



MARIN COUNTY LOCAL COASTAL PROGRAM AMENDMENTS OVERVIEW:
LAND USE CHANGES

At their meeting of July 13, 2021, the Board of Supervisors activated the updated portions of the County's Local Coastal Program (LCP) Amendments, effective August 12, 2021. The updated LCP includes new and improved policies and regulations that implement the Coastal Act and is available at: <https://www.marincounty.org/depts/cd/divisions/planning/local-coastal-program>.

The following sections highlight some of the new Land Use requirements and changes.

AGRICULTURE

- A new land use (Agricultural Homestay) is allowed in the C-ARP and C-APZ zoning districts for up to 5 guest rooms and 15 guests, subject to Coastal Permit (and Use Permit under certain circumstances) approval. Standards associated with this use are outlined in Section 22.32.023 of the Local Coastal Program Implementation Plan (IP).
- An Agricultural Dwelling Cluster, consisting of a farmhouse or a combination of one farmhouse and up to two intergenerational homes that do not exceed a combined total floor area of 7,000 square feet, is now permitted on properties zoned C-APZ. Intergenerational homes, permitted in the C-APZ land use designation and zoning district, are a type of agricultural dwelling unit allowed subject to certain criteria, and which may only be occupied by occupants authorized by the farm owner or operator actively and directly engaged in agricultural use of the property. See Sections 22.32.02x and 22.32.025.
- Agricultural Processing and Retail Sales are principally permitted in the C-APZ zoning district, subject to compliance with the development standards outlined in Sections 22.32.026 and 22.32.027. Agricultural products may be processed and/or sold within a farmshed, defined as the same farm as the proposed processing facility or on other agricultural properties located in Marin County or Sonoma County. Agricultural processing facilities shall not exceed 5,000 square feet, and retail buildings or structures shall not exceed 500 square feet. Additional sizes may be allowed, subject to Use Permit approval.
- Ongoing agriculture does not require Coastal Permit. However, expanding an existing use may require a Coastal Permit.
- Educational tours in the C-APZ and C-OA zoning districts are a principally permitted use if no revenue is generated in excess of reimbursement costs related to the educational tour. For profit educational tours are permitted in all agricultural zoning districts but may require Use Permit and Coastal Permit approval, appealable to the Coastal Commission as outlined in Section 22.32.060.

ENVIRONMENTAL RESOURCES

Environmentally Sensitive Habitat Areas (ESHA) are defined and applied consistent with the Coastal Act to protect rare, valuable, and important habitat types, such as streams, wetlands, dunes, etc.

- A site assessment shall be submitted for those Coastal Permit applications where there are potentially ESHAs within 100 feet of any portion of the proposed development, as outlined in Section 22.64.050.

If an ESHA is present, buffers shall be provided in accordance with the LCP Land Use Plan (LUP) policies of C-BIO-3 (ESHA Buffers), C-BIO-18 (Wetland Buffers), or C-BIO-23 (Coastal Streams and Riparian Vegetation), as necessary to ensure the biological integrity and preservation of the ESHA.

- New LCP policies and standards allow for ESHA buffers to be reduced, and permit encroachments into certain buffer areas, based on specific site constraints and assessments as outlined in Section 22.64.050.
- The removal or harvesting of major vegetation requires a Coastal Permit. Under the previous LCP, "major vegetation" was not well defined. However, the updated LCP defines this term as any vegetation that is a sensitive species, defined as (1) species listed by the state or federal government as threatened, endangered, or as a species of special concern, (2) areas located on a beach or sand dune, within fifty feet of the edge of a coastal bluff, in an environmentally sensitive habitat area (ESHA) or its buffer, or (3) heritage trees or vegetation that is visually prominent and/or a significant part of the public viewshed.

PROCEDURAL AND COMMUNITY ISSUES

- Requirements for compliance with the Countywide Plan and Community Plans (e.g. Master Plan, Design Review) are distinguished from the requirements for a Coastal Permit under the updated LCP. For example, whereas under the prior LCP, a Coastal Permit was required where the development triggers a County permit such as Design Review, under the new LCP, the Coastal Permit would be required only if the development is not exempt from a Coastal Permit.
- The updated LCP is better aligned with the Coastal Act and regulations but allowing additions to existing residences to qualify for an exemption, where the prior LCP limited additions not exceeding 10% of the internal floor area. See Section 22.68.050.A.1.
- Within the mapped village commercial core area of the C-VCR zone, commercial shall be the principal permitted use and residential shall be a permitted use. In this core area, residential uses shall be limited to: (a) the upper floors, and/or (b) the lower floors if not located on the road-facing side of the property within the commercial core area.
- A Coastal Permit is now required for Temporary Events that are held between Memorial Day and Labor Day, are on all or a portion of a sandy beach, would charge general public admissions. However, the Planning Director (or the Coastal Commission's Executive Director if the Planning Director's determination is challenged) may determine that a temporary event shall require a Coastal Permit if the event may adversely impact coastal resources. Examples

of unique circumstances that could require a Coastal Permit are described in Section 22.68.050.A.10.

- Subdivisions, Lot Line Adjustments, and Mergers will often require Coastal Permit approval, unless they are exempt, excluded, or qualify for a waiver.
- Previously, Coastal Permit approvals must be vested within two years of project approval. Now, Coastal Permits not vested within three years of the date of approval shall expire and become void, as outlined in Section 22.70.120.

Should you have any questions about these changes, or questions for a particular property, please contact the Marin County Planning Department at 415.473.6269 or by email at cdaplaning@marincounty.org.