ATTACHMENT 2

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| Unit IIPublic Access |
| **Unit II - Existing Policy** | **LCPA - Proposed Policy** |
| C-PA-1 Public Coastal Access. **~~Policy 1, p. 13~~**~~General policy and elements of Public Access Component. The County of Marin~~ S~~s~~upport~~s~~ and encourage~~s~~ the enhancement of public access opportunities to the coast, in conformance with Sections 30210 through 30214 of the Coastal Act. ~~There are three methods by which the policies of these sections will be implemented in the County's Public Access Component:~~C-PA-2 Public Coastal Access in New Development. Examine proposed new development between the shoreline and the first public road, whether or not it is mapped as the first public road for purposes of coastal permit appeals, for impacts on public access to the coast. Where a nexus exists between impacts of proposed development and provision of public access, require dedication of a lateral and/or vertical accessway, including segment(s) of the California Coastal Trail as provided by Policy C-PK-14, as a condition of development, unless Policy C-PA-3 provides an exemption. Impacts on public access include, but are not limited to, intensification of land use resulting in overuse of existing public accessways, creation of physical obstructions or perceived deterrence to public access, and creation of conflicts between private land uses and public access. ~~a Existing accessways~~ C-PA-16 Protection of Existing Public Coastal Accessways. ~~The LCP~~ R~~r~~ecognize~~s~~ existing public accessways ~~in Unit II~~, both public and private, as an integral part of the County's overall access program. Maintain existing public accessways. Consider closure of existing County-managed accessways only if authorized by a coastal permit and only after the County has offered the accessway to another public or private entity. ~~These accessways, identified in Table 1 on page 6, should be maintained open to the public~~.~~b. Offered easements. A total of nine offers of public access easements in Unit II have been required as a condition of past permit approvals by the County-or the North Central Coast Regional Commission. The LCP recommends that certain of these easements, as specified in Policy #3 below, be accepted by the County or other agency and incorporated into the County's access program.~~~~c. New accessways. The County views public access easements, gained through offers of dedication as a condition of coastal permit approval, as the primary means available to increase public access opportunities in Unit II. Potential areas where such easements could be required have been evaluated based on their desirability and physical suitability, evidence of prescriptive rights, and proximity to other access points and existing uses. Based on these criteria, specific recommendations for new accessways have been developed (Policy #3). In addition to the easements recommended, the County may require additional access in the future as the need arises.~~~~If funds become available for acquisition of public accessways, they should be allocated according to the priority recommendations in Policy A.~~**Policy Status**The concepts of this policy have been carried forward to LCPA Policies C-PA-1, C-PA-2, and C-PA-16.  | C-PA-1 Public Coastal Access. Support and encourage the enhancement of public access opportunities to the coast, in conformance with Sections 30210 through 30214 of the Coastal Act. (PC app. 9/19/11, 11/23/09)[Adapted from Unit II Public Access Policy 1, p. 13]C-PA-2 Public Coastal Access in New Development. Examine proposed new development between the shoreline and the first public road, whether or not it is mapped as the first public road for purposes of coastal permit appeals, for impacts on public access to the coast. Where a nexus exists between impacts of proposed development and provision of public access, require dedication of a lateral and/or vertical accessway, including segment(s) of the California Coastal Trail as provided by Policy C-PK-14, as a condition of development, unless Policy C-PA-3 provides an exemption. Impacts on public access include, but are not limited to, intensification of land use resulting in overuse of existing public accessways, creation of physical obstructions or perceived deterrence to public access, and creation of conflicts between private land uses and public access. (PC app. 11/7/11, 2/8/10)[Adapted from Unit II Public Access Policy 1, p. 13]C-PA-16 Protection of Existing Public Coastal Accessways. Recognize existing public coastal accessways, both public and private, as an integral part of the County's overall access program. Maintain existing public accessways. Consider closure of existing County-managed accessways only if authorized by a coastal permit and only after the County has offered the accessway to another public or private entity. (PC app. 9/19/11, 11/23/09)[Adapted from Unit II Public Access Policy 1, p. 13] |
| **~~Policy 2(a), p. 13~~** C-PA-7 Protection of Prescriptive Rights. Ensure that development does not interfere with the public’s right of access to the sea where acquired through use.~~General standards. The following general policies and procedures shall apply to all new accessways in Unit II, including those specifically recommended in the LCP at this time, those not currently recommended but considered in the future, and those which may be acquired by public purchase.~~~~a. Prescriptive Rights.~~ Where evidence ~~of prescriptive rights~~ (including historic public use) of prescriptive rights is found in reviewing a coastal permit application, ~~equivalent access easements to protect the types, intensity, and areas subject to prescriptive rights shall be required as a condition of permit approval. Development may be sited in an area of historic public use only if equivalent type, intensity and area of replacement public access is provided on or reasonably adjacent to the project site (parcel).~~ take one or more of the following actions: 1. Consider approval of the coastal permit application, while siting development in such a way as to avoid the area potentially subject to prescriptive rights and requiring a public easement to protect the types, intensity and areas of historic use as a condition of project approval.2. If requirement of an access easement to protect areas of historic use would preclude all reasonable private use of the project site, ~~the County, in consultation with the Coastal Commission and the California Attorney General's Office, shall review the existence of prescriptive rights. If the County concludes that convincing evidence of implied dedication or prescriptive rights in favor of the public exists~~ the Coastal Commission and the Attorney General at the request of the County shall, subject to the availability of staff and funds, seek a court determination and confirmation of such public rights. 3. In the absence of a final court determination, the County may proceed to consider approval of development on areas potentially subject to prescriptive rights (except those used for lateral access), provided that all impacts on public access are mitigated in the same vicinity substantially in accordance with the Local Coastal Program’s Access policies. Such mitigation may include securing an accessway on another property in the same vicinity, or providing an in-lieu fee to a public agency or private association approved by the County and Coastal Commission for acquisition, improvement, or maintenance of access in the same vicinity. Same vicinity is considered to be within 1,000 feet of the project site (parcel).**Policy Status**This policy has been carried forward to LCPA Policy C-PA-7, which also draws language from Unit I Public Access Policy 3 (p. 7) and Coastal Act Section 30211**.** | C-PA-7 Protection of Prescriptive Rights. Ensure that development does not interfere with the public’s right of access to the sea where acquired through use. Where evidence (including historic public use) of prescriptive rights is found in reviewing a coastal permit application, take one or more of the following actions: 1. Consider approval of the coastal permit application, while siting development in such a way as to avoid the area potentially subject to prescriptive rights and requiring a public easement to protect the types, intensity and areas of historic use as a condition of project approval.2. If requirement of an access easement to protect areas of historic use would preclude all reasonable private use of the project site, the County or the Coastal Commission and the Attorney General at the request of the County shall, subject to the availability of staff and funds, seek a court determination and confirmation of such public rights. 3. In the absence of a final court determination, the County may proceed to consider approval of development on areas potentially subject to prescriptive rights (except those used for lateral access), provided that all impacts on public access are mitigated in the same vicinity substantially in accordance with the Local Coastal Program’s Access policies. Such mitigation may include securing an accessway on another property in the same vicinity, or providing an in-lieu fee to a public agency or private association approved by the County and Coastal Commission for acquisition, improvement, or maintenance of access in the same vicinity. Same vicinity is considered to be within 1,000 feet of the project site (parcel).(PC app. 2/8/10)*[Adapted from Unit I Public Access Policy 3, p. 7, and Unit II Public Access Policy 2.a, p. 13, and Coastal Act Section 30211]* |

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| Policy 9, pg. 49Where a Coastal Development permit is necessary for any enlargement or change in type or intensity in use of an existing structure, a septic system that is adequate to conform to current Regional Water Quality Control Board Guidelines or such other program and standards approved by the Board shall be installed. Policy StatusThis policy has been carried forward to LCPA Policy C-PFS-7. | C-PFS-7 Adequately Sized Sewage Disposal Systems. Require new and expanded sewage disposal systems to be sized adequately to meet the needs of proposed development, including any changes in type or intensity in use of an existing structure. (PC app. 9/19/11, 7/29/10)[Adapted from Unit I Public Services Policy 9, p. 49] |
| ~~Policy 9~~, pg. 49~~Where a Coastal Development permit is necessary for any enlargement or change in type or intensity in use of an existing structure, a septic~~ C-PFS-7 Adequately Sized Sewage Disposal Systems. Require new and expanded sewage disposal systems to be sized adequately to meet the needs of proposed development, including any changes in type or intensity in use of an existing structure~~. that is adequate to conform to current Regional Water Quality Control Board Guidelines or such other program and standards approved by the Board shall be installed.~~ Policy StatusThis policy has been carried forward to LCPA Policy **C-PFS-7**. | C-PFS-7 Adequately Sized Sewage Disposal Systems. Require new and expanded sewage disposal systems to be sized adequately to meet the needs of proposed development, including any changes in type or intensity in use of an existing structure. (PC app. 9/19/11, 7/29/10)[Adapted from Unit I Public Services Policy 9, p. 49] |