

A RESOLUTION OF THE BOARD OF SUPERVISORS OF
THE COUNTY OF MARIN ACCEPTING AND AGREEING
TO THE CALIFORNIA COASTAL COMMISSION'S CONDI-
TIONS OF APPROVAL FOR CATEGORICAL EXCLUSIONS
IN THE COASTAL ZONE OF MARIN COUNTY

WHEREAS, the County of Marin has a certified Land Use Plan for the Coastal Zone of Marin County, and

WHEREAS, the County has assumed permit authority in the Coastal Zone of Marin County, and

WHEREAS, through the administration of the Coastal Permit process the County has determined that minor additions to single family dwellings generally have no potential for any significant, adverse effect, either individually or cumulatively, on coastal resources or on public access to, or along the coast, and

WHEREAS, the limitations on sewer capacity in the Ocean Marin Subdivision, as stated in Policy 3(e), page 191 for the Unit II LCP, have been addressed by the expansion of the North Marin County Water District's Community sewer system, and

WHEREAS, the Marin County Board of Supervisors did adopt Resolution 82-415 requesting the California Coastal Commission to approve a Categorical Exclusion Order for such development, and

WHEREAS, at the request of the County of Marin, the California Coastal Commission did adopt Categorical Exclusion Order No. E-82-6, and

WHEREAS, Categorical Exclusion Order No. E-82-6, as adopted on March 11, 1983, sets forth the conditions whereby specific developments are excluded from the permit requirements of the California Coastal Act of 1976.

NOW, THEREFORE, BE IT RESOLVED that the Marin County Board of Supervisors does hereby acknowledge receipt of Categorical Exclusion Order No. E-82-6, including conditions of approval, and accepts and agrees to the terms and conditions to which the categorical exclusions have been made subject.

PASSED AND ADOPTED by the Marin County Board of Supervisors at its regular meeting held on the 15th day of March, 1983, by the following vote, to wit:

AYES: Supervisors: Stockwell, Aramburu, Roumiguere

NOES: Supervisors: None

ABSENT: Supervisors: Giacomini, Brown

Bob Roumiguere

CHAIRMAN OF THE BOARD OF SUPERVISORS
COUNTY OF MARIN

ATTEST:

Van Gillespie

CALIFORNIA COASTAL COMMISSION
631 Howard Street, San Francisco 94105 — (415) 543-8555

CATEGORICAL EXCLUSION ORDER E-82-6

Marin County

The Commission by a two-thirds vote of its appointed members hereby adopts an order, pursuant to Public Resources Code Section 30610(e) and 30610.5(b), categorically excluding from the permit requirements of the California Coastal Act of 1976 the categories of development within the specifically defined geographic area described below:

I. BACKGROUND

Section 30610 of the Coastal Act allows the State Commission to adopt a Categorical Exclusion for a specific type of development within a defined geographic area.

Section 30610(e) states:

"Any category of development, or any category of development within a specifically defined geographic area, that the Commission, after public hearing, and by two-thirds vote of its appointed members, has described or identified and with respect to which the Commission has found that there is no potential for any significant adverse effect, either individually or cumulatively, on coastal resources or on public access to, or along, the coast and, where such exclusion precedes certification of the applicable local coastal program, that such exclusion will not impair the ability of local government to prepare a local coastal program."

Public Resources code Section 30610.5(b) additionally requires that the following findings and provisions must be made.

Section 30610.5(b) states in part:

"Every exclusion granted...shall be subject to terms and conditions to assure that no significant change in density, height, or nature of uses will occur without further proceedings under this division and an order granting an exclusion under Subdivision (e) of Section 30610...may be revoked at any time by the Commission if the conditions of the exclusion are violated..."

The County of Marin seeks the exclusion from coastal permit requirements of the categories of development described below. The geographic area for category A is the entire coastal zone, with exceptions as provided by Coastal Act Section

30610.5(b), and for Category B, the Oceana Marin Subdivision as shown in Exhibit 1.

II. CATEGORIES OF DEVELOPMENT, GEOGRAPHIC AREAS, AND CONDITIONS

A. Category of Development

Additions to existing single-family dwellings which would result in an increase of no more than 50% of the floor area of the dwelling before the addition or 1,000 square feet, whichever is less.

Geographic Area of Exclusion

The entire coastal zone, except: tide and submerged lands, beaches, and lots immediately adjacent to the inland extent of any beach, or of the mean high tide line of the sea where there is no beach, and all lands and waters subject to the public trust.

Condition

- 1) Additions shall meet all zoning and development standards of the Marin County Code, including but not limited to the provisions of the Historic Zoning Ordinance.

B. Category of Development

Single-family dwellings in Oceana Marin Subdivision in Dillon Beach.

Geographic Area of Exclusion

Existing parcels in the Oceana Marin subdivision as shown in Exhibit 1.

Conditions

- 1) The exclusion shall apply only to vacant legal lots of record existing on the date of adoption of this exclusion order.
- 2) The applicant shall submit an engineered foundation and site-specific development recommendation prepared by a licensed soils engineer.
These recommendations shall demonstrate that the soils and geologic character of the site can support grading and construction without causing undue hazards to the site or to adjacent sites. The plan shall also include specific provisions for drainage and continuity of the natural landform.
- 3) The project shall have design approval from the Bodega Bay Preserve Design Committee.
- 4) The North Marin County Water District shall certify that sewage treatment capacity exists to serve the proposed residence.

EXHIBIT 1

"Exhibit 1", as used in this document, refers to the map of exclusion areas prepared by the County of Marin for #E-81-2 and E-81-6 and incorporated herein by this reference. The map is on file with both the County and the Commission. The map will be amended to show excludable and non-excludable areas for #E-81-2, E-81-6 and E-82-6. The map shows areas exempted from this request for categorical exclusion under Section 30610.5(b) of the Coastal Act, namely:

Tide and submerged lands, beaches, and lots immediately adjacent to the inland extent of any beach, or of the mean high tide line of the sea where there is no beach, and all lands and waters subject to the public trust.

III. FINDINGS

The findings below support the conclusions that the exclusion has no potential for significant adverse effects, either individually or cumulatively, on coastal resources or on public access to or along the coast and that such exclusion will not result in a significant change in density, height, or nature of uses, as required by Section 30610(e) and 30610.5(b) of the Coastal Act.

A. Minor Additions to Single-Family Dwellings

The coastal zoning ordinance adopted by Marin County to implement its Local Coastal Program contains a provision which exempts from coastal permit requirements very small additions to existing structures, including single-family dwellings (except where sensitive coastal resources could be affected by the addition). To be exempt under this provision, an addition must result in an increase of no more than 10% of the interior floor area of the existing structure. This limit means that even the addition of one or two rooms to a modest-sized home requires a coastal permit. This Categorical Exclusion would eliminate the coastal permit requirement for somewhat larger but still modest-sized additions to single-family dwellings (up to 50% additions). Additions to buildings other than single-family dwellings would not be affected by this Exclusion.

1. Visual Resources. The Marin County coastal zone is a highly scenic area where construction of a dwelling may affect public views or visual quality. Protection of views and visual quality is addressed by the Local Coastal Program zoning ordinance through establishment of height limits for new construction and general policies requiring compatibility of new construction with the character of its surroundings, appropriate landscaping, and other measures. In some zoning districts, design review is required in order to allow case-by-case consideration of potential visual impacts of new construction.

The Categorical Exclusion is subject to a condition requiring that all zoning and development standards of the Marin County Code be met. Therefore, even though an addition to a single-family dwelling may be exempt from the requirement of a coastal permit, the addition must meet all height and design standards of the Marin County Code. These standards serve to protect coastal visual resources.

The historic zoning provisions of the LCP and Zoning ordinance require a coastal permit for additions to structures built prior to 1930 and to structures in designated historic communities. Standards for review of such additions are incorporated in the LCP in order to assure compatibility of new additions with existing historic structures. An addition to a house which is exempt from the requirement of a coastal permit under this Exclusion must, nevertheless, meet the requirements of the historic zoning provisions of the Marin County Code. Therefore, scenic resources based on historic value will be protected under this Categorical Exclusion. As proposed and conditioned, the exclusion of additions to single-family dwellings will not have an adverse impact, either individually or cumulatively, on coastal visual resources.

To be excluded, additions must be modest in size, measuring no more than 50% of the existing floor area or 1000 square feet, whichever is less. No change in

use is allowed by the Exclusion, and only additions to single-family dwellings are covered. Height limits of the existing zoning ordinance must be met. Therefore, this Exclusion will not result in a significant change in density, height, or nature of uses.

2. Adequacy of Services. This Exclusion applies to additions to dwellings, but not to construction of new separate dwelling units. Second, dwelling units on one lot are not covered by the Exclusion. The additional demand on water and other services that would be presented by new households would not result from this Exclusion.

Much of the residential development in the coastal zone is served by on-site sewage disposal systems. Where additions of bedrooms to existing houses are proposed, additional leachfield area for sewage disposal may be required under the Marin County Code. As conditioned, this Exclusion requires that additions to houses meet all development standards of the Marin County Code, including sewage disposal requirements. Therefore, even if a project is excluded from coastal permit requirements, sewage disposal standards must be met. As conditioned, the Exclusion will not have a potential for significant adverse effect, either individually, or cumulatively, on water quality or other resources affected by sewage disposal.

B. Single-Family Dwellings in Oceana Marin.

Under a categorical exclusion in effect prior to the takeover of coastal permit authority by Marin County (E-79-5), construction of single-family dwellings in the Oceana Marin Subdivision at Dillon Beach were exempt from Coastal permits. The County requested that this exemption be extended when the LCP was finally certified. However, limitation on sewage treatment capacity identified in the LCP prevented the Commission from approving the exclusion.

1. Sewage Treatment

Sewage treatment at Oceana Marin is the responsibility of the North Marin County Water District which operates treatment and storage ponds to dispose of sewage through evaporation. When the Unit II LCP was certified, capacity in the evaporation ponds was established to be 125 houses, or 31 houses more than the 94 sewer connections which existed at that time. Since certification of the LCP, permits have been issued for approximately 125 houses. The LCP states that improvements to the system would be necessary to handle more than 125 connections. The North Water NMCWD states as of January, 1983 that the sewage disposal system now has the capacity to safely serve at least 164 homes. The expansion in capacity has occurred through installation of irrigation facilities which accelerate the evaporation process. (Irrigation disposal has been approved for this location by the Regional Water Quality Control Board.) Irrigation was accomplished in the dry season of 1982 (from early August through mid-October) and resulted in a drawdown of the storage ponds sufficient to accommodate all sewage until the next dry season as well as rainfall collected in the ponds. On the basis of this experience, modified by projections of a one in 100 rainfall year, the Water District has calculated that sufficient reserve exists in the system to accommodate 39 additional houses besides the 125 cited in the LCP, or a total of 164 houses.

A total of 252 single-family lots exists at Oceana Marin. Therefore, sewage treatment capacity does not exist at this time to serve all subdivided lots. The Water District states that study of a long-range means of sewage disposal is continuing and that "any solution considered will provide adequate sewage disposal capacity to allow development of all currently annexed lots."

As conditioned, the Exclusion requires that the North Marin County Water District certify that sewage treatment capacity exists in order for new houses to be excluded from permit requirements. The District has so certified for a total of 164 connections. If and when the time comes that 164 connections have been made, additional certification by the District must be made in order to continue this exclusion in effect (assuming that additional improvements to the sewage disposal system have been made by that time). If the additional certification has not taken place at that time, the Exclusion shall cease to have effect, and construction of a single-family dwelling at Oceana Marin shall be subject to individual coastal permit review.

The certified LCP zoning recognized a total of 252 lots for single-family dwellings at Oceana Marin. The findings of certification of the LCP adopted by the Commission concluded that potential build-out of Oceana Marin would be consistent with protection of coastal resources, assuming sewage disposal constraints could be met. This Exclusion covers additional build-out only to the level for which sewage disposal capacity has been determined to exist. Although build-out of the subdivision will continue under this order, the development will continue to consist of a single-family dwelling on each lot. Therefore, the Exclusion will not result in a significant change in density, height or nature of land uses. Construction of a single-family dwelling is allowed by right at Oceana Marin.

2. Geological Hazards. The Oceana Marin subdivision is located on steep slopes and erodable soils where construction of houses could potentially present hazards to life and property. As conditioned, the Exclusion requires that a soils engineer investigate each building site and prepared an engineered foundation plan. The engineer's recommendation shall demonstrate that the site can support grading and construction without causing undue hazards to the site or to adjacent sites. This condition will assure that construction of additional single-family dwellings will minimize risks to life and property, consistent with Section 30253 of the Coastal Act. As proposed and conditioned, the Exclusion has no potential for significant adverse effects, either individually or cumulatively, on coastal resources or on public access to or along the coast.

3. Visual Quality. The Oceana Marin subdivision is located on steep hills where construction is visible from the beach and surrounding areas. As conditioned, the Exclusion requires design review approval by the local property owners' association. That review will assure that new construction is compatible in size and scale with existing development.

IV. CONDITIONS

- 1) Maps showing excluded areas with:
 - a. the appropriate approved zoning district,

- b. areas of actual or potential public trust, and
- c. boundaries of parcels immediately adjacent to the inland extent of any beach or of the mean high tide line of the sea where there is no beach, shall be submitted for the review and concurrence of the Executive Director of the Commission before the County may implement the Exclusion.

A map note which clearly indicates that the written terms of this order should be consulted for a complete listing of non-excludable developments. The note shall, to the maximum extent practicable, indicate the topical areas which are non-excludable. The map note shall state that where the natural resource, environmentally sensitive habitat, open space or other similar policies of the certified Local Coastal Program specify a geographically larger area of concern for natural resources, then no development shall occur in the area described in the Local Coastal Program unless authorized by a coastal development permit.

- 2) The County of Marin shall, at an appropriate stage in the local approval process for development subject to this Exclusion, distribute to the applicant for such local approval an instruction sheet and form provided by the Executive Director of the Commission. After obtaining final local governmental approval but prior to commencing construction under this exclusion, such applicant shall send the completed form containing a brief description of the excluded development to the Coastal Commission.
- 3) The County of Marin shall maintain a record for any other permit which may be required for categorically excluded development which shall be made available to the Commission or any interested person upon request, pursuant to Section 00154 of the Commission Local Coastal Program Regulations.
- 4) The order granting a categorical exclusion for these categories of development in Marin County pursuant to Public Resources Code Section 30610(e) shall not become effective until the Executive Director of the Coastal Commission has determined in writing that the local government has taken the necessary action to carry out the exclusion order pursuant to Section 13244 of the Coastal Commission Administrative Regulations.
- 5) Development under this exclusion shall conform with the County of Marin Local Coastal Program in effect on the date this exclusion is adopted by the Commission or to the terms and conditions of this exclusion where such terms and conditions specify more restrictive development criteria.
- 6) In the event an amendment of the Local Coastal Program of the County of Marin is certified by the Coastal Commission pursuant to section 30514 of the Coastal Act, development under this order shall comply with the amended Local Coastal Program, except where the terms and conditions of this order specify more restrictive development criteria. However, such amendment shall not authorize the exclusion of any category of development not excluded herein, nor shall such amendment alter the geographic areas of the exclusion.