

COMMUNITY DEVELOPMENT AGENCY

December 4, 2018

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SUBJECT: Consideration of Revised Local Coastal Program Amendments 3 and 7.

Dear Members of the Board:

RECOMMENDATION:

Conduct a public hearing to consider approving two separate Local Coastal Program Amendments, 3 and 7, with proposed revisions to a limited number of specific Suggested Modifications previously approved by the California Coastal Commission (Coastal Commission) on November 2, 2016. The proposed revisions, shown in Attachment 2 of this report, are intended to resolve a relatively small set of issues that caused the Board to defer accepting all of the Coastal Commission Modifications to LCP Amendments 3 and 7 at the Board's hearing of April 24, 2018. Staff recommends the Board consider approving the proposed revisions to Amendments 3 and 7 located in Attachment 2 and consider directing staff to resubmit the revised Amendments to the Coastal Commission for certification. Staff also recommend the Board authorize a technical map change consistent with the previously certified "Moonrise Kingdom" map Amendment. The revised Amendments are:

Amendment 3: Sections of the Implementation Plan Amendment for the Land Use Plan Agriculture Chapter

Amendment 7: All remaining Chapters and Sections of the Implementation Plan with exception of the Environmental Hazards chapter.

Technical Map Amendments consistent with "Moonrise Kingdom" certified Amendment.

BACKGROUND

The Local Coastal Program (LCP) has two components, the Land Use Plan and the Implementation Plan. The Land Use Plan contains a description of the conditions and issues which exist in Marin County's Coastal Zone and presents land use and development policies designed to fulfill the intent of the Coastal Act at the local level. The Implementation Plan consists of specific development standards, zoning requirements and maps that apply to

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development projects, and detailed procedures for applicants to follow to obtain a coastal permit and for the County to process such permits. The Coastal Act requires that an Implementation Plan be fully consistent with and adequate to carry out the certified coastal Land Use Plan.

The County's LCP was originally certified in 1982. In view of changed conditions, and new issues (such as sea level rise) that have come about since then, the Board undertook a process of developing LCP Amendments to address those issues and to provide for more efficient and effective management of coastal resources.

The Board of Supervisors adopted a full set of proposed Amendments to the existing LCP in July 2013 and has subsequently sought certification of those Amendments by the Coastal Commission.

On November 2, 2016 the Coastal Commission approved Marin County's Local Coastal Program (LCP) Amendments Number 1, 2, 3, 6 and 7 with Modifications (LCP-2-MAR-15-0029-1). In view of substantial public testimony, the Coastal Commission continued Amendments 4 and 5 related to Environmental Hazards to a date uncertain. These Amendments were subsequently withdrawn from consideration because the Coastal Commission and County staff agreed that further work on revised Environmental Hazards provisions would extend beyond the September 2017 action deadline imposed by the LCP processing regulations.

Since the November 2016 Coastal Commission hearing, Coastal Commission and County staffs continued to work closely to clarify the meaning and intent of some of the Modifications and to discuss the willingness of Coastal Commission staff to support possible revisions through future Amendments. Following these discussions, staff prepared revisions to Amendments 3 and 7.

On April 24, 2018, the Board of Supervisors approved County staff's recommendation to accept the Commission's Suggested Modifications to Amendments 1 and 2. These Amendments make up most of the Land Use Plan except for the Environmental Hazards chapter previously deferred by the Coastal Commission.

The Board also accepted Amendment 6, *Coastal Permitting and Administration*, as modified by the Coastal Commission. Amendments 1, 2 and 6 address the following subjects:

Amendment 1: All Chapters of the Land Use Plan Amendments, except for the Agriculture and Environmental Hazards chapters

Amendment 2: The Agriculture Chapter of the Land Use Plan

Amendment 6: Coastal Permitting and Administration sections of the Implementation Plan (Chapters 22.68 and 22.70)

On May 2, 2018, Marin County transmitted its acceptance of Coastal Commission modifications to Amendments 1, 2, and 6 to the Coastal Commission Executive Director.

On June 6, 2018, the Coastal Commission concurred with the Executive Director's determination that the action of the Marin County Board of Supervisor's accepting the Coastal Commission's certification of Amendments 1, 2, and 6 of the Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1 is legally adequate.

With the certification of Amendments 1 and 2, all of the Land Use Plan, except for the deferred Environmental Hazards policies, has been completed and certified.

The Board's April 24, 2018 action also followed staff's recommendation to pursue revisions to specific provisions in Amendment 3, Implementation Plan for Agriculture policies, and Amendment 7 (other various Implementation Plan provisions), due in large part to the lack of clarity regarding the meaning and intent of some Suggested Modifications approved by the Coastal Commission or findings the Commission approved to support their decision.. Unfortunately, Coastal Act procedures do not allow separating these important issues from the rest of the content of Amendments 3 and 7, requiring the Amendments in their entirety to be held over to address a relatively small set of issues with Coastal Commission staff. This approach also enabled County staff to seek additional public input regarding a mixed use policy affecting coastal village areas of C-PK-3/ Section 22.64.170(B)(3) *Mixed Uses in the Coastal Village Commercial/Residential Zone*, including meetings with the Point Reyes Village Association, Bolinas Community Public Utility District, East Shore Planning Group, Tomales Design Review Board and representatives of the Stinson Beach Village Association, as well as the October hearing before the Planning Commission. The intent of deferring the County's acceptance of Amendments 3 and 7 was to develop refined language that meets both the County's objectives in accounting for local policy and conditions, and the requirements of the Coastal Act. The revised Amendment text in Attachment 2 reflects the results of those discussions. Copies of the complete LCP Amendments are posted

on the www.MarinLCP website on the LCP Amendment page under the Dec. 4, 2018 Board Meeting date.

At its October 11, 2018 public hearing the Planning Commission discussed these recommended revisions to the Amendments. After a staff presentation, public comment, and discussion among Planning Commissioners, the Planning Commission provided comments on the revised Local Coastal Program Amendments to the Board of Supervisors, with the suggestion that the Board clarify the definition of “ongoing agriculture” by stating that the CDA Director would use “reasonable discretion” when determining whether an agricultural activity would have significant impacts to coastal resources. The motion also included the Commission’s strong support of the original intention of the Coastal Act to preserve agriculture and the character of existing coastal communities in addition to protecting coastal resources.

In Attachment 2 presenting the revised text for Amendments 3 and 7, the base text is the wording of the Suggested Modifications adopted by the Coastal Commission on November 2, 2016. The proposed changes are indicated by ~~cross-out~~ and underline. Staff recommends that, with the revisions proposed in Attachment 2, the balance of Amendments 3 and 7 should be approved and submitted to the Coastal Commission for certification.

County staff wishes to acknowledge the time, effort and consideration extended by the Coastal Commission staff over the past several months to work with County staff toward resolution for each of the issues identified below, and in particular their letter of support for the County staff recommended action proposed herein (Attachment 3).

TECHNICAL AMENDMENT TO THE LAND USE AND ZONING MAPS

Staff recommends the Board include a technical correction to the submitted LCP maps in its action. The LCP Land Use and Zoning Maps that are part of the current set of Amendments were submitted to the Coastal Commission prior to the separate consideration of the “Moonrise Kingdom” Redesignation Amendment (LCP-2-MAR-18-0027-1), which was certified by the Coastal Commission on July 12, 2018. Because that action technically amended the current LCP maps, staff is requesting the Boards authorization to update the LCP map that was submitted to the Coastal Commission as part of the current Amendments to reflect the “Moonrise Kingdom” Redesignation as shown in Attachment 6.

ENVIRONMENTAL REVIEW

Public Resources Code Sections 21080.5 and 21080.9 exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. The Coastal Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Coastal Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Coastal Commission is required in an LCP submittal or, as in this case, an LCP amendment submittal, to find that the LCP, as amended, does conform with CEQA provisions. The amendment does not propose any change in land use or any change in the allowable use of property within the Coastal Zone, or have any potential to impact, either individually or cumulatively, coastal resources. Therefore, the proposed amendment is consistent with Chapter 3 of the Coastal Act. Further, approval of the LCP amendment would not result in any significant adverse environmental impacts under the meaning of the California Environmental Quality Act.

PUBLIC NOTICE

The Community Development Agency has published the required public notice of the Board hearing, notified the interested parties mailing list by email, and provided public notice to all property owners within 300 feet of the C-VCR zoning district.

RECOMMENDATION

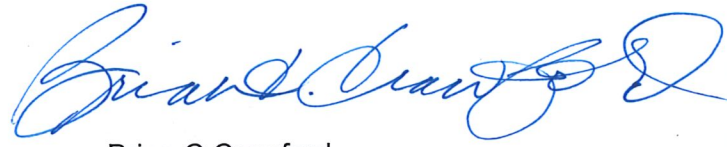
Staff recommends your Board review the administrative record, conduct a public hearing, consider approving the Resolution in Attachment 1 along with the proposed revisions to Amendments 3 and 4 in Attachment 2, and direct staff to resubmit the revised Amendments to the Coastal Commission for certification.

REVIEWED BY: (These boxes must be checked)

- | | |
|--|---|
| <input type="checkbox"/> Department of Finance | <input checked="" type="checkbox"/> N/A |
| <input checked="" type="checkbox"/> County Counsel | <input type="checkbox"/> N/A |
| <input type="checkbox"/> Human Resources | <input checked="" type="checkbox"/> N/A |

SIGNATURE:

Jack Liebster
Planning Manager



Brian C Crawford
Director

Attachments and Links:

Please Note: In the interest of conserving resources the following documents are available online at the LCP website at the link - www.MarinLCP.org.

To request hard copies of this material, please contact Kristin Drumm at the Marin County Community Development Agency (KDrumm@marincounty.org).

1. Resolution Submitting Marin Co. Revised LCP Amendments #3 and #7 to the Coastal Commission for certification
2. Staff Analysis of Revisions to the LCP Amendments
3. Maps showing Proposed locations of the Village Commercial Core Area
4. Letter from the California Coastal Commission, dated May 9, 2017
5. Proposed Amendments to Section 22.62.080, Tables 5-3-c, 5-3-d, 5-3-e and 5-3-f.
6. Maps showing certified Moonrise Kingdom Redesignation
7. Marin County IP Amendment #3: IPA for the LUP Agriculture Chapter
8. Marin County IP Amendment #7: Remaining non-hazard IPA sections
9. California Coastal Commission email, dated Oct. 9, 2018

Previous LCP documents are also available on www.MarinLCP.org "Plans and Documents" page.