

Marin County Planning Commission
Regular Meeting
February 13, 2012

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; Randy Greenberg; Wade Holland; Joan Lubamersky.

Absent at Roll Call: Mark Ginalski.

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 6-0

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

ABSENT: Mark Ginalski.

b. Minutes

M/s Randy Greenberg - Don Dickenson to approve the minutes of the meeting of January 23, 2012, as corrected, and accept the following Resolutions:

1. PC11-002 denying the McCarthy appeal and sustaining the Administrative Decision denying the McCarthy Design Review, 34 Plaza Drive, Mill Valley, APN #033-083-04, as corrected; and
2. PC12-003 denying the Strawberry Village Retail appeal and sustaining the Determination of Incompleteness of the Strawberry Village Retail Tentative Map Waiver, 50 and 60 Belvedere Drive, Mill Valley, APN #043-322-01, as submitted.

Vote: Motion carried 5-0-1

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

ABSTAIN: Katherine Crecelius.

ABSENT: Mark Ginalski.

c. Communications

Commissioner Dickenson indicated that he was contacted by the Lucas Valley Estates Homeowners Association and that he has agreed to meet with two of its board members in the coming week to discuss the Grady Ranch project.

Chair Theran recessed the Planning Commission and called the Marin County Airport Land Use Commission to order.

2. AIRPORT LAND USE COMMISSION ELECTION of 2012 OFFICERS

Present at Roll Call: George T. S. Chen, Katherine Crecelius, Don Dickenson, Randy Greenberg, Wade Holland, Joan Lubamersky, Richard Nave, and Peter Theran.

Absent at Roll Call: Mark Ginalski

M/s Randy Greenberg - Don Dickenson to nominate Commissioner Joan Lubamersky for Chair.

M/s Wade Holland -Katherine Crecelius to close nominations for Chair.

VOTE: 8-0

AYES: George T. S. Chen, Katherine Crecelius, Don Dickenson, Randy Greenberg, Wade Holland, Joan Lubamersky, Richard Nave, and Peter Theran.

ABSENT: Mark Ginalski

M/s Wade Holland - Richard Nave to nominate Commissioner Ginalski for Vice Chair.

M/s Don Dickenson - Peter Theran to close nominations for Vice Chair.

VOTE 8-0

AYES: George T. S. Chen, Katherine Crecelius, Don Dickenson, Randy Greenberg, Wade Holland, Joan Lubamersky, Richard Nave, and Peter Theran.

ABSENT: Mark Ginalski

3. AIRPORT LAND USE COMMISSION DIRECTOR'S REPORT

a. Annual Report

[Draft Annual Report](#)

Assistant Director Tom Lai reviewed the ALUC Annual Report for Fiscal Year 2012-13 and recommended that the Commission accept the report.

M/s Peter Theran - Wade Holland to accept the Marin County Airport Land Use Commission Annual Report for Fiscal Year 2011-12 and to direct staff to file the report as appropriate.

VOTE: 8-0

AYES: George T. S. Chen, Katherine Crecelius, Don Dickenson, Randy Greenberg, Wade Holland, Joan Lubamersky, Richard Nave, and Peter Theran.

ABSENT: Mark Ginalski

4. AIRPORT LAND USE COMMISSION OPEN TIME FOR PUBLIC EXPRESSION (LIMITED TO THREE MINUTES PER SPEAKER)

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

M/s Peter Theran - Richard Nave to adjourn.

VOTES: 8-0

AYES: George T. S. Chen, Katherine Crecelius, Don Dickenson, Randy Greenberg, Wade Holland, Joan Lubamersky, Richard Nave, and Peter Theran.

ABSENT: Mark Ginalski

Chair Lubamersky adjourned the Airport Land Use Commission meeting, and Planning Commission Chair Theran reconvened the Planning Commission meeting with six members present as indicated.

5. DIRECTOR'S REPORT

a. Election of 2012 Officers

M/s Joan Lubamersky - Don Dickenson to postpone the election of 2012 officers to the end of the agenda in order to allow Chair Theran to complete the Local Coastal Program Update hearings as Chair.

Vote: Motion carried 6-0

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

ABSENT: Mark Ginalski.

b. Preliminary Agenda Discussion Items, Field Trips

Mr. Lai updated the Commission on the Ranch project which is on the agenda for the February 27, 2012, meeting and answered questions from the Commission.

c. Annual Report

[Draft Annual Report](#)

Mr. Lai reviewed the Planning Commission Annual Report for Fiscal Year 2012-13, answered questions from the Commission, and recommended that the Commission accept the report. Commissioner Dickenson suggested adding merits to the key initiatives for the draft Housing Element and the Easton Point project.

M/s Wade Holland - Don Dickenson to accept the Marin County Planning Commission Annual Report for Fiscal Year 2012-13, as corrected, and to direct staff to file the report as appropriate.

Vote: Motion carried 6-0

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

ABSENT: Mark Ginalski.

d. Performance Plan Update

Mr. Lai provided a brief mid-year report on the status of a number of work program initiatives of interest to the Planning Commission.

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

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

7. LOCAL COASTAL PROGRAM AMENDMENT

[Staff Report](#)

Chair Theran opened the public hearing.

CDA staff present: Director Brian Crawford, Assistant Director Tom Lai, Principal Planner Jack Liebster, Senior Planners Kristin Drumm and Christine Gimmler, Planner Veronica Corella-Pearson, and Assistant Planner Alisa Stevenson.

Consultant Planner: Steve Scholl

Mr. Liebster acknowledged and thanked the Commissioners, the public, and staff on the occasion of the ninth and final hearing on the Local Coastal Program Amendment (LCPA), and highlighted the changes made to the elements of the Local Coastal Program over the course of the Commission's public workshops and hearings.

The following organization representatives and members of the community spoke on a variety of policies and issues in the LCPA, including concerns about industrial wind turbines in the Coastal Zone; management of major vegetation in environmentally-sensitive habitat areas (ESHAs); policies in the existing LCP that were not carried over to the LCPA; the cumulative effect of overuse of resources and congestion in coastal communities; permitting, clustering, and review requirements for development on agriculturally-zoned parcels; grazing in wetlands; protection of coastal wetland resources; mariculture in the federal parks; biological productivity; lack of review time and absence of necessary findings; appealability of uses to the Coastal Commission; and public noticing in West Marin.

West Marin/Sonoma Coastal Advocates: Beverly Childs McIntosh

Helen Kozoriz, Susie Schlesinger

Inverness Association: Bridger Mitchell

Woody Elliott, Terry Bryant, Nona Dennis

Environmental Action Committee of West Marin: Amy Trainer

Marin Audubon Society: Barbara Salzman

Marin County Surfrider Foundation: Scott Tye

Cela O'Connor

The Commission recessed for lunch from 12:05 p.m. to 1:03 p.m. and recessed briefly from 2:22 p.m. to 2:35 p.m.

The Commission reviewed and discussed remaining carryover issues in the Land Use Plan (LUP) and the Development Code, including changes made by the Commission at the January

23, 2012, hearing. The comments and direction provided by the Commission to staff will be reflected in an updated Tentative Decision Table.

M/s Wade Holland - Joan Lubamersky to adopt the Resolution recommending that the Marin County Board of Supervisors adopt the Marin County Local Coastal Program Amendment, as submitted. The Commission conducted a roll call vote.

Vote: Motion carried 6-0

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

ABSENT: Mark Ginalski.

2a. DIRECTOR'S REPORT - Election of 2012 Officers (continued from earlier in meeting)

M/s Randy Greenberg - Katherine Crecelius to nominate Commissioner Joan Lubamersky for Chair.

M/s Wade Holland - Don Dickenson to close nominations for Chair.

Votes: Motions carried 6-0

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

ABSENT: Mark Ginalski

M/s Wade Holland - Peter Theran to nominate Commissioner Mark Ginalski for Vice Chair.

M/s Peter Theran - Wade Holland to close nominations for Chair.

Votes: Motions carried 6-0

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

ABSENT: Mark Ginalski

M/s Peter Theran - Don Dickenson to adjourn.

Vote: Motion carried 6-0

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

ABSENT: Mark Ginalski.

Chair Lubamersky adjourned the meeting at 3:41 p.m.

The next meeting of the Planning Commission is scheduled for Monday, February 27, 2012.

Webcast Timestamps:

00:30 - Local Coastal Program Amendment

00:43 - Public Testimony

01:31 - Land Use Plan

03:22 - Development Code

**Planning Commission Decision Table
February 13, 2012
LCP Hearing on Carryover Issues**

APPROVED by Planning Commission: February 27, 2012

The items in **highlighted strike-out and underline** format document changes made by the Planning Commission to the February 2012 PC-Recommended Local Coastal Program Amendment (LCPA) at the February 13, 2012 hearing.

Introduction – Land Use Plan

Introduction to the Land Use Plan (p. 1):

The Planning Commission requested that staff revise the main introduction to the LCPA Land Use Plan as shown below:

Introduction

...

Both of the two documents containing proposed amendments to the Marin County LCP are entitled "Planning Commission-Recommended Draft." The Marin County Planning Commission held eight public hearings from August 2011 through January 2012, each focusing on particular policy areas, to review and **approve provide direction to staff on** the policies, programs, Development Code provisions, and other contents contained in the draft LCP amendments.

...

Components of the Local Coastal Program

For purposes of submittal to the California Coastal Commission, as required by Coastal Act Section 30500, the LCP is comprised of the Land Use Plan, the Implementation Program, and all accompanying land use and zoning maps. The two key components of the LCP are the Land Use Plan (LUP) and the Implementation Program (IP). The Land Use Plan contains written policies that indicate which land uses are appropriate in the various parts of the Coastal Zone. The LUP policies and programs also guide how natural resources shall be protected when land is developed, how public access to the coast shall be preserved, and how other coastal resources shall be maintained and enhanced.

The chapters of the LUP are grouped in three major sections: Natural Systems and Agriculture, Built Environment, and Socioeconomic. The Natural Systems and Agriculture section contains the policy chapters of Agriculture; Biological Resources; Environmental Hazards; Mariculture; and Water Resources. The Built Environment section contains the policy chapters of Community Design; Community Development; Community Specific Policies; Energy; Housing; Public Facilities and Services; and Transportation. Finally, the Socioeconomic section contains the policy chapters of Historical and Archaeological Resources; Parks, Recreation and Visitor-Serving Uses; and Public Coastal Access.

The second major component of the LCP is **known referred to by the coastal Commission** as the Implementation Program (IP). **In Marin County's case, this component consists of which includes** portions of the Marin County Development Code **and zoning maps of the Coastal Zone**. The ~~Code provisions and zoning maps contained therein~~ **IP plays** a central role in carrying out the policies and programs of the Land Use Plan by indicating which land uses are appropriate in each part of the Coastal Zone. Furthermore, the **Code provisions of the IP** contain specific requirements that apply to development projects, **and the Implementing Programs contain as well as** detailed procedures for applicants to follow in order to obtain a coastal permit.

...

Agriculture (AG)

Policy C-AG-5 Intergenerational Housing

The Planning Commission requested that staff revise Policy C-AG-5 as shown below:

C-AG-5 Intergenerational Housing. Support the preservation of family farms by facilitating multi-generational operation and succession. **In addition to the farmhouse, 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*), an Agricultural Production and Stewardship Plan (*C-AG-8*), permanent agricultural conservation easement (*C-AG-7(II)*), nor shall 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.

Policy C-AG-7 Development Standards for the Agricultural Production Zone (C-APZ) Lands

The Planning Commission requested that staff revise parts B.1 and B.3 of Policy C-AG-7 as shown below:

C-AG-7 Development Standards for the Agricultural Production Zone (C-APZ) Lands.

...

B. Standards for Non-Agricultural Uses:

...

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 major** 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 and shall be designed and sited to avoid hazardous areas. Any new parcels created shall have building envelopes outside any designated scenic protection area.

...

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 **a farmhouse,** 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.

...

Policy C-AG-8 Agricultural Production and Stewardship Plans

The Planning Commission requested that staff revise part 3 of Policy C-AG-8 as shown below:

C-AG-8 Agricultural Production and Stewardship Plans.

...

3. The requirement for an Agricultural Production and Stewardship Plan shall not apply to agricultural worker housing or to ~~permitted~~ intergenerational housing units. The APSP 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 of agricultural commodities for commercial purposes on the property. 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.

...

Biological Resources (BIO)

Policy C-BIO-4 Protect Major Vegetation; and Program C-BIO-4.b Integrated Planning for Fire Risk, Habitat Protection, and Forest Health

The Planning Commission requested that staff revise Policy C-BIO-4 and Program C-BIO-4.b as shown below. See also changes made for consistency to Development Code Section 22.64.060.B.1.

C-BIO-4 Protect Major Vegetation. Require a Coastal Permit for the removal or harvesting of major vegetation. Coastal Permits shall allow the management or removal of major vegetation where necessary to minimize risks to life and property or to promote the health and survival of surrounding vegetation native to the locale, while avoiding adverse impacts to an ESHA or its buffer, coastal waters, and public views, and shall not conflict with prior conditions of approval, consistent with Policy C-EH-24 (Vegetation Management in an ESHA).

Program C-BIO-4.b Integrated Planning for Fire Risk, Habitat Protection, and Forest Health. Develop a Coastal Permit process that protects coastal resources and allows for expedited review of projects related to the management or removal of major vegetation to minimize risks to life and property or to promote the health and survival of surrounding vegetation native to the locale.

Policy C-BIO-7 Protect Major Vegetation

The Planning Commission requested that staff revise Policy C-BIO-7 as shown below:

C-BIO-7 Coastal Dunes. Prohibit development in coastal dunes to preserve dune formations, vegetation, and wildlife habitats. Prevent overuse in dune areas by mechanisms such as restricting parking, directing pedestrian traffic to areas capable of sustaining increased use, and fencing. Prohibit motor vehicles in dune areas except for emergency purposes; prohibit vehicles in non-beach dune non-dune beach areas except for emergency and essential maintenance purposes.

Policy C-BIO-14 Wetlands

The Planning Commission requested that staff revise Policy C-BIO-14 to include language suggested by Nona Dennis in her 2/13/12 letter to the Commission. Changes are shown below:

C-BIO-14 Wetlands. Preserve and maintain wetlands in the Coastal Zone as productive wildlife habitats, water filtering and storage areas, and, as appropriate, recreational open space, consistent with the policies in this section. Evaluate land uses in wetlands as follows:

- I. Permit diking, filling, and dredging of wetlands only in conformance with Policy C-BIO-15. Prohibit filling of

- wetlands for the purposes of residential development.
2. Allow certain resource-dependent activities in wetlands including fishing, recreational clamming, hunting, nature study, bird watching and boating.
 3. Prohibit grazing or other agricultural uses in a wetland, except in those reclaimed areas presently (prior to the certification of this amended policy on [DATE]) used for such activities, or in new areas where a grazing land ranch plan Ranch Water Quality Plan has been approved by the California Regional Water Quality Control Board, or where the landowner demonstrates to the County's CDA's satisfaction that they he/she have has developed and implemented management measures to prevent adverse impacts to wetland functions and resources such as by partnering in partnership with the Marin Resource Conservation District, or the University of California Agriculture and Natural Resource Cooperative Extension, Natural Resource Conservation Service, or comparable agency to prevent adverse impacts to wetland functions and resources.

Policy C-BIO-25 Stream Buffer Adjustments and Exceptions

The Planning Commission requested that staff revise part 4 of Policy C-BIO-14 as shown below:

C-BIO-25 Stream Buffer Adjustments and Exceptions.

...

4. When a legal lot of record is located substantially within a stream buffer area, development of principal permitted uses may be permitted but the Coastal Permit shall identify and implement the mitigation measures necessary to protect water quality, riparian vegetation and the rate and volume of stream flows. Only those projects that entail the least environmentally damaging alternative that is feasible may be approved. The Coastal Permit shall also address the impacts of erosion and runoff, and provide for restoration of disturbed areas by replacement landscaping with plant species naturally found on the site.

...

Environmental Hazards (EH)

Program C-EH-21.a Proper Engineering of Emergency Shoreline Protective Devices

The Planning Commission requested that staff delete Program C-EH-21.a from the LCPA Land Use Plan as shown and incorporate the language into Development Code Section 22.70.140.B. See note for Development Code Section 22.70.140 below for new Code language.

~~**Program C-EH-21.a Proper Engineering of Emergency Shoreline Protective Devices.** Insofar as time allows and based on the nature of the emergency, emergency permit applications for shoreline protective devices shall be accompanied by an engineering report as described in Implementing Program C-EH-13.a. If the applicant is unable to provide all such information due to the nature of the emergency, then the applicant shall provide at a minimum (a) a description of what measures, if any, were taken in advance in order to mitigate the hazard and (b) an analysis of alternatives, including the "no action" alternative. Emergency shoreline protective devices shall be approved on a temporary basis only, and removal of the shoreline protective device shall be required unless a coastal permit is approved for its retention.~~

Policy C-EH-24 Permit Exemption for Replacement of Structures Destroyed by Disaster

The Planning Commission requested that staff revise Policy C-EH-24 as shown for consistency with Development Code Section 22.68.050.C.4.

C-EH-24 Permit Exemption for Replacement of Structures Destroyed by Disaster. Exempt from

the requirement for a coastal permit the replacement of any structure, other than a public works facility, destroyed by a disaster, if the replacement structure:

1. Conforms to applicable existing zoning requirements;
2. Is for the same use as the destroyed structure;
3. Does not exceed the floor area of the destroyed structure by more than 10 percent or 500 square feet, whichever is less, or the height or bulk of the destroyed structure by more than 10 percent (the applicant must provide proof of pre-existing height and bulk); and
4. Is sited in the same location on the affected property as the destroyed structure, unless the Director determines that relocation is warranted because of proximity to coastal resources.

Water Resources (WR)

Policy C-WR-1 Water Quality Protection; and Policy C-WR-18 Biological Productivity

The Planning Commission requested that staff combine Policies C-WR-1 and C-WR-18 to form the new Policy C-WR-1 as shown below:

C-WR-1 Water Quality Protection and Biological Productivity. Monitor, protect, and enhance the quality of coastal waters for the benefit of natural communities, human health, recreational users, and the local economy. Maintain and, where feasible, restore the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health through means such as minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

~~**C-WR-18 Biological Productivity.**~~ *[policy language unchanged, simply added to Policy C-WR-1]*

Policy C-WR-8 Disturbed Soils

The Planning Commission requested that staff revise Policy C-WR-8 as shown below:

C-WR-8 Disturbed Soils. Use temporary vegetation, seeding or hydroseeding with non-invasive native seeds, seeding, mulching, or other suitable stabilization methods to protect soils that have been exposed during grading or development. Stabilize cut and fill slopes immediately with plantings of native species, appropriate non-native plants, or with accepted landscaping practices.

Policy C-WR-14 Design Standards for High-Impact Projects

The Planning Commission requested that staff revise Policy C-WR-14 as shown below:

C-WR-14 Design Standards for High-Impact Projects. For developments that have a high potential for generating pollutants (High-Impact Projects), incorporate treatment control Best Management Practices (BMPs) or ensure that the requirements of the current NPDES Municipal Stormwater permit are met, whichever is stricter. The applicant shall submit a preliminary plan with a post-construction element prepared by an appropriately licensed California professional. The plan shall address erosion, sedimentation, and pollutants of concern. Developments to be considered as High-Impact Projects shall include the following:

...

The applicant for a High-Impact Project shall be required to submit a preliminary plan with a post-construction element with the application during the initial planning process. Prior to issuance of a building or grading permit the applicant shall submit a final plan with a post-construction element prepared by **an appropriately** licensed California professional for approval by the County. The plan shall include the flowing where applicable (applicability will be determined by County staff):

...

Community Development (CD)

Policy C-CD-24 Commercial/Mixed-Use Land Use Categories and Intensities

The Planning Commission requested that staff revise Policy C-CD-24 as shown below:

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. The following criteria shall apply to any mixed-use development:

...

3. Priority shall be given to the retention of existing **visitor and** neighborhood serving commercial uses.

...

Community-Specific Policies

Policy C-PRS-2 Commercial Infill

The Planning Commission requested that staff revise Policy C-PRS-2 as shown below:

C-PRS-2 Commercial Infill. Promote commercial infill within and adjacent to existing commercial uses. Consider rezoning **the four blocks bounded by B, C, 3rd, and 7th Streets, which are presently additional areas west of B Street, which is predominantly** zoned C-RA:B2 to **Village Commercial Residential (C-VCR)**, if it is determined that additional areas are necessary for visitor- and local-serving commercial uses. This area of town constitutes the most suitable area for visitor- and local-serving commercial expansion because it is level, has adequate space, is located adjacent to the existing commercial area, and is several blocks removed from Highway One, thus reducing potential for substantial traffic impacts as development proceeds.

Public Facilities and Services (PFS)

Introduction – Public Facilities and Services (p. 89)

The Planning Commission requested that staff revise paragraph 3 of the Background Introduction for the Public Facilities and Services chapter as shown below:

Background

...

BCWD, MBCSD, and the Dillon Beach area primarily use groundwater for their water supplies while IPUD and BCPUD rely mainly on surface water. Beyond the current water service district boundaries private wells or small **public mutual** water systems rely on individual groundwater wells, surface water, or small spring-based sources. Many of these sources occur in the limited areas of high water-yielding sediments in alluvial valleys, while much of the rest of the area is characterized by low-permeability fractured bedrock and thin alluvial deposits with too little saturated thickness to produce meaningful supplies of water.

...

Policy C-PFS-12 Limited Use of Off-Site Septic Systems

The Planning Commission requested that staff revise the last sentence of Policy C-PFS-12 as shown below:

C-PFS-12 Limited Use of Off-Site Septic Systems.

...

Approval of an off-site septic system requires voluntary participation by property owners and findings that (1) it would comply with all applicable provisions of the LCP, including that it would not interfere substantially with existing or continued agricultural operations, and (2) that legal and funding mechanisms are in place to ensure proper future operation of the system, and (3) that proposed development would either avoid or minimize and fully mitigate impacts. Use of an off-site septic system **to support new or expanded for** development **on adjacent properties**, other than as provided by this policy, is not allowed.

Policy C-PFS-16 Standards for Water Supply Wells and Other Water Sources

The Planning Commission requested that staff revise part 4 of Policy C-PFS-16 as shown below:

C-PFS-16 Standards for Water Supply Wells and Other Water Sources.

...

4. Within the Inverness Planning Area, allow no individual wells on parcels less than **2.8 acres** in size, unless a specific exception is granted based on findings required by the coastal permitting **and variance** chapters of the Development Code and on a demonstration to the satisfaction of the Health Officer that a well can be developed on the substandard size parcel in a completely safe and sanitary manner.

...

Transportation (TR)

Policy C-TR-1 Roads in the Coastal Zone

The Planning Commission requested that staff revise Policy C-TR-1 as shown below:

C-TR-1 Roads in the Coastal Zone. Limit roads in the Coastal Zone to two lanes. Work with state and federal agencies and local communities to enhance road safety, improve pedestrian, bicycle, and transit access,

and **maintain stabilize** or reduce congestion through means such as limiting local parking, creating a multipurpose path from West Marin to the City-Centered Corridor, and providing shuttle service to popular destinations. Shoulder widening for bicycles, turn lanes at intersections, turnouts for slow-moving traffic or at scenic vistas, traffic calming measures, and similar improvements would be permitted. However, projects will not be undertaken to increase the motorized vehicular capacity of these roads.

Policy C-TR-2 Scenic Quality of Highway One

The Planning Commission requested that staff revise Policy C-TR-2 as shown below:

C-TR-2 Scenic Quality of Highway One. Ensure that Highway One shall remain a scenic two-lane roadway. Ensure that improvements shall not, either individually or cumulatively, detract from the rural scenic characteristics of the highway and shall be limited to improvements necessary for the continued use of the highway: slope stabilization, drainage control, and minor safety improvements such as guardrail placement, signing, etc.; expansion of shoulder paving to accommodate bicycle or pedestrian traffic; creation of slow traffic and vista turn-outs, as a safety and convenience improvement; and other minor improvements necessary to adequately accommodate public transit. Avoid incursions and other adverse impacts in **Stream Conservation and Wetland Conservation Areas ESHAs and their buffers**. These improvements shall limit the site alterations to the minimum amount necessary to carry out the project and minimize environmental impacts.

Parks, Recreation, and Visitor-Serving Uses (PK)

Policy C-PK-10 Appropriate Uses of Federal Parks

The Planning Commission requested that staff revise parts 2.b and 4.b of Policy C-PK-10 as shown below:

C-PK-10 Appropriate Uses of Federal Parks.

...

2. Recreation and visitor-serving facilities.

...

- b. If any unused buildings within the parks, such as military structures, still exist, review their potential **for** overnight accommodations before they are converted to other cultural or institutional uses.

...

4. Agriculture and mariculture.

...

- b. Encourage the National Park Service to develop uniform procedures and standards to use in dealing with all agricultural tenants, including use of long-term lease arrangements of at least ten years. Encourage review of existing agricultural leases and special use permits for compatibility with park goals five years prior to their expiration. Operators should be notified at that time whether or not their leases will be renewed and what revisions in operating arrangements, if any, are necessary. **Provisions for Automatic lease renewals provisions should be supported if all terms and conditions of a lease are met.**

**Development Code Chapter 22.32:
Standards for Specific Land Uses**

Section 22.32.024 – Agricultural Intergenerational Homes (Coastal)

The Planning Commission requested that staff revise section E of Development Code Section 22.32.024 as shown below:

22.32.024 – Agricultural Intergenerational Homes (Coastal)

...

E. Second Intergenerational Home: A second intergenerational home occupying a lot is a conditional use, subject to Use Permit approval in compliance with Chapter 22.48 (Use Permits). ~~Intergenerational homes shall not be subject to the requirements for a Master Plan, Agricultural Production and Stewardship Plan, or permanent agricultural conservation easement.~~

...

G. Exceptions. Intergenerational homes shall not be subject to the requirements for a Master Plan, Agricultural Production and Stewardship Plan, or permanent agricultural conservation easement.

Section 22.32.027 – Agricultural Retail Sales and Facilities (Coastal)

The Planning Commission requested that staff revise section C.I(c) of Development Code Section 22.32.027 as shown below:

22.32.027 – Agricultural Retail Sales and Facilities (Coastal)

...

C. Retail sales within a processing facility.

I. Retail sale of agricultural products 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) such sales are conducted wholly within an approved agricultural processing facility and the following are all applicable:

...

(c) A use permit for public visitation or tours of the processing facility has been issued ~~or is not required.~~

...

Section 22.32.028 – Agricultural Worker Housing (Coastal)

The Planning Commission requested that staff revise section B.2 of Development Code Section 22.32.028 as shown below. The Commission also requested that staff research the capacity standard to determine where it originated from and if it is correct. Staff has changed the language as shown for consistency with state law.

22.32.028 – Agricultural Worker Housing (Coastal)

...

B. Limitations on use:

...

2. Temporary mobile home. ~~Any~~ Temporary mobile homes ~~is~~ not on a permanent foundation and used as living quarters for ~~more than five or more~~ farmworkers and their households is permitted subject to the requirements of the State Department of Housing and Community Development.

...

Section 22.32.062 – Educational Tours (Coastal)

The Planning Commission requested that staff revise Development Code Section 22.32.062 as shown below:

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 agricultural operations and environmental resources. In the C-APZ and C-ARP zoning districts educational tours operated by non-profit organizations or the owner/operator of the agricultural operation are a principal permitted use except as provided in Section 22.32.026.A.4; those operated for commercial profit require a Use Permit.

Section 22.32.105 – Mariculture (Coastal)

The Planning Commission requested that staff delete part B of Development Code Section 22.32.105 as shown, for consistency with the deletion of Land Use Plan Policy C-MAR-2.

22.32.105 – Mariculture (Coastal)

...

~~**B. Mariculture in Parks.** Existing maricultural operations in the parks are encouraged in a manner compatible with natural resource protection and should be permitted to continue. Additional mariculture activities should be considered, provided that they are compatible with other park uses, and do not conflict with public access, recreation, the protection of natural and visual resources, water quality, or National Park Service policies concerning commercial development. New mariculture activities should be subject to permit review by the Coastal Commission.~~

...

Section 22.32.115 – Determination of Non-Agricultural Uses

The Planning Commission requested that staff revise part A of Development Code Section 22.32.115 as shown below:

22.32.115 – Determination of Non-Agricultural Uses

...

A. Permitted use, zoning districts. Non-agricultural uses may be allowed as a principal permitted land use in the following zoning districts: A2, A3 to A60, ARP, and O-A, and as allowed by Articles II (Zoning Districts and Allowable Land Uses) and V (Coastal Zones - Permit Requirements and Development Standards) subject to the requirements of this section. This Section does not apply to the following zoning districts: ARP-1 to ARP-5, C-ARP, C-APZ, and C-OA.

...

**Development Code Chapter 22.62:
Coastal Zoning Districts and Allowable Uses**

Section 22.62.040 – Allowable Land Uses and Coastal Permit Requirements

The Planning Commission requested that staff revise parts B.4 and C of Development Code Section 22.62.040 as shown below:

22.62.040 – Allowable Land Uses and Coastal Permit Requirements

...

B. Coastal zone permit requirements.

...

4. Conditional uses, subject to compliance with all applicable provisions of this Development Code, Coastal Permit approval where required, and subject to first obtaining any Building Permit and other permits required by the County Code, including approval of a Use Permit (Chapters 22.48 and 22.50. The Use Permit is not part of the Coastal Permit and is not subject to appeal to the Coastal Commission.). Conditional uses are shown as "U " uses in the tables. [See Section 22.70.080 for Appeal of Coastal Permit Decisions]

...

C. Master Plan and Other Non-Local Coastal Program Permit Requirements.

...

- ~~4. Large wind energy conversion systems~~

...

Table 5-3-c – Allowed Uses and Permit Requirements for Coastal Commercial/Mixed Use Districts

The Planning Commission requested that staff add a line for "Residential second units" to Table 5-3-c of Development Code Chapter 22.62 to reflect that it is not an allowed land use in the C-VCR, C-HI, C-CP, C-RMPC, and C-RCR zoning districts. Table not shown here – staff will incorporate change into the next draft of the LCPA.

**Development Code Chapter 22.64:
Coastal Zone Development and Resource Management Standards**

Section 22.64.060 – Environmental Hazards

The Planning Commission requested that staff revise part B.10(b) of Development Code Section 22.64.060 as shown below:

22.64.060 – Environmental Hazards

...

B. Environmental Hazard standards.

...

10. Maintenance of Major Vegetation.

...

- (b) The general health of the major vegetation is so poor due to disease, damage, or age that efforts to ensure its long-term health and survival are unlikely to be successful, or removal of the major vegetation is necessary to ensure the health and survival of surrounding vegetation native to the locale;

...

**Development Code Chapter 22.65:
Coastal Zone Planned District Development Standards**

Section 22.65.050 – C-ARP Zoning District Standards

The Planning Commission requested that staff revise part D.4 of Development Code Section 22.65.050 as shown below:

22.65.050 – C-ARP Zoning District Standards

...

D. Agricultural and open space uses.

...

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.~~

**Development Code Chapter 22.68:
Coastal Permit Requirements**

Section 22.68.050 – Exempt Projects

The Planning Commission requested that staff revise part I.4 of Development Code Section 22.68.050 as shown below:

22.68.050 – Exempt Projects

...

I. Temporary event.

...

4. Would not take place in any wetlands, streams and riparian corridors, ~~or other ESHAs,~~ or their buffers.

...

Section 22.68.060 – Non-Exempt Projects

The Planning Commission requested that staff revise section A of Development Code Section 22.68.060 as shown below:

22.68.060 – Non-Exempt Projects

...

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 ESHA or its buffer, or within 50 feet of the edge of a coastal bluff.

...

Development Code Chapter 22.70: Coastal Permit Administration
<p><u>Section 22.70.140 – Emergency Coastal Permits</u> The Planning Commission requested that staff add a new section (part 5 shown below) to Development Code Section 22.70.140.B to incorporate language from Land Use Plan Program C-EH-21.a (Program now deleted from Land Use Plan). See note for Program C-EH-21.a for deleted program language.</p> <p>22.70.140 – Emergency Coastal Permits ... B. Required information. The applicant shall report to the Director the following information, either during or as soon after the emergency as possible: ... 5. <u>An application for an emergency shoreline protective device shall be accompanied by an engineering report as described in Development Code Sec. 22.64.060.A.4. If the applicant is unable to provide all such information due to the nature of the emergency, then the applicant shall provide at a minimum (a) a description of what measures, if any, were taken in advance in order to mitigate the hazard and (b) and analysis of alternatives, including the “no action” alternative.</u></p>

Development Code Chapter 22.130: Definitions		
<p><u>List of Acronyms</u> The Planning Commission requested that staff add a list of acronyms used in the LCPA to either the Land Use Plan or Chapter 22.130 of the Development Code.</p>		
<p><u>Agricultural Processing (land use)</u> The Planning Commission requested that staff revise this definition as shown below:</p> <p>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 predominantly on site or elsewhere in Marin County, including: ...</p>		
<p><u>Agricultural Processing (land use)</u> The Planning Commission requested that staff revise this definition as shown below:</p> <p>Agricultural Processing (land use). This land use consists of the processing of harvested crops and other agricultural products, including the following:</p> <table style="width: 100%; border: none;"> <tr> <td style="vertical-align: top;"> <ul style="list-style-type: none"> - production of butter, cheese, and other dairy products -processing of milk - milling - processing of fruit products </td> <td style="vertical-align: top;"> <ul style="list-style-type: none"> - food oil production, including olive oil - shellfish processing - wine production - processing of honey </td> </tr> </table>	<ul style="list-style-type: none"> - production of butter, cheese, and other dairy products -processing of milk - milling - processing of fruit products 	<ul style="list-style-type: none"> - food oil production, including olive oil - shellfish processing - wine production - processing of honey
<ul style="list-style-type: none"> - production of butter, cheese, and other dairy products -processing of milk - milling - processing of fruit products 	<ul style="list-style-type: none"> - food oil production, including olive oil - shellfish processing - wine production - processing of honey 	

Also includes structures used in connection with the above activities.

Junk Yard (land use)

The Planning Commission requested that staff research the origination of this definition and confirm that it is consistent with what the County currently enforces.

Junk Yard (land use). This land use consists of outdoor storage occupying an area of 200 square feet or more, or the storage of junk in any yard adjoining a street, for collecting and assembling, storing, breaking up, sorting, and the temporary storage and distribution of recyclable or reusable scrap and waste materials, including auto wreckers engaged in dismantling automobiles for scrap, and the incidental wholesale or retail sales of parts from those vehicles. In no case shall the stored junk exceed a height of five feet.

Conditional Use (Coastal)

The Planning Commission requested that staff add the following new definition to Section 22.130.030:

Conditional Use (coastal). A land use allowed in the applicable zoning district by Article V (Zoning Districts and Allowable Land Uses), which is not otherwise permitted in that district, but which may be permitted by the County through a Use Permit under conditions set forth in the Development Code. Coastal Permits allowing such uses are appealable to the California Coastal Commission. [See Section 22.70.080.B.1 for Appeal of Coastal Permit Decisions]

Permitted Use (Coastal)

The Planning Commission requested that staff add the following new definition to Section 22.130.030:

Permitted Use (coastal). A land use allowed by Article V (Zoning Districts and Allowable Land Uses) subject to compliance with all applicable provisions of this Development Code, and subject to first obtaining any building permit or any other permit required by the County Code. Coastal Permits allowing such uses are appealable to the California Coastal Commission. [See Section 22.70.080.B.1 for Appeal of Coastal Permit Decisions]

Principal Permitted Use (Coastal)

The Planning Commission requested that staff add the following new definition to Section 22.130.030. Staff has modified the reference to Section 22.70.080 to be stated in brackets as shown, so that it does not exist as part of the definition, but remains in place for reference purposes only.

Principal Permitted Use (coastal). A land use allowed by Article V (Zoning Districts and Allowable Land Uses) including activities which are functionally related to one another so as to be viewed as effectively one use type or group. Such uses are subject to compliance with all applicable provisions of this Development Code, and subject to first obtaining any building permit or any other permit required by the County Code. [See Section 22.70.080.B.1 for Appeal of Coastal Permit Decisions]