

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

RESOLUTION OF THE MARIN COUNTY BOARD OF SUPERVISORS APPROVING  
THE RESUBMITTAL OF AMENDMENTS TO THE MARIN COUNTY LOCAL  
COASTAL PROGRAM TO THE CALIFORNIA COASTAL COMMISSION

**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 Program 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**, in October 2008 the Board of Supervisors approved a work program and schedule to prepare amendments to the Marin County LCP. The LCP is a planning document that identifies the location, type, densities and other ground rules for future development in the coastal zone. The LCP is comprised of the Land Use Plan (LUP), the Implementation Program (IP), and all accompanying land use and zoning maps. The purpose of the LCP Amendments (LCPA) is to address issues that have arisen since the LCP was originally certified and to provide for more efficient and effective management of coastal resources.
4. **WHEREAS**, the existing policies in Land Use Plan Units I and II have been combined into one Land Use Plan representing the entire coastal zone. The LUP has also been reorganized into three major sections: Natural Systems and Agriculture, Built Environment, and Socioeconomic. The Natural Systems and Agriculture section contains the policy chapters of Agriculture; Biological Resources; Environmental Hazards; Mariculture; and Water Resources. The Built Environment section contains the policy chapters of Community Design; Community Development; Community-Specific Policies; Energy; Housing; Public Facilities and Services; and Transportation. Finally, the Socioeconomic section contains the policy chapters of Historical and Archaeological Resources; Parks, Recreation, and Visitor-Serving Uses; and Public Coastal Access.
5. **WHEREAS**, the Implementation Program code provisions and zoning maps carry out the policies and programs in the LUP by indicating which land uses are appropriate in each part of the Coastal Zone. The IP also contains specific requirements that

apply to development projects and detailed procedures for applicants to follow in order to obtain a coastal permit.

6. **WHEREAS**, the amendment process included extensive input from the public. There have been over 50 meetings and hearings open to the public regarding the LCPA. Comments and participation were sought from County residents, California Native American Indian tribes, public agencies, public utility companies, and various local community groups and organizations. The LCPA was referred to the California Coastal Commission, National Park Service, California State Department of Fish and Game, public water agencies, the Federated Indians of Graton Rancheria, and a number of other public agencies.
7. **WHEREAS**, beginning on March 16, 2009, the Marin County Planning Commission conducted the first of a series of 19 public issue workshops to obtain the public's input on issues of concern in the development of the LCPA. Input was obtained through public meetings on April 27, May 26, June 22, July 13, July 27, August 24, September 28, October 26, and November 23, 2009, and January 25, February 8, March 8, April 12, April 26, June 14, June 28 and July 29, 2010 and through correspondence and consultations through that period. Written correspondence was placed on the LCPA website and made available to all.
8. **WHEREAS**, a preliminary Public Review Draft of the LCPA was released on June 2011, which was followed by four community workshops that were held on July 12, 18, 20 and 25 to present the Public Review Draft to the public. In conjunction with the release of the Public Review Draft for the LCPA Amendment, the Board of Supervisors and Planning Commission met on June 28, 2011, and adopted a schedule for public hearings to obtain public comment on the LCPA.
9. **WHEREAS**, beginning on August 31, 2011, a series of public hearings were held by the Planning Commission to receive testimony on the LCPA and to provide the public and affected agencies and districts with the maximum opportunity to participate in the LCP Amendment process, consistent with California Code of Regulations Sec. 13515 and Public Resources Code Sec. 30503. Public hearings were held on September 19, October 10 and 24, November 7, and December 1, 2011, and January 9 and 23, 2012. Oral and written comments were presented and considered at the hearings.
10. **WHEREAS**, following the close of the November 7, 2011, public hearing, the Commission directed that the June 2011 Public Review Draft be revised to reflect the initial recommendations of the Commission at that time. These revisions were presented in the January 2012 Public Review Draft, which was made available for the January 9 and 23, 2012 public hearings.
11. **WHEREAS**, at the close of the January 23, 2012 public hearing, the Planning Commission directed staff to compile all the changes made by the Commission in a new, complete document entitled the "Planning Commission Recommended Draft."

12. **WHEREAS**, prior to the February 13, 2012 hearing, the Commission was provided with the complete contents of the Local Coastal Program consisting of the following documents: (1) Marin County Planning Commission - Recommended Local Coastal Program Draft LUP Amendments (February,2012); and (2) Marin County Planning Commission - Recommended Proposed Development Code Amendments (February 2012). Land Use and Zoning Maps; and Appendices had been previously distributed in June 2012. Both Planning Commission Recommended Amendment documents were also mailed to interested parties who had requested them. All documents were additionally made available to the public on the LCPA website at [www.MarinLCP.org](http://www.MarinLCP.org).
13. **WHEREAS**, on February 13, 2012 the Marin County Planning Commission approved the LCPA and directed staff to incorporate all changes into 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.
14. **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. Public hearings were held on November 13 and December 11, 2012, and January 14, February 26, April 16, and July 30, 2013. Oral and written comments were presented and considered at the hearings.
15. **WHEREAS**, the Marin County Board of Supervisors conducted a public hearing on July 30, 2013 and approved submitting the proposed LCPA amendments to the Marin County Local Coastal Program to the California Coastal Commission.
16. **WHEREAS**, 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.
17. **WHEREAS**, after providing further clarification at the request of Coastal Commission staff, the LCPA was officially submitted to the Commission on November 7, 2013.
18. **WHEREAS**, after 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.
19. **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.

20. **WHEREAS**, due to 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.
21. **WHEREAS**, after continuing discussions with County staff, in November 2014 the Commission staff the released a draft set of suggested modification to the IPA containing hundreds of proposed changes from the version adopted by the County Board of Supervisors, prompting extensive discussions between the County and Commission staffs and interested members of the public. The Commission staff set out suggested modifications revising the draft released in November 2014 in a staff report dated April 2, 2015, supplemented by an addendum staff report dated April 15, 2015. On 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.
22. **WHEREAS**, the County has the option of (1) accepting all of the suggested modifications to the LUPA adopted by the Coastal Commission by November 15, 2015, thereby leading to the certification of the LUPA as modified, or (2) taking no action on the modified LUPA and allowing the Commission's conditional approval to expire on November 15, 2015, or (3) resubmitting all or a portion of the LCP Amendments, and requesting the Coastal Commission's approval of that resubmittal.
23. **WHEREAS**, the County has 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; has conducted additional public discussions and a public hearing on potential Amendments to the Local Coastal Program; and has developed a Resubmittal consisting of Amendments to portions of the County's Land Use Plan and Implementation Program that incorporate the vast majority of the suggestions provided by the Coastal Commission.
24. **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.

25. **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.
26. **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.
27. **WHEREAS**, Pursuant to Section 13551 (b) of Title 14 of the California Code of Regulations, the County resolution for resubmittal may specify that a Local Coastal Program Amendment will either require formal local government adoption after the Commission approval, or is an amendment that will take effect automatically upon the Commission's approval pursuant to Public Resources Code Sections 30512, 30513, and 30519; that it is the County's intent to complete additional Amendments to the Implementation Program that are required to put the Policies of the Resubmitted Land Use Plan Amendments into effect; 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.

**NOW, THEREFORE, BE IT RESOLVED**, that the Marin County Board of Supervisors authorizes the filing of the following Amendments to the certified Marin County Local Coastal Program included in Attachments 2 and 3 of the August 25, 2015 Board Letter, for approval by the California Coastal Commission:

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

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Marin County Board of Supervisors authorizes the filing of the following Amendments to the certified Marin County Local Coastal Program included in Attachments 2 and 3 of the August 25, 2015 Board Letter, for approval by the California Coastal Commission;

NOW, THEREFORE, BE IT RESOLVED, that the Land Use Plan Amendments and Implementation Plan Amendment approved by this Resolution shall not become effective unless and until the Board of Supervisors adopts the amendment pursuant to 14 California Code of Regulations Sec. 13551(b)(2) following California Coastal Commission approval, and the California Coastal Commission effectively certifies those amendments and a total amendment to the Implementation Plan which supersedes the existing certified Implementation Plan.

## **SECTION II: 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 the 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 the 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.
8. The Local Coastal Program Amendment approved in this resolution shall become effective only through formal adoption by the Marin County Board of Supervisors after approval by the California Coastal Commission.

**NOW, THEN, LET IT BE FURTHER RESOLVED** that the Marin County Board of Supervisors submits the August, 2015 Marin County Resubmitted Local Coastal Program Amendments. This document meets the requirements of and conforms 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 Marin County Board of Supervisors finds that adoption of the August 2015 Local Coastal Program Amendments are in the public interest and is necessary for the public health, safety, and welfare of Marin County and directs staff to submit the Local Coastal Program Amendments to the California Coastal Commission for certification of conformity with the California Coastal Act.

**SECTION III: VOTE**

**PASSED AND ADOPTED** at a regular meeting of the Board of Supervisors of the County of Marin held on this 25<sup>th</sup> day of August, 2015, by the following vote:

AYES:

NOES:

ABSENT:

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PRESIDENT, BOARD OF SUPERVISORS

ATTEST:

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CLERK