

Marin County Planning Commission
Regular Meeting
Monday, October 10, 2011

ROLL CALL The meeting was called to order by Chair Peter Theran at 10:03 a.m.

Present at Roll Call: Peter Theran; Katherine Crecelius; Don Dickenson; Mark Ginalski;
Randy Greenberg; Wade Holland; Joan Lubamersky.

Agenda

1. INITIAL TRANSACTIONS

a. Incorporate Staff Reports into Minutes

M/s Wade Holland - Joan Lubamersky to incorporate the staff reports into the minutes.

Vote: Motion carried 7-0

AYES: Peter Theran; Katherine Crecelius; Don Dickenson; Mark Ginalski; Randy
Greenberg; Wade Holland; Joan Lubamersky.

b. Minutes

8/31/11 Draft LCP Minutes & Tentative Decision Table

9/19 Draft LCP Minutes & Tentative Decision Table

M/s Wade Holland - Katherine Crecelius to approve the minutes of August 31, 2011, including Attachment 1, as corrected and excluding editorial asides shown in red.

Vote: Motion carried 7-0

AYES: Peter Theran; Katherine Crecelius; Don Dickenson; Mark Ginalski; Randy
Greenberg; Wade Holland; Joan Lubamersky.

M/s Wade Holland - Katherine Crecelius to approve the minutes of the special meeting of September 19, 2011, as corrected, including acceptance of the Decision Table as corrected, excluding the staff commentary shown in red.

Vote: Motion carried 6-0-1

AYES: Katherine Crecelius; Don Dickenson; Mark Ginalski; Randy Greenberg; Wade
Holland; Joan Lubamersky.

ABSTAIN: Peter Theran.

M/s Wade Holland - Joan Lubamersky to approve the minutes of the special meeting of September 26, 2011, as corrected, including acceptance of Resolution PC11-013.

Vote: Motion carried 7-0

AYES: Peter Theran; Katherine Crecelius; Don Dickenson; Mark Ginalski; Randy
Greenberg; Wade Holland; Joan Lubamersky.

- c. Communications
None.

2. DIRECTOR'S REPORT

- a. Preliminary Agenda Discussion Items, Field Trips

[Draft Hearing Schedule 10/10/11](#)

CDA Director Brian Crawford commented on the status of the Analysis of Impediments to Fair Housing Choice, which addresses barriers to fair housing in Marin County and prerequisites as established by the Department of Housing & Urban Development in exchange for receiving federal grant funds. Mr. Crawford also briefed the Commission on the release of regional growth scenarios by the Association of Bay Area Governments to solicit public input on areas for focused growth that are intended to reduce vehicle miles traveled and greenhouse gas emissions, and to advance other regional policy objectives.

Assistant Director Tom Lai briefed the Commission on upcoming agenda items, including a proposed special meeting on December 19, 2011, for a workshop on the Golden Gate Baptist Seminary Community Plan, Master Plan Amendment and Subdivision.

M/s Wade Holland - Katherine Crecelius to schedule a special meeting on Monday, December 19, 2011, for a workshop on the Golden Gate Baptist Seminary Community Plan, Master Plan Amendment, and Subdivision.

Vote: Motion carried 7-0

AYES: Peter Theran; Katherine Crecelius; Don Dickenson; Mark Ginalski; Randy Greenberg; Wade Holland; Joan Lubamersky.

3. OPEN TIME FOR PUBLIC EXPRESSION (LIMITED TO THREE MINUTES PER SPEAKER)

Chair Theran opened and closed public open time with no speakers coming forward.

4. LOCAL COASTAL PROGRAM UPDATE HEARING

[Staff Report](#)

CDA Planning Staff present were Assistant Director Tom Lai, Principal Planner Jack Liebster, Senior Planner Kristin Drumm, Senior Planner Christine Gimmler, Assistant Planner Alisa Stevenson, and Consultant Steve Scholl.

Mr. Liebster reviewed an errata sheet to the staff report, provided a brief review of the Local Coastal Program (LCP) update process to date, and commented on the fundamental objective of the LCP amendments to support and protect current and future agriculture and historic family farms in Marin County.

The following members of the public spoke regarding permitted uses in the Coastal Zone; retail sales and processing facilities; intergenerational housing and second units; development in agricultural zones; agricultural tours; conservation easements; better integration of agriculture and environmental protection standards; change in intensity of agricultural uses; Master Plans; clustering requirements; and WECS:

Beverly Childs McIntosh; Helen Kozoriz; Susie Schlesinger, West Marin/Sonoma Coastal Advocates; Cela O'Connor; Bridger Mitchell, Inverness Association & Environmental Action Committee of West Marin (EAC); Dominic Grossi, Marin County Farm Bureau; Nona Dennis, Marin Conservation League & Community Marin; Nichola Spaletta, Point Reyes Seashore Ranchers Association; David Lewis, University of California Cooperative Extension; Amy Trainer, EAC; and Terence Carroll.

Ruby Pap, California Coastal Commission (CCC), North Central Coast District office, expressed concern that the current LCP draft appears to weaken some standards required by the California Coastal Act particularly with regard to conversion of agricultural lands. Ms. Pap noted that the CCC recommends prohibiting all non-agricultural dwellings on agricultural lands, limiting the land set aside for new homes on agricultural lands, and requiring agricultural conservation easements or deed restrictions that ensure that the land remains in agricultural use, as opposed to simply having the land available for agricultural use.

The Commission recessed for lunch at 12:35 p.m. and reconvened at 1:35 p.m. with seven members present as indicated.

The Commission reviewed the proposed LCP Land Use Plan Amendments (LUPA) Agriculture policies C-AG-1 through C-AG-10 and provided direction to staff that will be reflected in an updated Tentative Decision Table.

The Commission agreed to increase the maximum size of retail processing facilities to 5,000 square feet and retail sales facilities to 500 square feet, by straw vote 4-3 (Dickenson, Ginalski, Greenberg).

The Commission agreed that viticulture, in terms of the change in intensity of use, and the adequacy of the water supply for agricultural development, particularly in terms of increased use, should be addressed.

The Commission agreed to pursue further discussion about allowing some number of second units on agriculturally-zoned lands, 4-3 (Dickenson, Ginalski, Greenberg).

The Commission agreed to consider whether the introduction to the Agriculture section should reference the location of environmental protections in the biological and water resources sections of the LCP.

The Commission agreed to continue discussion of the Agriculture section of the proposed Development Code Amendments to Monday, October 24, 2011.

M/s Wade Holland - Don Dickenson to continue the hearing on the Agriculture section of the LCP Update to Monday, October 24, 2011, at 1:00 p.m.

Vote: Motion carried 7-0

AYES: Peter Theran; Katherine Crecelius; Don Dickenson; Mark Ginalski; Randy Greenberg; Wade Holland; Joan Lubamersky.

M/s Joan Lubamersky - Katherine Crecelius to adjourn.

Vote: Motion carried 7-0

AYES: Peter Theran; Katherine Crecelius; Don Dickenson; Mark Ginalski; Randy Greenberg; Wade Holland; Joan Lubamersky.

Chair Theran adjourned the meeting at 4:53 p.m.

The next meeting of the Planning Commission is scheduled for Monday, October 24, 2011.

**Planning Commission Decision Table (Final)
LCP Hearing on Agriculture
October 10, 2011**

(Approved October 24, 2011 by the Planning Commission with modifications to directions given for LUP Program C-AG-2.b, as detailed below.)

The Planning Commission (PC) reviewed the Agriculture chapter of the LCP Land Use Plan on October 10, 2011. This table reflects the PC's actions taken at the hearing, including changes to policy language and direction given to staff, detailed in the **red bulleted points** under each policy heading. Changes to policy and program language requested by the PC are shown in tracked changes format with **highlight, strike-out and underline**. The PC Hearing on Agriculture was carried forward to October 24, 2011, at which time the PC reviewed the Development Code amendments related to Agriculture.

LUP Policy C-AG-1

- *The PC approved Policy C-AG-1 without modifications.*

C-AG-1 Agricultural Lands and Resources. Protect agricultural land, continued agricultural uses and the agricultural economy by maintaining parcels large enough to sustain agricultural production, preventing conversion to non-agricultural uses, and prohibiting uses that are incompatible with long-term agricultural production or the rural character of the County's Coastal Zone. Preserve important soils, agricultural water sources, and forage to allow continued agricultural production on agricultural lands.

(PC app. 01/24/11, 10/10/11)

[Adapted from Unit II Ag Policy 1, p. 98, and CWP Goal AG-1, p. 2-157]

LUP Policy C-AG-2

- *The PC approved Policy C-AG-2 with the following modifications (updated by staff for consistency with PC changes made to Program C-AG-2.b):*

- Add “and plant nurseries,” after “forestry crops” to include greenhouses in the definition of agriculture
- Update “uses that are accessory and incidental to...” to be consistent with Section 22.57.0321 of the Interim Code (Title 22)
- Replace “single-family dwelling” with “farmhouse”
- Replace “up to two intergenerational homes” with “one intergenerational home”
- Replace “non-profit agricultural tours” with “educational tours”
- Add “with three or fewer guest rooms” after “agricultural homestay facilities”
- Delete “bed and breakfast inns”

C-AG-2 Coastal Agricultural Production Zone (C-APZ). Apply the Coastal Agricultural Production Zone (C-APZ) to preserve privately owned agricultural lands that are suitable for land-intensive or land-extensive agricultural productivity, that contain soils classified as Prime Farmland, Farmland of Statewide Importance, Farmland of Local Importance, or Grazing Land capable of supporting production agriculture, or that are currently zoned C-APZ. Ensure that the principal use of these lands is agricultural, and that any development shall be accessory and incidental to, in support of, and compatible with agricultural production.

For the purposes of the C-APZ, the principal permitted use shall be agriculture, defined as uses of land for the breeding, raising, pasturing, and grazing of livestock, the production of food and fiber; the breeding and raising of bees, fish, poultry, and other fowl; the planting, raising, harvesting and producing of agriculture, aquaculture, horticulture, viticulture, vermiculture, and forestry crops, and plant nurseries, substantially similar uses of an equivalent nature and intensity, uses that are accessory and incidental to, in support of, and compatible with the property’s agricultural production accessory structures or uses appurtenant and necessary to the operation of agricultural uses, including one single-family dwelling farmhouse per legal lot, up to two one intergenerational homes, agricultural worker housing, limited agricultural product sales and processing, non-profit agricultural educational tours, agricultural homestay facilities with three or fewer guest rooms and bed and breakfast inns, barns, fences, stables, corrals, coops and pens, and utility facilities.

Conditional uses in the C-APZ zone include additional agricultural uses and non-agricultural uses including residential development potentially up to the zoning density, consistent with the standards and criteria of Program C-AG-2.b and Policies C-AG-7 and C-AG-9.

Development shall not exceed a maximum density of 1 residential unit per 60 acres. Densities specified in the zoning are maximums that may not be achieved when the standards of the Agriculture policies below and, as applicable, other LCP policies are applied.

(PC app. 01/24/11, 10/10/11)

[Adapted from Unit II Agriculture Policies 2 and 3, p. 98 and CWP Program AG-1.g, p. 162]

- The PC approved Program C-AG-2.a without modifications.

Program C-AG-2.a Allowed Uses: Use allowed by right. No permit required. Seek to clarify for the agricultural community those agricultural uses that are allowed by right and for which no permit is required. These include the Agricultural Exclusions from the existing Categorical Exclusion Orders. Clarify or add to these orders to specifically incorporate agricultural uses as defined in the Local Coastal Program, including commercial gardening, crop production, dairy operations, beekeeping, livestock operations (grazing), livestock operations (large animals), and livestock operations (small animals).

(PC app. 01/24/11, 10/10/11)

[New program, not in Unit I or II]

- The PC approved Program C-AG-2.b with the following modifications:
 - Change “a” to “l” in item 2.a.
 - Add “except for viticulture” at the end of item 2.a
 - Replace “single-family dwelling” with “farmhouse” in item 2.b
 - Modify item 2.c as shown below for consistency with Section 22.57.0321 of the Interim Code (Title 22).
 - Delete item 2.d from the list of Principal Permitted uses.
 - Increase the maximum square footage allowed for agricultural processing facilities from 2,500 sq. ft. to 5,000 sq. ft. (in item 2.e below and elsewhere as necessary)
 - Increase the maximum square footage allowed for agricultural sales facilities from 250 sq. ft. to 500 sq. ft. (in item 2.f below and elsewhere as necessary)
 - Delete “Bed and Breakfast Inns” from item 2.g (Principal Permitted uses) and add to list of Permitted uses as shown below (new item 3.d).
 - Modify item 2.i as shown below.
 - Add “Plant Nurseries that do not have on-site retail sales” to the list of Principal Permitted uses (new item 2.k)
 - ~~Delete “Mobile homes...” (item 4.c) from the list of conditional uses, since they are included in the definition of agricultural worker housing, which is a Principal Permitted use. [On 10/24/11 the PC stated that their intent was not to delete this item and requested that it remain part of Program C-AG-2.b]~~
 - ~~Replace “Use Permit waiver criteria” with “5,000 square feet” in item 4.j [On 10/24/11 the PC requested that staff revise this item to better clarify its applicability. Staff will revise and bring back to PC at 01/09/12 hearing.]~~
 - ~~Replace “Use Permit waiver criteria” with “500 square feet” in item 4.k [On 10/24/11 the PC requested that staff revise this item to better clarify its applicability. Staff will revise and bring back to PC at 01/09/12 hearing.]~~

- Replace "...clubs" with "...club facilities" in item 4.p
- Staff recommends adding "tennis and other recreational uses" to the list of Conditional Uses, for consistency with recent changes made to the Development Code unrelated to the LCP update but approved by the PC.

Program C-AG-2.b Develop Implementation Measures for the C-APZ. Amend the Development Code to incorporate the following provisions:

Permitted Uses in the Agricultural Production Zone.

1. Definitions.

For the purposes of the Coastal Agricultural Production Zone, define agricultural production consistent with Policy C-AG-2, and specifically including uses of land to raise animals used in farming or grow and/or produce agricultural commodities for commercial purposes, including the following and substantially similar uses of an equivalent nature and intensity:

- a. Livestock and poultry - cattle, sheep, poultry, goats, rabbits, , and horses provided that horses are accessory and incidental to, in support of, and compatible with the property's agricultural production.
- b. Livestock and poultry products (such as milk, wool, eggs).
- c. Field, fruit, nut, and vegetable crops - hay grain, silage, pasture, fruits, nuts, seeds, and vegetables.
- d. Nursery products - nursery crops, cut plants.
- e. Aquaculture and mariculture
- f. Viticulture
- g. Vermiculture
- h. Forestry
- i. Commercial gardening
- j. Beekeeping

2. Principal Permitted uses.

Limit Principal Permitted uses in the Coastal Agricultural Production Zone to the following:

- a. Agricultural production as defined in section "a" "1" above; **except for viticulture;**
- b. One **single family dwelling farmhouse** per legal lot consistent with the limitations on dwelling size contained in Policy C-AG-9.
- c. **Agricultural accessory structures or uses appurtenant and necessary to the operation of agricultural uses, that contain no residential use other than dwelling units of any kind;** but including barns, fences, stables, corrals, coops and pens, and utility facilities.
- d. **Agricultural activities that are accessory and incidental to, in support of and compatible with agricultural production;**

- e. Processing of agricultural products grown principally in Marin County in a processing facility that does not exceed ~~2500~~ 5,000 square feet;
- f. Retail sales of agricultural products grown principally in Marin County from a sales facility that does not exceed ~~250~~ 500 square feet;
- g. ~~Bed and breakfast inns or a~~ Agricultural homestay facilities, with three or fewer guest rooms, appurtenant to and compatible with agriculture.
- h. Agricultural worker housing
- i. ~~Agricultural Educational~~ tours conducted by non-profit organizations or the owner/operator of the agricultural operation for educational purposes.
- j. Intergenerational housing - one additional unit as provided in Policy C-AG-5;
- k. Plant Nurseries that do not have on-site retail sales.

3. Permitted Uses.

- a. Residential care facilities (six or fewer individuals)
- b. Group homes (six or fewer individuals);
- c. Small Family Day Care.
- d. Bed & Breakfast Inns with three or fewer guest rooms.

4. Conditional Uses.

Limit conditional uses in the Agricultural Production Zone to the following:

- a. Land divisions;
- b. Second intergenerational housing unit, as provided in Policy C-AG-5.
- c. Mobile homes so long as they are used exclusively for employees or family members of the owner who are actively and directly engaged in the agricultural use of the land;
- d. Hog ranches;
- e. Veterinary facilities;
- f. Fish hatcheries and rearing ponds;
- g. Stabling of more than five horses on ranches where horses are the primary or only animals raised;
- h. Raising of other food and fiber producing animals not listed under “1.a” above;
- i. Planting, raising, or harvesting of trees for timber, fuel, or Christmas tree production;
- j. Facilities for agricultural processing that exceed ~~Use Permit waiver criteria~~ 5,000 square feet;
- k. Sales of agricultural products that exceed ~~Use Permit waiver criteria~~ 500 square feet;
- l. Commercial storage and sale of garden supply products;
- m. Water conservation dams and ponds;

- n. Mineral resource extraction;
- o. Nature preserve
- p. Hunting and fishing clubs **facilities**.
- q. Campgrounds;
- r. Private residential recreational facilities;
- s. Public parks and playgrounds;
- t. Equestrian facilities;
- u. Bed and breakfast operations with ~~4 or 5~~ rooms and agricultural homestays with ~~4-6~~ rooms;
- v. Construction, alteration, or maintenance of gas, electric, water, communication, or flood control facilities, unrelated to an agricultural use, as approved by the appropriate governmental agencies;
- w. Waste disposal sites;
- x. Water wells or septic systems to serve development on adjoining land;
- y. Residential care facilities (six or more individuals);
- z. Group homes (six or more individuals);
- aa. Large Family Day Care

(PC app. 01/24/11, 10/10/11)

[Adapted from Unit II Agriculture Policy 6, p. 100]

- *The PC requested that staff bring back Program C-AG-2.c, with a more specific limitation on the exact number of agricultural worker housing units that would be permitted on agricultural lands. The PC requested that if no limitation is applied to agricultural worker housing, that it be changed from a Principal Permitted use to a Permitted use in the C-APZ. Staff will revise Program C-AG-2.c and bring back to a future hearing for further discussion.*

Program C-AG-2.c Agricultural Worker Housing on Agricultural Lands. Consistent with state housing law and LUP Policy C-HS-8, permit and encourage the development and use of sufficient numbers and types of employee housing facilities in agricultural zones as are commensurate with local need. Amend the Development Code to provide that agricultural worker housing consisting of no more than 36 beds in group living quarters or 12 units or spaces for farmworkers and their households not be counted in the calculation of residential density in the C-APZ zone on the condition that annual validation of employment through the County and/or California Department of Housing and Community Development (HCD) is secured.

(PC app. 01/24/11)

[New program, not in Unit I or II]

- *The PC did not provide clear direction regarding Program C-AG-2.d, so staff will bring back to future hearing for further discussion. Staff will consult with Housing staff for clarification on the source of this program and how it might be implemented.*

Program C-AG-2.d Amnesty Program for Unpermitted and Legal Non-Conforming Agricultural Worker Units.

Support the establishment of an amnesty program for unpermitted and legal non-conforming agricultural worker units in order to increase the legal agricultural worker housing stock and guarantee the health and safety of agricultural worker units. A specific period of time will be allowed for owners of illegal units to register their units and make them legal without incurring fines, along with assurances of the long-term use by agricultural workers and their families.

(PC app. 01/24/11, 10/10/11)

[New program, not in Unit I or II]

- *The PC approved Program C-AG-2.e with the following modifications:*
 - *Increase the maximum square footage allowed for agricultural sales facilities from 250 sq. ft. to 500 sq. ft. (in items 1.a.ii, 3.b and 3.c under retail sales below and elsewhere as necessary)*
 - *Modify item 1.c as shown below, per the suggestion of Commissioner Holland. (also update Section 22.32.027.A.4 of the Development Code amendments for consistency)*
 - *Increase the maximum square footage allowed for agricultural processing facilities from 2,500 sq. ft. to 5,000 sq. ft. (in item 1.a under “Processing” below and elsewhere as necessary)*
 - *Modify item 1.d under “Processing” to end sentence after “regular basis”*

Program C-AG-2.e Establish Criteria for On-site Agricultural Sales and Processing. Amend the Development Code to incorporate the following criteria for any planned coastal agricultural zoning district (C-APZ, C-ARP).

Retail Sales

- I. Retail sales that meet the following standards shall be allowed as a Principal Permitted Use:
 - a. Retail sales must be conducted:
 - i. Without a structure (e.g. using a card table, umbrella, tailgate, etc.); or
 - ii. From a structure or part of a structure that does not exceed **250 500** square feet in size.
 - b. Items sold must be agricultural products principally grown on or off site by the operator of the agricultural property upon which the sales facility is located, or by a consignor who is actively growing agricultural product in Marin County.

- c. Picnic facilities, recreational facilities, and On-site food consumption; (other than informal tastings at no charge of value-added product offered for sale); and picnic or recreational facilities shall not be allowed under a Permitted or a Principally Use (these would all require a Use Permit, except as noted for retail sales within a processing facility).
 - d. Up to 25% of the dollar sales volume may be of produce grown outside Marin County (on sites not operated by the operator of the sales facility); similarly, up to 25% of the dollar sales volume could be of value-added processed product.
 - e. Sufficient off-street parking is provided.
2. Exclusion Order for retail sales.
 - a. The county shall file with the Coastal commission for a Categorical Exclusion Order for retail sales uses that qualify as a Permitted Use.
 3. Design Review for a structure used as a sales facility.
 - a. Design Review shall be required for any structure proposed to be used for retail sales that is within 300 feet of a street or a separate-ownership property line, except as provided below.
 - b. A sales structure that is within 300 feet of a street or a separate-ownership property line and does not exceed 250 500 square feet in size shall be exempt from Design Review or eligible for Minor Design Review if either (1) the structure has no foundation (and is exempt from building permit), or (2) at least three of the structure's walls are each no more than 50% solid (including sides with no walls), and (3) the structure's height does not exceed 15 feet.
 - c. An on-site sales facility that does not exceed 250 500 square feet in size and is more than 300 feet from any street or separate-ownership property line (and is not within a processing facility) should also be covered by the Categorical Exclusion Order; in addition, such a facility shall also be exempt from Design Review.
 4. Retail sales within an approved processing facility.
 - a. Retail sales of agricultural product shall be a Permitted Use and covered by exclusion order or de minimis permit when either (a) such sales are incidental to tours that are not subject to the requirement for a use permit, or (b) the sales are conducted wholly within an approved agricultural processing facility and the following are all applicable:
 - i. 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);
 - ii. The retail sales activity is incidental to the primary processing activity, and occupies no more than 20% of the total size of the facility;
 - iii. A use permit for public visitation or tours of the processing facility has been issued.
 - b. Up to 100% of the retail sales in such a facility may be of processed product.
 - c. Tastings of the processed product will be allowed within such a sales facility.
 - d. Such a sales facility that is proposed to be added within an existing processing facility without physical expansion of the existing facility or significant alteration of the exterior appearance of the existing facility shall be exempt from

Design Review.

5. Community-specific retail sales policies.
 - a. Policies should be developed in the LCP's Community Development section, as appropriate, to address the concerns of specific communities with respect to retail sales (roadside especially). 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 (up to and including, for example, the possibility of specifying an outright prohibition of roadside agricultural sales in a particular area or along a particular stretch of roadway).

Processing

1. Processing as a Permitted Use.
 - a. Processing of agricultural product shall be a Permitted Use only if conducted in a facility not exceeding ~~2,500~~ **5,000** square feet in size that is located at least 300 feet from any street or separate-ownership property line and is otherwise consistent with the LCP.
 - b. To qualify as a Permitted Use, the agricultural product that is processed must be grown principally in Marin County or at a site outside Marin County that is operated by the operator of the agricultural site upon which the processing facility is located.
 - c. "Agricultural product that is processed" shall not include additives or ingredients that are incidental to the processing.
 - d. A Conditional Use Permit shall be required if the processing facility is open routinely to public visitation or if public tours are conducted of the processing facility on a scheduled or regular basis, ~~or are operated by a for-profit entity, or are conducted (including by a non-profit entity) on more than an infrequent basis.~~
 - e. Any processing in a C-ARP zoning district would be a Conditional Use requiring a Use Permit (i.e. no processing would be allowed as a Permitted Use in a C-ARP zone).
2. Coastal Permit and Design Review for a processing facility.
 - a. Any processing facility, regardless of size, shall require a Coastal Permit and Design Review, except as noted below.
 - b. A processing facility shall be exempt from Design Review if (1) it qualifies as a Permitted Use; (2) it will be developed and operated wholly within an existing structure; and (3) its development will not include any significant alteration of the exterior appearance of the existing structure.

(PC app. 01/24/11, 10/10/11)

[New program, not in Unit I or II]

- *The PC approved Program C-AG-2.f without modifications.*
- *Staff recommends changing "farm tours" to "educational agricultural tours" for consistency with other policy changes already approved by the PC.*

Program C-AG- 2.f Facilitate Agricultural Tourism. Review the agricultural policies and zoning provisions and consider seeking to add farm educational agricultural tours, homestays and minor facilities to support them as a Categorical Exclusion. (PC app. 01/24/11, 10/10/11)
[New program, not in Unit I or II]

LUP Policy C-AG-3

- *The PC approved Policy C-AG-3 without modifications.*

C-AG-3 Coastal Agricultural Residential Planned Zone (C-ARP). Apply the Coastal Agricultural Residential Planned Zone (C-ARP) designation to lands adjacent to residential areas, and at the edges of Agricultural Production Zones in the Coastal Zone that have potential for agricultural production but do not otherwise qualify for protection under Policy C-AG-2. The intent of the C-ARP Zone is to provide flexibility in lot size and building locations in order to:

1. Promote the concentration of residential and accessory uses to maintain the maximum amount of land available for agricultural use, and
2. Maintain the visual, natural resource and wildlife habitat values of subject properties and surrounding areas. The C-ARP district requires the grouping of proposed development.

(PC app. 01/24/11, 10/10/11)

[Adapted from Zoning Code sec. 22.57.040]

- *The PC approved Program C-AG-3.a with the following modification:*
 - *Delete “and processing” from the last sentence for consistency with Program C-AG-2.e (see item 1.e under “Processing”).*

Program C-AG-3.a Protect Agriculture Use Where Combined with Residential Use (C-ARP). Amend the Development Code to allow uses in Coastal Agricultural Residential Planned Zone (C-ARP) to provide for agricultural uses as well as uses accessory and incidental to, in support of, and compatible with agricultural production. Specify which uses are permitted and

conditional, and the development standards applicable to each. Agricultural worker housing and limited sale ~~and processing~~ of agricultural products should be included as a principally permitted use.

(PC app. 01/24/11, 10/10/11)

[Adapted from C-AG-2.1 and Zoning Code sec. 22.57.0211]

LUP Policy C-AG-4

- *The PC approved Policy C-AG-4 without modifications.*

C-AG-4 C-R-A (Coastal, Residential, Agricultural) District. Apply the C-RA zoning district to provide areas for residential use within the context of small-scale agricultural and agriculturally-related uses, subject to specific development standards.

(PC app. 01/24/11, 10/10/11)

[Adapted from Zoning Code sec. 22.57.020]

- *The PC approved Program C-AG-4.a without modifications.*

Program C-AG-4.a Provide for Small Scale Agriculture Combined with Residential (C-R-A). Amend the Development Code to apply the Coastal Residential, Agricultural (C-R-A) designation to areas that do not otherwise qualify for protection under Policy C-AG-2 where residential is the primary use, but compatible small scale agricultural activities exist or would be appropriate. Principal permitted uses may include limited livestock farming, raising of field or greenhouse crops or horticulture, limited sale of agricultural products, agricultural worker housing and other agriculturally-related uses. Small and large family day care homes and group homes and residential care facilities for 6 or fewer residents are permitted uses.

Conditional uses in the C-R-A include stables and riding academies, dog kennels, sale of agricultural products not produced on the premises, processing of agricultural products, public parks and playgrounds, public buildings, child day care centers, buildings for the sale of agricultural and nursery products, livestock farming and Bed and Breakfast operations that provide four or five guest rooms, and similar uses that are compatible with residential and agricultural activities..

(PC app. 01/24/11, 10/10/11)

[Adapted from Zoning Code sec. 22.57.020, .030 and .040I and 22.62.050.B.1]

LUP Policy C-AG-5

- *The PC approved Policy C-AG-5 without modifications.*

C-AG-5 Intergenerational Housing. Support the preservation of family farms by facilitating multi-generational operation and succession. Up to two additional dwelling units per legal lot may be permitted in the C-APZ designation for members of the farm operator’s or owner’s immediate family. Such intergenerational family farm homes shall not be subdivided from the primary agricultural legal lot, and shall be consistent with the Required Conditions of *LCP Policy C-AG-7(II.a)* and the building size limitations of *Policy C-AG-9*. Such intergenerational homes shall not be subject to the requirement for a Master Plan (*Policy C-AG-7*), nor for an Agricultural Production and Stewardship Plan (*C-AG-8*), permanent agricultural conservation easement (*C-AG-7(II)*), nor shall the occupants be required to be actively and directly engaged in the agricultural use of the land. An equivalent density of 60 acres per unit shall be required for each home, including any existing homes. No Use Permit shall be required for the first intergenerational home on a qualifying lot, but a Use Permit shall be required for a second intergenerational home.
(PC app. 01/24/11, 10/10/11)
[New policy, not in Unit I or II]

LUP Policy C-AG-6

- *The PC approved Policy C-AG-6 without modifications.*

C-AG-6 Non-Agricultural Development of Agricultural Lands. Require that non-agricultural development, including division of agricultural lands shall only be allowed upon demonstration that long-term productivity on each parcel created would be maintained and enhanced as a result of such development. In considering divisions of agricultural lands in the Coastal Zone, the County may approve fewer parcels than the maximum number of parcels allowed by the Development Code, based on site characteristics such as topography, soil, water availability, environmental constraints and the capacity to sustain viable agricultural operations.

(PC app. 01/24/11, 10/10/11)

[Adapted from CWP Policy AG-1.5, p. 2-158, consistent with Coastal Act Policy 30241 and 30242]

LUP Policy C-AG-7

- *The PC requested that staff add “without extending urban services” to the end of item 5 under “Development Standards” below.*

- *The PC requested that staff divide Policy C-AG-7 into two separate policies, one for development/uses that do not require a Master Plan and one for those that do. The PC also supported staff's suggestion that the policy language be modified to better integrate the Master Plan and Coastal Permit processes for a more efficient and clear permitting process. Staff will revise Policy, check for consistency with proposed Development Code amendments and bring back to future hearing for further discussion.*

C-AG-7 Master Plan for Non-Agricultural Development of Agricultural Production Zone (C-APZ) Lands. Prior to approval of non-agricultural development, including a land division, in the Coastal Agricultural Production Zone, require submittal of a Master Plan or other appropriate development applications showing how the development would be consistent with the LCP. Approve a proposed Master Plan or development application and determine the density of permitted residential units only upon making all of the following findings and incorporating the conditions listed below. No Master Plan shall be required for:

1. Agricultural activities that are accessory and incidental to, in support of, and compatible with agricultural use;
2. Development that is Categorical Excluded;
3. Up to two intergenerational homes; or
4. A single-family dwelling on a parcel having no residual development potential for additional dwellings, other than agricultural worker housing.

Development Standards:

All of the following development standards apply:

1. The development will protect and enhance continued agricultural use, and contribute to agricultural viability.
2. The development is necessary because agricultural use of the property would no longer be feasible. The purpose of this standard is to permit agricultural landowners who face economic hardship to demonstrate how development on a portion of their land would ease this hardship and enhance agricultural operations on the remainder of the property.
3. The proposed development will not conflict with the continuation or initiation of agricultural uses on that portion of the property that is not proposed for development, on adjacent parcels, or on other agricultural parcels within one mile of the perimeter of the proposed development.
4. Adequate water supply, sewage disposal, road access and capacity and other public services are available to support the proposed development after provision has been made for existing and continued agricultural operations. Water diversions or use for a proposed development shall not adversely impact stream or wetland habitats or significantly reduce freshwater inflows to water bodies including but not limited to Tomales Bay, either individually or cumulatively.
5. Appropriate public agencies are able to provide necessary services (fire protection, police protection, schools, etc.) to serve the proposed development **without extending urban services.**
6. The proposed development will have no significant adverse impacts on environmental quality or natural habitats, consistent with LCP.

Required Conditions:

1. In order to retain the maximum amount of land in agricultural production or available for future agricultural use, homes, roads, residential support facilities, and other non-agricultural development shall be placed in one or more groups on a total of no more than five percent of the gross acreage, to the extent feasible, with the remaining acreage retained in or available for agricultural production or open space. Proposed development shall be located close to existing roads, or shall not require new road construction or improvements resulting in significant impacts on agriculture, natural topography, significant vegetation, or significant natural visual qualities of the site. Proposed development shall be sited to minimize impacts on scenic resources, wildlife habitat and streams, and adjacent agricultural operations. Any new parcels created shall have building envelopes outside any designated scenic protection area.
2. The creation of a homeowner's or other organization and/or the submission of an Agricultural Production and Stewardship Plan (APSP) may be required to provide for the proper utilization of agricultural lands and their availability on a lease basis or for the maintenance of the community's roads, septic or water systems.
3. Consistent with State and federal laws, a permanent agricultural conservation easement over that portion of the property not used for physical development or services shall be required for proposed land divisions, non-agricultural development, and multiple residential projects, other than agricultural worker housing or intergenerational housing, to promote the long-term preservation of these lands. Only agricultural and compatible uses shall be allowed under the easement. In addition, the County shall require the execution of a covenant not to divide for the parcels created under this division so that each will be retained as a single unit and are not further subdivided.

(PC app. 01/24/11)

[Adapted from Unit II Ag Policies 4 and 5, p. 98-99]

Second Units on Agricultural Lands

- The PC requested that staff consider allowing second units on C-APZ parcels and bring back to PC for future discussion.

LUP Policy C-AG-8

- The PC approved Policy C-AG-8 without modifications.

C-AG-8 Agricultural Production and Stewardship Plans.

1. A master plan may require submission of an Agricultural Production and Stewardship Plan. An Agricultural Production and Stewardship Plan shall also be required for approval of land division or non-agricultural development of Agricultural Production Zone (C-APZ) lands when the master plan requirement has been waived, except as provided for in (c) below.
2. The purpose of an Agricultural Production and Stewardship Plan prepared and submitted for land division or for residential or other non-agricultural development of C-APZ lands is to ensure that long-term agricultural productivity will occur and will substantially contribute to Marin's agricultural industry. Such a plan shall clearly identify and describe existing and planned agricultural uses for the property, explain in detail their implementation, identify on-site resources and agricultural infrastructure, identify product markets and processing facilities (if appropriate), and demonstrate how the planned agricultural uses substantially contribute to Marin's agricultural industry. An Agricultural Production and Stewardship Plan shall provide evidence that at least 95% of the land will remain in agricultural production or natural resource protection and shall identify stewardship activities to be undertaken to protect agriculture and natural resources. An Agricultural Production and Stewardship Plan shall be prepared by qualified professionals with appropriate expertise in agriculture, land stewardship, range management, and natural resource protection. The approval of a development proposal that includes an Agricultural Production and Stewardship Plan shall include conditions ensuring the proper, long-term implementation of the plan.
3. The requirement for an Agricultural Production and Stewardship Plan shall not apply to agricultural worker housing or to permitted intergenerational operation and succession housing units and may be waived for residences and residential accessory buildings or structures to be occupied or used by the property owner(s) or lessee who is directly engaged in the production on the property of agricultural commodities for commercial purposes. It may also be waived for non-agricultural land uses when the County finds that the proposal will enhance current or future agricultural use of the property and will not convert the property to primarily residential or other non-agricultural use, as evidenced by such factors as bona fide commercial agricultural production on the property, the applicant's history and experience in production agriculture, and the fact that agricultural infrastructure (such as fencing, processing facilities, marketing mechanisms, agricultural worker housing, or agricultural land leasing opportunities) has been established or will be enhanced.
4. Projects subject to the potential requirement of preparing an Agricultural Production and Stewardship Plan should be referred to such individuals or groups with agricultural expertise as appropriate for analysis and a recommendation. Such individuals or groups should also be requested to periodically review and evaluate the effectiveness of the Agricultural Production and Stewardship Plan program.

(PC app. 01/24/11, 10/10/11)

[Adapted from CWP Program AG-1.b, p. 2-160, 2-161]

- *The PC approved Program C-AG-8.a without modifications.*

Program C-AG-8.a Commercial Agricultural Production. Develop criteria and standards for defining commercial agricultural production so that Agricultural Production and Stewardship plans can differentiate between commercial agricultural production and agricultural uses accessory to residential or other non-agricultural uses.

(PC app. 01/24/11, 10/10/11)

[New program, not in Unit I or II]

LUP Policy C-AG-9

- *The PC approved Policy C-AG-9 without modifications.*

C-AG-9 Residential Development Impacts and Agricultural Use. Ensure that lands designated for agricultural use are not de facto converted to residential use, thereby losing the long-term productivity of such lands.

1. Residential development shall not be allowed to diminish current or future agricultural use of the property or convert it to primarily residential use.
2. Any proposed residential development subject to a Coastal Permit shall comply with LCP policies including ensuring that the mass and scale of new or expanded structures respect environmental site constraints and the character of the surrounding area. Such development must be compatible with ridge protection policies and avoid tree-cutting and grading wherever possible.

The County shall exercise its discretion in light of some or all of the following criteria and for the purpose of ensuring that the parcel does not de facto convert to residential use:

- a. The applicant's history of production agriculture.
- b. How the long term agricultural use of the property will be preserved — for example, whether there is an existing or proposed dedication or sale of permanent agricultural easements or other similar protective agricultural restrictions such as Williamson Act contract or farmland security zone.
- c. Whether long term capital investment in agriculture and related infrastructure, such as fencing, processing facilities, market mechanisms, agricultural worker housing or agricultural leasing opportunities have been established or are proposed to be established.
- d. Whether sound land stewardship practices, such as organic certification, riparian habitat restoration, water recharge projects, fish-friendly farming practices, or erosion control measures, have been or will be implemented.
- e. Whether the proposed residence will facilitate the ongoing viability of agriculture such as through the intergenerational transfer of existing agricultural operations.

3. In no event shall a single-family residence subject to these provisions exceed 7,000 square feet in size. Where one or two intergenerational residence units are allowed in the C-APZ zone, the aggregate residential development on the subject legal lot shall not exceed 7000 square feet.
4. However, agricultural worker housing, up to 540 square feet of garage space for each residence unit, agricultural accessory structures, and up to 500 square feet of office space in the principal home used in connection with the agricultural operation on the property shall be excluded from the 7,000 square foot limitation.
5. The square footage limitations noted in the above criteria represent potential maximum residence unit sizes and do not establish a mandatory entitlement or guaranteed right to development.

(PC app. 01/24/11, 10/10/11)

[Adapted from CWP Program AG-1.a, pp.2-159, 2-160]

LUP Policy C-AG-10

- *The PC approved Policy C-AG-10 without modifications.*

C-AG-10 Marin Agricultural Land Trust (MALT) and Other Methods of Preserving Agriculture. Support the objectives of the Marin Agricultural Land Trust (MALT) to protect agricultural lands through the transfer, purchase, or donation of development rights or agricultural conservation easements on agricultural lands. Support and encourage action by MALT in the Coastal Zone to preserve agricultural land for productive uses. Support the use of County's adopted model agricultural easement, implementation of Transfer of Development Rights (TDR) programs and similar innovative techniques to permanently preserve agricultural lands.

(PC app. 01/24/11)

[Adapted from Unit II Agriculture Policy 7, p. 101]

The PC voted to adjourn the October 10, 2011 hearing at 5:00pm, following the discussion of the proposed LCP land use policies on Agriculture. The PC will re-convene on October 24, 2011 at 1:00pm, to continue the hearing on Agriculture. The PC will review the proposed development code amendments related to Agriculture at that time.