

**CALIFORNIA COASTAL COMMISSION**

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**Prepared May 30, 2014 (for June 11, 2014 Hearing)**

# W21b

**To:** Coastal Commissioners and Interested Persons

**From:** Dan Carl, Deputy Director  
Kevin Kahn, District Supervisor, LCP Planning

**Subject: Extension of Time Limit for Commission Action on Marin County Local Coastal Program Amendment Number LCP-2-MAR-13-0224-1 Part B (Marin IP Update)**

Marin County has submitted a Local Coastal Program (LCP) amendment request to comprehensively update both its Land Use Plan (LUP) and its Implementation Plan (IP). On May 15, 2014, the Commission denied the LUP portion of the proposed LCP amendment and approved it with suggested modifications. The purpose of the IP portion of the LCP amendment is to update the existing certified IP in a way that implements the LUP portion of the LCP amendment as it was approved by the Commission with suggested modifications on May 15, 2014. The proposed updated IP would both revise existing implementation provisions and add new implementation provisions to the existing certified IP, including adding new coastal resource protection standards, revising the list of allowable land uses for the IP's fourteen zoning districts, and updating the procedures for issuing coastal development permits (CDPs).

Coastal Act Section 30510 requires proposed LCP amendment submittals to contain materials sufficient for a thorough and complete review. Once that requirement is satisfied and an amendment request is deemed submitted (or "filed"), Sections 30511(a) and 30512 of the Coastal Act require the Commission to act on combined LUP/IP amendments within 90 days. If Commission action is not taken within the applicable time frame, then the amendment is deemed approved and certified by the Commission (Coastal Act Sections 30512 and 30514).

LCP Amendment LCP-2-MAR-13-0224-1 was filed as complete on April 28, 2014. This proposed LCP amendment proposed changes to both the LUP and the IP and thus the 90-day deadline for Commission action applies; the 90th day is July 27, 2014. Therefore, the IP portion of the LCP amendment (Part B) would have to be scheduled for action by the Commission's July 2014 meeting if it were to be decided within the applicable time frame. However, Coastal Act Section 30517 allows the Commission to extend, for good cause, the time limit for Commission action for a period not to exceed one year.

In this case, the IP portion of the LCP amendment contains a significant amount of materials, consisting of over 200 pages, and it presents important LUP conformance issues. In addition, the IP must be reviewed against the LUP which was comprehensively updated and approved by the Commission with suggested modifications on May 15, 2014. County staff must take those suggested modifications back to the County's Board of Supervisors for consideration and acceptance before the LUP can be reported to the Commission and effectively certified. Staff hopes to be able to bring the amendment forward to an upcoming local hearing before the end of the year; however, such a schedule is dependent upon the County's timing with respect to

consideration of the Commission's action on the LUP portion of the LCP amendment, and it is also dependent on staff coordination with the County on potential IP issues, including many of the same issues raised by the LUP portion of the proposed LCP amendment.

Thus, although staff believes this matter will be brought to a local hearing before the end of the year, staff recommends that the Commission extend the deadline for a full year as provided by the Coastal Act to allow for flexibility in hearing scheduling (including to allow time for effective certification of the LUP portion of the proposed LCP amendment, for staff to staff coordination, and to accommodate any requested or otherwise necessary postponements, continuances, etc.). Therefore, staff recommends that the Commission extend the deadline for Commission action on the IP portion of the proposed LCP amendment by one year. A one-year extension would result in a new deadline for Commission action on the IP portion of the proposed LCP amendment of July 27, 2015.

**Summary of the Staff Recommendation**

Staff recommends that the Commission extend the deadline for Commission action on the IP portion of the proposed LCP amendment by one year. Staff recommends a **YES** vote on the motion below. Passage of the motion will result in a new deadline for Commission action on the IP portion of the proposed LCP amendment. The motion passes only by an affirmative vote of a majority of the Commissioners present.

**Motion.** I move that the Commission extend the time limit to act on Marin County LCP Amendment LCP-2-MAR-13-0224-1 Part B to July 27, 2015.

**CALIFORNIA COASTAL COMMISSION**

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**Memorandum****June 9, 2014**

To: Commissioners and Interested Parties

FROM: Dan Carl, North Central Coast District Deputy Director  
North Central Coast District

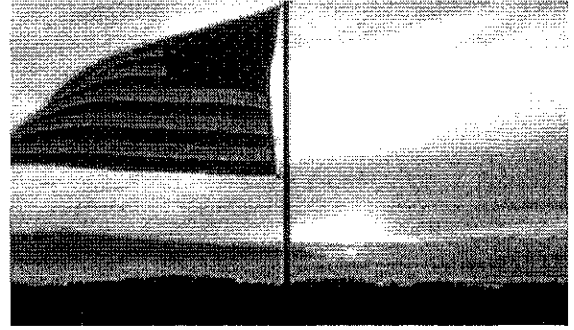
Re: **Additional Information for Commission Meeting**  
**Wednesday, June 11, 2014**

<u>Agenda Item</u>	<u>Applicant</u>	<u>Description</u>	<u>Page</u>
W21b	County of Marin LCP Amendment LCP-2-MAR-13-0224-1 Part B Marin IP Update (Time Extension Only)	Correspondence, Scott Miller	1

Scott Miller  
P.O. Box 145  
Dillon Beach, CA. 94929  
(707) 878-2167

June 4, 2014

California Coastal Commission  
45 Fremont St., suite 2000  
San Francisco, Ca. 94105-2219



Re: Marin County LCPA #LCP-2-MAR-13-0224-1 Part B

Dear Staff and Commissioners,

Please approve the time extension for the IP.

Approving this twelve month extension will provide time to deal with the many issues detailed in the staff report. It also should be enough time to include the implementation of Program C-HS-6a (currently missing from the IP), and reconsider whether standards set in 22.66.110 are compatible with existing development in the Portola Beach subdivision (which is not recognized in the LUP or IP, even though it is the most likely area for any future land divisions in Dillon Beach).

This time extension is only allowed if there is *good cause*. I nominate the inclusion of Program C-HS-6a and modification of 22.66.110 as two good causes worthy of this extension.

Thank you for your time, patience, and careful consideration on this project.

Sincerely,

Scott Miller

# CALIFORNIA CATTLEMEN'S ASSOCIATION

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**W21b**  
**Neutral w/ Request**

June 9, 2014

Dr. Charles Lester, Executive Director  
and Commissioners  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, California 94105-2219

Via: Kevin Kahn, District Supervisor, LCP Planning  
[kevin.kahn@coastal.ca.gov](mailto:kevin.kahn@coastal.ca.gov)

**Re: Extension of Time Limit for Commission Action on Marin County Local Coastal  
Program Amendment Number LCP-2-MAR-13-0224-1 Part B (Marin IP Update)**

**Request for adequate public review time: Minimum of 30 days prior to hearing date**

Dear Dr. Lester and Honorable Commissioners:

Whether or not your Commission votes to extend the time limit to act on the Marin County LCP Amendment Part B to July 27, 2015, we ask that you direct your staff to **release their staff report containing their Implementation Plan (IP) modifications at least 30 days prior to the hearing date when the Commission will act on the IP portion of the proposed LCP amendment.**

Background:

The staff report for the Marin County Land Use Plan with suggested modifications, approved at the May 15, 2014 Commission hearing, was more than 1,800 pages long. Despite the length of this document, it was only made available on Friday, May 2, followed by notice of a corrected version Saturday, May 3. Public comments were required to be submitted to the Commission via Commission staff no later than Monday, May 12, just nine days after receipt of the corrected staff report.

Additionally, a 12-page Staff Report Addendum was prepared May 14, the day prior to the hearing, although no notice of the addendum was publicized. It contained further substantial policy language modifications to the original staff report. An additional 327-page Staff Report Addendum Number 2 was prepared May 15, the day of the hearing.

The sheer volume of this information required much greater notice and opportunity to review than was provided by the Commission and Commission staff.

TIM KOOPMANN  
PRESIDENT  
SUNOL

JACK HANSON  
TREASURER  
SUSANVILLE

BILLY GATLIN  
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EL CENTRO

RICH ROSS  
SECOND VICE PRESIDENT  
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MIKE SMITH  
FEEDER COUNCIL VICECHAIR  
SELMA

Further complicating this matter is the fact that over the course of the more than five years of local hearings on the LCPA, there have been several key personnel changes amongst several agriculture organizations' board members and staffs, which required incoming stakeholders to familiarize themselves with voluminous Coastal Act law, LCP policies, and agriculture issues that needed to be addressed.

Add to that the fact that Marin's ranchers and farmers were constrained by the demands of their businesses and families and simply needed more time to submit adequate comments, and many of the issues that Marin farmers and ranchers would have raised were simply lost in the shuffle.

The IP, representing the Development Code regulations that were submitted by Marin County, are even more detailed and technical, and will likely result in another large Staff Report with modifications. It will require substantially more time to digest in order to submit cohesive comments for the official hearing.

Thus, we respectfully request 30 days to examine staff's IP modifications prior to their formal consideration at a Commission hearing.

Thank you very much for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kirk Wilbur', with a long horizontal flourish extending to the right.

Kirk Wilbur  
Director of Government Relations  
California Cattlemen's Association

CC: Marin County Board of Supervisors  
Marin County Planning Commission  
Marin County Community Development Agency  
California Farm Bureau Federation  
Marin County Farm Bureau  
Sonoma County Farm Bureau  
North Bay Wool Growers Association  
Marin County Agriculture Commissioner  
UCCE Marin  
Marin Agricultural Land Trust  
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Nancy Gates, CLASS