July 13, 2021

Marin County Board of Supervisors
3501 Civic Center Drive
San Rafael, CA 94903

SUBJECT: Consideration of placing previously certified Marin County Local Coastal Program Amendments into effect

Dear Members of the Board:

RECOMMENDATION:

Conduct a public hearing to consider placing into effect Local Coastal Program (LCP) Amendments certified by the Coastal Commission in 2016 and 2019 (comprising the entire LCP less environmental hazards) in combination with existing 1982 Local Coastal Program Unit 1 and Unit 2 policies and existing Title 221 code provisions related to environmental hazards (Attachments 2-6). Staff recommends the Board consider approving use of this compiled document, comprised of the Coastal Commission-certified documents below, as Marin County’s Local Coastal Program serving as the standard for review for development in the Marin County coastal zone, pending administrative action by the Commission’s Executive Director.

Newly Certified Documents:
Marin County LCP Land Use Plan (except Environmental Hazards)
Marin County LCP Implementation Plan (except Environmental Hazards)

Excerpts from 1982 Certified Marin LCP
Marin LCP Land Use Plan, Unit I (Environmental Hazards only)
Marin LCP Land Use Plan, Unit II (Environmental Hazards only)
Title 221, Section 22.56.130I (Subsections H, K, and L)

SUMMARY:

The effort to update Marin County’s Local Coastal Plan (LCP) has involved a lengthy and thorough review process which began over ten years ago. However, as of 2019, all portions of Marin’s LCP approved by your Board (see Attachment 7, Resolutions Nos. 2018-41 and 2018-133) have been certified by the Coastal Commission with the exception of chapters and provisions related to environmental hazards, which remain the subject of on-going work and public input.
Since 2019, County and Coastal Commission staff have had on-going discussions as to whether the newly certified portions of the LCP could become effective for land use planning and coastal permitting purposes before the remaining chapters and sections related to environmental hazards are adopted by the County and certified by the Coastal Commission.

In April, the Commission District Director advised County staff to combine recently certified portions of the LCP, with the existing certified 1982 LCP Unit I and Unit II environmental hazard policies and Title 22I environmental hazard code provisions and submit them so the Commission could put them into effect through a simple administrative process similar to an "Executive Director" check-off. This would allow the County and Commission to take advantage of the years of effort that went into development of a significant majority of the new LCP while work continues to update those sections related to environmental hazards. It would also allow implementation of the many new and improved policies and code provisions designed to protect coastal habitats, preserve Marin's agricultural resources, and clarify permit procedures among other benefits.

County and Commission staffs have agreed to pursue an aggressive schedule (Attachment 8) to complete the environmental hazards policies. While pursuing that schedule Marin County will continue to be a national leader in coastal adaptation planning, which the environmental hazard policies primarily address. Through the County's sea level rise planning efforts within CDA, DPW, and Parks, it has completed two vulnerability studies, an adaptation report, as well as additional reports on adaptation land use planning, and siting nature-based adaptation projects. The County has implemented seven nature-based adaptation demonstration projects with at least four additional projects in the planning stages and two projects wrapping up feasibility studies.

In order to pursue this approach, staff is requesting that your Board hold a public hearing and consider approving use of a compiled document (consisting of the recently certified LCP Amendments in combination with existing 1982 LCP policies and provisions for environmental hazards) as Marin County's Local Coastal Program so that the newly certified components of Marin's LCP can start serving as the standard of review for development in the coastal zone in combination with those environmental hazard policies and standards from the 1982 LCP which would continue to govern on issues related to environmental hazards. Once approved by your Board, staff will forward the compiled document to Coastal Commission staff for consideration.

RECOMMENDATION

Staff recommends your Board review the administrative record, conduct a public hearing, consider approving the Resolution in Attachment 1 and direct staff to submit the compiled LCP document to the Coastal Commission's Executive Director for consideration.
EQUITY IMPACT

A particular example of positive equity impacts are the policies in the Amended LCP promoting agricultural worker housing, which has long been an objective of the County. As part of the effort to complete the LCP update, staff will be working to ensure that the process includes participation of diverse stakeholders and that new policies and development regulations related to environmental hazards do not exacerbate racial inequity or result in unintended consequences on underserved populations.

FISCAL/STAFFING IMPACT:

No fiscal or staffing impact as a result of the recommended action is expected since the work to complete the LCP amendments is budgeted and included in the Department’s Performance Plan for the current fiscal year.

REVIEWED BY:  (These boxes must be checked)
[X] Department of Finance [X] N/A
[X] County Counsel [ ] N/A
[ ] Human Resources [X] N/A

SIGNATURE:

Jack Liebster  Tom Lai
Planning Manager  Director

Attachments and Links:

1. Resolution Placing Certified Marin County LCP Amendments into Effect
2. Compiled LCP Document:
   a. Certified Marin County LCP Land Use Plan (except Environmental Hazards)
   b. Certified Marin County LCP Implementation Plan (except Environmental Hazards)
   c. 1982 LCP Land Use Plan, Unit I (Environmental Hazards only)
   d. 1982 LCP Land Use Plan, Unit II (Environmental Hazards only)
   e. Title 22I, Section 22.56.130I (Subsections H, K, and L)
4. Schedule: Environmental Hazard Policies LCPA

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