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# W16b

**Date:** April 24, 2020  
**To:** Commissioners and Interested Parties  
**From:** Jeannine Manna, District Manager  
Sara Pfeifer, Coastal Planner  
**Subject:** **Marin County LCP Amendment Number LCP-2-MAR-20-0013-1-Part B  
(Agricultural Redesignation and Zoning Change)**

## SUMMARY OF STAFF RECOMMENDATION

Marin County proposes to amend its Local Coastal Program (LCP) Land Use Plan (LUP) and Implementation Plan (IP) to change the LUP and IP designations on a 5.3-acre portion of a 65.35-acre parcel (making up most of Osterweis Ranch) in Bolinas to create uniform land use and zoning designations across the parcel. The proposed amendment would modify the 5.3 acre's land use designation from C-AG3 (Coastal Agricultural, 1 dwelling unit/1-9 acres) to C-AG1 (Coastal Agricultural, 1 dwelling unit/31-60 acres) and the zoning from C-ARP-5 (Agricultural Residential Planned) to C-APZ-60 (Agriculture Production Zone) to match the rest of the parcels designations. The proposed changes would limit development on the parcel to that which is incidental to, or in support of, agricultural uses, and would reduce the allowable development intensity and density as a result. Existing residential and agricultural uses and development on Osterweis Ranch would be accommodated by and consistent with the new designations.

The County proposes the designation changes in order to implement a condition of approval of the Osterweis Ranch Master Plan (approved in 2007) designed to limit future development potential to that which is necessary to support existing agricultural uses. Importantly, the designation changes ensure that this portion of the larger parcel could not be subdivided to allow for additional residential development, thereby reducing potential conversions of agricultural land, maximizing land available for agricultural productivity, and allowing room to buffer agricultural uses from surrounding development consistent with the Coastal Act and LCP agricultural protection policies. As a whole, the changes proposed will lead to greater coastal resource protection than the existing LCP provisions as applied to this site.

For these reasons, the proposed LUP changes are in conformance with Coastal Act Chapter 3, and the proposed IP changes can be found consistent with and adequate to carry out the certified LUP. Staff therefore recommends that the Commission approve

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the proposed LCP amendment as submitted. The motion and resolution are found on page 4 below.

### **Procedural Note - LCP Amendment Action Deadline**

This proposed LCP amendment was filed as complete on April 10, 2020. The proposed amendment affects both the LCP's LUP and IP, and the 90-working-day deadline for the Commission to take action on it normally would be July 9, 2020. However, on April 16, 2020, California's Governor issued Executive Order N-52-20 that suspends this deadline for 60 days (i.e., until September 7, 2020). Thus, unless the Commission extends the action deadline (it may be extended by up to one year by the Commission per the Coastal Act), the Commission has until September 7, 2020 to take final action on this LCP amendment.

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**EXHIBITS**

Exhibit 1: Marin County Resolution

## I. MOTIONS AND RESOLUTIONS

Staff recommends that the Commission, after public hearing, approve the proposed LCP amendment as submitted. The Commission needs to make two motions in order to act on this recommendation.

### A. Certify the LUP Amendment As Submitted

Staff recommends a **YES** vote on the motion below. Passage of the motion will result in the certification of the LUP amendment as submitted and adoption of the following resolution and findings. The motion to certify as submitted passes only upon an affirmative vote of the majority of the Commissioners present.

**Motion:** I move that the Commission **certify** Land Use Plan Amendment LCP-2-MAR-20-0013-1-Part B as submitted by Marin County, and I recommend a yes vote.

**Resolution:** The Commission hereby certifies Land Use Plan Amendment LCP-2-MAR-20-0013-1-Part B as submitted by Marin County and adopts the findings set forth below on the grounds that the amendment conforms with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the Land Use Plan amendment may have on the environment.

### B. Certify the IP Amendment As Submitted

Staff recommends a **NO** vote on the motion below. Failure of the motion will result in certification of the IP amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

**Motion:** I move that the Commission reject Implementation Plan Amendment Number LCP-2-MAR-20-0013-1 Part B as submitted by Marin County, and I recommend a no vote.

**Resolution:** The Commission hereby certifies Implementation Plan Amendment Number LCP-2-MAR-20-0013-1 Part B as submitted by Marin County and adopts the findings set forth below on the grounds that the amendment is consistent with and adequate to carry out the certified Land Use Plan. Certification of the Implementation Plan amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives or mitigation measures which could substantially lessen any significant adverse

impact which the Implementation Plan amendment may have on the environment.

## **II. FINDINGS AND DECLARATIONS**

### **A. Description of Proposed LCP Amendment**

Marin County is proposing to amend its Land Use Plan (LUP) and Implementation Plan (IP) to modify the land use and zoning designations for a 5.3-acre portion of a 65.35-acre parcel in Bolinas (making up most of Osterweis Ranch) located 1.5 miles north of downtown Bolinas and approximately 0.5 mile west of Bolinas Lagoon, in unincorporated Marin County. The subject parcel is one of two adjacent parcels that make up the 71.15-acre Osterweis Ranch property (APNs 188-120-36 and 188-140-11), and the proposed amendment would change the LUP designation on the 5.3-acre portion of APN 188-120-36 from C-AG-3 (Coastal Agriculture, one dwelling unit per 1-9 acres) to C-AG-1 (Coastal Agriculture, one dwelling unit per 31-60 acres) and the zoning from C-ARP-5 (Agricultural Residential Planned, one dwelling unit per 5 acres) to C-APZ-60 (Agricultural Production Zone, one dwelling unit per 60 acres) to match the rest of the Ranch parcels' designations. The County is proposing the changes to carry out the conditions of approval on the Osterweis Master Ranch Plan, approved by the County in 2007. This Master Plan required uniform land use and zoning designations across the Ranch, including as a means to restrict further development or subdivisions on the subject parcel consistent with the agricultural preservation policies of the LCP.

### **B. Consistency Analysis**

#### **1. Standard of Review**

The proposed amendment affects the LUP and IP components of the Marin County LCP. The standard of review for an LUP amendment is that it must be consistent with and adequate to carry out the Chapter 3 policies of the Coastal Act. The standard of review for IP amendments is that they must be consistent with and adequate to carry out the policies of the certified LUP.

#### **2. LUP Amendment Analysis**

##### **Applicable Coastal Act Provisions**

Coastal Act Sections 30241 and 30242 protect the existing and future viability of agricultural lands in the coastal zone, as follows:

**Section 30241.** The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:

(a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.

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(b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development. ...

(f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.

**Section 30242.** All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

### **Coastal Act Consistency Analysis**

The proposed LUP amendment would change the agricultural land use designation on the 5.3-acre portion of the subject parcel from Agriculture 3 (C-AG3), which permits one dwelling unit per 1-9 acres, to Agriculture 1 (C-AG1), which permits one dwelling unit per 31-60 acres, to achieve uniformity with the designation of the remaining 65.35-acre portion of the parcel (and the rest of the Ranch). The C-AG-1 land use category is intended to preserve agricultural lands suitable for agricultural productivity, and does so, in part, by requiring a larger acreage requirement per dwelling unit. As such, the proposed change would reduce the maximum allowable development intensity and density for the entire parcel to one dwelling unit. This reduction in density is consistent with the existing development, which includes one residence and multiple clustered agricultural accessory buildings, all which support the ongoing ranch operation approved as part of the Osterweis Ranch Master Plan.

Coastal Act Sections 30241 and 30242 require the maximum amount of agricultural land be maintained in agricultural productivity by ensuring that all divisions of prime agricultural lands and all development adjacent to prime agricultural lands not diminish the productivity of such lands, and by limiting conversions of agricultural lands overall. As highlighted in the LCP, major pressures on coastal agriculture in Marin exist from escalating land values combined with the desired coastal locations, which can disincentivize agriculture and increase the pressure for conversion of agricultural lands to residential uses. Thus, rigorous application of agricultural preservation policies is necessary to ensure agricultural lands will not gradually transform into new residential areas.

The proposed LUP amendment would reduce allowable density on the Coastal Agriculture (C-AG) designated parcel consistent with the existing development already on-site, which has been found necessary to support the agricultural uses on the Ranch, including as determined through the County approved Osterweis Ranch Master Plan.

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The proposed amendment also ensures that this portion of the parcel could not be subdivided, reducing potential conversions of agricultural land, maximizing land available for agricultural productivity, and allowing room to buffer agricultural uses from surrounding development consistent with the Coastal Act agricultural protection policies.

Thus, the proposed LUP amendment would limit development potential on the parcel as a whole, and thereby diminish the potential for future coastal resource impacts, such as those to agriculture productivity as discussed above, as well as to sensitive species and habitats conserved on the property through a habitat conservation easement approved as part of the Osterweis Ranch Master Plan. For the reasons discussed above, the proposed LUP amendment can be found consistent with the policies of Chapter 3 of the Coastal Act.

### **3. IP Amendment Analysis**

#### **Applicable LUP Provisions**

The County's LUP contains numerous policies requiring agricultural land protection, with an emphasis on utilizing the LCP's Agricultural Production Zone to preserve agriculture outside of the community expansion boundaries identified in the LCP. For example:

**LCP Agriculture Policy 1:** General Policy. Marin County intends to protect the existing and future viability of agricultural lands in its coastal zone, in accordance with Sections 30241 and 30242 of the Coastal Act. The County's LCP policies are intended to permanently preserve productive agriculture and lands with the potential for agricultural use, foster agricultural development, and assure that non-agricultural development does not conflict with agricultural uses or is incompatible with the rural character of the County's coastal zone. These policies are also intended to concentrate development in suitable locations, ensure that adequate public services are available to serve new development, and protect coastal wildlife, habitat, and scenic resources, in accordance with Sections 30240, 20250, and 30251 of the Coastal Act.

**LCP Agriculture Policy 2:** To implement the goals stated in Policy #1 above, the County shall adopt a planned district zone for all privately owned lands in the Unit II coastal zone currently zoned A-60 or other agricultural zoning district, such as A-20, which are outside of the community expansion boundaries identified in the LCP. Agricultural lands in Unit I which are zoned A-60 shall also be included. The planned district zone shall be known as the Agricultural Production Zone (APZ) and shall have a maximum density of 1 unit per 60 acres.

**LCP Agriculture Policy 3:** Intent of the Agricultural Production Zone. The intent of the Agricultural Production Zone is to preserve lands within the zone for agricultural use. The principal use of lands in, the APZ shall be agricultural. Development shall be accessory, incidental, or in support of agricultural land uses...

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**LCP Agriculture Policy 5:** Development, including all land converted from agricultural use such as roads and residential support facilities, shall be clustered on no more than five percent of the gross acreage, to the extent feasible, with the remaining acreage to be left in agricultural production and/ or open space.

### **LUP Consistency Analysis**

The proposed IP amendment would change the zoning designation on the 5.3-acre portion of the subject parcel from Agricultural Residential Planned (C-ARP-5), which permits at most one dwelling unit per 5 acres, to Agricultural Production Zone (C-APZ-60), which permits at most one dwelling unit per 60 acres, to achieve uniformity across the entire parcel (and the overall Ranch). As such, the proposed change would reduce the maximum allowable residential density for the entire parcel to one dwelling unit. In addition, the proposed zoning change would limit allowable development to that which is considered accessory, incidental, or in support of agricultural land uses, in contrast to the existing zoning, which allows for the development of residential and accessory uses more generally but in a manner which would still maintain the maximum amount of land available for agricultural use and natural resource protection. In other words, the change would be more protective of agriculture.

The LCP agriculture chapter contains an exhaustive review of strategies for responding to the tension created by the potential for residential uses to overtake agricultural uses, including that the most favorable and feasible method for preserving coastal agriculture is to utilize the APZ zoning designation, which limits development to that which directly facilitates agriculture. Specifically, LCP Agriculture Policy 3 requires that the principle use of APZ designated lands be agriculture, with all development accessory, incidental to, or in support of agricultural uses. The LCP further describes that this alternative is most consistent with the Coastal Act because, by limiting development potential, including by limiting development to 5% of the total parcel and requiring clustering, the designation is most protective of coastal resources (including not only agricultural resources, but also other resources such as sensitive species and habitats, wetland and riparian areas, and public views). Thus, the LCP agricultural policies are intended to permanently preserve productive agriculture, minimize conflicts with non-agricultural uses, and cluster agricultural support facilities to ensure the remaining acreage is left in agriculture or open space.

The proposed zoning change would be consistent with the existing development approved through the Osterweis Ranch Master Plan, including one single-family dwelling and multiple agriculture-related accessory buildings, on the subject parcel found to be necessary for the agricultural operations. Further, this zoning designation is consistent with the Land Use Plan AG-1 land use designation, and, with a uniform zoning designation, results in a parcel that would be considered built out with respect to residential density. Thus, the remainder of the parcel would be left in agricultural or open space, except for additional structures dedicated solely to agricultural uses if approved through an amendment to the Master Ranch Plan, consistent with the LCP agricultural protection policies.



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For the reasons discussed above, the proposed IP amendment can be found consistent with and adequate to carry out the LUP.

### **4. LCP Amendment Conclusion**

In sum, the change in the zoning designation would correspond to the approved Master Ranch Plan, and the proposed amendment to the IP zoning designation on the lot from ARP to APZ would limit development potential and protect agricultural lands for agricultural purposes. As a whole, the changes proposed will lead to greater coastal resource protection than the existing LCP provisions as applied to this site.

### **C. California Environmental Quality Act (CEQA)**

CEQA Section 21080.5(d)(2)(A) prohibits a proposed LCP or LCP amendment from being approved if there are feasible alternatives and/or feasible mitigation measures available that would substantially lessen any significant adverse effect that the LCP or LCP amendment may have on the environment. Although local governments are not required to satisfy CEQA in terms of local preparation and adoption of LCPs and LCP amendments, many local governments use the CEQA process to develop information about proposed LCPs and LCP amendments, including to help facilitate Coastal Act review. In this case, Marin County, acting as lead CEQA agency, determined that the proposed LCP amendment was exempt from the requirements of CEQA per CEQA Guidelines Sections 15268(a) (ministerial projects) and 15061(b)(3) (common sense exemption).

The Coastal Commission is *not* exempt from satisfying CEQA requirements with respect to LCPs and LCP amendments, but the Commission's LCP/LCP amendment review, approval, and certification process has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of the environmental review required by CEQA (14 CCR Section 15251(f)). Accordingly, in fulfilling that review, this report has discussed the relevant coastal resource issues with the proposal and has concluded that approval of the proposed amendment is not expected to result in any significant environmental effects, including as those terms are understood in CEQA. Thus, it is unnecessary for the Commission to suggest modifications (including through alternatives and/or mitigation measures) as there are no significant adverse environmental effects due to approval of the proposed amendment that would necessitate such changes. Thus, the proposed amendment will not result in any significant adverse environmental effects for which feasible mitigation measures have not been employed, consistent with CEQA Section 21080.5(d)(2)(A).