative Code Title 14 Sections 13250, 13252, and 13253 for exceptions to the exemptions. The exemptions are addressed in the Interim Code</p>	

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<p>in Section 22.56.060; comparable provisions are included in the Development Code amendments in Sections 22.68.040 and 22.68.050. Section 22.68.050 addresses the Coastal Act’s statutory exemptions for certain repair and maintenance activities and improvements to existing structures, while Section 22.68.040 addresses the developments already excluded from the coastal permit requirement by the Categorical Exclusion Orders adopted by the Coastal Commission; those exclusion orders are authorized by Section 30610(e) of the Coastal Act.</p> <p>The proposed Development Code amendments also include provisions not found in the existing Interim Code but authorized by the Coastal Act. Section 22.68.050 parts D. and E. provide for the statutorily authorized exemption from coastal permit requirements for certain emergency projects where the governor has declared a state of emergency and for certain emergency-related highway projects. Those exemptions from coastal permit requirements are found in Section 30600(e) of the Coastal Act. Furthermore, the Development Code amendments in Section 22.68.050 part I. address certain temporary events, to clarify when a short-term activity in the coastal zone requires a coastal permit and when it does not. The exemption of certain temporary events from a coastal permit is authorized by Section 30610(h)(i) of the Coastal Act, a provision that was not in place when the existing Marin County LCP was adopted and therefore not available to the County at that time. Finally, Section 22.68.050 part J clarifies the County’s authority to abate nuisances, consistent with Section 30005(b) of the Coastal Act, regardless of coastal permit requirements.</p>	
<p><b>22.56.050 Projects exempt from coastal project permit requirements.</b></p> <p>The following projects in the C districts shall be exempt from the requirements of a coastal project permit:</p> <p>A. Repair and maintenance activities that do not result in the addition to or enlargement or expansion of the object of such repair or maintenance, except that such repair and maintenance of seawalls, breakwater groins, bluff retaining walls or similar shoreline work shall require a coastal project permit;</p>	<p><b>22.68.040 – Categorically Excluded Projects</b></p> <p>A. A project specifically designated as <b>categorically excluded</b> from the requirement for a Coastal Permit by Public Resources Code Section 30610(d) and (f) and implementing regulations is not subject to Coastal Permit requirements.</p> <p>B. The Director shall maintain a list of projects determined to be categorically excluded from the requirements of this Chapter for a Coastal Permit. The list shall be available for public inspection and shall include the applicant’s name, project description and</p>

Interim Code Title 22I (existing)	Development Code Amendments PRD (proposed)
<p>B. Maintenance dredging of existing navigation channels or moving dredged material from such channels to a disposal area outside the coastal zone, pursuant to a permit from the United States Army Corps of Engineers;</p> <p>C. The replacement of any structure, other than a public works facility, destroyed by natural disaster. Such replacement structure shall: (1) conform to applicable existing zoning requirements; (2) be for the same use as the destroyed structure; (3) not exceed either the floor area, height or bulk of the destroyed structure by more than ten percent; and (4) shall be sited in the same location on the affected property as the destroyed structure, unless the planning director determines that a relocation due to proximity to sensitive coastal resources is warranted;</p> <p>As used in this subsection, "natural disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner;</p> <p>As used in this subsection, "bulk" means total interior cubic volume as measured from the exterior surface of the structure;</p> <p>D. Except as provided in Section 22.56.055I, improvements and additions to existing structures and buildings, including:</p> <ol style="list-style-type: none"> <li>1. All fixtures and other structures, including decks, directly attached to the structure;</li> </ol>	<p>location, and the date of the Director's determination.</p> <p><b>22.68.050 – Exempt Projects</b></p> <p><b>The following projects shall be exempt</b> from the requirements of Section 22.68.030 – Coastal Permit Required.</p> <p>A. Improvements on developed lots. The following improvements on developed lots:</p> <ol style="list-style-type: none"> <li>1. All fixtures and other structures directly attached to an existing structure including additions resulting in an increase of less than 10 percent of the floor area of the existing structure; and</li> <li>2. Structures on a residential lot normally associated with a single-family residence, such as garages, swimming pools, fences, and storage sheds; but not including guest houses or self contained residential units; and</li> <li>3. Landscaping on the lot.</li> </ol> <p>B. Repair and maintenance. Repair and maintenance activities that do not result in the addition to or enlargement or expansion of the object of repair or maintenance. No coastal permit shall be required for ordinary maintenance of the Seadrift Revetment, which is defined to include removal from the beach of any rocks or other material which become dislodged from the revetment or moved seaward from the identified footprint, replacement of such materials on the revetment, minor placement of sand over the revetment from a source other than the Bolinas Sandspit Beach, planting of dune grass on the revetment, and similar activities.</p>

Interim Code Title 22I (existing)	Development Code Amendments PRD (proposed)
<p>2. For residential uses, structures on the property normally associated with residences, such as garages, swimming pools, fences and storage sheds; but not including guest houses or self-contained residential units. As used in this section "guest house" means any accessory structure having a floor area of more than four hundred square feet or any accessory structure which contains plumbing,</p> <p>3. Landscaping on the lot;</p> <p>4. Additions resulting in an increase of less than ten percent of the internal floor area of an existing structure;</p> <p>E. Tentative subdivision maps brought about in connection with the purchase of land by a public agency for recreational purposes which are consistent with Section 30106 of the Coastal Act of 1976;</p> <p>F. Demolition of any secondary or agricultural "historic structure," built prior to 1930, may be exempted from the requirement for a coastal permit upon a finding by the planning director or appropriate hearing body that such structure is not a significant historic resource;</p> <p>G. Those projects which, pursuant to California Public Resources Code Section 30610 (d) and (f) and implementing regulations, as significantly designated as categorically excluded from the requirements of a coastal permit.</p>	<p>Unless destroyed by a disaster, the replacement of 50 percent or more of a single family residence, seawall, revetment, bluff retaining wall, breakwater, groin or any other structure is not considered solely repair and maintenance, but instead constitutes a replacement structure.</p> <p>C. Replacement after disaster. The replacement of any legal structure, other than a public works facility, destroyed by a disaster. The replacement structure shall:</p> <ol style="list-style-type: none"> <li>1. Conform to applicable existing zoning requirements;</li> <li>2. Be for the same legal use as the destroyed structure;</li> <li>3. Not exceed the floor area of the destroyed structure by more than 10 percent or 500 square feet, whichever is less, or the height or bulk of the destroyed structure by more than 10 percent (the applicant must provide proof of pre-existing height and bulk); and</li> <li>4. Be sited in the same location on the site as the destroyed structure, unless the Director determines that a relocation is warranted because of proximity to coastal resources.</li> </ol> <p>D. Emergency work. Immediate emergency work necessary to protect life or property or immediate emergency repairs to public service facilities necessary to maintain service as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to Chapter 7</p>

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<p>(Ord. 2739 § 2, 1982; Ord. 2703 § 3, 1982; Ord. 2637 § 6 (part), 1981)</p>	<p>(commencing with Section 8550 of Division 1 of Title 2 of the Calif. Government Code).</p> <ul style="list-style-type: none"> <li>E. Emergency highway repair. Emergency projects undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing highway, as defined in Section 360 of the Vehicle Code, except for a highway designated as an official state scenic highway pursuant to Section 262 of the Streets and Highways Code, within the existing right-of-way of the highway, damaged as a result of fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, within one year of the damage. This paragraph does not exempt from this section any project undertaken, carried out, or approved by a public agency to expand or widen a highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide.</li> <li>F. Time-Share. Any activity that involves the conversion of any existing multiple-unit residential structure to a time-share project, estate, or use, as defined in Section 11003.5 of the Calif. Business and Professions Code.</li> <li>G. Maintenance dredging. Maintenance dredging of existing navigation channels or moving dredged material from those channels to a disposal area outside the coastal zone, pursuant to a permit from the US Army Corps of Engineers.</li> <li>H. Utility connection. The installation, testing, and placement in service or the replacement of any necessary utility connection between an existing service facility and any development for</li> </ul>



Interim Code Title 22I (existing)	Development Code Amendments PRD (proposed)
	<p>which a Coastal Permit has been approved.</p> <p>I. Temporary event. A temporary event which:</p> <ol style="list-style-type: none"> <li>1. Would not occupy a sandy beach, or would occupy a sandy beach only in areas outside of Muir Beach, Stinson Beach, Bolinas, and Dillon Beach; and</li> <li>2. Would not involve a charge for general public admission or seating where no fee is currently charged for use of the same area; and</li> <li>3. Would not take place in any wetlands, streams and riparian corridors, or other environmentally sensitive habitat areas; and</li> <li>4. Have a duration of one day or less.</li> </ol> <p>J. Nuisance Abatement. Nuisance abatement actions by the County that are necessary to protect public health and safety, when such abatement must occur more quickly than could occur if authorized by a Coastal Permit. If exempt from a Coastal Permit, a nuisance abatement action shall involve the minimum level of development activity necessary to successfully abate the nuisance.</p>
<p><b>12. De minimis waiver of coastal permit for minor developments.</b> Interim Code Section 22.56.060.G. refers to Categorical Exclusion Orders, which exempt certain specified projects with no impact on coastal resources from the requirement to obtain a coastal permit (see Item #11 above). The Interim Code does not provide for permit waivers, which would allow for the efficient review of very</p>	

Interim Code Title 22I (existing)	Development Code Amendments PRD (proposed)
<p>minor projects with no identified impacts on coastal resources. The proposed Development Code amendments include in Section 22.68.070 a procedure for de minimis waiver of minor developments, as one option intended to provide a permit procedure for very minor projects. Other options may exist, such as proposing an additional Categorical Exclusion Order.</p>	
<p>-----</p>	<p><b>22.68.070 – De Minimis Waiver of Coastal Permit</b></p> <p>The Director may waive the requirement for a Coastal Permit in compliance with this Section upon a written determination that the project meets all of the following criteria:</p> <ul style="list-style-type: none"> <li><b>A.</b> Involves no potential for adverse effects, either individually or cumulatively on coastal resources,</li> <li><b>B.</b> Is consistent with the certified Marin County Local Coastal Program,</li> <li><b>C.</b> Is not of a type or in a location where the project, if subject to a Coastal Permit, would be appealable to the Coastal Commission or would be subject to a Coastal Permit issued by the Coastal Commission, and</li> <li><b>D.</b> Public notice of the proposed De Minimis Waiver of Coastal Permit has been provided in the same manner as required by Section 22.70.050.</li> </ul>
<p><b>13. Consolidated coastal permit.</b> The Interim Code contains no provisions for a consolidated coastal permit, to be used where a proposed project “straddles” the boundary between Marin County and California Coastal Commission permit jurisdiction. The Coastal</p>	

Interim Code Title 22I (existing)	Development Code Amendments PRD (proposed)
<p>Act authorizes a consolidated permit in Section 30601.3; that provision was added to the Coastal Act subsequent to the adoption of the existing Marin County LCP. The provision for a consolidated coastal permit provides an option, not a requirement. The consolidated coastal permit procedure may be used where it is agreed to by all parties. Note that the standard of review to be used in considering a consolidated coastal permit is the Coastal Act, with the Marin County LCP used as guidance.</p>	
<p>-----</p>	<p><b>Section 22.68.090 – Consolidated Coastal Permit</b></p> <p><b>Consolidated County–Coastal Commission Coastal Permit.</b> If a proposed development requires a Coastal Permit from both the County and the Coastal Commission, a consolidated Coastal Permit application may be considered by the Coastal Commission according to the following procedure.</p> <p><b>A.</b> The Director, with agreement by the applicant, may request the Coastal Commission through its executive director to process a consolidated Coastal Permit. The standard of review for a consolidated Coastal Permit application shall follow Chapter 3 of the Coastal Act (commencing with Public Resources Code Section 30200), with the Marin County Local Coastal Program used as guidance. The application fee for a consolidated Coastal Permit shall be determined by reference to the Coastal Commission's permit fee schedule.</p> <p><b>B.</b> Prior to making a request for a consolidated Coastal Permit, the Director shall first determine that public participation would not be substantially impaired by that review process. The Director may require public notice that is reasonably determined necessary to allow public review and comment on the proposed</p>

Interim Code Title 22I (existing)	Development Code Amendments PRD (proposed)
	consolidated Coastal Permit.
<p><b>14. Application process for a coastal permit.</b> Concurrent processing of coastal permits and other County entitlements is authorized by both the Interim Code and the proposed Development Code amendments. The additional topics of determining the appropriate permit category, application filing, provision of public notice, and processing of public hearing items, which are addressed in Section 22.56.060 of the Interim Code as quoted below, are addressed separately in the proposed amendments to the Development Code; see Items #15 and 16 below.</p>	
<p><b>22.56.060 Application for coastal permit.</b></p> <p>Where required by this chapter, a coastal project permit shall be applied for prior to or <b>concurrent</b> with other necessary county project permit(s). Where possible, concurrent county processing shall take place. Such application shall be submitted to the planning director and shall be accompanied by such filing fee as established by resolution of the board of supervisors. The planning director shall provide application form(s) for project applications. Such forms shall provide for submission of a completed coastal project application. The planning director shall take the following actions:</p> <p>A. Determine if the proposed project is subject to the requirement of a coastal project permit and if so, determine the category of permit for the project in accordance with Section 22.56.062I;</p> <p>B. File the application and provide notice of action on the application per Section 22.56.065I;</p>	<p><b>22.70.030 – Coastal Permit Filing, Initial Processing</b></p> <p>A. Application and filing. Coastal Permit application submittals shall include all information and other materials required by the Coastal Permit application forms, provided by the Agency. The application and accompanying materials shall be filed with the Agency before or <b>concurrent</b> with an application for any land use permit required by this Article</p> <p>...</p> <p>C. Initial processing. A Coastal Permit shall be processed <b>concurrently</b> with other permit applications required for the project, and shall be evaluated as provided by Chapter 22.40 (Application Filing and Processing, Fees).</p>

Interim Code Title 22I (existing)	Development Code Amendments PRD (proposed)
C. For those projects requiring a public hearing, transmit an application summary and recommendation thereon to the appropriate body specified in Section 22.56.070I. <i>(Ord. 2637 § 6 (part), 1981)</i>	
<p><b>15a. Determination of permit category: initial determination.</b> The Interim Code addresses two main topics in Section 22.56.062: (1) the initial determination that must be made by the planning director regarding which type of coastal permit, if any, is required for a proposed activity, and (2) appeals of such determinations, in the event that the applicant or other parties disagree with the planning director’s determination. The bulk of Section 22.56.062 addresses the appeal provisions, while only the first sentence of that section addresses the topic that in most cases is the more significant one, namely, what determination should be applied in the first place to each permit application that is submitted. Therefore, the proposed Development Code amendments expand upon the first topic and provide more direction regarding the initial determination that must be made; see Section 22.70.030 below.</p> <p>When an activity is proposed that may require a coastal permit, the planning director must determine first whether or not the activity constitutes a “development” as defined by the Coastal Act and the Development Code. If the activity constitutes a development, then the question is whether the activity qualifies for an exemption from a permit under one of the exemption provisions discussed above, whether the activity meets the terms of a Categorical Exclusion, or whether the coastal permit may be waived. If not exempt, excluded, or subject to a de minimis waiver, the activity then requires a coastal permit. A coastal permit application may be processed administratively (that is, no public hearing required) if the project is not appealable to the Coastal Commission. If the project is appealable, then a public hearing is generally required. Two exceptions to this rule exist; one is for second residential units, which under state housing law are not subject to a public hearing during the County’s review, and the second applies to certain minor developments for which a public hearing is not requested by any interested party (for that subject, see Item #17 below). Even if a coastal permit is not appealable to the Coastal Commission, a public hearing may still be required if other discretionary County actions require a public hearing, because the processing of various County entitlements is handled simultaneously, wherever possible.</p>	
<b>Section 22.56.062 Determination of permit category.</b>	<b>Section 22.70.030</b> ...

Interim Code Title 22I (existing)	Development Code Amendments PRD (proposed)
<p>The planning director's determination of a project's permit status shall be made with reference to the certified local coastal program, including maps, categorical exclusions, land use designations and implementation programs adopted as a part of the local coastal program. Where the applicant or interested person disputes the planning director's determination, the following procedure for resolution shall be utilized:</p> <p>A. Where the planning director determines that a coastal project is categorically excluded under the provisions of Section 22.56.050I(G), such determination shall not become final until the appeal period established herein has expired. The planning director shall maintain a listing of those projects determined to be categorically excluded from the requirements of a coastal project permit. This listing shall be available for public inspection and shall include the applicant's name, project description and location and the date of the planning director's determination. If the planning director's determination is disputed, an appeal letter, setting forth the grounds of the appeal must be filed with the planning commission. Such an appeal must be filed within five working days of the date of the planning director's original determination. The planning director shall notify the applicant and others who have requested such notice of the filing of such an appeal at least ten working days prior to the appeal's consideration by the planning commission. The planning director's report to the planning commission shall include the opinion of the coastal commission's executive director on the determination under question. The planning commission shall consider the written and verbal testimony it finds necessary to make its</p>	<p><b>B. Determination of permit category.</b> The Director shall determine if the proposed project is categorically excluded, qualifies for a De Minimis Waiver, or requires a Coastal Permit that does or does not require a public hearing, as follows. This determination may be appealed in compliance with Section 22.70.040 – Appeal of Permit Category Determination.</p> <ol style="list-style-type: none"> <li>1. Categorical exclusion. A determination that a project is categorically excluded shall comply with Section 22.68.040 – Categorically Excluded Projects.</li> <li>2. De Minimis Waiver. A determination that a project qualifies for a De Minimis Waiver shall comply with 22.68.070 – De Minimis Waiver of Coastal Permit.</li> <li>3. Administrative applications. A public hearing shall not be required when an application is not defined as appealable to the Coastal Commission by 22.70.080 - Appeal of Coastal Permit Decision, unless a public hearing is required for another discretionary planning permit for the same project.</li> <li>4. Public hearing applications. A public hearing shall be required when a project is defined as appealable to the Coastal Commission by 22.70.080 - Appeal of Coastal Permit Decision, unless the proposed project only entails the development of a second unit or if it qualifies for a public hearing waiver. If a public hearing is held for another type of discretionary permit, the same review authority shall issue the decision on the Coastal Permit.</li> </ol>

Interim Code Title 22I (existing)	Development Code Amendments PRD (proposed)
<p>determination. The planning commission's decision shall be final unless appealed per the provisions of subsection D of this section.</p> <p>B. Where the planning director determines that a permit does not require a public hearing or is otherwise "not appealable" per the definitions of Section 22.56.070I, and such determination is disputed by an interested party, an appeal to the planning commission may be filed per the requirements and procedures set forth in subsection A of this section. Upon the filing of such an appeal, the planning director shall prepare a report to the planning commission, including the determination of the executive director of the coastal commission on the disputed issue. Should the planning commission determine the project is subject to the requirements of a public hearing, it shall return the application to the planning director for processing under the requirements so determined.</p> <p>C. If the planning director's determination that a coastal project is subject to the public hearing requirements of this chapter is disputed by the applicant or any interested person, such dispute shall be decided by the initial hearing body prior to action on the coastal project. In the case of such dispute, an appeal letter setting forth the grounds of the disagreement with the planning director's determination, must be filed with the planning department at least five working days prior to the initial public hearing scheduled for the project. In the case of such dispute, the planning director shall prepare a report of the disputed issue. The report shall include the opinion of the executive director of the coastal commission on the dispute. Upon the</p>	<p>...</p>

Interim Code Title 22I (existing)	Development Code Amendments PRD (proposed)
<p>determination of the hearing body that a public hearing is required, the hearing and action on the project shall be set for the next available meeting. Should the project be determined not subject to public hearing, the application shall be returned to the planning director for processing under the requirements so determined. Where the initial hearing body is not the planning commission, the determination of the project's hearing status may be appealed to the planning commission. Such appeals shall be filed per the requirements of subsection A of this section.</p> <p>D. The planning commission's determination of permit category may be appealed to the board of supervisors within five working days of the planning commission's decision. The board of supervisors may reject such an appeal where it determines the appeal raises no substantial issue or it may, following public notice, as established in subsection A of this section, determine the dispute under question. The board of supervisor's determination of permit category may be appealed to the coastal commission. Such an appeal must be filed with that commission within ten working days of the board of supervisor's decision.</p> <p>E. Where, after final determination by the planning commission or the board of supervisors, the determination of the executive director of the coastal commission differs from the determination of the planning commission/board of supervisors, action on the proposed project shall be suspended pending a coastal commission decision of the permit category.</p>	



Interim Code Title 22I (existing)	Development Code Amendments PRD (proposed)
<i>(Ord. 2637 § 6 (part), 1981)</i>	
<p><b>15b. Determination of permit category: appeals.</b> The proposed amendments to the Development Code provide in Section 22.70.040 for a determination by the Planning Director to be appealed to the Planning Commission and subsequently to the Board of Supervisors and the Coastal Commission. Applicable sources for the appeal procedure are cited, in order to avoid needless repetition.</p>	
<p>(See Item #15a above for <b>Section 22.56.062 Determination of permit category.</b>)</p>	<p><b>22.70.040 – Appeal of Permit Category Determination</b></p> <p>Where an applicant or interested person disputes the Director's permit category determination of Coastal Permit category (Section 22.70.030.B – Determination of Permit Category), the determination may be appealed as follows.</p> <ul style="list-style-type: none"> <li>A. General County appeal procedure. Appeals to the Planning Commission or Board shall be filed and processed in compliance with Chapter 22.114 (Appeals).</li> <li>B. Timing of County appeal. A determination regarding permit category by the Director may be appealed to the Planning Commission, and subsequently to the Board within 10 business days.</li> <li>C. Coastal Commission appeal procedure. Appeals of permit category determinations to the Coastal Commission shall follow the procedures contained in California Code of Regulations, Title 14, section 13569 (Determination of applicable Notice and</li> </ul>

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	Hearing Procedures).
<p><b>16. Public notice of coastal permits.</b> Existing and tentatively proposed provisions are as follows. Note that the Interim Ordinance requires notice to property owners within 300 feet of the project site, plus posted notice on the site; the Interim Ordinance also allows for “alternative” notice (see paragraph D) which is unspecified. By contrast, the draft Development Code amendments provide for notice to both property owners and neighboring residents, but only those within 100 feet of the project site; posted notice is not required, as it is not required by Coastal Commission regulations (although notice beyond the minimum required would be consistent with those regulations).</p>	
<p><b>Section 22.56.065 Notice Required</b></p> <p>Notice of a pending action on a coastal permit shall be given as follows:</p> <p>A. Coastal project applications requiring a public hearing under Section 22.56.070I shall be noticed by mailing notices ten working days prior to the date of the hearing to all <b>property owners</b> within <b>three hundred feet</b> of the project boundary, to all interested groups and individuals which have requested such notice of coastal projects and to the California Coastal Commission. Additionally, the site of the proposed project shall be posted with a copy of the notice at least ten working days prior to the date of the hearing.</p> <p>B. Coastal project applications <b>not requiring a public hearing</b> under Section 22.56.070I shall be noticed by the mailing of</p>	<p><b>Section 22.70.050 – Public Notice</b></p> <p>Notice to the public of a pending action on a Coastal Permit or De Minimis Waiver shall be given as follows:</p> <p><b>A. Form of notice.</b> Permit applications shall be noticed at least 10 days prior to a hearing or action on the proposed project by mailing notice to each applicant, all persons who have requested to be on the mailing list for that development project or for coastal decisions within the County, all <b>property owners and residents</b> within <b>100 feet</b> of the perimeter of the parcel on which the development is proposed, and the Coastal Commission. <b>These types of notice shall be provided regardless of whether a hearing is required on the permit.</b> The Director may also require additional means of notice that is reasonably determined necessary to provide adequate public notice of the decision on the proposed project.</p>

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<p>notice at least ten working days prior to the decision on the project. Such notice shall be sent to <b>property owners within three hundred feet</b> of the project, to interested groups and individuals which have requested such notice and to the California Coastal Commission. Additionally, the site of the proposed project shall be posted with a copy of the notice at least ten working days prior to the date of hearing.</p> <p>C. The required notice may be combined with other required project permit notice(s) but shall be mailed by first class and shall include the following information:</p> <ol style="list-style-type: none"> <li>1. A statement that the project is within the coastal zone, and that the project decision will include a determination on a coastal project permit;</li> <li>2. The date of the filing of the application, an identification number and name of the applicant;</li> <li>3. A description of the proposed project and its location;</li> <li>4. A determination of whether the project is appealable to the California Coastal Commission under Section 30603 (a) of the California Public Resources Code;</li> <li>5. The date, time and place of the hearing and/or decision on the application; and</li> <li>6. A brief description of the procedures for public comment and decision on the application including the system of appeal if applicable.</li> </ol> <p>D. If, in the opinion of the planning director, alternative and/or additional notice procedures are desirable or warranted, notice of a coastal project application shall be published in a</p>	<p><b>B. Content of notice.</b> The required notice may be combined with other required project permit notice(s), but shall be mailed by First Class mail and shall include the following information:</p> <ol style="list-style-type: none"> <li>1. A statement that the project is within the Coastal Zone, and that the project decision will include a determination on a Coastal Permit;</li> <li>2. The date of filing of the application;</li> <li>3. The name of the applicant;</li> <li>4. The number assigned to the application;</li> <li>5. A description of the proposed project and its location;</li> <li>6. A determination of whether the project is appealable to the Coastal Commission under Section 30603(a) of the Public Resources Code;</li> <li>7. The date, time and place of the hearing and/or decision on the application; and</li> <li>8. A brief description of the procedures for public comment and decision on the application including the system of appeal if applicable.</li> <li>9. If no public hearing is held, a statement that a public comment period of sufficient time will be held to allow for</li> </ol>

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<p>newspaper of general circulation within the coastal zone at least seven working days prior to the hearing or intended decision on the application. The planning director may also require additional means of notice which is reasonably determined necessary to provide adequate public notice of the proposed project decision.</p> <p>E. If a decision on a development permit is continued to a date or time not specific, the item shall be renoticed in the same manner and within the same time limits as established within this section.</p>	<p>the submission of comments by mail prior to the local decision.</p> <p><b>C. Renoticing required.</b> If a decision on a Coastal Permit is continued by the review authority to a date or time not specific, the item shall be renoticed in the same manner and within the same time limits established by this Section. If a decision on a Coastal Permit is continued to a specific date and time, then no renoticing is required.</p> <p><b>D. State Lands Commission notification.</b> Notice shall be provided to the State Lands Commission when an application for a Coastal Permit is submitted to the County on property identified as potentially subject to the public trust.</p>
<p><b>17. Waiver of public hearing for minor developments.</b> No provision exists in the Interim Code for the waiver of an otherwise-required public hearing for a minor development for which no interest is expressed by neighbors or other potentially interested parties. The proposed provision for waiver of the otherwise-required public hearing for minor developments is included here as an option to be considered, consistent with Section 30624.9 of the Coastal Act, which authorizes (but does not require) such a procedure. The purpose of such a procedure, if adopted, is to avoid the needless expense and time that are required to schedule and conduct a public hearing that no one subsequently attends. As proposed, notice would continue to be provided to interested parties of the potential for a public hearing, but if no one expresses interest, then the public hearing can be waived.</p>	
<p>-----</p>	<p><b>Section 22.70.030.B.5 Public hearing waiver.</b> A public hearing that would otherwise be required for a minor development shall be waived if both the following occur:</p>

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	<p>(a) Notice that a public hearing shall be held upon request by any person is provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice, and</p> <p>(b) No request for a public hearing is received within 15 working days from the date of sending the notice.</p> <p>For purposes of this Section, “minor development” means a development that the County determines satisfies all of the following requirements:</p> <p>(a) Is consistent with the certified Marin County Local Coastal Program,</p> <p>(b) Requires no discretionary approvals other than a Coastal Permit, and</p> <p>(c) Has no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast.</p>
<p><b>18. Emergency coastal permits.</b> The Interim Code contains no provisions for emergency coastal permits. At the coast, as elsewhere, emergency situations such as storms, floods, or landslides sometimes require prompt action by property owners and by regulatory entities. Thus, provisions for issuance of emergency coastal permits are appropriate, in order to provide prompt review of projects that may be required in order to respond to emergency conditions. The Coastal Act authorizes emergency procedures in Sections 30624 and 30611.</p>	
	<p><b>Section 22.70.140 – Emergency Coastal Permits</b></p>

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<p>-----</p>	<p>In the event of an emergency, the Director may issue a permit to authorize emergency work in compliance with this Section, and Section 30624 of the Coastal Act and Section 13329 of Title 14 of the California Code of Regulations. The Director shall not issue an emergency permit for any work to be conducted on any tidelands, submerged lands, or on public trust lands, whether filled or unfilled; requests for emergency work in these areas shall be referred to the Coastal Commission.</p> <p><b>A. Application.</b> An application for an emergency permit shall be filed with the Director in writing if time allows, or in person or by telephone if time does not allow.</p> <p><b>B. Required information.</b> The applicant shall report to the Director the following information, either during or as soon after the emergency as possible:</p> <ol style="list-style-type: none"> <li>1. The nature and location of the emergency;</li> <li>2. The cause of the emergency, insofar as this can be established;</li> <li>3. The remedial, protective, or preventative work required to deal with the emergency; and</li> <li>4. The circumstances during the emergency that appeared to justify the course(s) of action taken, including the probable consequences of failing to take action.</li> </ol>

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	<p>The Director shall verify the facts, including the existence and nature of the emergency, as time allows.</p> <p><b>C. Notice.</b> The Director shall provide public notice of the proposed emergency work, and determine the extent and type of notice based on the nature of the emergency.</p> <p><b>D. Emergency permit approval.</b> The Director may grant an emergency permit upon reasonable terms and conditions, including an expiration date, if the Director finds that:</p> <ol style="list-style-type: none"> <li><b>1.</b> An emergency exists that requires action more quickly than permitted by the procedures of this Article for a Coastal Permit, and the work can and will be completed within 30 days unless otherwise specified by the emergency permit;</li> <li><b>2.</b> Public comment on the proposed emergency action has been reviewed, if time allows; and</li> <li><b>3.</b> The proposed work is consistent with applicable Marin County Local Coastal Program policies.</li> </ol> <p>The decision to issue an emergency permit is at the sole discretion of the Director, provided that subsequent Coastal Permits required for the project shall comply with all applicable provisions of this Development Code.</p> <p><b>E. Coastal Permit required.</b> Within 30 days of the notification required in Subsection A. (Application), the applicant shall apply for a Coastal Permit. Failure to file the applications and obtain the</p>

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	required permits shall result in enforcement action in compliance with Chapter 22.122 (Enforcement)
<p><b>19. Coastal permit variance.</b> The Interim Code includes no provisions for variances to coastal permits. Under state law, when a parcel is characterized by special circumstances such as parcel shape or topography, a variance may be considered in order to avoid denying the property owner privileges that are enjoyed by nearby property owners whose property falls within the same zoning district. To clarify that variances of coastal permits are also available, Section 22.70.150 is proposed among the Development Code amendments. Use of coastal permit variances would be limited under this procedure to those that provide relief from standards relating to height, floor area ratio, and yard setbacks. Coastal permit variances would not be available for relief from use limitations or minimum lot size and density requirements.</p>	
	<p><b>Section 22.70.150 – Coastal Zone Variances</b></p> <p>This Section provides procedures for the adjustment from the development standards of Article V of this Development Code only when, because of special circumstances applicable to the property, including location, shape, size, surroundings, or topography, the strict application of this Article denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts. Any Coastal Zone Variance granted shall be subject to conditions that will ensure that the Variance does not constitute a granting of special privilege(s) inconsistent with the limitations upon other properties in the vicinity and zoning district in which the property is situated.</p> <p>Coastal Zone Variances provide relief from standards relating to height, floor area ratio, and yard setbacks. Coastal Zone Variances</p>



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	<p>cannot be granted for relief from use limitations or minimum lot size and density requirements.</p> <p><b>A. Filing.</b> An application for a Coastal Zone Variance shall be submitted, filed, and processed in compliance with and in the manner described in Chapter 22.68 (Application Filing and Processing, Fees). It is the responsibility of the applicant to establish evidence in support of the findings required by Section 22.70.070 – Required Findings.</p> <p>Coastal Permit Variance applications are available at the Agency's public information counter.</p> <p><b>B. Project review procedure.</b> Each application shall be analyzed by the Agency to ensure that the application is consistent with the purpose and intent of this Section.</p> <p><b>C. Action on Variances.</b> Decisions on Coastal Zone Variances shall be issued by the Director or the same review authority that issues the decision on the Coastal Permit for the project.</p> <p><b>E.</b> [should be numbered “D”] <b>Notice of action and/or hearing date.</b> Administrative decisions and public hearings on a proposed Coastal Zone Variance application shall be noticed in compliance with Chapter 22.118 (Notices, Public Hearings, and Administrative Actions).</p> <p><b>22.70.160 – Coastal Zone Variance Exemptions</b></p> <p>In situations where development is proposed within the footprint of</p>

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	<p>an existing structure the Director may ministerially find a project exempt from Coastal Zone Variance requirement subject to the following:</p> <ul style="list-style-type: none"> <li><b>A.</b> The cubical contents of the structure shall not be increased with the exception of minor dormers and bay windows which provide headroom or circulation or projects that are addressed below in section 22.54.040.C, but do not add to the bulk and mass of the structure.</li> <li><b>B.</b> The floor area ratio may increase, not to exceed 0.35 maximum, or 300 square feet, whichever is more restrictive, except that such area limitations do not apply to circumstances in flood zones that are addressed below in section 22.54.040.C.</li> <li><b>C.</b> The floor area ratio may increase above 30 percent if the increase in floor area is due to a Federal or County requirement that an existing structure be raised above the base flood elevation. In this instance, the finished floor of the first level above the base flood elevation shall not be more than 18 inches above the base flood elevation. Floor area beneath proposed additions does not qualify for this exemption.</li> <li><b>D.</b> Existing legal non-conforming setbacks may be maintained if a structure is being raised to conform to a Federal or County requirement that an existing structure be raised above the base flood elevation. In this instance, the finished floor of the first level above the base flood elevation shall not be more than 18 inches above the base flood elevation. Development beneath proposed additions does not qualify for this exemption.</li> </ul>

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	<p><b>E.</b> The height of a roof of an existing structure that encroaches into a required setback is being lowered by any height or is being raised by not more than three feet in height above the existing roof, or to a maximum of 30 feet above grade, whichever is more restrictive.</p> <p><b>F.</b> The project shall be subject to Coastal Permit, in compliance with this Article.</p>
<p><b>20. Action / decision on a coastal project permit.</b> Section 22.56.070I addresses two subjects: when a public hearing is required, and who makes the decision. The public hearing requirement is discussed above (15a. Determination of Permit Category) which addresses PRD section 22.70.030.B.3,4,5. The discussion here addresses the determination of the review authority. The proposed rules of PRD 22.70.060 are equivalent to 22.56.070I, although the reference to the non-existent “environmental protection committee” is dropped, and names have been slightly modified to be consistent with the rest of the Development Code.</p>	
<p><b>22.56.070I Action on coastal project permit.</b></p> <p>For the purposes of notice and processing procedures, coastal development permits are divided into two categories.</p> <p>A. "Public hearing coastal project applications" are defined as those projects where either: (1) the C zone or title of the county code requires a public hearing or other discretionary action by a county officer, board or commission including, but not limited to: land divisions, subdivisions, variances, use permits, design reviews, master plans, development plans, sign reviews, tideland permits, excavation permits, and quarrying permits, or</p>	<p><b>22.70.060 – Decision on Coastal Permit</b></p> <p><b>A. Review authority.</b> A decision to approve, conditionally approve, or deny a Coastal Permit shall be by the applicable review authority.</p> <p><b>1.</b> The <b>Director</b> shall take action on a <b>non-hearing</b> Coastal Permit application.</p> <p><b>2.</b> Where the decision required for the permit by this Development Code or other County Code provision is to be by the Zoning Administrator, Commission, or Board, that review authority shall</p>

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<p>(2) the project is defined as an appealable project per California Public Resources Code Section 30603 (a).</p> <p>Where the action required for the project by its C zone or other title of county code is to be made by the <b>deputy zoning administrator, environmental protection committee, planning commission, or board of supervisors</b>, that officer, board or commission shall concurrently conduct a <b>public hearing</b> and approve or deny the application for a coastal project permit.</p> <p>Where the action required for the project by its C zone or other title of county code is to be made by the <b>planning director, or any other county officer</b>, and a public hearing is required pursuant to this section, the <b>deputy zoning administrator shall hold a public hearing and approve or deny</b> the coastal project application.</p> <p>For projects requiring <b>multiple approvals</b> under the various titles of county code, and where at least one approval is required by the deputy zoning administrator or planning commission, the <b>deputy zoning administrator or planning commission</b> may hold the public hearing and approve or deny the coastal project application.</p> <p>For <b>appealable projects or other public hearing coastal projects</b> for which the county permit requirements <b>do not identify</b> a decision or hearing body, the coastal project application shall be heard and approved or denied by the <b>deputy zoning administrator</b>.</p> <p>B. "Non-hearing coastal projects permits" are identified as those projects for which the C zone or title does not require a public hearing or other discretionary action by a county officer, board</p>	<p>conduct a public hearing and take action on the Coastal Permit application.</p> <p><b>3.</b> Where the decision required for the permit by this Development Code or other County Code provision is to be by the <b>Director or other County officer</b>, and a public hearing is required, the Zoning Administrator shall hold a public hearing and approve or deny the Coastal Permit application.</p> <p><b>4.</b> For projects requiring multiple approvals under various provisions of the County Code, and where at least one approval is required by the Zoning Administrator or Commission, the <b>Zoning Administrator or Commission</b> may hold the public hearing and approve or deny the Coastal Permit application at the same time as taking action on the other applications.</p> <p><b>5.</b> For appealable projects or other public hearing coastal projects for which the County permit requirements do not identify a review authority, the Coastal Permit application shall be heard, and approved or denied by the <b>Zoning Administrator</b>.</p>

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<p>or commission or is not appealable as defined by California Public Resources Code Section 30603 (a). Where a coastal project permit application is determined a <b>nonhearing application, the planning director shall approve or deny</b> the application for the coastal project permit. (Ord. 2637 § 6 (part), 1981)</p>	
<p><b>21. Appeals to county appellate bodies.</b> Title 22I cites Chapter 22.89I (Appeals), which was process for appeals throughout the County prior to the Development Code revision ins 2003, which replaced it with Chapter 22.114 outside the Coastal Zone. The PRD would re-establish a uniform countywide process for appeals at the County level. Both chapters provide for sequential appeals up the chain from staff, DZA, and Planning Commission to the Board. PRD Section 22.114.020.A provides for direct appeal to the Board of supervisors under the specific combination of conditions enumerated, a procedure not specified in current Chapter 22.89I. Title 22I sections 22.89.020I-060I specify the actions that may be appealed correlating to PRD section 22.114.020.B. Title22I section 22.89.080I specifies the filing procedure, limited to 5 working days from the action; PRD section 22.114.030.B allows for 10 days. <b>NOTE: Some of these provisions may be affected by the Board of Supervisors ultimate decisions on “inland” Dev. Code amendments currently under consideration.</b></p>	
<p><b>22.56.075I County appeals of coastal project permit action.</b> County action on a coastal project permit shall not be final until the appeal period(s) established in <b>Chapter 22.89I (Appeals)</b> and this section expires, or if appealed, until all levels of appeal brought by an appellant in conformance with this section have been exhausted. Upon receipt of an appeal, the appellate body shall provide notice as required in Section 22.56.065I. Appeals shall be</p>	<p><b>22.70.080 – Appeal of Coastal Permit Decision</b> <b>A. County appeal procedure.</b> Decisions of the County on a Coastal Permit (Section 22.70.060 – Decision on Coastal Permit) may be appealed to the Planning Commission and Board as provided by <b>Chapter 22.114 – Appeals.</b></p>

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<p>filed with the appropriate county appellate body setting forth the grounds of appeal. The action on the coastal development permit, including any conditions may be appealed to county appellate bodies by any person as established in Chapter 22.89I. Such appeals must be filed in the office of the appellate body not later than five p.m. of the fifth working day following the date of the action from which the appeal is taken. (Ord. 2637 § 6 (part), 1981)</p> <p><b>Chapter 22.89I APPEALS</b></p> <p><b>22.89.020I Applicability.</b></p> <p>This chapter shall apply to all chapters in Title 22 except those wherein alternative appeal procedures are specified. (Ord. 1719 § 16, 1969; Ord. 1593 § 1 (part), 1967)</p> <p><b>22.89.040I Administrative actions appealable.</b></p> <p>Any person aggrieved by any determination, interpretation, decision, conclusion, decree, judgment or similar action taken by any <b>administrative personnel</b> under the provisions of this title may appeal the action to the <b>planning commission</b>. (Ord. 1593 § 1 (part), 1967)</p> <p><b>22.89.050I Zoning administrator actions appealable.</b></p>	<p><b><u>Chapter 22.114 - APPEALS</u></b></p> <p><a href="http://www.co.marin.ca.us/depts/CD/main/comdev/CURRENT/devCode.cfm">http://www.co.marin.ca.us/depts/CD/main/comdev/CURRENT/devCode.cfm</a></p> <p><b>22.114.010 - Purpose of Chapter.</b></p> <p>This Chapter provides procedures by which an applicant or other concerned party may appeal a determination or action by the Agency, Director, Zoning Administrator, or Commission.</p> <p><i>(Ord. 3380 Exh. B (part), 2003)</i></p> <p><b>22.114.020 - Appeal Subjects and Jurisdiction.</b></p> <p>Determinations and actions that may be appealed, and the authority to act upon an appeal, shall be as follows:</p> <p><b>A. General procedure.</b> Any determination or action made by the Agency staff, Director or Zoning Administrator may be appealed to the Planning Commission. Any decision or action taken by the Planning Commission may be appealed to the Board of Supervisors. However, the Director may refer an appeal directly to the Board of Supervisors if the application:</p> <ol style="list-style-type: none"> <li>1. Is consistent with the Countywide Plan, applicable Community Plan and Local Coastal Program, and the Single-family Residential Design Guidelines;</li> <li>2. Meets all legally-required findings in the Development Code;</li> </ol>

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<p>Actions by the zoning administrator may be appealed to the planning commission. (Ord. 3157 § 2 (part), 1993; Ord. 1992 § 3, 1973)</p> <p><b>22.89.060I Planning commission action appealable.</b></p> <p>Actions or appellate determinations of the planning commission may be appealed to the board of supervisors. (Ord. 1593 § 1 (part), 1967)</p> <p><b>22.89.080I Filing.</b></p> <p>Appeals shall be addressed to the appellate body, in writing, and shall state the basis of the appeal. Appeals shall be filed in the</p>	<p>3. Would not raise substantial policy issues or result in community-wide impacts, including but not limited to community character and traffic congestion; and</p> <p>4. Would not result in potentially-significant environmental impacts that would require preparation of an Environmental Impact Report pursuant to the California Environmental Quality Act.</p> <p><b>B. Determinations and actions that may be appealed.</b> The following types of actions may be appealed:</p> <p>1. Determinations as to the meaning or applicability of the provisions of this Development Code that are believed to be in error;</p> <p>2. Any determination that a permit application or information submitted with the application is incomplete, in compliance with State law (Government Code Section 65943). Please refer to Section 22.40.050 (B) (Initial Application Review-Completeness Review) for further information; and</p> <p>3. Action to approve, approve with conditions, or deny any discretionary zoning or land use permit and/or determinations regarding compliance with the environmental review requirements, pursuant to the California Quality Act and the County Environmental Impact Review Guidelines, for such permits. <i>(Ord. 3491 Exh. B (part), 2008; Ord. 3380 Exh. B (part), 2003)</i></p> <p><b>22.114.030 - Filing of Appeals.</b></p> <p><b>A. Eligibility.</b> An appeal may be filed by any person affected by an</p>

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<p>office of the appellate body not later than five p.m. of the <b>fifth working day</b> following the date of the action from which an appeal is taken. Appeals shall be accompanied by the filing fee as specified in Section 22.92.020. (Ord. 1593 § 1 (part), 1967)</p> <p><b>22.89.100I Notice of hearing.</b></p> <p>At least ten days prior to the hearing, a public notice of the appeal shall be mailed to all persons whose names and addresses are shown on the latest equalized assessment roll of the county as owners of real property within a distance of three hundred feet of the property which is the subject of the appeal. The notice must include the date, time, and place of the hearing, the identity of the hearing body or officer, and a general location and description of the appeal to be considered. In addition, the notice shall either be:</p> <ol style="list-style-type: none"> <li>1. Published in at least one local newspaper of general circulation at least 10 days prior to the hearing; or</li> <li>2. Posted in at least three local public places in the area of the property which is the subject of the appeal. (Ord. 3157 § 2 (part), 1993; Ord. 1593 § 1 (part), 1967)</li> </ol>	<p>administrative determination or action by the Agency staff or Director, as described in Section <u>22.114.020</u>(B) (Determinations and actions that may be appealed).</p> <p><b>B. Timing and form of appeal, fees.</b> All appeals shall be filed with the Agency, in writing on a County appeal application form, prior to the close of business on the <b>tenth business day</b> after the decision that is the subject of the appeal, and shall specifically state the pertinent facts of the case and the basis for the appeal. Appeals shall be accompanied by the filing fee set by the County Fee Ordinance. <i>(Ord. 3491 Exh. B (part), 2008; Ord. 3451 Exh. A (part), 2006; Ord. 3380 Exh. B (part), 2003)</i></p> <p><b>22.114.040 - Processing of Appeals.</b></p> <p><b>A. Report and scheduling of hearing.</b> When an appeal has been filed, the Director shall prepare a staff report on the matter, and schedule the matter for a public hearing by the appropriate appeal authority identified in Section <u>22.40.020</u> (Review Authority for County Land Use and Zoning Decisions) and as modified by Section <u>22.114.020</u>(A).</p> <p><b>B. Action and findings:</b></p> <ol style="list-style-type: none"> <li>1. <b>General procedure.</b> The appeal authority shall conduct a public hearing in compliance with <u>Chapter 22.118</u> (Notices, Public Hearings and Administrative Actions). At the hearing, the appeal authority may consider any issue involving the matter that is the subject of the appeal, in addition to the specific grounds for the appeal. <ol style="list-style-type: none"> <li>a. The appeal authority may affirm, affirm in part, or reverse the action, decision, or determination that is the subject of the appeal,</li> </ol> </li> </ol>



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<p><b>22.89.120I Planning commission decision--Time limit--Vote.</b></p> <p>The planning commission shall determine an appeal no later than its <b>fourth regular meeting</b> following the date on which the appeal was filed. The action from which an appeal is taken may be reversed or modified only by the affirmative vote of a <b>majority of the authorized membership</b> of the commission. (Ord. 3108 § 2 (part), 1992: Ord. 1593 § 1 (part), 1967)</p> <p><b>22.89.130I Board of supervisors' decision--Time limit--Vote.</b></p> <p>The board of supervisors shall determine an appeal no later than its <b>sixth regular meeting</b> following the date on which the appeal was filed. The action, or appellate determination, from which an appeal is taken may be reversed or modified only by the affirmative vote of a majority of the authorized membership of the board. (Ord. 3108 § 2 (part), 1992: Ord. 1593 § 1 (part), 1967)</p> <p><b>22.89.135I Completeness appeals--Time limit.</b></p> <p>Notwithstanding applicable time limits on appeals pursuant to</p>	<p>based upon findings of fact about the particular case. The findings shall identify the reasons for the action on the appeal, and verify the compliance or noncompliance of the subject of the appeal with the provisions of this Development Code.</p> <p><b>b.</b> When reviewing a decision on a land use permit the appeal authority may adopt additional conditions of approval that may address other issues or concerns than the subject of the appeal.</p> <p><b>c.</b> A decision by an appeal authority may also be appealed in compliance with Subsection 3 of this section (Appeals to Board), below, provided that the decision of the Board on an appeal shall be final.</p> <p><b>2. Appeals to Planning Commission.</b> The Planning Commission shall determine an appeal to the Director's or Zoning Administrator's action no later than its <b>fourth regular meeting</b> following the date on which the appeal was filed with the Agency. The action from which an appeal is taken may be reversed or modified only by the affirmative vote of a <b>majority of the full membership of the Commission</b> (i.e., four affirmative votes).</p> <p><b>3. Appeals to Board.</b> The Board of Supervisors shall determine an appeal of a decision of the Planning Commission, Zoning Administrator, or Director no later than its <b>sixth regular meeting</b> following the date on which the appeal was filed with the Agency. The action or appellate determination from which an appeal is taken may be reversed or modified only by the affirmative vote of a majority of the membership of the Board.</p> <p><b>4. Failure to Act.</b> Failure of the appellate body to act within the time specified shall sustain the action being appealed.</p>

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<p>Sections 22.89.120 and 22.89.130, if a final determination on a completeness appeal is not made within sixty days after an appeal is filed, an application shall be deemed complete. (Ord. 3157 § 2 (part), 1993)</p> <p><b>22.89.140I Failure of appellate body to act.</b></p> <p>Failure of the appellate body to act within the time specified shall sustain the action, or the appellate determination, being appealed. (Ord. 1593 § 1 (part), 1967)</p> <p><b>22.89.150I Exhaustion of remedy.</b></p> <p>All rights of appeal are exhausted when the proceedings set forth herein have been consummated. (Ord. 1593 § 1 (part), 1967)</p> <p><b>22.89.160I Board of supervisors' action.</b></p> <p>Notwithstanding any provision of this chapter, any matter which must ultimately be decided and/or enacted by the board of supervisors shall not be subject to the right of appeal set forth herein. (Ord. 2075 § 1, 1974)</p>	<p><b>5. Tentative Map Appeals.</b> The timing for consideration of an appeal of a Tentative Map action shall be governed by the requirements of Section <u>22.84.040</u> - Tentative Map Public Hearings.</p> <p><b>C. Appeal of completeness.</b> Any person affected by a determination by the Agency staff that a permit application together with the submitted materials is not complete, may appeal the determination in compliance with State law (Government Code Section 65943.c (thirty-day review period)).</p> <p><b>D. Withdrawal of appeal.</b> After an appeal of a decision has been filed, the appeal shall not be withdrawn except with the consent of the Director.</p> <p><b>E. Judicial challenge.</b> If the decision is challenged in court, the appellant may be limited to raising only those <b>issues which were raised</b> at the public hearing, or in written correspondence delivered to the Agency, at or prior to the public hearing, in compliance with State law (Government Code Section 65009.b.2). <i>(Ord. 3491 Exh. B (part), 2008; Ord. 3451 Exh. C (part), 2006; Ord. 3380 Exh. B (part), 2003)</i></p>
<p><b>22. Appeals to the California Coastal Commission.</b> The provisions of the Interim Code and the proposed Development Code Amendments are substantially similar. In the proposed Development Code, the definition of “appealable development” is included for clarity (see 22.70.080.B.1) and the appeal deadline is modified from 5:00 pm (Interim Code) to the close of business (Proposed Development Code) to account for the possibility of modified business hours.</p>	

Interim Code Title 22I (existing)	Development Code Amendments PRD (proposed)
<p><b>22.56.080I Appeals to the California Coastal Commission.</b></p> <p>For those coastal project permits which are approved for developments defined as "appealable" under California Public Resources Code, Section 30603 (a), an appeal may be filed with the California Coastal Commission by: (1) an aggrieved party; (2) the applicant; or (3) two members of the coastal commission. Such appeals must be filed in the office of the California Coastal Commission not later than five p.m. of the tenth working day following the date of action from which the appeal is taken. In the case of an appeal by an applicant or aggrieved party, the appellant must have first pursued appeal to the county appellate body (or bodies) as established in Section 22.56.075I of this chapter to be considered an aggrieved party.</p> <p>Where two coastal commissioners bring an appeal against a project which was approved by a person or body other than the board of supervisors, the board may, at its option, elect to consider the appeal prior to any action by the coastal commission. The board of supervisors shall notify the coastal commission of its decision to consider such an appeal within twelve working days of the county's receipt of notice of an appeal by two coastal commissioners. County action on an appealable project shall not be deemed final if the board of supervisors elects to consider such appeals. The notice requirements of Section 22.56.065I shall apply to those projects the board of supervisors may elect to hear. (Ord. 2637 § 6 (part), 1981)</p>	<p><b>22.70.080 – Appeal of Coastal Permit Decision</b></p> <p><b>A. County appeal procedure.</b> (ADDRESSED IN SECTION XX ABOVE)</p> <p><b>B. Appeals to the Coastal Commission.</b> Coastal Permits may be appealed to the Coastal Commission by an aggrieved person, including the applicant, or two members of the Coastal Commission, as follows:</p> <p><b>1. Appealable Development.</b> For purposes of appeal to the Coastal Commission, appealable development includes the following:</p> <ul style="list-style-type: none"> <li><b>(a)</b> Development approved between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance;</li> <li><b>(b)</b> Development approved, not included in paragraph a., that is located on tidelands, submerged lands, public trust lands, within 100 feet of any coastal wetland, estuary, or coastal stream, or within 300 feet of the top of the seaward face of any coastal bluff;</li> <li><b>(c)</b> Development approved that is not designated as the Principal Permitted Use (PP) by Tables 5-1, 5-2, or 5-3 in Chapter 22.62 – Coastal Zoning Districts and Allowable Land Uses; and</li> <li><b>(d)</b> Any development which constitutes a major public works</li> </ul>

Interim Code Title 22I (existing)	Development Code Amendments PRD (proposed)
	<p><b>project or a major energy facility.</b></p> <p><b>2. Filing.</b> Appeals must be filed in the office of the Coastal Commission prior to the <b>close of business on the 10th working day</b> after the action that is the subject of the appeal. In the case of an appeal by an applicant or other aggrieved person, the appellant must exhaust all appeals to the County in compliance with Subsection A above (County Appeal Procedure) to be considered an aggrieved person, unless the County charges an appeal fee.</p> <p><b>3. Appeal by Coastal Commissioners.</b> When two Coastal Commissioners bring an appeal against a project that was approved by other than the Board of Supervisors, the Board of Supervisors may elect to consider the appeal before any action by the Coastal Commission. The Board of Supervisors shall notify the Coastal Commission of its decision to consider an appeal within 12 days of the County's receipt of notice of an appeal by two Coastal Commissioners. County action on an appealable project shall not be deemed final if the Board elects to consider the appeal. Notice and hearing on these appeals by the Board of Supervisors shall comply with Chapter 22.114 – Appeals.</p>
<p><b>23. Projects requiring a Coastal Development Permit from the California Coastal Commission.</b> The provisions of the Interim Code and the proposed Development Code Amendments are substantially similar, although provisions of the Interim Code have been divided into subsections (A through D) for clarity.</p>	

Interim Code Title 22I (existing)	Development Code Amendments PRD (proposed)
<p><b>22.56.090I Projects requiring a coastal development permit from the California Coastal Commission.</b></p> <p>Notwithstanding other permit and appeal provisions of this chapter, development proposals which are located on lands identified as tidelands, submerged lands or public trust lands shall, pursuant to the requirements of California Public Resources Code Section 30519 (b), require a coastal permit from the California Coastal Commission. Determination of jurisdiction shall be based upon maps and other descriptive information identifying such lands, which the county, the California Coastal Commission and/or State Lands Commission may supply. Applicants whose land is seaward of the line of Coastal Commission original jurisdiction shall apply to the Coastal Commission for coastal development permits. Before issuing a coastal permit, the Commission will refer the application to the State Lands Commission for a determination whether a State Lands Commission permit or lease is required for the proposed development and whether the State Lands Commission finds it appropriate to exercise the easement over that property. The Coastal Commission shall also refer the application to the county of Marin for review and comment. County designation of land use on public trust lands shall be advisory only. Applicants whose land is landward of the line of Coastal Commission jurisdiction shall apply to the county of Marin for a coastal project permit in accordance with this chapter. (Ord. 2703 § 5, 1982: Ord. 2637 § 6 (part), 1951)</p>	<p><b>22.68.080 – Projects Requiring a Coastal Commission Permit</b></p> <p><b>A. Coastal Commission approval required.</b> Development or new land uses proposed on tidelands, submerged lands, public trust lands, or otherwise located seaward of the line of Coastal Commission jurisdiction, shall require a Coastal Permit from the Coastal Commission in compliance with Public Resources Code Section 30519(b).</p> <p><b>B. Determination of jurisdiction.</b> The determination of jurisdiction shall be based upon maps and other descriptive information that the County, Coastal Commission and/or State Lands Commission may supply.</p> <p><b>C. Referral.</b> Before issuing a Coastal Permit, the Coastal Commission will refer the application to the State Lands Commission for a determination whether a State Lands Commission permit or lease is required for the proposed development, and whether the State Lands Commission finds it appropriate to exercise the easement over that property. The Coastal Commission shall also refer the application to the County for review and comment.</p> <p><b>D. County land use designations and zoning districts.</b> County land use designations and zoning districts on public trust lands and federal lands shall be advisory only</p>

Interim Code Title 22I (existing)	Development Code Amendments PRD (proposed)
<p><b>24. Findings for Approval of a Coastal Permit.</b> The Interim Code provisions for Coastal Permit Findings have been significantly expanded to include a specific consistency finding for each policy area contained in the Land Use Plan.</p>	
<p><b>22.56.095I Findings.</b></p> <p>A coastal project permit shall be approved only upon findings of fact establishing that the project conforms to the requirements and objectives of the local coastal program. Said findings shall reference applicable policies of the local coastal program where necessary or appropriate. Where the project is located between the nearest public road and the sea or the shoreline of Bolinas Lagoon, the findings shall include a determination of the project's conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Section 30200 of the Public Resources Code). For projects involving demolitions, the findings shall explicitly establish the projects's conformance with the LCP policies and the requirements established by Section 22.56.130I. (Ord. 2637 § 6 (part), 1981)</p>	<p><b>22.70.070 – Required Findings</b></p> <p><b>Findings.</b> The applicable review authority shall approve a Coastal Permit only when it first makes the findings below in addition to any findings required by this Article. Findings of fact establishing that the project conforms to the requirements and objectives of the Marin County Local Coastal Program shall be made as enumerated below. The findings shall reference applicable policies of the Marin County Local Coastal Program where necessary or appropriate.</p> <p><b>A. Coastal Access.</b> The proposed project is consistent with the applicable policies contained in the Public Access section of the Marin County Local Coastal Program and the specific standards contained in Section 22.64.180 (Public Coastal Access). Where the project is located between the nearest public road and the sea the findings shall include a determination of the project's conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act (commencing with Section 30200 of the Public Resources Code).</p> <p><b>B. Biological Resources.</b> The proposed project is consistent with the applicable policies contained in the Biological Resources section of the Marin County Local Coastal Program and the specific standards contained in Section 22.64.050 (Biological Resources).</p> <p><b>C. Environmental Hazards.</b> The proposed project is consistent with</p>

Interim Code Title 22I (existing)	Development Code Amendments PRD (proposed)
	<p>the applicable policies contained in the Environmental Hazards section of the Marin County Local Coastal Program, including that new development during its economic life (100 years) is safe from and does not contribute to geologic or other hazards, and the specific standards contained in Section 22.64.060 (Coastal Zone Environmental Hazards Standards).</p> <p><b>D. Agriculture and Mariculture.</b> The proposed project is consistent with the applicable policies contained in the Agriculture and Mariculture section of the Marin County Local Coastal Program and the specific agricultural and maricultural land use standards contained in Chapter 22.32.</p> <p><b>E. Water Resources.</b> The proposed project is consistent with the applicable policies contained in the Water Resources section of the Marin County Local Coastal Program and the specific standards contained in Section 22.64.080 (Water Resources).</p> <p><b>F. Community Design.</b> The proposed project is consistent with the applicable policies contained in the Community Design section of the Marin County Local Coastal Program and the specific standards contained in Section 22.64.100 (Community Design).</p> <p><b>G. Community Development.</b> The proposed project is consistent with the applicable policies contained in the Community Development section of the Marin County Local Coastal Program and the specific standards contained in Section 22.64.110 (Community Development).</p> <p><b>H. Energy.</b> The proposed project is consistent with the applicable</p>

Interim Code Title 22I (existing)	Development Code Amendments PRD (proposed)
	<p>policies contained in the Energy section of the Marin County Local Coastal Program and the specific standards contained in Section 22.64.120 (Energy).</p> <p><b>I. Housing.</b> The proposed project is consistent with the applicable policies contained in the Housing section of the Marin County Local Coastal Program and the specific standards contained in Section 22.64.130 (Housing).</p> <p><b>J. Public Facilities and Services.</b> The proposed project is consistent with the applicable policies contained in the Public Facilities and Services section of the Marin County Local Coastal Program and the specific standards contained in Section 22.64.140 (Public Facilities and Services).</p> <p><b>K. Transportation.</b> The proposed project is consistent with the applicable policies contained in the Transportation section of the Marin County Local Coastal Program and the specific standards contained in Section 22.64.150 (Transportation).</p> <p><b>L. Historical and Archaeological Resources.</b> The proposed project is consistent with the applicable policies contained in the Historical and Archaeological Resources section of the Marin County Local Coastal Program and the specific standards contained in Section 22.64.160 (Historical and Archaeological Resources).</p> <p><b>M. Parks, Recreation, and Visitor-Serving Uses.</b> The proposed project is consistent with the applicable policies contained in the Parks, Recreation, and Visitor-Serving Uses section of the Marin County Local Coastal Program and the specific standards contained in</p>



Interim Code Title 22I (existing)	Development Code Amendments PRD (proposed)
	Section 22.64.170 (Parks, Recreation, and Visitor-Serving Uses).
<p><b>25. Notice of Final Action on a Coastal Permit.</b> The provisions of the Interim Code and the proposed Development Code Amendments are substantially similar, with the exception that the deadline for Coastal Commission notification of a final County decision has been changed from seven to ten calendar days for internal consistency with other County notification provisions.</p>	
<p><b>22.56.100I Notice of Final Action.</b></p> <p>Within <b>seven calendar days</b> of a final county decision on an application for a coastal project permit, the planning director shall provide notice of the action by first class mail to the California Coastal Commission and to any persons who specifically requested such notice and provided a self-addressed, stamped envelope or other designated fee covering mailing costs. Such notice shall include conditions of approval, written findings and the procedures for appeal of the county decision to the California Coastal Commission (Ord. 2637 § 6 (part), 1981)</p>	<p><b>22.70.090 – Notice of Final Action</b></p> <p>Within <b>10 calendar days</b> of a final County decision on an application for a Coastal Permit, the Director shall provide notice of the action by First Class mail to the Coastal Commission, and to any persons who specifically requested notice and provided a self-addressed stamped envelope or other designated fee covering mailing costs. The notice shall include conditions of approval, written findings and the procedures for appeal of the County decision to the Coastal Commission.</p>
<p><b>26. Failure to Act Within Time Limits.</b> The provisions of the Interim Code and the proposed Development Code Amendments are substantially identical with updated section number references.</p>	
<p><b>22.56.105I Failure to act--Notice.</b></p>	<p><b>22.70.100 – Notice of Failure to Act.</b></p>

Interim Code Title 22I (existing)	Development Code Amendments PRD (proposed)
<p>A. Notification by Applicant. If the county has failed to act on an application within the time limits set forth in Article 5, ("Approval of Development Permits") of Title 7, Division I, Chapter 4.5 of the Government Code, commencing with 65950, thereby approving the development by operation of law, the person claiming a right to proceed pursuant to Government Code Section 65950 et seq. shall notify, in writing, the county and the coastal commission of the claim that the development has been approved by operation of law. Such notice shall specify the application which is claimed to be approved.</p> <p>B. Notification by Local Government. Upon determination that the time limits established pursuant to Government Code Section 69550 et seq. have expired, the planning director shall, within five working days of such determination notify those persons entitled to receive notice pursuant to Section 22.56.065I that it has taken final action by operation of law pursuant to Government Code Section 65956. The appeal period for projects approved by operation of law shall begin only upon receipt of the county's notice in the office of the California Coastal Commission. (Ord. 2637 § 6 (part), 1981)</p>	<p><b>A. Notification by applicant.</b> If the County has failed to act on an application within the time limits set forth Government Code Sections 65950 et seq. (Approval of Development Permits), thereby approving the development by operation of law, the person claiming a right to proceed in compliance with Government Code Section 65950 et seq. (i.e., the applicant), shall notify the County and the Coastal Commission in writing of the claim that the development has been approved by operation of law. The notice shall specify the application which is claimed to be approved. Even if deemed approved in compliance with Government Code Section 65950, the project shall still comply with all applicable standards of this Development Code.</p> <p><b>B. Notification by County.</b> Upon a determination that the time limits established in compliance with Government Code Section 69550 et. seq. have expired, the Director shall, within five days of the determination, notify persons entitled to receive notice in compliance with Section 22.72.080 (Notice of Coastal Permits) that it has taken final action by operation of law in compliance with Government Code Section 65956. The appeal period for projects approved by operation of law shall begin only upon receipt of the County's notice in the office of the Coastal Commission.</p>
<p><b>27. Effective Date of Final Action.</b> Substantially identical with updated section number references.</p>	

Interim Code Title 22I (existing)	Development Code Amendments PRD (proposed)
<p><b>22.56.110I Effective date of final action on coastal project.</b></p> <p>A final decision of a local government on an application for an appealable development shall become effective after the ten working day period to the California Coastal Commission has expired or after the twenty-first calendar day following the final local action unless any of the following occur:</p> <ul style="list-style-type: none"> <li>A. An appeal is filed in accordance with Section 22.56.080I;</li> <li>B. The notice of final coastal project permit does not meet the requirements of Section 22.56.100I;</li> <li>C. The notice of final action is not received in the California Coastal Commission office and/or distributed to interested parties in time to allow for the ten working day appeal period within the twenty-one days after the county decision.</li> </ul> <p>Where any of the above circumstances in subsections A through C of this section occur, the coastal commission shall, within five working days of receiving notice of that circumstance, notify the local government and the applicant that the effective date of the local government action has been suspended. (Ord. 2637 § 6 (part), 1981)</p>	<p><b>22.70.110 – Effective Date of Final Action</b></p> <p>A final decision by the applicable review authority on an application for an appealable development shall become effective after the 10 working day appeal period to the Coastal Commission has expired or after the 21st calendar day following the final County action unless any of the following occur:</p> <ul style="list-style-type: none"> <li>A. An appeal is filed in compliance with Section 22.70.080 – Appeal of Coastal Permit Decision.</li> <li>B. The notice of final Coastal Permit approval does not meet the requirements of Section 22.70.090 (Notice of Final Action).</li> <li>C. The notice of final action is not received in the Coastal Commission office and/or distributed to interested parties in time to allow for the 10 working day appeal period within the 21 days after the County decision.</li> </ul> <p>Where any of the above circumstances occur, the Coastal Commission shall, within five days of receiving notice of that circumstance, notify the County and the applicant that the effective date of the County action has been suspended.</p>
<p><b>28. Amendments to coastal permits.</b> Essentially the same, with the clarification in PRD section 22.70.130 that amendments are approved “in the same manner” as a new project (i.e. starting from the lowest applicable decision level and subject to the appeal</p>	

Interim Code Title 22I (existing)	Development Code Amendments PRD (proposed)
process), without possible confusion over who was the “original approving body.”	
<p><b>22.56.115I Amendments to coastal project permits.</b></p> <p>A coastal project permit may be amended by the original approving officer or body in the same manner specified for initial approval. Amendment requests shall be subject to the appeal provisions established in Sections 22.56.075I and 22.56.080I, as applicable. (Ord. 2637 § 6 (part), 1981)</p>	<p><b>22.70.130 – Amendments to Coastal Permits</b></p> <p>A Coastal Permit may be amended in the same manner required for initial approval. Amendment requests shall be subject to the appeal provisions of Section 22.70.080 (Appeal of Coastal Permit Decision).</p>
<p><b>29. Expiration date and time extensions for Coastal Permits.</b> PRD section 22.70.120 invokes the Development Code standards of 22.56.050 for time limits and extensions which presently apply in the non-coastal portion of the County. The current two-year validity of a coastal permit, subject to extensions, is maintained, while additional detailed requirements are specified to vest the permit (22.56.050.A). PRD section 22.56.050.B provides additional detail on the filing of a request for extension, and places the burden of proof on the permittee to demonstrate why the extension should be granted.. The maximum extension of four years is the same. Hearing provisions are stated somewhat differently, but appeal provisions are the same. As with the current Title 22I sec. 22.56.120I, the maximum extension is for four years, subject to additional time if a building or other permit is issued during that period (22.56.050.B.5). PRD 22.56.050.B.3 allows the Director to make minor modifications to the approved project if it is found that there has been a change in circumstances. The substantive standard that the “project continues to be in conformance with the requirements and objectives of the Marin County Local Coastal Program” is continued (22.70.120.B), as are opportunities for appeal.</p>	
<p><b>22.56.120I Expiration date and time extensions.</b></p>	<p><b>22.70.120 – Expiration Date and Time Extensions</b></p>

Interim Code Title 22I (existing)	Development Code Amendments PRD (proposed)
<p>A coastal project permit shall expire two years from the effective date of approval. Prior to expiration of a coastal project permit approval, the applicant may apply for an extension up to a maximum period of four years from the original date of expiration. Notice of a permit extension request shall be provided as established in Section 22.56.065I. For permits originally issued following a public hearing, pursuant to Section 22.56.070I (A), the deputy zoning administrator shall hear and decide the extension request. Extensions for coastal project permits originally issued pursuant to Section 22.56.070I (B) shall be issued by the planning director. Coastal project permit extensions may be granted upon findings that the project continues to be in conformance with the requirements and objectives of the certified local coastal program. Permit extensions may be appealed as established in Section 22.56.080I. If a building permit or other permit is issued during the effective life of a coastal project permit, the expiration date of the coastal project permit shall be automatically extended to concur with the expiration date of the permit.</p> <p>(Ord. 3126 § 2, 1993; Ord. 2637 § 6 (part), 1981)</p>	<p><b>A. Time limits, vesting, extensions.</b> Coastal Permit time limits, vesting requirements, and extension provisions shall comply with Section 22.56.050 – Time Limits and Extensions.</p> <p><b>B. Findings.</b> In addition to the requirements of Section 22.56.050, Coastal Permit extensions may be granted by the Director upon a finding that the project continues to be in conformance with the requirements and objectives of the Marin County Local Coastal Program.</p> <p><b>C. Appeal.</b> Coastal Permit extensions may be appealed in compliance with Section 22.70.080 (Appeal of Coastal Permit Decision).</p> <p><b>22.56.050 - Time Limits and Extensions.</b></p> <p><b>A. Time limits, vesting.</b> Unless conditions of approval require a different time limit, any permit or entitlement not vested within two years of the effective date of approval shall expire and become void. The permit shall not be deemed <b>vested</b> until the permit holder has actually obtained a building permit or other construction permit and has substantially completed improvements in accordance with the approved permits, or has actually commenced the allowed use on the subject property, in compliance with the conditions of approval, or has recorded a parcel or final map.</p> <p><b>B. Extensions of time.</b> Upon request by the applicant, the director may extend the time for an approved permit to be vested.</p>

Interim Code Title 22I (existing)	Development Code Amendments PRD (proposed)
	<p><b>1. Filing.</b> The applicant shall file a written request for an extension of time with the agency, at least ten days prior to the expiration of the permit, together with the filing fee required by the County Fee Ordinance.</p> <p><b>2. Review of extension request.</b> The director shall determine whether the permit holder has attempted to comply with the conditions of the permit. The <b>burden of proof</b> is on the permittee to establish, with substantial evidence, that the permit should not expire. The director may instead refer the extension request to the commission for review.</p> <p><b>3. Action on extension.</b> If the director determines that the permittee has proceeded in good faith and has exercised due diligence in complying with the conditions in a timely manner, the director may extend the permit for a maximum period of four years following the original expiration date.</p> <p>When granting an extension, the director may make minor modifications to the approved project if it is found that there has been a change in the factual circumstances surrounding the original approval.</p> <p><b>4. Hearing on extension.</b> If the director finds that significant policy questions are at issue, the director may refer the application to the commission for a public hearing</p>

Interim Code Title 22I (existing)	Development Code Amendments PRD (proposed)
	<p>in compliance with <u>chapter 22.118</u> (Notices, Public Hearings and Administrative Actions).</p> <p><b>5. Coordination of expiration date among multiple permits.</b> If a building permit, or other permit, is issued during the effective life of the entitlement or development application approval, the expiration date of the entitlement or development application approval shall be automatically extended to coincide with the expiration date of the building permit or permit.</p> <p><i>(Ord. 3451 Exh. C (part), 2006; Ord. 3380 Exh. B (part), 2003)</i></p>
<p><b>30. Violations and Enforcement.</b> Development Code provisions for Violations and Enforcement were inadvertently omitted from the proposed Development Code Amendments and will be added as part of subsequent corrections.</p>	
<p><b>22.56.140 Violations and Enforcement.</b></p> <p>Any person, firm or corporation, whether as principal agent, employee or other wise, violating any of the provisions of this chapter, shall be subject to the provisions of California Public Resources Code 30800 et seq. and these regulations adopted pursuant to those provisions. The provisions of Public Resources Code 30800 et seq. and implementing regulations shall apply over other provisions of the Marin County Codes in the implementation of this chapter within the coastal zone of Marin County so covered. (Ord. 2637 § 6 (part), 1981)</p>	

Interim Code Title 22I (existing)	Development Code Amendments PRD (proposed)										
<p><b>31. Allowable uses and permit requirements.</b> The proposed change would present allowable uses and permit requirements in table form, rather than text form. The table format is utilized to be consistent with the 2003 re-organization of the rest of the Development Code, which made the Code is easier to understand and use:</p>											
<p><b>22.57.051I</b> Purpose. The purpose of this district is to allow development of single-family detached units subject to specific development requirements.</p> <p><b>22.57.022I</b> Principal Permitted Uses. The following uses are permitted in all C-R-1 districts:</p> <ol style="list-style-type: none"> <li>1. <ol style="list-style-type: none"> <li>1. One-family dwelling;</li> <li>2. Crops, tree and truck farming, nurseries and greenhouses;</li> <li>3. Home occupations;</li> <li>4. Accessory buildings;</li> <li>5. Bed and breakfast operations as defined in Section 22.02.103I, for such operations which offer or provide not more than three guest rooms.</li> </ol> </li> </ol>	<p><b>Section 22.62.070 – Coastal Residential Districts</b></p> <p>Table 5-2-a – Allowed Uses and Permit Requirements for Coastal Residential Districts (the table is included here in part only, due to space limitations; see Exhibit 1 to this Attachment for the entire Table -5-2-b, which allows comparison of uses and permit requirements among the various coastal residential districts).</p> <table border="1" data-bbox="1060 901 1864 1339"> <thead> <tr> <th data-bbox="1060 901 1596 1172">LAND USE</th> <th data-bbox="1598 901 1864 1172">PERMIT REQUIREMENTS BY DISTRICT C-R1 Single Family</th> </tr> </thead> <tbody> <tr> <td data-bbox="1060 1174 1596 1239"><b>AGRICULTURAL</b></td> <td data-bbox="1598 1174 1864 1239"></td> </tr> <tr> <td data-bbox="1060 1240 1596 1276">Agricultural accessory structures</td> <td data-bbox="1598 1240 1864 1276">P</td> </tr> <tr> <td data-bbox="1060 1278 1596 1313">Agricultural processing</td> <td data-bbox="1598 1278 1864 1313">--</td> </tr> <tr> <td data-bbox="1060 1315 1596 1339">Agricultural production</td> <td data-bbox="1598 1315 1864 1339">P</td> </tr> </tbody> </table>	LAND USE	PERMIT REQUIREMENTS BY DISTRICT C-R1 Single Family	<b>AGRICULTURAL</b>		Agricultural accessory structures	P	Agricultural processing	--	Agricultural production	P
LAND USE	PERMIT REQUIREMENTS BY DISTRICT C-R1 Single Family										
<b>AGRICULTURAL</b>											
Agricultural accessory structures	P										
Agricultural processing	--										
Agricultural production	P										



Interim Code Title 22I (existing)	Development Code Amendments PRD (proposed)	
<p><b>22.57.023I</b> Conditional Uses. The following uses are permitted in all C-R-1 districts, subject to securing a use permit in each case:</p> <ol style="list-style-type: none"> <li>1. Public parks and public playgrounds;</li> <li>2. Salesrooms or other buildings for the sale of nursery or agricultural products;</li> <li>3. Schools, libraries, museums, churches, retreats, noncommercial tennis courts and day child-care centers for seven or more children;</li> <li>4. Bed and breakfast operations as defined in Section 22.02.103I, which provide four but not more than five guest rooms.</li> </ol>	Agricultural worker housing	--
	Commercial gardening	P
	Livestock operations, grazing	—
	Livestock operations, large animals	
	Livestock operations, small animals	(5)
	Mariculture/aquaculture	--
	Plant nurseries, with on-site sales	U
	Plant nurseries, without on-site sales	P
	<b>MANUFACTURING &amp; PROCESSING USES</b>	
	Cottage industries	U
	<b>RESOURCE, OPEN SPACE USES</b>	
	Nature preserves	P
	Wind energy conversion systems (WECS), Small Roof-mounted	PP
	Wind energy conversion systems (WECS), Small Non-grid-tied Agricultural	P/U
	Wind energy conversion systems (WECS), Small Freestanding	P
	Wind energy conversion systems (WECS), Medium	P
	Wind energy conversion systems (WECS), Large	--
	<b>RECREATION, EDUCATION &amp; PUBLIC ASSEMBLY USES</b>	
	Community centers	U
	Equestrian facilities	--
Horses, donkeys, mules, ponies	P(4)	
Libraries and museums	U	

Interim Code Title 22I (existing)	Development Code Amendments PRD (proposed)	
	Private residential recreation facilities	U
	Public parks and playgrounds	U
	Public buildings	U
	Religious places of worship	U
	Schools	U
	<b>RESIDENTIAL USES</b>	
	Affordable housing	PP
	Group homes, 6 or fewer residents	P
	Group homes, 7 or more residents	U
	Guest houses	P
	Home occupations	P
	Multi-family dwellings	--
	Organizational houses	U
	Room rentals	PP
	Residential accessory uses and structures	PP
	Residential care facility, 6 or fewer individuals	P
	Residential care facility, 7 or more individuals	U
	Residential second units	PP
	Single-family dwellings	PP
	Two-family dwellings	--
	<b>RETAIL TRADE USES</b>	
	Sale of agricultural products produced on site	U
	<b>SERVICE USES</b>	
	Bed and breakfast, 3 or fewer guest rooms	P
	Bed and breakfast, 4 or 5 guest rooms	U
	Child day-care centers	U

Interim Code Title 22I (existing)	Development Code Amendments PRD (proposed)		
	Child day-care, large family day-care homes	P	
	Child day-care, small family day-care homes	P	
	Kennels and animal boarding	--	
	Public utility or safety facilities	U	
	<b>TRANSPORTATION AND COMMUNICATIONS USES</b>		
	Pipelines and utility lines	U	
	Telecommunications facilities	P/U	
		<b>KEY TO PERMIT REQUIREMENTS</b>	
<b>Symbol</b>		<b>Permit Requirements</b>	<b>Procedure is in Section:</b>
PP		Principal permit use	
P		Permitted use (2)	
U		Conditional use, Use Permit required. (2)	Chapter 22.48
--		Use not allowed (See 22.02.020E regarding uses not listed)	
	Notes:		
	(1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions).		
	(2) See Chapter 22.42 (Design Review) for separate, non-coastal permit Design Review requirements for all uses.		
	(3) See Chapter 22.44 (Master Plans and Precise Development Plans) for separate, non-coastal permit criteria and possible		

Interim Code Title 22I (existing)	Development Code Amendments PRD (proposed)
	<p>waiver or reduction to a lesser entitlement.</p> <p>(4) Permit requirement determined by Section 22.32.030 (Animal Keeping).</p> <p>(5) Permit requirement determined by Section 22.32.030 (Animal Keeping)</p> <p>Development shall also be consistent, as applicable, with Chapters 22.130 (Definitions), 22.32 (Standards for Specific Land Uses), 22.64 (Coastal Zone Development and Resource Management Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).</p>