

Marin County Planning Commission
Regular Meeting
Monday, October 24, 2011

ROLL CALL The meeting was called to order by Chair Peter Theran at 1:00 p.m.

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

Absent at Roll Call: Joan Lubamersky.

Agenda

1. INITIAL TRANSACTIONS

a. Incorporate Staff Reports into Minutes

M/s Wade Holland - Katherine Crecelius to incorporate the staff reports into the minutes.

Vote: Motion carried 6-0

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

ABSENT: Joan Lubamersky.

b. Minutes

Commissioner Dickenson requested that the minutes of the October 10, 2011, meeting be amended to reflect the split straw vote on the increase in size of agricultural retail sales and processing facilities.

The Commission discussed several different views concerning recording of straw votes. Concerns were expressed that not recording straw votes may lead to confusion as to whether the Commission was unanimous or split on issues.

Commissioner Holland suggested an "all or none" approach to recording straw votes. The Commission decided to record no straw votes, 3-2-1 (Dickenson, Holland; Greenberg abstain).

Commissioner Ginalski offered a middle ground suggestion whereby any Commissioner can indicate that a particular straw vote should be recorded. The Commission agreed on this approach, 4-2 (Crecelius, Holland). Straw votes will not be recorded unless a Planning Commissioner indicates at the time of the straw vote that she or he would like that particular straw vote recorded. This decision will apply to all Planning Commission meetings, not just Local Coastal Program meetings.

M/s Wade Holland - Randy Greenberg to approve the minutes of the regular meeting of October 10, 2011, as corrected.

Vote: Motion carried 6-0

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

ABSENT: Joan Lubamersky.

The Commission briefly asked questions and commented on the Decision Table from the October 10, 2011, hearing on Agricultural Land Use Policies.

c. Communications

None.

2. DIRECTOR'S REPORT

a. Preliminary Agenda Discussion Items, Field Trips

[Draft Hearing Schedule](#)

Mr. Lai reviewed upcoming agenda items and matters of interest to the Commission and additions to the Planning Commission hearing calendar.

M/s Wade Holland - Don Dickenson to schedule special meetings on Thursday, December 1, 2011, at 10 a.m. to discuss the Local Coastal Program Update Natural Systems and Development Code Resource Management Standards, and on Monday, December 19, 2011, at 10 a.m. for a workshop on the Golden Gate Baptist Seminary Community Plan/Master Plan Amendment and Subdivision.

Vote: Motion carried 6-0

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

ABSENT: Joan Lubamersky.

Commissioner Crecelius indicated that she would be absent for the December 1, 2011, special meeting.

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](#)

Chair Theran opened the public hearing.

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

The following members of the public spoke regarding the public noticing for this hearing; implementation of transfer of development rights (TDR) programs; concerns that the process for change of use will be detrimental to agriculture; standards for grouping of development on agricultural lands; and the interrelationship between natural systems and agricultural systems:

Scott Tye, Marin County Surfrider Foundation; Beverly Childs McIntosh, West Marin/Sonoma Coastal Advocates; Nichola Spaletta; Peter Martinelli, Marin County Farm Bureau; and Bridger Mitchell, Environmental Action Committee of West Marin.

Staff responded to a question from the Commission regarding expanding TDR programs to apply to uses other than agriculture.

The Commission reviewed and discussed the following portions of the proposed Development Code Amendments pertaining to Agriculture and provided comments and direction to staff that will be reflected in an updated Tentative Decision Table:

Chapter 22.32 - Standards for Specific Land Uses, Sections 22.32.021 through 22.32.028, and Section 22.32.062;

Chapter 22.62 - Coastal Zoning Districts and Allowable Land Uses, Section 22.62.060 and Tables 5-1-a through 5-1-e;

Chapter 22.65 - Coastal Zone Planned District Development Standards, Sections 22.65.010 through 22.65.050; and

Chapter 22.130 - Definitions, as noted in Attachment 1 of the October 10, 2011, Staff Report. *[Timestamps below.]*

Commissioner Lubamersky present at 2:00 p.m.

Commissioner Ginalski absent at 3:50 p.m.

The Commission recessed briefly at 4:00 p.m. and reconvened at 4:08 p.m. with six members present.

M/s Joan Lubamersky - Randy Greenberg to adjourn.

Vote: Motion carried 6-0

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

ABSENT: Mark Ginalski.

Chair Theran adjourned the meeting at 4:58 p.m.

A special meeting of the Planning Commission is scheduled on Monday, November 7, 2011.

Timestamps:

00:30 - Public testimony

00:40 - 22.32.023 Agricultural Homestays (Coastal)

00:52 - 22.32.024 Agricultural Intergenerational Housing (Coastal)

00:56 - 22.32.025 Agricultural Owner/Operator Single-Family Dwelling (Coastal)

01:00 - 22.32.026 Agricultural Processing Uses

01:00 - 22.32.027 Agricultural Retail Sales and Facilities (Coastal)

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02:01 - 22.32.028 Agricultural Worker Housing (Coastal)

02:15 - 22.32.062 Educational Tours (Coastal)

02:20 - 22.62.060 Coastal Agricultural and Resource-Related Districts & Land Use Tables 5-1-a through 5-1-e

02:59 - 22.65.030 Planned District General Development Standards

03:02 - 22.65.040 C-APZ Zoning District Standards

03:10 - 22.65.050 C-ARP Zoning District Standards

03:11 - 22.130 Definitions

Planning Commission Decision Table (Final)
LCP Hearing on Agriculture
October 24, 2011 (Continued from October 10, 2011)

(Approved November 14, 2011 by the Planning Commission)

The Planning Commission (PC) reviewed the Agriculture chapter of the LCP Land Use Plan on October 10, 2011. The hearing was continued to October 24, 2011, at which time the PC reviewed the directions given to staff on October 10, as well as the development code amendments related to Agriculture. This table reflects the PC's actions taken at the October 24 hearing, as detailed in the **red bulleted points** under each heading. PC actions include changes to policy and development code language, as well as other direction given to staff on items requiring further research. Changes to policy and development code language requested by the PC are shown in tracked changes format with **highlight, strike-out and underline.**

Chapter 22.32 – Standards for Specific Land Uses

Reviewed: Sections 22.32.021 through 22.32.028, and Section 22.32.062

• **Section 22.32.023 – Agricultural Homestays (Coastal)**

- *The PC agreed with staff to change “six guest rooms” to “five guest rooms” in part ‘B.1.’*
- *The PC requested that staff revise part ‘B.3’ to better clarify that agricultural homestays are not to operate as a restaurant facility and that patronage requires an overnight stay. Staff will revise and bring back to future hearing.*
- *The PC requested that staff revise part ‘D’ to state that the appearance of agricultural homestays shall maintain the character of a farm building. Staff will revise and bring back at future hearing for review.*
- *The PC requested that staff expand part ‘E’ to allow guests to participate in agricultural activities on the property where they are staying. Staff will revise and bring back to future hearing.*

• **Section 22.32.024 – Agricultural Intergenerational Homes (Coastal)**

- *The PC requested that staff add a reference to the one dwelling per 60 acre density requirement.*
- *The PC requested that staff revise part ‘E’ to change “permitted use” to “Conditional Use.”*

• **Section 22.32.025 – Agricultural Owner/Operator Single-Family Dwelling (Coastal)**

- *The PC agreed with staff to replace “Agricultural Owner/Operator Single-Family Dwelling” to “Farmhouse” in the title of this section and elsewhere as appropriate, for consistency with changes made at the 10/10/11 PC hearing.*
- *Staff proposed to change the last sentence to read: “The approval of a farmhouse shall ensure that lands designated for agricultural use are not de facto converted to residential use per Land Use Policy C-AG-9.” However, the PC found this language confusing and requested that staff revise and bring back to a future hearing for further discussion.*

- **Section 22.32.026 – Agricultural Processing Uses**

- The PC requested that the reference to Section “22.08.040.F” be corrected to “22.08.040.E”
- The PC agreed with staff to replace “2,500 sq ft” with “5,000 sq ft” in Part ‘A.1’ for consistency with changes made at the 10/10/11 PC hearing.
- The PC agreed with staff to end part ‘A.4’ after “...or regular basis” for consistency with changes made at the 10/10/11 PC hearing. However, the PC requested that staff propose a specific measurable limitation on the frequency of tours to replace the subjective language of “...on a scheduled or regular basis.” Staff will revise and bring back to future hearing for further discussion.

- **Section 22.32.027 – Agricultural Retail Sales and Facilities (Coastal)**

- The PC requested that staff revise the first sentence to read: “(Coastal) The standards of this Section shall apply to the sale of agricultural products. “Sale of Agricultural Products” is defined in Section 22.130.030.”
- The PC agreed with staff’s suggestion to place all defined terms of art in italic bold font where they occur throughout the Development Code, in order to indicate that the definition for that term can be found in Section 22.130.030.
- The PC agreed with staff to replace “250 sq ft” with “500 sq ft” in parts ‘A.1, B.2 and B.3’ for consistency with changes made at the 10/10/11 PC hearing.
- The PC requested that staff remove the brackets from “either” and replace “or” with “and” before “15 feet in height” in part ‘A.1.b’
- The PC asked staff to clarify whether “on-site sales facility” is intended to mean the same as “sales structure,” and if so, then to use one term or the other consistently throughout the Code. Staff will review and bring back to future hearing for further discussion.
- The PC requested that staff revise part ‘A.3’ to read: “Sales of consigned produce grown in Marin County (or grown at a site outside of Marin County that is operated by a consignor whose principal agricultural activities are within Marin County) shall be allowed as part of the Principal Permitted Use, provided that all produce being sold satisfies the criteria for the Principal Permitted Use findings.”
- The PC requested that staff revise part ‘A.4’ to read: “A Use Permit is required for picnic or recreational facilities. A Use Permit is also required for on-site food consumption other than informal tasting at no charge of product offered for sale.” This was revised for consistency with changes made at the 10/10/11 PC hearing.
- The PC requested that staff delete “off-street” from part ‘A.5.’
- The PC requested that staff revise part ‘C.1’ to clarify that it only applies to corresponding items ‘a’ – ‘c’ and not items ‘d’ – ‘f’ as indicated by the format of this Section. Staff will update for consistency with Program C-AG-2.e, which reflects the correct structure.
- The PC agreed with staff that “agricultural produce” should be replaced with “agricultural product(s)” in all occurrences where appropriate for consistency between the Land Use Plan and Development Code.
- The PC requested that staff consult with County counsel about the legality of treating a specific land use (e.g. ag retail sales facilities) differently in various areas of the same zoning district.

<ul style="list-style-type: none"> ○ <i>The PC requested that staff delete part ‘D’ regarding “Community-specific retail sales policies.” The same language is reflected in Land Use Plan Program C-AG-2.e, and will remain as part of that Program.</i>
<ul style="list-style-type: none"> • Section 22.32.028 – Agricultural Worker Housing (Coastal) <ul style="list-style-type: none"> ○ <i>The PC requested that in part ‘A’ staff replace “...of 12 units...” with “...or 12 units...”</i> ○ <i>The PC requested that staff consider revising part ‘A’ to include a statement that agricultural worker housing is not counted as part of the density. Staff will research and bring back at future hearing.</i>
<ul style="list-style-type: none"> • Section 22.32.062 – Educational Tours (Coastal) <ul style="list-style-type: none"> ○ <i>The PC agreed with staff’s suggestion to revise this Section as shown below for consistency with changes made at the 10/10/11 PC hearing:</i> <p style="margin-left: 40px;">22.32.062 – Educational Tours (Coastal) (Coastal) Limitations on use. As defined in Section 22.130.030, educational tours are interactive excursions 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. In the C-APZ and C-ARP zoning districts educational tours operated by non-profit organizations <u>or the owner/operator of the agricultural operation</u> are a principal permitted use; those operated for commercial profit require a Use Permit.</p>
<ul style="list-style-type: none"> • Section 22.32.115 – Non-Agricultural Uses (Coastal) <ul style="list-style-type: none"> ○ <i>The PC agreed with staff to bring this section back to a future hearing for review, since it was not listed on the PC hearing agenda for 10/24/11.</i>

Chapter 22.62 – Coastal Zoning Districts and Allowable Land Uses

Reviewed: Section 22.62.060 and Tables 5-1-a through 5-1-e

• Section 22.62.060 – Coastal Agricultural and Resource-Related Districts

- *The PC agreed with staff's suggestion to revise part 'B.1' as follows for consistency with changes made at the 10/10/11 hearing:*

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

The principal use of lands in the C-APZ district is intended to be agricultural, including activities that are accessory and incidental to, in support of, and compatible with agricultural production. These activities include use 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, an intergenerational home, 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. {Policy C-AG-2}

Conditional uses in the C-APZ zone include additional agricultural uses and non-agricultural uses including land division and residential development potentially up to the zoning density, consistent with the standards and criteria of Program C-AG-2.1.b and Policies C-AG-3.27 and C-AG-5.12. Conditional residential 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. {Policy C-AG-1, 2}

The C-APZ zoning district is consistent with the Agriculture I land use category of the Marin County Local Coastal Program.

- *The PC agreed with staff's suggestion to delete part 'F' for "Other Implementing Programs."*

• **Table 5-I-a: Allowed Uses and Permit Requirements for Coastal Agricultural & Resource-Related Districts**

- *The PC requested that staff correct the reference to standards for “Agricultural homestays” by changing “22.32.040” to “22.32.023”*
- *The PC agreed with staff’s suggestion to replace “Agricultural Owner/Operator Single-family dwelling” with “Farmhouse” for consistency with changes made at the 10/10/11 PC hearing.*
- *The PC requested that “Agricultural processing uses, small scale” in the C-ARP district be allowed as a Conditional Use (U), not a PP as previously listed, for consistency with Section 22.32.026.A. The PC also requested that the size limit for such uses be listed in the table next to the land use or as a new footnote to the table.*
- *The PC requested that the “Agricultural production” land use be changed to “Agricultural Production, except viticulture”*
- *The PC requested that “Viticulture” be added to the table as a separate land use, and allowed as a Permitted Use (P) in both the C-APZ and C-ARP districts.*
- *The PC agreed with staff’s suggestion to add “Plant Nurseries” to the table as a separate land use, and allow it as a Principal Permitted Use (PP) in both the C-APZ and C-ARP districts.*
- *The PC agreed with staff’s suggestion to replace “entitlement” with “requirement” in footnote (3) for consistency with changes already approved by PC for the countywide Development Code provisions.*
- *The PC requested that staff add footnote (10) after the table, which was inadvertently left out but should read as follows:*

(10) Only allowed when the primary use of the property is for agriculture; see Section 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.

• **Table 5-I-b**

- *The PC agreed with staff’s suggestion to change “Hunting and fishing clubs” to “Hunting and fishing club facilities” for consistency with changes made at the 10/10/11 PC hearing.*
- *The PC agreed with the following staff suggestions for consistency with changes already approved by PC for the countywide Development Code provisions.*
 - *Add “Health/fitness facilities” as a separate land use to the table under “Recreation, Education, and Public Assembly Uses” and to allow it as a Conditional Use (U) in the C-OA district.*
 - *Replace “entitlement” with “requirement” in footnote (3)*
 - *Add new footnote (9) for “Equestrian facilities” in the C-ARP district to read: “Equestrian employee housing is permitted with Use Permit approval (See Chapter 22.48 Use Permits).”*

• **Table 5-I-c**

- *The PC agreed with the following staff suggestions for consistency with changes already approved by PC for the countywide*

Development Code provisions.

- *Add “Tennis and other recreational uses” as a new separate land use and allow it as a Conditional Use (U) in the C-APZ, C-ARP and C-OA districts, with a reference to standards in Section 22.32.130.*
- *Replace “entitlement” with “requirement” in footnote (3)*

• **Table 5-1-d**

- *The PC requested that staff consider allowing “Kennels and animal boarding” in the C-APZ district. Staff will research and bring back to the PC at a future hearing for further consideration.*
- *The PC agreed with staff’s suggestion to change “Bed and breakfast inns, 3 or fewer guest rooms” from a Principal Permitted Use (PP) to a Permitted Use (P) in the C-APZ and C-ARP districts, for consistency with changes made at the 10/10/11 PC hearing.*
- *The PC requested that staff add footnotes (8) and (10) after the table, which were inadvertently left out but should read as follows:*

(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 Chapter 22.86 (Subdivisions).

(10) Only allowed when the primary use of the property is for agriculture; see Section 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.

Chapter 22.65 – Coastal Zone Planned District Development Standards

Reviewed: Sections 22.65.010 through 22.65.050

- *The PC requested that staff ensure all changes made to Chapter 22.65 at the 9/19/11 PC hearing are incorporated into the draft development code amendments. Staff confirmed that all changes are recorded in the 9/19/11 hearing minutes and decision table, and will be carried forward. Further changes initially proposed at the 8/31/11 PC hearing for consistency with changes made by the PC to the countywide development code provisions will be reviewed at the 11/7/11 hearing.*
- **Section 22.65.040 – C-APZ Zoning District Standards**
 - *The PC requested that part ‘B’ be revised to clarify that “All development” refers to non-agricultural development and subdivisions, but not to agricultural facilities. Staff will revise and bring back to future hearing.*
 - *The PC requested that in part ‘C.3.b’ in the first sentence, staff replace “intergenerational operation and succession housing units” with “intergenerational homes.”*
 - *The PC requested that part ‘F’ for “Other Implementing Actions” be deleted.*

Chapter 22.130

Reviewed: Definitions as noted in Attachment #1 of the 10/10/11 Staff Report
[p. 5 – Agriculture(coastal) and Farmhouse(coastal); p. 12 – Educational Tours(land use)]

• Agriculture (coastal)

- *Initially proposed at the 10/10/11 hearing, the PC approved this definition with the following modifications:*

Agriculture (coastal). This land use consists of agricultural production, and the facilities that are accessory and incidental to, in support of, and compatible with the property's agricultural production, including agricultural accessory structures and activities, one single family dwelling farmhouse per legal lot, up to two intergenerational homes, agricultural worker housing, limited agricultural product sales and processing, non-profit and owner-operator conducted agricultural tours, and agricultural homestay facilities, and bed and breakfast inns.

• Farmhouse (coastal)

- *Initially proposed at the 10/10/11 hearing, the PC approved this definition without modifications:*

Farmhouse (coastal). This land use consists of a Single-Family Dwelling that is the residence of the owner or operator of the agriculturally zoned property upon which it is located.

• Educational Tours (land use)

- *The PC agreed with staff's suggestion to leave this definition as shown, which applies countywide. However, the PC requested that Section 22.32.062 be modified as discussed above.*

Educational Tours (land use). Interactive excursion for groups and organizations for the purpose of informing them of the unique aspects of a property, including agricultural operations and environmental resources.