

MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY

BRIAN C. CRAWFORD, DIRECTOR

STAFF REPORT TO THE PLANNING COMMISSION LOCAL COASTAL PROGRAM AMENDMENT (LCPA)

Carryover Issues from the 8/31/11 and 9/19/11 Hearings

Item No: 4
Workshop Date: November 7, 2011
Planners: Jack Liebster, Principal Planner
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RECOMMENDATION:

1. Conduct public workshop;
2. Approve proposed changes to the LCPA;
3. Provide direction to staff.

SUMMARY: Today's hearing is the fifth Planning Commission hearing on Marin County's Local Coastal Program Amendment (LCPA). The LCPA includes the Public Review Draft and Development Code Amendments. This hearing will focus on carryover issues, as well as any other unresolved issues, from the following hearing dates:

- **August 31, 2011:** Development Code Structure and Process, including Chapters 22.60 – Purpose and Applicability of Coastal Zone Regulations, 22.68 – Coastal Permit Requirements, and 22.70 – Coastal Permit Administration. Material from the Revised Staff Recommendation dated August 30, 2011, will also be covered, in particular material from Enclosure 1 (see link below).

http://www.co.marin.ca.us/EFiles/docs/CD/CoastalProgram/11_0831_IT_110830144825.pdf

- **September 19, 2011:** Built Environment and Socioeconomic Element policies and Development Standards, including Sections 22.62 – Coastal Zoning Districts and Allowable Land Uses, 22.64 - Coastal Zone Development and Resource Management Standards (except for 22.64.050 – Biological Resources, 22.64.060 – Environmental Hazards, and 22.64.080 – Water Resources), and Chapter 22.66 – Coastal Zone Community Standards.) Click on the following link for the staff report and attachments:

http://www.co.marin.ca.us/EFiles/docs/CD/CoastalProgram/11_0919_IT_110909101904.pdf

Some clarification or discussion of issues recently addressed by the Planning Commission on the subject of Agriculture may take place at the hearing, but there are no new materials provided by staff in that regard. Background is available at www.MarinLCP.org for the following hearing:

- **October 24, 2011:** Agriculture and Allowable Land Uses and Standards, including Sections 22.62.050 – Coastal Agricultural and Resource-Related Districts, 22.65.040 – C-APZ Zoning District Standards, and 22.65.060 – C-ARP Zoning District Standards.

Tentative Decision Tables, where available, are posted for each of the hearings and can be found by clicking on the following link:

<http://www.co.marin.ca.us/SysApps/Calendar/pub/MeetingIndex.cfm?SponsorSid=196&ReportYYYY=2011&Disp=All>.

In addition, links to all letters that have been received from the public since January 24, 2011 can be found by clicking here:

http://www.co.marin.ca.us/depts/CD/main/pdf/planning/coastal/Letters/LCP_Letter_TOC_v2.htm

On October 11, 2011, the Board of Supervisors adopted a revised hearing schedule to provide for additional review time. The revised hearing schedule is as follows:

December 1, 2011	Natural Systems Resource Management Standards	10:00 AM - 5:00* PM
January 9, 2012	Carryover issues from Natural Systems or other remaining issues	10:00 AM - 5:00* PM
January 23, 2012	Contingent hearing to address any remaining carryover issues or to consider adoption of the Public Review Draft and recommendation to the Board of Supervisors	10:00 AM - 5:00* PM
February 13, 2012	Alternate date to consider adoption of the Public Review Draft and recommendation to the Board of Supervisors	10:00 AM - 5:00* PM

** Please note the proposed subject areas and times are estimates only and may be subject to change. Specific dates, topics, and times will be set for each continued hearing as revised and confirmed at each previous hearing.*

BACKGROUND: The following attachments are provided for your review:

1. Attachment #1. Carryover and other discussion items from the Planning Commission hearings on 8/31/11 and 9/19/11 for your consideration, including:

- Items continued from previous hearings;

- Substantive changes proposed by your Commission in review of previous decision tables; and
 - New items or recommendations as a result of discussion with Coastal Commission staff.
2. Attachment #2. Energy carryover issues from the 9/19/11 Planning Commission hearing, which correspond to the carryover items in Attachment 1 and provides staff's detailed recommendations for each item.
 3. Attachment #3. Table showing three alternatives for Wind Energy Conversion Systems (WECS) proposed in Attachment #2. This attachment includes four versions of the WECS table, starting with the version presented in the June 2011 Public Review Draft and showing how it would change (in tracked changes) give each Alternative scenario. Specific details for each Alternative are provided, including the categories of WECS allowed, what coastal zoning district they are allowed, and corresponding permit requirements.
 4. Attachment #4. Wind Energy Conversion System Ordinance No. 3458 for reference. This may be a helpful comparison tool when reviewing the various WECS Alternatives proposes in Attachment #2. The Ordinance also provides the detailed list of standards and requirements that staff proposes to apply to WECS in the coastal zone.

In order to conserve resources, the following attachment is provided to members of the Planning Commission and staff only but is available for public review at the Community Development Agency, Room 308, from 8 a.m. to 4 p.m. Monday through Thursday and 8 a.m. to 12:00 noon on Fridays. A copy is available online here:

http://www.co.marin.ca.us/EFiles/docs/CD/CoastalProgram/11_0831_IT_110830144825.pdf

5. Attachment #5. Memorandum dated August 30, 2011 of Revised Staff Recommendations presented at the August 31, 2011 Planning Commission hearing discussing the LCP Amendment and Development Code Structure and Process.

Tentative Decision Tables, where available, are posted for each of the hearings and can be found by clicking on the following link:

<http://www.co.marin.ca.us/SysApps/Calendar/pub/MeetingIndex.cfm?SponsorSid=196&ReportYYYY=2011&Disp=All>.

In addition, links to all letters that have been received from the public since January 24, 2011 can be found by clicking here:

http://www.co.marin.ca.us/depts/CD/main/pdf/planning/coastal/Letters/_LCP_Letter_TOC_v2.htm

RECOMMENDATION: Staff recommends the workshop be conducted as follows:

- Staff presentation of key carryover issues.
- Public testimony (per adopted protocols attached: 3 minutes per individual, 6 minutes per organization).
- Close public testimony and conduct Commission deliberations.
- Tentatively approve proposed changes.
- Provide comments and direction to staff.
- Continue public hearing to Thursday, December 1, 2011.

ATTACHMENT 1: CARRYOVER AND OTHER DISCUSSION ITEMS

The carryover and discussion items are separated into two sections for your review:

- I. Development Code Structure and Process discussed at the 8/31/11 Planning Commission public hearing.
- II. Built Environment and Socioeconomic Elements topic areas discussed at the 9/19/11 Planning Commission public hearing.

I. DEVELOPMENT CODE STRUCTURE AND PROCESS

CHAPTER 22.68 – Coastal Permit Requirements

- On 8/31/11, the PC requested that staff modify **Section 22.68.040 – Categorically Excluded Projects** to include the phrase “and regularly transmit to the Coastal Commission.” In their letter of 8/10/11, Coastal Commission staff also suggested that the current practice be maintained of transmitting to the Coastal Commission not just a list of categorically excluded projects, but also a summary of those projects, indicating the nature and location of the projects and related information. Therefore, staff recommends the following additional modification. **Staff will bring this item back for discussion when Natural Systems is discussed on Thursday, December 1, 2011.**

B. The Director shall maintain and regularly transmit to the Coastal Commission a list summary of projects determined to be categorically excluded from the requirements of this Chapter for a Coastal Permit. The list summary shall be available for public inspection and shall include the applicant’s name, project description and location, and the date of the Director’s determination.

- On 8/31/11, the PC suggested the following modification. Staff will evaluate the potential impacts of this change, and will bring the issue back for discussion at the future PC hearing on the Natural Systems chapter.

Section 22.68.050.A.2 – Exempt Projects

...

2. Structures on a residential lot normally associated with a single-family residence, such as garages, swimming pools, fences, and storage sheds; but not including guest houses, or self-contained residential units, or 1,000 or more square feet of impermeable paving; and

In addition, for clarity Staff recommends the Commission consider enumerating certain other structures as exempt :

1. Small roof-mounted WECS no more than 10 feet above the roofline.
2. Roof Mounted Solar Energy Systems meeting applicable height standards or Roof Mounted Solare Energy Solar Energy Systems that do not exceed 2 feet in height.
3. Rainwater collection tanks within the roofline or that meet applicable setback and height standards.

- On 8/31/11, the PC requested that staff clarify the meaning of the term “legal use” as used in Section 22.68.050.C.2. This provision was intended to apply to both legal conforming and legal non-conforming

uses. Therefore, staff recommends the following modification.

Section 22.68.050.C.2 – Exempt Projects

2. Be for the same legal use as the destroyed structure, whether that use is legal conforming or legal non-conforming;

- In their letter of 8/10/11, Coastal Commission staff commented that certain repair and maintenance activities in sensitive locations require a coastal permit, in addition to certain improvements to existing structures as listed in paragraph A. Therefore, staff recommends the addition of paragraph J. as follows:

Section 22.68.060 – Non-Exempt Projects

Notwithstanding the provisions of Section 22.68.050 – Exempt Projects, a Coastal Permit shall be required for all of the following projects unless the development is categorically excluded or qualifies for a De Minimis Waiver:

...

J. Repair and maintenance activities. Repair and maintenance activities as follows:

1. Any method of repair or maintenance of a seawall revetment (other than ordinary maintenance of the Seadrift Revetment as provided by Section 22.68.050.B), bluff retaining wall, breakwater, groin, culvert, outfall, or similar shoreline work that involves:

(a) Repair or maintenance involving substantial alteration of the foundation of the protective work including pilings and other surface or subsurface structures;

(b) The placement, whether temporary or permanent, of rip-rap, artificial berms of sand or other beach materials, or any other forms of solid materials, on a beach or in coastal waters, streams, wetlands, estuaries and lakes or on a shoreline protective work except for agricultural dikes within enclosed bays or estuaries;

(c) The replacement of 20 percent or more of the materials of an existing structure with materials of a different kind: or

(d) The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area, bluff, or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams.

2. Any method of routine maintenance dredging that involves:

(a) The dredging of 100,000 cubic yards or more within a twelve (12) month period;

(b) The placement of dredged spoils of any quantity within an environmentally sensitive habitat area, on any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams; or

(c) The removal, sale, or disposal of dredged spoils of any quantity that would be suitable for beach nourishment in an area the Coastal Commission has declared by resolution to have a critically short sand supply that must be maintained for protection of structures, coastal access or public recreational use.

3. Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area, any sand area, within 50 feet of the edge of a coastal bluff or environmentally

sensitive habitat area, or within 20 feet of coastal waters or streams that includes:

(a) The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials; or

(b) The presence, whether temporary or permanent, of mechanized equipment or construction materials.

- On 8/31/11, the PC requested that staff add the Coastal Act definition of “cumulative” to Section 22.130.030 of the Development Code, in order to clarify “cumulatively” as used in **Section 22.68.070.A** below.

Section 22.68.070.A – De Minimis Waiver of Coastal Permit

A. Involves no potential for adverse effects, either individually or **cumulatively** on coastal resources,...

Staff recommends addition of the following definition to Chapter 22.130 – Definitions

Cumulatively. The incremental effects of an individual project reviewed in connection with the effects of past projects, the effects of other current projects, and the effects of probably future projects.

- Furthermore, in their letter of 8/10/11, Coastal Commission staff indicated a concern with the suitability of the de minimis waiver process for inclusion in the LCP and, if determined to be suitable, the level of procedures to be used to implement it. In order to provide more explicit information about which types of projects might be candidates for a de minimis waiver of the otherwise-required coastal permit, as well as a more complete description of procedures, staff recommends modification as follows.

The Director may waive the requirement for a Coastal Permit in compliance with this Section upon a written determination that the project meets all of the **following** criteria **in A. through E. below**:

A. Involves no potential for adverse effects, either individually or cumulatively on coastal resources,

B. Is consistent with the certified Local Coastal Program,

C. Is not of a type or in a location where the project, if subject to a Coastal Permit, would be appealable to the Coastal Commission or would be subject to a Coastal Permit issued by the Coastal Commission, **and**

D. Consists of one of the following or a project substantially similar to the following:

1. Construction of retaining walls less than four (4) feet in height with a maximum surface area of 100 square feet.

2. Demolition of structures other than those built prior to 1930.

3. “One for one” replacement or abandonment of minor utilities.

4. Repair and replacement work associated with underground and above-ground storage tanks.

5. Installation of borings for test purposes, monitoring wells, vadose wells, temporary well points, and vapor points, or

6. Merger of property, and.

D. E. Public notice of the proposed De Minimis Waiver of Coastal Permit **and opportunities for public comment has have** been provided in the same manner as required by Section 22.70.050.

F. The Director shall not issue a waiver until the public comment period for the waiver has expired and no written requests for a coastal development permit have been submitted to the Department. If any referral agency, member of the Planning Commission or California Coastal Commission, or any member of the public requests that the waiver not be issued, the applicant shall be advised that a Coastal Development Permit is required if the applicant wishes to proceed with the development.

G. Within seven (7) calendar days of issuance of a De Minimis Waiver of Coastal Permit, the Director shall notify the Coastal Commission and any persons who specifically requested notice of such action by mailing, via first class mail, a Notice of Final Action describing the issuance and effectiveness of the De Minimis Waiver.

Section 22.68.090 – Consolidated Coastal Permit

- On 8/31/11, the PC requested that staff modify **Section 22.68.090 – Consolidated Coastal Permit** to clarify that a consolidated Coastal Permit would take the place of the two separate Coastal Permits that would otherwise be required. Furthermore, in their letter of 8/10/11, Coastal Commission staff requested that the procedure for initiation of a consolidated Coastal Permit more closely mirror the provisions of Section 30601.3 of the Coastal Act. Therefore, staff recommends the following change to paragraph A.

Consolidated County–Coastal Commission Coastal Permit. If a proposed development requires **a two separate** Coastal Permits, **one** from **both** the County and **one from** the Coastal Commission, a consolidated Coastal Permit application may be considered by the Coastal Commission according to the following procedure.

A. ~~The Director, with agreement by the applicant, may request the Coastal Commission through its executive director to process a consolidated Coastal Permit. The applicant, the Director, and the Coastal Commission, which may agree through its executive director, may consent to consolidate the permit action.~~ The standard of review for a consolidated Coastal Permit application shall follow Chapter 3 of the Coastal Act (commencing with Public Resources Code Section 30200), with the Local Coastal Program used as guidance. The application fee for a consolidated Coastal Permit shall be determined by reference to the Coastal Commission's permit fee schedule.

B. Prior to making a request for a consolidated Coastal Permit, the Director shall first determine that public participation would not be substantially impaired by that review process. The Director may require public notice that is reasonably determined necessary to allow public review and comment on the proposed consolidated Coastal Permit.

CHAPTER 22.70 – Coastal Permit Administration

- In their letter of 8/10/11, Coastal Commission staff commented that minimum Coastal Permit filing requirements should be considered for inclusion in Section 22.70.030. Therefore, staff recommends modification of Section 22.70.030.A. as follows.

A. Application and filing. Coastal Permit application submittals shall include all information and other materials required by the Coastal Permit application forms, provided by the Agency. The application and accompanying materials shall be filed with the Agency before or concurrent with an application for any land use permit required by this Article. The Coastal Permit application shall include:

1. Project plans and supporting materials sufficient to determine whether the project complies with all relevant policies of the Local Coastal Program;

2. Documentation of the applicant's legal interest in all the property upon which work is proposed to be performed;

3. A dated signature by or on behalf of each of the applicants, attesting to the truth, completeness and accuracy of the contents of the application and, if the signer of the application is not the applicant, written evidence that the signer is authorized to act as the applicant's representative and to bind the applicant in all matters concerning the application; and

4. Any additional information deemed by the Director to be required for specific categories of development or for development proposed for specific geographic areas.

- On 8/31/11, the PC requested that staff modify **Section 22.70.030.B.5** and **Section 22.70.050.A** as shown below. The PC also requested that staff review the "15 working days" requirement in **Section 22.70.030.B.5(b)** as it relates to the "10 working days" requirement for provision of public notice in **Section 22.70.050.A – Public Notice** and bring back for further discussion at a future PC hearing; see staff comments below, following the revised ordinance text.

Section 22.70.030.B.5 – Coastal Permit Filing, Initial Processing

...

5. **Public hearing waiver.** A public hearing that would otherwise be required for a minor development shall be waived if both the following occur:

a. Notice that a public hearing shall be held upon request by any person is provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice, and

b. No written request for a public hearing is received within 15 working days from the date of sending the notice.

The notice shall include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal to the Coastal Commission any action taken by the County of Marin on a coastal permit application.

For purposes of this Section, "minor development" means a development that the County Director determines satisfies all of the following requirements:

a-(1) Is consistent with the certified Local Coastal Program,

~~b.~~(2) Requires no discretionary approvals other than a Coastal Permit, and

(3) Has no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast.

~~c.~~Notwithstanding the waiver of a public hearing, any written comments submitted regarding a coastal permit application shall be made part of the permit application record.

Section 22.70.050.A – Public Notice – Form of notice.

A. Form of notice. Permit applications shall be noticed at least 10 days prior to a hearing or action on the proposed project by posting notice in at least one location on or adjacent to the property which is the subject of the permit and by mailing notice to:

1. ~~Each applicant~~ The owner(s) or owner's agent of the property being considered, and the applicant;
2. Each local agency expected to provide essential facilities or services to the project, whose ability to provide the facilities and services may be significantly affected by the proposed project;
3. ~~All persons who have requested to be on the mailing list for that development project or for coastal decisions within the County.~~ Any person who has filed a written request for notice with the Director and has paid the fee set by the most current County Fee Ordinance for the notice;
4. ~~a~~All property owners and residents within 100 feet of the perimeter of the parcel on which the development is proposed owners of real property within three hundred feet of the property on which the development is proposed, as shown on the County's latest equalized assessment roll, if the zoning for such property requires a minimum lot area of less than twenty thousand square feet or a maximum density higher than two units per acre, or all owners of real property within six hundred feet of the property on which development is proposed, as shown on the County's latest equalized assessment roll, if the zoning for such property requires a minimum lot area of twenty thousand square feet or greater, or a maximum density of two units per acre or lower; and
5. ~~t~~The Coastal Commission.

These types of notice listed in 1. through 5. above shall be provided regardless of whether a hearing is required on the permit. If a hearing is required, notice shall also be published at least once in a local newspaper of general circulation in the County.

Section 22.70.050 requires that public notice regarding a proposed project be mailed **at least 10 days prior to a hearing or action** [emphasis added] on that project; the “days” in this instance are calendar days. Section 22.70.030 provides for potential waiver of an otherwise-required public hearing if no one requests that the hearing be held, after being given notice of the possibility of a hearing. The public hearing waiver process requires that recipients be given **15 working days**, from the date of sending the notice, to return a written request for the hearing to be scheduled. Both requirements can be satisfied with the provision of one notice document, as long as (a) the notice contains the required information about the possibility that a public hearing will not be scheduled if no one requests such a hearing, and (b) the notice is mailed at least 15 working days in advance of the decision date. Therefore, staff proposes no further changes to Sections 22.70.030 or 22.70.050.

- Section 22.70.080 provides for appeals to the Coastal Commission of certain County decisions on Coastal Permits. The Coastal Commission's regulations provide for a ten-working-day appeal period. The appeal period commences on the first day following receipt in the Coastal Commission's office of the notice of the final local government action (Calif. Code of Regulations Title 14, Division 5.5, Sec. 13110). The Public Review Draft incorrectly states that the ten-working-day appeal period begins on the first day following the County's action on the Coastal Permit. Therefore, staff recommends the following modification.

Section 22.70.080 – Appeal of Coastal Permit Decision

B. 2. Filing. Appeals must be filed in the office of the Coastal Commission prior to the close of business on the 10th working day after the receipt by the Coastal Commission of the notice of final County action on the Coastal Permit that is the subject of the appeal. . . .

II. BUILT ENVIRONMENT AND SOCIOECONOMIC ELEMENTS

COMMUNITY DESIGN (DES)

- On 9/19/11, the PC requested that staff revise Policy C-DES-2 to more closely match the existing LCP Unit II Visual Resource Policy 3.a (page 207) while also incorporating language from the certified San Luis Obispo County LCP to clarify the definition of public viewing places. Accordingly, staff recommends the following revisions.

C-DES-2 Protection of Visual Resources. Ensure the appropriate siting and design of structures to ~~protect visual resources and~~ prevent the obstruction of significant views, including views both to and along the coast as seen from public viewing ~~areas spaces such as highways, roads, beaches, parks, coastal trails and accessways, vista points, coastal streams and waters used for recreational purposes and from Highway One, Panoramic Highway, and Sir Francis Drake Boulevard.~~ The intent of this policy is the protection of significant public views rather than coastal views from private residences where no public vistas are involved. Require development to be screened with appropriate landscaping provided that when mature, such landscaping shall not interfere with public views to and along the coast. The use of drought tolerant, native coastal plant species is encouraged. Continue to keep road and driveway construction, grading, and utility extensions to a minimum, except that longer road and driveway extensions may be necessary in highly visible areas in order to avoid or minimize other impacts.

COMMUNITY DEVELOPMENT (CD)

- In their letter of 8/29/11, Coastal Commission staff indicated concerns that Policy C-CD-1 could be confusing if considered out of context with the hierarchy of other priority land uses established by Coastal Act policies. After further consultation with Coastal Commission staff, and to avoid continued confusion, staff recommends deleting this policy.

~~**C-CD-1 Coastal Dependent Development.** Prioritize coastal dependents development over other developments on or near the shoreline. When appropriate, accommodate coastal-related developments within reasonable proximity to the coastal-dependent use they support.~~

~~(PC app 10/26/09)~~

~~[Adapted from Coastal Act Section 30255]~~

- On 9/19/11, the Planning Commission approved staff's recommendation to modify C-CD-5 to eliminate a confusing reference to the Coastal Act noted by the Coastal Commission. In addition, recent amendments to Chapter 22.112.020 adopted by the Planning Commission have reduced limitations on the maintenance of nonconforming structures and uses. To ensure that Policy C-CD-5 carries out the Coastal Act in a way that is also consistent with current Development Code provisions, staff recommends the following further modifications.

C-CD-5 Non-Conforming Structures and Uses. Allow existing, lawfully established non-conforming structures or uses ~~built or commenced prior to the effective date of the Coastal Act~~ (January 1, 1977) to be maintained or continued, provided that such structures or uses are not

enlarged, intensified, ~~or moved to another site, or damaged or destroyed to an extent greater than 75 percent of their fair market value.~~ If a nonconforming use of land or a nonconforming use of a conforming structure is discontinued for a continuous period of ~~one year~~ **six months**, the use shall be deemed to have been abandoned and shall lose its legal nonconforming status.

- Staff recommends modifying C-CD-24 as follows to delete duplicate language repeated in item (5):

C-CD-24 Commercial/Mixed-Use Land Use Categories and Intensities. Establish commercial/mixed-use land use categories to provide for a mix of retail, office, and industrial uses, as well as mixed-use residential development, in a manner compatible with public facilities, natural resource protection, environmental quality, and high standards of urban design. Mixed-use developments are intended to incorporate residential units on commercial properties, including on-site housing for employees, thereby contributing to affordable housing and reduced commutes. ~~For projects consisting of low and very low income affordable units, the FAR may be exceeded to accommodate additional units for those affordable categories. For projects consisting of moderate income housing, the FAR may be exceeded in areas with acceptable levels of service — but not to an amount sufficient to cause an LOS standard to be exceeded.~~ The following criteria shall apply to any mixed-use development:

1. For parcels larger than 2 acres in size, no more than 50% of the new floor area may be developed for commercial uses, and the remaining new floor area shall be developed for new housing.

For parcels 2 acres and less in size, no more than 75% of the new floor area may be developed for commercial uses, and the remaining new floor area shall be developed for new housing.
2. Projected peak-hour traffic impacts of the proposed mixed-use development are no greater than that for the maximum commercial development permissible on the site under the specific land use category.
3. Priority shall be given to the retention of existing neighborhood serving commercial uses.
4. The site design fits with the surrounding neighborhood and incorporates design elements such as podium parking, usable common/open space areas, and vertical mix of uses, where appropriate. In most instances, residential uses should be considered above the ground floor or located in a manner to provide continuity of store frontages, while maintaining visual interest and a pedestrian orientation.
5. For projects consisting of low income and very low income affordable units, the FAR may be exceeded to accommodate additional units for those affordable categories. For projects consisting of moderate income housing, the FAR may only be exceeded in areas with acceptable traffic levels of service — but not to an amount sufficient to cause an LOS standard to be exceeded.

Renovations not resulting in additional square footage will be exempt from the above requirements if consistent with the requirements of the Marin County Jobs-Housing Linkage Ordinance, Chapter 22.22 of the Development Code.

- In their letter of 8/29/11, Coastal Commission staff suggested this policy should be revised to reference the land use designation as well as the zoning. Staff recommends the following:

C-CD-26 Multi-family Residential Development in Multi-family Zones. Require multi-family development in certain multi-family zoning districts consistent with the C-MF2, C-MF3 and C-NC land use designations multi-family zones, including the C-R2, C-RMP and C-RMPC zoning districts, if parcel size and density permit. Prohibit development of single-family dwellings in multi-family zones unless the Director finds that multi-family development is infeasible or impractical based on physical site constraints, environmental constraints, or significant incompatibility with neighborhood character.

(PC app. 07/29/10)

[New policy, not in Unit I or II - November 2009 Draft Housing Element Program 1.f p. V-3]

- On 9/19/11, the Planning Commission expressed concerns that the phrase “do not adversely impact coastal resources” in Policy C-CD-27 may be interpreted too broadly and requested staff to propose alternative wording which is shown below. In addition, since the policy is directly related to affordable housing, staff recommends that this policy be moved to the Housing Chapter, and renumbered accordingly

C-CD-27 HS-9 Density Bonuses. Provide density bonuses for affordable housing in the Coastal Zone consistent with Government Code Section 65915 and Coastal Act Section 30604(f), and the County’s density bonus provisions in Chapter 22.24 (Affordable Housing Incentives) to the extent that such increases in density do not adversely impact coastal resource, are consistent with the provisions of the LCP.

- In their letter of 8/29/11, Coastal Commission staff suggested that the entire definition of “development” be quoted in the background section of the Community Development chapter. Since the definition of development is relevant to all chapters of the LCP, staff suggested that it would be more appropriate to include in the LCP Introduction. However, this revision was inadvertently omitted from the recommended changes included in the 9/19/11 staff report. Therefore, staff recommend that page 2 of the LCP Introduction be revised as follows

The Local Coastal Program (LCP)

The Local Coastal Program, or LCP, is the primary document that governs land development in the Marin County Coastal Zone. The LCP guides both public and private activities that constitute “development” of the land or in the water. In general, constructing a dwelling, a commercial building, a road, a boat dock or other improvements constitutes a “development” that requires a coastal permit, with specific exceptions. Furthermore, “development” includes changes in the use of land or water, even where construction is not involved. Within the Coastal Zone, the definition of “development” in its entirety, is as follows:

Development (coastal). On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973(commencing

with Section 4511 of the Public Resources Code). As used in this section, "structure" includes any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line. "Development" does not mean a "change of organization", as defined in California Code Section 56021 or a "reorganization", as defined in California Code Section 56073.

- On 9/19/11, the Planning Commission requested staff to review the Village Limit Boundaries on Land Use Maps 18a, 18b, 18e, and 18d. *[The maps are not provided at this time.]*
 - Map 18a Muir Beach Land Use Policy Map: Staff confirmed that the sliver of C-AG1 land along Highway One is indeed a parcel (199-160-16). No action needed.
 - Map 18b Stinson Beach Land Use Policy Map: Revise as necessary to remove Open Space areas that are contiguous. *The Village Limit Boundary will be revised to remove parcel 195-194-01 since it is the downtown park/basketball court and is owned by the County of Marin. Property is zoned C-VCR.*
 - Map 18d Olema Land Use Policy Map: Revise as necessary to remove the reference to the Golden Gate National Recreation Area in the eastern portion of the map. *No revision to the Village Limit Boundary itself is needed.*
 - Map 18e: Point Reyes Station Land Use Policy Map: Revise as necessary to remove the C-OS areas within the Point Reyes National Seashore on the southern portion of the map from within the Village Limit Boundary. *The Village Limit Boundary will be revised to remove a number of parcels that are now federally owned.*

COMMUNITY SPECIFIC POLICIES

- In their letter of 8/29/11, Coastal Commission staff expressed concern that the wording of Policy C-MB-1 may be inconsistent with Coastal Act policies related to visitor-serving uses. After further consideration, staff recommends the following modifications.

C-MB-1 Community Character of Muir Beach. Maintain the small-scale character of Muir Beach as a primarily residential community with ~~limited agriculture and very limited commercial use~~ **recreational, small scale visitor serving, and limited agricultural use.**

- On 9/19/11, the Planning Commission requested staff to update C-SB-3 as necessary. *Ongoing consultations with Seadrift representatives and Coastal Commission staff are occurring to review the language for consistency with the Wisenbaker settlement agreement. Updated language will be presented at a future hearing. These changes will also impact Development Code section 22.65.070*

- On 9/19/11, the Planning Commission requested staff to update C-SB-4 for consistency with creek restoration work currently in progress. Staff recommends the following revisions

C-SB-4 Easkoot Creek. Restore ~~the original channel of~~ Easkoot Creek, ~~as feasible, to flow into the lagoon in the vicinity of the old causeway between Calle del Arroyo and Highway One~~ to improve the hydraulic action of ~~the~~ **Bolinas** Lagoon.

- On 9/19/11, the Planning Commission requested that staff modify C-INV-3. In their letter of 8/29/11, Coastal Commission staff commented that they will need a better understanding of the rationale for deleting specific requirements contained within the LCP. In addition, they will need to review and research the Paradise Ranch Estates Restoration Plan to determine its status. Staff will need to conduct a detailed analysis of this policy to justify any changes. Therefore, staff recommends leaving the policy as is for now until more research is done.

- The Planning Commission requested staff modify C-INV-4 as shown below. Staff recommends renaming the policy to more appropriately represent the content of the remaining text. In addition, the text will no longer be numbered when modified,

C-INV-4 ~~Alternative Transportation Road and Path Maintenance in Inverness.~~ ~~Maintain the present roadway system in its present capacity and configuration while providing an alternative means of circulation within the Planning Area to complement the roadway system. Consider the following projects:~~

- ~~Consider a shoreline riding and hiking trail extending from the National Park visitor reception facilities in Bear Valley and to downtown Point Reyes Station.~~
- ~~Support continuation and expansion of Marin Transit's Stagecoach service to West Marin.~~ [moved to Transportation C-TR-10a]
- ~~Seek the installation of transit waiting shelters along Sir Francis Drake Boulevard, as appropriate.~~ [moved to Transportation C-TR-10a]
- ~~Post transit schedules at transit stops and distribute schedules to residents.~~ [moved to Transportation C-TR-10a]
- ~~Continue to utilize the principle of "flag stops" to receive or discharge transit patrons along the transit route as a further inducement to transit patronage.~~ [moved to Transportation C-TR-10a]
- Maintain existing residential streets at current improvement standards. Unimproved residential

roadways should be improved to minimal all-weather travel standards such as crushed rock by owners of land whose frontages abut such roadways.

7. ~~Design new streets to be in keeping with the existing streets (i.e. two-lane roadways with soft shoulders).~~
8. Continue to maintain existing paths and encourage new pathways. Transfer ~~the~~ maintenance of existing pathways, which are maintained by local volunteers, to a local district as feasible.
9. ~~Explore with the Community all feasible means of discouraging unsafe traffic uses and practices in the 1st and 2nd Valleys.~~

- On 9/19/11, the Planning Commission requested staff to add new policy C-ES-7 to address specific standards for retail sales facilities in the East Shore of Tomales Bay. The policy would require new or expanded retail sales facilities for retail sales of agricultural products within portions of the East Shore area would not be allowed as a Principally Permitted Use. The agricultural lands in this area are primarily zoned C-APZ-60. In other areas with the same zoning, the same retail sales facilities uses would be allowed as a Principally Permitted Use. Upon further research, staff has determined that it does not appear legal under Government Code 65852 to create separate regulations for the same type of use in a zoning district. **Therefore, staff does not recommend this new policy.** At the October 24, 2011 Hearing regarding Agriculture, the Planning Commission determined the coastal permit process will provide notice, comment, local appeal and hearing opportunities for any interested parties to fully participate in the review of such projects, should any occur, in the East Shore area. The Standards for Specific Land Uses in Section 22.32.026 and 22.32.027 address such development.

65852 Uniformity. All such regulations shall be uniform for each class or kind of building or use of land throughout each zone, but the regulation in one type of zone may differ from those in other types of zones.

- On 9/19/11, the Planning Commission approved staff's recommendation to modify C-DB-1 to include zoning designation language for Oceana Marin that was mistakenly omitted from the LUP. During review of the Decision Table showing this modification, the Planning Commission suggested additional minor editorial revisions and recommended that the new provision regarding Oceana Marin be made into a separate freestanding policy. Accordingly, staff recommends the following additional revisions.

C-DB-1 Community Character of Dillon Beach. Maintain the existing character of residential and small-scale commercial development in Dillon Beach and Oceana Marin. Dillon Beach Resort, including all properties zoned C-RCR and C-RMPC between Dillon Beach Road and Dillon Creek, would be an appropriate site for new development of a modest scale, including a small motel, cafe, delicatessen, or restaurant, and day-use facilities. Due to ~~its the proximity of the site of the former Pacific Marine Station site~~ to the shoreline, ~~it this the former Pacific Marine Station~~ is an especially suitable area for facilities where many people can enjoy its prime location. The site offers opportunities, for example, for community services, a conference center, and youth hostel. Limited residential development would be appropriate at the Dillon Beach Resort, provided it is developed as a secondary use in conjunction with visitor-serving uses. All development shall demonstrate adequate water supply and sewage disposal, and shall be sited out of sand dunes and other environmentally-sensitive areas. Building heights shall be limited to that which is compatible with the scale and character of the area. Existing C-RCR and C-RMPC zoning shall be maintained. Maintain existing C-RCR and C-APZ-60 zoning at Lawson's Landing.

[Adapted from Unit II Recreation and Visitor Serving Facilities Policy 3.g(1) & (2), p. 51 – 52 and New Development and Land Use Policy 8(h)(7), p. 218 (as amended)]

NEW POLICY C-DB-3 Oceana Marin. The zoning designations for the C-RMP parcels in Oceana

Marin represent the low end of the residential density ranges specified in the Dillon Beach Community Plan for the respective parcels. Development at higher density ranges may be approved if subsequent studies demonstrate that additional development can be accommodated in accordance with Policies CD-4.6 and CD-10.6 through CD-10.16 of the Dillon Beach Community Plan.

[Adapted from Unit II ~~Recreation and Visitor Serving Facilities Policy 3.g(1) & (2), p. 51 – 52~~ and New Development and Land Use Policy 8(h)(7), p. 218 (as amended)]

- To provide policy guidance for Lawson's Landing, staff recommended adding new Policy C-DB-2 to the Dillon Beach Community Specific Policies, to which the Planning Commission had no objections on 9/19/11. In the staff response to CCC comments, staff recommended supplementing proposed new policy C-DB-2 with additional language referencing Sand Haul Road as a potential additional access road to Lawson's Landing. The PC requested that staff reconsider the proposed language to ensure consistency with the intent of the Dillon Beach Community Plan and recent County and Coastal Commission project approvals. The Community Plan references Sand Haul Road as a potential second road to mitigate traffic impacts in the area. In addition, Coastal Commission staff is requiring the evaluation of Sand Haul Road for primary ingress and egress to Lawson's Landing as part of their recommended conditions of project approval. Accordingly, staff recommends the following revisions to this portion of the policy (full policy shown for reference, portion approved by PC on 9/19/11 shown in *italics*).

(New) C-DB-2 Lawson's Landing. *Retain Lawson's Landing as an important source of lower cost visitor serving access and recreational opportunities, including coastal-dependent water-oriented activities such as boating and fishing. Pursuant to the Dillon Beach Community Plan and project approvals, support provision of a second road connecting Dillon Beach Road to Lawson's Landing along Sand Haul Road in order* **require Sand Haul Road to be evaluated as a means** to provide primary vehicular access to Lawson's Landing and to provide relief from traffic congestion in Dillon Beach Village, **subject to full environmental review.**

[Not in Unit I or II; adapted from the Coastal Commission staff report for Lawson's Landing Appeal No. A-2-MAR-08-028]

The corresponding addition to the proposed Development Code Amendments to implement this policy would read as follows:

22.66.110 Dillon Beach Community Standards

...

C. Lawson's Landing. **Lawson's Landing shall be retained as an important lower cost visitor serving facility per Land Use Policy C-DB-2.**

ENERGY (EN)

- The PC requested that staff revise the **introduction** to the LUP Energy chapter to include a discussion and explanation about the proposed prohibition of major industrial and energy facilities.
- The PC requested that staff carry forward the discussion of Program **C-EN-4.a**, Policies **C-EN-5** and **C-EN-6**, and proposed new definitions to the PC hearing scheduled for November 7, 2011, so that they can be more carefully considered after the issue of Wind Energy Conversion Systems (WECS) in the Coastal Zone is resolved.
- The PC requested that staff propose a **new Energy program** to study wind feasibility in the Coastal Zone, as well as the potential for other renewable energy resources, and bring back to PC on 11/7/11.
- The PC requested that staff research Meteorological Towers (**Met Towers**) and other alternatives for measuring wind feasibility in the Coastal Zone, and bring discussion back to PC on 11/7/11. The PC suggested incorporating a standard for Met Towers into the Development Code if such development is proposed as an allowed use in the Coastal Zone.
- The PC considered three alternatives for Wind Energy Conversion Systems (**WECS**) in the Coastal Zone, of which they requested that #2 and #3 be carried forward with modification for future consideration at the PC hearing on 11/7/11.

See Staff Report Attachments 2, 3 and 4 for staff's response to the above PC directions on Energy.

HOUSING (HS)

- Staff proposes to modify Program C-HS-8.a in response to Coastal Commission staff comments regarding permit requirements for agricultural worker housing as follows:

Program C-HS-8.a Administrative Ministerial Review for Agricultural Worker Housing Units. Establish an administrative Coastal Permit ministerial review process for of applications for agricultural worker units in order to expedite the permitting process and facilitate the development of legal agricultural worker units.

PUBLIC FACILITIES AND SERVICES (PFS)

- On 9/19/11 staff proposed revisions to Policy C-PFS-2 in response to CCC comments in their letter of 8/29/11 regarding the need to clarify the meaning of “public works” and related terms. The Planning Commission had no objection to the proposed changes, as follows:

C-PFS-2 Expansion of Public Services. Limit new or expanded roads, flood control projects, utility services, and other public works facilities to the minimum necessary to adequately serve development as identified by LCP land use policies, including existing development. Take into account the existing and probably future availability of other public services such that the expansion does not accommodate growth which cannot be handled by other public works facilities. All such public works projects shall be subject to the LCP.

After further review, however, staff recommends further revisions to both Policy C-PFS-1 and C-PFS-2, as provided below. The purpose of these revisions is to acknowledge the fact that the facilities that provide services, such as water supply, sewage disposal, and transportation, are not in all cases publicly owned. Thus the use of the term “public facilities” may be misleading, implying that only facilities owned by a public entity are subject to Policies C-PFS-1 and C-PFS-2. Instead, the focus of these two policies is on the services that are provided by such facilities, and not on the nature of ownership of those facilities. Policies C-PFS-1 and C-PFS-2 require that public services must be deemed adequate to support new development, as required by Coastal Act Section 30250, and that such services must be sized only to accommodate development identified in the LCP, without being “growth-inducing” beyond the level of development that the LCP would allow.

One option would be to include in the LCP the Coastal Act’s definition of “public works,” which is defined to include water, sewage, and transportation facilities. But the Coastal Act definition also includes parks and trails, among other things, which are not relevant here. Therefore, staff recommends simply including within Policy C-PFS-1 a straightforward definition of “public services” to mean only those services that are relevant in this context, without limiting them to publicly owned facilities. Staff also recommends modifying Policy C-PFS-2, so that its terms are consistent with those of Policy C-PFS-1.

C-PFS-1 Adequate Public Services.

Ensure that adequate public services (e.g. that is, water supply, on-site sewage disposal or sewer systems, and transportation, including public transit as well as road access and capacity if appropriate) are available prior to approving new development, including land divisions. Lack of available public services shall be grounds for denial of the project or for a reduction in the density otherwise indicated in the land use plan.

C-PFS-2 Expansion of Public Services. Limit new or expanded roads, flood control projects, utility services, and other public service facilities, whether publicly owned or not, to the minimum necessary to adequately serve development as identified by LCP land use policies, including existing development. Take into account the existing and probable future availability of other public services such that the expansion does not accommodate growth which cannot be handled by other public works service facilities. All such public works service projects shall be subject to the LCP.

- In their letter of 8/29/11, Coastal Commission staff suggested the following revisions to Policy C-PFS-4 and staff concurs.

C-PFS-4 High-Priority Visitor-Serving Land Uses. In acting on any coastal project permit for the extension or enlargement of community water or community sewage treatment facilities, determine that adequate treatment capacity is available and reserved in the system to serve VCR- and RCR- zoned property and other visitor-serving uses.

- In their letter of 8/29/11, Coastal Commission staff expressed several concerns regarding Policy C-PFS-12. The policy reflects the action of the Planning Commission, and therefore no revisions to it are proposed here, except for two minor changes, which are (1) to change the reference in paragraph #2 from "community expansion boundary" to "village limit boundary" in order to be consistent with the terminology used in Community Development policies, and (2) to update the reference to "affordable housing" to be consistent with other Planning Commission decisions.

C-PFS-12 Limited Use of Off-Site Septic Systems. Allow construction of an off-site individual or community septic system (that is, on a site other than as allowed by LCP Policy C-PFS-9) only where the system would:

1. Provide for correction of one or more failing sewage disposal system(s) that serve(s) existing development where the County Health Officer has determined that no other reasonable corrective action exists, or
2. Serve one of the following land uses that cannot be constructed feasibly in any other way: coastal-dependent land use, shoreline public access facility, or affordable housing within a community expansion village limit boundary for Very Low or Low Income residents.

- On 9/19/11, the PC requested that staff revise Policy C-PFS-18 regarding desalination to clarify that it would allow the treatment of existing water supplies subject to salt water intrusion. Staff recommends the following revisions.

C-PFS-18 Desalination Facilities. Due to the Coastal Zone's unique natural resources and recreational opportunities of nationwide significance, prohibit the development of desalination facilities. This policy applies to the desalination of ocean water and is not intended to prohibit the treatment of existing surface or ground water supplies for purposes of maintaining water quality.

TRANSPORTATION (TR)

- Based on discussion with Coastal Commission staff, staff recommends adding a reference in C-TR-5 to C-PK-14 in recognition that the California Coastal Trail is an important component of the bicycle and pedestrian network as follows:

C-TR-5 Bicycle and Pedestrian Network. Ensure that the Coastal Zone has adequate bicycle and pedestrian links, both internally and to other parts of the county, and that streetscape improvements and standards are safe and pedestrian and bicycle friendly. Consistent with LCP natural resource policies, avoid incursions into environmentally sensitive areas unless such incursions are dependent on the resource and the environmentally sensitive area is protected from significant disruption of habitat values. In addition, minimize impacts to active agricultural lands or operations. (See also Policy C-PK-14 Appropriate Alignment of the California Coastal Trail).

- On 9/19/11, the Planning Commission requested staff modify C-INV-4 to revise and move selected sections to the Transportation section. This would result in modifying Program C-TR-10.a as follows:

Program C-TR-10.a Encourage Additional Transit Service. Encourage the development of new transit service routes and associated loading and turning areas, consistent with the goal of utilizing public transit to meet current and increased use of coastal access and recreational areas. Consider the following projects:

- Support continuation and expansion of Marin Transit's Stagecoach service to West Marin;
- Seek installation of transit waiting shelters along Sir Francis Drake Boulevard, as appropriate;
- Post transit schedules at transit stops; and
- Consider utilizing the principle of "flag stops" to receive or discharge transit patrons along the transit route as a further inducement to transit patronage.

HISTORICAL AND ARCHAEOLOGICAL RESOURCES

- In their letter of 8/29/11, Coastal Commission staff commented that the Development Code provisions that carry out Policy C-HAR-2 regarding mitigation of impacts of development on archaeological and paleontological resources should require not only a field survey but also implementation of recommendations contained in that field survey. Therefore, staff recommends the following revisions. (Policy C-HAR-2) is included here for reference; the proposed revisions are to the accompanying Development Code standards in Sec. 22.64.160.B, which follows the policy below.)

C-HAR-2 Potential Impacts of Development on Archaeological and Paleontological Resources.

Prior to the approval of a coastal project permit for any development proposed within an area of known or likely archaeological or paleontological significance, including sites identified in the file described in Policy C-HAR-1, require a field survey by a State-qualified archaeologist recommended by the Sacred Sites Protection Committee of the Federated Indians of Graton Rancheria or by a qualified paleontologist at the applicant's expense to determine the extent of archaeological or paleontological resources on the site. Where development would adversely impact identified resources, require reasonable mitigation measures, including avoidance and permanent protection as open space, if feasible, as recommended in the field survey.

Section 22.64.160 – Historical and Archaeological Resources

...

B. Historical and Archaeological Resource standards.

1. Implementation of mitigation measures. Carry out reasonable mitigation measures, including avoidance and permanent protection as open space, if feasible, as recommended in the field survey prepared per Land Use Policy C-HAR-2.

1- 2. Monitoring of construction activities on archaeological sites. New development on sites identified as archaeologically sensitive shall be monitored per Land Use Policy C-HAR- 3.

2- 3. Structures of special character and visitor appeal. Preserve and restore structures with special character and visitor appeal in coastal communities. (Land Use Policy C-HAR-4).

3- 4. Development affecting structures and areas of special character and visitor appeal. Coastal Permit applications for projects that involve pre-1930 buildings or are located in areas designated as having special character and visitor appeal, including historic areas, shall be evaluated per Land Use Policy C-HAR-5.

4- 5. Alterations and additions to structures of special character and visitor appeal. Applications for substantial alterations or additions to any structure built prior to 1930 shall be evaluated per Land Use Policy C-HAR-6.

5- 6. Proposed demolition of structures of special character and visitor appeal. Proposed demolition of any structure built prior to 1930 shall be evaluated and processed per Land Use Policy C-HAR-7.

6- 7. Villages with special character and visitor appeal. New construction in identified (mapped²) areas having special character and visitor appeal, including historic areas shall comply with Land Use Policy C-HAR-8.

PARKS, RECREATION, & VISITOR-SERVING USES (PK)

- On 9/19/11, the PC approved Policy C-PK-11 with modifications to the section for "Marconi Cove Area" to delete the specific number of campsites to be provided in a future state park project at Marconi Cove and to delete a reference to a now-removed gas station. On 9/8/11, the Coastal Commission approved Coastal Permit #2-11-011, Calif. Dept. of Transportation, for rock slope protection adjacent to Highway One on a site adjacent to Tomales Bay. As part of required mitigation for the Caltrans project, funds will be made available, via a future agreement involving Caltrans, State Parks, and the California Dept. of Boating and Waterways, to improve the state-owned site at Marconi Cove for recreational use, including picnic facilities, boat launching facilities, and environmental campsites. To ensure consistency of the approved mitigation with the LCP, staff recommends additional modifications to Policy C-PK-11 as follows.

C-PK-11 State Parks.

...

Marconi Cove Area

- Provide day-use picnicking and boating facilities, including boat launch ramp, at this former marina/campground site.
- Provide approximately eight walk-in environmental campsites which could accommodate, but would not be limited to, the camping needs of bicyclists, boaters, and future hikers of the California Coastal Trail.
- Consider adaptation of the bathhouse (potentially historic) along Highway 1. One to use as staff or campground host housing or for another park use. The old gas station is less than 50 years old, does not have the potential for historic significance, and can be demolished.
- Provide parking facilities, park entrance, restrooms, landscaping, interpretive signage, pathways, fencing, lighting, and campground amenities such as fire rings, tables, and food lockers.
- Retain natural values where the property is narrowest, on the south end.
- Ensure that development and operation of recreational facilities at Marconi Cove consider potential impacts to freshwater and baywater quality, wildlife, and to existing state water bottom leases utilized for commercial shellfish aquaculture.

...

(Note: rest of policy remains unchanged)

- On 9/19/11, the PC recommended modifications to Policy C-PK-14 which were incorrectly shown on the Decision Table prepared for that hearing. The following shows those corrected modifications. Furthermore, in their letter of 8/29/11, Coastal Commission staff commented that creation of segments of the California Coastal Trail may be accomplished through the regulatory process, in addition to purchase from willing sellers and by donation. Therefore staff recommends additional revisions to paragraph #1 of Policy C-PK-14, as shown below. (See also proposed revisions to Policy C-PA-2 below, under Public Coastal Access.) Staff also recommends inclusion in Policy C-PK-14 of a reference to LCP Map 24, which shows the general alignment of coastal and other trails.

C-PK-14 Appropriate Alignment of the California Coastal Trail. Support completion of the California Coastal Trail through Marin County as shown generally on Map 24, working with willing sellers or donors and other entities. To the extent that an interim inland bypass is necessary for the route from Tomales north to the County line, the that route should tentatively follow Dillon Beach Road and Valley Ford-Franklin School Road, as and if appropriate, as a preferable alternative to using Highway One as the interim route.

Acquisition, siting, and design of the California Coastal Trail should reflect the following standards:

1. Seek needed trail segments from willing sellers at fair market value, ~~or~~ by donation, or through the regulatory process pursuant to Policy C-PA-2;
2. Locate the trail along or as close to the shoreline as feasible;
3. Incorporate a “braided trail” concept, if necessary, in which there are separate routes for different non-motorized users;
4. Make the trail continuous and link it to other public trail systems;
5. Where not feasible to locate the trail along the shoreline due to natural landforms, sensitive natural resources, or agricultural operations, locate inland bypass segments as close to the shoreline as possible;
6. Consider use of ~~interim trail segments~~ an inland bypass trail, including braided trail segments where opportunities exist to create them, that assures a continuous coastal trail in the short-term, while providing for potential realignment to better locations as conditions change in the future, and seek opportunities over time to move such segments closer to the coastline where willing landowners agree;
7. Wherever possible, avoid locating the trail along roads with motorized vehicle traffic; if it is necessary to site the trail along roads, provide for separation of the trail from traffic.

PUBLIC COASTAL ACCESS

- In their letter of 8/29/11, Coastal Commission staff commented that segments of the California Coastal Trail may be suitable for creation through the regulatory process in conjunction with proposed development projects. Public Coastal Access Policy C-PA-2 addresses the potential requirement of public coastal accessways, where a nexus exists between the impacts of a proposed development and the provision of public coastal access. Therefore, staff recommends the following revision, in order to address the California Coastal Trail.

C-PA-2 Public Coastal Access in New Development. Examine proposed new development between the shoreline and the first public road, whether or not it is mapped as the first public road for purposes of coastal permit appeals, for impacts on public access to the coast. Where a nexus exists between the impacts of the proposed development and the provision of public access, require the dedication of a lateral and/or vertical accessway, including segment(s) of the California Coastal Trail as provided by Policy C-PK-14, as a condition of development, unless Policy C-PA-3 provides an exemption. Impacts on public access include, but are not limited to, the intensification of land use resulting in overuse of existing public accessways, the creation of physical obstructions or perceived deterrence to public access, and the creation of conflicts between private land uses and public access.

- On 9/19/11, the PC requested that staff consider deleting the first sentence or two of Policy C-PA-8, on the basis that public acquisition of the access trails in question has occurred already. Staff recommends revision of the policy as follows:

C-PA-8 Bolinas Mesa. ~~Historic public use of the two access trails across Bolinas Mesa to the RCA beach and of the beach area itself shall be protected in accordance with the access program approved by the North Central Coast Regional Commission in its action on Permit No. 31-78 (Commonweal). As provided by the conditions of the Commonweal permit approval, use of the access trails and beach areas and~~ shall be limited to the level and character of the historic use of the property (including but not limited to use for beach access, hiking, swimming, and horseback riding) in order to protect the natural resources of Duxbury Reef. Limited signing shall be provided to identify the access trails and caution trail users of the fragile coastal resources of the area.

CHAPTER 22.65 - COASTAL ZONE PLANNED DISTRICT DEVELOPMENT STANDARDS

- The PC requested that staff check with County Counsel regarding **Section 22.65.050.D.4:**
 4. In some cases, the County may require reasonable public access across those lands remaining in private ownership. Pedestrian and/or equestrian access shall be provided where consistent with adopted County and coastal plans, where consistent with Federal and State law, where not in conflict with agricultural uses, and where liability issues have been resolved. Public access for pedestrian and/or equestrian purposes may only be required as a condition of plan approval.

ENERGY (EN)

At the public hearing on September 19, 2011, the Planning Commission (PC) approved proposed Local Coastal Program (LCP) Policies C-EN-1, C-EN-2, C-EN-3, and C-EN-4, which address energy efficiency and prioritize the use of renewable energy resources. The PC requested that staff bring back Program C-EN-4.a and further address how the County intends to study renewable resources in the Coastal Zone. The PC also requested that staff bring back the discussion of energy production facilities in the Coastal Zone, as addressed by proposed Policies C-EN-5 and C-EN-6, and determine how best to address such development in the LCP. This topic includes the issue of Wind Energy Conversion Systems (WECS) and wind testing facilities.

Staff recommends that the PC carefully review the LCP Energy provisions proposed below. This recommendation was developed to promote the County's overall goal of supporting the continued transition to renewable energy resource use with the least possible impact to natural resources. This objective is rooted in the Energy goals and policies of the Marin Countywide Plan, as well as state laws such as AB 32¹ that mandates reduced levels of greenhouse gas emissions by 2020, and Government Code Section 65897 which states:

*"It is the policy of the state to promote and encourage the use of distributed renewable energy systems and to limit obstacles to their use, and it is the intent of the Legislature that local agencies encourage the installation of distributed renewable energy systems by removing obstacles to, and minimizing costs of, permitting distributed renewable energy systems."*²

According to the California Energy Commission (CEC), in 2009, approximately 20 percent of the State's energy production was provided by renewable resources such as wind, solar, geothermal, biomass and hydroelectric facilities.³ With the recent passing of Senate Bill X1-2, California is now required to increase this percentage to 33 percent by 2020.⁴ To help continue and improve the health and economic well-being of not only the local community, but of the State and the Nation, it is essential that the County of Marin contribute by whatever means feasible to meet these broader goals.

¹ Assembly Bill 32: Global Warming Solutions Act of 2006.

² Retrieved from: <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=65001-66000&file=65893-65899>

³ Retrieved from: <http://www.energy.ca.gov/renewables/index.html>

⁴ Retrieved from: http://info.sen.ca.gov/pub/11-12/bill/sen/sb_0001-0050/sbx1_2_bill_20110201_introduced.html

ITEM #1: Study Renewable Energy Potential

Background: At the 9/19/11 PC hearing, the PC requested that staff carry forward Program C-EN-4.a to further evaluate the proposed language in the context of a broader discussion about renewable energy. The PC also requested that staff propose a new program to study wind feasibility in the Coastal Zone, as well as the potential for other renewable energy resources. Several Marin Countywide Plan (CWP) programs already address these issues. The proposed revisions to Program C-EN-4.a would coordinate with these initiatives.

Program C-EN-4.a

Recommendation: Modify Program C-EN-4.a as shown. Program is consistent with CWP programs that address the same issue (*see CWP Programs EN 1a, 2.b, 2.c and 2.d listed below*).

Program C-EN-4.a ~~Collaborate with Other Agencies~~ **Study Renewable Energy Resource Potential.** Work with other agencies to study the potential for renewable energy generation in the Coastal Zone, and identify sites and areas with the most capacity for renewable resources such as wind and solar power. Within areas identified, specify sites suitable for locating renewable energy facilities with the least possible impact, and evaluate mechanisms for protecting such areas sites for compatible appropriate renewable energy facilities.

The referenced CWP programs state:

CWP Program EN-1.a *Establish a Permanent Sustainable Energy Planning Process.*

Integrate sustainable energy resource planning and program implementation (including climate protection, water resources and other overlapping topics) into long range and current planning functions and other related County divisions. Establish and maintain a process to implement, evaluate, and modify existing programs. Work with PG&E and local and State agencies to estimate current and future energy demand countywide, conduct integrated resource planning, determine how energy sources and delivery systems can conserve resources and reduce demand in Marin, and promote energy conservation, efficiency, and use of renewable resources.

CWP Program EN-2.b *Protect Renewable Resources.* Identify possible sites for production of energy using local renewable resources such as, solar, wind, small hydro, biogas, and tidal; evaluate potential land use, environmental, economic, and other constraints affecting their development; and adopt measures to protect those resources, such as utility easement, right of way, and land set-asides.

CWP Program EN-2.c *Protect Solar Access.* Continue to require the protection of passive or active solar design elements and systems from shading by neighboring structures and trees.

CWP Program EN-2.d *Facilitate Renewable Energy Technologies and Design.* Continue to identify and remove regulatory or procedural barriers to producing renewable energy in building and development codes, design guidelines, and zoning ordinances. Work with related agencies such as fire, water, and health that may impact the use of alternative technologies. Develop protocols for alternative energy storage such as biodiesel, hydrogen, and/or compressed air.

ITEM #2: Energy Production Facilities

Background: The following policies address energy production facilities in the Coastal Zone, by continuing the existing certified LCP policy on energy and industrial development (carried forward as Policy C-EN-6 below), and adding Policy C-EN-5 that requires any permitted energy facilities to meet all the requirements of the LCP, especially those involving the protection of coastal resources most at risk for adverse impacts from such development. Also proposed are a set of new sections for Chapter 22.32 of the Development Code, which establish specific land use standards for WECS, solar energy systems, and wind testing facilities.

Policy C-EN-6

Carry Forward Certified LCP Language:
(no change to current approach)

Recommendation: Staff recommends carrying forward LCP Unit II Policy 7, which prohibits “major energy or industrial development,” but exempts “the development of alternative energy sources such as solar or wind energy” from the prohibition. This policy would be carried forward as LCP Policy C-EN-6.

Analysis: Policy C-EN-6 would incorporate language already certified by the California Coastal Commission (CCC), prohibit the development of energy facilities known to pose a serious threat to environmental resources (for example: oil and gas drilling, and power plants), leave the opportunity open for renewable energy facilities such as those for wind and solar power.

7. C-EN-6 Energy and Industrial Development. The **Unit II** Coastal Zone contains unique natural resources and recreational opportunities of nationwide significance. Because of these priceless resources and the very significant adverse impacts which would result if major energy or industrial development were to occur, such development, both on and offshore, is not appropriate and shall not be permitted. The development of alternative energy sources such as solar or wind energy shall be exempted from this policy.

[Continued from LCP Unit II New Development and Land Use Policy 7, p. 209]

Policy C-EN-5

Establish Siting and Design Requirements:

Recommendation: Staff recommends approving proposed Policy C-EN-5, to ensure that any proposed energy facilities are appropriately sited and designed to avoid and minimize adverse impacts to the surrounding environment. Per the request of the CCC, staff has added “agricultural resources” to the policy as shown below.

Analysis: Policy C-EN-5 explicitly requires all energy production facilities to avoid and minimize impacts to coastal resources as detailed in the applicable LUP policies and Development Code regulations of the Draft LCP. In addition, this policy furthers the objectives of CWP Policies EN-2.1 (“*Preserve opportunities for development of renewable energy resources.*”) and EN-2.3 (“*Facilitate renewable technologies through streamlined planning and development rules, codes, processing, and other incentives.*”).

C-EN-5 Energy Production Facility Impacts. Ensure through siting, “stealth” design and other measures that all energy production facilities are designed and constructed to avoid and minimize impacts on public health, safety and welfare, public views, community character, natural resources, agricultural resources, and wildlife, including threatened or endangered species, bat populations, or migratory birds.

[Adapted from CWP Program PFS-5.d, p. 3-209]

Implementation: Energy Facility Standards

Recommendation: Staff recommends adding new sections to Chapter 22.32 of the Development Code (as proposed below in ‘a’ – ‘c’) to establish specific land use standards for WECS, solar energy systems, and wind testing facilities in the Coastal Zone.

Analysis: The proposed standards in items ‘a’ – ‘c’ below address these three specific types of renewable energy facilities, and if adopted, would be incorporated into the proposed Development Code amendments, under Chapter 22.32 as appropriate. Renewable energy facilities other than those for wind and solar would be defined under “Other Renewable Energy Facilities,” as proposed under the Definitions section below, and allowed as a Conditional Use in all coastal zoning districts. Any proposed renewable energy facility would be reviewed on an individual basis to assure compliance with the proposed standards as well as with all applicable policies of the LCP.

a. WECS (coastal):

Background: At the 9/19/11 hearing, the PC considered three alternatives for WECS in the Coastal Zone, and requested Alternatives 2 and 3 be carried forward for further discussion at the November 7, 2011 hearing. Alternative 1 combined the standards of the Board-adopted countywide WECS ordinance (No. 3548) with the permitting requirements from the allowed use tables of the June 2011 LCP Public Review Draft (PRD), which proposed WECS as a predominantly Principal Permitted or Permitted Use in most coastal zoning districts (see Attachment #3, p. 1). The PC did not accept this alternative, so staff is proposing a revised Alternative 1 that establishes standards more restrictive than the PRD and the countywide WECS ordinance itself.

Upon PC approval of an alternative, staff will draft and bring back to the PC a proposed new section for Chapter 22.32 of the Development Code to specifically apply to WECS in the Coastal Zone. This will include a detailed set of standards and requirements, to be adapted from Section 22.32.180 that applies to WECS in non-coastal areas (see Attachment 4: Ord. 3548). Examples of such requirements shall include, but not be limited to: development standards, site and design requirements, and application submittal requirements such as a wind measurement study, a bird and bat study, visual simulations, and an acoustical analysis.

Recommendation: Staff recommends “Alternative 1” for WECS in the Coastal Zone.

Analysis: The three alternatives for WECS (coastal) that are detailed below implement the proposed LCP Energy Policies. They vary in terms of the size and type of systems that would be included in each of the allowed use categories: Principal Permitted, Permitted, and Conditional Uses. Regardless of the allowed used category they fall under, each proposed development of WECS, and any other renewable energy facility, would be reviewed on an individual basis to assure compliance with all applicable policies of the LCP and with specific land use standards proposed for Chapter 22.32 of the Development Code.

Alternative 1 (new): *(least restrictive; see page 2 of Attachment 3)*

▪ **Small WECS:**

- Roof-mounted: maximum height of 10 feet above the roof line. Allow as a Principal Permitted use in all coastal zoning districts. Exempt from Coastal Permit requirement, as consistent with proposed Section 22.68.050 – Exempt Projects.
- Non-grid-tied Agricultural: maximum height of 100 feet above grade. Must be used solely to pump water for agricultural uses and not be connected to a public utility grid for distribution of energy not used on the parcel. Allow in all coastal agricultural zoning districts (C-APZ, C-ARP, C-RA) as a Permitted Use (Coastal Permit required) on parcels one acre or larger, and as a Conditional Use (Coastal Permit and Use Permit required) on parcels less than one acre.
- Freestanding: maximum height of 40 feet. Defined as a self-supporting, stand-alone

structure detached from any other type of structure. Allow in all coastal zoning districts as a Permitted Use (Coastal Permit required).

- **Medium WECS:** Freestanding WECS between 40 feet and 200 feet in height above grade. Allow in all coastal zoning districts as a Conditional Use (Coastal Permit and Use Permit required). This category excludes Small Non-grid-tied Agricultural WECS between 40 feet and 100 feet in height above grade.
- **Large WECS:** Freestanding WECS that exceed 200 feet in height above grade. Allow as a Conditional Use (Coastal Permit and Use Permit required) in the C-APZ and C-ARP zoning districts, only on parcels 20 acres or larger, and limit to two units per parcel. The approval of more than two units per parcel would require an amendment to the Local Coastal Program.

Alternative 2: (most restrictive; see page 3 of Attachment 3)

- **Small WECS:**
 - Roof-mounted: maximum height of 10 feet above the roof line. Allow as a Principal Permitted Use in all coastal zoning districts. Exempt from Coastal Permit requirement, as consistent with proposed Section 22.68.050 – Exempt Projects.
 - Non-grid-tied Agricultural: maximum height of 100 feet above grade. Must be used solely to pump water for agricultural uses and not be connected to a public utility grid for distribution of energy not used on the parcel. Allow in all coastal agricultural zoning districts (C-APZ, C-ARP, C-RA) as a Permitted Use (Coastal Permit required) on parcels one acre or larger, and as a Conditional Use (Coastal Permit and Use Permit required) on parcels less than one acre.
 - Freestanding: maximum height of 40 feet above grade. Defined as a self-supporting, stand-alone structure detached from any other type of structure. Allow in all coastal zoning districts as a Conditional Use (Coastal Permit and Use Permit required).
- **Prohibit all other WECS that do not meet the above criteria.**

Alternative 3: (see page 4 of Attachment 3)

There is a question as to whether such development can be legally prohibited from geographic appeal areas, as proposed below. This may conflict with Government Code Section 65852 which states, “*All such regulations shall be uniform for each class or kind of building or use of land throughout each zone, but the regulations in one type of zone may differ from those in other types of zones.*” Staff will seek further consultation with County Counsel prior to the November 7, 2011 hearing with the PC.

- **Small WECS:** *Same as Alternative 2.*
- **Medium WECS:** Freestanding WECS between 40 feet and 100 feet in height above grade (non-coastal areas: Medium WECS = 40’ to 200’). Allow as a Conditional Use (Coastal Permit and Use Permit required) in all coastal zoning districts, and only outside of

geographic appeal areas.

- **Prohibit all other WECS that do not meet the above criteria.**

b. Wind Testing Facilities (coastal):

Recommendation: Staff recommends that the proposed standard below be added to Chapter 22.32 of the Marin County Development Code, to address wind testing facilities as a specific land use.

Analysis: There are no specific development code standards for wind testing facilities in the Coastal Zone, nor in the non-coastal areas of Marin County. Since such facilities may be necessary to implement proposed Program C-EN-4.a, as well as for a proposed WECS, it is recommended that a standard for this specific land use be established in the Coastal Zone to ensure that they are sited and designed appropriately.

22.32.190 - Wind Testing Facilities (coastal).

Facilities or structures (for example: Meteorological Towers) may be allowed as a Conditional Use on a temporary basis, if necessary to perform a wind measurement study. Installations of wind testing facilities shall be considered through the Temporary Use Permit process pursuant to Chapter 22.50 (Temporary Use Permits) as well as the Coastal Permit process pursuant to Chapters 22.68 and 22.70. Any proposed wind testing facilities shall comply with the development standards and requirements of WECS (coastal), contained in Section 22.32.190.

c. Solar Energy Systems (coastal):

Recommendation: Staff recommends that the proposed standard below be added to Chapter 22.32 of the Marin County Development Code, to address Solar Energy Systems as a specific land use.

Analysis: In the non-coastal areas of Marin County, roof-mounted solar panels and free-standing solar devices are allowed in all zoning districts, subject to the required setbacks and height limits of the applicable district, with some exceptions. Roof-mounted solar panels are allowed to "...exceed thirty feet above grade, provided no part of the equipment exceeds a height of thirty-two feet above grade unless approved through Design Review" in certain conventional zoning districts (Section 22.20.060.E, p. III-10), and free-standing solar devices are exempt from minimum setback requirements if such structures "...do not exceed a height of eighteen inches above grade at any point" (Section 22.20.090.D, p. III-15). Proposed Solar Energy Systems found to be consistent with the applicable requirements of the Development Code are allowed subject to approval of a building permit. If the proposed system is not consistent with the Code however, then a Use Permit may be required in addition to a building permit for approval.

There are no specific development code standards for Solar Energy Systems in the certified LCP. Solar Energy Systems are increasing in popularity with the continued shift towards renewable energy resources, and staff recommends that a standard for this specific land use be established in the Coastal Zone to ensure that such structures are sited and designed appropriately.

22.32.161 - Solar Energy Systems (coastal).

As defined in Section 22.130.030, a solar energy system consists of a photovoltaic solar collector or other photovoltaic solar energy device that has a primary purpose of providing for the collection and distribution of solar energy for the generation of alternating current rated peak electricity. The installation of any solar energy system must be sited and designed to be consistent with all required setbacks and height limits of the specific zoning district in which it is proposed.

A. Roof-Mounted Solar Energy System:

- i. Allowed as a Principal Permitted Use in all coastal zoning districts.
- ii. Exempt from the Coastal Permit requirement, consistent with Section 22.68.050.
- iii. May exceed the required height limit of the zoning district in which the project is proposed by no more than two feet. If any part of the structure exceeds the required height limit by greater than two feet, then a Use Permit may be required for approval.

B. Free-Standing Solar Energy System:

- i. Allowed as a Principal Permitted Use in all coastal zoning districts.
- ii. Exempt from the minimum setback requirements of the zoning district in which the project is proposed if the structure does not exceed a height of eighteen inches above grade at any point. If any part of the structure exceeds a height of eighteen

inches above grade, then a Use Permit may be required for approval.

[Adapted from Marin County Building Code Section 19.04.100, and Development Code Sections 22.20.060.E and 22.20.090.D]

(See proposed definition for *Solar Energy System* below)

Definitions

Recommendation: Staff recommends that the following definitions be added to Section 22.130.030 (Article VIII – Definitions) of the Marin County Development Code.

Energy Production Facility (coastal).

Any public or private processing, producing, generating, storing, transmitting, or recovering facility for renewable or non-renewable energy resources. electricity, natural gas, petroleum, coal, solar or wind conversion, wave and tidal energy, biogas, or other source of energy.

[Not in Draft Development Code, adapted from California Coastal Act Section 30107]

Solar Energy System (coastal).

A solar energy system that consists of a photovoltaic solar collector or other photovoltaic solar energy device that has a primary purpose of providing for the collection and distribution of solar energy for the generation of alternating current rated peak electricity.

[Adapted from Marin County Building Code Section 19.04.100]

Wind Energy Conversion System (WECS) (coastal).

Definition under revision. Following PC approval of a WECS alternative, staff will propose a coastal definition for WECS as appropriate, to be based on the amended countywide WECS definition (see Attachment 4: Ord. 3548). The new definition will include, but not be limited to the following components:

Freestanding Wind Energy Conversion System (WECS).

Any Wind Energy Conversion System (WECS) that is a self-supporting, stand-alone structure detached from any other type of structure.

[Not in Draft Development Code, new definition]

Non-Grid-Tied Agricultural Wind Energy Conversion System (WECS).

Any Wind Energy Conversion System (WECS) used solely to pump water for agricultural uses that does not connect to a public utility grid for distribution of energy, and that does not exceed 100 feet in height above grade.

[Not in Draft Development Code, new definition]

Roof-Mounted Wind Energy Conversion System (WECS).

Any small Wind Energy Conversion System (WECS) that is roof-mounted, utilizes a

horizontal-axis wind turbine (HAWT) or a vertical-axis wind turbine (VAWT) and does not exceed 10 feet in height above the roof line of the structure.

[Not in Draft Development Code, new definition]

Wind Testing Facilities (coastal).

[Definition under revision. Following PC approval of staff proposal for wind testing facilities (item 'b' above), staff will continue researching various types of wind testing facilities that may be suitable for the Coastal Zone and propose definition as appropriate]

ITEM #3: Introduction to LCP Energy chapter

At the 9/19/11 hearing, the PC requested that staff revise the introduction section for the Energy Chapter of the LCP Public Review Draft land use plan to include a discussion and explanation about the proposed prohibition of major energy and industrial facilities. Staff recommends the following revisions to the Energy chapter introduction.

Energy plays a critical role in the function of society. The way it is acquired, produced and utilized can have significant impacts on the health of the economy and community. With mounting concerns about environmental quality and resource conservation, it is necessary to create a sustainable framework within which energy can serve its purpose with minimal impact.

Most of the energy used in Marin County is imported from outside California, and is drawn from non-renewable resources such as nuclear power, natural gas and coal. The necessity for a shift to renewable energy has grown considerably in recent years. Through increased public awareness of energy issues and the establishment of energy-related legislation, the transition to renewable resources is slowly becoming a reality. In addition to shifting energy consumption to more renewable resources, the use of energy continues to become more efficient. Energy efficiency significantly reduces the rate at which limited non-renewable resources are consumed, which consequently reduces negative health and environmental impacts.

While the continued support of renewable energy has become a priority both locally and nationwide, there remains a concern that some renewable other types of energy production facilities may pose a significant threat to important coastal resources. Nowhere is this more evident than in the Coastal Zone of Marin County, where the abundance of sensitive natural resources creates a delicate setting for the potentially harmful effects that some facilities may impose. For instance, facilities such as power plants and those related to oil and gas drilling are known to inflict serious adverse impacts upon the surrounding environment, and are therefore not appropriate for the Coastal Zone and shall be prohibited. However, it is recognized that certain renewable energy facilities (for example, those necessary for solar and wind energy conversion) may be necessary for the continued health and economic well-being of the surrounding community, and therefore may be allowed where appropriate.

The Coastal Act stresses the protection of coastal resources, although acknowledges that some development of energy facilities and resources may be necessary for the social and economic well-being of the community. Sections 30260 through 30265 of the Act contain provisions for several types of energy development, including oil and gas development, thermal power plants, liquefied natural gas, and other related facilities. Renewable energy facilities such as those necessary for the use of solar and wind resources are not directly addressed, however any proposals for facilities of this nature would be subject to Sections 30250 through 30254, which address development in the

Coastal Zone.

The Local Coastal Program encourages improved energy efficiency through the implementation of specific energy standards for development, by providing public information about ways to increase energy efficiency, and by offering incentives for practicing energy efficiency and conservation in homes and businesses. The shift to renewable energy resources and the development of energy production facilities are also encouraged as deemed appropriate. While the LCP strongly supports renewable energy, it requires that any production facilities are carefully designed and sited to avoid and minimize potential impacts.

Wind Energy Conversion Systems (WECS) (coastal)
Draft Permitting Requirements for Coastal Zoning Districts

Table 1: WECS Permit Requirements as reflected in June 2011 Public Review Draft of LCP:

Land Use	Permit Requirements by District														
	Coastal Agricultural & Resource-Related Districts			Coastal Residential Districts						Coastal Commercial/Mixed-Use Districts					
	C-APZ Agricultural Production	C-ARP Agricultural Residential Planned	C-OA Open Area	C-RA Residential Agricultural	C-RI Single Family	C-R2 Two Family	C-RSPS Single Family Seadrift	C-RSP Single Family Planned	C-RMP Multiple Planned	C-VCR Village Commercial Residential	C-HI Limited Roadside Business	C-CP Planned Commercial	C-RMPC Residential Commercial Multiple Planned	C-RCR Resort and Commercial Recreation	
WECS, Small Roof-mounted (max height = 10' above roof line)	PP	PP	PP	PP	PP	PP	PP	PP	PP	P	P	P	P	U	
WECS, Small Non-grid-tied Agricultural (max height = 100' above grade)	PP	P/U	PP	P/U	P/U	P/U	P/U	P/U	P/U	P	P	P	P	U	
WECS, Small Freestanding (max height = 40' above grade)	P	P	P	P	P	P	P	P	P	P	P	P	P	U	
WECS, Medium (height = 40' to 100' above grade)	P	P	P	P	P	P	P	P	P	P	P	P	P	U	
WECS, Medium (height = 100' to 200' above grade)	P	P	P	P	P	P	P	P	P	---	---	---	---	---	
WECS, Large (height = greater than 200' above grade)	P	P	---	---	---	---	---	---	---	---	---	---	---	---	

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirements	Procedure is in Section:
E	Certain uses may be exempt or Categorically Excluded from permit requirements.	Chapter 22.68
PP	Principal permitted use (2)	
P	Permitted use. (2)	
U	Conditional use, Use Permit required. (2)	Chapter 22.48
—	Use not allowed. (See 22.02.020.E regarding uses not listed.)	

Table 2: Implementation of “Alternative I” from 11/7/11 LCP Staff Report:

- **Small WECS:**
 - Roof-mounted: maximum height of 10 feet above the roof line. Allow as a Principal Permitted use in all coastal zoning districts. Exempt from Coastal Permit requirement, as consistent with proposed Section 22.68.050 – Exempt Projects.
 - Non-grid-tied Agricultural: maximum height of 100 feet above grade. Must be used solely to pump water for agricultural uses and not be connected to a public utility grid for distribution of energy not used on the parcel. Allow in all coastal agricultural zoning districts (C-APZ, C-ARP, C-RA) as a Permitted Use (Coastal Permit required) on parcels one acre or larger, and as a Conditional Use (Coastal Permit and Use Permit required) on parcels less than one acre.
 - Freestanding: maximum height of 40 feet. Defined as a self-supporting, stand-alone structure detached from any other type of structure. Allow in all coastal zoning districts as a Permitted Use (Coastal Permit required).
- **Medium WECS:** Freestanding WECS between 40 feet and 200 feet in height above grade. Allow as a Conditional Use (Coastal Permit and Use Permit required) in all coastal zoning districts. This category excludes Small Non-grid-tied Agricultural WECS between 40 feet and 100 feet in height above grade.
- **Large WECS:** Freestanding WECS that exceed 200 feet in height above grade. Allow as a Conditional Use (Coastal Permit and Use Permit required) in the C-APZ and C-ARP zoning districts, only on parcels 20 acres or larger, and limit to two units per parcel. The approval of more than two units per parcel would require an amendment to the Local Coastal Program.

Land Use	Permit Requirements by District													
	Coastal Agricultural & Resource-Related Districts			Coastal Residential Districts						Coastal Commercial/Mixed-Use Districts				
	C-APZ Agricultural Production	C-ARP Agricultural Residential Planned	C-OA Open Area	C-RA Residential Agricultural	C-RI Single Family	C-R2 Two Family	C-RSPS Single Family Seadrift	C-RSP Single Family Planned	C-RMP Multiple Planned	C-VCR Village Commercial Residential	C-HI Limited Roadside Business	C-CP Planned Commercial	C-RMPC Residential Commercial Multiple Planned	C-RCR Resort and Commercial Recreation
WECS, Small Roof-mounted (max height = 10’ above roof line)	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP
WECS, Small Non-grid-tied Agricultural (max height = 100’ above grade) ¹	P/U	P/U	---	P/U	---	---	---	---	---	---	---	---	---	---
WECS, Small Freestanding (max height = 40’ above grade)	P	P	P	P	P	P	P	P	P	P	P	P	P	P
WECS, Medium Freestanding (height = 40’ to 200’ above grade)	U	U	U	U	U	U	U	U	U	U	U	U	U	U
WECS, Large (height = greater than 200’ above grade) ²	U	U	---	---	---	---	---	---	---	---	---	---	---	---

¹ Permitted Use on parcels one acre or larger; Conditional Use on parcels less than one acre.
² Conditional Use. Must be located on parcels 20 acres or larger, and shall be limited to two units per parcel. The approval of more than two units per parcel would require an amendment to the Local Coastal Program.

Table 3: Implementation of “**Alternative 2**” from 11/7/11 LCP Staff Report:

- **Small WECS:**
 - Roof-mounted: maximum height of 10 feet above the roof line. Allow as a Principal Permitted Use in all coastal zoning districts. Exempt from Coastal Permit requirement, as consistent with proposed Section 22.68.050 – Exempt Projects.
 - Non-grid-tied Agricultural: maximum height of 100 feet above grade. Must be used solely to pump water for agricultural uses and not be connected to a public utility grid for distribution of energy not used on the parcel. Allow in all coastal agricultural zoning districts (C-APZ, C-ARP, C-RA) as a Permitted Use (Coastal Permit required) on parcels one acre or larger, and as a Conditional Use (Coastal Permit and Use Permit required) on parcels less than one acre.
 - Freestanding: maximum height of 40 feet above grade. Defined as a self-supporting, stand-alone structure detached from any other type of structure. Allow in all coastal zoning districts as a Conditional Use (Coastal Permit and Use Permit required).
- **Prohibit all other WECS that do not meet the above criteria.**

Land Use	Permit Requirements by District													
	Coastal Agricultural & Resource-Related Districts			Coastal Residential Districts						Coastal Commercial/Mixed-Use Districts				
	C-APZ Agricultural Production	C-ARP Agricultural Residential Planned	C-OA Open Area	C-RA Residential Agricultural	C-R1 Single Family	C-R2 Two Family	C-RSPS Single Family Seadrift	C-RSP Single Family Planned	C-RMP Multiple Planned	C-VCR Village Commercial Residential	C-HI Limited Roadside Business	C-CP Planned Commercial	C-RMPC Residential Commercial Multiple Planned	C-RCR Resort and Commercial Recreation
WECS, Small Roof-mounted (max height = 10’ above roof line)	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP
WECS, Small Non-grid-tied Agricultural (max height = 100’ above grade) ³	P/U	P/U	---	P/U	---	---	---	---	---	---	---	---	---	---
WECS, Small Freestanding (max height = 40’ above grade)	U	U	U	U	U	U	U	U	U	U	U	U	U	U

³ Permitted Use on parcels one acre or larger; Conditional Use on parcels less than one acre.

Table 4: Implementation of “**Alternative 3**” from 11/7/11 LCP Staff Report:

- **Small WECS:** Same as Alternative 2 (see Table 3 above).
- **Medium WECS:** Freestanding WECS between 40 feet and 100 feet in height above grade. Allow as a Conditional Use (Coastal Permit and Use Permit required) in all coastal zoning districts, and only outside of geographic appeal areas.
- **Prohibit all other WECS that do not meet the above criteria.**

Land Use	Permit Requirements by District													
	Coastal Agricultural & Resource-Related Districts			Coastal Residential Districts						Coastal Commercial/Mixed-Use Districts				
	C-APZ Agricultural Production	C-ARP Agricultural Residential Planned	C-OA Open Area	C-RA Residential Agricultural	C-RI Single Family	C-R2 Two Family	C-RSPS Single Family Seadrift	C-RSP Single Family Planned	C-RMP Multiple Planned	C-VCR Village Commercial Residential	C-HI Limited Roadside Business	C-CP Planned Commercial	C-RMPC Residential Commercial Multiple Planned	C-RCR Resort and Commercial Recreation
WECS, Small Roof-mounted (max height = 10’ above roof line)	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP
WECS, Small Non-grid-tied Agricultural (max height = 100’ above grade) ⁴	P/U	P/U	---	P/U	---	---	---	---	---	---	---	---	---	---
WECS, Small Freestanding (max height = 40’ above grade)	U	U	U	U	U	U	U	U	U	U	U	U	U	U
WECS, Medium (height = 40’ to 100’ above grade) ⁵	U	U	U	U	U	U	U	U	U	U	U	U	U	U

⁴ Permitted Use on parcels one acre or larger, and Conditional Use on parcels less than one acre.
⁵ Allowed as a Conditional Use, only outside of geographic appeal areas of the California Coastal Commission.

ORDINANCE NO. 3548

ORDINANCE OF THE MARIN COUNTY BOARD OF SUPERVISORS
ADOPTING AMENDMENTS TO
MARIN COUNTY CODE TITLE 22 (DEVELOPMENT CODE)

SECTION I: FINDINGS

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

- I. WHEREAS, on June 24, 2003, the Marin County Board of Supervisors certified the Marin County Development Code (Title 22) Final Supplemental Environmental Impact Report (FSEIR) and adopted various text amendments to the Marin County Code (Marin County Board of Supervisors Ordinance No. 3380). That action updated and combined the Subdivision and Zoning ordinances previously codified under Marin County Code Titles 20 and 22, respectively, into a single comprehensive code under Title 22 (Development Code).
- II. WHEREAS, on November 6, 2007, the Marin County Board of Supervisors certified a Final Environmental Impact Report (FEIR) for the Countywide Plan (CWP) update prior to adoption of the 2007 CWP. The certified CWP FEIR updates the 1994 EIR and 2003 FSEIR as those documents apply to the Development Code. The 2007 certified FEIR adequately evaluated the 2003 Development Code, which functions as an implementing program to the CWP.
- III. WHEREAS, on November 6, 2007, the Marin County Board of Supervisors adopted the 2007 Countywide Plan update, which includes policies promoting the adoption of energy efficiency technologies, including low-carbon and renewable fuels and zero emission technologies and the development of renewable energy resources.
- IV. WHEREAS, the proposed WECS text amendments will implement the following Countywide Plan (CWP) policies promoting energy efficiency and encouraging the use of renewable and alternative energy resources, while avoiding conflicts between land uses, preserving and enhancing the natural environment, protecting the visual characteristics of the environment, and ensuring the orderly and beneficial development of the unincorporated areas of Marin County.
 - A. AIR-4.1 Reduce Greenhouse Gas Emissions. Adopt practices that promote improved efficiency and energy management technologies; shift to low-carbon and renewable fuels and zero emission technologies.
 - B. EN-2.1 Protect Local Renewable Resources. Preserve opportunities for development of renewable energy resources.
 - C. EN-2.3 Promote Renewable Energy. Facilitate renewable technologies through streamlined planning and development rules, codes, processing, and other incentives.

- V. WHEREAS, to implement the CWP policies promoting energy efficiency and encouraging the use of renewable and alternative energy resources, the Marin County Community Development Agency initiated proposed text amendments that would modify the following chapters/sections pertaining to Wind Energy Conversion Systems (WECS) regulations contained in the Marin County Development Code (Title 22):
- A. Section 22.32.180 – Wind Energy Conversion Systems (WECS);
 - B. Section 22.130.030 W. Definitions “W.” WECS;
 - C. Section 22.20.060 E.4. – Height Measurement and Height Limit Exceptions;
 - D. Chapter 22.08 – Agricultural and Resource-Related Districts, Section 22.08.030, Table 2-1 – Allowed Uses and Permit Requirements for Agricultural and Resource-Related Districts;
 - E. Chapter 22.10 Residential Districts, Section 22.10.030, Table 2-3 – Allowed Uses and Permit Requirements for Single-Family Residential Districts and Table 2-4 – Allowed Uses and Permit Requirements for Multi-Family Residential Districts;
 - F. Chapter 22.12 – Commercial and Industrial Districts, Section 22.12.030, Table 2-6 – Allowed Uses and Permit Requirements for Commercial Districts and Table 2-7 – Allowed Uses and Permit Requirements for Commercial and Industrial Districts; and
 - G. Chapter 22.14 – Special Purpose and Combining Districts, Section 22.14.030, Table 2-9 – Allowed Uses and Permit Requirements for Special Purpose Districts.
- VI. WHEREAS, the proposed text amendments that would modify corresponding sections pertaining to Wind Energy Conversion Systems (WECS) regulations contained in the Marin County Development Code (Title 22) are summarized below:
- A. Section 22.32.180 - Wind Energy Conversion Systems (WECS):

This Section establishes permit requirements for planned district and non-planned district zones and sets standards for the development and operations of WECS in compliance with Marin County policies and State and Federal laws to allow and encourage the safe, effective and efficient use of WECS to reduce consumption of utility supplied electricity. It establishes development standards for “Small”, “Medium”, and “Large” WECS as defined in the proposed text amendments found in Section 22.130.030 W. Definitions “W.” WECS. In general: (1) Small WECS, Small WECS in the APZ zoning district and Small Roof-Mounted and Small Non-Grid-Tied Agricultural WECS, located in parcels with a minimum lot size of one acre in the ARP zoning district and all other planned zoning districts that are not identified in Section 22.32.190.A.1.b. and Small WECS, located in conventional agricultural zoning districts and Small Roof-Mounted and Small Non-Grid Tied Agricultural WECS located in parcels with a minimum lot size of one acre in conventional non-agricultural zoning districts, may be ministerial in nature and approved by a Building Permit, with exceptions to standards considered through the Design Review process; (2) Small WECS, Small Roof-Mounted and Small Non-Grid-Tied Agricultural WECS, located in parcels that are less than one acre in the ARP zoning district and all other Small WECS in planned zoning district zones that are not identified herein or in Section 22.32.190.A.1.a. and Small WECS, located in parcels that are less than one acre in all other conventional non-agricultural zoning districts and Small Freestanding WECS in conventional agricultural zoning districts that are no identified herein or in Section 22.32.180.A.2.a., require Design

Review approval, with exceptions to standards considered through the Use Permit process; (3) Medium WECS require Design Review approval, with exceptions to standards considered through the Use Permit process; (4) Large WECS, (allowed only in Agricultural Zoning Districts A3-A60, ARP, and APZ) will require Master Plan/Precise Development Plan or Use Permit/Design Review approvals. This Section establishes appearance, visibility, and operational standards for all WECS, including, but not limited to, siting criteria, safety measures, and avian protection. It establishes noise levels based on County noise standards. It sets application submittal requirements, including siting and design plans, wind measurement studies, bird and bat studies, visual simulations and acoustical analyses.

B. Sections 22.08.030, 22.10.030, 22.12.030 and 22.14.030 – Allowed Uses and Permit Requirements:

The tables identified in the following sections of the Development Code contain proposed modifications to reflect the allowable use of land and land use permit requirements in the respective zoning districts as they pertain to Small, Medium, and Large WECS: Section 22.08.030, Table 2-1 – Allowed Uses and Permit Requirements for Agricultural and Resource-Related Districts; Section 22.10.030, Table 2-3 – Allowed Uses and Permit Requirements for Single-Family Residential Districts and Table 2-4 – Allowed Uses and Permit Requirements for Multi-Family Residential Districts; Section 22.12.030, Table 2-6 – Allowed Uses and Permit Requirements for Commercial Districts and Table 2-7 – Allowed Uses and Permit Requirements for Commercial and Industrial Districts; and Section 22.14.030, Table 2-9 – Allowed Uses and Permit Requirements for Special Purpose Districts.

C. Section 22.20.060 E.4. – Height Measurement and Height Limit Exceptions:

The proposed text amendments eliminate reference to WECS from this section because the proposed text amendments provide specific height standards for Small, Medium, and Large WECS.

D. Section 22.130.030 W. Definitions “W” WECS

This section provides definitions of technical terms specific to the development and operation of WECS. WECS land use is defined as any machine that converts and then stores or transfers the kinetic energy in the wind into a usable form of mechanical or electrical energy. The WECS consists of all parts of the system, including the base or foundation, tower, wind turbine, generator, rotor, blades, supports, and transmission equipment. The energy may be used on site or distributed into the electrical grid.

VII. WHEREAS, the Marin County Planning Commission finds that the Marin County Community Development Agency - Planning Division prepared an Initial Study, pursuant to the requirements of the California Environmental Quality Act (CEQA) for the project, which determined that potential physical impacts are avoided or mitigated to a point where no significant adverse environmental impacts will result and that there is no evidence that the project, as conditioned, will have a significant effect on the environment.

VIII. WHEREAS, the Marin County Planning Commission held a duly noticed public hearing on November 23, 2009, continued the public hearing to January 11, 2010, and held a re-noticed continued public hearing on April 26, 2010.

- IX. WHEREAS, on April 26, 2010, after conduct of a continued public hearing, the Planning Commission continued the hearing to June 14, 2010, and directed staff to revise the WECS text amendments and the resolutions pursuant to the issues raised by the Planning Commission and in accordance with the Planning Commission's direction.
- X. WHEREAS, on June 14, 2010, after conduct of a continued public hearing to review and consider testimony in favor of, and against, the proposed Negative Declaration of Environmental Impact, the Clerical and Minor Corrections and Minor Modifications to the proposed Negative Declaration of Environmental Impact, and the comments and responses thereto, the Planning Commission found that the proposed WECS text amendments to the Marin County Development Code (Title 22) project would not result in any potential, significant environmental impacts, and qualifies for a Negative Declaration of Environmental Impact in compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the County's CEQA process and passed a resolution recommending adoption by the Board of Supervisors of a Negative Declaration of Environmental Impact for the proposed project.
- XI. WHEREAS, on June 14, 2010, after conducting a continued public hearing to consider the merits of the proposed WECS text amendments and hear testimony in favor of, and in opposition to, the amendments, the Marin County Planning Commission recommended approval of the amendments to the Board of Supervisors.
- XII. WHEREAS on July 27, 2010 the Marin County Board of Supervisors conducted a duly-noticed public workshop and continued the hearing to August 10, 2010 to consider the merits of the project, and hear testimony in favor of, and in opposition to, the project.
- XIII. WHEREAS, the Marin County Board of Supervisors finds that the proposed WECS text amendments to the Marin County Development Code (Title 22) implements the goals, policies and programs of the Marin Countywide Plan (CWP), which are necessary to protect the public health, safety, and welfare of residents and businesses in the unincorporated areas of Marin County.
- XIV. WHEREAS, the Marin County Board of Supervisors finds that the proposed WECS text amendments are consistent with the pertinent goals and policies of the CWP for the following reasons:
- A. The proposed project is consistent with the current CWP land use designations and density of development and zoning classifications, and the proposed project, consisting of proposed text amendments relative to the land use and development standards of WECS, will not alter or modify the CWP land use designations or density of development governing the conventional and planned zoning districts in the Coastal, Inland Rural, City Centered, and Baylands corridors.
- B. The proposed WECS text amendments to the Development Code (Title 22) set development standards and require studies relating to the assessment of natural resources for future proposed projects to assure that future WECS are sited, designed and operated in such a manner as to avoid significant impacts on environmental resources, including special-status species and their habitats. Specifically, the proposed text amendments:
- Protect wetlands and habitat for special-status species and migratory species of the Pacific flyway;
 - Include resource preservation through the environmental review process in accordance with the California Environmental Quality Act;

- Limit development in areas that contain essential habitat for special-status species, wetlands, baylands, and coastal and riparian habitats;
- Protect wildlife movement corridors including riparian corridors, shorelines, and ridgelines;
- Preserve sensitive riparian corridors, wetlands, and baylands to protect bird nesting activities;
- Establish and restrict land use in Wetland Conservation Areas (WCAs);
- Establish and restrict land use in Stream Conservation Areas (SCAs); and
- Require coordination with trustee agencies and local environmental groups for reducing impacts to birds and bats.

(CWP Policies BIO-1.1, BIO-1.3, BIO-2.1, BIO-2.2, BIO-2.4, BIO-2.5, BIO-2.8, BIO-3.1, BIO-4.1, BIO-4.2, BIO-5.1, and BIO-5.2)

- C. The proposed WECS text amendments to the Code set development standards and establish site and design requirements, which restrict development of WECS in geologically unstable areas or where there are threats to life or property, and restrict development in such areas to minimize adverse impacts. Marin County standard submittal requirements for development of future WECS could require submittal of a preliminary Soils Reconnaissance and/or Detailed Soils Investigation and Report based upon test borings and prepared by a registered soils engineer or registered engineering geologist, if County staff determines that a potential soils program or geophysical related hazard exists. Therefore, the project would be consistent with policies related to avoidance of geologic hazards. (CWP Policies CD-2.8, EH-2.1, EH-2.2, EH-2.3)
- D. The proposed WECS text amendments provide strict siting and design criteria and development standards to preserve the visual quality of the natural and built environment where future WECS might be constructed. These criteria and standards expand design guidelines for the construction and use of future WECS projects and are designed to substantially reduce and minimize potential impacts to scenic views or conflicts with County aesthetic or visual policies or standards. The proposed text amendments prohibit the illumination of the turbine or tower except to comply with Federal Aviation Administration (FAA) standards. The proposed design and site standards would protect visually prominent ridgelines and require appropriate siting and setbacks. Submittal requirements require visual simulations to better understand the visual implications of proposed WECS. The proposed amendments will improve area aesthetics by requiring the restoration of disturbed sites. The proposed WECS text amendments ensure that the effects of potential aesthetics and visual resources are considered in the earliest planning stages. The proposed text amendments will facilitate the project review process to assure that visual resources will not be adversely impacted by the future construction, installation and operation of WECS. (CWP Policies DES-1.2, and DES-4.1)
- E. The proposed WECS text amendments recognize the rapidly expanding technological advancements that are making wind turbines increasingly more efficient, quiet, safe, and cost effective and the State's electricity supply shortage and its programs to encourage the adoption of small wind energy systems ordinances and to limit obstacles to their use. (CWP Policies AIR-4.1, EN-2.1, and EN-2.3)

- F. The proposed WECS text amendments will implement the 2007 Countywide Plan (CWP) noise programs, which establish benchmarks for allowable noise exposure from stationary noise sources for purposes of planning and siting land uses. Consistent with CWP noise policies and programs, the proposed text amendments limit the noise level of future WECS to a maximum of 50 dBA during daytime hours (7:00 AM to 10:00 PM) and 45 dBA during nighttime hours (10:00 PM to 7:00 AM) as measured at any point along the common receiving property lines of adjacent properties, except during short-term events such as utility outages and severe weather and wind storms and construction or maintenance operations. In addition, the text amendments require submittal of acoustical analysis if necessary with project-specific noise mitigation measures. (CWP Goal NO-1 and Policies NO-1.1 and NO-1.3)
- G. The proposed WECS text amendments reinforce the CWP policies intended to protect agriculturally-zoned lands by providing standards and procedures for the future construction and use of WECS in order that through County review of specific projects the construction and use of WECS will not directly or indirectly have an adverse effect on agricultural resources, operations, or contracts. The proposed amendments encourage the future installation and use of WECS that would be supportive of agricultural production and land uses. The development standards would facilitate the future construction, installation and operation of Small WECS, up to 100 feet in total height, that are not grid-tied and are solely used to pump water for agricultural uses on parcels 10 acres and larger in size as a permitted use not subject to County discretionary review, subject to avoidance of significant impacts to wildlife as verified by a submitted Bird and Bat Study. Any future construction and use of discretionary Small, Medium and Large WECS would be subject to the County's review and CEQA process for evaluation of any adverse effects on agricultural resources, values or production. Future construction and operation of WECS could provide electricity for agricultural production and operation on properties in the unincorporated areas of Marin County. Proposed amendments prohibit installation of WECS where not allowed by the provisions of a Williamson Act Contract. (CWP Policies AG-1.3, AG-1.4, AG-1.6, AG-1.7, and AG-1.8)

- XV. WHEREAS, the Marin County Planning Commission finds that WECS are currently allowed in the Coastal Zone through application of Chapter 22.711 of the Marin County *Interim* Development Code. In accordance with Article V of the 2003 Marin County Development Code (Title 22), the proposed WECS Development Code amendments would not take effect in the coastal zone until the Local Coastal Program (LCP) update is adopted by the California Coastal Commission (CCC). Though the CCC will have to approve the proposed text amendments as they relate to zoning standards in the Coastal Zone, the County of Marin, as the principal permit authority, is the Lead Agency under the California Environmental Quality Act (CEQA), and the CCC is a Responsible Agency. Land located within the Coastal Zone will continue to be regulated by relevant provisions of the Marin County *Interim* Development Code.
- XVI. WHEREAS, the Marin County Planning Commission determines that the following findings in accordance with the provisions of the Marin County Development Code, Chapter 22.06 (Establishment of Zoning Districts) and Chapter 22.116 (Development Code, Zoning Map, Community Plan, and Countywide Plan Amendments), and pursuant to Marin County Development Code Section 22.116.050 (A.) and (C.), can be made to approve the proposed amendments to the Development Code (Title 22).

- A. The proposed text amendments are consistent with the goals, policies, objectives, and programs of the Countywide Plan (CWP) as stated in Findings IV and XIII above and are necessary to further the implementation of the CWP policies promoting energy efficiency and encouraging the use of renewable and alternative energy resources while ensuring the orderly planned growth and protection of natural resources and the environment.
- B. The proposed amendments are internally consistent with other applicable provisions of the Marin County Development Code (Title 22).
- C. The proposed amendments will not be detrimental to the public interest, health, safety, convenience, or welfare of the County.

SECTION II: AMENDMENTS TO THE MARIN COUNTY DEVELOPMENT CODE (TITLE 22)

NOW, THEREFORE, BE IT RESOLVED that the Marin County Board of Supervisors hereby adopts an Ordinance, which would incorporate the following text amendments to the Marin County Development Code (Title 22) as they pertain to:

Section 22.32.180 - Wind Energy Conversion Systems (WECS);

Sections 22.08.030, 22.10.030, 22.12.030 and 22.14.030 – Allowed Uses and Permit Requirements;

Section 22.20.060 – Height Measurement and Height Limit Exceptions; and

Section 22.130.030 W. Definitions “W” WECS.

The proposed changes are shown in Exhibit “A” of this ordinance.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Marin County Board of Supervisors finds that the applicability of the proposed amendments to existing projects that are in the development review process shall be determined by the requirements of Marin County Code Section 22.01.040.F.

SECTION III: EFFECTIVE DATE

This Ordinance shall be and is hereby declared to be in full force and effect as of thirty-five (30) days from and after the date of its passage. The Ordinance shall be published once before the expiration date of fifteen (15) days after its passage, with the names of the Supervisors voting for and against the same in the Marin Independent Journal, a newspaper of general circulation published in the County of Marin.


SECTION IV: VOTE

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin, State of California, on the 10th day of August 2010, by the following vote, to wit:

AYES: SUPERVISORS: Susan L. Adams, Harold C. Brown, Jr., Charles McGlashan,
Steve Kinsey, Judy Arnold

NOES: NONE

ABSENT: NONE



PRESIDENT, BOARD OF SUPERVISORS

ATTEST:



CLERK

EXHIBIT "A"

PROPOSED TEXT AMENDMENTS MARIN COUNTY DEVELOPMENT CODE (TITLE 22)

22.32.180 – Wind Energy Conversion Systems (WECS)

This Section establishes permit requirements for planned district and non-planned district zones and standards for the development and operation of Wind Energy Conversion Systems (WECS) in compliance with Marin County policies and State and Federal laws and allows and encourages the safe, effective, and efficient use of WECS in order to reduce consumption of utility supplied electricity.

A. Permit requirements. Small and Medium Wind Energy Conversion Systems (WECS) are allowed in all zoning districts, except the RF (Floating Home Marina) zoning district, subject to the following general requirements. Large WECS are allowed only in agricultural zoning districts (A3-A60, ARP, APZ) with a minimum lot size of 20 acres, subject to the following general requirements.

1. Planned Zoning Districts.

- a. Small WECS in the APZ zoning district and Small Roof-Mounted and Small Non-Grid-Tied Agricultural WECS, located in parcels with a minimum lot size of one acre in the ARP zoning district and all other planned zoning districts that are not identified in Section 22.32.190.A.1.b., are allowed as a ministerial permit subject to the development standards in Section 22.32.180.B.1. and Section 22.32.180.B.5.
- b. Small Roof-Mounted and Small Non-Grid-Tied Agricultural WECS, located in parcels that are less than one acre in the ARP zoning district and all other Small WECS in planned zoning district zones that are not identified herein or in Section 22.32.190.A.1.a., shall require Design Review approval subject to the development standards in Section 22.32.180.B.2. and Section 22.32.180.B.5.
- c. Medium WECS, located in planned district zones, shall require Design Review approval, subject to the development standards in Section 22.32.180.B.3. and Section 22.32.180.B.5.
- d. Large WECS, located in planned district zones, shall require the approval of a Master Plan and Precise Development Plan subject to the development standards and requirements outlined in Section 22.32.180.B.4. and Section 22.32.180.B.5., unless the Master Plan and Precise Development Plan requirements are waived in compliance with Section 22.44.040 (Waiver of Master Plan/Precise Development Plan Review) and a Use Permit and Design Review are required instead.

2. Conventional Zoning Districts.

- a. Small WECS, located in conventional agricultural zoning districts and Small Roof-Mounted and Small Non-Grid Tied Agricultural WECS located in parcels with a minimum lot size of one acre in conventional non-agricultural zoning districts, are allowed as a ministerial permit subject to the development standards outlined in Section 22.32.180.B.1. and Section 22.32.180.B.5.
- b. Small WECS, located in parcels that are less than one acre in all other conventional non-agricultural zoning districts and Small Freestanding WECS in conventional agricultural zoning districts that are not identified herein or in Section 22.32.180.A.2.a., shall require Design Review approval subject to the development standards outlined in Section 22.32.180.B.2. and Section 22.32.180.B.5.
- c. Medium WECS, located in conventional zoning districts, shall require Design Review approval subject to the development standards outlined in Section 22.32.180.B.3. and Section 22.32.180.B.5.
- d. Large WECS, located in conventional zoning districts, shall require Use Permit and Design Review approval subject to the development standards outlined in Section 22.32.180.B.4. and Section 22.32.180.B.5.

3. Summary of Permit Requirements.

**TABLE 3-8
WECS PERMIT REQUIREMENTS**

	Small					Medium	Large
	Roof-Mounted		Non-Grid-Tied Agricultural Uses			Freestanding	Freestanding
Parcel Size (Acres)	<1	≥1	<1	≥1 – <10	≥10	Not applicable	≥20
RF (Floating Home Marina) Zoning District	Not Allowed	Not Allowed	Not Allowed	Not Allowed	Not Allowed	Not Allowed	Not Allowed
A3-A60 Zoning Districts	Ministerial ¹	Ministerial ¹	Ministerial ¹	Ministerial ¹	Ministerial ¹	Ministerial ¹	Design Review ²
APZ Zoning District	Ministerial ¹	Ministerial ¹	Ministerial ¹	Ministerial ¹	Ministerial ¹	Ministerial ¹	Design Review ²
ARP Zoning District	Design Review ²	Ministerial ¹	Use Permit/Design Review ²	Design Review ²	Ministerial ¹	Design Review ²	Design Review ²
A2 and all Other Zoning Districts	Design Review ²	Ministerial ¹	Use Permit/Design Review ²	Design Review ²	Ministerial ¹	Design Review ²	Design Review ²

¹ Exceptions to standards in Table 3-9 shall be considered through the Design Review Process.

² Exceptions to standards in Table 3-9 shall be considered through the Use Permit Process.

³ If Master/Precise Development Plan requirement is waived, Use Permit and Design Review will be required.

⁴ Exceptions to standards in Table 3-9 shall be considered through the permit process.

4. **Time limits.** The approval for a Large WECS shall be granted for a term of not less than 10 years, except that an approval shall lapse if a Large WECS becomes inoperative or abandoned for a period of more than one year. The approval for a Small or Medium WECS shall be for an indefinite period, except that an approval shall lapse if a Small or Medium WECS becomes inoperative or abandoned for a period of more than one year.
5. **Applicability.** In addition to the provisions of Section 22.32.180, all other applicable provisions of this Development Code shall apply to a new WECS land use. In the event there is any conflict between the provisions of this section and any other provision of this Development Code, the more restrictive provision shall apply.
6. **Meteorological towers (Met Towers).** For the purpose of the Wind Energy Conversion System Ordinance, meteorological towers are those towers which have been temporarily installed to measure wind speed and directions plus other data relevant to siting WECS. Installations of temporary (up to one year) meteorological towers shall be considered through the Temporary Use Permit process pursuant to Chapter 22.50 (Temporary Use Permits).

B. Development standards.

1. **Small WECS (Ministerial).** A Building Permit for a Small WECS located in an agricultural zoning district pursuant to this Section shall be issued by the Agency Director upon submission of a Building Permit application containing the information specified in applicable sections of this Development Code and a determination by the Agency Director that the proposed use and development meets the development standards in Section 22.32.180.F. and Sections 22.32.180.G.1., G.2., G.5., G.6., G.7., and G.9.a. Before issuance of a building permit, the County shall record a notice of decision against the title of the property stipulating that the WECS must be dismantled and removed from the premises if it has been inoperative or abandoned for a period of more than one year.
2. **Small WECS (Discretionary).**
 - a. Small WECS shall be subject to the development standards in Section 22.32.180.B.5., Table 3-9. Exceptions to the standards in Section 22.32.180.B.5., Table 3-9 for Small WECS shall be considered through the Use Permit process pursuant to Chapter 22.48 (Use Permits).
 - b. Small WECS shall comply with the development standards and requirements contained in Section 22.32.180.C. through Section 22.32.180.H.
3. **Medium WECS.**
 - a. Medium WECS shall be subject to the development standards in Section 22.32.180.B.5., Table 3-9. Exceptions to the standards in Section 22.32.180.B.5., Table 3-9 for Medium WECS shall be considered through the Use Permit process pursuant to Chapter 22.48 (Use Permits).
 - b. Medium WECS shall comply with the development standards and requirements contained in Section 22.32.180.C through Section 22.32.180.H.

4. **Large WECS.**

- a. Large WECS shall be subject to the development standards in Section 22.32.180.B.5., Table 3-9. Exceptions to the standards in Section 22.32.180 B.5., Table 3-9 for Large WECS shall be considered through the Master Plan process pursuant to Chapter 22.44 (Master Plans and Precise Development Plans) or Use Permit process pursuant to Chapter 22.48 (Use Permits).
- b. Prior to approval, Large WECS are subject to submittal of a comprehensive WECS Environmental Assessment prepared by a qualified consultant approved by the Marin County Environmental Coordinator. The WECS Environmental Assessment shall be prepared in consultation with the County to determine the development capabilities and physical and policy constraints of the property. The WECS Environmental Assessment shall include a mapped inventory and data base of the biological and physical characteristics of the project area. The WECS Environmental Assessment shall include a mapped delineation of the project site's sensitive environmental areas including, but not necessarily limited to: earthquake fault zones, geological hazardous areas, wetlands, watercourses and water bodies, prime agricultural lands, special status species habitats, prominent ridgelines, view corridors, and wind zones. The WECS Environmental Assessment shall include a Bird and Bat Study, as defined in Section 22.32.180.G.9. Based upon the findings, constraints, conclusions and recommendations of the WECS Environmental Assessment, specific requirements for siting and design shall be identified.
- c. Large WECS shall comply with the development standards and requirements contained in Section 22.32.180.C. through Section 22.32.180.H.
- d. The maximum number of Large WECS that is allowed per parcel shall be established through the permit process.

5. Summary of Development Standards.

**TABLE 3-9
WECS DEVELOPMENT STANDARDS**

	Small				Medium			Large
	Roof-Mounted	Non-Grid-Tied Agricultural Uses		Freestanding	Freestanding			Freestanding
Total Height	≤ 10 feet (above roof line)	≤ 40 feet	> 40 – ≤ 100 feet	≤ 40 feet	> 40 – ≤ 100 feet	> 100 – ≤ 150 feet	> 150 – ≤ 200 feet	> 200 feet
Min. Height of Lowest Position of Blade Above Grade	Not applicable	15 feet	15 feet	15 feet	15 feet	30 feet	30 feet	30 feet
Max. Rotor Blade Radius (HAWT)/ Max. Rotor Blade Diameter (VAWT)	7.5 feet/5 feet	0.5 x tower height/5 feet	0.5 x tower height/5 feet	0.5 x tower height/5 feet	0.5 x tower height	0.5 x tower height	0.5 x tower height	Project specific
Min. Setback from Tip of Blade to Property Line	0.5 x total height	0.5 x total height	0.5 x total height	0.5 x total height	1 x total height	1.5 x total height	2 x total height	2 x total height
Max. Units/Parcel	1	1	1	1	2	2	2	Project specific
Min. Unit Separation	Not applicable	Not applicable	Not applicable	Not applicable	1 x tower height	1 x tower height	1 x tower height	Project specific
Min. Setback from Habitable Structures	Not applicable	1 x total height	1 x total height	1 x total height	1 x total height	1 x total height	1 x total height	2 x total height
Min. Setback from Prominent Ridgeline	Not applicable	Not applicable	Minimum of 300 feet horizontally or 100 feet vertically	Not applicable	Minimum of 300 feet horizontally or 100 feet vertically	Minimum of 300 feet horizontally or 100 feet vertically	Minimum of 300 feet horizontally or 100 feet vertically	Minimum of 300 feet horizontally or 100 feet vertically

- C. Public notice.** Where required, a Notice of the required application(s) shall be provided in compliance with Section 22.118.020 (Notice of Hearing or Administrative Action).

Notice of a discretionary permit application for any WECS within five miles of Federal, State, or regional park property shall be provided to the superintendent of the appropriate park.

D. Site and design requirements:

1. **General standards.** No Small, Medium, or Large WECS or supporting infrastructure shall be allowed:
 - a. Within five times the total height or 300 feet, whichever is greater, of a known nest or roost of a listed State or Federal threatened or endangered species or California Department of Fish and Game designated bird or bat 'species of special concern' (unless siting of the WECS preceded nest or roost establishment) based on the findings and conclusions of the required Bird and Bat Study as defined in Section 22.32.180 G.9.

- b. Within five times the total height or 300 feet, whichever is greater, of a known or suspected avian migratory concentration point based on the findings and conclusions of the required Bird and Bat Study as defined in Section 22.32.180 G.9.
- c. Within 1.5 times the total height or 100 feet, whichever is greater, of a Stream Conservation Area (SCA), a Wetlands Conservation Area (WCA), a State or Federal listed special status species habitat area, a designated archaeological or historical site, or a water course, wetland, pond, lake, bayfront area habitat island, or other significant water body with suitable avian habitat based on the findings and conclusions of Bird and Bat Study as defined in Section 22.32.180 G.9.
- c. Where prohibited by any of the following:
 - 1. The Alquist-Priolo Earthquake Fault Zoning Act.
 - 2. The terms of any conservation easement or Williamson Act contract.
 - 3. The listing of the proposed site in the National Register of Historic Places or the California Register of Historical Resources.

E. Appearance and visibility:

In addition to any conditions which may be required by Master Plan and Precise Development Plan or Design Review and Use Permit approvals, Small, Medium, and Large WECS shall comply with the following design standards:

- 1. WECS shall be located downslope a minimum of 300 feet horizontally or 100 feet vertically, whichever is more restrictive, from a visually prominent ridgeline, unless it can be demonstrated through submittal of a County accepted Wind Measurement Study that no other suitable locations are available on the site. If this is the case, then the Wind Study will be one amongst all other standards that would be evaluated in considering whether and where the WECS application should be approved within the ridge setbacks.
- 2. WECS shall be designed and located to minimize adverse visual impacts from public viewing places, such as roads, trails, scenic vistas, or parklands and from adjacent properties.
- 3. No wind turbine, tower, or other component associated with a WECS may be used to advertise or promote any product or service. Brand names or advertising associated with any WECS installation shall not be visible from offsite locations. Only appropriate signs warning of the WECS installation are allowed.
- 4. Colors and surface treatments, materials and finishes of the WECS and supporting structures shall minimize visual disruption. Exterior materials, surfaces, and finishes shall be non-reflective to reduce visual impacts.
- 5. Exterior lighting on any WECS or associated structure shall not be allowed except that which is specifically required in accordance with Federal Aviation Administration (FAA) regulations. Wind tower and turbine lighting must comply with FAA requirements and be at the lowest intensity level allowed.

6. WECS shall be located in a manner which minimizes their visibility from any existing Federal parklands.
 7. All new electrical wires and transmission lines associated with WECS shall be placed underground except for connection points to a public utility company infrastructure. This standard may be modified by the Director if the project area is determined to be unsuitable for undergrounding of infrastructure due to reasons of excessive grading, biological impacts, or similar factors.
 8. Construction of on-site access routes, staging areas, excavation, and grading shall be minimized. Excluding the permanent access roadway, areas disturbed due to construction shall be re-graded and re-vegetated to as natural a condition as soon as feasibly possible after completion of installation.
 9. All permanent WECS related equipment shall be weather-proof and tamper-proof.
 10. If a climbing apparatus is present on a WECS tower, access control to the tower shall be provided by one of the following means:
 - a. Tower-climbing apparatus located no closer than 12 feet from the ground;
 - b. A locked anti-climb device installed on the tower; or
 - c. A locked, protective fence at least six feet in height that encloses the tower.
 11. WECS shall be equipped with manual and automatic over-speed controls. The conformance of rotor and over-speed control design and fabrication with good engineering practices shall be certified by the manufacturer.
 12. Latticed towers shall be designed to prevent birds from perching or nesting on the tower.
 13. The use of guy wires shall be avoided whenever feasible. If guy wires are necessary, they shall be marked with bird deterrent devices as recommended by the U S Fish and Wildlife Service or the California Department of Fish and Game.
- F. Noise.** Small, Medium, and Large WECS shall not result in a total noise level that exceeds 50 dBA during the daytime (7:00 AM to 10:00 PM) and 45 dBA during the nighttime (10:00 PM to 7:00 AM) as measured at any point along the common property lines of adjacent properties except during short-term events such as utility outages, severe weather events, and construction or maintenance operations, as verified by specifications provided by the manufacturer.
- G. Application submittal requirements.** Small, Medium, and Large WECS permit applications shall include, but may not be limited to, the following information:
1. A plot plan of the proposed development drawn to scale showing:

- a. Acreage and boundaries of the property;
 - b. Location of all existing structures, their use and dimensions within five times the height of the proposed WECS;
 - c. Location within a distance of five times the total height of the proposed WECS of all wetlands, ponds, lakes, water bodies, watercourses, listed State or Federal special status species habitats, habitat islands, and designated archaeological or historical sites;
 - d. Location of all proposed WECS and associated structures, and their designated use, dimensions, and setback distances;
 - e. Location of all areas to be disturbed by the construction of the proposed WECS project including access routes, trenches, grading and staging areas; and
 - f. The locations and heights of all trees taller than 15 feet within five times the height of the proposed WECS and the locations, heights, and diameters (at breast height) of all trees to be removed.
2. Elevations of the components of the proposed WECS.
 3. A description of the measures taken to minimize adverse noise, transmission interference, and visual and safety impacts to adjacent land uses including, but not limited to, over-speed protection devices and methods to prevent public access to the structure.
 4. A post-installation erosion control, revegetation, and landscaping plan.
 5. Standard drawings and an engineering analysis of the system's tower, showing compliance with the Uniform Building Code (UBC), the International Building Code (IBC) or the California Building Code and certification by a professional mechanical, structural, or civil engineer licensed by this state. However, a wet stamp shall not be required, provided that the application demonstrates that the system is designed to meet the UBC or IBC requirements for wind exposure D, the UBC or IBC requirements for Seismic Zone 4, and the requirements for a soil strength of not more than 1,000 pounds per square foot, or other relevant conditions normally required by a local agency.
 6. A line drawing of the electrical components of the system in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code.
 7. Written evidence that the electric utility service provider that serves the proposed site has been informed of the owner's intent to install an interconnected customer-owned electricity generator, unless the owner does not plan, and so states so in the application, to connect the system to the electricity grid.
 8. Wind Measurement Study. A wind resource assessment study, prepared by a qualified consultant approved by the Marin County Environmental Coordinator, may be required. The study shall be performed for a minimum 6-month period during prime wind season, at the proposed site prior to the acceptance of an application. The study may require the installation

of a meteorological tower, erected primarily to measure wind speed and directions plus other data relevant to appropriate siting. The study shall include any potential impacts on, or in conjunction with, existing WECS within a minimum of two miles of the proposed WECS site.

9. Bird and Bat Study. Before issuance of County building or planning permit approvals:

- a. All WECS projects shall require the submittal of a Bird and Bat Study prepared by a qualified consultant approved by the Marin County Environmental Coordinator using the "California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development" (California Energy Commission and California Department of Fish and Game), or any superseding State or Federal Guidelines, the State Natural Diversity Data Base, Partners in Flight Data Base, the Migratory Bird Treaty Act, the Bald and Golden Eagle Protection Act, and field data and counts from local environmental groups. The Bird and Bat Study shall identify any listed State or Federal threatened or endangered species, California Department of Fish and Game designated bird or bat 'species of special concern', or raptors found to nest or roost in the area of the proposed WECS site. The study shall identify periods of migration and roosting and assess pre-construction site conditions and proposed tree removal of potential roosting sites. The Community Development Agency will maintain an inventory of all Bird and Bat Studies that are filed pursuant to the requirements of the WECS ordinance on the Agency's website. If the Bird and Bat Study for a proposed ministerial Small WECS project finds that there is a potential for impacts to any listed State or Federal threatened or endangered species or California Department of Fish and Game designated bird or bat 'species of special concern' found to nest or roost in the area of the proposed WECS site, the project will become discretionary and require a Resource Management and Contingency Plan as described in G.9.b. below.
- b. Small, Medium, and Large WECS projects shall require the Bird and Bat Study to include a Resource Management and Contingency Plan to: (1) provide for pre-approval and post-construction monitoring and reporting; and (2) provide mitigation to reduce bird and bat mortality rates, if necessary.

10. Visual Simulations. Visual simulations taken from off-site views, including from adjacent properties, as determined by the Community Development Agency shall be submitted showing the site location with the proposed WECS installed on the proposed site.
11. Project-Specific Acoustical Analysis. A project-specific acoustical analysis may be required that would simulate the proposed WECS installation to assure acceptable noise levels and, if necessary, provide measures to comply with applicable County noise standards.

H. Post approval requirements. Small, Medium, and Large WECS permit applications shall be subject to the following:

1. A post-construction avian and bat monitoring program may be required of the owner during periods of nesting, roosting, foraging, and migration. The application of this requirement shall be in accordance with criteria established by a governmental agency, such as the U. S. Fish and Wildlife Service (USFWS) or the California Department of Fish and Game (CDFG), or by PRBO Conservation Science. The required monitoring program shall be conducted by a professional biologist or an ornithologist approved by the Marin County Environmental Coordinator. Monitoring protocol shall be utilized as set forth in the "California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development" (California Energy Commission and California Department of Fish and Game). Operation of a WECS determined to be detrimental to avian or bat wildlife may be required to cease operation for a specific period of time or may be required to be decommissioned.
2. Before issuance of a building permit, the owner/operator of any discretionary WECS shall enter into a WECS Decommissioning and Reclamation Plan and Agreement with the County, outlining the anticipated means and cost of removing the WECS at the end of its serviceable life or upon becoming a discontinued use if it remains inoperable for a period of more than one year. The owner/operator shall post suitable financial security as determined by the County in order to guarantee removal of any WECS that is non-operational or abandoned. The plan must include in reasonable detail how the WECS will be dismantled and removed. The WECS must be dismantled and removed from the premises if it has been inoperative or abandoned for a period of more than one year. The WECS Decommissioning and Reclamation Plan (Plan) shall include removal of all equipment and may require removal of all foundations and other features such as fencing, security barriers, transmission lines, disposal of all solid and hazardous waste in accordance with local, State and Federal regulations, and access roads to the satisfaction of the Director. The Plan shall include restoration of the physical state as existed before the WECS was constructed, and stabilization and re-vegetation of the site as necessary to minimize erosion. The owner/operator, at his/her expense shall complete the removal within 90 days following the one-year period of non-operation, useful life, or abandonment, unless an extension for cause is granted by the Director or a plan is submitted outlining the steps and schedule for returning the WECS to service to the satisfaction of the Director. The WECS Decommissioning and Reclamation Plan Agreement shall be recorded by the Community Development Agency against the title of the property.
3. Any encumbrances placed on a parcel or parcels due to the installation of a WECS system shall remain in effect for as long as the WECS is on the site, and these encumbrances shall hold equal weight and be cumulative with respect to other limitations on the development of the parcel or parcels. Such encumbrances may not be the basis for granting variances or any other exception to the Marin County Development Code or Marin Countywide Plan regardless of any other additional development constraints imposed on the parcel or parcels. It is the owner's due diligence responsibility to ensure the siting of the WECS will not impose future development restrictions that are unacceptable to the owner.
4. Construction monitoring of individual projects may be required to include, but not be limited to, surveys and/or inspections as needed, to ensure on-site compliance with all permit requirements, until implementation of requirements is complete.

5. Upon the completion of construction and before final inspection, solid and hazardous wastes, including, but not necessarily limited to, packaging materials, debris, oils and lubricants, shall be removed promptly from the site and disposed of in accordance with all applicable County, State and Federal regulations. No hazardous materials shall be stored on the WECS site.

22.130.030 – Definitions of Specialized Terms and Phrases.

W. Definitions, “W.”

Wind Energy Conversion System (WECS) (land use). This land use is defined as any machine that converts and then stores or transfers the kinetic energy in the wind into a usable form of mechanical or electrical energy. The WECS consists of all parts of the system, including the base or foundation tower, wind turbine, generator, rotor, blades, supports, and transmission equipment. Additional WECS definitions include:

Small Wind Energy Conversion System. This land use is defined as: (1) any small freestanding WECS up to 40 feet in total height above grade; (2) a roof-mounted WECS utilizing a horizontal-axis wind turbine (HAWT) or a vertical-axis wind turbine (VAWT) and not exceeding 10 feet in height above the roof line of the structure; or (3) a non-grid-tied WECS used solely to pump water for agricultural uses and not exceeding 100 feet in total height above grade.

Medium Wind Energy Conversion System. This land use is defined as any WECS project between 40 feet and 200 feet in total height above grade.

Large Wind Energy Conversion System. This land use is defined as any WECS project greater than 200 feet in total height above grade.

Avian Migratory Concentration Point. Avian migratory concentration point refers to both the place of departure and the destination of birds from one region to another, especially as a result of seasonal or periodic movement in order to breed, seek food, or to avoid unsuitable weather conditions.

Guy Wires. Wires used to secure wind turbines or towers that are not self-supporting.

Habitat Island. A habitat island refers to an isolated area of land generally surrounded by water that provides valuable foraging and roosting habitat for resident and migratory birds and wildlife, particularly during winter and early spring months.

Horizontal Axis WECS. A horizontal-axis wind turbine (HAWT) is an energy conversion system whose rotor axis is substantially parallel to the wind flow. The main rotor shaft and electrical generator is at the top of a tower and must be pointed into the wind.

Meteorological Tower (Met Tower). For the purpose of the Wind Energy Conversion System Ordinance, meteorological towers are those towers which have been temporarily installed to measure wind speed and directions plus other data relevant to siting WECS.

Rotor Blade. The part of a wind turbine that interacts with wind to produce energy. It consists of the turbine's blades and the hub to which the blades attach.

Tower. The tower is the support structure, including guyed monopole and lattice types, upon which a wind turbine or other mechanical device is mounted as part of a wind energy system.

Tower Height (WECS). The tower height is the height from natural grade to the upper-most fixed portion of the tower excluding the length of any vertical axial-rotating turbine blade.

Total Height (System Height). The total WECS height is the height from natural grade to the fixed portion of the tower and includes the highest vertical length of any extensions above grade, such as the rotor blades when being operated.

Vertical Axis WECS. A vertical-axis wind turbine (VAWT) is an energy conversion system whose rotor axis is substantially perpendicular to the wind flow. The main rotor shaft is arranged vertically and the turbine does not need to be pointed into the wind to be effective.

Wind Turbine. A wind turbine is a rotating machine which converts the kinetic energy in wind into mechanical energy, which is then converted to electricity.

Wind Turbine Generator. A wind turbine generator converts mechanical energy into electrical energy by means of attaching a generator to a rotating part of a wind turbine.

22.20.060 – Height Measurement and Height Limit Exceptions.

E. Exceptions to height limits:

4. Spires, towers, water tanks, etc. Chimneys, cupolas, flag poles, gables, monuments, spires, towers (e.g., transmission, utility, etc.), water tanks, similar structures and necessary mechanical appurtenances may be allowed to exceed the height limit established for the applicable zoning district, subject to the following standards.
 - a. The structure shall not cover more than fifteen percent of the lot area at any level.
 - b. The area of the base of the structure shall not exceed one thousand six hundred square feet.
 - c. No gable, spire, tower or similar structure shall be used for sleeping or eating quarters or for any commercial purpose other than that which is incidental to the allowed uses of the primary structure.
 - d. No structure shall exceed a maximum height of one hundred fifty feet above grade, except for parcels in the A2 or IP zoning districts.

22.08.030 – Agricultural District Land Uses and Permit Requirements

**TABLE 2-1
ALLOWED USES AND PERMIT REQUIREMENTS
FOR AGRICULTURAL AND RESOURCE-RELATED DISTRICTS**

	A2 Agriculture Limited	A3 to A60 Agriculture and Conservation	ARP Agriculture Residential Planned	
AGRICULTURAL, RESOURCE AND OPEN SPACE USES				
Agricultural accessory activities	P	P	P	
Agricultural accessory structures	P	P	MP	22.32.030
Agricultural processing uses	P/U	P/U	MP/MU	
Commercial gardening	P	P	P	
Crop production	P	P	P	
Dairy operations	P	P	P	22.32.030
Fish hatcheries and game reserves	--	P	MP	
Livestock operations, grazing	P	P	P(4)	22.32.030
Livestock operations, large animals	P(4)	P(4)	P(4)	22.32.030
Livestock operations, sales/feed lots, stockyards	U	P	MP(4)	22.32.030
Livestock operations, small animals	(4)	(4)	P(4)	22.32.030
Mariculture/aquaculture	P	P	MP	
Mineral resource extraction	--	U	MU	Chapter 23.06
Nature preserves	P	P	P	
Timber Harvesting	U	U	U	Title 23
Water conservation dams and ponds	P	P	MP	
Small WECS	P	P	MP	22.32.180
Medium WECS	P	P	MP	22.32.180
Large WECS	--	U	MU	22.32.180
MANUFACTURING AND PROCESSING USES				
Cottage industry	U	U	MU	22.32.060
Recycling - Scrap and dismantling yards	U	U	MU	

22.10.030 – Residential District Land Uses and Permit Requirements.

**TABLE 2-3
ALLOWED USES AND PERMIT REQUIREMENTS FOR
SINGLE-FAMILY RESIDENTIAL DISTRICTS**

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT					See Standards in Section:
	RA Residential Agriculture	RR Residential Restricted	RE Residential Estate	R1 Residential Single- Family	RSP Residential Single- Family Planned	
AGRICULTURAL, RESOURCE AND OPEN SPACE USES						
Agricultural accessory structures	P	--	P	P	MP(4)	22.32.030
Commercial gardening	P	--	P	P	MP	
Dairy operations	P(6)	--	--	--		22.32.030
Fish hatcheries and game reserves	--	--	--	--	MU(4)	
Livestock operations, grazing	--	--	--	--	MU(4,5)	22.32.030
Livestock operations, large animals	(5)	--	(5)	--	MU(4,5)	22.32.030
Livestock operations, sales/feed lots, stockyards	--	--		--	MU(4,5)	22.32.030
Livestock operations, small animals	(5)	(5)	(5)	(5)	MP(5)	22.32.030
Mariculture/aquaculture	--	--	--	--	MU(4)	
Nature preserves	--	--	--	--	MP	
Plant nurseries, with on- site sales	U	U	U	U	MU	
Plant nurseries, without on-site sales	P	P	P	P	MP	
Small WECS	P	P	P	P	MP	22.32.180
Medium WECS	P	P	P	P	MP	22.32.180
Large WECS	--	--	--	--	--	22.32.180

TABLE 2-4
ALLOWED USES AND PERMIT REQUIREMENTS FOR MULTI-FAMILY RESIDENTIAL DISTRICTS

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT				See Standards in Section:
	R2 Residential Two Family	RMP Residential Multiple Planned	RX Residential Mobile Home Park	RF Floating Home Marina	
AGRICULTURAL, RESOURCE AND OPEN SPACE USES					
Agricultural accessory structures	P	MP(4)	--	--	22.32.030
Commercial gardening	P	MP(4)	--	--	
Dairy operations	--	MU(4)	--	--	22.32.030
Fish hatcheries and game reserves	--	MU(4)	--	--	
Livestock operations, grazing	--	MU(4,5)	--	--	22.32.030
Livestock operations, large animals	--	MU(4,5)	--	--	22.32.030
Livestock operations, sales/feed lots, stockyards	--	MU(4,5)	--	--	22.32.030
Livestock operations, small animals	(5)	MP(5)	--	--	22.32.030
Mariculture/aquaculture	--	MU(4)	--	--	
Nature preserves	--	MU	--	--	
Plant nurseries, with on-site sales	U	MU	--	--	
Plant nurseries, without on- site sales	P	MP	--	--	
Small WECS	P	MP	MP	--	22.32.180
Medium WECS	P	MP	MP	--	22.32.180
Large WECS	--	--	--	--	22.32.180

22.12.030 – Commercial/Industrial District Land Uses and Permit Requirements.

**TABLE 2-6 - ALLOWED USES AND PERMIT REQUIREMENTS FOR
COMMERCIAL DISTRICTS**

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT				See Standards in Section:
	VCR Village Commercial Residential	RMPC Residential Commercial Multiple Planned	C1 Retail Business	CP Planned Commercial	
AGRICULTURAL, RESOURCE, AND OPEN SPACE USES					
Agricultural accessory structures	--	MU(5)	--	--	22.32.030
Commercial gardening	P	MP(5)	P	MP	
Fisheries and game reserves	--	MU(5)	--	--	
Livestock operations, grazing	--	MU(4, 5)	--	--	22.32.030
Livestock operations, large animals	--	MU(5)	--	--	22.32.030
Livestock operations, small animals	--	MU(4, 5)	--	--	22.32.030
Mariculture/aquaculture	--	MU(5)	--	--	
Nature preserves	--	MU	--	--	
Plant nurseries, with on-site sales	P	MU(5)	P	MP	
Plant nurseries, without on-site sales	P	MP	P	MP	
Small WECS	P	MP	P	MP	22.32.180
Medium WECS	P	MP	P	MP	22.32.180
Large WECS	--	--	--	--	22.32.180

TABLE 2-7
ALLOWED USES AND PERMIT REQUIREMENTS
FOR COMMERCIAL AND INDUSTRIAL DISTRICTS

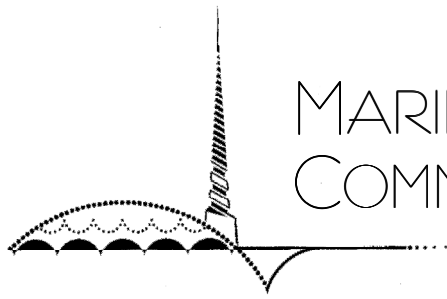
LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT					See Standards in Section:
	AP Admin and Professional	OP Planned Office	H1 Limited Roadside Business	RCR Resort and Commercial Recreation	IP Industrial Planned	
AGRICULTURAL, RESOURCE AND OPEN SPACE USES						
Commercial gardening	--	--	P	--	--	
Plant nurseries	--	--	P	--	--	
Small WECS	P	MP	P	MP	MP	22.32.180
Medium WECS	P	MP	P	MP	MP	22.32.180
Large WECS	--	--	--	--	--	22.32.180

22.14.030 – Special Purpose District Land Uses and Permit Requirements.

**TABLE 2-9
ALLOWED USES AND PERMIT REQUIREMENTS
FOR SPECIAL PURPOSE DISTRICTS**

LAND USE (1)	PERMIT REQUIREMENT		See Standards in Section:
	OA Open Area	PF Public Facilities	
AGRICULTURAL, RESOURCE, AND OPEN SPACE USES			
Agricultural accessory structures	P	--	22.32.030
Commercial gardening	P	--	
Crop production	P	--	
Dairy operations	P(3)	--	
Fish hatcheries and game reserves	P	--	
Livestock operations, grazing	P	--	
Nature preserves	P(2)	U(2)	
Water conservation dams and ponds	P	--	
Small WECS	P	P	22.32.180
Medium WECS	P	P	22.32.180
Large WECS	--	--	22.32.180

KEY TO PERMIT REQUIREMENTS		
Symbol	Permit Requirement	Procedure is In Section:
P	Permitted use.	
U	Conditional use, Use Permit required.	Chapter 22.48
MP	Permitted use, Master Plan/Precise Development Plan required.	Chapter 22.44
MU	Conditional use, Use Permit required where authorized by Master Plan/PDP.	Chapter 22.44
--	Use not allowed. (See 22.02.020.E regarding uses not listed.)	



MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY
BRIAN C. CRAWFORD, DIRECTOR

August 30, 2011

To: Honorable Members of the Planning Commission

From: Tom Lai, AICP, Assistant Director
Jack Liebster, Principal Planner
Steve Scholl, AICP, Consultant

Re: **REVISED STAFF RECOMMENDATION**
LCP Amendment, Development Code Structure and Process Hearing
August 31, 2011, 10:00AM, Marin County Planning Commission Chambers

Dear Members of the Commission:

Enclosed are revised staff recommendations on portions of the LCP Development Code Structure and Process for your Commission's hearing tomorrow.

The Enclosures consist of five parts:

Enclosure 1, Revised Staff Recommendation Items, contains new recommendations that would revise the Development Code Amendments of the June 2011 Public Review Draft (PRD). These recommendations reflect additional review by Planning staff, as well as responses to particular suggestions provided in a letter from the Coastal Commission staff (Enclosure 4).

Enclosure 1 also includes **revised Tables** referenced in the document.

Enclosures 2 and 3 are **technical edits** provided by Commissioners Greenberg and Holland. Unless any Commissioners wish to discuss these items, the changes marked as accepted by staff become part of the revised staff recommendation and will be incorporated into the document submitted to the Board of Supervisors.

Enclosure 4 is the Coastal Commission staff comment received August 12, 2011. Those changes that have been accepted by staff have been included in Enclosure 1.

ATTACHMENT #5
Revised Staff Recommendations 8/31/11

**Revised Staff Recommendation Items for
August 31, 2011 Planning Commission (PC) Hearing**

Item 1: 22.32.028 – Agricultural Worker Housing (coastal) *(approved by PC 8/22/11)*

In paragraph A. (p. 7), delete references to non-coastal zoning districts as follows:

A. Permitted use, zoning districts. Agricultural worker housing providing accommodations consisting of no more than 36 beds in group living quarters of 12 units or spaces for agricultural land use in the following zoning districts: ~~A2, A3 to A60, ARP, C-ARP, C-APZ, C-RA, and C-OA and O-A~~ and are allowed by Articles ~~II (Zoning Districts and Allowable Land Uses)~~ and V (Coastal Zones – Permit Requirements and Development Standards).

Item 2: 22.32.115 – Non-Agricultural Uses *(approved by PC 8/22/11)*

In 1st paragraph (p. 9), delete table references as follows:

This Section applies only in those instances where Table 2-1, ~~Table 3-5, or Table 5-1~~ expressly refers to this Section.

Item 3: Table footnote (3) referencing Master Plans and Precise Development Plans
[see revised tables attached] (approved by PC 8/22/11)

In footnote reference (3) for Tables 5-1-a through 5-3-f in Article V (pp. 19-25, 28-31, and 33-39), change reference of “lesser entitlement” to “lesser requirement” as follows:

(3) See Chapter 22.44 (Master Plans and Precise Development Plans) for separate, non-coastal permit criteria and possible waiver or reduction to a lesser ~~entitlement~~ requirement.

Item 4: Health/fitness facilities (land use) *[see revised tables attached] (approved by PC 8/22/11)*

In Table 5-1-b (p. 21), add new land use category for “Health/fitness facilities” under Recreation, Education, and Public Assembly Uses, and allow it as a conditional use by Use Permit in the C-OA district.

*Note: In Table 5-3-b (p. 34), “Health/fitness facilities” are proposed as a conditional use allowed by Use Permit in the C-VCR, C-CP, C-RMPC and C-RCR districts. However, outside the Coastal Zone in the VCR, CP and RMPC non-coastal zoning districts, Health/fitness facilities are not permitted.

Item 5: Equestrian facilities (land use) *[see revised table attached] (approved by PC 8/22/11)*

In Table 5-1-b (p. 21), add new footnote (9) for Equestrian facilities in the C-ARP district.

(9) Equestrian employee housing is permitted with Use Permit approval (See Chapter 22.48 Use Permits.)

Item 6: Tennis and other recreational uses (land use) *[see revised tables attached] (approved by PC 8/22/11)*

In Tables 5-1-c (p. 22), 5-2-c (p. 30), and 5-3-c (p. 35), add new land use category for “Tennis and other recreational uses” under Residential Uses. Establish this land use as a conditional use allowed by Use Permit in the C-APZ, C-ARP, C-OA, C-VCR, C-H1 and C-CP districts, and as a Principally Permitted use in the C-RA, C-R1, C-R2, C-RSPS, C-RSP and C-RMP districts.

Item 7: Residential Uses in Commercial/Mixed Use Districts *[see revised table attached] (approved by PC 8/22/11)*

In Table 5-3-c (p. 35), update Multi-family, Single-family, and Two-family dwellings to be a conditional use allowed by Use Permit in the C-CP district. Add new footnotes (8) and (9) as follows:

(8) Dwellings, except for affordable housing, shall be accessory to the primary commercial use. See Section 22.32.150 (Residential Uses in Commercial/Mixed Use Areas).

(9) Employee housing is permitted by Design Review. See Chapter 22.42 (Design Review)

Item 8: Homeless shelters (land use) *[see revised table attached] (approved by PC 8/22/11)*

In Table 5-3-e (p. 37), add new land use category for “Homeless shelters” under Service Uses, and establish it as a Permitted Use in the C-CP district.

Item 9: Maximum densities and FAR *[see revised table attached] (approved by PC 8/22/11)*

Amend Tables 5-4-a (p. 42), 5-4-b (p. 44), and 5-5 (p. 46) as shown in attached, to reflect changes to density and FAR calculations in coastal zoning districts.

Item 10: 22.65.030 – Planned District General Development Standards *(approved by PC 8/22/11)*

In Subsection C.1 *Height limits for structures*, revise items (b) – (e) as follows:

(b) The floor level of the first floor shall not exceed 10 feet above natural grade at the lowest corner, unless otherwise required by FEMA standards.

- (c) Structures located within the ridgeline areas pursuant to Subsection D.2 below shall be limited to a maximum height of 18 feet. Where a ridge lot is too flat to allow placement of the house in compliance with Subsection D.2 below (Building Location – Development Near Ridgelines), the maximum height shall be 18 feet.
- (d) Where allowed, agricultural accessory structures sited in compliance with the requirements of Subsection D.2 below located below ridgetops may exceed the above height limits if determined to have no significant visual or resource impacts.
- (e) These requirements may be waived by the Director in unusual circumstance resulting from an irregular site characteristic (e.g., location, lot shape/size, topography) where the waiver will not result in a structure that will impinge significantly on sun and light exposure, views, vistas, and privacy of adjacent properties and rights-of-way. if the Director determines site terrain features make the above height limits ineffective, or unnecessary in minimizing the visibility of the proposed structures.

In Subsection D.2 *Building location - Development near ridgelines*, revise as follows:

2. Development near ridgelines. No construction shall occur on top of, or within 300 feet horizontally, or within 100 feet vertically, of visually prominent ridgelines, whichever is more restrictive, unless no other suitable locations are available on the site or the lot is located substantially within the ridgeline area as defined herein. If structures must be placed within this restricted area because of site constraints or because siting the development outside of the ridgeline area will result in greater visual or environmental impacts, they shall be in locations that are the least visible from adjacent properties and view corridors.

In Subsection H.6 *Site preparation – Watershed areas*, revise as follows:

6. Watershed areas. All projects within water district watershed areas shall be referred to the appropriate district for review and comment. Damaging impoundments of water shall be avoided.

The following items have not yet been reviewed by the Planning Commission, and will be proposed at the August 31, 2011 hearing:

Item 11: 22.68.030 – Coastal Permit Required (to be reviewed by PC 8/31/11)

In 2nd paragraph, 1st sentence, add clarifications, to read:

Coastal development is defined in Article VIII of this Development Code and is interpreted to include installation of water or sewage disposal systems, the closure of County-managed public accessways, changes in public access to the water including parking availability, construction of agricultural processing facilities and the significant alteration of landforms. . . .

Item 12: 22.68.040 – Categorically Excluded Projects *(to be reviewed by PC 8/31/11)*

In paragraph A., fix reference to **Public Resources Code Section 30610(d) and (f) (e)**

In paragraph B., change 1st sentence to read:

The Director shall maintain **and regularly transmit to the Coastal Commission** a list of projects determined to be categorically excluded...

Item 13: 22.68.050 – Exempt Projects *(to be reviewed by PC 8/31/11)*

Clarify as follows:

The following projects, **as determined by the Director**, shall be exempt from the requirements of Section 22.68.030 – Coastal Permit Required, **unless listed as non-exempt by Section 22.68.060**.

A. Improvements, **other than to a public works facility**, on developed lots. The following improvements on developed lots:

1. All fixtures and other structures directly attached to an existing structure including additions resulting in an increase of less than 10 percent of the floor area of the existing structure; and
2. Structures on a residential lot normally associated with a single-family residence, such as garages, swimming pools, fences, and storage sheds; but not including guest houses or self contained residential units; and
3. Landscaping on the lot.

....

Item 14: 22.68.060 – Non-Exempt Projects *(to be reviewed by PC 8/31/11)*

Revise as follows to more closely align with Coastal Commission regulations Sections 13250, 13252, and 13253:

A. Improvements to existing structures, and repair and maintenance of existing structures. Improvements to a structure **and repair and maintenance of a structure** if the structure is located on a beach, in a wetland, seaward of the mean high tide line, in an environmentally sensitive habitat area, or within 50 feet of the edge of a coastal bluff.

Add a new paragraph J. to clarify that non-exempt projects include those to structures originally approved through a coastal permit that provides that any future improvements would require a new or amended coastal permit, per Coastal Commission regulations Section 13250(b)(6) and Section 13253(b)(6).

J. Future Improvements. Any improvement to a single-family residence or other structure where the coastal development permit issued for the original structure indicated that any future improvements would require a development permit.

Item 15: 22.68.060 – Non-Exempt Projects *(to be reviewed by PC 8/31/11)*

Clarify heading of paragraph B to indicate that the referred-to “appealable areas” are those that are geographically defined (that is, as opposed to projects that are appealable based on being a non-principal-permitted use).

B. Alterations within geographically defined appealable areas.

Item 16: 22.68.080 – Projects Requiring a Coastal Commission Permit *(to be reviewed by PC 8/31/11)*

Clarify paragraphs A., B., and D. as follows:

- A. Coastal Commission approval required.** Development or new land uses proposed on tidelands, submerged lands, public trust lands, or otherwise located seaward of the line of Coastal Commission jurisdiction, shall require a Coastal Permit from the Coastal Commission in compliance with Public Resources Code Section 30519(b). Also under the Coastal Commission’s continuing jurisdiction are amendments or extensions to coastal permits issued by the Coastal Commission; thermal power plants of 50 megawatts or greater along with the transmission lines, fuel supply lines, and related facilities to serve them; state university or college projects; and non-federal projects on federal land.
- B. Determination of jurisdiction.** The determination of jurisdiction shall be made by the Coastal Commission based upon maps and other descriptive information that the County, Coastal Commission and/or State Lands Commission may supply.
...
- D. County land use designations and zoning districts.** County land use designations and zoning districts on public trust lands and federal lands shall be advisory only for purposes of the Coastal Commission’s review of a coastal permit application.

Item 17: 22.68.090 – Consolidated Coastal Permit *(to be reviewed by PC 8/31/11)*

Clarify the introductory sentence to indicate that a “consolidated coastal permit” would only be an option where a proposed development requires two separate coastal permits, one from the Coastal Commission and one from Marin County:

If a proposed development requires a two separate Coastal Permits, one from both the County and one from the Coastal Commission, a consolidated Coastal Permit application may be considered by the Coastal Commission according to the following procedure.

...

Item 18: 22.70.030 – Coastal Permit Filing, Initial Processing *(to be reviewed by PC 8/31/11)*

In paragraph B., clarify that the Director's determination includes potential permit exemptions, as well as categorical exclusions, de minimis waivers, and coastal permits.

- B. Determination of permit category.** The Director shall determine if the proposed project is categorically excluded, exempt, qualifies for a De Minimis Waiver, or requires a Coastal Permit that does or does not require a public hearing, as follows. This determination may be appealed in compliance with Section 22.70.040 – Appeal of Permit Category Determination.

In paragraph B., add part 5.(c) to clarify that the required notice of potential public hearing waiver must include the following statement, pursuant to Public Resources Code Section 30624.9(c):

(c) The notice shall include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal to the Coastal Commission any action taken by the County of Marin on a coastal permit application.

Also in sub-paragraph B.5, clarify that if no public hearing is held, any written comments submitted must nevertheless be taken into account in making a decision on a coastal permit application, by adding a final sentence:

Notwithstanding the waiver of a public hearing, any written comments submitted regarding a coastal permit application shall be made part of the permit application record.

Item 19: 22.70.040 – Appeal of Permit Category Determination *(to be reviewed by PC 8/31/11)*

Clarify the heading of paragraph C., which is intended to address potential appeals to the Coastal Commission regarding the appropriate permit category that should be assigned to a permit application and not a substantive appeal of the coastal permit application itself.

- C. Procedures for appeals of permit category determinations to the Coastal Commission–appeal procedure.** Appeals of permit category determinations to the Coastal Commission shall follow the procedures contained in California Code of Regulations, Title 14, section 13569 (Determination of applicable Notice and Hearing Procedures).

Item 20: 22.70.050 – Public Notice *(to be reviewed by PC 8/31/11)*

Clarify in paragraph B that the required notice, where no public hearing is scheduled, will include a statement of the applicable comment period:

9. If no public hearing is held, a statement that a description of the applicable public comment period of sufficient time will be held to allow for the submission of comments by mail prior to the local decision.

10. If a public hearing is proposed to be waived, a description of the public hearing waiver process as provided in Section 22.70.030.B.5.

Item 21: 22.70.080 – Appeal of Coastal Permit Decision *(to be reviewed by PC 8/31/11)*

To paragraph B., part 3, add a final sentence to “close the loop” by notifying the Coastal Commission of the outcome of any action by the Board of Supervisors addressed by Section 22.70.080.B.3:

After action by the Board of Supervisors (or failure or refusal to act), notice of final action shall be provided to the Coastal Commission pursuant to Section 22.70.090.

Item 22: 22.70.090 – Notice of Final Action *(to be reviewed by PC 8/31/11)*

Correct the period within which notice of a final County decision on an application for a coastal permit shall be provided, as follows (pursuant to Coastal Commission regulations Section 13571):

Within 40 ~~10~~ 7 calendar days of a final County decision on an application for a Coastal Permit,...

Item 23: Article VIII, Section 22.130.030 – Definitions *(approved by PC 8/22/11)*

The following definitions have been approved as follows:

Affordable Housing. Dwelling units that are income restricted and rented or sold at rates that are affordable to households with income qualifying as low, very low or extremely low income, as described in Chapter 22.22 (Affordable Housing Regulations) or Chapter 22.24 (Affordable Housing Incentives) and defined by Health and Safety Code Sections 50052.5 and 50053. Affordable Housing includes Transitional and Supportive housing consistent with qualifying income requirements.

Affordable Ownership Cost. Figure at which affordable housing must be provided for purchase, which is calculated as annual housing costs, during the first calendar year of a household's occupancy, including mortgage payments, property taxes, homeowners insurance, and homeowners association dues, if any, which do not exceed the following:

1. For inclusionary units required by Chapter 22.22, annual housing costs cannot exceed 30 percent of 60 percent of area median income, adjusted for household size.
2. For affordable housing that qualifies a project for a state density bonus, annual housing costs cannot exceed the following:
 - (a) for moderate income households: 35 percent of 110 percent of area median income, adjusted for household size.
 - (b) for low income households: 30 percent of 70 percent of area median income, adjusted for household size.

- (c) for very low income households: 30 percent of 50 percent of area median income, adjusted for household size.

(d) for extremely low income households: less than 30 percent of area median income, adjusted for household size.

Affordable Rent. Annual rent, including utilities and all fees for housing services, which does not exceed the following:

- (1) For inclusionary units required by Chapter 22.22, annual rent cannot exceed 30 percent of 50 percent of median area income, adjusted for household size.
- (2) For affordable housing that qualifies a project for a state density bonus, annual rent cannot exceed the following:
- (a) for low income households: 30 percent of 60 percent of area median income, adjusted for household size.
- (b) for very low income households: 30 percent of 50 percent of area median income, adjusted for household size.

(c) for extremely low income households: less than 30 percent of area median income, adjusted for household size.

Agricultural Accessory Activity (land use) (coastal). This land use consists of accessory activities customarily incidental to agricultural operations, and which involve agricultural products produced only on-site or elsewhere in Marin County, including but not limited to:

- | | |
|--|--|
| -corn shelling | -grain cleaning and grinding |
| -custom milling of flour, feed and grain | -hay baling and cubing |
| -drying of corn, rice, hay, fruits, and vegetables | -pre-cooling and packaging of fresh or farm dried fruits and vegetables |
| -sorting and packaging of fruits and vegetables | -tree nut hulling and shelling |
| | <u>-preparation and packaging of animal byproduct (such as eggs and wool) produced on-site</u> |

Agricultural Accessory Structures (land use) (coastal). This land use consists of an uninhabited structure for the storage of farm animals, implements, supplies or products, that contains no residential use, is not accessory to a residential use, and is not open to the public, including but not limited to:

- | | |
|--------------------------|---|
| - barns | - pens |
| - coops | - silos |
| - corrals | - stables |
| - grain elevators | - facilities for cleaning, drying, pre-cooling, and packaging of fruits and vegetables produced on-site |
| - facilities for milking | |
| <u>- fences</u> | <u>-non-commercial greenhouses</u> |
| | <u>- utility facilities</u> |
| | - other similar structures |

Area Median Income. Median income for Marin County as published by the U.S. Department of Housing and Urban Development (HUD) or the California Department of Housing and Community Development (HCD) with adjustments for household size. ~~Current or a~~Applicable schedule to be applied ~~is~~ at the discretion of the Director.

Assessor's Parcel. A unit of real property recognized by the Marin County Assessor's Office for tax purposes, mapped and assigned an Assessor's Parcel Number by the Assessor's Office.

Arterial Road. ~~(Definition under Planning Commission review)~~

Base Density. This definition applies only to projects that seek a density bonus. The base density is either: the lower of 1) the number of units/lots that are calculated using the minimum lot area or maximum density associated with the zoning district; or 2) the maximum density allowed by the Built Environment Element of the Countywide Plan, for including provisions applicable to sites with sensitive habitat, or located within the Ridge and Upland Greenbelt, or lacking public water or sewer systems, or if the project will result in an exceedance to the Level of Service Standards. Where the density allowed under the zoning ordinance is inconsistent with the density allowed under the Built Environment Element, the Built Environment Element density shall prevail.

Bay Window. A windowed enclosure that projects from an exterior wall and is at least 18 inches above the adjoining finished floor as measured to the lowest horizontal plane of the projection. To be considered a bay window for the purposes of allowed exemptions and floor area, the windowed enclosure shall not occupy an area greater than 25 percent of any individual wall element of a building for each story or extend more than 30 inches from the exterior wall.

Blue Line Stream. A watercourse shown as a blue line (perennial or intermittent) on the most recent ~~appropriate~~USGS ~~data-topographic quadrangle map.~~

Building. Any structure, having a roof supported by columns or walls and usable for shelter, housing, or enclosure of any person, animal, equipment or material.

Building Envelope. An area of real property identified for the construction of buildings.

Community Garden (land use). This land use consists of public or private gardening for non-commercial neighborhood or community use where there is usually a formal or informal sharing of cultivation and maintenance responsibilities. Unlike parks and playgrounds, where plantings are often ornamental and ecological, community gardens emphasize planting of vegetables and agricultural crops.

Conventional District. Any zoning district established by Sections 22.06.020 (Zoning Districts Established), and Article V (Coastal Zones – Permit Requirements and Development Standards), that is not included under the definition of "Planned District" provided by this Chapter. The conventional districts include:

A (Agriculture and Conservation)	C-R2 (Coastal, Residential, Two-Family)
A2 (Limited Agriculture)	VCR (Village Commercial/Residential)
RA (Residential, Agricultural)	C1 (Retail Business)
C-RA (Coastal, Residential, Agricultural)	AP (Administrative and Professional)
RR (Residential, Restricted)	H1 (Limited Roadside Business)
RE (Residential, Estate)	C-VCR (Coastal, Village Commercial/Residential)
R1 (Residential, Single-Family)	C-H1 (Coastal, Limited Roadside Business)
C-R1 (Coastal, Residential, Single-Family)	C RCR (Coastal, Resort and Commercial Recreation)

R2 (Residential, Two-Family)

O-A (Open Area)

C-OA (Coastal, Open Area)

PF (Public Facilities)

Cottage Industry (land use). This land use consists of the design, light manufacturing or product assembly, and the sale of products and services inside a dwelling or within an accessory building located on the same site as the dwelling, by the inhabitants of the dwelling. This land use involves the design, manufacture, and sale of the following products and services, or other uses determined by the Director to be similar in nature including: See Section 22.32.060 (Cottage Industries).

- | | |
|--|--------------------------|
| - antique repair and refinishing | - jewelry making |
| - baking & food preparation for off-site consumption | - painting and sculpture |
| - batik and tie dyeing | - photography |
| - catering | - sewing |
| - ceramics | - weaving |
| - dress making, cloth decoration, etc. | - other handcrafts |
| - furniture and cabinet making, other woodworking | |

Density (~~coastal~~). The number of dwellings per acre of lot area, unless otherwise stated, for residential uses.

Detached Structure (~~coastal~~). See "Accessory Structure."

Development (~~coastal~~). On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973(commencing with Section 4511 of the Public Resources Code).

As used in this section, "structure" includes any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

"Development" does not mean a "change of organization", as defined in California Code Section 56021 or a "reorganization", as defined in California Code Section 56073.

Development Project. Any project undertaken for the purpose of development. "Development project" includes a project involving the issuance of a permit for construction or reconstruction but not a permit to operate. "Development project" does not include any ministerial projects proposed to be carried out or approved by public agencies.

Discretionary Action. Discretionary Project. A project which requires the exercise of judgment or deliberation when the public agency or body decides to approve or disapprove a particular activity, as distinguished from situations where the public agency or body merely has to determine whether there has been conformity with applicable statutes, ordinances, or regulations. A timber harvesting plan submitted to the State Forester for approval under the requirements of the Z'berg-Nejedly Forest Practice Act of 1973 (Pub. Res. Code Sections 4511 et seq.) constitutes a discretionary project within the meaning of the California Environmental Quality Act Section 21065(c).

~~The approval or denial of a land use permit application by a review authority, based on findings of fact.~~

Discretionary Permit. A permit granted by a review authority in response to a land use permit application after applying the exercise of judgment or deliberation prior to making a decision. Includes any of the following entitlements/approvals established by Article IV (Land Use and Development Permits): Coastal Permits, Design Review, Floating Home Adjustment Permits, Floating Home Architectural Deviations, ~~Large Family Day Care Permits~~, Master Plans and Precise Development Plans, Use Permits, Sign Review, Temporary Use Permits, Tentative Maps, Tidelands Permits, and Variances. See also "~~Ministerial Land Use Permit~~."

Educational Tours (land use). Interactive excursion for groups and organizations for the purpose of informing them of the unique aspects of a property, including ~~but not limited to~~ agricultural operations and environmental resources.

Existing Residential Second Unit. A second unit existing prior to March 27, 1987, or the effective dates of resolutions establishing Second Unit Use Permit standards in specific communities (September 29, 1983 in Bolinas, January 10, 1984 in the Tamalpais Area, and June 25, 1985 in Stinson Beach). Also, see Residential Second Unit.

Food Preparation Facilities. Food preparation facilities may include, but are not limited to, a stove, oven, microwave, hot plate, refrigerator, sink, counters, or cabinets. Wet bars and snack bars are not considered food preparation facilities.

Floor Area. Except as specified by the Tamalpais Area Community Plan, the sum of the gross area of all floors in all buildings on a site, measured from the exterior faces of the exterior walls, including enclosed understory, basement, and attic space that can be easily converted to living area, but excluding:

1. All unenclosed horizontal surfaces, including balconies, courts, decks, porches, terraces;
2. For single-family residential structures, The first 250 square feet of floor area of all detached accessory structures not designed for and/or used for habitable space;
3. For single-family residential structures, the first 540 square feet of garage areas permanently allocated for vehicle parking;
4. For two-family, multi-family, and non-residential structures, all floor area that is required to meet minimum parking standards under Title 24;
The first 540 square feet of garage areas permanently allocated for vehicle parking; and
5. Exterior wall thickness of greater than 6 inches, where the additional wall thickness results in greater energy efficiency (e.g. straw bale construction or earthen wall construction), as demonstrated by the applicant and subject to the approval of the Director; and
6. Bay windows.

The floor area of stairways, elevators, and other vertical accesses, is included in the total floor area only as to the "footprint" (area at the base) of the vertical access, and is not counted at each floor of a building. In order to qualify as an unenclosed horizontal surface, at least one of the longest wall planes of the space shall be kept open with the exception that railings with a surface area that is at least 50% open and unobstructed by structural elements and that are necessary for safety or convenience purposes may be allowed within the open wall plane. As defined herein, understory, basement, and attic space that can be easily converted to living area include: (1) unconditioned and unimproved spaces that yield a minimum clear room area of 7 feet by 7 feet and a minimum ceiling height of 7 ½ feet or higher; and (2) all attic areas with a minimum ceiling height of 5 feet or higher.

Food Preparation Facilities. Food preparation facilities may include, but are not limited to, a stove, oven, microwave, hot plate, refrigerator, sink, counters, or cabinets. Wet bars are not considered food preparation facilities.

Footprint. The horizontal surface area covered by a structure.

Grade. The ground elevation used as the basis for measurement of allowed structure height. ~~For the purposes of this Development Code, gGrade~~ shall be the elevation of the natural or finished grade at the

exterior surface of the structure, whichever is more restrictive, and the elevation of the natural grade within the footprint of the structure.

Guest House (land use). This land use consists of a detached structure that has a bathroom and that contains more than 400 square feet of floor area that is subject to building permit requirements under a residential occupancy code. To be a guest house, the structure cannot contain food preparation facilities.

Habitable Space. Space within a structure that is designed or used for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closet, hall, storage, or utility space and similar areas are not considered habitable space, but may be included when calculating floor area.

Highway. State Route 1, State Route 101, and Panoramic Highway.

Historic Area. Areas mapped and described as historic areas in the Marin County Local Coastal Plan Program, including those within Bolinas, Inverness, Marshall, Olema, Point Reyes Station, Stinson Beach, and Tomales.

Historic Lot. A unit of real property that was formerly a legal lot of record.

Historic Structure. As determined by the Marin County Local Coastal Plan Program, any building constructed prior to 1930, including any accessory structures on a site.

Homeless Shelter. Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. In order for a facility to be a homeless shelter, no person may be denied emergency shelter because of an inability to pay, per Health and Safety Code Section 50801(e).

Inclusionary Unit/Lot-(coastal). A housing unit or lot that is required by Chapter 22.22 (Affordable Housing Regulations) to be affordable to extremely low, very low, or low income households, as specified, or that has been proposed by an applicant and approved by the County to meet the requirements of Chapter 22.22.

Income Qualifying Household. Household whose income is defined as extremely low, very low, low or moderate-income for Marin County as published by the U.S. Department of Housing and Urban Development (HUD) or the California Department of Housing and Community Development (HCD) with adjustments for household size. Current or applicable schedule to be applied is at the discretion of the Director.

- a) Moderate income, 80 to 120 percent of area median income;
- b) Low income, 50 to 80 percent of area median income.
- c) Very low income, under 30 to 50 percent of area median income.
- d) Extremely low income, 30 percent and less of the area median income.

Income Restricted Housing. Dwelling units with a long-term income restriction which restricts occupancy to households at or below a specific income.

In-Lieu Fee. A fee paid to the County by developers in lieu of providing required on-site inclusionary units or lots, or a fee paid to the County by developers in lieu of dedicating parkland.

Kennels and Animal Boarding (land use). This land use consists of the keeping, boarding or maintaining of six or more household pets dogs at least four months of age or older, except for household pets dogs in pet shops or animal hospitals. "Kennel" does not mean and does not include any lot or premises on which a person has been issued a dog hobbyist or ranch dog permit in compliance with the provisions of Sections 8.04.245 or 8.04.246 of the Marin County Code.

LCP. See "Local Coastal Plan Program."

Legal Lot of Record. A parcel is considered to be a legal lot of record if it was created in conformance with any of the following criteria:

- A. Recorded subdivision. The lot was created through a subdivision Final map or Parcel map recorded on or after January 1, 1930. Antiquated subdivisions may not be deemed to have created lots. A lot created on a subdivision Final map or Parcel map recorded before January 1, 1930 may be considered a legal lot if it has been reconveyed subsequently with references made to the original subdivision Final map or Parcel map.
- B. Individual lot legally created by deed. The lot was legally created by deed in compliance with the zoning and subdivision requirements that applied at the time of creation.
- C. Government conveyance. The lot was created by conveyance to a governmental entity.

When historic lots were merged by agency action or pursuant to applicable State law, the merged historic lots comprise a single legal lot of record.

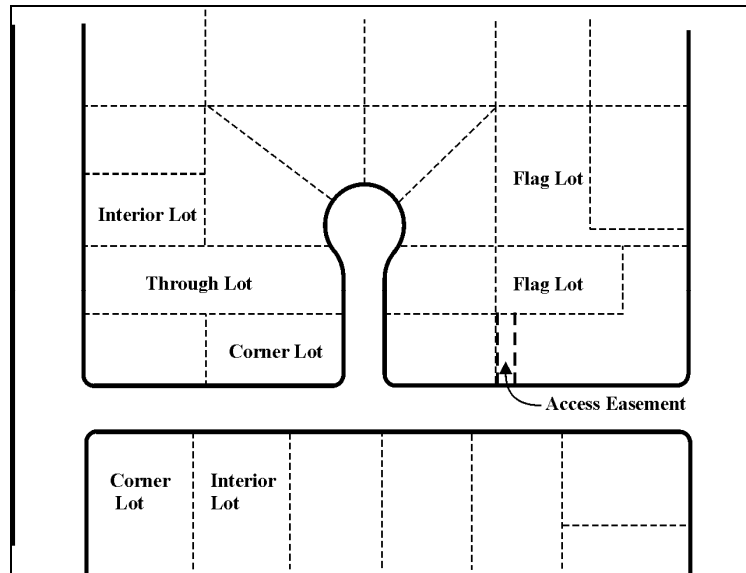
Livestock Operations, Small Animals (land use). This land use consists of the raising or keeping of up to 12 fowl of any kind and/or 12 rabbits or similar animals. Does not include hog raising, dairying or the raising or keeping for commercial purposes of cattle, horses, or similar livestock, as determined by the Director; see "Livestock Operations, Large Animals."

Local Coastal Program-Plan (LCP). The Marin County Local Coastal Program, Units I and II, prepared and adopted in compliance with the California Coastal Act of 1976 (Division 20 of the Public Resources Code).

~~**Lot or Parcel.** A recorded lot or parcel under single ownership, having its principal frontage on a street or right of way, and lawfully created as required by the Subdivision Map Act and Marin County ordinances, including this Development Code or its predecessors. A legal lot of record.~~ Types of lots include the following. See Figure 8-3 (Lot Types).

1. **Corner Lot.** A lot located at the intersection of two or more streets, bounded on two or more sides by street lines.
2. **Flag Lot.** A lot having access from the building site to a public street by means of private right-of-way strip that is owned in fee or by means of an access easement.
3. **Interior Lot.** A lot abutting only one street.
4. **Through Lot.** A lot with frontage on two generally parallel streets.

**FIGURE 8-3
LOT TYPES**



Lot or Parcel (coastal). A recorded lot or parcel of real property under single ownership, having its principal frontage on a street or right of way, and lawfully created as required by the Subdivision Map Act and Marin County ordinances, including this Development Code or its predecessors. (LCP Glossary definition approved for deletion by Planning Commission on 08/22/11, and replaced by revised definition of "Legal Lot of Record")

Low Income. See "Income Qualifying Household." "Moderate, Low, and Very Low Income."

Ministerial Permit. A permit granted to a development project after applying fixed, objective standards with little or no subjective evaluation as to the wisdom or manner of carrying out the project. Examples are Sign Permit, Large Family Day-care Permit, Homeless Shelter Permit, Certificate of Compliance, Second Unit Permit, Final Map approval, and most Building Permits. See also "Discretionary Permit."

Moderate, Low, and Very Low Income Households. Households whose incomes do not exceed income limits for moderate, low, and very low income households, respectively, as determined and published periodically by the U.S. Department of Housing and Urban Development (HUD) or the California Department of Housing and Community Development (HCD) with adjustments for household size. For inclusionary housing, income levels are generally defined as:

1. Moderate income, 80 to 120 percent of area median income;
2. Low income, 50 to 80 percent of area median income.
3. 3. Very low income, under 30 to under 50 percent of area median income.
4. Extremely low income, 30 percent and less of the area median income.

Multi-Family Dwellings (land use). This land use consists of multiple detached dwellings on the same lot, or a building or a portion of a building used and/or designed as residences for two three or more families living independently of each other. Includes: duplexes, triplexes, fourplexes (buildings under one ownership with three or four dwelling units, respectively, in the same structure) and apartments (five or more units under one ownership in a single building); townhouse development (three or more attached single-family dwellings where no unit is located over another unit); senior citizen multi-family housing; and common ownership, attached unit projects such as condominiums Tenants in Common developments. Second units and farm worker housing are not considered in the calculation of the number of units for this definition and do not convert a single-family residential development into a multi-family development.

NAVD (North American Vertical Datum). A vertical elevation control datum used in height measurements.

Original Lot Parcel. A contiguous area of real property land under one ownership, which is proposed for division in compliance with Article VI (Subdivisions) of this Development Code.

Parcel. See "Assessor's Parcel." A unit of real property.

Parcel (coastal). See "Legal Lot of Record"

A unit of real property. See "Lot or Parcel."

Planned District. Any zoning district established by Sections 22.06.020 (Zoning Districts Established), and Article V (Coastal Zones – Permit Requirements and Development Standards), that is not included under the definition of "Conventional District" provided by this Chapter. The planned districts include:

C-APZ (Coastal, Agricultural Production Zone)	RX (Residential, Mobile Home Park)RF
ARP (Agricultural, Residential Planned)	(Residential, Floating Home Marina)
C-ARP (Coastal, Agricultural, Residential Planned)	RMPC (Residential/Commercial Multiple Planned)
RSP (Residential, Single-Family Planned)	CP (Planned Commercial)
C-RSP (Coastal, Residential, Single-Family Planned)	OP (Planned Office)
C-RSPS (Coastal, Residential, Single-Family Planned, Seadrift Subdivision)	RCR (Resort and Commercial Recreation)
RMP (Residential, Multiple Planned)	<u>C-RCR (Coastal, Resort and Commercial Recreation)</u>
C-RMP (Coastal, Residential, Multiple Planned)	C-RMPC (Coastal, Residential/Commercial Multiple Planned)
	C-CP (Coastal, Planned Commercial)
	<u>IP (Industrial, Planned)</u>
	<u>RF (Floating Home Marina)</u>

Protected Trees ~~and~~ and Heritage Tree. Any one of the following as indicated in the table below:

Common Name	Botanical Name	Protected Size Diameter at Breast Height	Heritage Size Diameter at Breast Height
Arroyo willow	<i>S. lasiolepis</i>	6 inches	18 inches
Big-leaf maple	<i>Acer macrophyllum</i>	10 inches	30 inches
Bishop pine	<i>Pinus muricata</i>	10 inches	30 inches
Blue oak	<i>Q. douglasii</i>	6 inches	18 inches
Box elder	<i>A. negundo</i> var. <i>californicum</i>	10 inches	30 inches
California bay	<i>Umbellularia californica</i>	10 inches	30 inches
California black oak	<i>Q. kelloggii</i>	6 inches	18 inches
California buckeye	<i>Aesculus californica</i>	10 inches	30 inches
California nutmeg	<i>Torreya californica</i>	10 inches	30 inches
Canyon live oak	<i>Q. chrysolepis</i>	6 inches	18 inches
Chaparral oak	<i>Q. wislizeni</i>	6 inches	18 inches
Coast live oak	<i>Quercus agrifolia</i>	6 inches	18 inches
Coast redwood	<i>Sequoia sempervirens</i>	10 inches	30 inches
Douglas-fir	<i>Pseudotsuga menziesii</i>	10 inches	30 inches

Giant Chinquapin	<i>Castanopsischrysophylla</i>	10 inches	30 inches
Hawthorn	<i>Crataegusdouglasii</i>	10 inches	30 inches
Mountain-mahogany	<i>Cercocarpusbetuloides</i>	10 inches	30 inches
Narrow leaved willow	<i>Salix exigua</i>	6 inches	18 inches
Oak	<i>Q. parvula var. shrevei</i>	6 inches	18 inches
Oregon ash	<i>Fraxinuslatifolia</i>	10 inches	30 inches
Oregon oak	<i>Q. garryana</i>	6 inches	18 inches
Pacific madrone	<i>Arbutus menziesii</i>	6 inches	
Pacific yew	<i>Taxusbrevifolia</i>	10 inches	30 inches
Red alder	<i>A. rubra</i>	10 inches	30 inches
Red elderberry	<i>Sambucuscallicarpa</i>	10 inches	30 inches
Red willow	<i>S. laevigata</i>	6 inches	18 inches
Sargent cypress	<i>Cupressussargentii</i>	6 inches	18 inches
Scouler's willow	<i>S. scouleriana</i>	6 inches	18 inches
Service-berry	<i>Amelanchieralnifolia</i>	10 inches	30 inches
Shining willow	<i>S. lucida ssp. lasiandra</i>	6 inches	18 inches
Silk tassel	<i>Garryaelliptica</i>	10 inches	30 inches
Sitka willow	<i>S sitchensis</i>	6 inches	18 inches
Tanbark oak	<i>Lithocarpusdensiflorus</i>	10 inches	30 inches
Valley oak	<i>Q. lobata</i>	6 inches	18 inches
Wax myrtle	<i>Myricacalifornica</i>	10 inches	30 inches
White alder	<i>Alnusrhombifolia</i>	10 inches	30 inches

Referral. Any transmittal, notification, posting, consultation, request for or distribution of information, initiated by the Agency to communicate with other agencies, organizations, groups or the public that pertains to a proposed project.

Resale Controls. Legal restrictions by which the price of affordable housing units will be controlled to ensure that the units remain affordable to extremely low, very low, low or moderate-income County households, as applicable, over a specified period of time.

Residential Accessory Uses and Structures (land use). This land use consists of and includes any use that is customarily a part of, and clearly incidental and secondary to, a residence and does not change the character of the residential use. These uses include the following accessory structures, and other similar structures and uses normally associated with a residential use of property:

- garages
- storage sheds
- gazebos
- studios
- greenhouses
- swimming pools
- household pet facilities
- workshops
- spas and hot tubs

Also includes community gardens and the indoor storage of automobiles (including their incidental restoration and repair), personal recreational vehicles and other personal property, accessory to a residential use. Does not include home satellite dish and other receiving antennas for earth-based TV and radio broadcasts; see "Telecommunications Facilities."

Residential Second Unit (land use). This land use consists of a second permanent dwelling that is accessory to a primary dwelling on the same site. A residential second unit provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, food preparation, sanitation, and parking. The primary criterion for defining a second unit shall be the existence of separate food preparation facilities which may include but are not limited to stove, oven, hot plate, refrigerator or sink. Also see Pre-existing Residential Second Units. Also see Existing Residential Second Units.

Ridge and Upland Greenbelts. The uppermost portions of hills, and the wooded hillsides identified in the Built Environment Environmental Quality Element of the Marin Countywide Plan.

Room Rental (land use). This land use consists of the rental of three or fewer individual bedrooms within a dwelling or accessory structure, excluding a guest house, whether or not meals are provided. This use is subordinate to the primary residential use of the property, ~~and does not entail on-site advertising.~~

Schools (land use). This land use consists of public and private educational institutions, including:

- boarding schools
- business, secretarial, and vocational schools
- community colleges, colleges and universities
- elementary, middle, and junior high schools
- establishments providing courses by mail
- high schools
- military academies
- professional schools (law, medicine, etc.)
- seminaries/religious ministry training facilities
- pre-schools

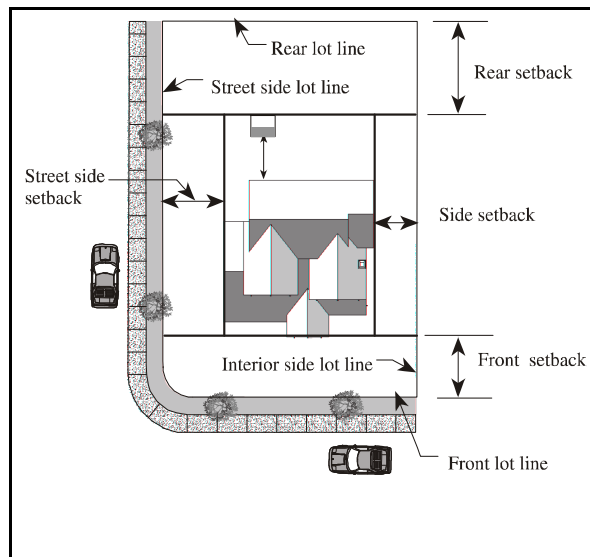
Also includes specialized non-degree granting schools offering instruction in:

- art
- ballet and other dance
- computers and electronics
- drama
- driver education
- language
- music

Also includes facilities, institutions and conference centers that offer specialized programs in personal growth and development, such as fitness, environmental awareness, arts, communications, and management. Does not include pre schools and Includes child day-care facilities where authorized by the same type of land use permit required for the school itself. (see "Child Day Care Facilities").

Setback. The distance by which a structure is required to ~~must~~ be separated from a lot line, measured perpendicular to the lot line. Setbacks from private streets and driveways are measured from the edge of the easement. See also "Yard." Figure 8-6 (Setbacks) shows the location of front, side, street side, and rear setbacks.

**FIGURE 8-6
SETBACKS**



Single-Family Dwellings (land use). This land use consists of a building designed for and/or occupied exclusively by one family. Also includes factory-built, modular housing units, constructed in compliance with the California Uniform Building Code (UBC), and mobile homes/manufactured housing on permanent foundations.

Structure. Anything constructed or erected, the use of which requires attachment to the ground or attachment to something located on the ground. For the purposes of this Development Code, the term "structure" includes "buildings." Examples of structures include, but are not limited to:

- residence/guest house
- garage/carport/car deck
- swimming pool/spa
- barn
- arbor/gazebo
- retaining wall
- fence/trellis

Supportive Housing. Housing with no limit on length of stay, that is occupied by the target population as defined in subdivision (d) of Health and Safety Code section 53260, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community per Health and Safety Code section 50675.14(b).

Tennis and Other Recreational Uses (land use). Non-commercial facilities constructed for private use on residential single-family properties. See also "Hotel/Motel", "Outdoor Commercial Recreation", Private Recreational Facility, and "Sports Facilities and Outdoor Public Assembly".

Tobacco Products. Any substance containing any tobacco leave, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, and smokeless tobacco.

Transitional Housing. Buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months per Health and Safety Code section 50675.2(h).

Use Permit. A discretionary land use permit that may be granted by the review authority Planning Commission in compliance with Chapter 22.48 (Use Permits), which authorizes a specific use of land on a specific site, subject to compliance with any conditions of approval imposed on the permit.

Vacant Lot ~~Parcel~~. A lot parcel which is not developed with a primary structure, or is developed only with one or more accessory structures. As used in this Code, development of a lot which entails demolition exceeding 75 percent of the linear sum of the primary structure's exterior walls for each story shall be subject to the regulations for developing a vacant lot.

Visually Prominent Ridgeline. A line connecting the topographic highpoints within the Countywide Plan's Ridge and Upland Greenbelt along a ridge that separates watersheds and is visible from public viewpoints from open space areas, parks, trailheads, highways, arterial roads, the bay and other water bodies.

Wet Bar. An area that includes a bar sink not exceeding a maximum dimension of 12-inches by 12-inches and adjoining cabinets and counters not exceeding an aggregate length of six feet. Electrical service in a wetbar area shall be limited to general purpose receptacles. The maximum size of the trap arm and drain for the bar sink shall not exceed 1.5 inches. Dedicated electrical circuits, gas lines, gas stubouts, and additional plumbing stubouts are prohibited as part of the wet bar area. Wet bars are not considered food preparation facilities.

TABLE 5-1-a - ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL AGRICULTURAL & RESOURCE-RELATED DISTRICTS

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT			See Standards in Section:
	C-APZ Agricultural Production	C-ARP Agricultural Residential Planned	C-OA Open Area	
AGRICULTURE, MARICULTURE				
Agricultural accessory activities	PP E	PP, E	PP, E	22.32.021
Agricultural accessory structures	PP, E	PP, E	PP, E	22.32.022
Agricultural homestays, 3 or fewer guest rooms	PP(10)	PP(10)	—	22.32.040 22.32.115
Agricultural homestays, 4 or 5 guest rooms	U(10)	U(10)	—	22.32.040 22.32.115
Agricultural Intergenerational Home (first)	PP	--	—	22.32.024
Agricultural Intergenerational Home (second)	U	--	—	22.32.024
Agricultural Owner/Operator Single-family dwelling,	PP (8)	PP	—	22. 32.025
Agricultural processing uses, small scale	PP	PP	—	22.32.026
Agricultural processing uses, larger scale	U	U	—	22.32.026
Agricultural production	PP, E	PP, E	P	22.32.030
Agricultural product sales, small scale	PP	PP	U	22.32.027
Agricultural product sales, larger scale	U	U	U	22.32.027
Agricultural worker housing	PP	PP	U	22.32.028
Commercial gardening	PP, E	P	P	
Dairy operations	PP, E	P	P(4)	22.32.030
Educational Tours (non-profit)	PP	PP	PP	22.32.062 22.32.115
Fish hatcheries and game reserves	U	P	P	
Livestock operations, grazing	PP, E(5)	P(5)	P	22.32.030
Livestock operations, large animals	PP, E(5)	P(5)	—	22.32.030
Livestock operations, sales/feed lots, stockyards	P(3,5)	P(3,5)	—	22.32.030
Livestock operations, small animals	PP, E(5)	P(5)	—	22.32.030
Mariculture/aquaculture	PP	PP	—	22.32.105
Raising of other food and fiber producing animals not listed under “agricultural production”	U	U	—	22.32.030

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirements
E	Certain uses may be exempt or Categorically Excluded from permit requirements.
PP	Principal permitted use (2)
P	Permitted use. (2)
U	Conditional use, Use Permit required. (2)
—	Use not allowed. (See 22.02.020.E regarding uses not listed.)

Notes:

- (1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions).
- (2) See Chapter 22.42 (Design Review) for separate, non-coastal permit Design Review requirements for all uses.
- (3) See Chapter 22.44 (Master Plans and Precise Development Plans) for separate, non-coastal permit criteria and possible waiver or reduction to a lesser [requirement/entitlement](#).
- (4) Dairy operations allowed only on a site of 50 acres or larger.

- (5) Permit requirements are determined by Section 22.32.030 (Animal Keeping).
- (8) Only one single family dwelling per legal lot allowed (does not include intergenerational homes or agricultural worker housing). To create additional parcels and additional single-family homes, see also 22.86 (Subdivisions).

Development shall also be consistent, as applicable, with Chapters 22.130 (Definitions), 22.32 (Standards for Specific Land Uses), 22.64 (Coastal Zone Development and Resource Management Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

TABLE 5-1-b - ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL AGRICULTURAL & RESOURCE-RELATED DISTRICTS (Continued)

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT			See Standards in Section:
	C-APZ Agricultural Production	C-ARP Agricultural Residential Planned	C-OA Open Area	
MANUFACTURING AND PROCESSING USES				
Cottage industries	—	U	—	22.32.060
Recycling - Scrap and dismantling yards	—	U	—	
RECREATION, EDUCATION, AND PUBLIC ASSEMBLY USES				
Campgrounds	U	U	U	
Educational Tours (for profit)	U	U	P	22.32.115
Equestrian facilities	U	P(9)	U	22.32.030
Golf courses/country clubs	—	—	U	
Health/fitness facilities	---	---	U	
Horses, donkeys, mules, ponies	P/U(5)	P/U(5)	U(5)	22.32.030
Hunting and fishing clubs (Private)	U	P	U	
Hunting and fishing clubs (Public)	U	U	U	
Libraries and museums	—	U	U	
Off-road vehicle courses	—	U	—	
Private residential recreational facilities	U	U	U	
Public Parks and playgrounds	U	U	P	
Religious places of worship	—	U	U	
Rural recreation	—	U	U	
Schools	—	U	U	

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirements
E	Certain uses may be exempt or Categorically Excluded from permit requirements.
PP	Principal permitted use (2)
P	Permitted use. (2)
U	Conditional use, Use Permit required. (2)
—	Use not allowed. (See 22.02.020.E regarding uses not listed.)

Notes:

- (1) Listed land uses must be consistent with definitions i in Article VIII (Development Code Definitions).
 - (2) See Chapter 22.42 (Design Review) for separate, non-coastal permit Design Review requirements for all uses.
 - (3) See Chapter 22.44 (Master Plans and Precise Development Plans) for separate, non-coastal permit criteria and possible waiver or reduction to a lesser [requirement](#) entitlement.
 - (4) Dairy operations allowed only on a site of 50 acres or larger.
 - (5) Permit requirements are determined by Section 22.32.030 (Animal Keeping).
 - (9) [Equestrian employee housing is permitted with Use Permit approval \(See Chapter 22.48 Use Permits\).](#)
- Development shall also be consistent, as applicable, with Chapters 22.130 (Definitions), 22.32 (Standards for Specific Land Uses), 22.64 (Coastal Zone Development and Resource Management Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

TABLE 5-1-c – ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL AGRICULTURAL & RESOURCE-RELATED DISTRICTS (Continued)

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT			See Standards in Section:
	C-APZ Agricultural Production	C-ARP Agricultural Residential Planned	C-OA Open Area	
RESIDENTIAL USES				
Affordable housing	U	P	U	Chapter 22.22
Group homes, 6 or fewer residents	P	P	—	22.32.080
Group homes, 7 or more residents	U	U	—	22.32.080
Guest houses	—	P(6)	P(6)	22.32.090
Home occupations	P(10)	P(10)	P(6)	22.32.100 22.32.115
Religious residential retreats	—	U	—	
Residential accessory uses and structures	P(6)	P(6)	P(6)	22.32.130
Residential care facility, 6 or fewer individuals	P	P	—	22.32.080
Residential care facility, 7 or more individuals	U	U	—	22.32.080
Residential second units	—	P(10)	—	22.32.140 22.32.115
Room rentals	P	P	—	
Single-family dwellings, attached or detached	U(8)	U	U(7)	22.62.060 Chapter 22.65
Tennis and other recreational uses	U	U	U	22.32.130

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirements	Procedure is in Section:
E	Certain uses may be exempt or Categorically Excluded from permit requirements.	Chapter 22.68
PP	Principal permitted use (2)	
P	Permitted use. (2)	
U	Conditional use, Use Permit required. (2)	Chapter 22.48
—	Use not allowed. (See 22.02.020.E regarding uses not listed.)	

Notes:

- (1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions).
- (2) See Chapter 22.42 (Design Review) for separate, non-coastal permit Design Review requirements for all uses.
- (3) See Chapter 22.44 (Master Plans and Precise Development Plans) for separate, non-coastal permit criteria and possible waiver or reduction to a lesser [requirement](#) entitlement.
- (6) Only allowed where a single-family dwelling is first approved.
- (7) Only dwellings for teachers or custodial staff, or dwellings clearly accessory to the primary use of the site for agricultural purposes allowed.
- (8) Only one single family dwelling per legal lot allowed (does not include intergenerational homes or agricultural worker housing). To create additional parcels and additional single-family homes, see also 22.86 (Subdivisions).
- (10) Only allowed when the primary use of the property is for agriculture; see Chapter 22.32.115 (Non-Agricultural Uses). The non-agricultural standards contained in Section 22.32.115 do not apply to C-ARP zoned properties with an assigned density of one unit per 1 – 5 acres.

Development shall also be consistent, as applicable, with Chapters 22.130 (Definitions), 22.32 (Standards for Specific Land Uses), 22.64 (Coastal Zone Development and Resource Management Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

TABLE 5-1-d - ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL AGRICULTURAL & RESOURCE-RELATED DISTRICTS (Continued)

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT			See Standards in Section:
	C-APZ Agricultural Production	C-ARP Agricultural Residential Planned	C-OA Open Area	
RESOURCE, OPEN SPACE USES				
Mineral resource extraction	U	U	—	Chapter 23.06
Nature preserves	U	P	P	
Water conservation dams and ponds	U	P	P	
Timber and tree production	U	U		23.04
Wind energy conversion systems (WECS), Small Roof-mounted	PP	PP	PP	22.32.180
Wind energy conversion systems (WECS), Small Non-grid-tied Agricultural	PP	P/U	PP	22.32.180
Wind energy conversion systems (WECS), Small Freestanding	P	P	P	22.32.180
Wind energy conversion systems (WECS), Medium	P	P	P	22.32.180
Wind energy conversion systems (WECS), Large	P	P	---	22.32.180
Water wells or septic systems to serve development on adjoining land	U	U	U	
RETAIL TRADE USES				
Building materials stores	—	U	—	
Commercial storage and sale of garden supply products	U	U	—	
Sales of agricultural products	P(8,10)	P(8,10)	U	22.32.027
Bed and breakfast inns, 3 or fewer guest rooms	PP(10)	PP(10)	—	22.32.040 22.32.115
Bed and breakfast inns, 4 or 5 guest rooms	U(10)	U(10)	—	22.32.040 22.32.115
Child day-care centers	U	U	—	22.32.050
Child day-care - Large family day-care homes	U	U	—	22.32.050
Child day-care - Small family day-care homes	P	P	—	22.32.050
Cemeteries, columbariums, mausoleums	—	U	U	
Kennels and animal boarding	—	U	—	
Public safety/service facilities	U	U	U	
Public utility facilities	U	U	U	
Storage, accessory	P	P	P	
Veterinary clinics and animal hospitals	—	U	—	
Waste disposal sites	U	U	—	

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirements	Procedure is in Section:
E	Certain uses may be exempt or Categorically Excluded from permit requirements.	Chapter 22.68
PP	Principal permitted use (2)	
P	Permitted use. (2)	
U	Conditional use, Use Permit required. (2)	Chapter 22.48

—	Use not allowed. (See 22.02.020.E regarding uses not listed.)	
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Notes:

- (1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions)
- (2) See Chapter 22.42 (Design Review) for separate, non-coastal permit Design Review requirements for all uses.
- (3) See Chapter 22.44 (Master Plans and Precise Development Plans) for separate, non-coastal permit criteria and possible waiver or reduction to a lesser [requirement](#)entitlement.
- (4) Dairy operations allowed only on a site of 50 acres or larger.
- (5) Permit requirements are determined by Section 22.32.030 (Animal Keeping).

Development shall also be consistent, as applicable, with Chapters 22.130 (Definitions), 22.32 (Standards for Specific Land Uses), 22.64 (Coastal Zone Development and Resource Management Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal) Permit Requirements.

TABLE 5-1-e - ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL AGRICULTURAL & RESOURCE-RELATED DISTRICTS (Continued)

LAND USE (1)		PERMIT REQUIREMENT BY DISTRICT			See Standards in Section:
		C-APZ Agricultural Production	C-ARP Agricultural Residential Planned	C-OA Open Area	
TRANSPORTATION & COMMUNICATIONS USES					
Airparks		—	U	U	
Marinas and harbors		—	U	U	
Pipelines and utility lines		P(9)	P(9)	P	
	Telecommunications facilities	P/U(9)	P/U(9)	P/U(9)	22.32.165

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirements (see Section 22.62.040.B)	Procedure is in Section:
E	Certain use are exempt or Categorically Excluded from permit requirements	Chapter 22.68
PP	Principal permitted use	
P	Permitted use. (2)	
U	Conditional use, Use Permit required. (2)	Chapter 22.48
—	Use not allowed. (See 22.02.020.E regarding uses not listed.)	

Notes:

- (1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions).
- (2) See Chapter 22.42 (Design Review) for separate, non-coastal permit Design Review requirements for all uses.
- (3) See Chapter 22.44 (Master Plans and Precise Development Plans) for separate, non-coastal permit criteria and possible waiver or reduction to a lesser ~~entitlement~~ [requirement](#).
- (9) Use Permit approval may be required for aboveground telecommunications facilities per Section 22.32.165.
- Development shall also be consistent, as applicable, with Chapters 22.130 (Definitions), 22.32 (Standards for Specific Land Uses), 22.64 (Coastal Zone Development and Resource Management Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

TABLE 5-2-a - ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL RESIDENTIAL DISTRICTS

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT						See Standards in Section
	C-RA Residential Agri- cultural	C-R1 Single Family	C-R2 Two Family	C-RSPS Single Family Seadrift Sub- division	C-RSP Single Family Planned	C-RMP Multiple Planned	
AGRICULTURAL							
Agricultural accessory structures	PP	P	P	—	P	P	22.32.022
Agricultural processing	U	—	—	—	—	—	
Agricultural production	PP	P	P	—	P	P	
Agricultural worker housing	PP	-					22.32.028
Commercial gardening	PP	P	P	—	P	P	
Livestock operations, grazing	—	—	—	—	U(4,5)	U(4,5)	22.32.030
Livestock operations, large animals	(5)			—	—	—	22.32.030
Livestock operations, small animals	(5)	(5)	(5)	—	P(5)	P(5)	22.32.030
Mariculture/aquaculture	—	—	—	—	U	U	22.32.105
Plant nurseries, with on-site sales	U	U	U	—	U	U	
Plant nurseries, without on-site sales	P	P	P	—	P	P	
MANUFACTURING & PROCESSING USES							
Cottage industries	U	U	U	U	U	U	22.32.060

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirements	Procedure is in Section:
PP	Principal permitted use	
P	Permitted use. (2)	
U	Conditional use, Use Permit required. (2)	Chapter 22.48
—	Use not allowed. (See 22.02.020.E regarding uses not listed.)	

Notes:

- (1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions).
- (2) See Chapter 22.42 (Design Review) for Design Review requirements for all uses.
- (3) See Chapter 22.44 (Master Plans and Precise Development Plans) for separate, non-coastal permit criteria for possible reduction to a lesser [requirement](#) entitlement.
- (4) Allowed only where a maximum density of one unit per three acres or larger is required.
- (5) Permit requirement determined by Section 22.32.030 (Animal Keeping).

Development shall also be consistent, as applicable, with Chapters 22.130 (Definitions), 22.32 (Standards for Specific Land Uses), 22.64 (Coastal Zone Development and Resource Management Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

TABLE 5-2-b - ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL RESIDENTIAL DISTRICTS (Continued)

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT						See Standards n Section:
	C-RA Residential Agri- cultural	C-R1 Single Family	C-R2 Two Family	C-RSPS Single Family Seadrift Sub- division	C-RSP Single Family Planned	C-RMP Multiple Planned	
RESOURCE, OPEN SPACE USES							
Nature preserves	P	P	P	P	P	P	
Wind energy conversion systems (WECS), Small Roof-mounted	PP	PP	PP	PP	PP	PP	22.32.180
Wind energy conversion systems (WECS), Small Non-grid-tied Agricultural	P/U	P/U	P/U	P/U	P/U	P/U	22.32.180
Wind energy conversion systems (WECS), Small Freestanding	P	P	P	P	P	P	22.32.180
Wind energy conversion systems (WECS), Medium	P	P	P	P	P	P	22.32.180
Wind energy conversion systems (WECS), Large	—	—	—	—	—	—	
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES							
Community centers	U	U	U	U	U	U	
Equestrian facilities	U	—	—	—	U	U	22.32.030
Horses, donkeys, mules, ponies	P(4)	P(4)	P(4)	—	U(4)	U(4)	22.32.030
Libraries and museums	U	U	U	U	U	U	
Private residential recreation facilities	U	U	U	U	U	U	
Public parks and playgrounds	U	U	U	U	U	P	
Public buildings	U	U	U	U	U	U	
Religious places of worship	U	U	U	U	U	U	
Schools	U	U	U	U	U	U	

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirements	Procedure is in Section:
PP	Principal permitted use	
P	Permitted use. (2)	
U	Conditional use, Use Permit required. (2)	Chapter 22.48
—	Use not allowed. (See 22.02.020.E regarding uses not listed.)	

Notes:

- (1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions).
- (2) See Chapter 22.42 (Design Review) for separate, non-coastal permit Design Review requirements for all uses.
- (3) See Chapter 22.44 (Master Plans and Precise Development Plans) for separate, non-coastal permit criteria for possible reduction to a lesser [requirement](#) entitlement.
- (4) Permit requirement determined by Section 22.32.030 (Animal Keeping).

Development shall also be consistent, as applicable, with Chapters 22.130 (Definitions), 22.32 (Standards for Specific Land Uses), 22.64 (Coastal Zone Development and Resource Management Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

TABLE 5-2-c - ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL RESIDENTIAL DISTRICTS (Continued)

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT						See Standards in Section:
	C-RA Residential Agri- cultural	C-R1 Single Family	C-R2 Two Family	C-RSPS Single Family Seadrift Sub- division	C-RSP Single Family Planned	C-RMP Multiple Planned	
RESIDENTIAL USES							
Affordable housing	PP	PP	PP	PP	PP	PP	22.32.080
Group homes, 6 or fewer residents	P	P	P	P	P	P	22.32.080
Group homes, 7 or more residents	U	U	U	U	U	U	22.32.080
Guest houses	P	P	P	P	P	P	22.32.090
Home occupations	P	P	P	P	P	P	22.32.100
Multi-family dwellings	—	—	—	—	—	P	
Organizational houses	U	U	U		U	U	
Room rentals	PP	PP	PP	PP	PP	PP	
Residential accessory uses and structures	PP	PP	PP	PP	PP	PP	22.32.130
Residential care facility, 6 or fewer individuals	P	P	P	P	P	P	
Residential care facility, 7 or more individuals	U	U	U	U	U	U	
Residential second units	PP	PP	PP	PP	PP	PP	22.32.140
Single-family dwellings	PP	PP	PP	PP	PP	PP	
Tennis and other recreational uses	PP	PP	PP	PP	PP	PP	22.32.130
Two-family dwellings	—	—	PP	—	—	PP	

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirements	Procedure is in Section:
PP	Principal permitted use	
P	Permitted use. (2)	
U	Conditional use, Use Permit required. (2)	Chapter 22.48
—	Use not allowed. (See 22.02.020.E regarding uses not listed.)	

Notes:

- (1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions).
- (2) See Chapter 22.42 (Design Review) for separate, non-coastal permit Design Review requirements for all uses.
- (3) See Chapter 22.44 (Master Plans and Precise Development Plans) for separate, non-coastal permit criteria and possible waiver or reduction to a lesser [requirement](#).

Development shall also be consistent, as applicable, with Chapters 22.130 (Definitions), 22.32 (Standards for Specific Land Uses), 22.64 (Coastal Zone Development and Resource Management Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

TABLE 5-2-d - ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL RESIDENTIAL DISTRICTS (Continued)

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT						See Standards in Section:
	C-RA Residential Agri- cultural	C-R1 Single Family	C-R2 Two Family	C-RSPS Single Family Seadrift Sub- division	C-RSP Single Family Planned	C-RMP Multiple Planned	
RETAIL TRADE USES							
Sale of agricultural products produced on site	U	U	U	—	U	U	22.32.027
SERVICE USES							
Bed and breakfast, 3 or fewer guest rooms	P	P	P	U	U	U	22.32.040
Bed and breakfast, 4 or 5 guest rooms	U	U	U	U	U	U	22.32.040
Child day-care centers	U	U	U	U	U	U	22.32.050
Child day-care, large family day-care homes	P	P	P	P	P	P	22.32.050
Child day-care, small family day-care homes	P	P	P	U	U	U	22.32.050
Kennels and animal boarding	U	—	—	—	—	—	
Public utility or safety facilities	U	U	U	U	U	U	
TRANSPORTATION & COMMUNICATIONS USES							
Pipelines and utility lines	U	U	U	U	U	U	
Telecommunications facilities	P/U	P/U	P/U	P/U	P/U	P/U	22.32.165

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirements	Procedure is in Section:
PP	Principal permitted use	
P	Permitted use. (2)	
U	Conditional use, Use Permit required. (2)	Chapter 22.48
—	Use not allowed. (See 22.02.020.E regarding uses not listed.)	

Notes:

- (1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions).
- (2) See Chapter 22.42 (Design Review) for separate, non-coastal permit Design Review requirements for all uses.
- (3) See Chapter 22.44 (Master Plans and Precise Development Plans) for separate, non-coastal permit criteria and possible waiver or reduction to a lesser [requirement](#) entitlement.

Development shall also be consistent, as applicable, with Chapters 22.130 (Definitions), 22.32 (Standards for Specific Land Uses), 22.64 (Coastal Zone Development and Resource Management Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

TABLE 5-3-a - ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL COMMERCIAL/MIXED USE DISTRICTS

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT					See Standards in Section
	C-VCR Village Commercial Residential	C-H1 Limited Roadside Business	C-CP Planned Commercial	C-RMPC Residential Commercial Multiple Planned	C-RCR Resort and Commercial Recreation	
AGRICULTURAL, RESOURCE & OPEN SPACE						
Agricultural production	P	P	P	P	—	
Commercial gardening	P	P	P	P	—	
Mariculture/aquaculture	P	P	P	P	—	22.32.105
Plant nurseries, with or without on-site sales	P	P	P	P	—	
Wind energy conversion systems (WECS), non-commercial	P/U	P/U	P/U	P/U	U	22.32.180
MANUFACTURING & PROCESSING USES						
Beverage production	U	—	U	U	—	
Boat manufacturing and sales	U	—	U	U	—	
Cottage Industries	U	—	—	U	—	22.32.060
Food products	U	U	U	U	—	
Furniture and fixtures	U	—	U	U	—	
Laundries and dry cleaning plants	U	—	U	U	—	
Recycling facilities	U	U	U	U	P	
Recycling - Reverse vending machines	P	P	P	P	P	
Seafood processing and sales	U	—	U	U	—	

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirements	Procedure is in Section:
PP	Principal permitted use	
P	Permitted use. (2)	
U	Conditional use, Use Permit required. (2)	Chapter 22.48
—	Use not allowed. (See 22.02.020.E regarding uses not listed.)	

Notes:

- (1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions).
- (2) See Chapter 22.42 (Design Review) for separate, non-coastal permit Design Review requirements for all uses.
- (3) See Chapter 22.44 (Master Plans and Precise Development Plans) for separate, non-coastal permit criteria and possible waiver or reduction to a lesser [requirement](#) entitlement.

Development shall also be consistent, as applicable, with Chapters 22.130 (Definitions), 22.32 (Standards for Specific Land Uses), 22.64 (Coastal Zone Development and Resource Management Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

TABLE 5-3-b - ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL COMMERCIAL/MIXED USE DISTRICTS (Continued)

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT					See Standards in Section
	C-VCR Village Commercial Residential	C-H1 Limited Roadside Business	C-CP Planned Commercial	C-RMPC Residential Commercial Multiple Planned	C-RCR Resort and Commercial Recreation	
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES						
Community centers	U	P	U	U	U	
Golf courses/country clubs	—	—	—	—	U	
Health/fitness facilities	U	—	U	U	U	
Indoor recreation centers	U	—	U	U	U	
Libraries and museums	U	P	U	U	U	
Membership organization facilities	U	U	U	U	—	
Outdoor commercial recreation	—	U	—	—	U	
Public parks and playgrounds	U	U	U	U	U	
Religious places of worship	U	U	U	U	U	
Schools	U	U	U	U	U	
Sport facilities and outdoor public assembly	U	U	U	U	U	
Studios for dance, art, music, photography, etc.	U	U	U	U	U	
Theaters and meeting halls	U	U	U	U	U	

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirements	Procedure is in Section:
PP	Principal permitted use	
P	Permitted use. (2)	
U	Conditional use, Use Permit required. (2)	Chapter 22.48
—	Use not allowed. (See 22.02.020.E regarding uses not listed.)	

Notes:

- (1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions).
- (2) See Chapter 22.42 (Design Review) for separate, non-coastal permit Design Review requirements for all uses.
- (3) See Chapter 22.44 (Master Plans and Precise Development Plans) for separate, non-coastal permit criteria and possible waiver or reduction to a lesser [requirement](#) entitlement.

Development shall also be consistent, as applicable, with Chapters 22.130 (Definitions), 22.32 (Standards for Specific Land Uses), 22.64 (Coastal Zone Development and Resource Management Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

TABLE 5-3-c - ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL COMMERCIAL/MIXED USE DISTRICTS (Continued)

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT					See Standards in Section
	C-VCR Village Commercial Residential (4)	C-H1 Limited Roadside Business	C-CP Planned Commercial	C-RMPC Residential Commercial Multiple Planned	C-RCR Resort and Commercial Recreation	
RESIDENTIAL USES						
Affordable housing	PP	PP	PP	PP	PP	Chapter 22.22
Group homes, 6 or fewer residents	P	U	—	P	—	22.32.080
Group homes, 7 or more residents	U	U	—	U	—	22.32.080
Guest houses	PP	U	—	PP	—	22.32.090
Home occupations	PP	U	—	PP	—	22.32.100
Multi-family dwellings	U	U	— <u>U</u>	PP	— <u>(9)</u>	<u>22.32.150</u>
Organizational houses	U	U	—	U	—	
Residential accessory uses and structures	PP	U	—	PP	—	22.32.130
Room rentals	PP	U	—	PP	—	
Single-family dwellings	PP	U	— <u>U</u>	PP	— <u>(9)</u>	<u>22.32.150</u>
<u>Tennis and other recreational uses</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>PP</u>	<u>---</u>	<u>22.32.130</u>
Two-family dwellings	U	U	— <u>U</u>	PP	— <u>(9)</u>	<u>22.32.150</u>

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirements	Procedure is in Section:
PP	Principal permitted use	
P	Permitted use. (2)	
U	Conditional use, Use Permit required. (2)	Chapter 22.48
—	Use not allowed. (See 22.02.020.E regarding uses not listed.)	

Notes:

- (1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions).
- (2) See Chapter 22.42 (Design Review) for separate, non-coastal permit Design Review requirements for all uses.
- (3) See Chapter 22.44 (Master Plans and Precise Development Plans) for separate, non-coastal permit criteria and possible waiver or reduction to a lesser [requirement](#)entitlement.
- (4) Use Permit approval is required for residential uses proposed on the ground floor of a new or existing structure on the road-facing side of the property per Land Use Plan Policy C-PK-3.
- (8) [Dwellings, except for affordable housing, shall be accessory to the primary commercial use. See 22.32.150 \(Residential Uses in Commercial/Mixed Use Areas\).](#)
- (9) [Employee housing is permitted by Design Review. See Chapter 22.42 \(Design Review\).](#)

Development shall also be consistent, as applicable, with Chapters 22.130 (Definitions), 22.32 (Standards for Specific Land Uses), 22.64 (Coastal Zone Development and Resource Management Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

**TABLE 5-3-d - ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL COMMERCIAL/MIXED
USE DISTRICTS (Continued)**

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT					See Standards in Section
	C-VCR Village Commercial Residential	C-H1 Limited Roadside Business	C-CP Planned Commercial	C-RMPC Residential Commercial Multiple Planned	C-RCR Resort and Commercial Recreation	
RETAIL TRADE USES						
Accessory retail uses	PP	U	PP	PP	—	22.32.020
Auto, mobile home, vehicle and parts sales, new	U	—	U	U	—	
Auto sales, used	U	—	U	U	—	
Bars and drinking places	U	—	U	U	U	
Building material stores	U	U	U	U	—	
Farmers' markets	U	—	U	U	—	
Fuel and ice dealers	U	U	U	U	—	
Furniture, furnishings, and equipment stores	PP	U	PP	PP	—	
Grocery stores	PP	U	PP	PP	—	
Liquor stores	PP	U	PP	PP	—	
Outdoor retail sales and activities	U	U	U	U	—	
Outdoor retail sales, temporary	U	U	U	U	—	
Restaurants, 40 patrons or less	PP	PP	PP	PP	U	
Restaurants, more than 40 patrons	U	U	U	U	U	
Restaurants, with liquor and/or entertainment	U	U	U	U	U	
Restaurants, take-out, fast food	U	U	U	U	U	
Retail stores, general merchandise	PP	U	PP	PP	—	
Retail stores, visitor/collector	U	U	U	U	—	
Second hand stores	U	U	U	U	—	
Shopping centers	U	U	U	U	—	
Tobacco retail establishments	—	U	U	—	—	22.32.170

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirements	Procedure is in Section:
PP	Principal permitted use	
P	Permitted use. (2)	
U	Conditional use, Use Permit required. (2)	Chapter 22.48
—	Use not allowed. (See 22.02.020.E regarding uses not listed.)	

Notes:

- (1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions).
- (2) See Chapter 22.42 (Design Review) for separate, non-coastal permit Design Review requirements for all uses.
- (3) See Chapter 22.44 (Master Plans and Precise Development Plans) for separate, non-coastal permit criteria and possible waiver or reduction to a lesser [requirement](#) entitlement.

Development shall also be consistent, as applicable, with Chapters 22.130 (Definitions), 22.32 (Standards for Specific Land Uses), 22.64 (Coastal Zone Development and Resource Management Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

TABLE 5-3-e - ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL COMMERCIAL/MIXED USE DISTRICTS (Continued)

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT					See Standards in Section
	C-VCR Village Commercial Residential	C-H1 Limited Roadside Business	C-CP Planned Commercial	C-RMPC Residential Commercial Multiple Planned	C-RCR Resort and Commercial Recreation	
SERVICE USES						
Automatic teller machine (ATM), not at bank	PP	P	PP	PP	P	
Banks and financial services (no drive-thru)	PP	—	PP	PP	—	
Bed and breakfast, 3 or fewer guest rooms	PP	U	—	PP	—	22.32.040
Bed and breakfast, 4 or 5 guest rooms	U	U	—	U	—	22.32.040
Business support services	P	—	P	P	—	
Cemeteries, columbariums and mortuaries	U	U	U	U	U	
Child day-care centers	U	U	U	U	—	22.32.050
Child day-care, large family day- care homes	U	U	U	U	—	22.32.050
Child day-care, small family day- care homes	P	P	P	P	—	22.32.050
Construction yards	U	—	U	U	—	
Homeless shelters	---	---	P	---	---	22.32.095
Hotels and motels	U	U	U	U	PP	
Medical services - Clinics and laboratories	U	U	U	U	—	
Medical services - Hospitals and extended care	U	U	U	U	U	
Offices	PP	U	PP	PP	—	
Personal services	PP	—	PP	PP	—	
Public utility or safety facilities	U	U	U	U	U	
Repair and maintenance - consumer products	P	—	P	P	—	
Repair and maintenance - vehicles	U	U	U	U	—	
Service stations	U	U	U	U	U	22.32.160
Storage, accessory	P	P	P	P	U	
Veterinary clinics and animal hospitals	U	U	U	U	—	
Warehousing	U	—	U	U	—	

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirements	Procedure is in Section:
PP	Principal permitted use	
P	Permitted use. (2)	
U	Conditional use, Use Permit required. (2)	Chapter 22.48
—	Use not allowed. (See 22.02.020.E regarding uses not listed.)	

Notes:

- (1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions).
- (2) See Chapter 22.42 (Design Review) for separate, non-coastal permit Design Review requirements for all uses.

- (3) See Chapter 22.44 (Master Plans and Precise Development Plans) for separate, non-coastal permit criteria and possible waiver or reduction to a lesser [requirement](#)~~entitlement~~.

Development shall also be consistent, as applicable, with Chapters 22.130 (Definitions), 22.32 (Standards for Specific Land Uses), 22.64 (Coastal Zone Development and Resource Management Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

TABLE 5-3-f - ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL COMMERCIAL/MIXED USE DISTRICTS (Continued)

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT					See Standards in Section
	C-VCR Village Commercial Residential	C-H1 Limited Roadside Business	C-CP Planned Commercial	C-RMPC Residential Commercial Multiple Planned	C-RCR Resort and Commercial Recreation	
TRANSPORTATION & COMMUNICATIONS USES						
Commercial parking and vehicle storage	U	—	U	U	—	
Harbors	U	—	U	U	U	
Marinas	U	—	U	U	U	
Pipelines and utility lines	U	U	U	U	U	
Telecommunications facilities	P/U	P/U	P/U	P/U	P/U	22.32.165
Transit stations and terminals	U	—	U	U	U	
Transit stop shelters	PP	PP	PP	PP	PP	
Vehicle and freight terminals	—	—	P	U	—	

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirements	Procedure is in Section:
PP	Principal permitted use	
P	Permitted use. (2)	
U	Conditional use, Use Permit required. (2)	Chapter 22.48
—	Use not allowed. (See 22.02.020.E regarding uses not listed.)	

Notes:

- (1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions).
- (2) See Chapter 22.42 (Design Review) for separate, non-coastal permit Design Review requirements for all uses.
- (3) See Chapter 22.44 (Master Plans and Precise Development Plans) for separate, non-coastal permit criteria and possible waiver or reduction to a lesser [requirement](#) entitlement.

Development shall also be consistent, as applicable, with Chapters 22.130 (Definitions), 22.32 (Standards for Specific Land Uses), 22.64 (Coastal Zone Development and Resource Management Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

TABLE 5-4-a – COASTAL ZONE DEVELOPMENT STANDARDS

Zoning District	Minimum Lot Area (1)	Maximum Residential Density (2,6)	Minimum Setback Requirements (1, 3)			Height Limit (4)		Maximum FAR (5,7)
			Front	Sides	Rear	Primary	Accessory	
C-RA	7,500 sq. ft.	Not applicable	25 ft.	6 ft., 10 ft. on street side	20% of lot depth to 25 ft. max.	25 ft.	15 ft.	0.30
C-R1								
C-R2								
C-VCR		1 unit per 2,000 sq. ft. of lot area	0 ft.	0 ft. for commercial use, 5 ft. for residential use	0 ft. for commercial use, 15 ft. for residential use			Not applicable
C-H1		Not applicable <u>1 unit per 7,500 sq. ft. of lot area</u>	Not applicable <u>30 ft.</u>	Not applicable <u>6 ft. adjacent to residential district, none otherwise</u>	Not applicable <u>12 ft. adjacent to residential district none otherwise</u>			

Notes:

- (1) Minimum lot area and setback standards may change, as follows:
 - a. Minimum lot area and setback standards may change when such district is combined with a “-B” district in compliance with the provisions of Section 22.64.030 (Coastal “-B” Combining District Development Standards).
 - b. Minimum lot area may change in areas of sloping terrain, including those districts combined with “-B” districts, in compliance with the provisions of Section 22.82.050 (Hillside Subdivision Design).
- (2) In C-RA, C-R1, C-R2, and C-H1 districts, maximum residential density is based on one unit per the minimum lot area required.
- (3) See (1) above. See Section 22.20.100 (Setback Requirements and Exceptions) for setback measurement, allowed projections into setbacks, and exceptions to required setbacks. In C-H1 districts, setbacks are determined through the Coastal Permit.
- (4) See Section 22.20.060 (Height Measurement and Height Limit Exceptions) for height measurement and exceptions. Building height limits may change, as follows:
 - a. In C-R1 districts of the Stinson Beach Highlands, the primary building height limit is 17 feet.
 - b. Single-family dwellings over 25 feet in height may require Design Review and Variance approval in compliance with Chapters 22.42 (Design Review), and 22.54 (Variances) in addition to a Coastal Permit.
- (5) ~~Single family dwellings that contain over 4,000 square feet of floor area, and all dwellings in the C-VCR district, may require Design Review approval in compliance with Chapter 22.42 (Design Review) in addition to a Coastal Permit.~~ See Chapter 22.42 (Design Review) for other conditions that may require Design Review approval in addition to a Coastal Permit. In C-VCR and C-H1 districts, maximum floor area may be determined through the Design Review Process in compliance with Chapter 22.42 (Design Review) in addition to a Coastal Permit.
- (6) The maximum residential density for proposed subdivisions for that portion or portions of properties with Environmentally Sensitive Habitat Areas and buffers, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the density range as established by the governing Land Use Category, except for projects that provide significant public benefits, as determined by the Review Authority, lots proposed for affordable housing.

or where it can be demonstrated that the development can be served by on-site water and sewage disposal systems.

- (7) The maximum non-residential and non-agricultural floor area for that portion or portions of properties with Environmentally Sensitive Habitat Areas and buffers, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the density range as established by the governing Land Use Category, except for projects that provide significant public benefits, as determined by the Review Authority, or where it can be demonstrated that the development can be served by an on-site water and sewage disposal system.

See Article VIII (Development Code Definitions) for definitions of the terms used above.

TABLE 5-4-b – COASTAL ZONE DEVELOPMENT STANDARDS (Continued)

Zoning District	Minimum Lot Area (1)	Maximum Residential Density (2,6)	Minimum Setback Requirements (3)			Height Limit (4)		Maximum FAR (5,7)
			Front	Sides	Rear	Primary	Accessory	
C-OA	Not applicable	Not applicable	Not applicable			25 ft.	15 ft.	Not applicable
C-APZ		See Zoning Map						
C-ARP								
C-RMP								
C-RMPC								
C-RSP								
C-RSPS		See 22.66.070.D						
C-CP		Not permitted				25 ft.	15 ft.	
C-RCR								

Notes:

- (1) Minimum lot area is determined through the Coastal Permit. The review authority will determine whether the lot area is adequate for a proposed land use.
- (2) Dwellings are not permitted in C-CP and C-RCR districts. Where dwellings are permitted, the following standards apply:
 - a. In C-OA districts, maximum residential density is determined through the Coastal Permit.
 - b. In C-APZ, C-ARP, C-RMP, C-RMPC, C-RSP, and C-RSPS districts, when determining the maximum residential density allowed, any fraction of a dwelling unit of 0.90 or greater will be counted as a whole unit.
 - c. C-APZ districts shall have a maximum residential density of one unit per 60 acres.
 - d. In considering division of agricultural lands in the Coastal Zone, the County may approve fewer parcels than the maximum number of parcels allowed by this Code, based on site characteristics such as topography, soil, water availability, environmental constraints, and the capacity to sustain viable agricultural operations. {Policy C-AG-3.1}
- (3) Setbacks are determined through the Coastal Permit.
- (4) See Section 22.20.060 (Height Measurement and Height Limit Exceptions) for height measurement and exceptions. Building height limits may change, as follows:
 - a. In C-RSP districts on the shoreline of Tomales Bay, building height limits shall comply with Section 22.65.060.C (C-RSP Zoning District Height Limit - Tomales Bay).
 - b. In C-RSPS districts, building height limits shall comply with Section 22.65.070.D (C-RSPS Zoning District Height Limit - Seadrift Subdivision).
- (5) Maximum floor area is determined through the Coastal Permit.
- (6) [The maximum residential density for proposed subdivisions for that portion or portions of properties with Environmentally Sensitive Habitat Areas and buffers, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the density range as established by the governing Land Use Category, except for projects that provide significant public benefits, as determined by the Review Authority, lots proposed for affordable housing, or where it can be demonstrated that the development can be served by on-site water and sewage disposal systems.](#)
- (7) [The maximum non-residential and non-agricultural floor area for that portion or portions of properties with Environmentally Sensitive Habitat Areas and buffers, and properties that lack public](#)

water or sewer systems, shall be calculated at the lowest end of the density range as established by the governing Land Use Category, except for projects that provide significant public benefits, as determined by the Review Authority, or where it can be demonstrated that the development can be served by an on-site water and sewage disposal system.

See Article VIII (Development Code Definitions) for definitions of the terms used above.

22.64.040 - Coastal Minimum Lot Size (-B) Combining District

- A. Purpose.** The Coastal Minimum Lot Size “-B” combining district is intended to establish lot size, area, and setback requirements for new subdivisions that are different from those normally applied by the primary zoning district applicable to a site; and to configure new development on existing lots, where desirable, because of specific characteristics of the area.
- B. Development standards.** Where the -B combining district is applied, the minimum lot area, average lot width, and depths of front, side, and rear yards in Table 5-5 shall be required, instead of those that are normally required by the primary zoning district. [The maximum residential density for proposed subdivisions for that portion or portions of properties with Environmentally Sensitive Habitat Areas and buffers, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the density range as established by the governing Land Use Category, except for projects that provide significant public benefits, as determined by the Review Authority, lots proposed for affordable housing, or where it can be demonstrated that the development can be served by on-site water and sewage disposal systems.](#)

TABLE 5-5 – COASTAL -B COMBINING DISTRICT DEVELOPMENT STANDARDS

Zoning District	Minimum Lot Area (1)	Minimum Setback Requirements (2)			Height Limit (3)		Maximum FAR (4,5)
		Front	Sides	Rear	Primary	Accessory	
B1	6,000 sq.ft.	25 ft.	5 ft., 10 ft. on street side	20% of lot depth to 25 ft. max.	25ft.	15 ft.	0.30
B2	10,000 sq.ft.		10 ft.				
B3	20,000 sq.ft.	30 ft.	15 ft.				
B4	1 acre		20 ft.				
B5	2 acres		20 ft., 30 ft. on street side	30 ft.			
B6	3 acres						
BD	See Section 22.66.110						

Notes:

- (1) Minimum lot area shown applies except where Section 22.82.050 (Hillside Subdivision Design) establishes a different standard.
- (2) See Section 22.20.100 (Setback Requirements and Exceptions) for setback measurement, allowed projections into setbacks, and exceptions to required setbacks.
- (3) See Section 22.20.060 (Height Measurement and Height Limit Exceptions) for height measurement and exceptions. Primary building height limit in the Stinson Beach Highlands is 17 feet, not 25 feet. Single-family dwellings over 25 feet in height may require Design Review and Variance approval in compliance with Chapters 22.42 (Design Review) and 22.54 (Variances) in addition to a Coastal Permit.
- (4) ~~Single family dwellings that contain over 4,000 square feet of floor area may require Design Review approval in compliance with Chapter 22.42 (Design Review) in addition to a Coastal Permit. See Chapter 22.42 (Design Review) for other conditions that may require Design Review approval in addition to a Coastal Permit.~~

(5) The maximum non-residential and non-agricultural floor area for that portion or portions of properties with Environmentally Sensitive Habitat Areas and buffers, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the density range as established by the governing Land Use Category, except for projects that provide significant public benefits, as determined by the Review Authority, or where it can be demonstrated that the development can be served by an on-site water and sewage disposal system.

See Article VIII (Development Code Definitions) for definitions of the terms used above.

TO: Jack Liebster
From: Randy Greenberg
Date: 8/29/11; *JL Response 8/29/11*
RE: Tech edits to 6/11 Proposed Dev. Code Amendments for LCP

Jack – Unless Commissioners (or anyone else) has specific issues with the suggested edits below, I intend to leave adoption (or not) of them up to you, rather than bring each one up at the 8/31/11 PC hearing. I will ask at the hearing if that's okay with PC members. These edits are not intended to change meaning or policy, just clarify or achieve consistency.

p. X indicates page number from the June 2011 Proposed Dev. Code Amendments

p. (X) indicates the page # from the 8/31/11 Staff Report, PC Attch. #4

Tech edits

p. 2, 22.32.023. C. **Site requirements.** Except for minimum lot size requirements, the proposed site shall conform to all standards of the applicable zoning district. *[Staff will revise]*

p. 4, 22.32.025. **(Coastal)** The standards of this Section shall apply to agricultural owner/operator single family dwellings. The intent of these provisions is to facilitate owner/operator agricultural housing that is integral with and necessary to support agricultural operations and that are consistent with the provisions of the Marin County Local Coastal Program *[“LCP”]*. *[Call out LCP, as this is the first time used. Hereafter, use acronym.] [Staff will revise]*

p. 4, 22.32.025. A. Delete period after dwellings in the 2nd line. Should there be a hyphen for principally-permitted? Note that on p. 8, 22.32.062, last line, there is not hyphen. Also, delete extra space in 3rd line after “Article”. *[Staff will revise]*

p. 4. 22.32.025.B. *Question the use of plural for “Dwellings” in 1st line, because it implies multiple owner/operator units on a single property.*

B. Limitations. 3rd sentence: Such buildings may ~~also~~ include factory-built, ... *[Staff will revise]*

p. 4. 22.32.025. B. Agricultural Owner/Operator Single-Family Dwellings shall ensure that lands designated for agricultural use are not de facto converted to residential use per CWP Land Use Policy C-AG-9. *I suggest inserting “CWP” prior to each relevant policy cited. I will bring up the CWP reference issue in the hearing. My concern: CWP policies are called out throughout the document. But I am not aware of any statement that indicates that these are CWP policies or where they can be found. This will be confusing for the public. This could be addressed in the “Definitions”: CWP Policy –Specific policies are from the 2007 Marin Countywide Plan (see: http://www.co.marin.ca.us/depts/cd/main/fm/cwpdocs/CWP_CD2.pdf) [This is not a CWP policy, it is a coastal LUP Policy, which is distinguished by the “C” prefix, nevertheless, we will include a language in the introduction to clarify this]*

p. 4. 22.32.026 A.1. **1.** Processing of agricultural product are a Principal Permitted Use only if conducted in a facility not exceeding 2,500 sq ft ~~in size~~ that is located at least 300 ft from any street or separate ownership property line (and not within an Environmentally Sensitive Habitat Area [“ESHA”]). *Call out ESHA, as this is the first time used. Hereafter, use acronym. [Staff will revise]*

p. 6. 22.32.027, A.1.b. Delete brackets around “either”. *[Staff will revise]*

p. 6. 22.32.027 A. 2 & 3. Insert blank line between these items. *[Staff will revise]*

p. 6. 22.32.027. B. 2 & 3. Make these two items (a) and (b), since they itemize the issue presented in #1, and do not stand on their own. In existing B.3, delete “also” in last line. *[Staff will revise]*

p. 6. 22.32.027. C.1. This sentence includes (a) and (b) and then has (a), (b), etc. subsets. At best, this is confusing. When referring to C.1. (a) in this section, what is it that is being referenced? Suggest format consistent w. rest of document (i.e., see p. 17. E.):

1. Retail sales of agricultural produce at an approved processing facility is a Principal Permitted Use when either

(a) such sales are incidental to tours that are not subject to the requirement for a use permit, or

(b) are conducted wholly within an approved agricultural processing facility and the following are all applicable:

(~~a~~**1**) The retail sales are principally of product that has been processed at the facility or that originated on-site (where “principally” shall mean at least 75% by dollar volume of sales);

(~~b~~**2**) The retail sales activity is incidental to the primary processing activity and occupies no more than 20% of the total size of the facility; ...*[Staff will revise]*

p. 7. 22.32.027. D. **Community-specific retail sales policies. 2nd sentence.** As necessary, greater constraints on these activities could be specified for individual communities or roadway segments than the general provisions in the LCP’s Agriculture section provide (~~up to and including, for example, i.e.,~~ the possibility of specifying an outright prohibition of roadside agricultural sales in a particular area or along a particular stretch of roadway). *[Staff will revise]*

p. 7. 22.32.028. A. 2nd line. Should “of” before “12 units” be “**or**”? *[Staff will revise]*

p. 7. 22.32.028. 5. Restrictive Covenant. Agricultural Worker housing requires record~~ation~~ of ~~ing~~ a restrictive covenant...*[Staff prefers to leave as is]*

p. 9. 22.32.105, #5. Last line. ...and timing of use which is ~~acceptable~~ mutually agreed upon. *[Staff prefers to leave as is]*

p. 10. 22.32.115. B.2. (a). I believe the use of “aerial” (which means “of or in the air”, etc.) is incorrect. Perhaps instead of “aerial extent” you mean “total acreage” or “percent of acreage”? *[Staff prefers not to change existing Dev Code]*

p. 10. 22.32.115. B.2. (c). Whether the intensity of use and income generation of the agricultural land ~~is used at a level of intensity that is, and the income derived therefrom is,~~ consistent with similar agricultural activities in the County and in the State. **[Staff prefers not to change existing Dev Code]**

p. 61. 22.65.020 A. 1-4. Space between #'s and text should be made consistent. **[Staff will revise]**

p. 86. 22.70.080. B. (b) Development approved, not included in paragraph (a) above, that is located... **[Staff will revise]**

p. 93 should be moved to *after* "Agricultural Processing". **["Agricultural Production" will be placed in alphabetical order]**

p. 94. Agricultural Production and Stewardship Plan (coastal) should be moved to after "Agricultural Production" (land use) (coastal) **[Staff will revise]**

p. 101. **Coastal-Related Development (coastal)**. Any use that is ~~dependent~~ reliant on a coastal-dependent development or use. *Existing definition is circular – uses "dependent" to define "dependent"*. **["Dependent" is a term of art under the Coastal Act and establishes this specific relationship]**

p. 109. Estuary (coastal). The definition of Estuary, as presented, does not seem relevant to the definition of "mean high tide", which is included here. Make "mean high tide" a separate definition or show connection to "estuary". **[Staff will address at PC hearing on 10/24/11, with the discussion of Biological Resources]**

p. 117. **Historic Public Use (coastal)**. Use of private land as if it were public land in a manner that is substantial (rather than minimal) and continual, although not necessarily continuous, over a long period of time. **[Staff will revise]**

p. 119. **In-Lieu Fee**. A fee paid to the County by developers in lieu of providing specified require~~ments~~ments^d, including on-site inclusionary units or lots, parkland dedication, habitat, et al ~~or a fee paid to the County by developers in lieu of dedicating parkland~~. **[Staff will revise]**

p. 124. Lot Coverage. Last sentence: Pavement coverage includes paved areas necessary for the ingress, egress... **[Staff will revise]**

Thank you, Commissioner Greenberg, for your detailed work!

TO: Jack Liebster
From: Wade Holland
Date: 8/30/11; *SFS Response 8/30/11*
RE: Technical Edits for Chapters 22.60, 22.68, & 22.70 of the Proposed LCP Development Code Amendments

p. 75, 22.68.030

With respect to the statement in the 2nd paragraph that “Coastal development” is defined in Article VIII, the actual entry in Article VIII (22.130.030.C) is for the term “Coastal-Related Development (coastal)”. However, the definition that is provided there is circular and quite unhelpful (“Any use that is dependent on a coastal-dependent development or use”). Moreover, the definition one wants the reader to find is the one provided in 22.130.030.D under “Development (coastal),” which is in fact the Coastal Act definition (PRC 30106). Let’s make sure the reader is referred to the appropriate definition. (What is the origin of the definition for “Coastal-Related Development”? If we need it at all, lets adapt it so that it makes more sense than what is currently provided.) *[Staff agrees that reference should be to “Development” not “Coastal-Related Development”]*

p. 75, 22.68.040.A

Correct “Section 30610(d) and (f)” to “Section 30610(d) and (f)”. *[Staff will revise, see Item 12 in Enclosure 1 – Revised Staff Recommendations]*

p. 78, 22.68.060.E

- Add a comma after the word “structure” (or, remove the comma after “facility”). *[Staff will revise]*
- Words “increases” and “decreases” should be in the plural form (subject is “Improvements”): “...which increase~~s~~ or decrease~~s~~ the intensity...”. *[Staff will revise]*

p. 81, 22.70.030.A

Add an end-of-sentence period at the end of the item. *[Staff will revise]*

p. 82, 22.6870.030.B.4

Because this is the first time in the Code that public hearing waiver is mentioned, it might be helpful to include a reference to paragraph 5 below (“...qualifies for a public hearing waiver (see 5. below).”). *[Staff prefers to leave out reference to paragraph 5, however proposes to make the following change in regard to Second Units: “A public hearing shall be required when a project is defined as appealable to the Coastal Commission by 22.70.080 – Appeal of Coastal Permit Decision, unless the proposed project only entails the development approval of a second unit use or if it qualifies for a public hearing waiver.”]*

p. 82, 22.70.030.B.5

- Paragraph contains two items numbered “(a)” and two items numbered “(b)”, which complicates referencing. The 2nd set of (a), (b), and (c) could be changed to (1), (2), and (3) or to (i), (ii), and (iii). [\[Staff will revise\]](#)
- In the text paragraph in the middle of B.5, correct “the County” to “the Director” (as in 22.70.040 further down on the page). [\[Staff will revise\]](#)

p. 83, 22.70.050.B.7

Delete “and” at the end of the item. [\[Staff will revise\]](#)

p. 83, 22.70.050.B.8

At the end of the item, change the period to a semicolon and add the word “and”. [\[Staff will revise\]](#)

p. 84, 22.70.070.A

On the 2nd line, “Public Access section” should be “Public Coastal Access section”. [\[Staff will revise\]](#)

pp. 84-85, 22.70.070.C

On the last line of C., correct the title of Section 22.64.060 to “(~~Coastal Zone~~ Environmental Hazards ~~Standards~~)”. [\[Staff will revise\]](#)

p. 85, 22.70.070.D

On the 2nd line, correct “Agriculture and Mariculture section” to “Agriculture and Mariculture sections” (they are separate sections in the LUP). [\[Staff will revise\]](#)

p. 86, 22.70.100.A

Add the missing word “in”: “...limits set forth in Government Code Sections...”. [\[Staff will revise\]](#)

p. 88, 22.70.140.B.3

Correct “preventative” to “preventive” (“preventative” is a noun; the adjective is “preventive”). [\[Staff will revise\]](#)

p. 89, 22.70.150.A

On the 2nd line, correct the reference: “...described in Chapter 22.6840...”. [\[Staff will revise\]](#)

p. 89, 22.70.150.E

This item is misnumbered; “E.” should be “D.”. [\[Staff will revise\]](#)

p. 89, 22.70.160.A and B

In both items, the reference to “section 22.54.040.C” does not appear to be correct. Should it be “22.70.160.C”? (Also, capitalize “sSection”.) [\[Staff will revise\]](#)

CALIFORNIA COASTAL COMMISSION

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**MEMORANDUM**

| DATE: August 10, 2011 [\(received Aug 12\)](#)

TO: Jack Liebster, Marin County Community Development Agency

FROM: Ruby Pap, North Central Coast District Supervisor

RE: Preliminary staff comments on LCP development code structure and process

This memo provides preliminary staff comments on the draft proposed Marin County Implementation Plan (i.e. LCP development code amendments [hereafter referred to as “development code”]) in regards to structure and process. I would appreciate it if you would **share these comments with the members of the Planning Commission.** Staff reviewed the outline and scope of the document, as well the following specific sections:

- Chapter 22.68 Coastal Permit Requirements
- Chapter 22.70 Coastal Permit Administration

We have not reviewed the other substantive chapters, as it is our understanding that future Planning Commission meetings will discuss the LCP issue by issue, addressing the LUP and IP side by side. Also, the above sections and our preliminary comments have not undergone legal review.

1. General Comments on Overall Structure and Content of Development Code**a. Zoning Maps:**

You have indicated that the County will not be submitting the updated zoning maps to the Coastal Commission for certification because the County is not proposing any zoning changes. While this may be the case, Commission Staff suggests that the maps should be submitted for the following reasons.

1. The certified maps that the Commission has on file are from 1981. While there have been several amendments to the maps over the years, new sets of maps were not printed and certified with each amendment. While the County may have updated its maps to incorporate each individual change, it does not appear that Commission staff has been afforded the opportunity to review the maps to concur that what they reflect as zoning districts are certified. If the new maps are not submitted as part of the package to the Commission, staff would have to transmit the 1981 certified maps to the Commission (with the amendments penciled in) when it considers the LCP Update, which does not seem appropriate. If the Updated reformatted maps are submitted (even if there are no zoning changes) for review, we can all be working off of the same map, and this will

avoid unnecessary confusion. (CDA intends to prepare and submit a complete, updated copy of the zoning map, including a digital version which can be brought current with each certified zoning amendment, and to work with Commission staff so that both CDA and the Coastal Commission, as well as the public, will have access to the current, certified zoning.)

2. Please confirm that there are no zone map changes being proposed, including changes made that may not have been previously submitted, as well as name changes to the zoning districts. If there are any such changes, the maps must be submitted for certification. (CDA staff has worked extensively with the Commission's local assistance/statewide planning staff Liz's title to identify all certified amendments to the Marin LCP. If any discrepancies are uncovered, they will be addressed prior to submission of the LCP amendments to the CCC).
3. As we discussed at our recent meeting in San Francisco, it would be nice to work with the County on the status and maintenance of the zoning maps into the future, especially if they are digital, so we both have the same set and agree on what is certified and will be able to maintain certified copies into the future. (See comment 1 above).

b. Other Sections of the Development Code

Please note that any section of the broader development code that effect the kinds, densities, or intensities of land uses in the Coastal Zone must be certified by the Commission as part of the IP. For example, there is a list of sections from Chapter 22.32 on page 1 of the Marin County LCP Proposed Development Code amendments. If these are intended to apply in the coastal zone, they need to be submitted. (It is of course our intent to submit all of these, and other provisions, that would apply in the Coastal Zone. Certain items on the longer list were not explicitly included in the PRD because they are currently being presented to the PC as part of the non-coastal Development Code amendments). In the meantime, in order for Commission Staff to provide meaningful input early in the process, it would be a helpful to get a comprehensive list of IP sections that you intend to incorporate so that we can flag any major issues that may be raised. (Will do).

c. Scope and Detail of Development Code

Some areas of the development code appear to lack necessary details. For example, in Chapter 22.64 CZ Development and Resource Management Standards, the first half provides some actual procedures for implementation, but the second half, Community Design through Public Coastal Access essentially repeats LUP policies. The standard of review for certification of an implementation plan is that it must conform to and adequately carry out the LUP. As part of the Commission's review process, we will need to go through the LUP and IP provisions in detail to determine if the IP policies are adequate to carry out the LUP. Staff does not have the resources to undergo this exercise in detail in this stage of the process, but we suggest questions the County should ask itself while drafting and redrafting IP policies is: (1) Whether a planner will be able to easily apply the policies to a proposed development project: (2) whether there will be consistency over time in such application; or (3) whether they are too vague for them to be functional regulatory provisions. (The CCC has historically emphasized the position that the LUP policies should be specific, so the CDA staff has crafted LUP policies that provide

detailed standards that can readily, consistently and effectively be applied in the permitting context. The proposed Development Code amendments incorporate these standards, and establish additional core structural and administrative components, including categorization of allowed uses, detailed definitions, specific use standards and permit requirements and administrative rules. Together these elements form an integrated system that conforms to and is adequate to carry out the LUP policies in an effective regulatory program.) Commission staff is available to answer any questions about this as they come up.

As we previously discussed, we would also like to note that the Commission's guidance document, "Updating LCP Implementation Plan (IP) Procedures" is online: <http://www.coastal.ca.gov/la/landx.html>. This document explains required implementation plan components, as well as suggestions for additional components that help to avoid confusion/problems in future implementation. I have attached a chart showing, of all the suggested components, the parts that Marin County has so far chosen to include. This may be helpful in future County deliberations and discussions. (Thanks, we have been consulting the Procedures)

d. Format for Review

We note that the zoning district format district has changed significantly from the currently certified zoning. For example, the certified zoning lists each zoning district separately in its own chapter, with its own lists of PPUs and other uses; the proposed document groups zoning districts together. It will be difficult to substantively review the proposed changes between these two formats. Instead of the "roadmap" that was previously provided, for these sections, we would request that the County provide a better representation of the changed, deleted, and added uses in each zoning district (including which are proposed to change from principally-permitted to conditional). (We have been working on how best to characterize these changes since our recent meeting with you and discussions with local interest groups. We sent two alternative formats to review with you, and to keep moving on this settled on one that provides the most detail and highlights the changes in uses, in use nomenclature, and in use category (Principal Permitted, Permitted, and Conditional) for each separate Zoning District).

2. Comments on Chapter 22.68

The code provision is shown in *italics*. Comments are shown below.

(CDA staff indicates in each case whether a change is proposed or is under consideration, or provides an answer).

RE: 22.68.030 – Coastal Permit Required Coastal development... is interpreted to include water or sewage disposal systems,

This provision needs a verb, such as installation, any work associated with, etc. Staff agrees; see revised staff recommendation Item 1. Is there a reason this particular type of development is singled out for special interpretation? Staff agrees; see revised staff recommendation for Section 22.68.030, Item 11.

RE: 22.68.030 – Coastal Permit Required Coastal development... is interpreted to include agricultural processing facilities,

This provision needs a verb, such as construction, intensification of use, etc. ~~Staff agrees; see revised staff recommendation Item 1.~~ Is there a reason this particular type of development is singled out for special interpretation? [Staff agrees; see revised staff recommendation for section 22.68.030.](#)

RE: 22.68.030 – Coastal Permit Required ... Coastal development... is interpreted to include ... the significant alteration of landforms. Significant alteration of land forms entails the removal or placement of vegetation on a beach, wetland, or sand dune, or within 100 feet of the edge of a coastal bluff, stream, or in areas of natural vegetation designated as environmentally sensitive habitat areas. ~~in conjunction with Biological Resources policies.~~

Why not put the second sentence in the definition chapter, especially since the term is also used in §22.68.060 (see comment on that section to determine if that is what is really meant)?

Alteration is already in the definition chapter with a different meaning, so perhaps a different word is warranted. What this really appears to be is an attempt to interpret what “removal of major vegetation” means. Is there a reason this particular type of development is singled out for special interpretation? [Under consideration in conjunction with Biological Resources policies.](#)

RE: 22.68.030 – Coastal Permit Required ...Agricultural crop management and grazing are not considered to be a significant alteration of land forms [and hence would not be defined as development needing a coastal permit] ~~Under consideration.~~

This provision could be interpreted to mean any activity associated with these two uses is not development, and we have concerns that this may be too broad. Some activities associated with preparing land for intensive agricultural uses would be development, such as extensive grading to create crop lands where they didn’t exist before. “Grading” is not defined in the development code. Does the County intend to incorporate grading provisions into the code? [Under consideration. Grading is addressed in detail in Ch. 23.08.](#)

RE: 22.68.030 – Coastal Permit Required Coastal development is defined in Article VIII of this Development Code and is interpreted to include...(add “but is not limited to”) [\(The definition in Staff agrees with Chapter 22.130 \(pg. 119\) states that “including” “the interpretation that “includes” means also including “but is not limited to”. In order to avoid repeating this statement, this point will be made in one place in the LCP, in order to guide its interpretation.\)](#) [The same statement is proposed to be added to the LUP “Policy Interpretation” section.](#)

Consistent with prior Commission actions, we suggest you add “changes in public access to the water,” including but not limited to adding parking meters, substantially raising parking fees, eliminating existing parking, restricting hours the public is allowed to park, or changing parking completely available to the public to preferential parking. [Staff agrees with the concept here; see revised staff recommendation Item 11.](#)

RE: 22.68.040 – Categorically Excluded Projects A. A project specifically designated as categorically excluded from the requirement for a Coastal Permit by Public Resources Code Section 30610(d) and (f) and implementing regulations is not subject to Coastal Permit requirements.

Typo -- (d) – but really should be (e) instead of (d) and (f) [Staff agrees; see revised staff recommendation Item 12.](#)

According to the text, categorical exclusions are subject to provisions in Ch 22.68 “Coastal permit requirements.” They are not subject to the requirement to be authorized by a coastal permit. They are also subject to provisions in Ch 22.70. How will planners and the public have access to the existing categorical exclusion orders? We recommend that all approved orders be included in the LCP, perhaps as an appendix. [The categorical exclusion orders will definitely be included in the LCP and made available to the public.](#)

RE: 22.68.040 – Categorically Excluded Projects B. *The Director shall maintain a list of projects determined to be categorically excluded from the requirements of this Chapter for a Coastal Permit.*

Consistent with current practice (e.g. E-81-6 amendment) Staff suggests that you add a sentence about transmitting categorically excluded project decisions to the Coastal Commission. [Staff agrees; see revised staff recommendation Item 12.](#)

RE: 22.68.050 – Exempt Projects *The following projects shall be exempt from the requirements of Section 22.68.030 – Coastal Permit Required.*

Section 22.68.060 provisions qualify these provisions, so to avoid misunderstandings, §22.68.060 should be referenced here or incorporated into this section. [Staff agrees; see revised staff recommendation Item 13.](#) In addition, public works facilities are not exempt from permit requirements pursuant to Coastal Act Section 30610 and Title 14 CCR Section 13253 and this should be stated somewhere in this section. [Staff agrees; see revised staff recommendation Item 13.](#)

Who makes the determination stated in this section? Pursuant to §22.70.030, the Planning Director decides if a project needs a coastal permit, so the implication is if the Director decides it doesn't need a coastal permit (and its not a waiver or de minimis), the Director is deciding it is exempt. [Staff agrees; see revised staff recommendation Item 13 to make this point explicit.](#) Thus, can an exemption decision be challenged pursuant to §22.70.040? Lastly, Staff requests that the Commission be noticed on exemption decisions. ~~Under consideration.~~ Would the County consider adding a procedure for this, similar to the categorical exclusion decisions? [\(Under consideration\).](#)

RE: 22.68.050 – Exempt Projects ...B...Repair and maintenance

This section should be revised to include all the provisions of Title 14 CCR Section 13252. If there are any sections that County staff believes don't apply in the County (e.g. jurisdiction), let's discuss them. For example, certain maintenance dredging [e.g., over 100,000 cy/yr] is not exempt under Reg §13252. Most dredging will occur in the Coastal Commission's retained jurisdiction, but dredging could occur in inland wetlands that would be under County jurisdiction. Is this at all likely in Marin? [\(The coastal permit exemption for certain maintenance dredging operations contained in the existing Interim Code \(22.56.050I\) were carried over as is to the Public Review Draft. Staff agrees that any such dredging would occur in the Coastal Commission's retained jurisdiction area\).](#) If so, then some additions to § 22.68.060 will be necessary.

RE: 22.68.050 – Exempt Projects ...B...No coastal permit shall be required for ordinary maintenance of the Seadrift Revetment, which is defined to include removal from the beach of any rocks or other material which become dislodged from the revetment or moved seaward from

the identified footprint, replacement of such materials on the revetment, minor placement of sand over the revetment from a source other than the Bolinas Sandspit Beach, planting of dune grass on the revetment, and similar activities.

The Commission granted the CDP for the Seadrift revetment and handles the maintenance requests, consistent with the permit provisions. Is there a reason why the County wishes to include this in the LCP? (The Seadrift revetment and oceanfront houses are in the County's coastal permit jurisdiction area; the revetment was approved by the Coastal Commission on appeal. It is certainly true that the Coastal Commission handles maintenance issues for the revetment, but it seems appropriate to include provisions in the LCP that cover the County's permitting jurisdiction area). This same comment applies to other provisions involving lands in the Commission's jurisdiction.

RE: 22.68.050 – Exempt Projects C 4 . *The following projects shall be exempt from the requirements of Section 22.68.030 – Coastal Permit Required. Replacement after disaster. The replacement of any legal structure, other than a public works facility, destroyed by a disaster. The replacement structure shall: Be sited in the same location on the site as the destroyed structure, unless the Director determines that a relocation is warranted because of proximity to coastal resources.*

This is not consistent with the Coastal Act Section 30610(g) and should be revised accordingly. (The provisions about certain coastal permit exemptions in the event of a natural disaster, including one concerning potential “relocation due to proximity to coastal resources,” are in the Interim Code and were carried over to the Public Review Draft).

RE: 22.68.050 – Exempt Projects ...Temporary event. *A temporary event which: 1. Would not occupy a sandy beach, or would occupy a sandy beach only in areas outside of Muir Beach, Stinson Beach, Bolinas, and Dillon Beach; and...*

Coastal Act §30610(i)(1) gives the Executive Director the authority to determine if a temporary event is exempt. Implicit in the Act and referenced guidelines is that local governments can similarly include in their LCP what categories of temporary events are exempt. The test is no “significant adverse impact upon coastal resources within the meaning of the guidelines adopted.” Under the guidelines an exempt temporary event on a sandy beach would be one that occurs between Labor Day and Memorial Day (non-summer), or is free, or is on a remote part of the beach, or is less than one day in length, and does not impact natural resources, and does not impede the general public for a significant amount of time. Why were all temporary events on beaches outside of Muir, Stinson, Bolinas and Dillon chosen to always be exempt from permit requirements? (The named beaches were identified as the most popular in Marin's coastal zone and therefore the ones where a temporary event should be subject to a coastal permit, in order to address impacts on recreational users. These provisions were an attempt to tailor the Coastal Commission's guidelines to local circumstances). This section should be revised to reflect the Commission's guidelines.

RE: 22.68.060 – Non-Exempt Projects *Notwithstanding the provisions of Section 22.68.050 – Exempt Projects, a Coastal Permit shall be required for all of the following projects unless the development is categorically excluded or qualifies for a De Minimis Waiver:*

Another category of non-exempt improvements (not included in this draft) are those to structures originally approved through a coastal permit that provides that any improvements require a new

or amended coastal permit per Reg §§13250(b)(6) and 13253(b)(6). [Staff agrees; see revised staff recommendation Item 14.](#)

RE: 22.68.060 – Non-Exempt Projects...A. Improvements to existing structures. *Improvements to a structure if the structure is located on a beach, in a wetland, seaward of the mean high tide line, in an environmentally sensitive habitat area, or within 50 feet of the edge of a coastal bluff.* This section would also apply to repair and maintenance activities involving solid or construction materials or use of mechanized equipment pursuant to Reg §13252(a)(3). These types of maintenance activities would also not be exempt within 20 feet of coastal waters or streams. Solid materials, construction materials and mechanized equipment can be defined. [\(The Public Review Draft Development Code tracks the certified Interim Code, which does not repeat the above-cited regulations verbatim. The Public Review Draft is broader in scope, in some ways, than the cited regulations, thus ensuring a higher level of environmental review. For instance, the Public Review Draft requires a coastal permit for any repair or maintenance activity on a beach or in an environmentally sensitive habitat area, whereas the regulations cited above require a permit only where certain conditions exist, such as the presence of mechanized equipment\).](#)

RE: 22.68.060 – Non-Exempt Projects B. Alterations within appealable areas. It might help to qualify this title to read within “geographically defined appealable areas” in order to distinguish it from appeals due to not being the principally permitted use. [\(Staff agrees; see revised staff recommendation Item 15\).](#)

RE: 22.68.060 – Non-Exempt Projects I. Landform alterations. *Any significant alteration of land forms.* Section 22.68.030 contains a definition of significant alteration of land form, which, as noted, really appears to be a definition of major vegetation removal for purposes of whether such activity is defined as development. Is that same definition meant to apply here; i.e., that any such vegetation removal associated with a doing a project means that even if a project could otherwise be exempt under 22.68.050, it wouldn't be? [\(Under consideration, as noted above in connection with Section 22.68.030\).](#)

RE: 22.68.070 – De Minimis Waiver of Coastal Permit *The Director may waive the requirement for a Coastal Permit in compliance with this Section upon a written determination that the project meets all of the following criteria:* As we discussed in our meeting on 7/25/11, Staff is considering and reviewing with our legal division that question of whether a de minimis waiver process may be included in the LCP, and hope to conclude our analysis soon. If we conclude that the County can legally issue de minimis waivers, the proposed implementation procedure needs to be more explicit than currently drafted; for example, it should include noticing requirements to the public, the CCC, procedures to provide comment and objections, and reporting and final decision procedures. [\(Staff looks forward to further discussion on this issue\).](#)

RE: 22.68.080 – Projects Requiring a Coastal Commission Permit A. Coastal Commission approval required.

Other categories of projects that are also under the Coastal Commission's jurisdiction, not the County's, are: amendments/extensions to permits issued by the Coastal Commission; thermal power plants of 50 megawatts or greater along with the transmission lines, fuel supply lines, and related facilities to serve them; state university or college projects; and non-federal projects on federal land. (Staff agrees; see revised staff recommendation Item 16). It could also be noted somewhere that Marin County would not issue a coastal development permit for public works projects subject to an approved public works plan. (The Development Code generally provides what the County will do, rather than what it will not do. Staff is not aware of any approved public works plans in Marin County, and if one were to be proposed, it could only be approved by the Coastal Commission in conjunction with County review and with findings of consistency with the LCP, or approved in conjunction with an LCP amendment).

RE: 22.68.080 – Projects Requiring a Coastal Commission Permit B. Determination of jurisdiction.

It would be helpful to mention that the ultimate decision as to jurisdictional boundaries is made by the Coastal Commission pursuant to its statutory authority. (Staff agrees; see revised staff recommendation Item 16).

RE: 22.68.080 – Projects Requiring a Coastal Commission Permit C. Referral. *Before issuing a Coastal Permit, the Coastal Commission will refer the application to the State Lands Commission for a determination whether a State Lands Commission permit or lease is required for the proposed development, and whether the State Lands Commission finds it appropriate to exercise the easement over that property. The Coastal Commission shall also refer the application to the County for review and comment.*

The wording of this section is not really ordinance language in that it states what the Coastal Commission does. And, its characterization is not quite accurate or complete. The Coastal Commission always makes an effort to coordinate with State Lands when necessary, as well as with many other agencies. And while it would be nice to have a formal referral process to local governments, the Coastal Commission unfortunately does not have this and this ordinance can not make that happen. It would probably make more sense to instead have ordinance provisions which (1) inform applicants that they may be subject to State Lands Commission and other agency approvals in conjunction with a coastal permit issued by the Coastal Commission and (2) to establish a County process to provide input to the Coastal Commission on any items in its jurisdiction that the County does not get to review. (Under consideration). (see next comment). Of course, we remain committed to working with the County to assure that our usual coastal development permit noticing process includes the County and provides an opportunity for coordination and comment.

RE: 22.68.080 – Projects Requiring a Coastal Commission Permit D. County land use designations and zoning districts. *County land use designations and zoning districts on public trust lands and federal lands shall be advisory only*

The County may want to qualify this with, "...for purposes of the Coastal Commission issuing a coastal permit" in case there are other instances where the local regulations would have some standing. (Staff agrees; see revised staff recommendation Item 16). In terms of being advisory, the County could establish a process to advise the Coastal Commission. That would be

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placed somewhere else in the Code. We can discuss such procedures if the County is interested. (Under consideration).

RE: 22.68.090 – Consolidated Coastal Permit Consolidated County–Coastal Commission Coastal Permit. *If a proposed development requires a Coastal Permit from both the County and the Coastal Commission,...*

Implicit in this statement is that some projects may require two coastal permits (since consolidation is optional). This could be explicitly stated (staff agrees; see revised staff recommendation Item 17) along with some procedures to address this situation, including coordinating the County's decision on their part of the project with the Coastal Commission's decision on its part of the project. (Under consideration).

If either the applicant or the Commission wants to request consolidation, what is the process to do this? This section implies that the Director initiates the consolidation request. (Because the consolidated permit is optional, it seems appropriate to state that the Director “may” request a consolidated permit. It goes without saying that any person could ask the Director to consider requesting a consolidated permit, although agreement by the applicant, County, and Coastal Commission are required).

3. Comments on Chapter 22.70

RE: 22.70.030 – Coastal Permit Filing, Initial Processing A. Application and filing. *Coastal Permit application submittals shall include all information and other materials required by the Coastal Permit application forms, provided by the Agency.*

This section is sparse, leaving all the details to unspecified application forms that the County creates. (Under consideration). The County may want to consider providing some minimum filing requirements, such as evidence that the applicant must have some legal interest in the property. Is there to be one application for each potential type of processing (e.g., exemption, waiver, permit)?

RE: 22.70.030 Coastal Permit Filing, Initial Processing C. Initial Processing A Coastal Permit *shall be processed concurrently with other permit applications required for the project, and shall be evaluated as provided by Chapter 22.40*

Chapter 22.40 will need to be submitted for certification as part of the LCP, if it is referenced here. Staff agrees. (Under consideration). We will need to review it to ensure that it does not have any provisions that would somehow negate or supersede the coastal permit.

RE: 22.70.030 Coastal Permit Filing, Initial Processing B.3. Administrative applications. *A public hearing shall not be required when an application is not defined as appealable to the Coastal Commission by 22.70.080 - Appeal of Coastal Permit Decision unless a public hearing is required for another discretionary planning permit for the same project.*

Is there a procedure whereby the Planning Director can refer such matters for hearing? (Under consideration).

RE: 22.70.030 Coastal Permit Filing, Initial Processing B.5 Public hearing waiver

Although no one may request a public hearing, some parties may provide written input which needs to be considered [\(Staff agrees; see revised staff recommendation Item 18\)](#). (see comment on §22.70.050 – Public Notice C. 9 [\(Staff notes that the reference should be to B.9 rather than C.9\)](#)).

RE: 22.70.040 – Appeal of Permit Category Determination

“C” could be confused with coastal permit appeals to the Coastal Commission. Perhaps you should consider renaming to something other than “Coastal Commission Appeal Procedure.” [\(Staff agrees; see revised staff recommendation Item 19\)](#). Is there a general section that allows appeals of other discretionary planning director decisions through to the Board of Supervisors?

RE: 22.70.050 – Public Notice A. *Permit applications shall be noticed... by mailing notice to... all property owners and residents within 100 feet of the perimeter of the parcel on which the development is proposed.*

Although implicit, it would be helpful to explicitly state that notice also goes to any residents within the parcel on which development is proposed (e.g., an apartment tenants need notice if there is a proposed project at the apartment) and that the notice requirement applies to all parcels on which the development is proposed, if the proposal spans multiple parcels. [\(Under consideration; non-coastal permit notice provisions are also under review\)](#).

RE: 22.70.050 – Public Notice B 9. *If no public hearing is held, a statement that a public comment period of sufficient time will be held to allow for the submission of comments by mail prior to the local decision.*

This needs more than the statement; the notice needs to tell the time period for that particular application. [\(Staff agrees; see revised staff recommendation Item 20\)](#). Also, this section needs integration or cross-reference with §22.70.030 5 public hearing waiver. [\(Staff agrees; see revised staff recommendation Item 20\)](#). If it is possible that the hearing will be waived, that information should be in the public notice. And, even if no one requests a public hearing, there needs to be a process to consider comments that they might send in.

RE: 22.70.060 – Decision on Coastal Permit 1. *The Director shall take action on a non-hearing Coastal Permit application.*

See comments on §§22.70.030 B.5 Public hearing waiver and 22.70.050 notice when no public hearing. There should be some language indicating that --and how -- the Director considers public input in the absence of a public hearing. [\(Staff has the responsibility to read letters and act accordingly\)](#).

RE: 22.70.060 – Decision on Coastal Permit 5. *For appealable projects or other public hearing coastal projects for which the County permit requirements do not identify a review authority, Does this mean projects appealable to the Coastal Commission? [\(This section is simply meant as a “catch-all” in the event some permit type does not have a clear review authority associated with it\)](#).*

RE: 22.70.080 – Appeal of Coastal Permit Decision B.1.(c) *Development approved that is not designated as the Principal Permitted Use (PP) by Tables 5-1, 5-2, or 5-3 in Chapter 22.62 – Coastal Zoning Districts and Allowable Land Uses; and...*

As we've mentioned previously, each zone should designate one principally permitted use for purposes of appeal to the Coastal Commission. [Under consideration](#). It is still okay to have multiple PPUs for other zoning reasons, but one use should be specifically designated for purposes of appeal.

RE: 22.70.080 – Appeal of Coastal Permit Decision B 3. *Appeal by Coastal Commissioners. When two Coastal Commissioners bring an appeal ... Notice and hearing on these appeals by the Board of Supervisors shall comply with Chapter 22.114 – Appeals.*

A final sentence should be added stating that after action by the Board (or failure or refusal to act) notice of final action shall be provided to the Commission pursuant to Section 22.70.090.

[\(Staff agrees; see revised staff recommendation Item 21\).](#)

Chapter 22.114 will need to be submitted for certification as part of the LCP, if it is referenced here.

RE: 22.70.090 – Notice of Final Action *Within 10 calendar days of a final County decision on an application for a Coastal Permit, the Director shall provide notice of the action by First Class mail to the Coastal Commission,...*

Title 14 CCR §13571 states 7 calendar days. [\(Staff agrees; see revised staff recommendation Item 22\).](#)

RE: 22.70.110 – Effective Date of Final Action... *Where any of the above circumstances occur, the Coastal Commission shall, within five days of receiving notice of that circumstance, notify the County and the applicant that the effective date of the County action has been suspended.*

This seems okay, but again, the County ordinance can't direct the Coastal Commission to do something. But since this will occur, it would seem helpful to have some language about the response the County would take. [\(The quoted text simply restates Section 13572 of the Coastal Commission's regulations; it is not intended to direct the Coastal Commission's actions. The question of what response the County might take is under further consideration\).](#)

RE: 22.70.120 – Expiration Date and Time Extensions A. Time limits, vesting, extensions. *Coastal Permit time limits, vesting requirements, and extension provisions shall comply with Section 22.56.050 – Time Limits and Extensions.*

It's not clear whether 22.56.050 is the correct reference here. This is part of the currently certified LCP, but will be superseded by the code, once certified. [\(No, it is not .050'T', it is a current and continuing section of the Development Code and will be submitted\).](#) Noticing is required for extensions.

RE: 22.70.150 – Coastal Zone Variances A. Filing. *An application for a Coastal Zone Variance shall be submitted, filed, and processed in compliance with and in the manner described in Chapter 22.68 (Application Filing and Processing, Fees).*

This implies that the variance application is made at the time of the coastal permit application and, hence, is considered as part of the Coastal Permit, which it should be. [\(Staff agrees that](#)

this is the intended intent of this section). There should not be the possibility that an applicant can return for a variance that changes a coastal permit without a coastal permit amendment. (No such provision is suggested).

RE: 22.70.150 – Coastal Zone Variances A. Filing. ...It is the responsibility of the applicant to establish evidence in support of the findings required by Section 22.70.070 – Required Findings. This section should ensure that consistency with the LUP is a required finding. (This section refers to Section 22.70.070 which requires compliance with the LCP). Although it says the applicant has to provide the evidence, it does not explicitly say what the decision-maker's determination is based on. What is a "yard variance"? Would it apply to resource or hazard setbacks?

RE: 22.70.150 – Coastal Zone Variances A. E. Notice of action and/or hearing date. Administrative decisions and public hearings on a proposed Coastal Zone Variance application shall be noticed in compliance with Chapter 22.118 (Notices, Public Hearings, and administrative Actions).

This should reference the coastal permit noticing procedures in 22.70.050 instead. Otherwise, Chapter 22.118 would have to be submitted for the Commission's review and certification. (Submittal of Chapter 22.118 as part of the LCP is indeed an option).

RE: 22.70.160 – Coastal Zone Variance Exemptions In situations where development is proposed within the footprint of an existing structure the Director may ministerially find a project exempt from Coastal Zone Variance requirement subject to the following:

This section is confusing --is it addressing non-conforming situations? (This provision is intended to track existing County staff practice for non-coastal variances. Further discussion may be appropriate). If development is proposed within a building footprint, why does it potentially need a variance; is that because the structure itself is non-conforming? If the structure is not non-conforming, then should this section apply at all because the way it is written suggests it applies to any development within the footprint of an existing structure? Is there a separate non-conforming section that will be incorporated into the LCP? If so, the Commission will need to review and certify it.

RE: 22.70.160 – Coastal Zone Variance Exemptions A. The cubical contents of the structure shall not be increased with the exception of minor dormers and bay windows which provide headroom or circulation or projects that are addressed below in section 22.54.040.C, but do not add to the bulk and mass of the structure.

B. The floor area ratio may increase, not to exceed 0.35 maximum, or 300 square feet, whichever is more restrictive, except that such area limitations do not apply to circumstances in flood zones that are addressed below in section 22.54.040.C.

It's not clear whether 22.54.040.C is the correct reference here. This is part of the currently certified LCP, but will be superseded by the code, once certified. Actually, (The reference to 22.54.040.C is to the Development Code, not the Interim Code, and thus it will not be superseded. If necessary, this additional portions of the Development Code will be submitted to the Coastal Commission as part of the LCP).

4. Definitions

We have not reviewed all of the code definitions, and plan to do so in the context of the substantive review of each topic area. However, we do flag the following:

RE: Definitions, “M” Major Energy Facility (coastal). *Any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy that costs more than one hundred thousand dollars (\$100,000) with an automatic annual increase in accordance with the Engineering News Record Construction Cost Index, except for those governed by the provisions of Public Resources Code Section 30610, 30610.5, 30611 or 30624.*

Major Public Works Project (coastal). This land use consists of: (1) Publicly financed recreational facilities that serve, affect, or otherwise impact regional or statewide use of the coast by creating or decreasing public recreational opportunities or facilities; and (2) Facilities that cost more than one hundred thousand dollars (\$100,000) with an automatic annual increase in accordance with the Engineering News Record Construction Cost Index, except for those governed by the provisions of Public Resources Code Section 30610, 30610.5, 30611 or 30624 and that fall within one of the following categories:

| Calculation from \$100,000 base is since January 1983. [\(These will be added\).](#)

Enclosures (1)