

RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF THE MARIN COUNTY BOARD OF SUPERVISORS  
ACCEPTING CALIFORNIA COASTAL COMMISSION MODIFIED  
AMENDMENTS TO THE MARIN COUNTY LOCAL COASTAL PROGRAM

**SECTION 1: FINDINGS**

WHEREAS, the Marin County Board of Supervisors hereby finds and declares the following:

1. **WHEREAS**, Section 30500 of the Public Resources Code requires each County and City to prepare a Local Coastal Program (LCP) for that portion of the coastal zone within its jurisdiction.
2. **WHEREAS**, the California Coastal Commission effectively certified Unit I of the Marin County Local Coastal Land Use Plan (LUP) on June 3, 1981, and Unit II on April 7, 1982. The total LCP was certified on May 5, 1982, and the County assumed permit-issuing authority on May 13, 1982.
3. **WHEREAS**, the Marin County Board of Supervisors in 2009 initiated a process to substantially amend the certified LCP, and specifically made provisions for extensive input from the public and interested agencies and organizations.
4. **WHEREAS**, in the process of developing a final set of LCP Amendments to submit to the Coastal Commission, the Marin County Planning Commission, Board of Supervisors and staff have held more than 50 workshops, meetings and public hearings to engage the public and interested agencies and organizations in the formulation of the LCP Amendments. All public review documents have additionally been made available to the public on the LCPA website at [www.MarinLCP.org](http://www.MarinLCP.org).
5. **WHEREAS**, following another public hearing on February 13, 2012, the Marin County Planning Commission approved the LCP Amendments and directed staff to submit to the Board the Planning Commission Approved Draft, Recommended to the Board of Supervisors, dated February 13, 2012. This draft document was mailed to interested parties, posted in all Marin County libraries, posted on the [MarinLCP.org](http://MarinLCP.org) website, and available to the public at the Marin County Community Development Agency front reception desk.
6. **WHEREAS**, beginning on October 2, 2012, a series of public hearings were held by the Board of Supervisors to receive testimony on the LCPA and to provide the public and affected agencies and districts with the maximum opportunity to participate in the update to the LCPA, consistent with California Code of Regulations Sec. 13515 and Public Resources Code Sec. 30503.
7. **WHEREAS**, on July 30, 2013, after another public hearing, the Marin County Board of Supervisors approved the proposed LCPA amendments to the Marin County Local Coastal Program and directed they be submitted to the California Coastal

Commission for certification.

8. **WHEREAS**, on September 20, 2013 the LCPA was submitted to the Coastal Commission staff for informal review and advice as to the completeness of the document under Commission regulations prior to official submittal.
9. **WHEREAS**, after providing further clarification requested by Coastal Commission staff, the LCPA was officially submitted to the Commission on November 7, 2013.
10. **WHEREAS**, following a lengthy process of providing additional material at the request of the Commission staff, the Commission staff deemed the LCPA submittal complete on April 28, 2014.
11. **WHEREAS**, throughout the period from September 2013 through May 2014, County staff worked closely with Commission staff to resolve differences between the LUP policies approved by the Marin County Board of Supervisors and numerous "Suggested Modifications" proposed by Commission staff.
12. **WHEREAS**, citing time constraints and the volume of material involved, Commission staff subsequently recommended, and the County agreed, to separate the Land Use Plan Amendments (LUPA) from the Implementation Program Amendments (IPA) and proceed with action on the LUPA separately. After a public hearing the Coastal Commission approved the LUPA with Suggested Modifications on May 15, 2014.
13. **WHEREAS**, after continuing dialogue with County staff, in November 2014 the Commission staff then released a draft set of Suggested Modifications to the IPA containing hundreds of proposed changes from the version adopted by the County Board of Supervisors, prompting extensive additional discussions between the County and Commission staffs and interested members of the public. The Commission staff set out revised Suggested Modifications to the IPA in a staff report dated April 2, 2015, supplemented by an addendum staff report dated April 15, 2015. On the next day, April 16, 2015, the Coastal Commission conducted a hearing and took testimony on the Suggested Modifications proposed by the Commission staff. Due to the complexity of the issues raised by the modifications and the limited time available to craft solutions, County Staff withdrew the IPA from consideration by the Commission.
14. **WHEREAS**, the County subsequently reviewed the Suggested Modifications to the Land Use Plan adopted by the Coastal Commission, as well as the proposed modifications to the Implementation Program contained in the Commission staff's published recommendations; and conducted additional public discussions on the County's Land Use Plan and Implementation Program that incorporate the vast majority of the suggestions provided by the Coastal Commission.
15. **WHEREAS**, On August 25, 2015, after a cumulative total of 26 Planning Commission workshops and hearings, seven Board of Supervisor hearings, and numerous additional public staff meetings, the Board adopted three revised LCPA Amendments including all of the LUP except the Environmental Hazards Chapter and the Implementation Plan Amendments relating to Agriculture. These revised Amendments incorporated the vast majority of the Suggested Modifications specified by the Coastal Commission and the Commission staff.
16. **WHEREAS**, on September 30, 2015 the County timely filed these LCP Amendments 1-3 as described below, each of which deals with a different subject matter and is

intended to be processed as a separate and independent amendment to the LUP and IP, for approval by the California Coastal Commission:

**Amendment 1: The following Chapters of the LUPA:** Introduction  
Interpretation of the Land Use Plan (INT)  
Biological Resources (BIO)  
Mariculture (MAR)  
Water Resources (WR)  
Community Design (DES)  
Community Development (CD)  
Energy (EN)  
Housing (HS)  
Public Facilities & Services (PFS)  
Transportation (TR)  
Historical & Archaeological Resources (HAR)  
Parks, Recreation & Visitor-Serving Uses (PK)  
Public Coastal Access (PA)

**Amendment 2: The Agriculture Chapter of the LUPA.**

**Amendment 3: Chapters and Sections of the Marin County Development Code comprising a portion of the IPA for the LUPA Agriculture Chapter as Specified in Attachment 3.**

17. **WHEREAS**, on April 19, 2016, following further extensive discussions with the public and Coastal Commission staff and a public hearing, the Marin County Board of Supervisors adopted the following Amendments 4-7 to the certified Marin County Local Coastal Program, for approval by the California Coastal Commission, each of which again deals with a different subject matter and is intended to be processed as a separate and independent amendment to the LUP and IP:

**Amendment 4:** The Environmental Hazards (EH) Chapter of the Land Use Plan Amendment (LUPA):

**Amendment 5:** Specified Chapters and Sections of the Marin County Development Code comprising a portion of the Implementation Program Amendment (IPA) for the LUPA Environmental Hazards Chapter.

**Amendment 6:** Coastal Permitting and Administration sections of the IPA Code (Chapters 22.68 and 322.70)

**Amendment 7:** All remaining Chapters and Sections of the Marin County Development Code comprising the IPA for the LUPA

Amendments 4-7 complemented the separate Marin County Amendments 1-3 that were previously on file with the California Coastal Commission, comprising the full LCP Amendment Resubmittal.

18. **WHEREAS**, following a lengthy process of providing additional material requested by the Commission staff, the County's April 19, 2016 full LCPA resubmittal was deemed complete on July 1, 2016. Consultations between the County and Commission staffs continued.
19. **WHEREAS**, on October 21, 2016 and then on November 1, 2016 the Coastal Commission staff issued reports recommending rejection of the County's LCPAs and setting out revised Suggested Modifications. On November 2, 2016, the Coastal Commission conducted a hearing and took testimony on the Suggested Modifications, and voted to change the "Agriculture, Ongoing" provision, and continue to a future date action on provisions related to Environmental Hazards.
20. **WHEREAS**, pursuant to Section 13551 (b) of Title 14 of the California Code of Regulations, the April 19, 2016 County resolution for resubmittal specified that the Local Coastal Program Amendments will require formal County adoption after the Commission approval, and that the County will exercise its authority to determine that the Resubmitted Amendments shall not become effective unless and until the Board of Supervisors takes further action to place them in effect.
21. **WHEREAS**, pursuant to Sections 15250 and 15251(f) of the California Environmental Quality Act (CEQA) Guidelines, the preparation, approval, and certification of a Local Coastal Program Amendment is exempt from the requirement for preparation of an Environmental Impact Report (EIR) because the California Coastal Commission's review and approval process has been certified by the Secretary of Resources as being the functional equivalent of the EIR process required by CEQA in Sections 21080.5 and 21080.9 of the Public Resources Code.
22. **WHEREAS**, the Marin County Board of Supervisors intends that the LCP shall be carried out in a manner fully in conformity with the Coastal Act consistent with Public Resources Code Section 30510.
23. **WHEREAS**, the Marin County Board of Supervisors has reviewed and considered the information in the Marin County Local Coastal Program Amendment administrative record and staff reports for consistency with the California Coastal Act.

## **SECTION 2: AMENDMENT TO THE MARIN COUNTY LOCAL COASTAL PROGRAM**

**NOW, THEREFORE, BE IT RESOLVED**, that the Marin County Board of Supervisors makes the following findings:

1. The recitals above are true and accurate and reflect the independent judgment of the Board of Supervisors.
2. Notices of the Planning Commission and Board of Supervisor hearings on the LCPA were given as required by law, and the actions were conducted pursuant to the Planning and Zoning Law and California Code of Regulations Sec. 13515.
3. All individuals, groups, and agencies desiring to comment were given adequate opportunity to submit oral and written comments on the LCPA. These opportunities for comment meet or exceed the requirements of the Planning and

Zoning law and California Code of Regulations Sec. 13515.4.

4. All comments submitted during their respective public hearings on the LCPA were provided to and considered by the Planning Commission and Board of Supervisors.
5. The Board of Supervisors were presented with all of the information described in the recitals and has considered this information in adopting this resolution.
6. The LCPA has been completed in compliance with the intent and requirements of California Coastal Act, and reflects the independent judgment of the County of Marin.
7. The Marin County Board of Supervisors certifies each Local Coastal Program Amendment is intended to be carried out in a manner fully in conformity with the policies and requirements of the California Coastal Act, and that it contains, in accordance with guidelines established by the California Coastal Commission, materials sufficient for a thorough and complete review.
9. Each of the separate Land Use Plan and Implementation Plan Amendments 1 through 7 approved by this Resolution shall not become effective unless and until the Board of Supervisors adopts the amendments pursuant to 14 California Code of Regulations Sec. 13551(b)(2) following California Coastal Commission approval, and the California Coastal Commission effectively certifies such amendments.

**NOW, THEN, LET IT BE FURTHER RESOLVED** that the action of the Marin County Board of Supervisors on the adopted April 19, 2016 Local Coastal Program Amendments with Suggested Modifications by action of the Coastal Commission on November 2, 2016 shall meet the requirements of and conform with the policies of Chapter 3 of the California Coastal Commission pursuant to the following provisions of the Public Resources Code:

1. Section 30004(a): the Legislature further finds and declares that (a) To achieve maximum responsiveness to local conditions, accountability, and public accessibility, it is necessary to rely heavily on local government and local land use planning procedures and enforcement; and
2. Section 30500(c): The precise content of each local coastal program shall be determined by the local government, consistent with Section 30501, in full consultation with the Commission and with full public participation; and
3. Section 30512.1(a): The Commission's review of a land use plan shall be limited to its administrative determination that the land use plan submitted by the local government does, or does not, conform with the requirements of Chapter 3 (commencing with Section 30200). In making this review, the Commission is not authorized by any provision of this division to diminish or abridge the authority of a local government to adopt and establish, by ordinance, the precise content of its land use plan; and
4. Section 30512.2(c): The Commission shall require conformance with the policies and requirements of Chapter 3 (commencing with Section 30200) only to the extent necessary to achieve the basic state goals specified in Section 30001.5.

**NOW, THEN, LET IT BE FURTHER RESOLVED** that the May 16, 2017 Board Letter and attachments set out the interpretations that the County shall apply to the items enumerated therein; and that based on these interpretations the Board of Supervisors accepts the following Amendments to the LUP as Modified as separate and independent Amendments, to be certified by the Commission individually, and to become effective when the Commission certifies, and the Board accepts, Implementing Program Amendments specifically applicable to them:

**Amendment 1: The following Chapters of the LUPA:**

Introduction	Housing (HS)
Interpretation of the Land Use Plan (INT)	Public Facilities & Services (PFS)
Biological Resources (BIO)	Transportation (TR)
Mariculture (MAR)	Historical & Archaeological Resources (HAR)
Water Resources (WR)	Parks, Recreation & Visitor-Serving Uses (PK)
Community Design (DES)	Public Coastal Access (PA)
Community Development (CD)	
Energy (EN)	Local Coastal Program Maps

**Amendment 2: The Agriculture Chapter of the LUPA.**

Adoption of each of the separate April 2016, Amendments as Modified and clarified, as Local Coastal Program Amendments are in the public interest and necessary for the public health, safety, and welfare of Marin County.

**SECTION III: VOTE**

**PASSED AND ADOPTED** at a regular meeting of the Board of Supervisors of the County of Marin held on this 16<sup>th</sup> day of May, 2017, by the following vote:

AYES:

NOES:

ABSENT:

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JUDY ARNOLD, PRESIDENT

BOARD OF SUPERVISORS

ATTEST: \_\_\_\_\_

Clerk to the Board of Supervisors