

Marin County Planning Commission  
SPECIAL MEETING  
THURSDAY, DECEMBER 1, 2011

*ROLL CALL* The meeting was called to order by Chair Peter Theran at 10:05 a.m.

Present at Roll Call: Peter Theran; Don Dickenson; Randy Greenberg; Wade Holland.

Absent at Roll Call: Katherine Crecelius; Mark Ginalski; Joan Lubamersky.

Agenda

1. INITIAL TRANSACTIONS

a. Incorporate Staff Reports into Minutes

M/s Wade Holland - Don Dickenson to incorporate the staff report into the minutes.

Vote: Motion carried 4-0

AYES: Peter Theran; Don Dickenson; Randy Greenberg; Wade Holland.

ABSENT: Katherine Crecelius; Mark Ginalski; Joan Lubamersky.

b. Minutes

None.

c. Communications

None.

2. DIRECTOR'S REPORT

a. Preliminary Agenda Discussion Items, Field Trips

CDA Assistant Director Tom Lai briefly updated the Commission on Golden Gate Baptist Theological Seminary site visit on December 14, 2011, and public workshop on December 19, 2011.

3. OPEN TIME FOR PUBLIC EXPRESSION (LIMITED TO THREE MINUTES PER SPEAKER)

None.

4. LOCAL COASTAL PROGRAM UPDATE HEARING

Staff Report

Chair Theran opened the public hearing on the Natural Systems section of the Public Review Draft of the Local Coastal Program Amendment.

CDA staff present: Director Brian Crawford, Assistant Director Tom Lai, Principal Planners Jack Liebster and Jeremy Tejirian, Senior Planners Kristin Drumm and Christine Gimmler, Planner Veronica Corella-Pearson, and Assistant Planner Alisa Stevenson. Planning Consultant Steve Scholl also attended.

Planner Veronica Corella-Pearson presented the staff report.

The following organization representatives and members of the public spoke regarding issues and concerns, including the cost of Coastal Permits for vegetation removal in the Coastal Zone and the need for an affordable way to remove trees in the Coastal Zone; the role of the Marin Resource Conservation District in assisting producers with existing regulations and policies in Environmentally-Sensitive Habitat Areas (ESHAs); protection of non-water type ESHAs; grazing in wetlands; omission of important information in the background sections of Natural and Water Resources; wetlands, coastal streams, and riparian vegetation buffers; wildlife roosting and nesting habitat protection; threats to wildlife from industrial wind turbines; insufficient time for adequate review of information; water quality testing policy; California Coastal Commission comments; concern about public noticing in West Marin with the Marin Independent Journal no longer being delivered separately; enforcement of policies; stream monitoring; protection of existing agricultural production lands for the future; County-maintained lists of biological consultants for performing assessments; ambiguities in policies C-BIO-2 and C-BIO-25 regarding possible development; and a request to stop the LCP Amendment process:

Cela O'Connor; Woody Elliott; Nancy Scolari, Marin Resource Conservation District; Lisa Bush, UC Cooperative Extension; Bridger Mitchell, Inverness Association; Ruby Pap, California Coastal Commission; Nona Dennis, Marin Conservation League; Helen Kozoriz, West Marin/Sonoma Coastal Advocates; Scott Tye, Marin Surfrider Foundation Chapter; Amy Trainer, Environmental Action Committee of West Marin; Terence Carroll; Peter Martinelli, Marin County Farm Bureau; Barbara Salzman, Marin Audubon Society; and Beverly McIntosh.

The Commission reviewed and discussed the staff-recommended changes to the Natural Systems section of the June 2011 Public Review Draft of the Local Coastal Program, including the topics of Biological Resources, Environmental Hazards, Mariculture, and Water Resources. Their discussions focused on the Natural Systems section of the Land Use Plan, Development Code Sections 22.64.050, 22.64.060, and 22.64.080, and selected definitions from Section 22.130.030, as modified in Attachment #2 of the December 1, 2011, staff report.

The comments and direction provided by the Commission to staff will be reflected in an updated Tentative Decision Table.

The Commission also discussed tree protection in the Coastal Zone and provided general comments to staff, including that the existing County ordinance doesn't fit the Coastal Zone; a coastal-specific tree ordinance is needed; concerns about allowing removal of trees that do not meet the non-coastal protected tree standard; and having an affordable tree permit in the Coastal Zone that would not trigger a Coastal Permit. This topic will be brought back for further discussion at a later hearing.

Chair Theran thanked the public, Ruby Pap, and staff for their valuable work and input.

M/s Don Dickenson - Randy Greenberg to continue the hearing on the Local Coastal Program Amendment to Monday, January 9, 2012.

Vote: Motion carried 4-0

AYES: Peter Theran; Don Dickenson; Randy Greenberg; Wade Holland.

ABSENT: Katherine Crecelius; Mark Ginalski; Joan Lubamersky.

Mr. Crawford added that on Tuesday, December 6, 2011, the Board of Supervisors will consider a resolution that will request that ABAG adopt a housing methodology that assigns 75% of the Regional Housing Needs Assessment generated by Spheres of Influence to cities and towns within Marin, with the remaining 25% assigned to the County. Mr. Crawford answered questions from the Commission on this topic.

M/s Randy Greenberg - Don Dickenson to adjourn.

Vote: Motion carried 4-0

AYES: Peter Theran; Don Dickenson; Randy Greenberg; Wade Holland.

ABSENT: Katherine Crecelius; Mark Ginalski; Joan Lubamersky.

Chair Theran adjourned the meeting at 4:50 p.m.

The next meeting of the Planning Commission is scheduled for Monday, December 12, 2011.

#### Timestamps

00:03 - Staff Report

00:12 - Public Comment

#### Attachment #2, Staff Report

00:24 - Biological Resources

02:45 - Environmental Hazards

03:10 - Water Resources

#### Land Use Plan

03:45 - Biological Resources

04:48 - Environmental Hazards

05:06 - Water Resources

05:14 - Coastal-Specific Tree Protection

**Planning Commission Decision Table - FINAL**  
**LCP Hearing on Natural Systems**  
**December 1, 2011**  
**(Includes edits made by the PC on January 9 and 23, 2012)**

**APPROVED by Planning Commission:** January 23, 2012

The Planning Commission (PC) reviewed the Natural Systems section of the June 2011 LCP Public Review Draft (PRD) on December 1, 2011. The Natural Systems section includes the topics of Biological Resources, Environmental Hazards, Mariculture, Water Resources, and related Development Code sections. This table reflects the PC’s actions taken at the December 1 hearing, including changes to policy and development code language, as well as other direction given to staff on items requiring further research. Changes to policy and development code language suggested by staff in the 12/1/11 Staff Report and approved by the PC are shown in tracked changes format with single ~~strike-out~~ and underline, without highlighting. Additional (new) changes requested by the PC at the hearing are shown **highlighted** in double ~~strike-out~~ and double underline.

<b>Biological Resources (BIO)</b>
<p><b><u>Biological Resources: Background</u></b></p> <p>The PC approved staff’s recommended changes to the Background section for Biological Resources, and further requested the following changes:</p> <ul style="list-style-type: none"> <li>• In paragraph 8, line 7, replace “The following policies” with “The Policies in this chapter...”</li> <li>• Confirm that PRBO is still “home” to PRBO, as referenced in paragraph 10. <i>Note: according to the PRBO website as of 12/5/11, the organization’s headquarters is in Petaluma, but their Palomarin Field Station and Wetlands Center are both still located in the southern Coastal Zone of Marin.</i></li> <li>• Incorporate information about non-water resources, the Pacific Flyway, and other significant resources per comments made by Community Marin and the Marin Audubon Society in their November 30, 2011 letters.</li> <li>• Staff also intends to add references to applicable LCP maps, where appropriate in the background section. This was not discussed at the 12/1/11 hearing, but is noted here for reference.</li> </ul> <p><b>Status:</b> <i>Staff will revise and bring back to PC at future carryover hearing.</i></p>
<p><b><u>Policy C-BIO-1 - Environmentally Sensitive Habitat Areas.</u></b></p> <p>The PC approved staff’s recommended changes to Policy C-BIO-1 (tracked changes not highlighted), with the following additional modifications (highlighted tracked changes):</p> <p><b>C-BIO-1 Environmentally Sensitive Habitat Areas.</b></p> <ol style="list-style-type: none"> <li>1. <u>An <b>environmentally sensitive habitat area (ESHA)</b> means <del>is any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.</del></u></li> </ol>

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

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

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

[New policy, not in Unit I or II]

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

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

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

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

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

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

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

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

[New policy, not in Unit I or II]

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

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

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

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

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

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

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

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

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

[County Interim Zoning Code section 22.56.055]

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

**Policy C-BIO-5 - Ecological Restoration.**

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

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

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

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

**Program C-BIO-5.b ~~Expand Environmentally Sensitive Habitat Areas Allowed Development in an ESHA.~~** Encourage the expansion of environmentally sensitive habitat

~~areas by establishing criteria that would~~ allow property owners property owners to remain subject to the buffers from the pre-existing edge of the habitat area rather than from the edge of the expanded habitat area.

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

[New program, not in Unit I or II]

**Policy C-BIO-6 - Invasive Plants.**

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

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

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

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

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

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

[New policy, not in Unit I or II]

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

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

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

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

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

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

**C-BIO-11 Development Adjacent to Roosting and Nesting Habitat.** Development adjacent to wildlife nesting and roosting areas shall be set back a sufficient distance to protect against any significant disruption in nesting and roosting activities and designed to minimize avoid impacts on the habitat area. Time such development activities so that disturbance to nesting and breeding wildlife is minimized and shall, to the extent feasible, use native vegetation for landscaping.

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

[LCP I Habitat Protection policy 23, page 34]

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

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

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

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

**Policy C-BIO-13 – Biological Productivity.**

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

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

**Policy C-BIO-14 - Wetlands.**

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

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

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

(PC app. 6/28/10)

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

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

**Policy C-BIO-15 – Diking, Filling, Draining and Dredging; and**  
**Policy C-BIO-16 – Acceptable Purposes for Diking, Filling, and Dredging.**

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

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

**Policy C-BIO-18 - Spoils Disposal.**



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

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

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

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

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

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

**Policy C-BIO-19 - Wetland Buffers.**

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

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

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

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

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

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

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

b. Feasible measures are provided that will eliminate adverse environmental effects when possible, or, when elimination is not possible, will to minimize and reduce adverse environmental effects to less than significant levels; and

c. Any significant disruption of the habitat values of the resource is avoided.

2. The wetland is part of a sewage treatment pond. The wetland was artificially created for the treatment and or storage of wastewater, or domestic water.

4. The wetland was created as a flood control facility, or as an element of a stormwater control plan, or as a requirement of a National Pollutant Discharge Elimination System (NPDES) Permit, and the Coastal Permit for the development incorporates an ongoing repair and maintenance plan to assure the continuing effectiveness of the facility or stormwater control plan.

~~5. The wet area wetland is a drainage ditch, defined as a narrow, human made, non tidal ditch excavated from dry land.~~

~~6. The particular agricultural pond or reservoir that is not defined as a wetland by the LCP.~~

65. The project conforms to one of the purposes identified in policy C-BIO-14 or C-BIO-16.

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

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

#### **Policy C-BIO-21 - Wetland Impact Mitigation.**

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

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

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

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

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

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

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

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

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

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

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

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

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

**Policy C-BIO-27 – Federal Projects.**

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

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

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

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

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

**Section 22.64.050 – Biological Resources**

**Section 22.64.050.A**

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

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

**Section 22.64.050.B.1 and -B.12**

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

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

**Section 22.64.050.B.3**

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

**22.64.050...**

**B. Biological Resource standards...**

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

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

**Section 22.130.030 – DEFINITIONS**

**“Marine Environment (coastal)”**

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

**“Significant Disruption (coastal)”**

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

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

**“Wetland (coastal)”**

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

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

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

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

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

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

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

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

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

## Environmental Hazards (EH)

### **Environmental Hazards: Background**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Status:** Staff will delete program from draft LCP.

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

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

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

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



caused by the project;

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

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

### **Section 22.64.060 – Environmental Hazards**

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

- Technical edit in Section 22.64.060.A.3: change "fluff" to "bluff" in the last line.
- Incorporate the following changes to Section 22.64.060.B.4 based on suggestions from the CCC, and confirm that "residential additions" is all-inclusive of the existing development in the area. If not, then revise as appropriate.
  - **Dev. Code Sec. 22.64.060. . .**
  - **B. Environmental Hazard standards...**
  - **4. Bolinas Bluff Erosion Zone setback exceptions and waivers.** Within established Bluff Erosion Zones on the Bolinas Mesa, no new construction shall be permitted on vacant lots, new and replacement construction and Residential additions amounting to no greater than 10 percent of the internal existing floor area of an existing structure or 120 square feet, (whichever is greater), may be permitted on a one-time basis, per Land Use Policy C-EH-8 and C-EH-9. These limitations may be waived on a case by case basis per Land Use Policy C-EH-10 the Bolinas Gridded Mesa Plan.
- Add a new item to Section 22.64.060.B as follows to implement Policy C-EH-17:
  - "The eCreation of new parcels abutting coastal waters. Creation of new parcels on lands abutting the ocean, bays, lagoons, or other coastal water bodies shall be prohibited unless the new parcel can be developed with structures that will not require a shoreline protective device during their economic life."

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

## Mariculture (MAR)

### **Policy C-MAR-2 – Mariculture in Parks.**

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

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

## Water Resources (WR)

### **Water Resources: Background**

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

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

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

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

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

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

Typical measures shall include:

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

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

### **Policy C-WR-3 – Storm Water Runoff.**

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

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

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

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

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

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

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

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

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

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

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

**Status:** Staff will delete program from draft LCP.

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

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

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

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

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

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

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

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

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

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

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

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

Specific exclusions from the above requirements are:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Section 22.64.080 – Water Resources**

**Section 22.64.080.A.1**

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

**Section 22.64.080**

**A. Application requirements.**

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

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

a. Hydrograph modification management controls designed such that post-project stormwater discharge rates and durations match pre-project discharge rates and durations from 20 percent of the pre-project 2-year peak flow up to the pre-project 10-year peak flow, or;

b. Provide an alternative analysis that includes a completed screening checklist that evaluates the project's potential to accelerate downstream erosion or affect beneficial uses downstream, an analysis of the effects based on the results of the screening tool, and a description of the management measures that will be implemented in order to prevent downstream erosion and downstream impacts to beneficial uses.

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

**Section 22.64.080.A.3**

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

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

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

### **Section 22.64.080.A.7**

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

#### **Section 22.64.080...**

##### **A. Application Requirements...**

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

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

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



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

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

**Section 22.64.080.B.4**

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

**Status:** Staff will delete section from draft LCP.

**Section 22.64.080.B.7**

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

**Status:** Staff will add new section to draft LCP.

**Section 22.140.030 – Definitions**

**“Economic Life (coastal)”**

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

**“Existing Structure (coastal)”**

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

**“Height, Structure (coastal)”**

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

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

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

**“Low Impact Development (LID)”**

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

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