

Supplement to Board Letter of May 16, 2017

Correction to Attachment 1, Page 10 BOS Findings – Action on Coastal Commission Modifications

Section 3-2 erroneously duplicated section 2-1. The correct section follows.

AMENDMENT 3 IPA Agriculture Provisions

3-2. “Necessary for Operation of Agriculture”

Recommendation: Approve if Clarified

22.62.060 – Coastal Agricultural and Resource-Related Districts...

B. Purposes of zoning districts. The purposes of the individual zoning districts are as follows.

1. C-APZ (Coastal, Agricultural Production Zone) District. The C-APZ zoning district is intended to preserve agricultural lands that are suitable for land-intensive or land-extensive agricultural production. (Policy C-AG-2)

The principal permitted use of lands in the C-APZ district is agriculture, limited to the types of agricultural development set forth below and in Land Use Plan Policy C-AG-2, and only allowed when consistent with the development standards set forth in Section 22.65.040:...

d. Other Agricultural Uses, if appurtenant and necessary to the operation of agriculture, limited to:

(1) Agricultural product sales and processing of products grown within the farmshed, provided that for sales, the building(s) or structure(s) or outdoor areas used for sales do not exceed an aggregate floor area of 500 square feet, and for processing, the building(s) or structure(s) used for processing activities do not exceed an aggregate floor area of 5,000 square feet:

(2) Not for profit educational tours

22.65.040 – C-APZ Zoning District Standards

A. Purpose. This Section provides additional development standards for the C-APZ zoning district designed to preserve productive lands for agricultural use, and ensure that development is accessory and incidental to, in support of, and compatible with agricultural use production. “Appurtenant and necessary for agricultural production” means that the proposed development is needed to sustain an efficient and productive agricultural operation and to ensure continued agricultural viability...

22.130.030 – Definitions of Specialized Terms and Phrases

Agricultural Accessory Activities (land use). Activities ~~eustomarily~~ accessory and incidental to, in support of, compatible with, and, within the C- APZ zone, necessary for agricultural production, and which involve agricultural products produced on site or elsewhere in Marin County, including:...{long list}

Agricultural Accessory Structures (land use). Uninhabited structures that are ~~eustomarily~~ accessory and incidental to, in support of, compatible with, and, within the C- APZ zone, appurtenant and necessary for agricultural production, and that are for the storage of farm animals, implements, supplies or products, and that contains no residential use, are not accessory to a residential use, and are not open to the public, including:...long list}

Agricultural Processing (land use). Agricultural Processing consists of the processing of harvested crops and other agricultural products, appurtenant and necessary to the operation of agriculture, including the following: {list}

Agricultural Retail Sales Facility/Farm Stand. A temporary or permanent structure used for the display and sale of agricultural products, appurtenant and necessary to the operation of agriculture

Findings

Use of the term “necessary” with respect to agricultural uses has been the source of on-going discussion during preparation of the LCPA. As approved by the BOS in 2015, the term “appurtenant and necessary” appears in Policy C-AG-2 in reference to small scale agricultural sales and processing facilities and educational tours, which are considered to be part of the principal-permitted agricultural use in the C-APZ zoning district. However, IP modifications subsequently approved by the Coastal Commission in 2016 inserted the term “necessary” into various development code provisions in such a way that could create uncertainty by implying that various agricultural uses or facilities may, in some cases, not be necessary, or that the “necessity” of various uses or facilities may need to be demonstrated on a case by case basis. Throughout the LCPA process, the County has maintained the position that structures and activities which are functionally-related to agricultural production itself (ranging from agricultural dwellings to barns and fences to limited retail and processing facilities as enumerated in Policy C-AG-2 and IP Section 22.62.060.B.1) are, by their nature, “necessary” for agriculture and are therefore found to be part of the principally permitted agricultural use. Accordingly, the County will continue to interpret use of the term “necessary to/for” or “appurtenant and necessary to/for” agricultural production/operation as a declarative statement that the corresponding use, structure, or activity has been, by definition, deemed to be part of, and inherent to, the principal permitted agricultural use.