

# MARIN COUNTY LOCAL COASTAL PROGRAM

## Land Use Plan & Development Code

**Board of Supervisors Draft Amendments**  
To be Considered for Adoption on July 30, 2013

**IMPORTANT NOTE:** Text that is shown in **yellow highlighted** ~~strikethrough~~ and underline reflects all changes to the Planning Commission-approved text that have been approved by the Board as of **April 16, 2013**.

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**Prepared by the**  
**Marin County Community Development Agency**

Brian C. Crawford, Director

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## **Project Staff**

Tom Lai, Assistant Director  
Jack Liebster, Principal Planner  
Kristin Drumm, Senior Planner  
Christine Gimmler, Senior Planner  
Alisa Stevenson, Assistant Planner  
Suzanne Thorsen, Planner  
Steve Scholl, Consulting Planner

**Copies of this report may be obtained by contacting the  
Marin County Community Development Agency**

3501 Civic Center Drive, Room 308  
**San Rafael, CA 94903**  
Phone (415) 473-6269  
[MarinLCP@marincounty.org](mailto:MarinLCP@marincounty.org)  
[www.MarinLCP.org](http://www.MarinLCP.org)

MARIN COUNTY  
LOCAL COASTAL PROGRAM

Land Use Plan

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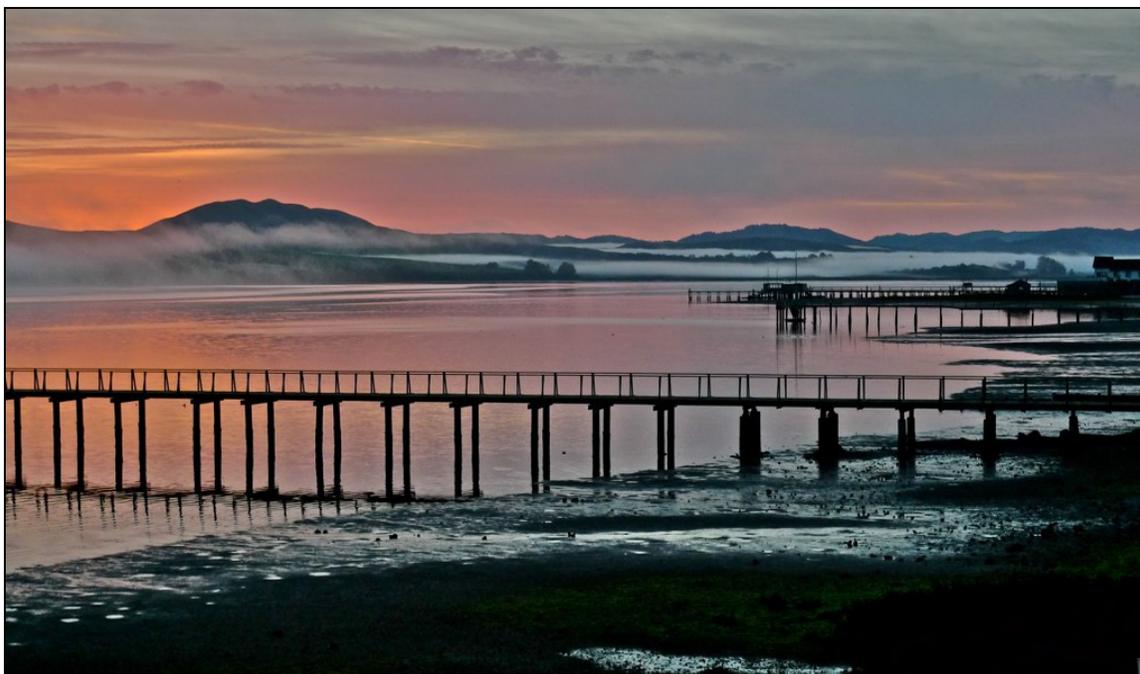
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*Photo courtesy of: Scott Johnson*

## Introduction

This proposed Land Use Plan (LUP)-(LCPA) document and its accompanying Development Code implementation program materials described below present proposed amendments changes to the Marin County Local Coastal Program (LCP), as The proposed amendments were recommended by the Marin County Planning Commission on February 13, 2012. The proposed amendments are the result of nearly three years of public, agency and individual involvement, formal hearings, and extensive deliberation by the Planning Commission, and are now presented for public review and for consideration by the Marin County Board of Supervisors.

The proposed amendments to the Marin County LCP are contained in the following documents. These documents are available on the County's website at: [www.marinlcp.org](http://www.marinlcp.org).

- The proposed LCP "Land Use Plan (LUP) Amendments" document includes policies and programs, as well as background and introductory text for each policy section. Also included in the Land Use Plan document are a set of policy related maps and zoning maps.
- The proposed LCP "Development Code Amendments" (under separate cover) document apply to the coastal zone, as is a means of implementing the policies and programs of the LCP Land Use Plan. Coastal zone-specific portions of the Marin County Development Code are included in this document, along with the full Definitions chapter.
- Policy maps and zoning maps for the coastal zone.
- Appendices. The following Appendices constitute parts of the Local Coastal Program:
  - Appendix 1: List of Recommended Public Coastal Accessways
  - Appendix 2: Inventory of Visitor-Serving, Commercial, and Recreation Facilities in the Coastal Zone

- o Appendix 3: Coastal Village Community Character Review Checklist (Local Coastal Program Historic Review Checklist)
- o Appendix 4: Design Guidelines for Construction in Areas of Special Character and Visitor Appeal and For Pre-1930's Structures
- o Appendix 5: Seadrift Settlement Agreement
- o Appendix 6: 1977 Wagner Report "Geology for Planning, Western Marin County"
- o Appendix 7: Categorical Exclusions Orders and Maps
- o Appendix 8: Certified Community Plans
  - a. Dillon Beach Community Plan
  - b. Bolinas Gridded Mesa Plan

The remaining material (Background Reports 1 through 7) are presented for background only and do not constitute parts of the LCP.

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

~~Previously~~ Prior to the public hearings, the Planning Commission conducted nineteen public workshops from March 2009 through January 2011. These workshops also focused on particular policy areas and resulted in revisions that were reflected in a June 2011 Public Review Draft of the entire Local Coastal Program. Furthermore, ~~the~~ the Board of Supervisors and Planning Commission ~~also~~ held a joint meeting on June 28, 2011 to adopt a schedule for further review of the LCP amendments and to accept public comments.

In addition to the public hearings and workshops with conducted by the Planning Commission, staff of the Community Development Agency conducted four public meetings in West Marin communities during 2008 and 2009, at which time the process of updating the Local Coastal Program was introduced. Four additional community workshops were held during 2011, following publication of the June 2011 Public Review Draft of the LCP. Finally, staff has conducted numerous meetings with community groups, interested organizations, other agencies, and California Coastal Commission staff. At each public workshop, hearing, and meeting, public testimony and comments were accepted, and a A significant number of other written and electronic communications have also been received by the Planning Commission. Valuable feedback and input was gathered during this process and has been very helpful in facilitating the development of the policies, programs, and other provisions contained in these documents.

During the series of eight public hearings held on the proposed LCP amendments during 2011-12, the Planning Commission ~~has~~ reviewed all the provisions of the entire Local Coastal Program, including those provisions proposed changes to be changed as well as those existing provisions proposed to be maintained as is. In reviewing LCP provisions, the Planning Commission has taken into account the comments provided by members of the public and by community groups and agencies. The Planning Commission-Approved Recommended Draft of the proposed Land Use Plan and Development Code amendments, the maps, and the relevant Appendices, as published in February 2012, will be presented to the Board of Supervisors for consideration and possible adoption. The package of LCP amendments adopted by the Board of Supervisors will then be submitted ~~and proposed submittal~~ to the California Coastal Commission for review and certification.

The Marin County Coastal Zone is a landscape of unsurpassed variety and beauty. Much of the area is encompassed within federal, state, and county parks, which provide habitat protection and opportunities for public recreation. The Coastal Zone also includes several small villages, productive agriculture and mariculture areas, scattered residences, bed and breakfast inns, and significant amounts of open space. The Marin County LCP is designed to preserve the unique environment of the Coastal Zone and to encourage the protection and restoration of its coastal resources, while encouraging public enjoyment of its coastal recreation opportunities.

### The Local Coastal Program (LCP)

The Marin County Coastal Zone is a landscape of unsurpassed variety and beauty. Much of the area is encompassed within federal, state, and county parks, which provide habitat protection and opportunities for public recreation. The Coastal Zone also includes several small villages, productive agriculture and mariculture areas, scattered residences, bed-and-breakfast inns, and significant amounts of open space. The Marin County Local Coastal Program (LCP) is designed to preserve the unique environment of the Coastal Zone and to encourage the protection and restoration of its coastal resources, while encouraging public enjoyment of its coastal recreation opportunities.

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

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



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

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

### The Coastal Zone

The Marin County Coastal Zone is a strip of land and water defined by the California Coastal Act of 1976 that extends along the Pacific Ocean coastline. The Coastal Zone extends seaward from the shore a distance of three miles, and a variable distance landward, depending on topography (see Map 2 - Marin County Coastal Zone; only the land portion of the Coastal Zone is shown on Map 2). Maps available at the Community Development Agency show the boundary of the Coastal Zone, and a more detailed description can be found in the LCP Administrative Manual.

### Purpose of the Local Coastal Program

The purpose of the LCP is to carry out the coastal resource protection policies of the California Coastal Act of 1976. Each coastal city and county in California is required by that law to prepare and implement an LCP for its portion of the Coastal Zone. Like other counties in California, Marin County has also adopted a comprehensive land use plan for its entire jurisdiction area, which extends landward well beyond the Coastal Zone boundary. Adopted in 2007, the Marin Countywide Plan and its related Community Plans guide land development throughout the County. However, in the Coastal Zone, the LCP takes precedence over these plans. Where the LCP contains specific provisions applicable to land and water development, such LCP provisions govern development activities. Policies of the Countywide Plan that are not addressed by the Coastal Act and the LCP (e.g. policies that address education, diversity, and public health) apply throughout the entire County, both within and outside the Coastal Zone.

### Components of the Local Coastal Program

For purposes of submittal to the California Coastal Commission, as required by Coastal Act Section 30500, the an LCP is comprised of the a Land Use Plan, the an Implementation Program, and all accompanying land use and zoning maps, and, where necessary, other implementing actions including those represented in the Appendices. 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 Marin County’s LCP Land Use Plan contains 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 Land Use Policy maps (Map Set 18a–18m) also form part of the Land Use Plan.

The A second major component of the an LCP is referred to by the Coastal Commission as the Implementation Program (IP). In Marin County’s case, this component consists of the coastal zone-specific portions of the Marin County Development Code and the zoning maps of-for the Coastal Zone (Map Set 29a–29l). The 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, as well as detailed procedures for applicants to follow in order to obtain a coastal permit.

Finally, Marin County's LCP includes the resource and other maps found in the published set of maps and Appendices 1 through 8, as described above.

### The Coastal Permit

The A—primary tool for implementing the LCP is the “coastal permit.” Most Many types of land development activities require that a coastal permit be issued by Marin County. Certain projects, such as those that involve work on tidelands around the margin of Tomales Bay, require a coastal permit from the California Coastal Commission (a state agency) rather than from the County.

The Marin County Community Development Agency (CDA) is responsible for implementing the LCP and for reviewing coastal permit applications. The CDA assists property owners and developers to determine whether their proposed project requires a coastal permit, whether the coastal permit should be obtained from Marin County or the Coastal Commission, and whether other types of permits from the County may also be required. Certain coastal permits approved by Marin County are appealable to the California Coastal Commission by an interested party who does not agree with the County's decision regarding the permit. Such permits are known as “appealable” permits (see the categorical exclusion areas as shown on Maps 27a—27k and appeal and permit jurisdiction areas on Maps 28a and 28b).

**Interpretation of the Land Use Plan** (Note: this section is being replaced with a new chapter related to Policy Interpretation)

**Policy Interpretation.** For consistency with the Marin Countywide Plan and other County documents, most of the policies contained in the LUP have been written in the imperative form. In other words, the policy sentence begins with a verb that gives instructions or directions (for example, “limit roads in the Coastal Zone to two lanes” or “preserve and restore structures with special character.”) Where the imperative form is used, the policy should be interpreted as being a mandatory requirement which, if written in a “subject verb” format, would incorporate the term “shall” (for example, “roads in the Coastal Zone shall be limited to two lanes” or “structures with special character shall be preserved and restored”). Alternatively, a policy statement which incorporates the term “should” is not mandatory, but strongly recommended, whereas a policy statement which uses “may” is permissive. Finally, the term “including” should be interpreted to mean “including but not limited to...”

**Conflicts with existing laws.** The LCP is guided by all applicable laws, and none of the provisions of the LCP will be interpreted by the County in a manner which violates those local, state, or federal laws. In particular, as consistent with Coastal Act Section 30010, Marin County will not grant or deny a permit in a manner that would take or damage private property for public use, without the payment of just compensation. The term “take” derives from the Fifth Amendment of the U.S. Constitution, which states, in part: “. . . nor shall private property be taken for public use, without just compensation.”

**Effects of headings and titles.** Each LUP policy is accompanied by a heading or title. These are provided for convenience only. To the degree that these headings or titles conflict with the text they accompany, the text shall govern.

**Relationship to community plans.** Community plans are considered part of the Marin Countywide Plan (CWP) and supplement the CWP by providing local goals and objectives that pertain to an individual community. With the exception of Dillon Beach and the Bolinas Gridded Mesa area, existing community

plans in Marin's coastal zone were not certified by the Coastal Commission and thus are not a formal part of the LCP. However, the provisions of these plans do govern any permits issued under the CWP, such as Design Review and Use Permits, which are applicable to a majority of development in the Coastal Zone. In addition, the LUP incorporates many community plan policies that were identified by members of the communities as being appropriate to be part of the LCP. Accordingly, although the community plans themselves are separate documents from the LCP, they remain as important and relevant policy guides for development in their respective communities.

### Administrative Manual and Appendices

As noted previously, Appendices 1 through 8 constitute part of the LCP. These Appendices contain elements that are essential to the interpretation and application of Land Use Plan policies. For instance, Appendix 2 contains the list of recommended Public Coastal Accessways referred to in Land Use Plan Policy C-PA-6 "Acquisition of New Public Coastal Accessways through Suitable Means." To improve readability of the Land Use Plan, this detailed list has been placed in an Appendix rather than in the body of the Land Use Plan itself.

The Administrative Manual and remaining material (Background Reports 1 through 7) Appendices contains background and supporting information that is intended to assist permit applicants and members of the public. The materials contained in these sections Background Reports are not part of the LCP for purposes of the California Coastal Act. The Administrative Manual contains the following items:

- ◆ "Categorical Exclusion Orders," which are documents adopted by the California Coastal Commission in order to exempt certain specified developments, as provided by law, from the need to obtain a coastal permit. (The Categorical Exclusion Orders require approval by the Coastal Commission under procedures separate from those that apply to LCPs, and therefore they are not part of the LCP)
- ◆ A chart entitled "When Is a Coastal Permit Required?" that describes various types of development projects and indicates whether or not a coastal permit is required.
- ◆ Maps of the Coastal Zone, and maps of areas in which a coastal permit decision may be appealed to the California Coastal Commission
- ◆ Guidelines for development in mapped districts called "Areas of Special Character and Visitor Appeal" (formerly called "historic preservation" areas)
- ◆ Coastal permit application forms and other forms
- ◆ *Development Approval Process in Detail* (a comprehensive description of coastal permits and how they are related to other County land use permits, as well as a brief history of the Marin County LCP)

The Appendices are as follows:

Appendix 1: Policies of Chapter 3 of the California Coastal Act of 1976

Appendix 2: Local Coastal Program Framework

Appendix 3: Unit I Existing and Proposed Policy Comparison

Appendix 4: Unit II Existing and Proposed Policy Comparison

Appendix 5: List of Recommended Public Coastal Accessways

Appendix 6: Inventory of Visitor-Serving, Commercial, and Recreational Facilities in the Coastal Zone

Appendix 7: Coastal Village Community Character Review Checklist

Appendix 8: Design Guidelines for Construction in Areas of Special Character and Visitor Appeal and for Pre-1930's Structures

Appendix 9: Seadrift Settlement Agreements

Appendix 1: List of Recommended Public Coastal Accessways

Appendix 2: Inventory of Visitor-Serving, Commercial, and Recreation Facilities in the Coastal Zone

Appendix 3: Coastal Village Community Character Review Checklist (Local Coastal Program Historic Review Checklist)

Appendix 4: Design Guidelines for Construction in Areas of Special Character and Visitor Appeal and For Pre-1930's Structures

Appendix 5: Seadrift Settlement Agreement

Appendix 6: 1977 Wagner Report "Geology for Planning, Western Marin County"

Appendix 7: Categorical Exclusions Orders and Maps

Appendix 8: Certified Community Plans:

a. Dillon Beach Community Plan

b. Bolinas Gridded Mesa Plan

The Background Reports are as follows:

1. Policies of Chapter 3 of the California Coastal Act of 1976
2. Local Coastal Program Framework, including background information about the history of the LCP, how coastal permit requirements are implemented, and related materials
3. Unit I Existing and Proposed Policy Comparison
4. Unit II Existing and Proposed Policy Comparison
5. Biological Text Excerpts from Unit I and II LCP
6. Land Use Analysis
7. Agricultural Land Analysis

[BOS app. 10/2/12]





# Interpretation of the Land Use Plan

## Interpretation of the Land Use Plan (INT)

### **Background**

The Marin County Local Coastal Program (LCP) is the primary document that governs land development in the Marin County Coastal Zone. However, the policies of the LCP must be applied and interpreted within the context of other applicable Local, State, and Federal laws, as well as other local plans, policies and regulations. The following policies apply to the interpretation of all policies within the Natural Systems and Agriculture, Built Environment, and Socioeconomic Sections of the Land Use Plan.

### **Policies**

**C-INT-1 Consistency with Other Law.** The policies of the Local Coastal Program are bound by all applicable Local, State and Federal laws, and none of the provisions of the LCP will be interpreted by the County in a manner which violates those laws. In particular, as required by the Coastal Act, Public Resources Code Section 30010, Marin County shall not grant or deny a permit in a manner that would take or damage private property for public use, without the payment of just compensation therefore. This policy is not intended to increase or decrease the rights of any property owner under the Constitutions of the State of California or the United States.

**C-INT-2 Precedence of LCP.** The LCP supersedes and takes precedence over other local plans, policies and regulations, including any conflicting provisions of the Countywide Plan, Community Plans and relevant sections of the Marin County Code. Provisions that are not addressed by the Coastal Act and the LCP (e.g. policies that address education, diversity, public health, etc.) that apply throughout the County, also apply within the Coastal Zone. Where conflicts occur between one or more provisions of the LCP such conflicts shall be resolved in a manner which on balance is the most protective of significant coastal resources. Broader policies which, for example, serve to concentrate development in close proximity to urban and employment centers may be more protective, overall, than specific wildlife habitat and other similar resource policies.

**C-INT-3 Community Plans.** Community plans are part of the Marin Countywide Plan (CWP), and are implemented through measures such as Design Review and Use Permits. The existing Dillon Beach and Bolinas Gridded Mesa community plans have been certified by the Coastal Commission and made part of the LCP; all other community plans have not. However, the public LCP process identified many community plan policies that have been directly incorporated into, and will be implemented through, the LCP. Although separate from the LCP, community plans remain as important and relevant policy guides for development in their respective communities.

**C-INT-4 Terminology.** The following rules of interpretation shall apply, consistent with Marin County Development Code Sec.20.02.020.

1. Where the imperative form of a verb is used to start a policy, the policy will be interpreted as being a mandatory requirement which, if written in a “subject-verb” format, would incorporate the term “shall.” When used in the Land Use Plan, the words "shall," "will," "is to," and "are to"

are always mandatory. "Should" is not mandatory but is strongly recommended; and "may" is permissive. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise.

"Including" means ". . . including but not limited to. . .".

2. Policy headings and titles are provided for convenience only. To the degree that these headings or titles conflict with the text they accompany, the text shall govern.

[BOS app. 10/2/2012]



*Photo courtesy of: Kurt Schroeder*

# Natural Systems and Agriculture

## Introduction

In the Marin County Coastal Zone, development is closely intertwined with the natural environment. Villages, homes, farms, and parks co-exist with natural communities of plants and animals. Water and biological resources are abundant, providing sustenance to wildlife as well as beauty and pleasure to residents and visitors. Agriculture, mariculture and open space are mainstays of both community character and the local economy. Yet these resources are vulnerable. Poorly planned land development and construction can degrade or eliminate the values of sensitive habitat areas, agricultural productivity, and the open, unspoiled character of the Marin County Coastal Zone. The Local Coastal Program (LCP) therefore includes strong policies requiring that new development is undertaken in a way that assures the protection of natural resources.

The Natural Systems and Agriculture section addresses the following subjects:

- ◆ Agriculture (AG)
- ◆ Biological Resources (BIO)
- ◆ Environmental Hazards (EH)
- ◆ Mariculture (MAR)
- ◆ Water Resources (WR)





*Photo courtesy of: Katherine Mindel Jones*

## Agriculture (AG)

### Background

The rolling coastal hills and stream valleys of the Marin County Coastal Zone provide an exceptional environment for a distinctive type of agriculture that takes advantage of high quality grasslands sustained by the cool, moist conditions that prevail much of the year. Animal agriculture makes up the greatest part of the County's total agricultural production. This includes beef cattle, sheep, poultry and eggs, as well as dairy cows and the milk, yogurt, and cheese they yield. While the hilly terrain, pervasiveness of non-prime soils, and scarcity of dependable water sources limit intensive row crop cultivation through most of the Coastal Zone, a number of farms, many of them organic, raise fruits, vegetables, flowers, nuts and other crops.

In Marin County, coastal agriculture is important as an essential livelihood, a foundation for regional economic activity, and a wholesome, local source of food for residents of the Bay Area and beyond. It is estimated that every dollar of agricultural production yields a multiple of 2.5 additional dollars contributed to the local economy in employment opportunities, support industries, and tourism. In addition to economic benefits, agricultural land use also provides crucial ecosystem services such as the maintenance of soil fertility and structure, wildlife habitat and biodiversity, watershed benefits, nutrient cycling, and carbon sequestration. Finally, the working agricultural landscape provides world-class views, a pastoral frame for Marin's distinctive coastal villages, and an extraordinary open space backdrop for the myriad of recreational activities offered throughout the Coastal Zone. For all these reasons, the Local Coastal Program (LCP) policies seek to preserve viable agriculture as a permanent part of the fabric of coastal Marin for the benefit of residents, visitors, and the environment itself (see Map 3 - Protected Agricultural Lands).

The Coastal Act supports the continuation of agriculture on suitable lands in Sections 30241, 30241.5, and 30242. The conversion of land with prime agricultural soils to non-agricultural uses, such as

residential or commercial development, is strictly limited by the Act; however, very little of the land in Marin County's Coastal Zone is classified as prime (see Map 4 - Agricultural Land). The Coastal Act mandates that all other lands suitable for agricultural use shall not be converted to nonagricultural uses unless continued or renewed agricultural use is not feasible, or such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.



Achieving these goals depends on interdependent resources: the land itself, and the people and systems that make it agriculturally productive. Marin is fortunate to have a strong community dedicated to agriculture and its future, comprised of hard-working, experienced, and resourceful people. However, some important trends point to the need to adjust certain LCP provisions to help assure that future.

In an era of corporate, industrialized agriculture, the great majority of Marin farms and ranches are family owned and operated, with most of those the third or fourth generation working the land. Fluctuating commodity prices, the expense of investments needed to stay competitive, and the rising cost of farmland are only some of the challenges casting doubt over the future viability of coastal agriculture. One clear need is the ability to pass the reins to the younger generation, while providing for the retiring one. In 1997 the average age of Marin's principal agricultural operators was 55.7 years. By 2002 it had risen to 58.4, and in 2007, to 59.7. At the same time, the family unit itself is a critical part of maintaining agriculture. More than 85% of Marin farms had between one and four family members involved in their operation, and 71% had a family member interested in continuing ranching or farming. Providing policies that support current agriculture while responding to these important trends is one of the key objectives of the changes proposed to the LCP, especially the provisions for intergenerational homes (Policy C-AG-5).

Other policies similarly provide for the essentials sustaining agriculture. Over half our farms and ranches report hiring farm labor, but securing additional farmworker housing has been a challenge. Many agricultural activities, especially dairying, require workers close at hand. As with other commercial and visitor-serving support workers, the lack of suitable housing leads to longer commutes with attendant traffic congestion, pollution and greenhouse gas emissions. The LCP recognizes that farmworker housing is an integral part of the principal permitted use of agriculture (Programs C-AG-2.b and 2.c).

Prices for commodities such as milk and beef are notoriously volatile and unreliable, often placing Marin's relatively small producers in jeopardy. Recently, one of Marin's historical dairies had to go out of business. Marin agriculture has responded with innovation and creativity to secure its future. Responding to a Cooperative Extension survey, 29% of Marin operations report having added new productions or enterprises to their farm or ranch over recent years, and 24% are making value-added products. Proposed LCP policies would help support such agricultural diversification, including making it easier for small scale direct to consumer sales (Program C-AG-2.e).

While strengthening the economic vitality and long-term protection of agriculture, LCP policies work equally hard to deter the incursion of non-agricultural uses that would convert agricultural land and erode agricultural production. A key measure to continue the preservation of agriculture is the Agricultural

Production Zone (C-APZ), which limits the use of land to agriculture, or uses that are accessory to, in support of, and compatible with agriculture. Additional LCP policies protect the land itself, by limiting subdivision and non-agricultural uses, providing for long-term agricultural and stewardship plans, and by controlling the size of private residences. Together, the LCP agricultural policies shape a balanced strategy to assure the protection of agricultural lands and to continue agricultural uses throughout the Marin County Coastal Zone for generations into the future.

## Policies

**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. 10/10/11, 1/24/11)

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



**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 In the C-APZ zone, the principal permitted use shall be agriculture, defined as follows:

1. uses of land for the breeding, raising, pasturing, and grazing of livestock;
2. the production of food and fiber;
3. the breeding and raising of bees, fish, poultry, and other fowl;
4. the planting, raising, harvesting and producing of agriculture, aquaculture, horticulture, viticulture, viticulture, vermiculture, forestry crops, and plant nurseries;
5. substantially similar uses of an equivalent nature and intensity; and
6. accessory structures or uses appurtenant and necessary to the operation of agricultural uses, including one farmhouse per legal lot, one intergenerational home, agricultural worker housing, limited agricultural product sales and processing, educational tours, agricultural homestay facilities with three or fewer guest rooms, barns, fences, stables, corrals, coops and pens, and utility facilities (not including wind energy conversion systems and wind testing facilities).

Viticulture is a permitted use. 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 Policies C-AG-7, 8 and 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 other relevant LCP policies are applied.

[BOS app. 10/2/2012, 11/13/2012, 1/15/2013]

(PC app. 10/10/11, 1/24/11)

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

**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 LCP, including commercial gardening, crop production, dairy operations, beekeeping, livestock operations (grazing), livestock operations (large animals), and livestock operations (small animals). Review aspects of agricultural operations that are not currently excluded from coastal permit requirements to determine if there are additional categories of agricultural developments that do not cause adverse environmental impacts and, hence, could be eligible additions to the categorical exclusion.

[BOS app. 10/2/2012]

(PC app. 10/10/11, 1/24/11)

[New program, not in Unit I or II]

~~**Program C-AG-2.b Develop Implementation Measures for the C-APZ.**~~ (Program C-AG-2.b implemented by Development Code Section 22.62.060.B.1 and Table 5.1, deleted 1/23/12)

~~**Program C-AG-2.c Agricultural Worker Housing on Agricultural Lands.**~~ (Program C-AG-2.c implemented by Development Code Section 22.32.028, deleted 1/23/12)

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

Support the establishment of an amnesty program for unpermitted and legal non-conforming agricultural worker housing units in order to increase the legal agricultural worker housing stock and guarantee the health and safety of agricultural worker housing 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 written assurances of the long-term use by agricultural workers and their families. Any such program must be consistent with LCP requirements related to the type, location and intensity of land uses as well as applicable resource protection policies.



[BOS app. 10/2/2012]

(PC app. 1/9/12, 1/24/11)

*[New program, not in Unit I or II]*

**Program C-AG-2.e Community-Specific Retail Sales Policies.** 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).

(PC app. 1/9/12, 10/10/11, 1/24/11)

*[New program, not in Unit I or II]*

*(Note: Other agricultural sales and processing provisions originally included in Program C-AG-2.e implemented by Development Code Section 22.32.026 and 22.32.027)*

**Program C-AG-2.f Facilitate Agricultural Tourism.**

Review agricultural policies and zoning provisions and consider seeking to add educational tours, homestays and minor facilities to support them as a Categorical Exclusion.

(PC app. 10/10/11, 1/24/11)

*[New program, not in Unit I or II]*

**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. 10/10/11, 1/24/11)

*[Adapted from Interim County Code Section 22.57.040. This policy also carries forward the concept of Unit I Agriculture Policy 30, p. 35]*



~~**Program C-AG-3.a Protect Agriculture Use Where Combined with Residential Use (C-ARP).**~~ (Program C-AG-3.a implemented by Development Code Section 22.62.060.B.2, Table 5-1, and Section 22.65.050, deleted 1/23/12)

**C-AG-4 C-R-A (Coastal, Residential, Agricultural) District.** Apply the C-R-A 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. 10/10/11, 1/24/11)

*[Adapted from Interim County Code Section 22.57.020]*

~~**Program C-AG-4.a Provide for Small Scale Agriculture Combined with Residential (C-R-A).**~~ (Program C-AG-4.a implemented by Development Code Section 22.62.070.B.1 and Table 5-2, deleted 1/23/12)

**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 standards of *LCP Policy C-AG-7* and the building size limitations of *Policy C-AG-9*. Such intergenerational homes shall not be subject to the requirement for an Agricultural Production and Stewardship Plan (*C-AG-8*), permanent agricultural conservation easement (*C-AG-7*), 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.

(PC app. 2/13/12, 10/10/11, 1/24/11)

*[New policy, not in Unit I or II]*

**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. 10/10/11, 1/24/11)

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

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

Proposed development in the C-APZ zone shall be designed and constructed to preserve agricultural lands and to be consistent with all applicable standards and requirements of the LCP , and in particular the policies of the Natural Systems and Agriculture Element of the LUP.

A. **Standards for Agricultural Uses in the C-APZ:**

All of the following development standards apply:

1. Permitted development shall protect and maintain continued agricultural use and contribute to agricultural viability. **Development of agricultural facilities shall be sited to avoid agricultural land (i.e., prime agricultural land or other land suitable for agriculture) whenever possible, consistent with the operational needs of agricultural production. If use of agricultural land is**

necessary, prime agricultural land shall not be converted if it is possible to utilize other lands suitable for agricultural use. In addition, as little agricultural land as possible shall be converted.

[BOS app. 10/2/2012, 11/13/2012]

2. Development shall be permitted only where adequate water supply, sewage disposal, road access and capacity and other 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, have significant effects on groundwater resources, or significantly reduce freshwater inflows to water bodies, including Tomales Bay, either individually or cumulatively.
3. Permitted development shall have no significant adverse impacts on environmental quality or natural habitats, and shall meet all other applicable policies, consistent with the LCP.

4. In order to retain the maximum amount of land in agricultural production or available for future agricultural uses, farmhouses, intergenerational homes, and agricultural homestay facilities shall be placed in one or more groups along with any non-agricultural development 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.

[BOS app. 10/2/2012]

**B. Standards for Non-Agricultural Uses:**

In addition to the standards of Section A. above, all of the following development standards apply to non-agricultural uses, including division of agricultural lands or construction of two or more dwelling units (excluding agricultural worker or intergenerational housing). The County shall determine the density of permitted residential units only upon applying Policy C-AG-6 and the following standards and making all of the findings listed below.

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, 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. Any new parcels created shall have building envelopes outside any designated scenic protection area.

[BOS app. 10/2/2012]

2. The creation of a homeowners' 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. ~~Where c~~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 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 will not be further subdivided.

[BOS app. 2/26/2013]

4. Proposed development shall only be approved after making the following findings:
  - a. 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 ~~and or~~ enhance agricultural operations on the remainder of the property.
  - b. 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.
  - c. Appropriate public agencies are able to provide necessary services (fire protection, police protection, schools, etc.) to serve the proposed development without extending urban services.

[BOS app. 3/12/2013]

(PC app. 2/13/12, 1/9/11, 1/24/11)

*[Adapted from Unit II Agricultural Policies 4 and 5, pp. 98-99. This policy also carries forward Unit I Agriculture Policy 30, p.35.]*

**C-AG-8 Agricultural Production and Stewardship Plans.**

1. ~~A master plan may require s~~Submission of an Agricultural Production and Stewardship Plan (APSP); ~~An APSP 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 (3) below.

[BOS app. 10/2/2012]

2. The purpose of an APSP 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 APSP 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 APSP 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 APSP shall include conditions ensuring the proper, long-term implementation of the plan.

3. The requirement for an APSP shall not apply to agricultural worker housing or to 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.
4. Projects subject to the potential requirement of preparing an APSP 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 APSP program.

(PC app. 2/13/12, 10/10/11, 1/24/11)

*[Adapted from CWP Program AG-1.b, pp. 2-160 and 2-161]*

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

(PC app. 10/10/11, 1/24/11)

*[New program, not in Unit I or II]*

**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 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 farmhouse 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. 10/10/11, 1/24/11)

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

**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 the 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. 10/10/11, 1/24/11)

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



*Photo courtesy of: Deborah Ahern-Perchetti*

## Biological Resources (BIO)

### Background

The Marin County Coastal Zone contains a broad range of estuarine and marine environments, tidal marshes, freshwater wetlands, stream corridors, upland forests, chaparral, and grasslands.

Much of the Coastal Zone in Marin County is managed by the National Park Service, California Department of Parks and Recreation, and California Department of Fish and Game. These agencies place a high priority on resource stewardship along with serving recreation purposes. Various state and federal laws and regulations govern the definition and protection of biological resources, including the state and federal Endangered Species Acts and the federal Migratory Bird Treaty Act.

Despite a wealth of protections, biological resources remain vulnerable. Land development, if not well-planned and executed, can result in degradation of resources through loss or fragmentation of wildlife habitat, filling of crucial wetlands, and displacement of plant communities.

The Coastal Act places a high priority on the protection of biological resources. Strict limits are placed on development in environmentally sensitive habitat areas (ESHA). The Act defines such areas to encompass habitats that are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. In general, only land uses that are dependent on the habitat resources are allowable within ESHAs.

Wetlands are one class of ESHA and in California approximately 92 percent of our wetlands have been lost. The Coastal Act defines wetlands broadly and addresses both areas of substantial size, such as Bolinas Lagoon, and smaller, isolated wetlands, such as those formed by seeps or springs. Very limited types of development are allowed in wetlands and then only where there is no feasible less environmentally damaging alternative and feasible mitigation measures have been adopted.



Streams are another type of ESHA. Many species of animals and plants are dependent on them and on their associated riparian corridors, which are especially valuable as habitat connectors. The Coastal Act allows very limited types of development within streams, including necessary water supply projects, flood control projects, and habitat improvement projects.

Other sensitive biological resources in the County's coastal zone include dunes and beaches, salt marshes, fresh water marshes, tidal freshwater wetlands, riparian corridors, chaparral, and grasslands, which are fragile habitats that are

easily disturbed, as well as communities of rare plants, and essential habitats for protected species of fish and wildlife such as Snowy Plover (*Charadrius alexandrinusnivosus*), Myrtle's silverspot butterfly (*Speyeria zerene myrtleae*), California red-legged frog (*Rana draytonii*) and Central California coast steelhead (*Oncorhynchus mykiss*). This list is not exhaustive, but is meant to highlight those habitats that are prevalent in the Coastal Zone (see Map 5 – Vegetation, Map 6 – Special-status Species and Sensitive Natural Communities, and Map 7 – Wetlands and Streams).

The biological resources of Marin County include unique habitat areas that support wildlife and plants that maintain the function and integrity of the ecosystem. These areas not only serve an important ecological function, but they also have an intrinsic and aesthetic value to residents and visitors. The ecological importance of these areas has been recognized, such as the special designation of Bolinas Lagoon and Tomales Bay as "Wetlands of International Significance" by the Convention on Wetlands of International Importance, called the Ramsar Convention. This intergovernmental treaty provides the framework for national action and international cooperation for the conservation and wise use of wetlands and their resources. Bolinas Lagoon received its recognition on September 1, 1998, and Tomales Bay on September 30, 2002.

Bolinas Lagoon and Tomales Bay are part of a larger, relatively undisturbed complex of wetlands along the Marin/Sonoma coast that includes Drakes and Limantour Esteros, Abbotts Lagoon, Estero Americano, Estero de San Antonio, and Bodega Harbor. Tomales Bay, Bolinas Lagoon, and the waters along much of the County's ocean shoreline are also part of the Gulf of the Farallones National Marine Sanctuary. The area is within the Pacific flyway and supports approximately 20,000 wintering shorebirds, seabirds, and waterbirds both seasonally and year-round. Subtidal areas and extensive mudflats support diverse populations of invertebrates and provide nursery and feeding habitat for resident and migratory fish, while steelhead and coho salmon access streams in the watershed.

In Tomales Bay, eelgrass beds occur within the shallow waters at the northern end of the Bay that are critical for particular species of migratory birds, and for fish species such as Pacific herring. The rocky points, intertidal areas, and shoreline substrate in Tomales Bay provide habitat for many distinct invertebrate communities. The wetlands areas in Tomales Bay also serve as corridors to valuable spawning nurseries for the Coho salmon and Steelhead. Estero Americano and Estero de San Antonio are "seasonal estuaries" and their unique morphology result in a fjord-like quality which is not found in other California wetlands and results in a wide variety of species diversity and habitats.

The Coastal Zone also includes unique terrestrial habitats such as serpentine grasslands, chaparral habitat that contain endemic plants such as Mount Tamalpais Manzanita (*Arcostaphylos hookeri Montana*), and

coastal terrace prairie grasslands. In California, there has been a loss of 99% of native grasslands which offer valuable foraging and dispersal habitat for many wildlife species. The coastal dune communities provide habitat for several species of plants and animals that have adapted to the harsh environment of the shoreline and provide protection to inland areas from wave run-up generated by prolonged storms and high seas. The list of unique species and habitats of the Coastal Zone is extensive, which is evident in the amount of literature and research that has been produced in the region, as highlighted in the 1980 Marin County Local Coastal Programs, Unit I and Unit II.

In 1980 and 1981, respectively, the Marin County Local Coastal Program, Unit I and Unit II were certified by the State Coastal Commission. The original plans contain important information regarding the natural resources, geology, and historical development of the Coastal Region. This plan is a continuation of the direction and foundation of knowledge established in the original plans. Since approval of the original LCPs, certain programs have been completed and new knowledge gained; yet, there is still much more to learn. The policies in this chapter are based on the foundation of the original LCP's commitment to conservation and protection of our biological resources, while providing for development that is allowed under the Coastal Act and preserving the function and values of these areas. These policies are to be implemented in light of the best available science, including reports, studies, or plans that are now available or may be available in the future regarding environmental findings, such as:

- Bolinas Lagoon Ecosystem Restoration Project: Recommendations for Restoration and Management, Gulf of the Farallones National Marine Sanctuary Advisory Council, Bolinas Lagoon Restoration Project Working Group, 2008.
- Fisheries Assessment for Bolinas Lagoon Tributaries within the Golden Gate Area, Golden Gate National Park Service, 2002.
- Projecting the Future Evolution of Bolinas Lagoon, Marin County Open Space District, 2006
- Tidal Marsh Birds of the San Francisco Bay Region, Status, Distribution and Conservation of 5 Category 2 Taxa, USGS, 1997.

Implementation of the Local Coastal Program (LCP) is carried out, in part, through the use of mapped data. Maps of biological resources, including special status species, wetlands, and streams, are included in the LCP document. While these maps are important indicators of the presence of significant resources that require protection under LCP policies, additional information regarding such resources will become available through site-specific review of proposed projects, through future map updates, and through other means. Thus, protection of biological resources is not limited to those that are mapped in this document. Furthermore, LCP policies address areas adjacent to ESHAs and parks and recreation areas, and as knowledge about those areas increases or as park boundaries change through land acquisitions, the LCP policies will be applied accordingly.

This region is also home to nonprofit research organizations and institutions such as the Audubon Canyon Ranch and PRBO Conservation Science (formerly the Point Reyes Bird Observatory) Palomarin Field Station and Wetland Center that actively contribute to the growing body of research on conservation science which can be used to address problems related to watershed protection, habitat management, recreational pressures, invasive species, and other coastal management issues, and these databases of knowledge should be included in relevant discussion related to ESHAs.

Marin County's biological resources are intertwined with villages, farms, homes, and roads. LCP policies are designed to support the protection and enhancement of biological resources, while the activities of coastal residents and visitors continue to flourish.

## Policies

**C-BIO-1 Environmentally Sensitive Habitat Areas (ESHAs).** An environmentally sensitive habitat area (ESHA) is any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

ESHA consists of three general categories: wetlands, streams and riparian vegetation areas, and terrestrial ESHAs. Terrestrial ESHA refers to those non-aquatic habitats that support rare and endangered species; coastal dunes as referenced in C-BIO-7 (Coastal Dunes); roosting and nesting habitats as referenced in C-BIO-10 (Roosting and Nesting Habitats); and riparian vegetation that is not associated with a perennial or intermittent stream. The ESHA policies of C-BIO-2 (ESHA Protection) and C-BIO-3 (ESHA Buffers) apply to all categories of ESHA, except where modified by the more specific policies of the LCP. [BOS app. 10/2/2012, 11/13/2012, 1/15/2013]

- ~~2. Protect ESHAs against disruption of habitat values, and only allow uses within those areas that are dependent on those resources. Disruption of habitat values occurs when the physical habitat is significantly altered or when species diversity or the abundance or viability of species populations is reduced. The type of proposed development, the particulars of its design, and its location in relation to the habitat area, will affect the determination of disruption. Control public access to ESHAs, including the timing, intensity, and location of such access, to minimize disturbance to wildlife. Avoid fences, roads, and structures that significantly inhibit wildlife movement, especially access to water.~~
- ~~3. In areas adjacent to ESHAs and parks and recreation areas, site and design development to prevent impacts that would significantly degrade those areas, and to be compatible with the continued viability of those habitat and recreation areas.~~

(PC app. 1/23/12, 12/1/11, 1/24/11)

*[Adapted from Unit I Habitat Protection Policies 24 and 25, p. 34, and Unit II Natural Resources Policy 5, p. 74]*

~~**C-BIO-2 ESHA Protection. Development Proposal Requirements in ESHAs.** Allow development in or adjacent to an ESHA only when the type of development proposed is specifically allowed in the applicable Biological Resources Policies of the LCP. Consistent with Coastal Act Sections 30233 and 30236, development in wetlands, estuaries, streams and riparian habitats, lakes and portions of open coastal waters are limited as provided in C-BIO-14 through C-BIO-26.~~

~~[BOS app. 10/2/2012]~~

Prioritize avoidance of land use and development impacts to ESHAs. Where this is not feasible, Protect ESHAs against disruption of habitat values, and only allow uses within those areas that are dependent on those resources or otherwise provided in C-BIO-14 (Wetlands), C-BIO-15 (Diking, Filling, Draining and Dredging) or C-BIO-24 (Coastal Streams and Riparian Vegetation). Disruption of habitat values occurs when the physical habitat is significantly altered or when species diversity or the abundance or viability of species populations is reduced. The type of proposed development, the particulars of its design, and its location in relation to the habitat area, will affect the determination of disruption. *(relocated text from PC-Approved C-BIO-1.2)*

[BOS app. 10/2/2012, 11/13/2012]

Accessways and trails are resource dependent uses that shall be sited and designed to protect ESHAs against significant disruption of habitat values in accordance with Policy C-BIO-2.1. Where it is not feasible to avoid ESHA, the design and development of accessways and trails shall minimize intrusions to

the smallest feasible area or least impacting routes. As necessary to protect ESHAs, trails shall incorporate measures to control the timing, intensity or location of access (e.g., seasonal closures, placement of boardwalks, limited fencing, etc.). Control public access to ESHAs, including the timing, intensity, and location of such access, to minimize disturbance to wildlife. *(relocated text from PC-Approved C-BIO-1.2)*

[BOS app. 11/13/2013, 1/15/2013, 2/26/2013]

Avoid fences, roads, and structures that significantly inhibit wildlife movement, especially access to water. *(relocated text from PC-Approved C-BIO-1.2)*

[BOS app. 10/2/2012]

Except for those limited uses provided in C-BIO 2.1, C-BIO 14 (Wetlands), C-BIO 15 (Diking, Filling, Draining and Dredging), and C-BIO 24 (Coastal Streams and Riparian Vegetation), or as allowed pursuant to C-EH 25 (Vegetation Management in an ESHA), maintain ESHAs in their natural condition. Any permitted development in an ESHA. Such uses must also meet the following general requirements:

- a. There is no feasible less environmentally damaging alternative.
- b. Mitigation measures are provided that will eliminate adverse environmental effects when possible, or, when elimination is not possible, will minimize and reduce adverse environmental effects to less than significant levels.
- e. Disruption of the habitat values of the resources is avoided.

[BOS app. 11/13/2012]

Development proposals within or adjacent to ESHA will be reviewed subject to a biological site assessment prepared by a qualified biologist hired by the County and paid for by the applicant. Any development must also be determined to conform to all applicable Biological Resources policies in order to be permitted. This determination shall be based upon a site assessment which shall. The purpose of the biological site assessment is to confirm the extent of the ESHA, document any site constraints and the presence of other sensitive biological resources, recommend buffers, development timing, mitigation measures or precise required setbacks, provide a site restoration program where necessary, and provide other information, analysis and modifications appropriate to protect the resource necessary to demonstrate compliance with the LCP.

[BOS app. 10/2/2012]

(PC app. 12/1/11, 6/28/10)

*[Adapted from the concept of Unit II Natural Resources Policy 5.b, p. 74]*

**C-BIO-3 ESHA Buffers. — Environmentally Sensitive Habitats of Rare or Endangered Species and Unique Plant Communities.** *(Deleted 12/1/11)*

In areas adjacent to ESHAs and parks and recreation areas, site and design development to prevent impacts that would significantly degrade those areas, and to be compatible with the continued viability of those habitat and recreation areas. *(relocated text from PC-Approved C-BIO-1.3)*

Provide buffers for wetlands, streams and riparian areas-vegetation in accordance with C-BIO-19 and C-BIO-24, respectively.

[BOS app. 10/2/2012, 11/13/2012]

Establish buffers for terrestrial ESHA to provide separation from development impacts. Maintain such buffers in a natural condition, allowing only those uses that will not significantly degrade the habitat. Buffers for terrestrial ESHA shall be 50 feet, a width that may be adjusted by the County as appropriate to

protect the habitat value of the resource. Such adjustment shall be made on the basis of a biological site assessment supported by evidence that includes but is not limited to:

- a. Sensitivity of the ESHA to disturbance;
- b. Habitat requirements of the ESHA, including the migratory patterns of affected species and tendency to return each season to the same nest site or breeding colony;
- c. Topography of the site;
- d. Movement of stormwater;
- e. Permeability of the soils and depth to water table;
- f. Vegetation present;
- g. Unique site conditions;
- h. Whether vegetative, natural topographic, or built features (e.g., roads, structures) provide a physical barrier between the proposed development and the ESHA;
- i. The likelihood of increased human activity and disturbance resulting from the project relative to existing development.

[BOS app. 10/2/2012, 11/13/2012]

**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-2524 (Vegetation Management in an ESHA).

[BOS app. 10/2/2012]

(PC app. 2/13/12, 1/23/12, 6/28/10)

[Adapted from Unit I Habitat Protection Policy 22, p. 34, and Interim County Code Section 22.56.055]

**Program C-BIO-4.a Determine the Location of Heritage Trees and Visually Prominent Vegetation.** Develop a process for defining heritage trees and vegetation that is visually prominent or part of a significant view or viewshed, and for mapping areas in the Coastal Zone that contain such vegetation.

(PC app. 1/23/12)

[New Program, not in Unit I or II]

**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.

(PC app. 1/23/12)

[New Program, not in Unit I or II]



**C-BIO-5 Ecological Restoration.** Encourage the restoration and enhancement of degraded ESHAs and the creation of new ESHAs, and streamline regulatory processes whenever possible to facilitate the successful completion of restoration projects.  
(PC app. 12/1/11, 6/28/10)

*[New policy, not in Unit I or II]*

**Program C-BIO-5.a Determine Locations of ESHAs.** Continue to update the process for determining whether projects are within or adjacent to ESHAs. The process shall continue to be based on the best available scientific and geographic information and a level of review commensurate with the nature and scope of the project and the potential existence of an ESHA.

(PC app. 12/1/11, 6/28/10)

*[New program, not in Unit I or II]*

**Program C-BIO-5.b Allowed Development in an ESHA—“Safe Harbor” for Expansion of ESHA.**

Consider a future work item to encourage the expansion of ESHAs by establishing policies, procedures and criteria that would allow such enhancements and protect sensitive resources while maintaining affected properties to remain subject to pre-existing buffers. The size of any buffer designated as a result of this program would not be a precedent for the size of any buffer on any other development site. This program would lead to policies and implementing measures that would be subject to review and certification as an amendment to the LCP.

[BOS app. 10/2/2012, 11/13/2012]

(PC app. 1/23/12, 12/1/11, 6/28/10)

*[New program, not in Unit I or II]*



**C-BIO-6 Invasive Plants.** Where feasible, require the removal of non-native, invasive plant species such as pampas grass, brooms, iceplant, thistles and other invasive plant species on the list maintained by the California Invasive Plant Council in the areas of development and revegetate those areas with native plants as specified in Coastal Permit approvals. Ensure that required landscaping avoids use of non-native, invasive trees and plants in accordance with Policy C-DES-9 Landscaping. This policy does not apply to agricultural crops and pastures.

[BOS app. 10/2/2012]

(PC app. 12/1/11, 1/24/11)

*[Adapted from Unit I Habitat Protection Policy 28, p. 34]*

**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, and directing pedestrian traffic through signage and sand fencing to areas capable of sustaining increased use, and fencing. Prohibit motor vehicles in dune areas except for emergency purposes; prohibit motor vehicles in non-dune beach areas except for emergency and essential maintenance purposes and where previously permitted.

[BOS app. 10/2/2012, 11/13/2012, 1/15/2013]

(PC app. 2/13/12, 12/1/11, 6/28/10)

*[Adapted from Unit II Natural Resources Policy 5.a, p. 74]*

**C-BIO-8 Stringline Method of Preventing Beach Encroachment.** In a developed area where most lots are developed and where there are relatively few vacant lots, no part of a proposed new **structure development** (other than a shoreline protective device), including decks, shall be built farther onto a beachfront than a line drawn between the most seaward portions of the adjacent structures. Enclosed living space in **the a new unit or addition** shall not extend farther seaward than a second line drawn between the most seaward portions of the enclosed living space of the adjacent structures.

[BOS app. 10/2/2012]

[New policy, not in Unit I or II]

**C-BIO-9 Stinson Beach Dune and Beach Areas.** Prohibit development that would adversely impact the natural sand dune formation, **and** sandy beach habitat **and potential prescriptive rights** in the areas west of the paper street Mira Vista and the dry sand areas west of the Patios. Prohibit development west of Mira Vista, including erection of fences, signs, or other structures, to preserve the natural dune habitat values, vegetation and contours, as well as the natural sandy beach habitat, **and to protect potential public prescriptive rights over the area.** Continue to pursue a land trade between the lots seaward of Mira Vista and the street right-of-way to more clearly establish and define the boundaries between public and private beach areas.

Site development of other shorefront lots within the Stinson Beach and Seadrift areas outside of the natural sand dune formations, consistent with LUP Policy C-BIO-7 (Coastal Dunes). Where no dunes are evident, any new development on shorefront lots shall be set back behind the first line of terrestrial vegetation to the maximum extent feasible, in order to minimize the need for protective works, protect sandy beach habitat, and provide a buffer area between private and public use areas to protect both the scenic and visual character of the beach, and the public right of access to the use and enjoyment of dry sand areas.

[BOS app. 11/13/2012, 1/15/2013]

(PC app. 12/1/11, 6/28/10)

[Adapted from Unit I Natural Dune and Sandy Beach Protection Policies 19 and 20, p. 29]



**C-BIO-10 Roosting and Nesting Habitat.** Prohibit the alteration or removal of nsitivity of the placement **area** and roosting habitat for monarch butterflies **or other wildlife**, except where **they the trees** pose a threat to life or property.

[BOS app. 10/2/2012]

(PC app. 12/1/11, 6/28/10)

[Adapted from Unit I Habitat Protection Policy 22, p. 34]

**C-BIO-11 Development Adjacent to Roosting and Nesting Habitat.**

Development adjacent to wildlife nesting and roosting areas shall be set back a sufficient distance to protect against disruption in nesting and roosting activities and designed to avoid impacts on the habitat area. Time such development activities so that disturbance to nesting and breeding wildlife is minimized. To the extent feasible, use native vegetation for landscaping.

(PC app. 12/1/11, 6/28/10)

[Adapted from Unit I Habitat Protection Policy 23, p. 34]

**Program C-BIO-11.a Grassy Uplands Surrounding Bolinas Lagoon.** Collect and evaluate data and studies to determine the habitat values of upland grassland feeding areas around Bolinas Lagoon for shorebirds, and develop effective policies to protect these areas against significant disruption of habitat values. Limited grazing agricultural use of these lands may be permitted.

[BOS app. 10/2/2012]

(PC app. 12/1/11, 1/24/11)

[Adapted from Unit I Habitat Protection Policy 26, p. 34]

~~**C-BIO-13 Biological Productivity.**~~ (Moved to Water Resources as C-WR-18, deleted 12/1/11)

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

- ~~1. 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 prior to April 1, 1981, the date on which Marin's LCP was first certified. or in new areas where a Ranch Water Quality Plan has been approved by the California Regional Water Quality Control Board, or where the landowner demonstrates to the CDA's satisfaction that he/she has developed and implemented management measures in partnership with Marin Resource Conservation District, Natural Resource Conservation Service, or comparable agency to prevent adverse impacts to wetland functions and resources.~~

Where there is evidence that a wetland emerged primarily from agricultural activities (e.g., livestock management, tire ruts, row cropping) and does not provide habitat for any species that meet the definition of ESHA, such wetland may be used and maintained for agricultural purposes and shall not be subject to the buffer requirements of C-BIO-19 (Wetland Buffers).

[BOS app. 10/2/2012, 11/13/2012]

(PC app. 2/13/12, 1/23/12, 6/28/10)

[Adapted from Unit II Natural Resources Policy 4 (a – c), p. 74]

**C-BIO-15 Diking, Filling, Draining and Dredging.** Diking, filling, draining and dredging of coastal waters can have significant adverse impacts on water quality, marine habitats and organisms, and scenic features. Limit strictly the diking, filling, and dredging of open coastal waters, wetlands, and estuaries to the following purposes:

1. New or expanded commercial fishing facilities.
2. Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
3. Incidental public service purposes, including burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.
4. Mineral extraction, including sand for restoring beaches, except in ESHAs.

5. Restoration purposes.
6. Nature study, aquaculture, or similar resource-dependent activities.
7. Excluding wetlands, new or expanded boating facilities and the placement of structural pilings for public recreation piers that provide public access and recreational opportunities may be permitted. Only entrance channels, **access** or connecting walkways for new or expanded boating facilities shall be permitted in wetlands.
8. In the Esteros Americano and de San Antonio, limit any alterations to those for the purposes of **nature scientific** study and restoration.

[BOS app. 11/13/2012]

(PC app. 12/1/11, 1/24/11)

[Adapted from Unit II Diking, Filling and Dredging Policies 1 and 2, p. 136]

**~~C-BIO-16 Acceptable Purposes for Diking, Filling, and Dredging.~~** (Combined with C-BIO-15 above, 12/1/11)

**C-BIO-17 Conditions and Standards for Diking, Filling, Draining, and Dredging.** Diking, filling, draining or dredging may be permitted for the purposes specified in policy C-BIO-15 above provided that all of the following conditions and standards are met:

1. There is no feasible less environmentally damaging alternative.
2. Mitigation measures have been provided **in accordance with Policy C-BIO-21 (Wetland Mitigation) in order** to minimize adverse environmental effects.
3. The activities are planned, scheduled, and carried out to avoid significant disruption to marine and wildlife habitats, fish and bird breeding and migrations, and water circulation.
4. The need for both initial and maintenance dredging shall be minimized by careful design and location of facilities with respect to existing water depths, water circulation, siltation patterns, and by efforts to reduce controllable sedimentation.
5. In estuaries and wetlands, the diking, filling, or dredging shall maintain or enhance the functional capacity of the wetland or estuary.
- ~~6. Dike and fill projects in wetlands shall include mitigation measures specified in Policy C-BIO-21.~~

[BOS app. 10/2/2012]

(PC app. 12/1/11, 6/28/10)

[Adapted from Unit II Diking, Filling and Dredging Policy 3, p. 137]

**C-BIO-18 Spoils Disposal of Dredged Materials.** Require the disposal of dredged sediments to conform to the following standards:

1. The dredged **materials spoils** disposal site has been approved by all relevant agencies.
2. **Spoils disposal of dredged materials** shall be planned and carried out to avoid **significant** disruption to marine and wildlife habitats and water circulation.
3. Dredged **materials spoils** suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable longshore current systems.
4. The disposal of dredged **materials spoils** shall conform to the most recently approved dredging requirements promulgated or adopted by the State or Regional Water Quality Control Board.

[BOS app. 10/2/2012]

(PC app. 12/1/11, 6/28/10)

[Adapted from Unit II Diking, Filling and Dredging Policy 4, p. 137]

**C-BIO-19 Wetland Buffers.** Consistent with Policy C-BIO-3.1 (ESHA Buffers), maintain a buffer area, a minimum of 100 feet in width, in a natural condition along the periphery of all wetlands. A wider buffer may be required based on the results of a site assessment, if such an assessment is determined to be necessary, and the site assessment concludes that a buffer greater than 100 feet in width is necessary to protect wetland resources from the impacts of the proposed development, including construction and post-construction impacts. Coastal Permits shall not authorize No development shall be permitted within the wetland within these buffer areas unless such development the project is otherwise determined to be consistent with policy authorized by C-BIO-2 (ESHA Protection), C-BIO-14 (Wetlands), C-BIO-15 (Diking, Filling, Draining and Dredging, or Policy C-BIO-20 (Wetland Buffer Adjustments) and Exceptions.

[BOS app. 10/2/2012, 11/13/2012]

(PC app. 12/1/11, 6/28/10)

[Adapted from Unit I Lagoon Protection Policy 18, p. 28, and Unit II Natural Resources Policy 4.d, p. 74]

**C-BIO-20 Wetland Buffer Adjustments and Exceptions.** Consider granting adjustments and exceptions to the wetland buffer width standard identified in Policy C-BIO-19 in certain limited circumstances for projects that are implemented in the least environmentally damaging manner, as follows. Buffer adjustments may be considered for coastal permits if the following criteria are met:

- a. It is proposed on a legal lot of record located entirely within the buffer; or
- b. It is demonstrated that permitted development cannot be feasibly accommodated entirely outside the required buffer; or
- c. It is demonstrated that the permitted development outside the buffer would have greater impact on the wetland and the continuance of its habitat than development within the buffer; or
- d. The wetland was constructed out of dry land for the treatment, conveyance or storage of water and does not affect natural wetlands.

A buffer adjustment may be granted only if supported by the findings of a site assessment which demonstrate that the adjusted buffer, in combination with incorporated siting, design or other mitigation measures, will prevent impacts that significantly degrade the wetland and will be compatible with the continuance of the wetland ESHA. 1.—The County determines that the applicant has demonstrated that a 100-foot buffer is unnecessary to protect the resource because any disruption of the habitat values of the resource is avoided by the project and specific proposed protective measures are incorporated into the project. An adjustment to the wetland buffer may be granted only where:

- a.— There is no feasible less environmentally damaging alternative;
  - b.— Measures are provided that will eliminate adverse environmental effects when possible, or when elimination is not possible, will minimize and reduce adverse environmental effects to less than significant levels; and
  - e.— Any significant disruption of the habitat value of the resource is avoided.
- 2.— The wetland was artificially created for the treatment and/or storage of wastewater or domestic water.

A Coastal Permit authorizing a buffer adjustment shall require measures that create a net environmental improvement over existing conditions, in addition to what is otherwise required by minimum applicable

site development standards. Such measures shall be commensurate with the nature and scope of the project and shall be determined at the site level, supported by the findings of a site assessment or other technical document. Work required in accordance with this Policy shall be completed prior to occupancy. Appropriate measures may include but are not limited to:

- a. Retrofitting existing improvements or implementing new measures to reduce the rate or volume of stormwater run-off and improve the quality of stormwater run-off (e.g., permeable “hardscape” materials and landscape or site features designed to capture, absorb and filter stormwater);
  - b. Elimination of on-site invasive species;
  - c. Increasing native vegetation cover (e.g., expand continuous vegetation cover, reduce turf areas, provide native groundcover, shrubs and trees);
  - d. Reduction in water consumption for irrigation (e.g., drought-tolerant landscaping or high efficiency irrigation systems);
  - e. Other measures that reduce overall similar site-related environmental impacts.
3. The wetland was created as a flood control facility as an element of a stormwater control plan, or as a requirement of a National Pollutant Discharge Elimination System (NPDES) Permit, and the Coastal Permit for the development incorporated an ongoing repair and maintenance plan to assure the continuing effectiveness of the facility or stormwater control plan.

The buffer shall not be adjusted to a distance of less than 50 feet in width from the edge of the wetland. The project conforms to one of the purposes identified in policy C-BIO-14 or C-BIO-16.

[BOS app. 10/2/2012, 11/13/2012, 1/15/2013, 2/26/2013]

(PC app. 12/1/11, 6/28/10)

[New policy, not in Unit I or II]

**C-BIO-21 Wetland Impact Mitigation.** Where any dike and fill development is permitted in wetlands in conformity with this section, require mitigation measures to include, at a minimum, either acquisition of required areas of equal or greater biological productivity or opening up equivalent areas to tidal action; provided, however, that if no appropriate restoration site is available, an in-lieu fee sufficient to provide an area of equivalent productive value or surface areas shall be dedicated to an appropriate public agency, or such replacement site shall be purchased before the dike or fill development may proceed. A minimum ratio of 2:1 in area is required for on-site mitigation, a minimum ratio of 3:1 is required for off-site mitigation, and a minimum ratio of 4:1 is required for an in-lieu fee. Mitigations shall meet the following criteria:

1. No net losses shall occur in wetland acreage, functions, or values. This should include both direct impacts on wetlands and essential buffers, and consideration of potential indirect effects of development due to changes in available surface water and nonpoint water quality degradation. Detailed review of the adequacy of a proposed mitigation plan shall be performed as part of any required environmental review of the proposed development project to allow for a thorough evaluation of the anticipated loss, as well as the replacement acreage, functions, and values.
2. Restoration of wetlands is preferred to creation of new replacement wetlands, due to the greater likelihood of success.
3. Mitigation shall be implemented prior to and/or concurrently with the project activity causing the potential adverse impact to minimize any short-term loss and modification to wetlands.
4. An area of adjacent upland habitat shall be protected to provide an adequate buffer for wetland functions and values. Development shall be set back the minimum distance specified in Policy C-

BIO-19 (Wetland Buffers) to create this buffer, unless an adjustment is allowed and appropriate mitigation is provided where necessary, pursuant to Policy C-BIO-20 (Wetland Buffer Adjustments).

5. Mitigation sites shall be permanently protected and managed for open space and wildlife habitat purposes.
6. Mitigation projects must to the extent feasible minimize the need for ongoing maintenance and operational manipulation (e.g., dredging, artificial water-level controls, etc.) to ensure long-term success. Self-sustaining projects with minimal maintenance requirements are encouraged.
7. All plans to mitigate or minimize adverse impacts to wetland environments shall include provisions to monitor the success of the restoration project. The measures taken to avoid adverse impacts may be modified if the original plans prove unsuccessful. Performance bonds shall be required for all mitigation plans involving habitat creation or enhancement, including the cost of monitoring for five years post-completion.
8. Mitigation must be commensurate with adverse impacts of the wetland alteration and consist of providing similar values and greater wetland acreage than those of the wetland area adversely affected. All restored or created wetlands shall be provided at the minimum replacement ratio specified in this Policy (C-BIO-21) and shall have the same or increased habitat values as the wetland proposed to be destroyed.

Such mitigation measures shall not be required for temporary or short-term fill or diking; provided that a bond or other evidence of financial responsibility is provided to assure that restoration will be accomplished in the shortest period of time not to exceed 12 months.

[BOS app. 10/2/2012]

(PC app. 12/1/11, 6/28/10)

*[New policy, not in Unit I or II]*

**C-BIO-22 Tomales Bay Shoreline.** As part of the application for a coastal permit on any parcel adjacent to Tomales Bay, except where there is no evidence of wetlands, require the applicant to submit supplemental biological information prepared by a qualified biologist at a scale sufficient to identify the extent of the existing wetlands, based on Section 30121 of the Coastal Act and the area of the proposed buffer areas.

(PC app. 12/1/11, 6/28/10)

*[Adapted from Unit II Natural Resources Policy 4.e, p. 74]*



**C-BIO-23 Marine Resources.** Maintain, enhance, and, where feasible, restore marine resources. Provide special protection to areas and species of special biological or economic significance. Carry out uses of the marine environment in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

(PC app. 12/1/11, 6/28/10)

*[New policy, not in Unit I or II]*

**C-BIO-24 Coastal Streams and Riparian Vegetation.**

1. **Stream alterations.** Limit ~~river and stream dams, channelizations, diversions, dams, or similar~~ or other substantial alterations ~~to~~ of coastal streams ~~or the riparian vegetation surrounding them~~ to the following purposes:
  - a. Necessary water supply projects where no other less environmentally damaging method of water supply is feasible;
  - b. Flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development; or
  - c. Developments where the primary function is the improvement of fish and wildlife habitat.

~~Substantial alterations shall include channelizations, dams, or comparable projects which significantly disrupt the habitat value of a particular river or stream. Before any such activities substantial alterations that would significantly disrupt the habitat value of a stream are permitted, minimum flows necessary to maintain fish habitat and water quality, and to protect downstream resources (e.g. riparian vegetation, groundwater recharge areas, receiving waters, spawning habitats, etc.) and downstream users shall be determined by the Department of Fish and Game Wildlife and the Division of Water Rights of the State Water Resources Control Board. Prohibit new impoundments which, individually or cumulatively, would decrease streamflows below the minimum.~~

[BOS app. 10/2/2012, 11/13/2012]

2. **Access and Utility Crossings.** Access and utility crossings shall be accomplished by clear span bridging, unless other methods are determined to be less disruptive to the stream and/or riparian ESHA. Wherever possible, shared bridges or other crossings shall be used to provide access and utilities to groups of lots covered by this policy. Bridge abutments shall be located outside stream channels and designed to minimize disturbance of riparian vegetation.

[BOS app. 11/13/2012]

- ~~23.~~ **Conditions.** Minimize the alteration of streams allowed for the purposes listed in (1) and (2) above in order to protect streamwater quality and the volume and rate of streamflow. Require all such developments to incorporate the best mitigation measures feasible, including erosion and runoff control measures, and re-vegetation of disturbed areas with native species. Minimize the disturbance of riparian vegetation and require revegetation wherever possible.

[BOS app. 11/13/2012]

- ~~3.~~ **Stream Buffers.** ~~Establish buffers to protect streams from the impacts of adjacent uses for each stream in the Coastal Zone. The stream buffer shall include the area 50 feet landward from the outer edge of the riparian vegetation. In no case shall the stream buffer be less than 100 feet in width, on either side of the stream, as measured from the top of the stream banks.~~ **MOVED BUFFER REQUIREMENT TO A SEPARATE POLICY:**

**C-BIO-“TBD” Coastal Stream and Riparian Vegetation Buffers.** Consistent with Policy C-BIO-3.1 (ESHA Buffers), establish buffers to protect streams from the impacts of adjacent uses including development impacts from construction and post-construction activities, and maintain such buffers in a natural condition for each stream in the Coastal Zone. The stream buffer shall include be the wider of the following on both sides of the stream: (a) the area 50 feet landward from the outer edge of the riparian vegetation, or (b) the area. In no case shall the stream buffer be less than 100 feet landward feet in width,

on either side of the stream, as measured from the top of the stream banks. No development shall be permitted in the stream or riparian vegetation buffer unless such development is authorized by C-BIO-2 (ESHA Protection), C-BIO-24 (Coastal Streams and Riparian Vegetation) or C-BIO-25 (Stream and Riparian Buffer Adjustments).

[BOS app. 10/2/2012, 11/13/2012]

4. ~~Development in Stream Buffers. Prohibit development within stream buffers unless the project is otherwise designed to be consistent with policy C-BIO-25 Stream Buffer Adjustments and Exceptions.~~

[BOS app. 10/2/2012, 11/13/2012]

(PC app. 12/1/11, 1/24/11)

[Adapted from Unit I Stream Protection Policies 1 – 3, p. 19, and Unit II Natural Resources Policy 3 (a – d), p. 72]

### **C-BIO-25 Stream Buffer Adjustments and Exceptions.**

1. Consider granting adjustments and exceptions to the coastal stream buffer standards in policy C-BIO-24 in certain limited circumstances for projects that are undertaken in the least environmentally damaging manner. An adjustment or exception may be granted in any of the following circumstances. Buffer adjustments may be considered for coastal permits if the following criteria are met:
  - a. It is proposed on a legal lot of record located entirely within the buffer; or
  - b. It is demonstrated that permitted development cannot be feasibly accommodated entirely outside the required buffer; or
  - c. It is demonstrated that the permitted development outside the buffer would have greater impact on the stream or riparian ESHA and the continuance of its habitat than development within the buffer.
2. A buffer adjustment may be granted only if supported by the findings of a site assessment which demonstrate that the adjusted buffer, in combination with incorporated siting, design or other mitigation measures, will prevent impacts that significantly degrade the stream or riparian vegetation, and will be compatible with the continuance of the stream/riparian ESHA. ~~4. The County determines that the applicant has demonstrated that a 100/50-foot buffer (see Policy C-BIO-24(3)) is unnecessary to protect the resource because any disruption of the habitat value of the resource is avoided by the project and specific proposed protective measures are incorporated into the project. An adjustment to the stream buffer may be granted only where:~~
  - a. There is no feasible less environmentally damaging alternative;
  - b. Measures are provided that will eliminate adverse environmental effects when possible, or, when elimination is not possible, will minimize and reduce adverse environmental effects to less than significant levels; and
  - c. Any significant disruption of the habitat values of the resource is avoided.
2. Where a finding based upon factual evidence is made that development outside a stream buffer area either is infeasible or would be more environmentally damaging to the riparian habitat than development within the riparian protection or stream buffer area, limited development of principal permitted uses may occur within such area subject to appropriate mitigation measures to protect water quality, riparian vegetation, and the rate and volume of stream flows.

3. A Coastal Permit authorizing a buffer adjustment shall require measures that create a net environmental improvement over existing conditions, in addition to what is otherwise required by minimum applicable site development standards. Such measures shall be commensurate with the nature and scope of the project and shall be determined at the site level, supported by the findings of a site assessment or other technical document. Work required in accordance with this Policy shall be completed prior to occupancy. Appropriate measures may include but are not limited to:
  - a. Retrofitting existing improvements or implementing new measures to reduce the rate or volume of stormwater run-off and improve the quality of stormwater run-off (e.g., permeable “hardscape” materials and landscape or site features designed to capture, absorb and filter stormwater);
  - b. Elimination of on-site invasive species;
  - c. Increasing native vegetation cover (e.g., expand continuous riparian vegetation cover, reduce turf areas, provide native groundcover, shrubs and trees);
  - d. Improvement of streambank or in-stream conditions (e.g., replace bank armoring, slope back streambanks, create inset floodplains, install large woody debris structures), in order to restore habitat;
  - e. Reduction in water consumption for irrigation (e.g., drought-tolerant landscaping or high efficiency irrigation systems);
  - f. Other measures that reduce overall similar site-related environmental impacts.

3. Exceptions to the stream buffer policy may be granted for access and utility crossings when it has been demonstrated that developing alternative routes that provide a stream buffer would be infeasible or more environmentally damaging. Wherever possible, shared bridges or other crossings shall be used to provide access and utilities to groups of lots covered by this policy. Access and utility crossings shall be accomplished by bridging, unless other methods are determined to be less damaging, and bridge columns shall be located outside stream channels where feasible.

4. The buffer shall not be adjusted to a distance of less than 50 feet in width from the edge of the stream/riparian ESHA.

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.

5. The project conforms to the purposes and standards identified in policy C-BIO-24(1)

[BOS app. 10/2/2012, 11/13/2012, 1/15/2013, 2/26/2013]

(PC app. 2/13/12, 12/1/11, 6/28/10)

[Adapted from Unit I Stream Protection Policy 4, p. 19]

**C-BIO-26 Diversions Outside the Coastal Zone.** Require that the impacts from diversion projects, especially on the two major tributaries to Tomales Bay, Walker and Lagunitas Creeks, be fully studied through the CEQA process before they are permitted to proceed and in all cases, require mitigation and enhancement measures to ensure that coastal resources influenced by freshwater inflows are not significantly damaged.

(PC app. 12/1/11, 1/24/11)

[Adapted from Unit II Natural Resources Policy 3.e, p. 73]

**C-BIO-27 Federal Projects.** Federal projects which require the modification or alteration of natural resources shall be evaluated by the Coastal Commission through the consistency review process.  
(PC app. 12/1/11, 6/28/10)

*[Adapted from Unit II Federal Parklands Policy 3, p. 61]*

**C-BIO-28 California Parks and Recreation.** Support and encourage the environmental conservation, land and easement acquisition, and habitat restoration efforts of the California Department of Parks and Recreation.

(PC app. 12/1/11, 6/28/10)

*[New policy, not in Unit I or II]*

**C-BIO-29 Marin ~~County Parks and Open Space~~.** Support and encourage the environmental conservation, land and easement acquisition, and habitat restoration efforts of the Marin County ~~Parks Department of Parks and Open Space~~. In particular, conservation activities related to ~~beach areas, lagoons, wetlands, streams, existing and potential boat launching sites, recreational areas, and Tomales Bay and its shoreline~~ the following areas are considered a high priority in the Coastal Zone.:

- ~~Upton Beach in Stinson Beach~~
- ~~Bolinas Lagoon in Bolinas~~
- ~~Agate Beach in Bolinas~~
- ~~Bolinas Park in Bolinas~~
- ~~Chicken Ranch Beach in Inverness~~
- ~~Miller Park Boat Launch in Marshall~~
- ~~White House Pool in Inverness Park~~
- ~~Lawson's Landing area in Dillon Beach~~
- ~~Tomales Bay~~

**[BOS app. 10/2/2012]**

(PC app. 12/1/11, 6/28/10)

*[New policy, not in Unit I or II]*





*Photo courtesy of: Community Development Agency*

## Environmental Hazards (EH)

### Background

Marin County's shoreline, like all of California's coast, is a highly dynamic place. The coast is subject to forces that include shoreline erosion, storms and waves, long-term sea level rise, tsunamis, and potential seismic events, all of which represent hazards for existing and new development (see Maps 9 – 15). Coastal zone development, whether located at sea level, on a bluff, or farther inland, is vulnerable to one or more of these hazards.

Significant portions of California's coastline have been armored with rock revetments, seawalls, or other shoreline protective devices. Marin County's shoreline includes relatively few such devices, but shoreline armoring is not absent from the County's coastal zone. Although shoreline protective devices may offer protection to existing homes and other structures from ocean waves and storms, the devices can have negative impacts on recreational beach uses, scenic resources, and the natural supply of sand to other shoreline areas.

Sea level rise is expected to lead to increased erosion, loss of coastal wetlands, permanent or periodic inundation of low-lying areas, increase in coastal flooding, and salt water intrusion into stormwater systems and aquifers. Structures located along bluffs susceptible to erosion and in areas that already flood during high tides will likely experience an increase in these hazards from accelerated sea level rise. Sea level rise also threatens the integrity of roads and other infrastructure (see Map 15 - Sea Level Rise).

Coastal Act policies provide that new development shall minimize risks to life and property in hazardous areas. Furthermore, new development shall assure stability and structural integrity and not create or contribute significantly to geologic instability or other hazards. Coastal Act policies recognize that

shoreline protective devices are appropriate in certain instances, to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion. Under the Coastal Act, such devices, however, must be designed to eliminate or mitigate adverse impacts on local shoreline sand supply.

Local Coastal Program (LCP) policies would enhance the safety of residents and visitors in potentially hazardous areas, while allowing carefully designed and sited development to proceed. The LCP acknowledges the threat of sea level rise and supports appropriate responses, while recognizing that sea level rise is a global rather than a purely local issue. The impacts of sea level rise will vary according to local factors, such as shoreline characteristics, land movement driven by plate tectonics, and local wind patterns. Strategies to reduce impacts are most appropriately designed and implemented at the local level.

### Policies

**C-EH-1 Safety of New Development.** Ensure that new development during its economic life (100 years) is safe from, and does not contribute to, geologic or other hazards.

(PC app. 12/1/11, 3/16/09)

*[Adapted from Unit II New Development and Land Use Policy 5.a, p. 207]*

**C-EH-2 Avoidance of Environmental Hazards.** Require applicants for development in areas potentially subject to geologic or other hazards as mapped by the County at the time of coastal permit application, including Alquist-Priolo earthquake hazards zones, areas subject to tsunami runup, landslides, liquefaction, beach or bluff erosion, steep slopes averaging greater than 35%, unstable slopes regardless of steepness, flood hazard areas, or areas potentially inundated by accelerated sea level rise, to demonstrate that:

1. The area of construction is stable for development,
2. The development will not create a hazard or diminish the stability of the area, and
3. The development will not require the construction of shoreline protective devices during its economic life (100 years).

(PC app. 12/1/11, 3/16/09)

*[Adapted from Unit II New Development and Land Use Policy 5.a, p. 207]*

**C-EH-3 Applicant's Assumption of Risk.** As a condition of coastal permit approval for development in hazardous areas, require the applicant to record a document exempting the County from liability for any personal or property damage caused by natural hazards on such properties and acknowledging that future shoreline protective devices to protect structures authorized by such coastal permit will not be allowed during the structure's economic life.

(PC app. 12/1/11, 1/24/11)

*[Adapted from Unit I Shoreline Protection and Hazard Areas Policy 4, p. 41, and Unit II New Development and Land Use Policy 5.a, p. 207]*

**C-EH-4 Seismic Hazard Standards.** Require development to meet the seismic safety standards of the Alquist-Priolo Act (Calif. Public Resources Code Section 2621, et seq.).

(PC app. 12/1/11, 5/26/09)

*[Adapted from Unit I Shoreline Protection and Hazard Areas Policy 2, p. 41]*

**C-EH-5 New Blufftop Development.** Ensure that new blufftop development is safe from bluff retreat. New structures except as provided by C-EH-15 and C-EH-16 including accessory structures and infill development (i.e., new development between adjacent developed parcels) shall be set back from the bluff edge a sufficient distance to reasonably ensure their stability for the economic life of the development and to eliminate the need for shoreline protective works. Such assurance shall take the form of a quantitative slope stability analysis demonstrating a minimum factor of safety against sliding of 1.5 (static) or 1.2 (pseudostatic,  $k=0.15$  or determined through analysis by the geotechnical engineer). Such stability must be demonstrated for the predicted position of the bluff following bluff recession during the 100-year economic life of the development. The predicted bluff retreat shall be evaluated considering not only historical bluff retreat data, but also acceleration of bluff retreat due to continued and accelerated sea level rise, and other climate impacts according to best available science.

(PC app. 12/1/11, 1/25/10)

*[Adapted from Unit I Shoreline Protection and Hazard Areas Policy 1, pp. 40-41, and Unit II New Development and Land Use Policy 5.b, p. 207]*

~~**Program C-EH-5.a Determine Appropriate Setbacks for Blufftop Development.**~~ *(Program C-EH-5.a implemented by Development Code Section 22.64.060.A.2 and B.2, deleted 1/23/12)*

~~**Program C-EH-5.b Require Developers of Blufftop Parcels to Investigate Geologic Hazards.**~~ *(Program C-EH-5.b implemented by Development Code Section 22.64.060.A.2, deleted 1/23/12)*

**C-EH-6 Proper Drainage on Blufftop Parcels.** Ensure that surface and subsurface drainage associated with development of any kind beyond the required bluff edge setback shall not contribute to the erosion of the bluff face or the stability of the bluff itself.

(PC app. 12/1/11, 3/16/09)

*[Adapted from Unit II New Development and Land Use Policy 5.c, p. 208]*

~~**Program C-EH-6.a Require Proper Drainage Plans.**~~ *(Program C-EH-6.a implemented by Development Code Section 22.64.060.A.3, deleted 1/23/12)*

**C-EH-7 New Structures on Bluff Faces.** Prohibit additional permanent structures on bluff faces, except for engineered public beach access where no feasible alternative means of public access exists. Such structures shall be designed and constructed to be visually compatible with the surrounding area to the maximum extent feasible and to minimize effects on erosion of the bluff face.

(PC app. 12/1/11, 3/16/09)

*[New policy, not in Unit I or II]*

~~**C-EH-8 Bluff Erosion Zone along the Bolinas Bay Side of the Mesa**~~ *(Deleted 12/1/11)*

~~**C-EH-9 Bluff Erosion Zone along the Pacific Ocean Side of the Mesa.**~~ *(Deleted 12/1/11)*



**C-EH-10 Limited Waivers Based on Appropriate Engineering.** *(Deleted 12/1/11)*

**C-EH-11 Minimum Floor Elevations in the Flood Velocity Zone at Seadrift.** For new development within the Seadrift Subdivision located in the special flood hazard (V zone) as mapped by the Federal Emergency Management Agency, measure the maximum allowable building height from the minimum floor elevation required by the special flood hazard zone designation.

(PC app. 12/1/11, 1/25/10)

*[New policy, not in Unit I or II]*

**C-EH-12 Floor Elevations Requirements for Existing Buildings in Flood Hazard Zones.**

Within flood hazard zones as mapped by the Federal Emergency Management Agency, allow existing buildings that are encroaching into a required ~~property line~~ **yard setback** to be raised ~~to meet the minimum floor above the base flood~~ elevation without the need for a variance to setback requirements, as long as **the finished floor is not more than 18 inches above the base flood elevation and the extent of the encroachment is not expanded.** ~~building's internal floor area.~~

**[BOS app. 12/11/2012]**

(PC app. 12/1/11, 1/25/10)

*[New policy, not in Unit I or II]*

**Program C-EH-12.a Address Tsunami Potential.** Review tsunami wave run-up and inundation maps, when available, along with other applicable information to be considered in coastal planning and development.

(PC app. 12/1/11, 1/25/10)

*[New program, not in Unit I or II]*

**C-EH-13 Shoreline Protective Devices.** Discourage shoreline protective devices (i.e., shoreline armoring) in the Coastal Zone due to their visual impacts, obstruction of public access, interference with natural shoreline processes and water circulation, and effects on marine habitats and water quality.

Allow the construction or reconstruction of a shoreline protective device, including revetments, breakwaters, groins, seawalls, or other artificial structures for coastal erosion control, only if each of the following criteria is met:

1. The shoreline protective device is required to serve a coastal-dependent use or to protect a principal structure, residence, or second residential unit in existence prior to the adoption of the Local Coastal Program (May 13, 1982) or a public beach in danger from erosion.
2. No other non-structural alternative, such as sand replenishment, beach nourishment, or managed retreat is feasible.
3. The condition causing the problem is site specific and not attributable to a general erosion trend, or the project reduces the need for a number of individual projects and solves a regional erosion problem.
4. It can be shown that a shoreline protective device will successfully eliminate or mitigate its effects on local shoreline sand supply and that the device will not adversely affect adjacent or other sections of the shoreline.

5. The shoreline protective device will not be located in wetlands or other significant resource or habitat area, and will not cause significant adverse impacts to fish or wildlife.
6. There will be no reduction in public access, use, or enjoyment of the natural shoreline environment, and construction of a shoreline protective device will preserve or provide access to related public recreational lands or facilities.
7. The shoreline protective device will not restrict navigation, mariculture, or other coastal use and will not create a hazard in the area in which it is built.
8. The shoreline protective device may be authorized for a specified time period depending on the nature of the project and other possible changing conditions. Maintenance beyond the specified time period, modification, or expansion of the approved device shall require approval of an amendment to the Coastal Permit.

(PC app. 1/23/12)

*[Adapted from Unit I Shoreline Protection and Hazard Areas Policy 5, p. 42, and Unit II Shoreline Structure Policies 1 and 2, p. 132]*

**~~Program C-EH-13.a Require Proper Engineering for Shoreline Protective Devices.~~**

*(Program C-EH-13.a implemented by Development Code Section 22.64.060.A.4, deleted 12/1/11)*

**C-EH-14 Design Standards for the Construction of Shoreline Protective Devices.** Ensure that the design and construction of any shoreline protective device shall:

1. Be treated to blend in visually with the natural shoreline;
2. Respect natural landforms to the greatest degree possible;
3. Include mitigation measures to offset any impacts on fish and wildlife resources caused by the project;
4. Minimize and mitigate for the impairment and interference with the natural movement of sand supply and the circulation of coastal waters;
5. Address the geologic hazards presented by construction in or near Alquist-Priolo earthquake hazard zones;
6. Minimize the displacement of beach; and
7. If necessary, be combined with efforts to control erosion from surface and groundwater flows.

(PC app. 12/1/11, 5/26/09)

*[Adapted from Unit II Shoreline Structures Policy 5, p. 133]*

**C-EH-15 Temporary Accessory Structures in Hazardous Areas.** Design and construct accessory structures, including patios and gazebos, on shoreline parcels in such a manner that they could be relocated landward should they become threatened by shoreline erosion. Require the applicant as a condition of permit approval to agree:

1. To remove the accessory structure(s) if determined by the Marin County Division of Building and Safety to be threatened imminently by shoreline erosion, and
2. That no shoreline protective device will be allowed for the sole purpose of protecting the accessory structure.

(PC app. 12/1/11, 5/26/09)

*[New policy, not in Unit I or II]*

**C-EH-16 Shoreline Access Facilities and Bluff Stability.** Allow shoreline access facilities, including stairways or ramps, only when they will not cause, expand, or accelerate instability of a bluff.  
(PC app. 12/1/11, 1/25/10)

*[New policy, not in Unit I or II]*

**C-EH-17 Creation of New Parcels of Land that Would Require Protection Against Coastal Erosion.** Prohibit the division of land abutting the ocean, bays, lagoons, or other coastal water bodies unless the new parcels can be developed with structures that will not require a shoreline protective device during their economic life.

(PC app. 12/1/11, 5/26/09)

*[New policy, not in Unit I or II]*

**C-EH-18 Re-Establishment of Dunes in Conjunction with Shoreline Protective Devices.** To minimize visual and sand transport impacts, require that any permit granted to construct a shoreline protective device shall include the re-establishment of the former dune contour and appearance, where feasible.

(PC app. 12/1/11, 5/26/09)

*[Adapted from Unit I Shoreline Protection and Hazard Areas Policy 6, p. 42]*

**C-EH-19 Maintenance Needs for the Shoreline Protective Device at Seadrift.** Refer inquiries regarding permit requirements for maintenance of the rock revetment as permitted by Coastal Commission permit #A-1-MAR-87-235-A issued August 31, 1994 to the Coastal Commission. Extraordinary maintenance includes placement of any material on or adjacent to the seaward face of the revetment (other than replacement of dislodged material as described below) and/or which expands the height or length of the revetment. No coastal permit shall be required for ordinary maintenance of the revetment, which is defined to include removal from the beach of any rocks or other material which become dislodged from the revetment or moved seaward from the identified footprint, replacement of such materials on the revetment, minor placement of sand over the revetment from a source other than the Bolinas Sandspit Beach, planting of dune grass on the revetment, and similar activities. (For more information, see the Seadrift settlement agreement in Appendix 9.)

(PC app. 12/1/11, 5/26/09)

*[New policy, not in Unit I or II; taken from the Seadrift settlement agreement]*

**C-EH-20 Advance Planning for Emergency Shoreline Protection Needs.** Encourage property owners subject to ocean-front erosion hazards to develop responses to such hazards prior to emergency conditions. Where contiguous properties are subject to generally similar erosion hazards, joint program development should occur.

(PC app. 12/1/11, 5/26/09)

*[Adapted from Unit I Shoreline Protection and Hazard Areas Policy 8, p. 42. This policy also carries forward the concept of Unit I Shoreline Protection and Hazards Areas Policy 7, p. 42]*

**C-EH-21 Emergency Shoreline Protective Devices.** Upon receipt of a request for an emergency shoreline protective device, notify the Coastal Commission if time allows. Approve emergency shoreline protective devices on a temporary basis only and require removal of the structure unless a coastal permit is approved for permanent placement of the structure. A coastal permit application must be submitted within 60 days following construction of the shoreline protective device. If dunes are present on the project site, require that re-establishment of the former dune contour and appearance shall occur within 60 days following construction of a shoreline protective device.

(PC app. 12/1/11, 1/24/11)

*[Adapted from Unit I Shoreline Protection and Hazard Policy 9, p. 43]*

**~~Program C-EH-21.a Proper Engineering of Emergency Shoreline Protective Devices.~~**  
*(Program C-EH-21.a implemented by Development Code Section 22.70.140.B, deleted 2/13/12)*

**C-EH-22 Sea Level Rise and Marin's Coast.** Support scientific studies that increase and refine the body of knowledge regarding potential sea level rise in Marin, and possible responses to it.  
(PC app. 12/1/11, 1/24/11)

*[New policy, not in Unit I or II; adapted from CWP Policy EH-1.2, p. 2-73]*

**Program C-EH-22.a Research and Respond to the Impacts of Sea Level Rise on Marin County's Coastal Zone Shoreline.**

1. Continue to gather information on the effects of sea level rise on Marin County's Coastal Zone shoreline, including identifying the most vulnerable areas, structures, facilities, and resources; specifically areas with priority uses such as public access and recreation resources, including the California Coastal Trail, Highway 1, significant ESHA such as wetlands or wetland restoration areas, open space areas where future wetland migration would be possible, and existing and planned sites for critical infrastructure.

Any vulnerability assessment shall use best available science and multiple scenarios including best available scientific estimates of expected sea level rise, such as by the Ocean Protection Council [e.g. 2011 OPC Guidance on Sea Level Rise], Nation Research Council, Intergovernmental Panel on Climate Change, and the West Coast Governors Association.

2. Based on information gathered over time, propose additional policies and other actions for inclusion in the LCP in order to address the impacts of sea level rise. As applicable, recommendations may include such actions as:
  - a. relocation of existing or planned development to safer locations, working with entities that plan or operate infrastructure, such as Caltrans
  - b. changes to LCP land uses, and siting and design standards for new development, to avoid and minimize risks;
  - c. changes to standards for wetland, ESHA, and stream buffers and setbacks;
  - d. changes to standards for erosion rates;
  - e. modifications to the LCP Access Component to ensure long term protection of the function and connectivity of existing public access and recreation resources; and
  - f. modifications to the Regional Transportation Plan.

(PC app. 12/1/11, 1/25/10)

*[New program, not in Unit I or II]*

**Program C-EH-22.b Study Bluff Retreat.** The County shall seek funds for a study to identify threats of bluff retreat taking into account accelerated sea level rise.

(PC app. 12/1/11, 1/24/11)

*[Adapted from Unit I Shoreline Protection and Hazard Areas Policy 3, p. 41]*

**C-EH-23 New Development and Fire Safety.** Coastal Permit applications shall demonstrate that the development meets all applicable fire safety standards.

(PC app. 12/1/11, 1/24/11)

*[Adapted from Unit II Public Services Policy 2.f, p. 189]*

**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.

(PC app. 2/13/12, 12/1/11, 3/16/09)

*[Adapted from Unit II New Development and Land Use Policy 8.f(1), p. 216]*

**C-EH-25 Vegetation Management in Environmentally Sensitive Habitat Area.** Minimize risks to life and property in ESHAs from uncontrolled fire and disease by allowing for the management or removal of major vegetation. Site and design new development to minimize the need for initial and future fire safety clearance or other ongoing maintenance activities that would significantly impact ESHAs or ESHA buffers.

(See also C-BIO-3, C-BIO-19 and C-BIO-24 (ESHA, Wetland, Stream Buffers), and C-DES-11 (Minimization of Fuel Modification).)

[BOS app. 1/15/2013]

(PC app. 1/23/12)

*[New policy, not in Unit I or II]*





## Mariculture (MAR)

### Background

Mariculture represents an important economic activity in the Marin County Coastal Zone, and its products such as oysters and other shellfish provide an important source of protein. Locally raised shellfish, along with local agricultural products, draw visitors to the area and makes the Coastal Zone a more desirable place to live and visit. Oyster farms in Marin County are abundant and expansive, providing local jobs and acting as a major source of local food production. Mariculture exists as a vital component of the Coastal Zone community, as an essential element in local food production and a significant provider of visitor-serving uses, and should thus be protected and supported to ensure its continued vitality.

There is increasing interest in sustainable food production methods in California and beyond, including mariculture operations. The use of coastal waters for food production also heightens interest in protecting the quality of coastal waters, because healthy shellfish depend in part on unpolluted waters. According to the California Department of Fish and Game, Drakes Estero and Tomales Bay are among California's leading mariculture settings. Although the shucked weight of oysters raised has fluctuated widely over past decades, their dollar value has climbed steadily, reflecting increased consumer interest in oysters produced for the half-shell trade rather than shucked and jarred product.<sup>1</sup>

Coastal Act policies place a high priority on coastal-dependent land uses such as aquaculture, and protect oceanfront lands suitable for such uses. Aquaculture facilities that require diking, filling, or dredging of coastal waters are allowed under Coastal Act policies, which in general strictly limit such activities. In cases where such activities are allowed, they are required to be carried out in a way that minimizes or avoids potentially harmful impacts.

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<sup>1</sup> California Department of Fish and Game (2008). *Marine Status Report*. Retrieved from <http://www.dfg.ca.gov/marine/status/report2008/entire.pdf>

LCP policies support food production, including mariculture, while protecting other resources such as wildlife, water quality, and visual resources. Because existing mariculture operations in Marin County take place in submerged areas that are under the permit jurisdiction of agencies such as the Coastal Commission and the Department of Fish and Game, the LCP emphasizes general support for mariculture, while avoiding site-specific policy provisions.

## Policies

**C-MAR-1 Support Mariculture.** Support and encourage mariculture in the Coastal Zone for the purposes of producing food, enhancing and restoring fisheries stocks, and contributing to the economy of the state and Marin County, while providing for other uses, such as commercial fishing, recreational clamming and boating, and the protection of coastal wildlife, water quality, and visual resources. Support provision for onshore facilities necessary to support mariculture operations in coastal waters.

(PC app. 12/1/11, 3/8/10)

*[Adapted from Unit II Mariculture Policy 1, p. 113]*

**C-MAR-2 Mariculture in Parks** (Deleted 1/23/12)

**C-MAR-3 Apply General Standards to Mariculture Operations.** The coastal permitting agency (Coastal Commission and/or Marin County) shall apply the following standards and procedures to all mariculture operations:

1. Protection of eelgrass beds. The siting of oyster allotments, mariculture leases, and mariculture structures should avoid interference or damage to eelgrass beds in Tomales Bay, in conformance with Section 30.10, Title 14, California Code of Regulations.
2. Operator access. Public agencies should be encouraged to consider operator access to mariculture leaseholds.
3. Shoreline access. Mariculture operations and onshore support facilities shall incorporate provisions for public access to and along the shoreline unless such access would interfere with mariculture and the impacts from access cannot be mitigated to less than significant levels. In evaluating coastal permits for mariculture, the County shall consider the location of existing accessways and potential conflicts between mariculture and public use of the shoreline.
4. Boating access. The placement of structures within new or existing allotments and leases shall not interfere with public boating access at high tide to state lands within the leased areas. If boat passages are proposed, they shall be spaced at a minimum of one passage per 1/2 mile of shoreline.
5. Onshore support facilities. Applicants for a coastal permit shall specify what access points and onshore support facilities (e.g. boat launch, loading dock, etc.) are required for the proposed mariculture operation, where such facilities will be located, and the timing of use. If private lands will be used for access or support facilities, the applicant shall submit a written statement from



the property owner(s) agreeing to such use. If public lands will be used for access or support facilities, the applicant shall arrange a lease with the appropriate public agency specifying the type, location, and timing of use which is acceptable.

6. Visual impacts. Mariculture structures shall be sited and designed to minimize visual impacts, especially in areas which are highly visible from public roads, parks, or other public viewing areas.

(PC app. 12/1/11, 3/8/10)

*[Adapted from Unit II Mariculture Policy 2, pp. 113-116]*







*Photo Courtesy of: John Klingel*

## Water Resources (WR)

### Background

Coastal residents and visitors depend on healthy watersheds, as do wildlife and plant communities. Drinking water in the Marin County Coastal Zone comes from local springs, streams, and wells. Wildlife depends on uncontaminated water sources for healthy growth and reproduction. Coastal visitors provide significant economic benefits to coastal communities and are drawn by the unspoiled nature of the County's resources, including its lakes, streams, bays, and other waters (see Map 8 – Major Watersheds).

Past and present development practices and land uses have created adverse impacts to water quality and water resources. Tomales Bay, Walker Creek, and Lagunitas Creek have been designated by the State Water Resources Control Board as impaired water bodies, based on the presence of pollutants such as sediments and nutrients. Other pollutants, such as oil, grease, and heavy metals, are also present in the watersheds of the Coastal Zone. Land development and construction activities are key contributors to sedimentation and nutrient inputs to coastal waterways, and consequently land use regulations are an important way of reducing those pollutants. Furthermore, sewage disposal methods may contribute to nutrient loads in waterways, and parking and transportation facilities can contribute oil, grease, and heavy metals to coastal waters.

The predominant land use in the coastal zone is agriculture. Stormwater discharge from poorly managed grazing operations may contain pathogens, ammonia, salts, and excess sediment. The State and Regional Water Quality Control Boards regulate various aspects of agricultural wastewater management, and a variety of programs are available for ranchers to minimize impacts on water quality. The San Francisco Bay Regional Water Quality Control Board received a status report in June 2011 that shows that substantial progress was being made in implementation of the Tomales Bay Watershed Grazing Waiver. The Grazing Waiver implements the Tomales Bay pathogen Total Maximum Daily Load (TMDL) and the Walker Creek Mercury TMDL, adopted by the Regional Board, and the State Water Board's Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program. The goals of the Grazing Waiver are to improve and protect water quality and biological resources while promoting sustainable grazing. According to the report to the Regional Board, nearly all active grazing lands in the

Tomales Bay watershed are now covered by the Grazing Waiver. A partnership of entities in the watershed is providing valuable compliance assistance to the ranchers, and grant and contract funds have been awarded to assist the ranchers.

Upstream diversions, some of them outside the coastal zone, of coastal streams such as Lagunitas Creek have reduced vital freshwater inflows to both Tomales Bay and Bolinas Lagoon. Malfunctioning septic systems form a source of pollution for coastal waters.

The Coastal Act mandates protection and, where feasible, the restoration of 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. In January 2000, the Coastal Commission, along with the State Water Resources Control Board, adopted the Nonpoint Source Program Strategy and Implementation Plan 1998-2013. The Plan states that nonpoint source pollution is the leading cause of water quality impairment in California and elsewhere in the nation, and that land use activities are a primary contributor to nonpoint source pollution in California. The Coastal Commission has emphasized the incorporation of land use measures into Local Coastal Programs to address the impacts of polluted runoff and to protect coastal water quality.

The Local Coastal Program (LCP) aims to improve the protection of coastal waters by addressing all phases of development, including design, construction, and post-construction maintenance of facilities. LCP policies would incorporate the concept of Best Management Practices, in order to acknowledge continuing improvements in technology and development practices.

## Policies

**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 water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alterations of natural streams.

(PC app. 2/13/12, 12/1/11, 1/25/10)

*[New policy, not in Unit I or II]*

**C-WR-2 Water Quality Impacts of Development Projects.** Site and design public and private development and changes in use or intensity of use to prevent, reduce, or remove pollutant discharges and to minimize increases in stormwater runoff volume and rate to prevent adverse impacts to coastal waters to the maximum extent practicable. All coastal permits, for both new development and modifications to existing development, and including those for developments covered by the current National Pollutant Discharge Elimination System (NPDES) Phase II permit, shall be subject to this review. Where required by the nature and extent of a proposed project and where deemed appropriate by County staff, a project subject to this review shall have a plan which addresses both temporary (during construction) and permanent (post-construction) measures to control erosion and sedimentation, to reduce or prevent pollutants from entering storm drains, drainage systems and watercourses, and to minimize increases in stormwater runoff volume and rate.

Permanent Best Management Practices (BMPs) that protect water quality and minimize increases in runoff volume and rate shall be incorporated in the project design of developments. Site design and source control measures shall be given high priority as the preferred means of controlling pollutant discharges and runoff volume and rate. Typical measures shall include:

1. Minimizing impervious area;
2. Limiting site disturbance;
3. Protecting areas that are particularly susceptible to erosion and sediment loss, ensuring that water runoff beyond pre-project levels is retained on site whenever possible, and using other Low Impact Development (LID) techniques; and
4. Methods that reduce potential pollutants at their sources and/or avoid entrainment of pollutants in runoff. Such methods include scheduling construction based on time of year, prohibiting erosion-causing practices, and implementing maintenance and operational procedures. Examples include covering outdoor storage areas, using efficient irrigation, and minimizing the use of landscaping chemicals.

(PC app. 1/23/12, 12/1/11, 1/25/10)

*[Adapted from Unit II New Development and Land Use Policy 6, p. 208]*

**Program C-WR-2.a Apply Appropriate Best Management Practices to Coastal Permits.**

The Community Development Agency shall conduct a review with the Department of Public Works to determine appropriate design standards, performance criteria, and Best Management Practices (BMPs), which shall be incorporated in applicable coastal permits.

(PC app. 12/1/11, 1/25/10)

*[New program, not in Unit I or II]*

**C-WR-3 Storm Water Runoff.** Where a project would add or create a total of 10,000 square feet or more of impervious surface (collectively over the entire project site) or where altered or increased flows from a project site have the potential to accelerate erosion or affect beneficial uses downstream, incorporate drainage controls so that the post-project peak flow and velocity of runoff from the project site for 2- and 10-year intensity storms do not exceed the peak flow and velocity of runoff from the site in its pre-project (existing) state. Where a drainage problem unrelated to a proposed project already exists, the project applicant and neighboring property owners shall be encouraged to develop a solution.

(PC app. 1/23/12, 1/25/10)

*[Adapted from Unit I New Development and Land Use Policy 26, p. 67, and Unit II New Development and Land Use Policy 6.f, p. 208]*

~~**Program C-WR-3.a Require Drainage Plans.**~~ (Program C-WR-3.a implemented by Development Code Section 22.64.080.A.1, deleted 1/23/12)

**C-WR-4 Grading and Vegetation Removal.** Design development to fit a site's topography, soils, geology, hydrology, and any other existing conditions. Orient development so that grading, cut and fill operations, and other site preparation are kept to an absolute minimum. Natural features, landforms, and native vegetation shall be preserved to the maximum extent feasible. Areas of a site which are not suited to development because of known soil, geologic, flood, erosion or other hazards shall be kept undeveloped.

(PC app. 12/1/11, 3/16/09)

*[Adapted from Unit I New Development and Land Use Policy 24, p. 66, and Unit II New Development and Land Use Policy 6.a, p. 208]*

**Program C-WR-4.a Require Grading Plans.** (Program C-WR-4.a implemented by Development Code Section 22.64.080.A.4, deleted 12/1/11)

**C-WR-5 Cut and Fill Slopes.** Design cut and fill slopes so that they are no steeper than is safe for the subject material or necessary for the intended use. A geotechnical report may be required.

(PC app. 12/1/11, 3/16/09)

*[Adapted from County Code Section 24.04.640]*

**C-WR-6 Soil Exposure.** Allow any necessary grading operations only such that the smallest practicable area of land shall be exposed at any one time during development and the length of exposure shall be kept to the shortest practicable time. Erosion and sedimentation control measures shall be incorporated in development plans. An erosion and sedimentation control plan, subject to approval by the Department of Public Works, shall be required for development of any site of 1 acre or more in size or, at the discretion of the Department of Public Works, for any site of less than 1 acre because of a high risk of erosion and sedimentation.

(PC app. 12/1/11, 3/16/09)

*[Adapted from Unit I New Development and Land Use Policy 25, p. 66, and Unit II New Development and Land Use Policy 6.b, p. 208]*

**C-WR-7 Wintertime Clearing and Grading.** Avoid land clearing and grading during the winter rainy season (October 15th through April 15th). Ensure that all measures for removing sediments and stabilizing slopes shall be in place before the beginning of the rainy season. Permit land clearing and grading during the rainy season only upon prior approval by the Department of Public Works of an erosion control plan, which shall demonstrate that at no stage of the work will there be any substantial risk of increased sediment discharge from the site.

(PC app. 12/1/11, 3/16/09)

*[Adapted from Unit I New Development and Land Use Policy 25, p. 66, Unit II New Development and Land Use Policy 6.b, p. 208, and from County Code Sections 22.70.070.C.3 and 24.04.625]*

**C-WR-8 Disturbed Soils.** Use temporary vegetation, seeding or hydroseeding with non-invasive native seeds, 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.

(PC app. 2/13/12, 12/1/11, 3/16/09)

*[Adapted from Unit I New Development and Land Use Policy 26, p. 66, and Unit II New Development and Land Use Policy 6.d, p. 209]*



**C-WR-9 Topsoil.** Where topsoil is removed by grading operations, stockpile it for reuse and protect it from compaction and wind or erosion during stockpiling.

(PC app. 12/1/11, 3/16/09)

*[Adapted from Unit I New Development and Land Use Policy 26, p. 66, and Unit II New Development and Land Use Policy 6.e, p. 209]*

**C-WR-10 Construction-Phase Sediment Basins.** Install sediment basins (including debris basins, desilting basins, or silt traps) required by erosion control plans or otherwise necessary to control sedimentation during construction on the project site in conjunction with initial grading operations. Maintain sediment basins throughout the development process to remove sediment from runoff waters. All sediment shall be retained on site unless removed to an approved dumping location.

(PC app. 12/1/11, 3/16/09)

*[Adapted from Unit II New Development and Land Use Policy 6.c, p. 208]*

~~**C-WR-11 Detention or Infiltration Basins and Other Post-construction BMPs.** ( Policy duplicative of C-WR-2 and C-WR-14, deleted 12/1/11)~~

**C-WR-12 Maintenance of Water Quality Control Facilities.** If structural and/or treatment control facilities are incorporated in a project, require the applicant to submit a monitoring and maintenance plan indicating how such facilities will be adequately maintained by the applicant and any subsequent property owner after construction is complete. Where a proposed development project involves a subdivision or homeowners' association, require assignment of responsibility for maintenance of structural and treatment control measures to a homeowners' association or other appropriate entity.

(PC app. 12/1/11, 3/16/09)

*[New policy, not in Unit I or II]*

**C-WR-13 Site Plan Contents – Post-Construction Element.** At the discretion of the Department of Public Works based on the scale or potential water quality impacts of a proposed project, require that a coastal permit application for new development be accompanied by a site plan containing a Post-Construction Element. This Post-Construction Element shall detail how storm water and polluted runoff will be managed or mitigated following project construction, utilizing both source control and treatment control measures, and both structural and non-structural measures.

(PC app. 12/1/11, 3/16/09)

*[New policy, not in Unit I or II]*

**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:

1. Development of commercial facilities shall incorporate BMPs to minimize polluted runoff from structures, landscaping, parking areas, repair and maintenance areas, loading/unloading areas, vehicle/equipment wash areas, and other components of the project.
2. Development of automotive repair shops and retail motor vehicle fuel outlets shall incorporate BMPs to minimize oil, grease, solvents, car battery acid, coolant, petroleum products, and other pollutants from entering storm water runoff from any part of the property including fueling areas, repair and maintenance areas, loading/unloading areas, and vehicle/equipment wash areas.
3. Development of restaurants and other food service establishments shall incorporate BMPs to minimize runoff of oil, grease, solvents, phosphates, suspended solids, and other pollutants.
4. Development of outdoor storage areas for materials that contain toxic compounds, oil and grease, heavy metals, nutrients, suspended solids, or other pollutants shall be designed with a roof or awning cover to minimize runoff.

5. Development of uncovered parking lots shall incorporate BMPs to minimize runoff of oil, grease, car battery acid, coolant, petroleum products, sediments, trash, and other pollutants.
6. Development that will:
  - a. Result in the creation, addition, or replacement of **5,000 square feet** or more of impervious surface, **and**
  - b. Occur **within** 100 feet of the ocean or coastal waters or discharge runoff directly to the ocean, coastal waters, or to a stream or wetland buffer as defined by the Biological Resource policies of the LCP.
 

“Discharge runoff directly” is defined as runoff that flows from the development to the ocean, coastal waters, or to a stream or wetland buffer that is not first combined with flows from any other adjacent areas.
7. Development that will result in the creation, addition, or replacement of **10,000 square feet** or more of impervious surface area, regardless of its location.
8. Any other development determined by the County to have a high potential for generating pollutants.

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 following where applicable (applicability will be determined by County staff):

1. Pre-project and post-project stormwater runoff hydrograph (runoff flow rate plotted as a function of time) for the project site for 2- and 10-year storm events;
2. A description of how the treatment control BMPs (or suites of BMPs) have been sized and designed to treat, infiltrate, or filter stormwater runoff from each storm event, up to and including the 85<sup>th</sup> percentile, 24-hour storm event for volume-based BMPs, or the 85<sup>th</sup> percentile, 1-hour storm event (with an appropriate safety factor of 2 or greater) for flow-based BMPs;
3. A description of Low-Impact Development (LID) techniques that will be incorporated into the project in order to minimize negative impacts to stormwater quality and quantity from the project development;
4. If the applicant asserts that treatment control BMPs are not feasible for the proposed project, the plan shall document why those BMPs are not feasible and provide a description of alternative management practices to protect water quality; and
5. A long-term plan and schedule for the operation and maintenance of all treatment control BMPs specifying that treatment control BMPs shall be inspected, cleaned, and repaired as necessary to ensure their effective operation for the life of the development. In addition:
  - a. Owners of these devices shall be responsible for ensuring that they continue to function properly, and additional inspections should occur after storms as needed throughout the wet season, and
  - b. Repairs, modifications, or installation of additional BMPs, as needed, shall be carried out prior to the next wet season.

(PC app. 2/13/12, 1/23/12, 1/25/10)

*[New policy, not in Unit I or II]*

**Program C-WR-14.a Participate in Broad-Based Efforts to Improve Coastal Water Quality.** Provide information to applicants and the public, including materials prepared by the Marin County Stormwater Pollution Prevention Program (MCSTOPPP), to address developments both large and small for potential impacts to the quality of coastal waters. Applicants shall be encouraged to incorporate in proposed developments measures to minimize effective impervious area and landform alteration and to maximize use of natural vegetation, along with other measures as provided by Marin County programs and codes. The Community Development Agency shall encourage retrofit of existing development through measures such as the removal of existing impermeable surfaces and replacement with permeable surfaces and the creation of drainage features or landscaping that incorporate natural infiltration mechanisms, with the goal of enhancing water quality in existing developed areas.

(PC app. 12/1/11, 1/25/10)

*[New program, not in Unit I or II]*

**Program C-WR-14.b Apply Policy C-WR-14 to Projects with the Highest Risk of Water Quality Impacts.** Amend the Development Code to include guidelines that define types of developments that have a high potential for generating pollutants in order to supplement the development types that are regulated by the revised NPDES Phase II permit.

(PC app. 12/1/11, 1/25/10)

*[New program, not in Unit I or II]*

**C-WR-15 Construction-Phase Pollution.** Manage construction sites to prevent contact between runoff and chemicals, fuel and lubricants, cleansers, and other potentially harmful materials.

(PC app. 12/1/11)

*[New policy, not in Unit I or II]*

**C-WR-16 Construction Non-sediment Pollution.** Minimize runoff of pollutants from construction sites (e.g., solvents, adhesives, preservatives, soluble building materials, vehicle lubricant and hydraulic fluids, concrete truck wash-out slurry, and litter).

(PC app. 12/1/11)

*[New policy, not in Unit I or II]*

**C-WR-17 Erosion and Flood Control Facilities.** Consider placement of sediments collected by erosion and flood control facilities at appropriate points on the shoreline where these sediments will not cause adverse impacts to coastal resources and the placement can be accomplished in accordance with other applicable provisions of this chapter. Before issuing a coastal development permit for these purposes, consider the physical, chemical, and biological qualities of the sediment, the proposed method of placement, time of year of placement, and sensitivity of the placement area.

(PC app. 12/1/11)

*[New policy, not in Unit I or II]*

**C-WR-18 Biological Productivity.**

*(Text of Policy C-WR-18 moved to C-WR-1, 2/13/12)*





*Photo courtesy of: John Klingel*

# Built Environment

## Introduction

In the Marin County Coastal Zone, the built environment is subordinate to the natural environment. Natural landforms, streams, forests, and grasslands are dominant. Yet the residential, agricultural, and commercial buildings, as well as the community services that support them, have particular significance, both as the scene of daily life and for their potential impacts on natural resources. The pattern and intensity of development are inextricably linked with protection of coastal resources, energy use, and recreational opportunities, all of which are addressed by the Local Coastal Program (“LCP”).

The Built Environment section addresses the following subjects:

- ◆ Community Design (DES)
- ◆ Community Development (CD)
  - ◇ Community Specific Policies
  - ◇ Muir Beach (MB)
  - ◇ Stinson Beach (SB)
  - ◇ Bolinas (BOL)
  - ◇ Olema (OL)
  - ◇ Point Reyes Station (PRS)
  - ◇ Inverness (INV)
  - ◇ East Shore/ Marshall (ES)
  - ◇ Tomales (TOM)
  - ◇ Dillon Beach (DB)

- ◆ Energy (EN)
- ◆ Housing (HS)
- ◆ Public Facilities and Services (PFS)
- ◆ Transportation (TR)



*Photo Courtesy of: Community Development Agency*

## Community Design (DES)

### Background

The Marin County Coastal Zone is a place of singular beauty. It is also the home of small-scale communities, farms, scattered residences, and businesses. Visitors enjoy coming to Marin's coast because of its balance of natural and built environments. Maintaining that balance, and maintaining the character of existing communities while accommodating economic activity, is the focus of the Community Design policies of the Local Coastal Program (LCP).

Rising land values in many parts of California have led to an increase in the scale of new development, accompanied by ever-greater impacts on the surrounding community. Such trends also impact local visual resources that are enjoyed by residents and visitors. Furthermore, new development is increasingly proposed in visually sensitive locations, such as on ridgelines, as well as within already developed communities.

The Coastal Act mandates that scenic and visual qualities of the coast shall be considered and protected as a resource of public importance. In particular, views to and along the coast shall be protected. New development shall be visually compatible with the character of surrounding areas. In addition, those communities that are visitor destinations because of their unique characteristics shall be protected. The villages of the Marin County Coastal Zone are among such communities that are desirable to visitors, as well as to residents.

LCP policies ensure that new structures are compatible with the height, scale, and design of existing buildings. Significant views to and along the coast continue to be protected by LCP policies, and the preservation of visually prominent ridgelines is also addressed. The LCP protects the existing character of the Coastal Zone, while still accommodating compatible new development.

**Policies**

**C-DES-1 Compatible Design.** Ensure that the height, scale, and design (including materials and color) of new structures are compatible with the character of the surrounding natural or built environment. Structures shall be designed to follow the natural contours of the land and shall limit reflectivity of glass and other surfaces.

(PC app. 9/19/11, 10/26/09)

*[Adapted from Unit II New Development and Land Use Policy 3.a, p. 207]*

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

(PC app. 11/7/11, 1/24/11)

*[Adapted from Unit II New Development and Land Use Policy 3.b, p. 207]*

**C-DES-3 Protection of Ridgeline Views.** Require new development proposed on or near visually prominent ridgelines to be grouped below the ridgeline on the least visually prominent portion of the site. Prohibit new development on top of, within 300 feet horizontally, or within one hundred feet vertically of visually prominent ridgelines, whichever is more restrictive, if other suitable locations are available on the site. If structures must be placed within this restricted area because of site size or similar constraints, they shall be in locations that are least visible from public viewing areas and shall not exceed 18 feet in height.

(PC app. 9/19/11, 7/29/10)

*[Adapted from CWP Program DES-4.d, p. 3-67, and Interim County Code Section 22.57.020.1.b]*

**Program C-DES-3.a Map Visually Prominent Ridgelines.** Work with key community groups to identify and map visually prominent ridgelines, both developed and undeveloped, and identify Ridge and Upland Greenbelt Areas as appropriate.

(PC app. 9/19/11, 7/29/10)

*[Adapted from CWP Program DES-4.e, p. 3-67]*

**C-DES-4 Limited Height of New Structures.** Limit all new construction to a maximum height of twenty-five (25) feet with the following exceptions:

1. In the Highlands neighborhood of Stinson Beach, the maximum height shall be no more than seventeen (17) feet (see Map 17 – Stinson Beach Highlands Subdivision).
2. In FEMA special flood hazard (V) zones within the Seadrift Subdivision, the maximum building height of 15 feet shall be measured from the minimum floor elevation required by the flood hazard zone designation (*see also Environmental Hazards Policy C-EH-11: Minimum Floor Elevations in the Flood Velocity Zone at Seadrift*).
3. On the shoreline of Tomales Bay, the maximum height shall be fifteen (15) feet. (*See also Community Development Policy C-CD-6: Standards for Development on the Shoreline of Tomales Bay*).

(PC app. 9/19/11, 7/29/10)

*[Adapted from Unit I New Development and Land Use Policy 21, p. 65. This policy also carries forward the concept of Unit I Location and Density of New Development Policy 35, p. 81]*

**C-DES-5 New Signs.** Ensure that new signs are of a size, location, and appearance so they do not detract from scenic areas or views from public roads and other viewing points.

(PC app. 9/19/11, 7/29/10)

*[Adapted from Unit II New Development and Land Use Policy 3.c, p. 207]*

**Program C-DES-5.a Develop A-Frame Sign Standards.** Consider amending the sign ordinance to allow limited use of A-frame signs within village areas subject to standards related to number, location, size, height and design.

(PC app. 9/19/11, 7/29/10)

*[New program, not in Unit I or II]*

**C-DES-6 Underground Utilities.** Require that utility lines are placed underground in new development to protect scenic resources except where costs of undergrounding would be so high as to deny service or where undergrounding would result in greater environmental impacts.

(PC app. 9/19/11, 10/26/09)

*[Adapted from Unit II New Development and Land Use Policy 3.d, p. 207]*

**C-DES-7 Minimized Exterior Lighting.** Exterior lighting shall be the minimum consistent with safety and shall be low wattage, hooded, and downcast to prevent glare.

(PC app. 9/19/11, 7/29/10)

*[New policy, not in Unit I or II]*

**C-DES-8 Protection of Trees.** Site structures and roads to avoid removal of trees that contribute to the area's scenic and visual resources, except where required to maintain defensible space for structures or eliminate diseased trees that threaten surrounding structures or vegetation. Dead trees may serve as valuable habitat for some species, so avoid complete removal where appropriate.

(PC app. 9/19/11, 7/29/10)

*[Adapted from Unit II New Development and Land Use Policy 6.a, p. 208]*

**C-DES-9 Landscaping.** Ensure that required landscaping predominantly uses native species of trees and plants and avoids using non-native, invasive trees and plants. (*See also Biological Resources Policy C-BIO-6: Invasive Plants*, which may require the removal of any non-native invasive plant species).

(PC app. 9/19/11, 1/24/11)

*[Adapted from Unit II New Development and Land Use Policy 6.d, p. 209]*

**C-DES-10 Prohibition of Gated Communities.** Prohibit the establishment of gated communities.

(PC app. 9/19/11, 10/26/09)

*[Adapted from CWP Policy DES-3.c, p. 3-65]*

**C-DES-11 Minimization of Fuel Modification.** Site and design new development to minimize required initial and future fuel modification and brushing in general, and in particular, within ESHAs and ESHA buffers, to the maximum extent feasible, in order to minimize habitat disturbance or destruction, removal or modification of natural vegetation, and irrigation of natural areas, while providing for fire safety.

(See also Policies C-BIO-3, C-BIO-19 and C-BIO-24 (ESHA, Wetland, Stream Buffers), C-BIO-4 (Protect Major Vegetation) and C-EH-25 (Vegetation Management in Environmentally Sensitive Habitat Areas).)

[BOS app. 1/15/2013]

(PC app. 9/19/11, 7/29/10)

[Adapted from Malibu LCP Policy 3.59]



*Photo Courtesy of: Community Development Agency*

## Community Development (CD)

### Background

In the Marin County Coastal Zone, the built environment is subordinate to the natural surroundings. Agricultural lands and open space are the predominate features of the area, whereas coastal communities are small and few in number (see Map 16 – Community Areas). Development of homes, farms, and commercial buildings, along with the community services that support them, can nevertheless have significant impacts on their surroundings, and community development is therefore inextricably linked with the protection of coastal resources.

The pace of land development in recent decades throughout the Marin County Coastal Zone has been relatively modest in comparison to that of coastal communities in other parts of California. Limitations on public service availability and the existence of extensive public land holdings in the Coastal Zone have undoubtedly played a part in that result, along with strong LCP policies that encourage agriculture and protection of community character.

Coastal Act policies provide that new residential, commercial, or industrial development, in general, shall be located within, contiguous with, or in close proximity to existing developed areas. If existing developed areas are not able to accommodate it, then development may be located elsewhere as long as adequate public services are available and significant adverse effects on coastal resources will not result. Furthermore, Coastal Act policies set certain priorities and standards for new development, for instance by limiting strictly the types of land uses that may be allowed in wetlands or other sensitive areas.

The Coastal Act defines “development” broadly, to include not only construction of houses and commercial buildings, but also changes in intensity of use of land or water, including the division of land into separate lots, and changes in public access to the shoreline. The LCP addresses the wide range of development activities in the Coastal Zone that have the potential to affect coastal resources or shoreline access, and requires that all new development comply with LCP standards and policies. The number of commercial and other non-residential projects in the area over the past few decades has been modest in comparison with the number of residential projects. Among the residential projects considered in the past three decades, fewer than half involved new dwellings on vacant sites. The remaining residential projects included additions and repairs/replacements, which generally involve fewer impacts to coastal resources than new construction on vacant property.

The community character of Marin County’s coastal villages is important to both residents and visitors. The LCP continues to guide proposed development toward existing villages in an effort to preserve the natural landscape. LCP policies ensure that new development is consistent with the character of the surrounding community and maintains village limit boundaries in order to concentrate development and avoid sprawl. In addition, service constraints and the large amount of publicly owned land will act as a natural constraint to future development.



The pace of residential development in recent decades has been generally modest and remains well within the estimated ultimate residential buildout for the Coastal Zone. Provisions for the siting and intensity of new development are reflected in the LCP land use policy maps (see Maps 19a – 19m). In addition, LCP policies in other chapters provide for improved resource protection that, taken together, will reduce impacts of the built environment on Coastal Zone resources.

## Policies

~~**C-CD-1 Coastal Dependent Development.** (Deleted 11/7/11)~~

**C-CD-2 Location of New Development.** Locate new development within, next to, or in close proximity to existing developed areas with adequate public services and where it will not have significant adverse impacts, either individually or cumulatively, on environmental and natural resources, including coastal resources.

(PC app. 9/19/11, 10/26/09)

*[Adapted from Coastal Act Section 30250(a)]*

**C-CD-3 Appropriate New Development.** Ensure that the type and intensity of new development, including land divisions, conform to the land use categories and residential density provisions of the LCP and Land Use Policy Maps. Allowable densities are stated as maximums and do not establish an entitlement to buildout potential. (See also C-PFS-1: Adequate Services)

(PC app. 9/19/11, 7/29/10)

*[New policy, not in Unit I or II]*

**C-CD-4 Protection of Open Lands, Existing Communities, and Recreational Opportunities.** Work with individual landowners; local, state, and federal agencies; and non-governmental organizations to preserve rural character, agriculture, and open lands, and protect existing communities and recreational opportunities in the Coastal Zone.

(PC app. 9/19/11, 10/26/09)

*[Adapted from CWP Program CD-1.d, p. 3-13]*

**C-CD-5 Non-Conforming Structures and Uses.** Allow existing, lawfully established non-conforming structures or uses to be maintained or continued, provided that such structures or uses are not enlarged, intensified, or moved to another site. If a nonconforming use of land or a nonconforming use of a conforming structure is discontinued for a continuous period of one year, the use shall be deemed to have been abandoned and shall lose its legal nonconforming status.

(PC app. 11/7/11, 7/29/10)

*[Adapted from County Code Section 22.112.020]*

**C-CD-6 Standards for Development on the Shoreline of Tomales Bay.** New construction along the shoreline of Tomales Bay shall be limited in height to 15 feet above grade. Exceptions to this height limit may be permitted where topography, vegetation, or character of existing development is such that a higher structure would not create additional interference with coastal views either to, along, or from the water.

(PC app. 9/19/11, 7/29/10)

*[Adapted from Unit II New Development and Land Use Policy 8.f, p. 216, and County Code Section 22.20.060.a]*

**C-CD-7 Structures on Public Trust Lands.** Allow existing structures on public trust lands along the shoreline of Tomales Bay to be rebuilt if damaged or destroyed by natural disaster, in conformance with development standards specified in Section 30610(g) of the Coastal Act and other County policies. Construction of new residential dwellings on public trust lands is not considered an appropriate use and is not allowed. It should be noted that development on public trust lands is within the Coastal Permit jurisdiction of the California Coastal Commission. However, other County permit requirements (such as Design Review or Tidelands Permit approval) may also apply.

(PC app. 9/19/11, 7/29/10)

*[Adapted from Unit II Public Trust Lands Policies 2 and 3, p. 129]*

**C-CD-8 Shoreline Structures and Piers.** Limit the location of piers and other recreational or commercial structures to sites located within existing developed areas or parks. New piers shall be permitted only if all of the following criteria are met:

1. The structure will be used to serve a coastal-dependent use or will preserve or provide access to related public recreational lands or facilities.
2. The structure will not be located in wetlands or other significant resource or habitat area and will not, individually or cumulatively, cause significant adverse impacts on fish or wildlife.
3. The structure will not interfere with public access, use, and enjoyment of the natural shoreline environment.
4. The structure will not restrict navigation, mariculture, or other coastal use and will not create a hazard in the area in which it is built.
5. There is no pier with public access within ½ mile, or use of a nearby pier would not be feasible due to its size, location, or configuration.

Allow reconstruction and maintenance of existing piers provided that the pier is of the same size and in the same location as the original pier. Enlargements or changes in design or location shall be evaluated based on criteria stated above.

(PC app. 9/19/11, 7/29/10)

*[Adapted from Unit II Shoreline Structures Policy 3, p. 132]*

**C-CD-9 Access to Shoreline Structures.** Require public access to new piers or similar recreational or commercial structures unless it can be demonstrated that such access would interfere with commercial fishing or similar operations on the pier or be hazardous to public safety. A public access easement from the first public road across the applicant's property to the pier shall be required.

(PC app. 9/19/11, 7/29/10)

*[Adapted from Unit II Shoreline Structures Policy 4, p. 132]*

**C-CD-10 Subdivision of Beachfront Lots.** No additional subdivision of beachfront lots shall be permitted in recognition of the cumulative negative impacts such divisions would have on both public and private use of the beach, except if a finding is made that such a subdivision will be consistent with the development of shoreline lots within the Stinson Beach and Seadrift areas in Biological Resources Policy C-BIO-9. Similarly, the erection of fences, signs, or other structures seaward of any existing or proposed development and the modification of any dune or sandy beach area shall not be permitted except as provided in the Environmental Hazards policies in order to protect natural shoreline processes, the scenic and visual character of the beach, and the public and private use of dry sand areas in accordance with Section 30211 of the Coastal Act.

(PC app. 9/19/11, 7/29/10)

*[Adapted from Unit I Natural Dune and Sandy Beach Protection Policy 21, p. 30]*

**C-CD-11 Maintenance of Village Limit Boundaries.** Maintain existing village limit boundaries to preserve existing agricultural lands for agricultural use while allowing for reasonable growth and infill within the village limit boundaries. These boundaries depict existing developed areas for purposes of Section 30250 (a) of the Coastal Act. The following issues should be considered if changes in village limit boundaries are proposed:

- Boundaries of existing developed areas. In some cases, infilling within these areas is the only expansion recommended.
- Boundaries within which villages should be allowed to expand in the future. Criteria for setting these boundaries are described below.

Criteria used in setting village limit boundaries:

1. Boundaries of existing and proposed public open space (Golden Gate National Recreation Area, Point Reyes National Seashore);
2. Boundaries used in studies by the Community Development Agency and local planning groups;
3. Areas under agricultural zoning;
4. Service area boundaries of utility districts;
5. Watershed boundaries;
6. Natural barriers: terrain, water, cliffs, and open space separating developed areas;
7. Man-made barriers: roads, dikes;
8. Existing subdivisions;
9. Floodplains and areas subject to seismic hazard.

(PC app. 9/19/11, 10/26/09)

*[Adapted from CWP Policy PA-7.4, p. 3-242]*

**C-CD-12 Describe Village Limit Boundaries.** The village limit boundaries are described as follows and shown on the accompanying maps for the following communities:

1. Muir Beach. Village limit boundary shall be defined by surrounding federal and state parklands, as shown on the Muir Beach Land Use Policy Map 19a.
2. Stinson Beach. Village limit boundary shall be defined by surrounding state and federal parklands, Bolinas Lagoon, and Pacific Ocean, as shown on the Stinson Beach Land Use Policy Map 19b. The beachfront area along Mira Vista owned by the County of Marin is also excluded.
3. Bolinas. Village limit boundary shall be defined by surrounding federal parklands in addition to County-owned lands adjacent to the Bolinas Lagoon, as shown on the Bolinas Land Use Policy Map 19c.
4. Olema. Village limit boundary shall be defined by surrounding federal parklands, as shown on the Olema Land Use Policy Map 19d.
5. Point Reyes Station. Village limit boundary shall be defined as shown on the Point Reyes Station Land Use Policy Map 19e except that lands acquired by the federal government for inclusion in the GGNRA shall be excluded. These lands shall be rezoned to C-OA (Coastal Open Area).
6. Inverness Ridge. Village limit boundary shall be determined by the location of public parklands to the north, west, and south, and by Tomales Bay to the east as shown on the Inverness Land Use Policy Map 19f.
7. Marshall/East Side of Tomales Bay. Village limit boundary shall be defined to include the area from the Hog Island Oyster Company to the north and the Marshall Boat Works to the south. On the east of Highway One, the village limit boundary shall include the small existing subdivided parcels abutting Highway One between Marshall-Petaluma Road and the Marshall Boat Works, as shown on the East Shore Land Use Policy Map 19h.
8. Tomales. Village limit boundary shall be defined as shown on the Tomales Land Use Policy Map 19j.
9. Dillon Beach/Oceana Marin. Village limit boundary shall be drawn from the northern boundary of the Oceana Marin subdivision on the north to the southern end of Lawson’s Dillon Beach Resort on the south, and from the shoreline on the west to the eastern side of Oceana Marin, the Village, and Lawson’s Dillon Beach Resort, as shown on the Dillon Beach Land Use Policy Map 19i. Lawson’s Dillon Beach Resort parcel 100-100-47 is included within this area.

(PC app. 9/19/11, 10/26/09)

*[Adapted from Unit II New Development and Land Use Policies 8.a(1) through 8.h(1), pp. 209-216]*

**C-CD-13 Chain Store Operations.** Discourage the establishment of chain store operations that are not consistent with the existing character and scale of the surrounding community.

(PC app. 9/19/11, 7/29/10)

*[Adapted from the Stinson Beach Community Plan, 1983, Land Use Policy E, p. 33]*

**C-CD-14 Limited Conversion of Overnight Visitor-Serving Enterprises.** Visitor-serving enterprises, particularly those which offer and provide places of overnight accommodation, shall remain available to any prospective guest on a space available basis. Conversion of such places of overnight

accommodations into a more limited type of occupancy shall be discouraged. (*See also Parks, Recreation and Visitor-Serving Uses Policies C-PK-1 through C-PK-8*)

(PC app. 9/19/11, 07/29/10)

*[Adapted from the Inverness Ridge Communities Plan, Commercial Land Use Policy 2.01.C, p. 38]*

**C-CD-15 Residential Character in Villages.** Discourage the conversion of residential to commercial uses in coastal villages. If conversion of a residence to commercial uses is allowed under applicable zoning code provisions, the architectural style of the home should be preserved.

(PC app. 9/19/11, 7/29/10)

*[Adapted from the Point Reyes Station Community Plan, Policy PA-2.4, p. 13]*

**C-CD-16 Maintenance of the Rural Character of Roadways.** The only areas to be considered for sidewalks, curbs, and similar roadway improvements shall be downtown areas of Point Reyes Station, Stinson Beach and Tomales.

(PC app. 9/19/11, 7/29/10)

*[Adapted from Point Reyes Station Community Plan, Circulation and Transportation Policies T-1.1 and T-3.1, pp. 50-51; and Tomales Community Plan, Policy TR-1.1, p. IV-16]*

**~~C-CD-17 Commercial Development on Highway One.~~** (*Deleted 9/19/11*)

**C-CD-18 Visitor Notification.** Provide real-time information of highway congestion and parking conditions in coastal communities to coastal visitors before they commit to Highway One. Use electronic signs located near Highway 101 or other appropriate locations, a regularly updated website, and other telecommunication methods.

(PC app. 9/19/11, 7/29/10)

*[Adapted from the Stinson Beach Community Plan, 1983, Circulation Policy D, p. 16]*

**C-CD-19 Windbreaks.** Discourage new wind breaks along Highway One to preserve coastal views. Consider the effects of proposed wind breaks at maturity on sunlight, coastal views, and traffic safety related to visibility.

(PC app. 9/19/11, 7/29/10)

*[Adapted from Point Reyes Station Community Plan, Policy PA-3.9, p. 14]*

**C-CD-20 Lighting for Recreational Use.** Prohibit night lighting for privately-owned recreational facilities such as tennis courts, sport courts, and other similar outdoor recreational activity areas to avoid glare and noise intrusion from the nighttime use of such areas and to minimize disruption of the natural ecology. Allow night lighting for publicly-owned facilities subject to a use permit.

(PC app. 9/19/11, 7/29/10)

*[Adapted from the Point Reyes Station Community Plan, Program RL-3.4b, p. 34]*

**~~C-CD-21 State Lands Commission Notification.~~** (*Deleted 9/19/11*)

**C-CD-22 Agricultural Land Use Categories.** Establish agriculture land use categories to preserve and protect a variety of agricultural uses, and to enable potential for agricultural production and diversification. Historically, 60 acres has been the minimum parcel size for most agricultural lands in the county. Various policies regarding agricultural productivity, water availability, effects on water quality, and other factors govern the subdivision of such lands, along with the intensities described below. The effect is that subdivisions of agricultural lands are rare. The zoning designations listed are examples of consistent zoning and are not the only possible consistent zoning designations. The following Agricultural land use categories are established:

**Agriculture 1 (C-AG1).** This land use category is established to preserve agricultural lands that are suitable for agricultural productivity, that contain soils capable of supporting production agriculture, or that are currently zoned C-APZ. The principal use of these lands shall be agriculture, and any development shall be accessory and incidental to, in support of, and compatible with agricultural production. A maximum density of one dwelling unit per 60 acres is permitted, and all development shall be consistent with applicable LCP policies.

Consistent Zoning: C-APZ-60  
C-ARP-31 to C-ARP-60

**Agriculture 2 (C-AG2).** This land use category is established for agricultural uses on lands adjacent to residential areas, and at the edges of Agricultural Production Zones in the Coastal Zone that have potential for agricultural production and can 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.

Consistent Zoning: C-ARP-10 to C-ARP-30

**Agriculture 3 (C-AG3).** This land use category is established for residential use within the context of small-scale agricultural and agriculturally-related uses, subject to the standards of the LCP.

Consistent Zoning: C-ARP-1 to C-ARP-9  
(PC app. 1/9/12, 9/19/11, 10/26/09)  
*[Adapted from CWP Policy CD-8.5 pg. 3-35]*

**C-CD-23 Residential Land Use Categories and Densities.** Establish residential land use categories for residential development at a full range of densities, with emphasis on providing more affordable housing including incentives for low and very low income units, while also recognizing that physical hazards, fire risk, development constraints, protection of natural resources, and availability of public services and facilities can limit housing development in most areas.

The following categories are established for residential land uses. Standards of population density and building intensity are established for each category. Density ranges expressed as dwelling units per acre are provided for residential uses. For nonresidential uses permitted in a residential land use category, the FAR established for that land use category shall apply.

Some examples of zoning designations that are consistent with various residential land use designations are provided below (these may not be the only possible consistent zoning designations). Zoning maps and the Development Code provide additional details regarding allowed uses and development standards. Other uses that may be permitted in residential land use designations include, but are not limited to, parks, playgrounds, crop and tree farming, nurseries and greenhouses, home occupations, schools, libraries, museums, community centers, places of worship, hospitals, retreats, educational institutions, philanthropic and charitable institutions, facilities for nonprofit organizations, cemeteries, golf courses, country clubs, stables and riding academies, and family day care homes.

**Very Low Density Residential**

The following very low density residential land use categories (minimum lot sizes of 5 to 60 acres) are established for single-family residential development on large properties in rural areas where public

## Built Environment

services are very limited or nonexistent and on properties where significant physical hazards and/or natural resources significantly restrict development.

Land Use Category	Minimum Lot Size	FAR	Consistent Zoning
<b>Single-Family 1 (C-SF1)</b>	20 to 60 acres	.01 to .09	C-RSP-0.05 to C-RSP-0.016
<b>Single-Family 2 (C-SF2)</b>	5 to 19 acres	.01 to .09	C-RSP-0.02 to C-RSP-0.05

### Rural/Residential

The following Rural/Residential land use categories (minimum lot sizes of 20,000 square feet to 5 acres) are established for single-family residential development in areas where public services are limited and on properties where physical hazards and/or natural resources may restrict development.

Land Use Category	Minimum Lot Size/ Density Ranges	FAR	Consistent Zoning
<b>Single-Family 3 (C-SF3)</b>	1 to 5 acres	.01 to .09	C-R1:B4 C-R1:B5 C-RA:B4 C-RA:B5 C-RA:B6 C-ARP-2 C-RSP-0.2 to C-RSP-1 C-A2:BD C-A2:B4
<b>Single-Family 4 (C-SF4)</b>	20,000 sq. ft. to 1 acre (1–2 du/ac)	.01 to .15	C-RA:B3 C-RSP-1.1 to C-RSP-2 C-R1:BD C-R1:B3 C-RR:B3 C-RE:B3
<b>Planned Residential (C-PR)</b>	1 unit per 1 to 10 acres	.01 to .09	C-RMP-0.1 to C-RMP-1

### Low Density Residential

The following low density residential land use categories (minimum lot sizes of 20,000 square feet or less) are established for single-family and multi-family residential development in areas where public services and some urban services are available and where properties are not typically limited by physical hazards or natural resources.

Land Use Category	Minimum Lot Size/ Density Ranges	FAR	Consistent Zoning
<b>Single-Family 5 (C-SF5)</b>	10,000 to 20,000 sq. ft. (2–4 du/ac)	.01 to .25	C-R1:B2 C-RA:B2 C-RR:B2 C-RSP-2.1 to RSP-4

## Built Environment

Land Use Category	Minimum Lot Size/ Density Ranges	FAR	Consistent Zoning
			C-A2:B2
<b>Single-Family 6 (C-SF6)</b>	Less than 10,000 sq. ft. (4–7 du/ac)	.01 to .3	C-R1 C-R1:B1 C-RA:B1 C-RSP-4.1 to C-RSP-0.5
<b>Multi-Family 2 (C-MF2)</b>	1 to 4 du/ac	.01 to .3	C-R2 C-RMP-1 to C-RMP-4

### Low to Medium Density Residential

The following low to medium density residential land use categories (from 5 to 10 units per acre) are established where moderate density single-family and multi-family residential development can be accommodated in areas that are accessible to a range of urban services near major streets, transit services, and neighborhood shopping facilities.

Land Use Category	Density Range	FAR	Consistent Zoning
<b>Multi-Family 3 (C-MF3)</b>	5 to 10 du/ac	.1 to .3	C-RMP-5 to C-RMP-10

(PC app. 1/9/12, 9/19/11, 7/29/10)

*[Adapted from CWP Policy CD-8.6, pp. 3-35 to 3-39]*

**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 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:

1. For parcels larger than 2 acres in size, no more than 50% of the new floor area may be developed for commercial uses, and the remaining new floor area shall be developed for new housing.  
For parcels 2 acres and less in size, no more than 75% of the new floor area may be developed for commercial uses, and the remaining new floor area shall be developed for new housing.
2. Projected peak-hour traffic impacts of the proposed mixed-use development are no greater than that for the maximum commercial development permissible on the site under the specific land use category.
3. Priority shall be given to the retention of existing visitor and neighborhood serving commercial uses.
4. The site design fits with the surrounding neighborhood and incorporates design elements such as podium parking, usable common/open space areas, and vertical mix of uses, where appropriate. In most instances, residential uses should be considered above the ground floor or located in a manner to provide continuity of store frontages, while maintaining visual interest and a pedestrian orientation.

5. For projects consisting of low income and very low income affordable units, the FAR may be exceeded to accommodate additional units for those affordable categories. For projects consisting of moderate income housing, the FAR may only be exceeded in areas with acceptable traffic levels of service — but not to an amount sufficient to cause an LOS standard to be exceeded.

Renovations not resulting in additional square footage will be exempt from the above requirements if consistent with the requirements of the Marin County Jobs-Housing Linkage Ordinance, Chapter 22.22 of the Development Code. The following categories shall be established for commercial land uses:<sup>1</sup>

**General Commercial/Mixed Use (C-GC).** The General Commercial mixed-use land use category is established to allow for a wide variety of commercial uses, including retail and service businesses, professional offices, and restaurants, in conjunction with mixed-use residential development. The Development Code includes permitted and conditional uses and development standards for the zoning districts consistent with this designation. The Land Use Policy Maps provide floor area ratio (FAR) standards for this designation. Residential development located in a mixed-use development within this designation shall be included in the permissible amount of development under these FARs. For projects consisting of low and very low income affordable units, the FAR may be exceeded to accommodate additional units for those affordable categories. For projects consisting of moderate income housing, the FAR may be exceeded in areas with acceptable traffic levels of service – but not to an amount sufficient to cause an LOS standard to be exceeded.

Consistent Zoning: C-CP  
C-H-1  
C-RMP-.1 to C-RMP-30

**Neighborhood Commercial/Mixed Use (C-NC).** The Neighborhood Commercial/Mixed Use land use category is established to encourage smaller-scale retail and neighborhood and visitor-serving office and service uses in conjunction with residential development oriented toward pedestrians and located in close proximity to residential neighborhoods. The Development Code includes permitted and conditional uses and development standards for the zoning districts consistent with this designation. The Land Use Policy Maps provide for floor area ratio (FAR) standards for this designation. Residential development located in a mixed-use development within this designation shall be included in the permissible amount of development under these FARs. For projects consisting of low and very low income affordable units, the FAR may be exceeded to accommodate additional units for those affordable categories. For projects consisting of moderate income housing, the FAR may be exceeded in areas with acceptable traffic levels of service – but not to an amount sufficient to cause an LOS standard to be exceeded.

Consistent Zoning: C-VCR  
C-RMPC  
C-VCR:B2

**Recreational Commercial (C-RC).** The Recreational Commercial land use category is established to provide for resorts, lodging facilities, restaurants, and privately owned recreational facilities, such as golf courses and recreational boat marinas. See the Development Code for a complete list of permitted and conditional uses and development standards. Refer to the Land Use Policy Maps for commercial Floor Area Ratio (FAR) standards. For projects consisting of low and very low income affordable units, the FAR may be exceeded to accommodate additional units for those affordable

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<sup>1</sup>Note that the zoning designations listed in each category are examples of consistent zoning and are not the only possible consistent zoning designations. A complete list of permitted and conditional uses and development standards can be found in the Development Code. Educational, charitable, and philanthropic institutions such as schools, libraries, community centers, museums, hospitals, child care centers, and places of worship may be permitted in any commercial area.

categories. For projects consisting of moderate income housing, the FAR may be exceeded in areas with acceptable traffic levels of service – but not to an amount sufficient to cause an LOS standard to be exceeded.

Consistent Zoning: C-RCR

(PC app. 2/13/12, 11/7/11, 10/26/09)

*[Adapted from CWP Policy CD-8.7, pp. 3-39 to 3-41]*

**C-CD-25 Public Facility, Quasi-Public Facility, and Open Space Land Use Categories.** Lands used for public facilities and quasi-public institutional purposes, including airports, schools, hospitals, cemeteries, government facilities, correctional facilities, power distribution facilities, sanitary landfills, and water facilities, are designated Public Facility or Quasi-Public Facility, depending on the nature of their use. The Public Facility category is established for land owned by a governmental agency and used as a public institution. The Quasi-Public Facility category is provided for land owned by a nongovernmental agency that is used as an institution serving the public. A Public Facility or Quasi-Public Facility designation may be combined with another land use designation. In such instances, the applicable standard of building intensity is that for Public or Quasi-Public Facility, as depicted on the Land Use Policy Maps. Lands in public ownership for open space purposes, such as recreation, watershed, and habitat protection and management, are designated Open Space. In addition, private lands may be designated Open Space when subject to deed restrictions or other agreements limiting them to open space and compatible uses. Lands designated Open Space are subject to an FAR of .01 to .09. The following categories shall be established for public and quasi-public land use. The zoning designations listed are examples of consistent zoning and are not the only possible consistent zoning designations.

Public (C-PF) Consistent zoning: PF  
 PF-RSP-.05 to PF-RSP-7  
 PF-RMP-.01 to PF-RMP-16  
 PF-ARP-20  
 C-PF-ARP-20

Quasi-Public (C-QPF) Consistent zoning: C-RMP-.1  
 C-RA:B-1

Open Space (C-OS) Consistent zoning: C-OA  
 (PC app. 9/19/11, 10/26/09)

*[Adapted from CWP Policy CD-8.9, pp. 3-45 to 3-46]*

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

(PC app. 11/7/11, 7/29/10)

*[Adapted from November 2009 Draft Housing Element Program 1.f, p. V-3]*

**C-CD-27 Density Bonuses.** *(Moved to Housing Chapter – see Policy C-HS-9)*





*Photo Courtesy of: Ryan Wagner*

## Community Specific Policies

### Background

The Marin County Coastal Zone is home to distinctive towns and villages that have a strong sense of place (see Map 16 – Community Areas). The character of these communities depends in large part on their physical setting, the nature of land uses within them, and their visual appearance. The desire to maintain local community character is reflected in the various Community Plans that have been prepared for these communities with strong resident participation. The Community Specific policies that follow have been drawn from the County-adopted Community Plans, and their inclusion here is a means of ensuring that applicable land use policies of the Plans are firmly rooted in the Local Coastal Program (LCP). In this way, these policies will be applied to the review of coastal permits for development proposed within the Coastal Zone.

Although Marin County’s coastal communities reflect a long-standing commitment to maintain the characteristics that draw residents and visitors to them, changing economics and land development practices could threaten community character. Achieving a balance between local- and visitor-serving businesses continues to be a challenge in Marin County, as elsewhere along California’s coast. At the same time, the Coastal Act places a high priority on visitor-serving facilities, particularly lower-cost facilities, and visitors as an important part of the local economy.

The Coastal Act provides that permitted development shall be visually compatible with the character of surrounding areas. Furthermore, special communities and neighborhoods that are popular visitor destination points are to be protected. Marin County’s coastal villages draw visitors because of their special characteristics, beautiful natural surroundings, and close proximity to the coast. The protection of such features is an important goal of Coastal Act policies.

The character of Marin County’s coastal villages is an important factor in their desirability as places to live and visit. The LCP strongly protects community character, in part through the policies drawn from the Community Plans, some of which are highly specific to particular neighborhoods or sites. Protection is also provided through more general Community Development policies, which are applicable throughout the entire Coastal Zone.

## Policies

### Muir Beach:

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

(PC app. 11/7/11, 7/29/10)

*[New policy, not in Unit I or II]*



### Stinson Beach:

**C-SB-1 Community Character of Stinson Beach.** Maintain the existing character of residential, small-scale commercial and visitor-serving recreational development in Stinson Beach.

(PC app. 9/19/11, 7/29/10)

*[Adapted from Unit I New Development and Land Use Policy 29, p. 79]*

**C-SB-2 Limited Access in Seadrift.** Allow only limited public access across the open space area generally located north of Dipsea Road and adjacent to Bolinas Lagoon in the Seadrift subdivision to protect wildlife habitat subject to the Deed of an Open Space and Limited Pedestrian Easement and Declaration of Restrictions as recorded March 26, 1986 as Instrument No. 86-15531. This area includes parcels 195-070-35 and 36; 195-080-29; 195-090-44; 195-320-62 and 78; and 195-340-71, 72, and 73.

(PC app. 1/9/12, 9/19/11, 7/29/10)

*[Concept adapted from Unit I New Development and Land Use Policy 33, p. 80]*

**C-SB-3 Density and Location of Development in Seadrift.** Development of the approximately 327 lots within the Seadrift Subdivision shall be allowed consistent with the provisions of the July 12, 1983 Memorandum of Understanding for the settlement of the litigation between Steven Wisenbaker and the William Kent Estate Company, and the County of Marin, and consistent with the terms of the March 16, 1994, Settlement Agreement in the litigation titled Kelly et al. v. California Coastal Commission, Marin County Superior Court Case No. 152998 between the Seadrift Association and the County of Marin. Minimum lot sizes shall be as shown on the final subdivision maps approved by Marin County, as modified by the referenced settlement agreements.

(PC app. 1/9/12, 9/19/11, 07/29/10)

*[Adapted from Unit I Location and Density of New Development Policy 36, p. 81]*

**C-SB-4 Easkoot Creek.** Restore Easkoot Creek to improve habitat and support natural processes.

(PC app. 11/7/11, 10/26/09)

*[Adapted from Stinson Beach Community Plan, 1983, Environmental Land Use Policy D, p. 28]*

**~~C-SB-5 Camping and Hostel Facilities.~~** *(Deleted 9/19/11)*

**C-SB-6 R-2 Zoning.** Maintain the existing R-2 zoning in Stinson Beach in order to protect and maintain the existing character of the community.

(PC app. 9/19/11)

*[Adapted from Unit I Location and Density of New Development Policy 29, p. 79]*

**C-SB-7 Repair or Replacement of Structures.** Allow the repair or replacement of existing duplex residential uses on parcels less than 7,500 square feet in the R-2 zoning district that are damaged or destroyed by natural disaster in Stinson Beach.

(PC app. 9/19/11)

*[Adapted from Unit I Location and Density of New Development Policy 29, pg. 79]*

**Bolinas**

**C-BOL-1 Community Character of Bolinas.**

Maintain the existing character of **small-scale** residential, **small-scale** commercial **and visitor-serving**, and agricultural uses in Bolinas.

**[BOS app. 12/11/2012]**

(PC app. 9/19/11, 7/29/10)

*[Adapted from the Bolinas Community Plan, Tourist Accommodations Policy 1, p. 12]*

**~~C-BOL-2 Development Standards in the C-RCR Zoning District.~~** *(Deleted 9/19/11)*

**C-BOL-3 New Development on the Bolinas Gridded Mesa.** Permit new construction and redevelopment and rehabilitation of existing structures on the Bolinas Mesa in accordance with adopted policies of the Bolinas Gridded Mesa Plan, which has been certified by the California Coastal Commission.

(PC app. 11/7/11, 7/29/10)

*[Adapted from Unit I Location and Density of New Development Policy 40, p. 86]*



**Olema**

**C-OL-1 Community Character of Olema.** Maintain Olema’s existing mix of residential, **small-scale** commercial **and visitor-serving**, and open space land uses and small-scale, historic community character. Minimize impacts of future development in the hillside area of Olema with the following design standards:

1. Cluster structures on more level areas away from steep road cuts on Highway One and off upper grassy slopes, which shall be maintained open to protect their visual character.
2. Incorporate and reflect the historic character of Olema and existing recreational uses in project design. The height of structures shall be in keeping with the character and scale of the

surrounding community to minimize visual impacts on adjacent federal parklands, Highway One, and Sir Francis Drake Boulevard.

3. Provide pedestrian paths as appropriate to nearby federal park activity areas.

[BOS app. 12/11/2012]

(PC app. 9/19/11, 7/29/10)

*[Adapted from Unit II Recreation and Visitor-Serving Facilities Policy 3.b(5), p. 45]*

## **Point Reyes Station**

**C-PRS-1 Community Character of Point Reyes Station.** Maintain the existing mix of residential and small-scale commercial **and visitor-serving** development and small-scale, historic community character in Point Reyes Station.

[BOS app. 12/11/2012]

(PC app. 9/19/11, 7/29/10)

*[New policy, not in Unit I or II]*

**C-PRS-2 Commercial Infill.** Promote commercial infill within and adjacent to existing commercial uses. ~~Consider rezoning additional areas west of B Street, which is predominantly zoned C-R-A-B-2, 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.~~

[BOS app. 2/26/2013]

(PC app. 2/13/12, 9/19/11, 7/29/10)

*[Adapted from Unit II Recreation and Visitor-Serving Facilities Policy 3.c, p. 46]*

**C-PRS-3 Visitor-Serving and Commercial Facilities.** Encourage development of additional visitor-serving and commercial facilities, especially overnight accommodations. Continue to support the recommendations of the Point Reyes Station Community Plan to establish overnight accommodations in the Grandi Building (Assessor Parcel Number 119-234-01) and Assessor Parcel Number 119-240-55, located at the junction of Highway One and Point Reyes – Petaluma Road (See also C-PRS-4 below).

(PC app. 9/19/11, 7/29/10)

*[Adapted from Unit II Recreation and Visitor-Serving Facilities Policy 3.c, p. 46]*

**C-PRS-4 Junction of Highway One and Point Reyes – Petaluma Road.** Permit visitor-serving and commercial uses on APN 119-240-55, located at the junction of Highway One and the Point Reyes – Petaluma Road, which has development potential for a small 20-unit motel, cottages, hostel, or similar facility. This site is also a suitable location for up to 15 units of affordable housing. To protect the site’s visual and environmental qualities, new development shall be sited and designed to minimize view and traffic impacts on nearby public roads, protect Lagunitas Creek and adjacent riparian vegetation from the impacts of erosion and water quality degradation, and minimize slope disturbance. Development shall be clustered, limited in height and scale to that which is compatible with the surrounding area, and shall provide adequate waste disposal on site.

(PC app. 9/19/11, 7/29/10)

*[Adapted from Unit II Recreation and Visitor-Serving Facilities Policy 3.c, p. 46]*

**C-PRS-5 Criteria for New Development in Point Reyes Station.** New residential development in Point Reyes Station shall meet the following criteria:

1. **Building Height.** The height limit for residential structures shall be regulated as follows: In areas other than ridgeline lots, no part of a primary building shall exceed 25 feet above natural grade and no part of an accessory building shall exceed 15 feet above natural grade. New development near ridgelines shall be sited and designed so that rooflines are below the visual plane of ridges when viewed from Point Reyes-Petaluma Road or Highway One. Where a ridge lot is too flat to allow placement of new construction below the visual plane of the ridge, up to a maximum of 18 feet above natural grade shall be imposed.
2. **Building Size.** The maximum floor area allowed on any lot located in the planning area shall be 4,000 square feet. For purposes of this community-specific policy, “floor area” includes the sum of the gross horizontal areas of all floors of the building or buildings measured from exterior faces of exterior walls excluding only unenclosed horizontal surfaces, such as balconies, courts, decks, porches, and terraces. To clarify the intent of the preceding two sentences, “floor area” is defined to include the total floor area of any detached structures and the total floor area of any garage. It is not the intention of this program to make any existing building, which complied with building regulations at the time of its construction, nonconforming with respect to floor area limitations (see Development Code Chapter 22.130 for definitions of “floor area” and “building area” applicable outside of the Point Reyes Station Community Area).
3. **Building Size Exceptions.** Exceptions to maximum permitted floor area may be permitted upon a determination by the Community Development Agency Director, in consultation with the Point Reyes Station Community, that the proposed development:
  - a. Maintains adequate setbacks from property lines and surrounding development;
  - b. Is located on a parcel which is large enough (generally greater than one acre) to accommodate the additional floor area while maintaining consistency with the surrounding built environment with respect to height, mass, and bulk;
  - c. Is adequately screened by existing and proposed vegetation;
  - d. Is adequately screened by the topography of the property or of surrounding properties; and
  - e. Would not significantly limit or reduce sun and light exposure to adjacent properties.
4. **Landscaping.** Require landscape and irrigation plans for all new developments or major modifications to existing buildings. Where applicable, preservation of natural habitats and installation of additional plants native to the Point Reyes Station area is encouraged. Proposed trees and shrubs, when mature, should not deprive adjoining properties of views or sunlight. Weedy and/or invasive plants such as Eucalyptus, Acacia, Monterey Pine and Pampas Grass are discouraged. The choice of plants should be guided by the Point Reyes Station Landscaping Guide in the Point Reyes Station Community Plan.

(PC app. 9/19/11, 7/29/10)

*[Adapted from the Point Reyes Station Community Plan Programs RL-3.3b, c and e, pp. 32 - 33]*

**C-PRS-6 Lighting.** Light fixtures shall be mounted at low elevations (eight feet or less) and fully shielded to direct lighting downward. Lighting along walkways should be mounted on low elevation bollards or posts. Floodlighting shall be discouraged. Exterior lighting fixtures should complement the architectural style of structures.

(PC app. 9/19/11, 7/29/10)

*[Adapted from the Point Reyes Station Community Plan Policy CL-4.1.o, p. 21, and Program RL-3.4a, p. 34]*

**C-PRS-7 Point Reyes Affordable Homes Project.** Development of the 18.59-acre property consisting of Assessor’s Parcels 119-260-02 through 06 (formerly 119-240-45), 119-240-02 through 13 (formerly 119-240-46, 57 and 58) and consisting of Areas A, B, C, D, E and F as depicted on Exhibit E, shall be subject to the following land use designations, as defined in the Marin Countywide Plan and further incorporated as Appendix G to the LCP: The land use designation for Areas A and B shall be C-MF-2 (Coastal, Multiple-Family, one to four units per acre maximum residential density). The land use designation for Area C shall be C-SF-4 (Coastal, Single-family Residential, one to two units per acre). The land use designation for Areas D and E shall be C-NC (Coastal, Neighborhood Commercial, one to 20 units per acre maximum residential density, 30% to 50% commercial floor area ratio). The land use designation for Area F shall be C-OS (Coastal, Open Space).

The entire 18.59 acres shall be subject to a single site development plan consisting of Areas A, B, C, D, E and F. The site development plan shall be subject to review and approval by the California Coastal Commission as an amendment to the LCP. Any coastal development permit or permits for development of any portion of the site shall be consistent with the approved site development plan. The site development plan shall indicate the kinds, locations, and intensities of uses allowable in accordance with the following requirements:

1. Total number of residential units on the entire 18.6 acre site shall not exceed 36.
2. Area A shall be developed with a maximum of seven detached affordable and/or market rate for-sale units ranging in size from approximately 900 to 1,155 square feet.
3. Area B shall be developed with a maximum of 27 rental affordable units ranging in size from approximately 1,440 to 1,720 square feet and a manager’s unit/community building of approximately 2,180 square feet.
4. No more than two residential units may be developed within Area C.
5. A minimum of 12 public parking spaces shall be provided within Area D.
6. A minimum of two acres shall be reserved for a future ~~overnight visitor serving facility, preferably providing lower cost services to the maximum extent feasible community-serving use or project that provides a significant public benefit, as demonstrated by the Review Authority, or an alternative commercial use deemed appropriate by the Coastal Commission~~ within Area E.
7. Future use of the approximate 18.59 acre area depicted on Exhibit E, including all wetlands shall be consistent with the LCP, including provisions which mandate a 100-foot minimum buffer as measured landward from the edge of the wetlands.

[BOS app. 2/26/2013]

(PC app. 9/19/11)

*[Adapted from Unit II New Development and Land Use Policy 8.b, p. 210]*

**Inverness**

**C-INV-1 Community Character of Inverness.** Maintain the existing character of residential and small-scale commercial **and visitor-serving** development in the Inverness Ridge communities.

[BOS app. 12/11/2012]

(PC app. 9/19/11, 7/29/10)

[New policy, not in Unit I or II]

**C-INV-2 New Visitor-Serving Uses.** (Deleted 9/19/11)

**C-INV-3 Paradise Ranch Estates Design Guidelines.**

Future development in Paradise Ranch Estates should be consistent with maintaining the existing exclusively residential nature of the community, and should consider the community’s unique characteristics such as substandard roads and the need to protect viewsheds from adjacent parklands. Apply the following guidelines for development within Paradise Ranch Estates:

1. Protection of Visual Resources.

- a. In areas where structures may be seen from adjacent parklands (primarily the north, south and west sides of the subdivision) structures shall be screened by existing vegetation to the maximum extent possible. Structures on or near ridgelines shall not be higher than the tree canopy, even if the Zoning Ordinance would otherwise permit taller buildings. The purpose of this measure is to prevent the presently tree-covered silhouette of the ridgeline from being visually disrupted. In addition, the structures will be better-screened. It is noted that the west side is adjacent to Park Wilderness areas.
- b. In areas where structures may be visible, dark earth tones shall be used to ensure the least amount of visual intrusion into the landscape.
- c. To minimize grading and visual impacts from adjacent parkland, new structures along Pine Crest Road shall be located within 150 feet of the front property line.
- d. To minimize visual impacts on adjacent parkland, structures visible from the park on the northwest (Pine Crest and Upper Roberts) and southwest (Elizabeth Place, ends of Sunnyside and Dover) sides of the subdivision shall be oriented such that the narrower end of the structure faces the park to ensure the maximum opportunity to take advantage of the existing tree cover.
- e. An analysis of the visual impacts from structures that might result from the siting and construction of the septic system shall be included with development applications. The septic system shall be designed and sited to minimize tree removal which could have a visual impact.
- f. Use of colors and materials consistent with the woodland character of the subdivision and the vernacular building style of the area should be observed to avoid obtrusive visual impact.



2. Public Service Guidelines. Paving and drainage improvements along the road frontage of a property may be required for all-new structures. Off-site improvements may also be required in areas where roadways presently do not meet County standards. These areas include the following:
  - a. Certain segments of Upper Roberts Road.
  - b. Douglas Drive adjacent to Assessor Parcel Numbers 114-130-34 and 114-130-24.
  - c. Dover Drive adjacent to Assessor Parcel Number 114-130-25.

If parcels that presently are not part of the Paradise Ranch Estates Permanent Road Division acquire access over subdivision roadways in the future, joining the assessment district shall be a condition of approval.

3. Protection of Trees. Structures and roads should be sited to avoid tree removal. However, where it is necessary to clear existing vegetation, ecological principles of natural plant success should be observed. In some circumstances, removal of dead or older diseased trees may be desirable for siting purposes, thus promoting success of younger, more vigorous vegetation. However, dead trees also serve as valuable habitat for some species, so their complete removal should be avoided as appropriate.

(PC app. 7/29/10)

*[Adapted from Unit II New Development and Land Use Policy 8.c(4)(c)(2), pp. 212-214]*

**C-INV-4 Road and Path Maintenance in Inverness.** Maintain existing residential streets at current improvement standards. Unimproved residential roadways should be improved to minimal all-weather travel standards such as crushed rock by owners of land whose frontages abut such roadways. Continue to maintain existing paths and encourage new pathways.

(PC app. 11/7/11, 10/26/09)

*[Adapted from Inverness Community Plan, Policy 7.00, p. 102-103]*

## East Shore

**C-ES-I Community Character of the East Shore of Tomales Bay.** Maintain the existing character of low-density, residential, agriculture, mariculture, visitor-serving, and fishing or boating-related uses. Allow expansion or modification of development for visitor-serving or commercial development on previously developed lots along the east shore of Tomales Bay, provided that such expanded uses are compatible with the small scale and character of existing development along the Bay.



1. Nick's Cove. Continue to support visitor-serving uses on this site, which includes a restaurant and overnight guest accommodations. Overnight accommodations, such as bed and breakfast facilities, are encouraged consistent with availability of water supply, sewage disposal, and parking facilities. Any expansion or reconstruction of Nick's Cove restaurant shall be designed to minimize visual impacts and provide maximum public physical and visual access to the shoreline. Structures on the upland property shall be

limited in height to that which is compatible with the scale and character of surrounding development, while those on the bayside of Highway One shall not exceed the height of the existing restaurant.

2. Marshall. Maintain and encourage the present residential/commercial mixed use and encourage locally serving commercial uses.
3. Marshall Boatworks. Continue to support the Marshall Boatworks area as a residential/commercial mixed use area and as a potential community activity center and gathering place.
4. Marconi Conference Center State Historic Park. Continue to support the Marconi Conference Center and State Historic Park to provide meeting and retreat services for the Bay Area, consistent with historic and natural resource protection guidelines in the Marconi Conference Center State Historic Park General Plan.
5. Marconi Cove Marina. Support visitor- and local-serving, as well as marine-related, facilities at the Marconi Cove property. Expanded marina facilities, including additional boat slips, fishing pier, and storage space may also be desirable.

[BOS app. 12/11/2012]

(PC app. 9/19/11, 1/24/11)

*[Adapted from Unit II Recreation and Visitor-Serving Facilities Policy 3.e, pp. 48-51]*

**C-ES-2 Protection of Trees.** Identify and protect significant stands of trees in the Planning Area.

(PC app. 9/19/11, 7/29/10)

*[Adapted from the East Shore Community Plan, Program EQ-2-1, p. 48]*

**C-ES-3 Prioritization of Water-Related Uses.** Prioritize mariculture, boat repair, fishing, water-related recreation and scenic resources over other uses along the shoreline.

(PC app. 9/19/11, 7/29/10)

*[Adapted from the East Shore Community Plan, Policy CD-7, p. 51]*

**C-ES-4 Commercial Land Use.** Limit development of commercial and public facilities to existing activity centers, such as Nick's Cove, historic Marshall or near the Post Office/Marshall Boatworks and Marconi area.

(PC app. 9/19/11, 7/29/10)

*[Adapted from the East Shore Community Plan, Policy CD-21, p. 55]*

**C-ES-5 Local-Serving Facilities.** Consider incorporating local-serving facilities in new development, where appropriate.

(PC app. 9/19/11, 7/29/10)

*[Adapted from the East Shore Community Plan, Policy CD-24, p. 56]*

**C-ES-6 New Marina Development.** New marina development shall make provision for use of facilities by local commercial and recreation boats.

(PC app. 9/19/11, 7/29/10)

*[Adapted from the East Shore Community Plan Program CD-24-2, p. 56]*

## Tomales

**C-TOM-1 Community Character of Tomales.** Maintain the existing character of residential and small-scale commercial and visitor-serving development in the community of Tomales. No expansion of commercial zoning is recommended since there is adequate undeveloped land zoned for visitor-serving and commercial development for anticipated future needs. Encourage development of overnight accommodations such as a motel, cottages, and a hostel. New development shall reflect the historic character of the town's architecture and shall be set back from the creek which flows through commercially zoned areas.



[BOS app. 12/11/2012]

(PC app. 9/19/11, 1/24/11)

*[Adapted from Unit II Recreation and Visitor-Serving Facilities Policy 3.f, p. 51]*

## Dillon Beach

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

(PC app. 11/7/11, 7/29/10)

*[Adapted from Unit II Recreation and Visitor-Serving Facilities Policy 3.g(1) & (2), pp. 51 – 52]*

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

(PC app. 11/7/11, 09/19/11)

*[Adapted from the Coastal Commission staff report for Lawson's Landing Appeal No. A-2-MAR-08-028]*

**C-DB-3 Oceana Marin.** The zoning designations for the C-RMP parcels in Oceana Marin represent the low end of the residential density ranges specified in the Dillon Beach Community Plan for the

respective parcels. Development at higher density ranges may be approved if subsequent studies demonstrate that additional development can be accommodated in accordance with Policies CD-4.6 and CD-10.6 through CD-10.16 of the Dillon Beach Community Plan, which has been certified by the California Coastal Commission.

(PC app. 11/7//11)

*[Adapted from Unit II New Development and Land Use Policy 8.h(7), p. 218]*

**C-DB-4 Dillon Beach Community Plan.** Refer to the Dillon Beach Community Plan, which has been certified by the California Coastal Commission, when reviewing Coastal Permits in the Dillon Beach area.

(PC app. 11/7//11)

*[New policy, not in Unit I or II]*





*Photo Courtesy of: Community Development Agency*

## Energy (EN)

### Background

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

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

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

While the continued support of renewable energy has become a priority both locally and nationwide, there remains a concern that energy production facilities may pose a significant threat to important coastal

resources. Nowhere is this more evident than in the Coastal Zone of Marin County, where the abundance of sensitive natural resources creates a setting susceptible to the potentially harmful effects that some facilities may impose. For instance, facilities such as power plants and those related to oil and gas drilling are known to inflict serious adverse impacts upon the surrounding environment, and therefore may not be appropriate for Marin's Coastal Zone. However, it is recognized that certain renewable energy facilities (example: solar and wind energy conversion) may be necessary for the greater public benefit, and thus may be allowed where appropriate.

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

The Marin County Coastal Zone currently has no major energy or industrial facilities, although the possibility of two types of major energy development has been considered in the past: power plants and offshore oil development. The Coastal Act requires the Coastal Commission to designate specific areas of the Coastal Zone that are not suitable for siting new power plants or related facilities. In September 1978, the State Commission adopted "negative designations" for the Coastal Zone (subsequently revised in 1982). In Marin County, non-federal lands generally north of Olema were negatively designated (or excluded) for potential power plant development except those agricultural lands located north of Walker Creek, despite a recommendation from the Regional Commission supporting total exclusion of all lands north of Olema. This would have left these agricultural areas potentially open for possible development of power plants. However, current LCP Unit II Policy 7 was certified by the CCC as part of the County's LCP to prohibit "major energy or industrial development" while allowing the development of alternative energy sources such as solar and wind energy.

In addition, the Gulf of the Farallones and Monterey Bay National Marine Sanctuaries have been established to border the Marin County Coastal Zone since the original LCP certification. The Sanctuaries enforce federal regulations that protect the bay and ocean waters adjacent to Marin. These federal regulations (CFR, Title 15, §922) prohibit harmful activities such as "exploring for, developing, or producing oil, gas, or minerals..." within the Sanctuaries to protect the sensitive resources found therein. Given the prohibition of such activities offshore, at least to the seaward extent of the Sanctuaries, it is less likely there would be any proposals for related on-shore facilities in the Coastal Zone in the foreseeable future.

## Policies

**C-EN-1 Energy Efficiency Standards.** Integrate energy efficiency and conservation, and renewable energy requirements into the development review and building permit process where technically and financially feasible.

(PC app. 11/7/11, 4/27/09)

*[Adapted from CWP Policies EN-1.1 and EN-2.2, pp. 3-82 and 3-85]*

**C-EN-2 Public Information and Education on Energy Efficiency.** Provide information, marketing, training, and education to support energy efficiency and conservation, and renewable resource use. (PC app. 11/7/11, 4/27/09)

*[Adapted from CWP Policies EN-1.3 and EN-2.4, pp. 3-82 and 3-85]*

**C-EN-3 Incentives for Energy Efficiency.** Continue to offer incentives that encourage energy efficiency and conservation, and renewable energy practices.

(PC app. 11/7/11, 4/27/09)

*[Adapted from CWP Policy EN-1.2, p. 3-82]*

**C-EN-4 Renewable Energy Resource Priority.** Utilize local renewable energy resources and shift imported energy to renewable resources where technically and financially feasible at a scale that is consistent with the sensitivity of coastal resources. Preserve opportunities for development of renewable energy resources only where impacts to people, natural resources and views would be avoided or minimized. Support appropriate renewable energy technologies, including solar and wind conversion, wave and tidal energy, and biogas production through thoughtfully streamlined planning and processing, rules and other incentives that are all consistent with Policy C-EN-5.

(PC app. 1/9/12, 11/7/11, 1/24/11)

*[Adapted from CWP Goal EN-2 and CWP Policies EN-2.1, 2.2 and 2.3, p. 3-85]*

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

(PC app. 1/9/12, 11/7/11, 1/24/11)

*[Adapted from CWP Policy BIO-1.a, p. 2-16, and CWP Program AG-1.f, p. 2-162]*

**Program C-EN-4.b Consider Policy to Allow the Creation of Local-Serving Renewable Energy Systems.** Evaluate the future implementation of a policy that would allow local-serving renewable energy systems in the Coastal Zone. Such systems would provide energy service exclusively from renewable energy resources such as solar or wind power to one or more coastal communities.

(PC app. 9/19/11)

*[New program, not in Unit I or II]*

**C-EN-5 Energy Production Facility Impacts.** Ensure through siting, design, scale, and other measures that all energy production facilities are constructed to avoid where possible, and minimize where avoidance is not possible, impacts on public health, safety and welfare, public views, community character, natural resources, agricultural resources, and wildlife, including threatened or endangered species, bat populations, and migratory birds.

(PC app. 11/7/11, 1/24/11)

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

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

(PC app. 1/9/11, 11/7/11)

*[Continued from LCP Unit II New Development and Land Use Policy 7, p. 209. This policy also carries forward Unit I Public Services Policy 2, p. 48]*



*Photo courtesy of: Community Development Agency*

## Housing (HS)

### Background

Housing is a vital component of Marin’s coastal communities. While the Local Coastal Program (LCP) is not required by the Coastal Act to address housing, it remains important to respond to current and future housing needs in the Coastal Zone, particularly in planning for sustainable communities by supplying housing affordable to the full range of the Coastal Zone’s diverse community and workforce.

Provision of affordable and diverse housing opportunities in the Coastal Zone is important to provide decent housing for residents. The challenge of providing new housing compatible with existing community character and quality, as well as environmental constraints and resources, is ever-present. At the same time, the LCP is required to meet federal and state law with respect to providing low- and moderate-income housing, replacement housing, or any other obligation related to housing imposed by existing laws.

Assuring housing choices at prices within reach is also important indirectly in carrying out Coastal Act resource protection goals. The Coastal Act places a high priority on maintaining agriculture and mariculture as viable land uses in the Coastal Zone, and encourages provision of visitor-serving facilities including overnight accommodations. These land uses depend on the availability of local labor, and pay scales for workers in these industries tend to be relatively low. Provision of housing opportunities for those employed in the Coastal Zone is thus essential if these high-priority land uses are to be maintained.

The Coastal Act addresses housing in several ways. Section 30500.1 provides that the LCP is not required to include housing policies and programs. However, Section 30007 states that local governments are not exempt from meeting requirements of state and federal law with respect to providing low- and moderate-income housing or other obligations related to housing. Furthermore, as defined in Section 30108.5, the Coastal Act requires that the land use plan component of the LCP indicates types, location, and intensity of land uses and applicable resource protection and development policies.

Because the adopted Marin County Housing Element and Development Code include measures such as density bonuses and reduction in site development standards, which affect the intensity of land uses that can be allowed in the Coastal Zone, the LCP contains select housing policies. These policies balance housing-related requirements of the Government Code and the Marin Countywide Plan’s Housing Element with the Coastal Act requirement to specify the potential density of future development in the Coastal Zone, including residential development.

The LCP provides several measures to address low and moderate income housing needs in the Coastal Zone, such as affordable housing provisions and retention of zoning for small lots of 6,000 to 10,000 square feet. These needs are also addressed by LCP policies that support development of second units and agricultural worker housing where appropriate. To protect existing lower income units, the LCP also limits conditions under which such units can be demolished, although hazardous structures may be demolished even if no replacement housing is built. Finally, it should be noted that the County’s draft Housing Element identifies several sites in the Coastal Zone that could potentially accommodate affordable housing.

## Policies

**C-HS-1 Protection of Existing Affordable Housing.** Continue to protect and provide affordable housing opportunities for very low, low, and moderate income households. Prohibit demolition of existing deed restricted very low, low, and moderate income housing except when:

1. Demolition is necessary for health and safety reasons; or
2. Costs of rehabilitation would be prohibitively expensive and impact affordability of homes for very low, low and moderate income households; and
3. Units to be demolished are replaced on a one-for-one basis with units of comparable rental value on site or within the immediate Coastal Zone area.

(PC app. 9/19/11, 7/29/10)

*[Adapted from Unit I New Development and Land Use Policy 22, p. 66, and Unit II New Development and Land Use Policy 4.a, p. 207]*

**C-HS-2 Density for Affordable Housing.** Allow the maximum range of density for deed-restricted housing developments that are affordable to extremely low, very low or low income households and that have access to adequate water and sewer services.

(PC app. 9/19/11, 7/29/10)

*[Adapted from the November 2009 Draft Housing Element Program 1.d]*

**C-HS-3 Affordable Housing Requirement.** Require residential developments in the Coastal Zone consisting of 2 or more units to provide 20 percent of the total number of units to be affordable by households of very low or low income or a proportional “in-lieu” fee to increase affordable housing construction, consistent with the County’s inclusionary housing policy.

(PC app. 9/19/11, 10/26/09)

*[Adapted from the November 2009 Housing Element Policy H3.19, and County Code Section 22.22.020]*

**C-HS-4 Retention of Small Lot Zoning.** Preserve small lot zoning (6,000 – 10,000 square feet) in Tomales, Point Reyes Station, and Olema for the purposes of providing housing opportunities at less expense than available in large-lot zones.

(PC app. 9/19/11, 10/26/09)

*[Adapted from Unit II New Development and Land Use Policy 4.b, p. 207]*

**C-HS-5 Second Units.** Consistent with the requirements of California Government Code Section 65852.2, continue to enable construction of well-designed second units in both new and existing residential neighborhoods as an important way to provide workforce and special needs housing. Ensure that adequate services and resources, such as water supply and sewage disposal, are available consistent with Policy C-PFS-1 Adequate Services.

(PC app. 9/19/11, 10/26/09)

*[Adapted from the November 2009 Draft Housing Element Program 1.i]*

**C-HS-6 Restricted Short-Term Rental of Primary or Second Units.** Consider restricting the use of residential housing for short term vacation rentals.

(PC app. 9/19/11, 7/29/10)

*[Adapted from the November 2009 Draft Housing Element Program 1.j]*

**Program C-HS-6.a Address Short-Term Rental of Primary or Second Units.** Consider restricting the use of residential housing for short term vacation rentals.

1. Work with community groups to determine the level of support for an ordinance restricting short-term vacation rentals.
2. Research and report to the Board of Supervisors on the feasibility of such an ordinance, options for enforcement, estimated program cost to the County, and the legal framework associated with rental properties.

(PC app. 9/19/11, 7/29/10)

*[Adapted from the November 2009 draft Housing Element Program 1.j]*

**C-HS-7 Williamson Act Modifications to the Development Code.** Allow farm owners in a designated agricultural preserve to subdivide up to 5 acres of the preserved land for sale or lease to a nonprofit organization, a city, a county, a housing authority, or a state agency in order to facilitate the development and provision of agricultural worker housing. Section 51230.2 of the Williamson Act requires that the parcel to be sold or leased must be contiguous to one or more parcels that allow residential uses and developed with existing residential, commercial, or industrial uses. The parcel to be sold or leased shall be subject to a deed restriction that limits the use of the parcel to agricultural laborer housing facilities for not less than 30 years. That deed restriction shall also require that parcel to be merged with the parcel from which it was subdivided when the parcel ceases to be used for agricultural laborer housing.

(PC app. 9/19/11, 7/29/10)

*[Adapted from the November 2009 Draft Housing Element Program 2.j and Government Code Section 51230.2]*

**C-HS-8 Development of Agricultural Worker Housing Units in Agricultural Zones.** Support policy changes that promote development of agricultural worker units in agricultural zones.

(PC app. 9/19/11, 7/29/10)

*[Adapted from the November 2009 Draft Housing Element Program 2.l]*

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

(PC app. 11/7/11, 7/29/10)

*[Adapted from the November 2009 Draft Housing Element Program 2.1]*

**C-HS-9 Second Units.** *(Deleted 9/19/11)*

**C-HS-9 Density Bonuses.** Provide density bonuses for affordable housing in the Coastal Zone consistent with Government Code Section 65915 and Coastal Act Section 30604(f), and the County's density bonus provisions in Chapter 22.24 (Affordable Housing Incentives) to the extent that such increases in density are consistent with the provisions of the LCP.

(PC app. 11/7/11, 10/26/09)

*[New policy, not in Unit I or II]*



*Photo Courtesy of: Community Development Agency*

## Public Facilities and Services (PFS)

### Background

The villages of Marin County's Coastal Zone are surrounded by extensive public open space and agricultural land, with scattered farm-related housing. Most development in the Coastal Zone receives water and sewage services through individual property-specific systems managed by private landowners, since community water supply and sewage disposal systems are limited and exist only in some of the villages. This limited community service capacity is largely due to the local soil conditions and aquifer characteristics. Maintaining a balance between level of development and capacity of public services is essential to preserve service quality and avoid provision shortages. Without this balance, communities can experience such impacts as water pollution that could result from inadequate on-site sewage disposal, as well as public safety problems associated with an inadequate water supply.

Availability of water to support development in Marin's Coastal Zone depends on a variety of interrelated factors, including annual weather patterns, long-term climate trends, development of new facilities, as well as water conservation and management practices. Much of the water supply within the Coastal Zone is provided by public and private entities not under the direct jurisdiction of the County (see Map 20 – Public Facility Service Areas). Small water districts provide service in a number of areas, including Bolinas Community Public Utility District (BCPUD), Stinson Beach County Water District (SBCWD), Inverness Public Utility District (IPUD), and Muir Beach Community Services District (MBCSD). The community of Dillon Beach is served by two small independent water companies: the California Water Service Company (formerly Coast Springs Water Company) and the Estero Mutual Water System (EMWS).

SBCWD, 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 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.

Water supplies in some areas are currently constrained, including those served by the BCPUD and California Water Service Company (CWSC), where connection moratoria are in place. Other systems have frequent summer peaking problems in dry years, as do some individual wells. Most of the water service areas are projected to experience water supply deficits during extreme droughts, according to the Marin Countywide Plan environmental documents.

Sewage disposal is provided by individual on-site systems in much of the Coastal Zone, including along the East Shore of Tomales Bay, Point Reyes Station, Inverness Ridge, Olema, Stinson Beach, and Muir Beach, parts of Dillon Beach, and most of Bolinas. Other areas are served by community sewer facilities, or in a few cases, small package treatment plants. Soil and groundwater conditions can affect the feasibility of new on-site systems or, in some cases, the functioning of existing systems.

The Coastal Act connects the amount of new residential, commercial, and industrial development with the availability of adequate services. New development is directed by the Coastal Act to existing developed areas that are able to accommodate it or to other locations outside developed areas where adequate public services are available. Thus, whether within or outside existing developed areas, new development must be supported by adequate public services. Furthermore, the Coastal Act requires that public works facilities shall be designed and limited to accommodate needs generated by development permitted consistent with the Act. In other words, such facilities should be sized so as to provide adequate service to development, but not sized in such a way as to create growth-inducing effects. Where public works facilities can accommodate only limited new development, high priority should be accorded to coastal-dependent land uses, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses.

The LCP proposes no new sewage treatment plants, water production facilities, or other public services or facilities. Instead, new development shall continue to rely on existing community service facilities, where capacity is adequate, or on new on-site water and sewage facilities, where those are feasible and can be developed consistent with LCP policies.

## Policies

**C-PFS-1 Adequate Public Services.** Ensure that adequate public services (that is, water supply, on-site sewage disposal or sewer systems, and transportation including public transit as well as road access and capacity if appropriate) are available prior to approving new development, including land divisions. **In addition, ensure that new structures and uses are provided with adequate parking and access.** Lack of available public services, **or adequate parking and access,** shall be grounds for project denial or for a reduction in the density otherwise indicated in the land use plan.

**[BOS app. 2/26/2013]**

(PC app. 11/7/11, 1/24/11)

*[Adapted from Unit II Public Services Policy 1, p. 187, and CWP Goal PFS-1, p. 3-198]*

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

not accommodate growth which cannot be handled by other public service facilities. All such public service projects shall be subject to the LCP.

(PC app. 11/7/11, 9/19/11, 7/29/10)

*[Adapted from Unit I Public Services Policy 1, p. 48]*

**C-PFS-3 Formation of Special Districts.** Ensure that special districts are formed or expanded only where assessment for, and provision of, service would not induce new development inconsistent with policies of the LCP.

(PC app. 9/19/11, 7/29/10)

*[Adapted from Coastal Act Section 30254]*

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

(PC app. 11/7/11, 7/29/10)

*[Adapted from Unit I Public Services Policies 6 and 12, pp. 48-49]*

**C-PFS-5 Community Sewer Systems.** Require new development within a village limit boundary to connect to a public sewer system if the sewer system is within 400 linear feet of the parcel on which development is proposed, unless the County Health Officer or applicable sewer service provider finds that such connection is legally prohibited, physically impossible, or otherwise infeasible.

(PC app. 9/19/11, 7/29/10)

*[Adapted from County Code Section 18.06.050]*

**C-PFS-6 Sewage Disposal Systems and Protection of Water Quality.** Require new and expanded sewage disposal systems to be designed, constructed, and maintained so as to protect the biological productivity and quality of coastal streams, wetlands, and other waters.

(PC app. 9/19/11, 7/29/10)

*[New policy, not in Unit I or II]*

**C-PFS-7 Adequately Sized Sewage Disposal Systems.** Require new and expanded sewage disposal systems to be sized adequately to meet the needs of proposed development, including any changes in type or intensity in use of an existing structure.

(PC app. 9/19/11, 7/29/10)

*[Adapted from Unit I Public Services Policy 9, p. 49]*

**C-PFS-8 Sewage Disposal Systems Requirements for New Lots.** Require all sewage disposal systems on newly created lots to comply in all respects, without variance, with applicable County and state septic system regulations.

(PC app. 9/19/11, 1/24/11)

*[Adapted from Unit I Public Services Policies 7 and 9, pp. 48-49, Unit II Public Services Policy 3.a, p. 189, and County Regulations Section 301]*

**C-PFS-9 Preference for On-Site Individual Sewage Disposal Systems.** Require an individual sewage disposal system serving a building or buildings to be located on the same building site, lot, or parcel as the building(s). Where an existing parcel is found by the County Health Officer or designee to be unsuitable for an onsite sewage disposal system, the system may be located on a contiguous lot (provided the contiguous lot has sufficient replacement area) or parcel within a non-revocable easement specifically designated for such sewage disposal system. The non-revocable easement shall be surveyed

and recorded with the County Recorder, and the easement shall provide for access to the site for maintenance of the sewage disposal system.

(PC app. 9/19/11, 7/29/10)

*[Adapted from County Regulations Section 306]*

**C-PFS-10 Adequate On-Site Sewage Disposal Systems for Existing Development.** Ensure that existing on-site sewage disposal systems function properly by complying with all rules and regulations of the Regional Water Quality Control Board, including any requirements adopted pursuant to AB 885. Where repairs to existing systems are necessary, take corrective action in the following priority order as appropriate:

1. Require connection to a public sewer, if the property is within 400 feet of a public sewer main and it is physically and legally possible to connect to such main; or
2. Require system repair using a standard drainfield; or
3. Require construction of an alternative or innovative system.

(PC app. 9/19/11, 7/29/10)

*[Adapted from Unit I Public Services Policy 7, p. 48, and County Regulations Section 304]*

**Program C-PFS-10.a Continue Stinson Beach Water Quality Monitoring Program.**

Support the existing water quality monitoring program conducted by the Stinson Beach County Water District, consistent with the agreement with the Regional Water Quality Control Board.

(PC app. 9/19/11, 7/29/10)

*[Adapted from Unit I Public Services Policy 11, p. 49, and Unit I Location and Density of New Development Policy 34, p. 81]*

**Program C-PFS-10.b Support Septic Inspection, Monitoring, and Maintenance District(s) other than Stinson Beach.**

Support establishment of one or more Septic Inspection, Monitoring and Maintenance District(s), drawing from the successful performance of the Stinson Beach County Water District that would include all or portions of unincorporated areas with septic systems. Modify applicable codes to enable inspection and monitoring of on-site septic systems in a risk-based, comprehensive, and cost-effective way.

(PC app. 9/19/11, 7/29/10)

*[Adapted from CWP Program WR-2.i, p. 2-61]*

**Program C-PFS-10.c Update Septic Standards.** Consider revising County septic regulations to streamline the regulatory process, prioritize monitoring of on-site wastewater systems, and provide incentives (such as reduced permit fees) for homeowners to repair their systems.

(PC app. 9/19/11, 7/29/10)

*[Adapted from CWP Program PFS-3.c, p. 3-206]*

**C-PFS-11 Alternative On-Site Sewage Disposal Systems.** Approve alternative on-site sewage disposal systems where the County Health Officer or designee determines that (a) sewage cannot be disposed of in a sanitary manner by a standard septic system, or (b) that an alternative system will protect the public health in a manner equal to or better than a standard system.

Approval of an alternative system shall require, at a minimum:

1. Design plans signed by a professional who is knowledgeable and experienced in the field of on-site sewage disposal;

2. Submittal of a site-specific contingency plan which shall outline specific actions to be taken to repair, expand, or replace the system, should it fail to operate as planned;
3. Operation, maintenance, and monitoring instructions for the system owner; and
4. A written statement granting permission to the Health Officer to access the property to periodically assess system functioning.

In addition to a construction permit, an operating permit shall be required for all alternative systems. The operating permit shall be renewed annually or as otherwise specified by the Health Officer. The Health Officer has discretion to exempt from the operating permit requirement alternative systems installed solely for repair of existing systems.

(PC app. 9/19/11, 1/24/11)

*[Adapted from Unit I Public Services Policy 8, p. 49, Unit II Public Services Policy 3.a, p. 189, and County Regulations Sections 801, 802, and 803]*

**Program C-PFS-11.a Continue Alternative Septic System Monitoring.** Monitor the operation of alternative systems and recommend use of new innovative systems if they perform well.

(PC app. 9/19/11, 7/29/10)

*[Adapted from CWP Program WR-2.f, p. 2-61]*

**Program C-PFS-11.b Research And Implement Safe, Effective, And Innovative Waste Water Disposal Options.** Research the potential to expand the use of innovative waste water disposal methods—such as pretreatment drip dispersal septic systems, gray water systems, waterless urinals, and other techniques—and community systems to help reduce potential for contaminants and nutrients to pollute water bodies, create human health hazards, and cause algal blooms. Continue to allow carefully monitored demonstration projects for experimental systems to ensure consistency with local public health protection standards. Revise applicable Codes to permit technologies and practices that prove safe and effective. As soon as innovative waste water disposal options are approved, allow their use as appropriate.

(PC app. 9/19/11, 7/29/10)

*[Adapted from CWP Program WR-2.c, p. 2-60]*

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

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

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 for development other than as provided by this policy, is not allowed.

(PC app. 2/13/12, 11/7/11, 4/27/09)

*[New policy, not in Unit I or II]*

**C-PFS-13 New Water Sources Serving Five or More Parcels.** Professional engineering or other studies are required for coastal permit applications for new water wells or other sources serving 5 or more parcels. These studies must demonstrate that such groundwater or stream withdrawals will not have adverse direct or cumulative impacts on coastal resources, including groundwater basins, aquifers, and streams, and shall include as necessary, long-term monitoring programs, in-stream flow studies, or hydrologic studies. Such studies shall provide the basis for establishing safe sustained yields from these sources. Wells or water sources shall be at least 100 feet from property lines, or a finding shall be made that no development constraints are placed on neighboring properties.

(PC app. 9/19/11, 7/29/10)

*[Adapted from Unit I Public Services Policy 4, p. 48, and Unit II Public Services Policies 2.a and 2.e (3), pp. 187-189]*

**C-PFS-14 Adequacy of Water Supply Within Water System Service Areas.** Ensure that new development within a water system service area is served with adequate, safe water supplies. Prohibit development of individual domestic water wells or other individual water sources to serve new development, including land divisions, on lots in areas served or within the boundaries of a public or private water system, with the following exceptions:

1. For agricultural or horticultural use if allowed by the water system operators;
2. The community or mutual water system is unable or unwilling to provide service; or,
3. Extension of physical distribution improvements to the project site is economically or physically infeasible.

The exceptions specified in 1, 2, or 3 shall not be granted because of a water shortage that is caused by periodic drought. Additionally, wells or water sources shall be at least 100 feet from property lines, or a finding shall be made that no development constraints are placed on neighboring properties

(PC app. 9/19/11, 1/24/11)

*[Adapted from Unit I Public Services Policy 3, p. 48, and Unit II Public Services Policy 2.a, p. 187]*

**C-PFS-15 Development of Water Sources including Wells, Streams, and Springs.** Require a coastal permit for wells and borings unless otherwise exempt or categorically excluded.

(PC app. 9/19/11, 7/29/10)

*[Adapted from Unit II Public Services Policies 2.a and 2.e(1), pp. 187-189]*

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

1. In areas where individual water wells or other individual domestic water sources are permitted, require on-site tests that demonstrate a sustained pumping rate, or equivalent, of 1.5 gpm for each residential unit or subdivided parcel. Higher yields, storage and other facilities may be required for fire protection purposes, as recommended by the appropriate fire protection agency.
2. Require that well or water sources shall be at least 100 feet from property lines, unless a finding is made that no development constraints are placed on neighboring properties.
3. Allow a well only where a finding is made that it will not have adverse direct or cumulative impacts on coastal resources.
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 chapter 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.

5. Within the Inverness Public Utility District (IPUD), permit no individual wells for domestic use in the same watershed, at an elevation higher than the IPUD surface water sources existing as of June 14, 1983.

(PC app. 2/13/12, 9/19/11, 7/29/10)

*[Adapted from Unit I Public Services Policy 5, p. 48, Unit II Public Services Policies 2.a and 2.e(2), pp. 187-189; and Interim County Code Section 22.56.130.A]*

**C-PFS-17 Conservation of Water.** To minimize generation of wastewater and encourage conservation of Coastal water resources, require use of water saving devices as prescribed by the local water provider in all new developments.

(PC app. 9/19/11, 7/29/10)

*[Adapted from Unit I Public Services Policy 10, p. 49]*

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

(PC app. 11/7/11, 1/24/11)

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

**C-PFS-19 Telecommunications Facilities.** Ensure through siting, co-location, “stealth” design and other measures that telecommunications facilities are designed and constructed to minimize impacts on coastal views, community character, natural resources, wildlife, and public safety.

(PC app. 9/19/11, 1/24/11)

*[Adapted from CWP Goal PFS-5, p. 3-208]*





*Photo Courtesy of: Fabio Sironi*

## Transportation (TR)

### Background

Transportation networks and facilities are important not only for the efficient movement of people and goods but also in establishing the character of a community. The scenic character of the Marin County Coastal Zone is based in part on the small-scale, winding nature of Highway One and other rural coastal roads. As one progresses along these roads, incredible and often dramatic views of the ocean, beaches, mountains, and baylands come into view. To preserve the visual quality of the coast, it is necessary to maintain Highway One as a two-lane scenic road and to minimize the impacts of roads on wetlands, streams, and the scenic resources of the Coastal Zone.

In order to carry out the Coastal Act priority to maximize public coastal access while still protecting these resources, it is necessary to maintain and expand alternatives to auto transportation in the Coastal Zone. Public transit, especially services oriented to recreation sites that draw heavy visitation, is an essential component in a balanced transportation network (see Map 21 – Transit Corridors). Bicycle and pedestrian facilities are not only an alternative to auto-dependent transportation but also are compatible with maintaining the rural, scenic character of the Coastal Zone (see Maps 26a and 26b – Bikeways). Bicycles and pedestrians can be accommodated with smaller facilities, and those on foot or bicycle experience more of the sights and sounds of the coastal environment around them.

Since 1997, Highway One has operated at Level of Service ‘A.’ The Level of Service (LOS) measure is used to evaluate the adequacy of a given transportation feature, typically highways, by determining the level of traffic congestion and corresponding safety of driving conditions. A rating of ‘LOS A’ is the most ideal score a highway can receive, and is generally given when there exists a steady free flow of traffic and no approach area is fully utilized by traffic. This evaluation reflects a minimal level of traffic congestion and would not justify any widening of Highway One or other coastal roads. Furthermore, the rural character in which the natural environment predominates throughout the area would be changed

irrevocably by such alterations. Therefore, road widening is not a viable option for enhancing transportation capacity in the Coastal Zone.

Section 30254 of the Coastal Act establishes that Highway One shall remain a scenic two-lane road in rural areas of the Coastal Zone. However, Section 30210 requires maximizing access to the coast. Helping to reconcile these policies, Section 30252 encourages measures such as providing non-automobile circulation and minimizing the use of coastal access roads. Also related to the preservation of existing roads is Coastal Act Section 30251, which provides for the protection of the scenic and visual qualities of coastal areas, and 30253(5), which protects special communities that are popular visitor destination points for recreational users because of their unique characteristics.



The policies and programs of the Local Coastal Program (LCP) are consistent with the Coastal Act in that they prohibit the construction of additional highway lanes and ensure that road improvements are limited and undertaken in a way that respects their scenic environment. Instead of providing for an increase in vehicular traffic, the LCP encourages reduction of congestion through alternative means, such as limiting local parking and providing shuttle service to popular destinations. This goal is furthered by policies encouraging the expansion of the bicycle and pedestrian and supporting facilities. As a condition of new development, the LCP also encourages the procurement of trails, roadways or paths. To further maximize coastal access, LCP policies encourage the expansion of trails and bikeways on National Park Service lands. Transportation policies of the LCP also recognize and attempt to minimize the impacts of sea level rise on Highway One using the least environmentally damaging means.

## Policies

**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 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. (PC app. 2/13/12, 9/19/11, 1/24/11)

*[Adapted from Unit II Public Services Policy 4.a, p. 191, and CWP Program TR-1.o, p. 3-157]*

**C-TR-2 Scenic Quality of Highway One.** Ensure that Highway One shall remain a scenic two-lane roadway throughout Marin's Coastal Zone. Maintain the existing narrow, twisty two-lane roadway that successfully complements the rugged, open character unique to the coastal area from the southern boundary of Marin's Coastal Zone northward to the Bolinas Lagoon. Ensure that improvements shall not, either individually or cumulatively, detract from the rural scenic characteristics of the highway throughout the Coastal Zone 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 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.

[BOS app. 12/11/2012]

(PC app. 2/13/12, 9/19/11, 4/27/09)

[Adapted from Unit I Public Services Policy 13, p. 49, and Unit II Public Services Policy 4.a, p. 191]

**C-TR-3 Impacts to Highway One from Sea Level Rise.** Consult with the California Department of Transportation to protect access to the coast and to minimize impacts of sea level rise on Highway One. Identify areas that will regularly be inundated by the ocean or are at risk of periodic inundation from storm surge and sea level rise. A combination of structural and non-structural measures should be considered with a preference towards non-structural solutions, including relocating the Highway, unless the structural solutions are less environmentally damaging. (See also *Environmental Hazards Program C-EH-22.a: Research and Respond to the Impacts of Sea Level Rise on Marin County’s Coastal Zone Shoreline*)

(PC app. 9/19/11, 05/26/09)

[New policy, not in Unit I or II]

**C-TR-4 Expansion of Bicycle and Pedestrian Access.** Expand bicycle and pedestrian facilities and access in and between neighborhoods, employment centers, shopping areas, schools, public lands, and recreational sites.

(PC app. 9/19/11, 4/26/10)

[Adapted from Unit II Public Services Policy 4.a, p. 191, and CWP Goal TR-2, p. 3-159]

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

(PC app. 11/7/11, 4/26/10)

[Adapted from CWP Policy TR-2.1, p. 3-150]



**Program C-TR-5.a Add Bicycle Lanes.** Identify roads with shoulders wide enough to be designated as bicycle lanes and where feasible, stripe and sign appropriate roadway segments as bike lanes and bike routes.

(PC app. 9/19/11, 5/26/09)

[Adapted from CWP Policy TR-2.1, p. 3-150]

**C-TR-6 New Bicycle and Pedestrian Facilities.** Encourage, and where appropriate, require new development to provide trails or roadways and paths for use by bicycles and/or on-street bicycle and pedestrian facilities. Consider facilities that achieve the following:

1. Connect to the existing bikeway or trail system, including linkages to and between communities and recreation areas
2. Link to federal and state park trail systems, where feasible
3. Include trails designed to accommodate multiple use (hiking, biking, and equestrian) where multiple use can be provided safely for all users and where impacts to coastal resources are minimized
4. Allow for flexible, site specific design and routing to minimize impacts on adjacent development and fragile habitat. In particular, ensure that trails located within or adjacent to Environmentally Sensitive Habitat Areas are designed to protect fish and wildlife resources.
5. Provide connections with populated areas
6. Provide diverse recreational and aesthetic experiences

(PC app. 9/19/11, 4/26/10)

*[Adapted from CWP Policy TR-2.2, p. 3-159, and Malibu LCP Policy 2.45]*

**C-TR-7 New Bicycle Storage Facilities.** Where appropriate, encourage the installation of bike racks, lockers, or other devices for securing bicycles in convenient locations at beach parks, parking lots, trailheads and other staging areas.

(PC app. 9/19/11, 5/26/09)

*[New policy, not in Unit I or II]*

**C-TR-8 Expansion of the Countywide Trail System.** Acquire additional trails to complete the proposed countywide trail system, providing access to or between public lands and enhancing public trail use opportunities for all user groups, including multi-use trails, as appropriate.

(PC app. 9/19/11, 4/26/10)

*[Adapted from CWP Policy TRL-1.2 p. 2-136]*

**C-TR-9 Bikeways on National Park Service Lands.** Consult with the National Park Service (NPS) regarding the feasibility of bikeways on county-maintained roads within NPS park lands.

(PC app. 9/19/11, 4/26/10)

*[New policy, not in Unit I or II]*

**C-TR-10 Adequate and Affordable Public Transportation.** Provide efficient, affordable public transportation service in and to the Coastal Zone and support expansion of alternative modes of transportation.

(PC app. 9/19/11, 4/27/09)

*[Adapted from Unit I Public Services Policy 14, p. 49, Unit II Public Services Policy 4.c, p. 191, and CWP Goal TR-3, p. 3-162]*

**Program C-TR-10.a Encourage Additional Transit Service.** Encourage programs, such as the development of new transit service routes and associated loading and turning areas, parking management and enforcement, and other programs as listed below, consistent with the goal of utilizing public transit to meet current and future increased use of coastal access and recreational areas. Consider the following projects: Develop stable funding streams for such programs,

potentially including congestion or parking fees, in cooperation with appropriate county, regional, state and federal agencies.

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

**[BOS app. 2/26/2013]**

(PC app. 11/7/11, 4/27/09)

*[Adapted from Unit I Public Services Policy 14, p. 49, and Unit II Public Services Policy 4.c, p. 192]*

**C-TR-11 Reduction of Visitor Traffic Congestion in West Marin.** Consult with Caltrans, local, state, and federal parkland agencies, and local communities to provide alternatives to private automobile travel to recreational areas in the Coastal Zone.

(PC app. 9/19/11, 4/27/09)

*[Adapted from Unit I Public Services Policy 14, p. 49, Unit II Public Services Policy 4.c, p. 191, and CWP Policy TR-3.6, p. 3-163]*

**C-TR-12 Consultation with Regional, State, and Federal Agencies.** Consult with nearby counties, state and federal agencies, and special districts regarding regional land use and transportation planning. Encourage transit providers to minimize service gaps by linking services, such as the West Marin Stagecoach and shuttle services provided by the National Park Service, where feasible. *(See also C-PK-9 "Coordinate with Federal and State Parks Agencies" in the Parks, Recreation and Visitor-Serving Uses section)*

(PC app. 9/19/11, 1/24/11)

*[New policy, not in Unit I or II]*





*Photo courtesy of: Jory Christenson*

## Socioeconomic

### Introduction

The people of Marin County enjoy a high quality of life, due in part to the abundance of natural and cultural resources found throughout the area. Residents and visitors in the Coastal Zone have tremendous opportunity to learn about the history of the area, as well as to take advantage of the extensive variety of parks, beaches and other recreation areas. Protection and enjoyment of coastal resources and recreational opportunities are essential components in continuing and enhancing the quality of the Marin County Coastal Zone experience. The Local Coastal Program (LCP) seeks to protect resources that reflect the history of the coast, to preserve recreational opportunities for both coastal residents and visitors, and to maintain and expand opportunities for the public to access the ocean shoreline and other coastal water bodies.

The Socioeconomic section addresses the following subjects:

- ◆ Historical and Archaeological Resources (HAR)
- ◆ Parks, Recreation and Visitor-Serving Uses (PK)
- ◆ Public Coastal Access (PA)





*Photo Courtesy of: Community Development Agency*

## Historical and Archaeological Resources (HAR)

### Background

Coastal Marin has played a significant role in California's extensive history. Before the first arrival of Europeans in the 1500s, the local coast experienced thousands of years of Native American settlement by the Coast Miwok. The 1849 California Gold Rush brought an influx of people seeking their fortune to San Francisco. To support the rapid growth of the area, the North Pacific Coast Railway was completed in 1875, connecting Tomales to San Quentin and Sausalito, and ensuring efficient transport of lumber, dairy, and other agricultural products. During this hasty transformation of Marin County, the Coast Miwok culture collapsed and a new kind of society began to emerge. Families established new roots throughout the Coastal Zone, building homes in a variety of architectural styles including Greek Revival, Italianate, Queen Anne and Mission Revival. By the late nineteenth century, half of Marin County's population lived in or near the village of Tomales. This growth began to slow following the abandonment of the railroad in the 1930s. The rich history of Marin County serves as an important record of the past and should be preserved through the protection of local historical and archaeological resources.

Today, the Marin County coastal landscape is dotted with small rural communities, many of which are historically important and aesthetically unique (refer to Map 22 - Historic Resources to see properties in the Coastal Zone that are on the National or California Register). These communities have remained substantially intact due to their rural, isolated locations throughout the Coastal Zone and the strong historical preservation policies that protect their distinctive character. The historic architecture and village character of these communities are not only important historically, but also contribute to their attractive quality for visitors and residents alike. Improper land development activities can damage if not destroy such qualities, and should not be left unregulated.

The Coastal Act does not directly address protection of historical resources; however Sections 30244 and 30253(5) of the Act mandate protection of coastal communities that draw visitors because of their special characteristics. The Local Coastal Program (LCP) carries out this requirement, in part, through policies



that protect key historical, archaeological, and paleontological resources. These policies accommodate future development in a way that preserves the area's unique historical character.

The LCP provides for protection of key Coastal Zone resources that reflect the legacy of the past. In furtherance of this goal, LCP policies protect historic buildings and ensure that new development will be compatible with the existing character of the surrounding community (see Maps 23a through 23g). The success of these measures relies on broad

public participation, as well as use of design-review groups to evaluate coastal project permits involving or affecting historic structures.

The LCP also protects archaeological and paleontological resources when development projects that might affect them are proposed, by requiring development applications to be reviewed for potential impacts to archaeological and paleontological resources. If potential impacts are found during the review, the LCP requires their avoidance through means such as re-siting the proposed development. When construction activity is allowed at archaeologically sensitive sites, the LCP requires that such activities be carefully monitored and any mitigation measures be properly implemented in the event that archaeological resources are discovered during construction.

## Policies

### **C-HAR-1 Maintenance of Information on Archaeological and Paleontological Resources.**

Maintain a file on known and suspected archaeological and paleontological sites in the Coastal Zone, in cooperation with the area clearinghouse, for use in carrying out Policy C-HAR-2. Additional information on such sites that becomes available through the EIR process or by other means shall be added to the file and forwarded to the Northwest Information Center (NWIC). The file shall be kept confidential in order to prevent vandalism of sites.

(PC app. 9/19/11, 11/23/09)

*[Adapted from Unit I New Development and Land Use Policy 18, p. 64, and Unit II New Development and Land Use Policy 2.a, p. 206]*

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

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

(PC app. 11/7/11, 11/23/09)

*[Adapted from Unit I New Development and Land Use Policy 19, p. 64, Unit II New Development and Land Use Policy 2.b, p. 206, and Countywide Plan Programs HAR-1.d and HAR-1.3]*

**C-HAR-3 Monitoring of Construction on Archaeological Sites by Appropriate Experts.** As a condition of coastal project permit approval, require that new development on sites identified as archaeologically sensitive include on-site monitoring by a qualified archaeologist(s) and appropriate Native American consultant(s) of all grading, excavation, and site preparation that involves earth moving. Provide for implementation of mitigation measures if significant resources are discovered by on-site monitors.

(PC app. 9/19/11, 11/23/09)

*[New policy, not in Unit I or II]*

**C-HAR-4 Structures of Special Character and Visitor Appeal.** Preserve and restore structures with special character and visitor appeal in coastal communities.

(PC app. 9/19/11, 2/8/10)

*[Adapted from Unit I New Development and Land Use Policy 15, p. 64, and Unit II New Development and Land Use Policy 1.a, p. 206]*

**C-HAR-5 Proposed Development that Affects Areas and Structures of Special Character and Visitor Appeal.** Review all coastal permits for projects that (1) are located within the boundaries of those areas designated as having special character and visitor appeal, including historic areas, and (2) involve pre-1930 buildings to conform to:

1. "Design Guidelines for Construction in Areas of Special Character and Visitor Appeal and for pre-1930 Structures" and,
2. "Coastal Village Community Character Review Checklist", both located in the Appendix of the LCP.

(PC app. 9/19/11, 2/8/10)

*[Adapted from Unit I New Development and Land Use Policy 16, p. 64, and Unit II New Development and Land Use Policy 1.b, p. 206]*

**C-HAR-6 Alterations and Additions to Structures of Special Character and Visitor Appeal.**

Require a coastal permit for substantial alterations or additions to any structure built prior to 1930 that would otherwise be exempt from a coastal permit, except for (a) maintenance or repair to any pre-1930's structure consistent with its original architectural character and (b) maintenance or repair that includes replacement-in-kind of building components. Alterations or additions to any pre-1930's structure shall retain the scale and original architectural character of the structure, especially for the front facade.

(PC app. 9/19/11, 2/8/10)

*[Adapted from Unit I New Development and Land Use Policy 15.b, p. 64, and Unit II New Development and Land Use Policy 1.a(2), p. 206]*

**C-HAR-7 Proposed Demolition of Structures of Special Character and Visitor Appeal.**

Review the proposed demolition of any structure built prior to 1930 for its impacts on community character, except that demolition of any secondary or agricultural building built prior to 1930 may be exempted from this requirement upon a finding by the Planning Director or appropriate hearing body that such structure is not a significant resource. Issuance of a coastal project permit for the demolition of any pre-1930 structure may provide for such demolition to be delayed for a period not to exceed six months. During this period, the property owner or local historic group or society may attempt to find a purchaser or alternate location for the structure. This six month period may be waived by the Planning Director or appropriate hearing body upon a finding that the structure is not significant to community character or to visitor appeal or cannot be rehabilitated.

(PC app. 9/19/11, 2/8/10)

*[Adapted from Unit I New Development and Land Use Policy 15.c, p. 64, and Unit II New Development and Land Use Policy 1.a(3), p. 206]*

**C-HAR-8 Village Areas with Special Character and Visitor Appeal.** Ensure that all new construction conforms in scale, design, materials and texture with surrounding community character within areas having special character and visitor appeal including mapped historic areas in Stinson Beach, Bolinas, Tomales, Marshall, Point Reyes Station, Olema, and Inverness.

(PC app. 9/19/11, 2/8/10)

*[Adapted from Unit I New Development and Land Use Policy 15.a, p. 64, and Unit II New Development and Land Use Policy 1.a(1), p. 206]*



*Photo Courtesy of: Tammy Taylor*

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

### Background

The spectacular Marin County coast is distinguished by its windswept rolling hills, coastal bluffs, dense redwood forests, tidal flats, rural communities and cool, frequently foggy weather. The Coastal Zone is home to a myriad of protected natural communities and some of the region's most popular national, state and county parks, including Point Reyes National Seashore and the Golden Gate National Recreation Area (see Map 24 – Open Space and Parks).

Provision of recreational opportunities in the Coastal Zone is important as a means to preserve the natural landscape, as well as to enable the public to use and enjoy its many parks and recreation areas. Enjoyment of coastal resources increases public knowledge about the value of the natural environment and the need to protect it. Overnight accommodations are a key element in the provision of coastal recreational opportunities, since many coastal visitors travel long distances to reach the variety of recreation options found throughout the County. By supporting lower cost overnight facilities and public recreation, the Local Coastal Program (LCP) is helping to ensure that everyone, regardless of economic status, can take advantage of such opportunities.

Communities in the southern part of the Coastal Zone are in close proximity to the City of San Francisco, and have higher demand for day-use opportunities and lower demand for overnight accommodations than communities farther north. As the population of the Bay Area grows, demand for local recreational opportunities rises. Availability of both private and public recreational opportunities ensures that these growing demands may be met in a variety of ways. Parks throughout the County are critical in providing access to these activities and represent a low-cost option for recreational pursuits, allowing all people an equal opportunity to participate. Commercial visitor-serving facilities provide much of the supply of overnight accommodations throughout the Coastal Zone, and generally consist of small inns and bed and breakfast facilities in villages and rural areas.

The Coastal Act places a high priority on the provision of recreation and visitor-serving facilities, especially lower cost and public facilities, as reflected in Sections 30213, 30220, 30221, 30222, 30223, and 30224 of the Act. Section 30222 states that use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industries. Regarding development of recreational facilities within state parks, as well as those maintained by the County and special districts, the Coastal Act establishes that it is the responsibility of the County to review coastal permits for such development.



The LCP encourages provision of a wide range of recreational opportunities, while balancing recreational use with protection of natural resources and community character. The LCP addresses growing demand for coastal recreational opportunities through policies and programs that support both public recreational and commercial facilities, including overnight accommodations of low or moderate cost. Furthermore, the LCP discourages conversion of visitor-serving enterprises, particularly those that provide overnight accommodation, into time-sharing, club, condominium or similarly restricted or limited access type of occupancy. The LCP also restricts conversion of second units and affordable housing to bed and breakfast inns.

Federal park projects in the Coastal Zone are not subject to County-issued coastal permits. LCP policies regarding recreational uses within Point Reyes National Seashore and Golden Gate National Recreation Area simply provide guidance to both the National Park Service and California Coastal Commission, which typically review federal projects under what is known as the federal consistency review authority. Although federal park activities are not within the County's coastal permit authority, the County does have the responsibility to review non-federal projects that take place within the boundaries of National Park Service lands. For instance, private development that occurs on a leasehold within Point Reyes National Seashore is subject to County review.

## Policies

**C-PK-1 Opportunities for Coastal Recreation.** Provide high priority for development of visitor-serving and commercial recreational facilities designed to enhance public opportunities for lower-cost coastal recreation. On land designated for visitor-serving commercial and/or recreational facilities, ensure that higher priority shall be given to such uses over private residential or general commercial development. New visitor-serving uses shall not displace existing lower-cost visitor-serving uses unless an equivalent replacement is provided.

(PC app. 9/19/11, 10/26/09)

*[Adapted from Unit II Recreation and Visitor-Serving Facilities Policy 1, p. 42, and Malibu LCP Policy 2.33]*

**C-PK-2 Compatible Commercial Recreation Facilities.** Ensure that new visitor-serving and commercial development is compatible in architectural character, scale, and function with the character of the community in which it is located to preserve the integrity and special qualities of coastal villages in

the Coastal Zone. Site and design visitor-serving and commercial development to minimize impacts on the environment and other uses in the area, and evaluate it for its conformance with LCP policies on natural resources, agriculture, visual quality, public access, and public services, among others.  
(PC app. 9/19/11, 10/26/09)

*[Adapted from Unit II Recreation and Visitor-Serving Facilities Policies 1, p. 42, and 3.a, p. 43]*

**C-PK-3 Mixed Uses in the Coastal Village Commercial/Residential Zone.** Continue to permit a mixture of residential and commercial uses in the C-VCR zoning district to maintain the established character of village commercial areas. Principal permitted use of the C-VCR zone shall include commercial and residential uses. Require a Use Permit for residential uses proposed on the ground floor of a new or existing structure on the road-facing side of the property. Replacement, maintenance and repair of any legal existing residential use shall be exempt from the above provision and shall be permitted.

(PC app. 9/19/11, 7/29/10)

*[Adapted from Unit I Recreation and Visitor-Serving Facilities Policy 14, p. 13]*

**C-PK-4. Balance of Visitor-Serving and Local-Serving Facilities.** Support a level of local-serving facilities such that an adequate infrastructure can be maintained to ensure the health, vitality, and survival of the visitor-serving segment of the coastal economy.

(PC app. 9/19/11, 10/26/09)

*[New policy, not in Unit I or II]*

**C-PK-5 Small-Scale Tourist Facilities.** Permit small-scale tourist-oriented businesses, rather than large tourist facilities, within coastal villages. Small-scale uses that serve visitors to major public recreation areas include campgrounds, hotels, shops, and restaurants. Ensure that the height, scale, intensity, and design are compatible with surrounding community character.

(PC app. 9/19/11, 7/29/10)

*[Adapted from CWP Policy PA-7.8, p. 3-243]*

**C-PK-6 Bed and Breakfast Inns.** Support bed and breakfast facilities in the Coastal Zone as a means of providing visitor accommodations, while minimizing their impacts on surrounding communities. Restrict the conversion of second units and affordable housing to bed and breakfast inns. In addition, support the location of bed and breakfast inns in areas that are easily and directly accessible from usual tourist travel routes and where there is adequate off-street parking for guests and where the problem of nearby residents being inconvenienced by noise and increased transient traffic is minimized. Bed and breakfast inns shall be permitted to host or provide facilities for gatherings, such as weddings, receptions, private parties, or retreats if located in the C-APZ, C-ARP or C-R-A. Each bed and breakfast inn must be operated by a householder who is the sole proprietor of the enterprise and whose primary residence is on the premises where the inn accommodations are located.

(PC app. 9/19/11, 1/24/11)

*[Adapted from Unit I Recreation and Visitor-Serving Facilities Policy 15, p. 14, and Unit II Recreation and Visitor-Serving Facilities Policy 3.h, p. 52]*

**C-PK-7 Lower Cost Recreational Facilities.** Protect and retain existing lower cost visitor and recreational facilities. Ensure that new development of overnight visitor-serving accommodations (other than bed and breakfast inns), or conversion to private membership use of an existing lower-cost overnight facility, provides a component of lower cost overnight visitor accommodations open to the public, such as a campground, RV park, hostel, or lower cost hotel. The required component of lower cost overnight accommodations should be equivalent to 20 percent of the number of high-cost or private membership overnight accommodations. This requirement may be met on site, off site, or by means of payment of an

in lieu fee to the County for deposit into a fund to subsidize the construction of lower-cost overnight facilities in the Coastal Zone.

(PC app. 9/19/11, 11/23/09)

*[Adapted from Malibu LUP Policy 2.35]*

**C-PK-8 Appropriate Public Recreation Opportunities.**

Ensure that public recreational development is undertaken in a manner which preserves the unique qualities of Marin's coast and is consistent with the protection of natural resources and agriculture. Generally, recreational uses shall be low-intensity, such as hiking, camping, and fishing, in keeping with the character of existing uses in the Coastal Zone.

(PC app. 9/19/11, 11/23/09)

*[Adapted from Unit II Recreation and Visitor-Serving Facilities Policy 1, p. 42]*

**C-PK-9 Coordination with Federal and State Parks Agencies.**

Encourage coordination between the County and federal and state parks agencies in planning and maintaining parks, recreation areas, and coastal accessways within the Coastal Zone. Coordinate with the National Park Service in the development of a Transportation Demand Management Program designed to reduce commute traffic generated by tenants and employees located within park facilities.

(PC app. 9/19/11, 11/23/09)

*[New policy, not in Unit I or II]*



**C-PK-10 Appropriate Uses of Federal Parks.** The following policies shall be advisory for development on federal parklands within the Coastal Zone.

1. Public access and transportation.
  - a. Provide additional coastal access trails and bike paths where feasible and consistent with protection of the park's natural resources. Non-vehicular accessways should connect to points accessible by both automobile and transit.
  - b. Give priority to frequent and convenient transit service from outside the parks to the most heavily used areas in the parks in transit planning and funding. Encourage the National Park Service to expand shuttle services within the parks.
2. Recreation and visitor-serving facilities.
  - a. Give priority to development of new facilities in the most heavily used areas of the parks which are close to park interpretive, educational, and other programs and which are easily accessible by transit.
  - 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.
3. Natural resources.

Encourage evaluation of federal projects which involve the modification or alteration of natural resources by the Coastal Commission through the consistency review process using the LCP as a guide.

4. Agriculture and mariculture.

- a. Encourage continuation of agricultural land uses in the Golden Gate National Recreation Area and Point Reyes National Seashore, at locations and levels compatible with protection of natural resources and public recreational use. Agricultural operations should be monitored to ensure that they are compatible with resource carrying capacity. Where conflicts arise between agriculture and resource protection or public access or recreational uses, they should be resolved to protect resources and public safety while still allowing the continuation of the agricultural operation.
- 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 should be supported.

5. Development/historic preservation.

Whenever possible, utilize existing structures and existing developed areas for new or expanded development. Historic structures should be preserved, restored, and formally designated as historic resources where appropriate. Work with the National Park Service to coordinate historic preservation activities in the Coastal Zone. The majority of park development should be concentrated in the southern GGNRA due to its proximity and accessibility to urban population centers, and availability of existing facilities. New backcountry campgrounds should be developed with minimum impacts on visual and habitat resources.

(PC app. 2/13/12, 9/19/11, 2/8/10)

*[Adapted from Unit II Federal Parkland Policies 1 through 6, pp. 61-62]*



**C-PK-II State Parks.** The State Department of Parks and Recreation has numerous holdings in the Coastal Zone, several of which have not been developed. Collectively, these holdings form Tomales Bay State Park and limited portions of Mount Tamalpais State Park. The Department has prepared a general Plan for both Tomales Bay State Park, which includes most of the state park lands in Marin County's Coastal Zone, as well as Mount Tamalpais State Park. Development within the state parks should be consistent with their adopted General Plans as described below.

**Mount Tamalpais State Park.** The development of additional recreational and visitor services on those portions of the Mount Tamalpais State park within the coastal zone, including hiking trails, equestrian trails, a "primitive" hostel at the Steep Ravine Cabins and improved parking and support facilities at Red Rock are consistent with the LCP policies. Such facilities shall be similar in design, size

and/or location as those proposed by the Mount Tamalpais State Park Plan. Consistent with the protection of significant resources, additional trail development to improve access to public tidelands is encouraged.

***Tomales Bay State Park.*** The Tomales Bay State Park General Plan states that it “aims to preserve what works well now in the park and only recommends changes to park management, activities, and recreational and administrative facilities that can harmonize with the area’s sensitive values and support valuable visitor experiences of Tomales Bay and its surrounding landscape.” Support development at Tomales Bay State Park consistent with the adopted General Plan:

1. Focus and anchor east shore recreation at Marconi Cove and west shore recreation at Heart’s Desire area.
2. Manage the greater part of park areas for their habitat, watershed, and aesthetic values and for low-impact and low-density recreation opportunities such as trail use, nature observation, and picnicking.
3. Enhance trail connections with Point Reyes National Seashore in the Heart’s Desire and Inverness areas.
4. Improve recreational opportunities along the Highway One corridor where recent acquisitions present new opportunities.
5. Formalize small-scale camping opportunities in previously developed areas.
6. Provide watercraft and sailboard launching opportunities at Marconi Cove and provide hiking and mountain biking recreational opportunities at the proposed trail in the Millerton Uplands.
7. Use sustainable design in siting, construction, and maintenance of park facilities. Furthermore, the following guidelines shall be applied as standards for coastal project permit review for proposed development in the park:

#### **Heart’s Desire Area**

1. Preserve and enhance the forest structure and age classes of the Jepson Grove/Bishop pine forest and forest growth by improving *Pinus muricata* growth.
2. Continue to manage Heart’s Desire Beach as the only “drive-up” beach access in the park.
3. Preserve and enhance the Indian Beach estuary and protect its cultural attributes including the midden site.
4. Restore the natural outlet of the estuary that was lost when the parking lot was built at Heart’s Desire Beach in the 1960s.
5. Redesign and relocate picnic facilities to better blend with the natural environment and to provide a sense of seclusion where appropriate.
6. Adapt former hike-bike campground to a group campground.
7. Develop small walk-in campground (maximum of 15 sites) above the entrance station provided, however, that accommodation may be made for vehicles to provide any necessary disability access.
8. Encourage the Point Reyes National Seashore to extend its trail system to help complete the California Coastal Trail in two locations: connect the Indian Beach Trail to Marshall Beach Trail, and connect the Johnstone Trail to the Mount Vision Road and Inverness Ridge Trail.

#### **Inverness Area**

1. Manage these parcels as natural watershed, viewshed and wildlife habitat.

2. On the North Dream Farm property, consider developing a day-use trailhead, a self-guided nature trail loop, and an extension of the nature trail which would connect with the ridgetop trails of Point Reyes National Seashore.
3. Consider acquisitions from willing sellers, land exchanges, or land-use agreements to consolidate the park's three discontinuous Inverness Area parcels and make them more usable for public hiking both on the Tomales Bay side and to connect with trails in the Point Reyes National Seashore.
4. Encourage the State Department of Parks and Recreation to consider transferring to the Inverness Public Utility District the management or ownership of the three Assessors Parcels located around the District's watershed lands.

### **Millerton Area**

1. Preserve and protect the Tomasini Point estuary area as habitat for native plants and animals.
2. Create a Millerton Uplands trail as part of a new segment of the California Coastal Trail.
3. Consider establishment of two trailheads to support the proposed Millerton Uplands trail—a southern trailhead near Millerton Point and a northern trailhead at Tomasini Point, including, if necessary for safety, a modest-sized and sensitively located and screened parking lot and restroom facilities on the east side of the highway near the entrance to Sheep Ranch Road.
4. Encourage the State Department of Parks and Recreation to maintain existing agricultural operations on acquired lands on the east shore of Tomales Bay until such time as the lands are developed for recreational purposes.

### **Marconi Cove Area**

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

### **North Marshall Area**

1. Preserve the natural resources and open space character of this property and consider future potential for low-intensity public access and use.
2. Since this property is remote from the park's other holdings and has limited recreational potential, explore the environmental and operational benefits that may be available through land exchanges, memoranda of understandings, or other arrangements with interested organizational stakeholders.

to achieve common goals of protecting and managing the natural resources and open space of this area.

[BOS app. 12/11/2012]

(PC app. 11/7/11, 9/19/11, 2/8/10)

*[Adapted from Unit II Recreation and Visitor-Serving Facilities Policy 2.b, p. 42]*

**C-PK-12 Existing County Parks in the Coastal Zone.** Continue to operate the eight Marin County Parks facilities in the Coastal Zone, Miller Park, Whitehouse Pool, Chicken Ranch Beach, Bolinas Park, Upton Beach, Agate Beach, and Village Green I and II, which offer boating, fishing, swimming, and recreational opportunities in key locations. If possible, supply water to Miller Park for the benefit of those who use the facility. Maintain existing roadside parking for Chicken Ranch Beach on Sir Francis Drake Boulevard, and add handicapped parking, if feasible.

(PC app. 9/19/11, 11/23/09)

*[Adapted from Unit II Public Parklands Policy 2.c, p. 43]*

**C-PK-13 Future Acquisition of County Coastal Parks through the County Parks Master Plan.** In preparing a future Countywide Parks Master Plan, identify any potential coastal parks that would be of particular value to Marin County residents, for inclusion in the LCP through an LCP amendment. A future Marin County Parks Master Plan Update may include an implementation schedule and plan, incorporating means of acquisition such as public purchase, voluntary donation, tax default sale, or others.

(PC app. 9/19/11, 11/23/09)

*[New policy, not in Unit I or II]*

**C-PK-14 Appropriate Alignment of the California Coastal Trail.** Support completion of the California Coastal Trail through Marin County as shown generally on Map 25, working with willing sellers or donors and other entities. To the extent that an interim inland bypass is necessary for the route from Tomales north to the County line, that route should follow Dillon Beach Road and Valley Ford-Franklin School Road, as appropriate. This is a preferable alternative to using Highway One as the interim route.

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

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

(PC app. 11/7/11, 2/8/10)

*[Adapted from Unit II Recreation and Visitor-Serving Facilities Policy 4, p. 52, and Malibu LCP Policy 2.57]*

**Program C-PK-14.a Collaborate to Complete the California Coastal Trail.**

1. Collaborate with state and federal parkland agencies, coastal communities, Caltrans, Transportation Authority of Marin, and other organizations to identify gaps in the California Coastal Trail located within Marin County;
2. Working with public agencies, non-governmental organizations, and private landowners, propose methods to complete identified gaps in the California Coastal Trail; and
3. Identify and strengthen links from the California Coastal Trail to other paths contained in the Marin County Unincorporated Bicycle and Pedestrian Master Plan.

(PC app. 9/19/11, 2/8/10)

*[New program, not in Unit I or II]*

**C-PK-15 Commercial Fishing and Recreational Boating.** Support and protect commercial fishing and recreational boating on Tomales Bay. Protect and, where feasible, upgrade facilities on the shoreline of the Bay which support such uses. Design and locate proposed recreational boating facilities, where feasible, so as not to interfere with the needs of the commercial fishing industry.

(PC app. 9/19/11, 10/26/09)

*[Adapted from Unit II Commercial Fishing and Recreational Boating Policy 1, p. 122, and Coastal Act Section 30234]*

**C-PK-16 Standards for New Boating Facilities.** Apply the following standards to the development of new boating facilities on the Tomales Bay shoreline:

1. Co-locate new marinas or boat works within or adjacent to existing facilities and where adequate public services, such as parking and sewage disposal, exist. Where co-location is not feasible, limit new boating facilities in undeveloped areas to small scale facilities such as launching ramps. In addition, adequate waste pump-out facilities shall be provided.
2. Direct new or expanded marinas to deeper water areas with good tidal flushing in order to minimize the need for dredging and the risk of water pollution and stagnation.
3. Provide adequate berthing space for commercial fishing boats in new or expanded marinas to ensure protection of this coastal dependent industry.
4. Incorporate provisions for public access to and along the shoreline in the design of marina facilities, and minimize alteration of the natural shoreline in conformance with LCP policies on public access and wetlands protection.
5. Prohibit “live aboards” and houseboats on Tomales Bay.



(PC app. 9/19/11, 10/26/09)

*[Adapted from Unit II Commercial Fishing and Recreational Boating Policy 2, p. 122]*



*Photo Courtesy of: Shannon Walsh*

## Public Coastal Access (PA)

### Background

Physical access to the ocean shoreline is necessary to allow residents and visitors full enjoyment of California's coast. Much of the Marin County Coastal Zone lies within federal, state, or County parks and recreation areas. Coastal parks provide numerous opportunities for public access to the coast, in addition to providing public recreation and protecting wildlife habitats, open space and cultural resources. In addition to extensive shoreline parks, limited areas of the Coastal Zone are held by non-governmental entities, such as Audubon Canyon Ranch, that also provide opportunities for public coastal access, while protecting wildlife habitat and open space.

The shoreline from Point Bonita near the Golden Gate extending north around the Point Reyes Peninsula to Point Reyes Station is largely public parkland. Within this stretch of the Coastal Zone are the small communities of Muir Beach, Stinson Beach, Bolinas, Inverness, Olema and Point Reyes Station. Within most of these communities, some private land adjoins the shoreline, but even so there are locations at which public shoreline access is available. From Point Reyes Station north along the east shore of Tomales Bay to the Sonoma County line lies a patchwork of public and private land, some of which is within the coastal communities of East Shore/Marshall, Tomales, and Dillon Beach. Within this northern reach of the Coastal Zone, shoreline access opportunities are available at only limited locations, and the dominant land use is agriculture.

The California coast and its beaches are popular destinations for both residents and visitors, and the Marin County Coastal Zone is no exception. While the statewide population of California continues to expand, so do the number of out-of-state visitors, who serve as an important contributor to the state's economic well-being. Although visitation is already high and expected to grow, the length of California's shoreline remains fixed. Providing additional sites for coastal access fulfills several purposes, including lessening the impacts of overuse of any one public coastal access site, affording visitors a variety of coastal experiences, and increasing healthy outdoor recreational opportunities.



The Coastal Act of 1976 places a high priority on the provision of opportunities for public access to and along the coast. Protection of existing access opportunities and the creation of new ones are encouraged. Each Local Coastal Program (LCP) is required to include a specific public access component, in order to assure that maximum public access to the coast is provided and that public recreation areas are available to everyone.

Coastal public accessways are generally of two types: lateral, meaning an accessway that runs parallel to the shoreline, and vertical, meaning an accessway that leads from Highway One or other public road to the shoreline. Public accessways are owned and managed in several different ways. Some are on public land and thus owned in fee by a government entity, whereas others consist of a government-held easement over private land. Still others are managed by non-governmental entities that provide coastal access opportunities for the general public.

LCP policies support protection of existing public coastal accessways. Policies are designed to protect public rights of access where acquired through use (where prescriptive rights may exist), as well as accessways that are managed as part of existing parks and recreation areas. LCP policies also address restoration of existing public coastal accessways that may become degraded through use, as well as the protection of existing coastal access where it might be affected by construction of new shoreline protective devices (e.g., seawalls).

Opportunities for creating new public coastal accessways are limited in Marin County, given that much of the ocean shoreline is already under public ownership. Nevertheless, LCP policies support the creation of new opportunities for public access to and along the shoreline. Key elements of the LCP require the provision of public access in new development projects on private land, where warranted and where consistent with other resources. Additional policies encourage acquisition of public coastal accessways through a variety of means, including public purchase and voluntary donation.

## Policies

**C-PA-1 Public Coastal Access.** Support and encourage the enhancement of public access opportunities to the coast, in conformance with Sections 30210 through 30214 of the Coastal Act.

(PC app. 9/19/11, 11/23/09)

*[Adapted from Unit II Public Access Policy 1, p. 13]*

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

(PC app. 11/7/11, 2/8/10)

*[Adapted from Unit II Public Access Policy 1, p. 13]*

**C-PA-3 Exemptions to Public Coastal Access Requirements.** Exempt from the public coastal access requirement of Policy C-PA-2 a coastal permit for:

1. Improvement, replacement, demolition or reconstruction of certain existing structures, as specified in Section 30212 (b) of the Coastal Act, and
2. Any new development upon specific findings under Section 30212 (a) that (1) public access would be inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or (3) agriculture would be adversely affected.
3. Upon specific findings that public use of an accessway would seriously interfere with the privacy of adjacent residents, public access may not be required. The findings on any point above shall include a consideration of whether or not (1) design measures such as setbacks from sensitive habitats, trails, or stairways, or (2) management measures such as regulated hours, seasons, or types of use could adequately mitigate potential adverse impacts from access.

(PC app. 9/19/11, 2/8/10)

*[Adapted from Unit II Public Access Policies 2.d, p. 15, and 5, p. 23]*

**C-PA-4 Direct Dedication of Public Coastal Access, if Feasible.** If a coastal accessway is required as a condition of development pursuant to Policy C-PA-2, require, if feasible, direct dedication of an easement or fee title interest to the County, another public agency, or other suitable entity. If direct dedication is not feasible, require that a twenty-year irrevocable offer to dedicate the required easement(s) shall be recorded by the applicant prior to the issuance of a final County permit to commence construction. Upon recordation, immediately notify the California State Coastal Conservancy of such offers to dedicate. The County may process irrevocable offers according to the Coastal Commission's centralized coastal access program. In the event that a property owner is willing to accept responsibility for public use of a defined area of the property, and such public use can be assured in the future, a deed restriction may be required, rather than direct dedication of access or an offer to dedicate access.

(PC app. 9/19/11, 2/8/10)

*[New policy, not in Unit I or II]*

**C-PA-5 Acceptance of Offers to Dedicate Public Coastal Accessways.** Accept offers to dedicate easements or fee title interests in coastal accessways and, as resources permit, place first priority on opening such accessways when the offer to dedicate is made pursuant to evidence of prescriptive rights or where the offer to dedicate is in a developed area. The County shall accept an offer to dedicate within 9 months of recordation. If the County does not accept an easement within this time period, it shall attempt to find an appropriate public or private agency to do so. Notwithstanding the above, the County may at any time accept a valid offer to dedicate an easement that has not been accepted by another entity.

(PC app. 9/19/11, 2/8/10)

*[Adapted from Unit I Public Access Policy 6, p. 8, and Unit II, Public Access Policy 2.c, p. 14]*

**C-PA-6 Acquisition and Location of New Public Coastal Accessways through Suitable Means.** Acquire additional public coastal accessways in order to enhance opportunities to reach public tidelands, to link publicly accessible beaches via lateral trails, and to avoid impacts of overuse of any single area. Acquisition shall be pursued through available means including, public purchase, tax default acquisitions, agreements with nonprofit management entities, voluntary donation, or, when permissible, dedication as a condition of a coastal project permit. When available funds or other acquisition opportunities are limited, accessways listed in the Appendix shall receive first priority. Acquisition and

**location** of accessways shall take into account the need to protect public safety, military security, fragile coastal resources, and agriculture.

**[BOS app. 12/11/2012]**

(PC app. 9/19/11, 11/23/09)

*[Adapted from Unit I Public Access Policies 9, 11, 12, and 13, pp. 8-9, and Unit II Public Access Policies 3, 4, and 5, pp. 15-22]*

**Program C-PA-6.a Review and Revise List of Recommended Public Coastal Accessways.**

Review and revise as appropriate priority coastal access sites in the List of Recommended Accessways to reflect current suitability, environmental characteristics, and ownership status.

(PC app. 9/19/11, 2/8/10)

*[New program, not in Unit I or II. The current detailed list of recommended accessways is now contained in "Appendix 5" of the LCPA.]*

**C-PA-7 Protection of Prescriptive Rights.** Ensure that development does not interfere with the public's right of access to the sea where acquired through use. Where evidence (including historic public use) of prescriptive rights is found in reviewing a coastal permit application, take one or more of the following actions:

1. Consider approval of the coastal permit application, while siting development to avoid the area potentially subject to prescriptive rights and by requiring public easements to protect the types and intensity of use and areas of historic interest as a condition of project approval.
2. If requirement of an access easement to protect areas of historic use would preclude all reasonable private use of the project site, the County or the Coastal Commission and the Attorney General at the request of the County shall, subject to the availability of staff and funds, seek a court determination and confirmation of such public rights.
3. In the absence of a final court determination, the County may proceed to consider approval of development on areas potentially subject to prescriptive rights (except those used for lateral access), provided that all impacts on public access are mitigated in the same vicinity substantially in accordance with the LCP's Access policies. Such mitigation may include securing an accessway on another property in the same vicinity, or providing an in-lieu fee to a public agency or private association approved by the County and Coastal Commission for acquisition, improvement, or maintenance of access in the same vicinity. Same vicinity is considered to be within 1,000 feet of the project site (parcel).

(PC app. 9/19/11, 2/8/10)

*[Adapted from Unit I Public Access Policy 3, p. 7, Unit II Public Access Policy 2.a, p. 13, and Coastal Act Section 30211]*

**C-PA-8 Bolinas Mesa.** Public use of the two access trails across Bolinas Mesa to the RCA beach and the beach area itself shall be protected and shall be limited to the level and character of the historic use of the property (including use for beach access, hiking, swimming, and horseback riding) to protect the natural resources of Duxbury Reef. Limited signing shall be provided to identify the access trails and caution trail users of the fragile coastal resources of the area.

(PC app. 11/7/11, 11/23/09)

*[Adapted from Unit I Public Access Policy 11, p. 9]*

**C-PA-9 Variety of Public Coastal Accessways.** When requiring public coastal access, include any of the following types of accessways, either singularly or in combination:

1. Vertical accessways to the ocean or shoreline;

2. Lateral accessways that extend from the ambulatory mean high tide line landward to a defined line, such as the intersection of the sand with the toe of a revetment, vertical face of a seawall, toe of a bluff, or other feature;
3. Bluff top accessways along bluffs for public viewing or trail purposes or where no continuous sandy beach exists.

(PC app. 9/19/11, 11/23/09)

*[Adapted from Unit I Public Access Policy 2, p. 7, and Unit II Public Access Policy 2.b, p. 14]*

**C-PA-10 Impacts of Public Coastal Accessways on their Surroundings.** Site and design coastal accessways and parking and other support facilities to avoid, if feasible, and only then to minimize significant adverse impacts to sensitive environmental resources, agriculture, and the surrounding community. A vertical accessway should generally be ten feet in width unless site conditions warrant otherwise and should be located at least 10 feet from residential structures. Control public access to sensitive habitat areas, including timing, intensity, and location of such access, to minimize disturbance to wildlife.

(PC app. 9/19/11, 2/8/10)

*[Adapted from Unit II Public Access Policy 2, p. 14, and Unit II Natural Resources Policy 5.b, p. 75]*

**C-PA-11 Privacy of Neighbors.** In determining appropriate management measures for public coastal accessways, including hours of operation, the **Marin** County Parks department or other managing entity should take into account the need to respect the privacy of neighboring residents.

**[BOS app. 12/11/2012]**

(PC app. 9/19/11, 11/23/09)

*[Adapted from Unit I Public Access Policy 1, p. 7]*

**C-PA-12 Agreements for Maintenance and Liability Before Opening Public Coastal Accessways.** Open coastal accessways to public use only upon agreement of a public agency or private association to accept responsibility for restoration, maintenance and liability for the accessway.

(PC app. 9/19/11, 11/23/09)

*[New policy, not in Unit I or II]*

**C-PA-13 Needs of Persons with Disabilities.** Ensure that new public coastal accessways are compliant with California Title 24 and accessible to persons with disabilities, to the maximum extent feasible.

(PC app. 9/19/11, 11/23/09)

*[New policy, not in Unit I or II]*

**C-PA-14 Consultation with Appropriate Land Management Agencies.** Refer new development proposals adjacent to existing public coastal accessways to appropriate federal, state, county, and other managing entities for review and comment.

(PC app. 9/19/11, 11/23/09)

*[New policy, not in Unit I or II]*

**C-PA-15 Impacts of New Development on Public Use of Coastal Accessways.** Site and design new development so as to avoid, if feasible, or minimize impacts to users of public coastal access and recreation areas. Measures to mitigate impacts to users of public coastal access and recreation areas shall be implemented prior to or concurrent with construction of the approved development.

(PC app. 9/19/11, 11/23/09)

*[New policy, not in Unit I or II]*

**C-PA-16 Protection of Existing Public Coastal Accessways.** Recognize existing public coastal accessways, both public and private, as an integral part of the County's overall access program. Maintain existing public accessways. Consider closure of existing County-managed accessways only if authorized by a coastal permit and only after the County has offered the accessway to another public or private entity.

(PC app. 9/19/11, 11/23/09)

*[Adapted from Unit II Public Access Policy 1, p. 13]*

**C-PA-17 Restoration of Public Coastal Access Areas, Where Necessary.** The **Marin** County Parks department should restore areas under its control that become degraded through public access use, by such means as revegetation, trail improvements, installation of boardwalks, and informational signing, as funds and staffing or volunteer support permit.

**[BOS app. 12/11/2012]**

(PC app. 9/19/11, 11/23/09)

*[New policy, not in Unit I or II]*

**C-PA-18 Parking and Support Facilities at Public Coastal Accessways.** Where appropriate and feasible, provide parking areas for automobiles and bicycles and appropriate support facilities in conjunction with public coastal accessways. The location and design of new parking and support facilities shall minimize adverse impacts on adjacent residential areas. The need for parking shall be determined based on existing parking and public transit opportunities in the area, balanced with resource protection policies. Consider opportunities for reducing or eliminating parking capacities if transit service becomes available or increases.

(PC app. 9/19/11, 2/8/10)

*[Adapted from Unit I Public Access Policies 5 and 9, pp. 7-8, and Unit II Public Access Policy 2.c, p. 14]*

**C-PA-19 Explanatory Signs at Public Coastal Accessways.** Sign existing and new public coastal accessways, trails, and parking facilities where necessary, and use signs to minimize conflicts between public and private land uses. Signs posted along the shoreline shall indicate appropriate restrictions, such as that no fires or overnight camping are permitted, and that the privacy of homeowners shall be respected. Where public access trails are located adjacent to agricultural lands, signs shall indicate appropriate restrictions against trespassing, fires, camping, and hunting. Where only limited public access or use of an area can be permitted to protect resource areas from overuse, such signing should identify the appropriate type and levels of use consistent with resource protection. The County and CALTRANS shall, as resources permit, post informational signs at appropriate intersections and turning points along visitor routes, in order to direct coastal visitors to public recreation and nature study areas in the Coastal Zone.

(PC app. 9/19/11, 11/23/09)

*[Adapted from Unit I Public Access Policies 7 and 8, p. 8, and Unit II Public Access Policy 2.c, p. 14]*

**C-PA-20 Effects of Parking Restrictions on Public Coastal Access Opportunities.** When considering a coastal permit application that could result in reducing public parking opportunities near beach access points or parklands, evaluate options that consider both the needs of the public to gain access to the coast and the need to protect public safety and fragile coastal resources, including finding alternatives to reductions in public parking.

(PC app. 9/19/11, 4/26/10)

*[New policy, not in Unit I or II]*

**C-PA-21 Shoreline Structures on or Near Public Coastal Accessways.** Ensure that construction of shoreline protection measures otherwise permitted by LCP policies maintains the same or similar shoreline access as previously existed.

(PC app. 9/19/11, 11/23/09)

*[Adapted from Unit I Public Access Policy 4, p. 7]*

**C-PA-22 Protection Against Encroachments on Public Coastal Accessways and Offers to Dedicate Easements.** Seek assistance from the Coastal Commission or other entities as appropriate in order to enforce the terms of public access easements or offers to dedicate easements that have been blocked by private development.

(PC app. 9/19/11, 2/8/10)

*[New policy, not in Unit I or II]*

MARIN COUNTY  
LOCAL COASTAL PROGRAM

Development Code

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## CHAPTER 22.32 – STANDARDS FOR SPECIFIC LAND USES

**NOTE:** This version of Chapter 22.32 combines the current land use standards that apply countywide (last amended 1/24/2012) with the land use standards specific to the Coastal Zone. The coastal-specific section titles are denoted with “(Coastal)” at the end and highlighted in green. Consistent with the rest of this document, tracked changes shown highlighted in yellow strikethrough and underline reflect all changes to the Planning Commission-approved text that have been approved by the Board as of 4/16/2013.

### Sections:

- 22.32.010 – Purpose of Chapter
- 22.32.020 – Accessory Retail Uses
- 22.32.021 – Agricultural Accessory Activities (Coastal)
- 22.32.022 – Agricultural Accessory Structures (Coastal)
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- 22.32.115 – ~~Determination of~~ Non-Agricultural Uses (Coastal)
- 22.32.115 – Non-Agricultural Uses in Agricultural Zoning Districts
- 22.32.130 – Residential Accessory Uses and Structures
- 22.32.140 – Residential Second Units
- 22.32.150 – Residential Uses in Commercial Areas/Mixed Use Areas
- 22.32.160 – Service Stations/ Mini-Markets
- 22.32.161 – Solar Energy Systems (Coastal)
- 22.32.165 – Telecommunications Facilities
- 22.32.170 – Tobacco Retail Establishments
- 22.32.180 – Wind Energy Conversion Systems (WECS)

### **22.32.010 – Purpose of Chapter**

This Chapter provides site planning and development standards for land uses that are allowed by Article II (Zoning Districts and Allowable Land Uses) and Article V (Coastal Zone Development and Resource Management Standards) in individual or multiple zoning districts (e.g., in residential, commercial, and industrial districts and in residential and commercial, and/or in commercial and industrial districts).

### **22.32.020 – Accessory Retail Uses**

The retail sales of food and other products may be allowed in a restaurant, store, or similar facility within a health care, hotel, office, or industrial complex for the purpose of serving employees or customers in compliance with this Section.

- A. Limitation on use.** Accessory retail uses shall be limited to serving employees and customers in pharmacies, gift shops, and food service establishments within institutional uses (e.g., hospitals and schools); convenience stores, gift shops, and restaurants/bars within hotels and resort complexes; restaurants within office and industrial complexes; and/or other uses determined to be similar by the Director.
- B. External appearance.** There shall be no external evidence (e.g., signs, windows with merchandise visible from streets or sidewalks external to the site, etc.) of any commercial activity other than the primary use of the site (except in the case of a restaurant/bar within a hotel).

### **22.32.021 – Agricultural Accessory Activities (Coastal)**

The standards of this Section shall apply to agricultural accessory activities defined in Section 22.130.030.

**(Coastal)** In the C-APZ, C-ARP and C-OA zones agricultural accessory activities shall be accessory and incidental to, in support of, and compatible with agricultural production, and may be allowed as a Principal Permitted Use, or where applicable under Chapter 22.68 (Coastal Permit Requirements), may be exempt from coastal permit requirements.

### **22.32.022 – Agricultural Accessory Structures (Coastal)**

The standards of this Section shall apply to agricultural accessory structures defined in Section 22.130.030.

**(Coastal)** In the C-APZ, C-ARP and C-OA zones agricultural accessory structures shall be accessory and incidental to, in support of, and compatible with agricultural production, and may be allowed as a Principal Permitted Use, or where applicable under Chapter 22.68 (Coastal Permit Requirements), may be exempt from coastal permit requirements.

### **22.32.023 – Agricultural Homestays (Coastal)**

**(Coastal)** Agricultural Homestays are subject to the requirements of this Section. The intent of these provisions is to ensure that the Homestay is accessory and incidental to, in support of, and compatible with the property's agricultural production.

- A. Permit requirements.** Agricultural Homestays are allowable in the zoning districts and with the permit requirements determined by Article V (Coastal Zones—Permit Requirements and Development Standards).
- B. Land Use Requirements.** An Agricultural Homestay:
1. Shall have no more than five guest rooms and host no more than 15 registered guests,
  2. Provides overnight transient accommodations.
  3. Shall offer meals only to overnight guests as an incidental, and not as the primary, function of the establishment, **and**
  4. Is located on, and is part of, a farm, as defined in Section 52262 of the Food and Agriculture Code, that produces agricultural products as its primary source of income.
  5. Shall operate within the same structure as an otherwise permitted farmhouse or intergenerational home.
  6. Shall be limited to one per legal lot; and
  7. Shall not be allowed if there is already a bed and breakfast on the lot.  
[BOS app. 10/2/2012, 11/13/2012]
- C. Site requirements.** Except for minimum lot size requirements, the proposed site shall conform to all standards of the applicable zoning district.
- D. Appearance.** The exterior appearance of the structure used for the Agricultural Homestay shall maintain a rural character consistent with farm buildings on the property.
- E. Limitation on services provided.** The services provided guests by the Agricultural Homestay shall be limited to the rental of bedrooms and the provision of meals at any time to registered guests. The price of food shall be included in the overnight transient occupancy accommodation. There shall be no separate/additional food preparation facilities for guests. Homestay guests may also participate in agricultural activities at the discretion of the homestay operator.
- F. Business license required.** A current business license shall be obtained/posted, in compliance with Title 5, Chapter 5.54 (Business Licenses) of the County Code.
- G. Occupancy by permanent resident required.** All Agricultural Homestays shall have one household in permanent residence.
- H. Transient Occupancy Tax.** Agricultural Homestays shall be subject to the Transient Occupancy Tax, in compliance with Chapter 3.05 (Uniform Transient Occupancy Tax) of the County Code.
- I. Signs.** Signs shall be limited to one on-site sign not to exceed four square feet in area and shall be installed/maintained in compliance with Chapter 22.28 (Signs).
- J. Fire safety.** The Agricultural Homestay shall meet all of the requirements of the County Fire Department or local Fire Protection District, as applicable.

- K. Parking.** On-site parking shall be provided in compliance with [24.04.330](#) through .400 (Parking and Loading) of the County Code.
- L Sewage disposal.** Any on-site sewage disposal shall be provided in compliance with [Title 18](#) (Sewers) of the County Code.

### 22.32.023 – Agricultural Worker Housing

The standards of this Section shall apply to agricultural worker housing. The intent of these provisions is to allow sufficient numbers of agricultural worker housing units that are necessary to support agricultural operations and that are consistent with the applicable provisions of State law.

- A. Permitted use, zoning districts.** Agricultural worker housing providing accommodations for 12 or fewer employees shall be considered a principally-permitted agricultural land use in the following zoning districts: A2, A3 to A60, ARP, C-APZ, O-A, and C-OA, and are allowed by Articles II (Zoning Districts and Allowable Land Uses) and V (Coastal Zone Development and Resource Management Standards).
- B. Limitations on use:**
- 1. Density.** The maximum density shall not exceed that allowed in the underlying zoning district which governs the site. Agricultural worker housing that exceeds the maximum density may be allowed only in A2, A3 to A60, ARP, and C-ARP zoning districts subject to Use Permit approval in compliance with Chapter 22.48 (Use Permits).

For purposes of determining compliance with the density requirements for agricultural worker housing, each agricultural worker housing that provides accommodations for six or fewer employees shall be considered equivalent to one dwelling unit, with the exception that agricultural worker housing providing accommodations for 7 to 12 employees shall not be counted for purposes of computing residential density. For purposes of this section, family members are not included in the determination of the number of employees.

- 2. Referrals.** Prior to making a determination that agricultural worker housing which exceeds the maximum density for a specific site is necessary to support agriculture, the review authority may consult with such individuals or groups with agricultural expertise as appropriate for a recommendation.
- 3. Temporary mobile home.** Any temporary mobile home not on a permanent foundation and used as living quarters for 7 to 12 agricultural workers is permitted subject to the requirements of the State Department of Housing and Community Development. Any temporary mobile home providing living quarters for 6 or fewer agricultural workers requires Use Permit approval, is counted as one dwelling unit for purposes of compliance with the zoning district's density limitations, and shall be subject to the requirements of the State Department of Housing and Community Development.

### 22.32.024 – Agricultural Intergenerational Homes (Coastal)

**(Coastal)** Intergenerational Housing in the Coastal Zone is subject to the requirements of this Section. The intent of these provisions is to allow intergenerational housing units in order to

support agricultural operations, ensure the viability of agriculture in the Coastal Zone and facilitate multi-generational family farm operation and succession. Intergenerational housing is considered a component of the agricultural activities of the property.

- A. Permitted use, zoning districts.** Up to two intergenerational homes in addition to the Farmhouse may be permitted in the C-APZ for members of the farm operator’s or owner’s immediate family. An equivalent density of 60 acres per unit shall be required for each home, including any existing homes (i.e., a minimum of 120 acres for a Farmhouse plus one intergenerational home and a minimum of 180 acres for a Farmhouse plus two intergenerational homes).  
[BOS app. 10/2/2012]
- B. Limitations on use.** Intergenerational homes shall not be subdivided or sold separately from the primary agricultural legal lot. Occupants must be members of the farm operator or owner’s immediate family. Occupants shall not be required to be actively and directly engaged in the agricultural use of the land. In cases where an intergenerational home is no longer needed for a family member, the unit may also be occupied by agricultural workers or used as an agricultural homestay.  
[BOS app. 1/15/2013]
- C. Permit Requirements.** Agricultural intergenerational homes are allowable in the zoning districts and with the permit requirements determined by Article V (Coastal Zones—Permit Requirements and Development Standards).
- D. One Intergenerational Home:** One intergenerational home on a qualifying lot is a principal permitted use in the C-APZ.
- 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).
- F. Restrictive Covenant.** Intergenerational housing requires the preparation and dedication recordation of a restrictive covenant running with the land for the benefit of the County ensuring that intergenerational housing will continuously be occupied by the owner or operator’s immediate family. The covenant must include, at a minimum, the following:  
[BOS app. 11/13/2012]
1. A detailed description of the intergenerational home or homes.
  2. Assurance that any change in use will be in compliance with 22.32.024.B and in conformance with applicable zoning, building and other ordinances and noting that all appropriate permits must be issued and completed prior to any change in use.  
[BOS app. 1/15/2013]
  3. Assurance that the intergenerational housing will not be subdivided or sold separately from the primary agricultural legal lot.  
[BOS app., 10/2/2012]
- 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.

**22.32.025 – Airparks**

Airparks may be located where allowed by Article II (Zoning Districts and Allowable Land Uses) of this Development Code, for business or emergency purposes, subject to the following standards:

- A. State permit required.** A land Use Permit or exemption shall be obtained from the California Department of Transportation, Division of Aeronautics, and evidence of the permit or exemption shall be presented to the Agency, prior to establishing any airpark.
- B. Nuisance mitigation.** A proposed airpark shall be located so that neither air or related surface traffic constitute a nuisance to neighboring uses. The applicant shall demonstrate that adequate controls or measures will be taken to mitigate offensive bright lights, dust, noise, or vibration.

Airparks shall not constitute a nuisance resulting from frequency and timing of flights, location of landing area, or departure and approach patterns that conflict with surrounding land uses.

**22.32.025 – Farmhouse (Coastal)**

**(Coastal)** The standards of this Section shall apply to farmhouses. The intent of these provisions is to facilitate farmhouses that are integral with and necessary to support agricultural operations and that are consistent with the provisions of the Marin County Local Coastal Program (LCP).

- A. Principal permitted use, zoning districts.** A farmhouse shall be considered a principal permitted agricultural land use where allowed by Article V, Table 5-1 (Coastal Zones – Permit Requirements and Development Standards).
- B. Limitations.** A farmhouse consists of a building designed for and/or occupied by one family, which includes the farm operator. The farm operator is the property owner or lessee who makes day to day management decisions for the agricultural operation and is directly engaged in the production of agricultural commodities for commercial purposes on the property. Such buildings may include factory-built, modular housing units, constructed in compliance with the Uniform Building Code (UBC), and mobile homes/manufactured housing on permanent foundations.

**22.32.026 – Agricultural Processing Uses (Coastal)**

The standards of this Section shall apply to agricultural processing defined in Section 22.130.030 (**“Agricultural Processing”**).

For Agricultural and Resource-Related Districts outside the Coastal Zone, see Section 22.08.040.E.

**Agricultural processing is allowed as a Principal Permitted Use in the C-APZ zoning district provided it meets all of the following standards: (1) the building(s) or structure(s) used for processing activities do not exceed an aggregate floor area of 5,000 square feet; (2) with the exception of incidental additives or ingredients, agricultural products to be processed are produced on the same site, or on other agricultural properties located in Marin County that are owned or leased by the processing facility owner or operator; (3) the operator of the processing facility is directly involved in the agricultural production on the property on which the processing facility is located; and (4) sufficient parking, ingress, and egress is provided. In addition, conditions as to the time, place, and manner of use of the processing facility may be applied as necessary through the**

Coastal Permit process to ensure consistency with provisions of the LCP.

Use Permit approval is required for an agricultural processing use which exceeds an aggregate floor area of 5,000 square feet or for an agricultural processing use of any size that does not comply with one or more of the four standards listed above.

(Coastal) In Coastal agricultural Zoning Districts C-APZ and C-ARP agricultural processing is allowed as a Principal Permitted Use provided it meets the following standards:

**A. Limitations on use:**

1. Processing of agricultural product is a Principal Permitted Use only if conducted in a facility not exceeding 5,000 square feet that is located at least 300 feet from any street or separate ownership property line (and not within an Environmentally Sensitive Habitat Area [ESHA]).
2. To qualify as a Principal 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 processing facility (“principally” shall mean at least 75% by dollar volume of the processor’s sales of the processed product). The operator of the processing facility must be directly involved in the agricultural production on the property on which the production facility is located.
3. “Agricultural product that is processed” does not apply to additives or ingredients that are incidental to the processing.
4. 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 more than 24 times per year.
5. Under these criteria, up to 25% by dollar sales volume of the agricultural product that is processed could be grown outside Marin County (on sites not operated by the operator of the processing facility).
6. Any agricultural processing in a C-ARP zoning district is a Conditional Use requiring a Use Permit.

[BOS app. 10/2/2012, 2/26/2013]

**B. Coastal Permit and Design Review for a processing facility.**

1. Any processing facility, regardless of size, shall require a Coastal Permit.
2. Any processing facility shall require Design Review, unless it satisfies all the following conditions:
  - (a) It qualifies as a Principal Permitted Use;
  - (b) It will be developed and operated wholly within an existing permitted, legal nonconforming, or categorically excluded structure; and
  - (c) Its development will not include any significant alteration of the exterior appearance of the existing structure.

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

**(Coastal)** The standards of this Section shall apply to the sale of agricultural products as defined in Section 22.130.030 (“Sale of Agricultural Products”). ~~is defined in Section 22.130.030. For Agricultural and Resource-Related Districts outside the Coastal Zone, see Section 22.08.040.F.~~

The sale of agricultural products is allowed as a Principal Permitted Use in the C-APZ zoning district provided it meets all of the following standards: (1) the building(s) or structure(s), or outdoor areas used for retail sales do not exceed an aggregate floor area of 500 square feet; (2) agricultural products to be sold are produced on the same site, or on other agricultural properties located in Marin County that are owned or leased by the sales facility owner or operator; (3) the operator of the sales facility is directly involved in the agricultural production on the property on which the sales facility is located; and (4) sufficient parking, ingress, and egress is provided. In addition, conditions as to the time, place, and manner of use of the sales facility may be applied as necessary through the Coastal Permit process to ensure consistency with provisions of the LCP.

Use Permit approval is required for agricultural retail sales which exceeds an aggregate floor area of 500 square feet or for an agricultural retail sales facility of any size which does not comply with one or more of the four standards listed above.

~~For Agricultural and Resource Related Districts outside the Coastal Zone, see section 22.08.040.F.~~

~~(Coastal) In Coastal agricultural Zoning Districts C-APZ and C-ARP, retail sales are allowed as a Principal Permitted Use provided they meet the following standards:~~

**A. Limitations on use:**

- ~~1. Retail sales must be conducted:
 
  - (a) Without a structure (e.g. using a card table, umbrella, tailgate, etc.); or
  - (b) From a structure or part of a structure that does not exceed 500 square feet in size and does not exceed 15 feet in height.~~
- ~~2. Items sold must be principally unprocessed produce grown in Marin County or at a site outside Marin County that is operated by the operator of the sales facility. For purposes of this section, “principally” shall mean at least 75% by dollar volume of sales. The operator of the sales facility must be directly involved in the agricultural production on the property on which the sales facility is located.~~
- ~~3. 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.~~
- ~~4. A Use Permit is required for picnic or recreational facilities. A Use Permit is also required for on-site consumption other than informal tastings at no charge of product offered for sale.~~
- ~~5. Sufficient parking is provided.~~

[BOS app. 10/2/2012, 2/26/2013]

**B. Design Review for a structure used as a sales facility.**

- ~~1. Design Review shall be required for any structure proposed to be used for retail sales except as provided below.~~

- ~~a. A sales structure that is within 300 feet of a street or a separate ownership property line, does not exceed 500 square feet in size, and does not exceed 15 feet in height 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).~~
- ~~b. A sales structure that does not exceed 500 square feet in size, does not exceed 15 feet in height, and is more than 300 feet from any street or separate ownership property line shall be exempt from Design Review.~~

**~~C. Retail sales within a processing facility.~~**

- ~~1. 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:~~
- ~~(a) The retail sales are principally of product that has been processed at the facility or that originated on site (where "principally" shall mean at least 75% by dollar volume of sales);~~
- ~~(b) The retail sales activity is incidental to the primary processing activity and occupies no more than 20% of the total size of the facility;~~
- ~~(c) A use permit for public visitation or tours of the processing facility has been issued or is not required.~~
- ~~(d) Up to 100% of the retail sales in such a facility may be of processed product.~~
- ~~(e) Tastings of the processed product will be allowed within such a sales facility.~~
- ~~(f) 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.~~

[BOS app. 10/2/2012, 2/26/2013]

**22.32.028 – Agricultural Worker Housing (Coastal)**

The standards of this Section shall apply to agricultural worker housing. The intent of these provisions is to permit and encourage the development and use of sufficient numbers and types of agricultural worker housing units as are commensurate with local need to support agricultural operations and in conformance with the applicable provisions of state law.

**A. Permitted use, zoning districts.** Agricultural worker housing providing accommodations consisting of no more than 36 beds in group living quarters or 12 units or spaces for agricultural workers and their households shall be considered a principal permitted agricultural land use and shall not be included in the calculation of residential density in the following zoning districts: C-ARP, C-APZ, C-RA , and C-OA.

**B. Limitations on use:**

1. **Referrals.** Prior to making a determination that agricultural worker housing which exceeds the maximum density for a specific site is necessary to support agriculture, the review authority may consult with such individuals or groups with agricultural expertise as appropriate for a recommendation.
2. **Temporary mobile home.** Temporary mobile homes not on a permanent foundation and used as living quarters for five or more farmworkers and their households is permitted subject to the requirements of the State Department of Housing and Community Development.
3. **Annual Verification.** All agricultural worker housing shall require the submittal of an annual verification form to the County.
4. **Licensing.** Licensing by the Department of Housing and Community Development and compliance with the Employee Housing Act are required for all Agricultural Worker Housing for five or more employees and their households.
5. **Restrictive Covenant.** Agricultural Worker housing requires recording a restrictive covenant running with the land for the benefit of the County ensuring that the agricultural worker housing will continuously be maintained as such. The covenant must include, at a minimum, the following:
  - (a) A detailed description of the dwelling units or spaces.
  - (b) Assurance that any change in use will be in conformance with applicable zoning, building and other ordinances and noting that all appropriate permits must be issued and completed prior to any change in use.
  - (c) Terms or conditions, if any, under which the deed may be modified or removed.
  - (d) Language demonstrating that the restriction shall run with the land and shall be binding on all heirs, successors and assigns to the Property and its provisions enforced by the County of Marin.

### 22.32.030 – Animal Keeping

The standards of this Section shall apply to the keeping of animals in specified zoning districts and their Coastal Zone counterparts, in addition to the standards in Chapter 8.04 (Animal Control) of the County Code.

- A. **General standards.** The following general standards shall apply:
  1. **Requirements.** All animal keeping activities shall comply with the general requirements in Tables 3-6 and 3-7; and
  2. **Household pets.** Household pets are allowed in all zoning districts.

**TABLE 3-6**  
**GENERAL REQUIREMENTS FOR THE KEEPING OF SMALL ANIMALS**  
 (Chickens, Ducks, Exotics, Geese, Guinea Fowl, Pea-fowl,  
 Rabbits, Roosters, and Similar Animals)

<b>Zoning Districts</b>	<b>Applicable Standards</b>	<b>Standards</b>
A2, A3 to A60 ARP, APZ	All animals allowed subject to Standard 4	<ol style="list-style-type: none"> <li>1. Maximum 12 animals, unless approved by a Use Permit.</li> <li>2. In R zoning districts, the keeping of small animals shall be an accessory use to the primary residential use of the parcel.</li> <li>3. Roosters, quacking ducks, geese, guinea fowl, and pea fowl are not permitted</li> <li>4. A Use Permit is required for the keeping of exotic animals outdoors in all zoning districts where permitted.</li> </ol>
RSP, RMP, RMPC	All standards apply	
RA and RE RR, R1, R2, R3	All standards apply	

**TABLE 3-7  
GENERAL REQUIREMENTS FOR THE KEEPING OF LARGE ANIMALS, HORSES,  
DONKEYS, MULES, AND PONIES**  
(Cows, Exotics, Goats, Pigs, Sheep, Llamas & Similar Animals)

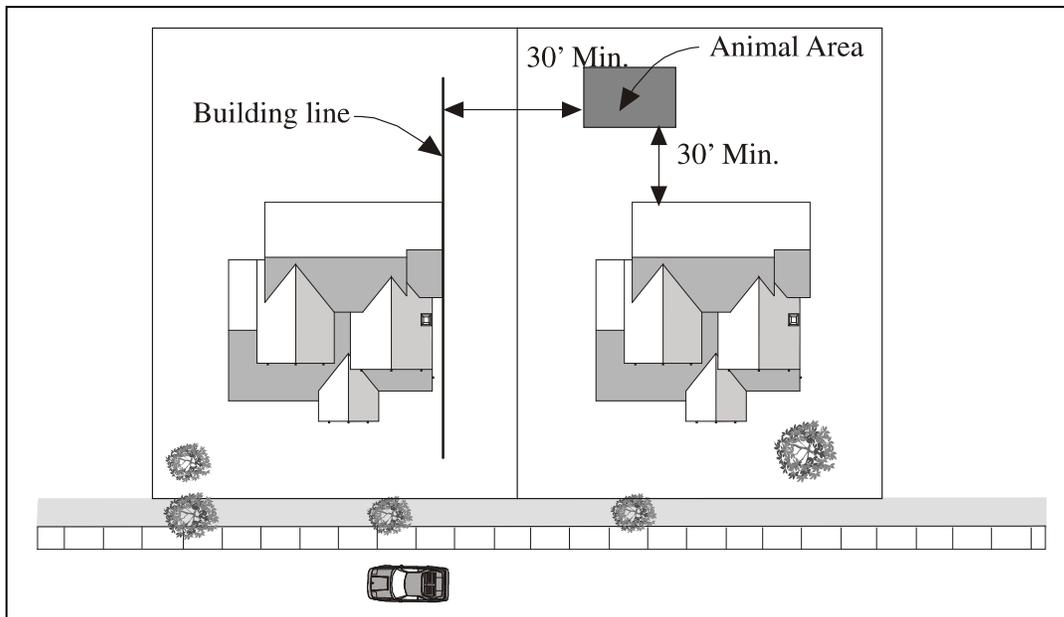
Zoning Districts	Allowed Animals and Applicable Standards	Standards
A3 to A60 and APZ to ARP	All animals allowed subject to standards 1, 4, and 5	1. Livestock sales/feed lots and stockyards require a Use Permit in all zoning districts where permitted.
A2, RSP, RMP, RMPC	All animals allowed and all standards apply.	2. Livestock operations for grazing and large animals are allowed in the RSP, RMP, and RMPC zoning districts only where the site is three acres or more, and only with a Use Permit. 3. The keeping of livestock and large animals is allowed in compliance with Section 22.32.030.B. 4. A Use Permit is required for the keeping of exotic animals outdoors in all zoning districts where permitted. 5. A Use Permit is required for keeping more than five horses, donkeys, mules, or ponies within the APZ zoning district where these are the primary or only animals raised.
RA	All animals allowed and all standards apply.	1. Maximum: Three animals unless approved by a Use Permit. 2. Large dairy animals for a dairy operation allowed in RA zoning district only on parcels of five acres or more. 3. Equestrian facilities require a Use Permit. 4. The keeping of livestock and large animals is allowed in compliance with Section 22.32.030.B. 5. A Use Permit is required for the keeping of exotic animals outdoors in all zoning districts where permitted.
RR, R1, R2, R3, RE	Allowed animals limited to donkeys, horses, mules and ponies, subject to all standards.	1. Only donkeys, horses, mules and ponies allowed in compliance with Section 22.32.030.B. 2. In R zoning districts, the keeping of animals shall be an accessory use to the primary residential use of the parcel.
OA	All animals allowed and all standards apply.	1. Large animals allowed in conjunction with dairies and grazing. Horses, donkeys, mules, and ponies allowed in compliance with Section 22.32.030.B. 2. A Use Permit is required for the keeping of exotic animals outdoors in all zoning districts where permitted

**B. Standards for livestock, horses, donkeys, mules, and ponies** The following standards, which do not apply in the A-3 to A-60, ARP or APZ zoning districts, shall apply to the

keeping of livestock, horses, donkeys, mules, and ponies in addition to those in 22.32.030.A (General Standards), above:

1. **Location of animals and structures.** No animal or any structure for animals shall be located closer than 30 feet to:
  - a. The public right-of-way upon which the parcel faces;
  - b. Any dwelling;
  - c. Any building line on an adjoining parcel (the boundary extended from the nearest edge of a primary or accessory structure or the required setback line on the adjoining parcel, whichever is closer to the property line). (See Figure 3-13); and
  - d. Additionally, no animal or any structure for animals shall be located in a required setback area, or closer than 10 feet to a property line.

**FIGURE 3-13  
LOCATION OF ANIMALS AND ANIMAL STRUCTURES**



2. **Minimum area and slope standards.** The keeping of livestock, horses, donkeys, mules, and ponies shall comply with the following standards:
  - a. The minimum lot area for the keeping of one animal shall be 15,000 square feet for properties with one percent through 15 percent slope. For each percent of slope over 15 percent, the minimum lot area shall be increased by 1,000 square feet.
  - b. For each additional animal, an additional 5,000 square feet of lot area shall be provided.
  - c. No animals shall be allowed on slopes exceeding 50 percent.

3. **Erosion and drainage control plan required.** An erosion and drainage control plan shall be submitted and approved by the County Department of Public Works for the keeping of animals on sites over 25 percent in slope.
4. **Site maintenance.** The property owner shall submit a manure management plan that should require periodic manure collection and composting or removal of manure from the premises, subject to the approval of the County Health Officer.
5. **Water supply.** An adequate supply of fresh water shall be available to animals at all times, subject to the approval of the County Health Officer.
6. **Exceptions by Use Permit.** The keeping of horses, donkeys, mules, or ponies may be allowed with Use Permit approval, in compliance with Chapter 22.48 (Use Permits), in any zoning district not listed in this Section or for an exception from any of the standards.
7. **Existing uses conforming.** Any residential property where horses, donkeys, mules, or ponies are legally kept as of the effective date of this Development Code shall be deemed to be conforming. Any expansion of use shall be subject to the provisions of this Section.

### 22.32.040 – Bed and Breakfast Inns

Bed and breakfast inns (B&Bs) are subject to the requirements of this Section. The intent of these provisions is to ensure that compatibility between the B&B and any adjoining zoning district or use is maintained or enhanced.

- A. **Permit requirement.** B&Bs are allowable in the zoning districts and with the permit requirements determined by Articles II (Zoning Districts and Allowable Land Uses), and V (Coastal Zone Development and Resource Management Standards).
- B. **Site requirements.** Except for minimum lot size requirements, the proposed site shall conform to all standards of the applicable Residential, Commercial, Coastal, or Agricultural zoning district.
- C. **Appearance.** The exterior appearance of the structure used for the B&B shall maintain single-family residential characteristics.
- D. **Limitation on services provided.** The services provided guests by the B&B shall be limited to the rental of bedrooms and the provision of breakfast and light snacks for registered guests. There shall be no separate/additional food preparation facilities for guests.

No receptions, private parties, retreats, or similar activities, for which a fee is paid shall be allowed.

- E. **Business license required.** A current business license shall be obtained/posted, in compliance with Title 5, Chapter 5.54 (Business Licenses) of the County Code.
- F. **Occupancy by permanent resident required.** All B&Bs shall have one household in permanent residence.
- G. **Transient Occupancy Tax.** B&Bs shall be subject to the Transient Occupancy Tax, in compliance with Chapter 3.05 (Uniform Transient Occupancy Tax) of the County Code.

- H. Signs.** Signs shall be limited to one on-site sign not to exceed four square feet in area and shall be installed/maintained in compliance with Chapter 22.28 (Signs).
- I. Fire safety.** The B&B shall meet all of the requirements of the County Fire Department.
- J. Parking.** On-site parking shall be provided in compliance with 24.04.330 through .400 (Parking and Loading) of the County Code.
- K. Sewage disposal.** Any on-site sewage disposal shall be provided in compliance with Title 18 (Sewers) of the County Code.

### **22.32.050 – Child Day-Care Facilities**

This Section establishes standards for the County review of child day-care facilities, in conformance with State law (Health and Safety Code Section 1596.78), including the limitations on the County's authority to regulate these facilities.

These standards apply in addition to all other applicable provisions of this Development Code and any requirements imposed by the California Department of Social Services through its facility licensing procedures. Licensing by the Department of Social Services is required for all child day-care facilities.

- A. Applicability.** Where allowed by Article II (Zoning Districts and Allowable Land Uses) child day-care facilities shall comply with the standards of this Section. As provided by State law (Health and Safety Code Sections 1596.78, et seq.), small and large family day-care homes are allowed within any single-family residence located in an agricultural or residential zoning district. Child day-care centers are allowed in the zoning districts determined by Article II (Zoning Districts and Allowable Land Uses), subject to Use Permit approval, in compliance with Chapter 22.48 (Use Permits), and all of the standards in Subsection D, below.

These standards apply in addition to all other applicable provisions of this Development Code and any requirements imposed by the California Department of Social Services. Licensing by the Department of Social Services is required for all child day-care facilities. A California Department of Social Services license for a child day-care facility shall be obtained and evidence of the license shall be presented to the Agency prior to establishing any child day-care facility.

- B. Definitions.** **Definitions** of the child day-care facilities regulated by this Section are in Article VIII (Development Code Definitions) under “Child Day-Care Facilities”.
- C. Large family day-care homes.**
  - 1. Permit requirement.** A large family day-care home shall require the approval of a Large Family Day-care Permit by the Director.
  - 2. Standards for large family day-care homes.** As allowed by Health and Safety Code Sections 1597.46 et seq., a large family day-care home shall be approved if it complies with the criteria for Large Family Day-care Permit in Chapter 22.58 of this Development Code.
- D. Child day-care centers.**

1. **Permit requirement.** A child day-care center shall require approval of a Use Permit in compliance with Chapter 22.48 (Use Permits).
2. **Standards for child day-care centers.** The following standards apply to child day-care centers in addition to the standards in Subsection 22.32.050.C.2.
  - a. **Fencing.** A six-foot high fence or wall shall be constructed on all property lines or around the outdoor activity areas, except in the front yard or within a traffic safety visibility area. All fences or walls shall provide for safety with controlled points of entry in compliance with 22.20.050 (Fencing and Screening Standards).
  - b. **Outdoor lighting.** On-site exterior lighting shall be allowed for safety purposes only, shall consist of low wattage fixtures, and shall be directed downward and shielded, subject to the approval of the Director.
  - c. **Swimming pools/spas prohibited.** No swimming pool/spa shall be installed on the site after establishment of the child day-care center, due to the high risk and human safety considerations. Any pool/spa existing on the site prior to application for approval of a child day-care center shall be removed prior to establishment of the use, unless the Director determines that adequate, secure separation exists between the pool/spa and the facilities used by the children.

### 22.32.060 – Cottage Industries

- A. **Limitation on use.** Cottage industries shall be limited to activities involving the design, manufacture, and sale of the following products and services, or others determined by the Director to be similar. See 22.02.020.E (Rules of Interpretation—Allowable Uses of Land).
  1. Antique repair and refinishing;
  2. Baking and the preparation of food specialties for consumption at locations other than the place of preparation;
  3. Catering;
  4. Ceramics;
  5. Cloth decorating by batik, dyeing, printing, silk screening, or other similar techniques;
  6. Clothing production, including dressmaking, etc.;
  7. Furniture and cabinet making and other woodworking;
  8. Jewelry making;
  9. Painting and sculpture;
  10. Photography;
  11. Sewing;
  12. Weaving; and
  13. Other handicrafts.

- B. Permit requirement.** Use Permit approval, in compliance with Chapter 22.48 (Use Permits), is required for a cottage industry. During review of the application, the Zoning Administrator shall consider the adequacy of on- and off-site parking, the degree and intensity of any proposed retail sales, and shall first find that the proposed cottage industry would not result in any adverse impacts on the neighborhood.
- C. Equipment, noise.** Approved cottage industries may use mechanical equipment or processes as necessary, provided that no noise shall be audible beyond the property line of its site.
- D. Employees.** A cottage industry established in a dwelling or a detached accessory structure may have employees as authorized by the review authority, provided the number of employees does not exceed limitations established in an adopted community or specific plan.
- E. Other codes.** Cottage industries shall comply with all applicable health, sanitary, and fire codes, and shall obtain a County Business License.

### **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, and C-OA 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.

[BOS app. 10/2/2012]

### **22.32.070 – Floating Home Marinas**

This Section provides for the creation and protection of floating home marinas in pleasing and harmonious surroundings, through the control of water coverage, vessel spacing, and height of structures, with emphasis on usable public access to the shoreline.

- A. Allowed uses.** In addition to floating homes, the following accessory uses may be allowed subject to appropriate conditions in floating home marinas.
  1. Car washing facilities, for residents only;
  2. Chapel;
  3. Coin-operated laundry and dry cleaning facilities, for residents only;
  4. Management office and maintenance equipment storage;
  5. Non-commercial recreation, meeting halls, club houses, etc.;
  6. Overnight accommodations, for guests of residents;
  7. Storage facilities, for residents only;
  8. Vending machines, for residents only; and

9. Any other use which is clearly incidental and subordinate to the primary use.
- B. Allowed accessory uses – Large marinas.** In floating home marinas of over 200 homes, the following accessory uses may be allowed in addition to the uses listed in Subsection A, above:
1. Convenience goods shopping and personal service establishments, primarily for residents only; and
  2. One doctor's and one dentist's office.
- C. Standards and criteria.** The following standards shall apply to the location, development, and maintenance of floating home marinas.
1. **Open water.** At least 50 percent of the total water area proposed for the floating home marinas shall be open water. The balance of the water area shall be used exclusively for floating homes and ramps or exit ways.
  2. **Spacing.** The minimum distance between adjoining floating homes shall be six feet. This distance shall be increased to 10 feet if either of the floating homes is in excess of one story. Each floating home shall abut a fairway with access to open water. The minimum width of the fairway shall be 35 feet.
  3. **Type of unit.** Not more than one dwelling unit per vessel shall be allowed.
  4. **Required findings.** Marina approval shall require findings that the area is of sufficient size, type, location and has special features (e.g., access to public transportation and shopping facilities), which makes it a desirable residential area.
  5. **Appearance.** Particular emphasis shall be placed upon the view of the area from surrounding communities and protection of the water habitat.
  6. **Adverse impacts.** A floating home marina shall not be allowed if its presence creates adverse effects on surrounding communities or would be detrimental to water quality.
  7. **Density.** No more than 10 vessels per acre shall be allowed.
- F. Other regulations and ordinances.** All pertinent County, State, and Federal laws and regulations concerning the development and operation of floating home marinas shall be observed. Nothing in this Section shall be construed to abrogate, void or minimize other pertinent regulations.

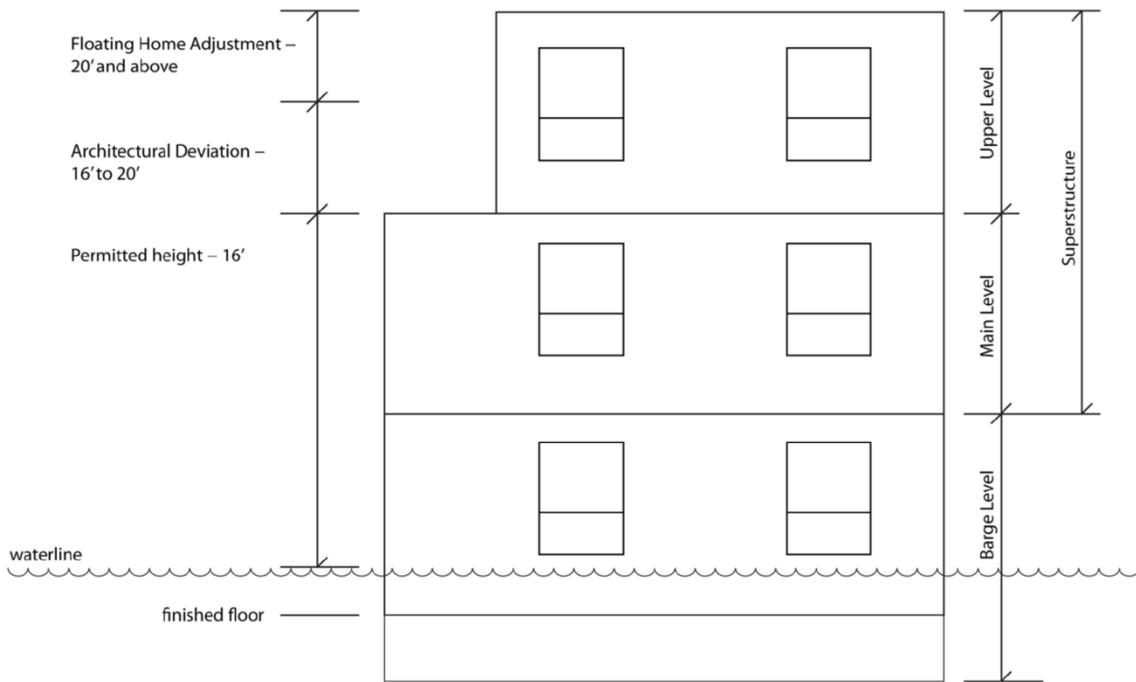
### 22.32.075 – Floating Homes

This Section provides standards for the floating homes that may be located within floating home marinas.

- A. Permit requirement.** No person shall, without first securing a permit from the County, move, locate, relocate, transport, or dock a floating home within the unincorporated area of the County.
- B. Standards and criteria.** The following standards apply to floating homes, in addition to those contained in Title 19 (Buildings) of the County Code.

1. **Floating home size limitations.** Floating homes shall not exceed the following maximum dimensions, except where a Floating Home Architectural Deviation or Floating Home Adjustment Permit is approved in compliance with Chapter 22.46 (Floating Home Adjustments and Deviations). Maximum dimensions for length and width shall include the barge or other floatation structure.
  - a. **Floor area.** The floor area of any story above the lowest story of the superstructure shall not exceed 80 percent of the story immediately below the second story.
  - b. **Height:** 16 feet, measured from the water line at high tide or while the floating home is floating. (See Figure 3-14.)
    - a. **Length:** 46 feet.
    - b. **Width:** 20 feet.

**FIGURE 3-14  
FLOATING HOME HEIGHT LIMITATIONS**

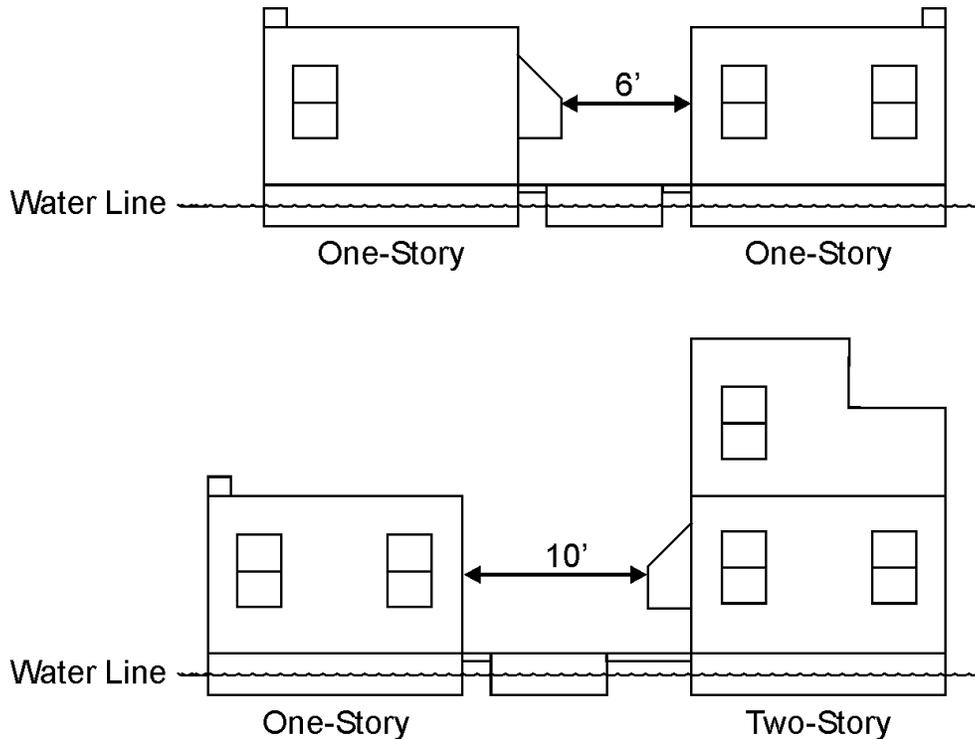


2. **Mooring.** All vessels shall be securely and safely moored to ensure that the required space between floating homes is maintained at all times, in compliance with Section 22.32.070.C (Floating Home Marinas – Standards and Criteria). Vessels shall be moored to provide a clear waterway projection between adjoining boats or floating homes of at least six feet on all sides. A clearance of 10 feet shall be maintained when either floating home is in excess of one habitable story in height, as defined by the California Building Code. These requirements shall not apply between the vessel and the walkway or slip. See Figure 3-15.

Vessels shall be moored so as to allow landward vessels unlimited access. When used,

mooring lines shall be of sufficient strength and be installed in a manner that will prevent the floating home from moving more than 12 inches in any lateral direction.

**FIGURE 3-15  
FLOATING HOME SETBACKS**



### 22.32.080 – Group Homes and Residential Care Facilities

The standards of this Section shall apply to group homes and residential care facilities. Group homes and residential care facilities are dwellings licensed or supervised by any Federal, State, or local health or welfare agency that provide 24-hour non-medical care of unrelated persons, who are in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual in a family-like environment.

- A. Permitted use, zoning districts.** Group homes and residential care facilities are permitted in all zoning districts where dwellings are allowed by Articles II (Zoning Districts and Allowable Land Uses) and V (Coastal Zone Development and Resource Management Standards).
- B. Limitations on use:**
- 1. Group homes.** Group homes are for persons who are not disabled.
  - 2. Residential care facilities.** Residential care facilities are for persons who are disabled, as defined in Article VIII (Development Code Definitions).
- C. Permit requirements:**

1. **Small group homes (six or fewer persons).** A small group home is a permitted use in all zoning districts where dwellings are allowed.
2. **Large group home (seven or more persons).** A large group home is a permitted use in all zoning districts where dwellings are allowed, subject to Use Permit approval in compliance with Chapter 22.48 (Use Permits).
3. **Residential care facilities.** A residential care facility is a permitted use in all zoning districts where dwellings are allowed.
4. **Multiple group homes or residential care facilities.** Two or more group homes or residential care facilities occupying a lot are a permitted use, subject to:
  - a. Use Permit approval in compliance with Chapter 22.48 (Use Permits) and, where required, Master Plan approval in compliance with Chapter 22.44 (Master Plans and Precise Development Plans); and
  - b. Compliance with minimum lot area per unit and maximum density requirements of the zoning district where the dwellings are located.

### 22.32.090 – Guest Houses

A “guest house” is allowed to be located on the same lot as the primary residential structures, for use by occupants of the premises or guests without a payment of a fee. Only one guest house may be allowed on each lot. The guest house shall have no food preparation facilities and shall not be rented or otherwise used as a separate dwelling.

### 22.32.095 – Homeless Shelters

This section establishes standards for the County review of homeless shelters, in conformance with State law.

- A. **Applicability.** Where allowed by Article II (Zoning Districts and Allowable Land Uses), homeless shelters shall comply with the standards of this Section. Homeless shelter means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.
- B. **Permit requirement.** The use of a homeless shelter shall require the ministerial approval of a Homeless Shelter Permit by the Director, in compliance with Chapter 22.59 (Homeless Shelters), if it complies with the standards of 22.32.095.C.
- C. **Standards.**
  1. A homeless shelter shall not provide more than a maximum of 40 beds or serve 40 persons total.
  2. The number of parking spaces required on-site for residents shall be based on 25% of the total beds and staff parking shall be the total number of beds divided by 10.
  3. Shelters shall provide 5 square feet of interior waiting and client intake space per bed. Waiting and intake areas may be used for other purposes as needed during operations of the shelter.

4. Management. On-site management must be provided during hours of operation.
5. Proximity to other emergency shelters. Emergency shelters shall be at least 300 feet apart.
6. Maximum length of stay. Maximum of 6 months.

### 22.32.100 – Home Occupations

The following provisions allow for home occupations that are secondary to a residential use, and compatible with surrounding uses. A “Home Occupation” is any use customarily conducted entirely on properties where residences are authorized and carried on only by its residents.

- A. **Permit requirement.** A business license shall be obtained/posted in compliance with Title 5, Chapter 5.54 (Business Licenses) of the County Code for home occupations, which are allowed as accessory uses in all residential zoning districts. Home occupations shall comply with all health, sanitary, and fire codes.
- B. **Operating standards.** Home occupations shall comply with all of the following operating standards.
  1. **Accessory use.** The home occupation shall be clearly secondary to the full-time residential use of the property, and shall not cause noise, odors, and other activities not customarily associated with residential uses.
  2. **Visibility.** The use shall not require any modification not customarily found in a dwelling, nor shall the home occupation activity be visible from the adjoining public right-of-way or from neighboring properties.
  3. **Display, signs.** There shall be no window display or advertising sign(s), other than one name plate not exceeding one square foot in area. There shall be no display of merchandise or stock in trade or other identification of the home occupation activity on the premises.
  4. **Parking.** The use shall not impact the on-street parking in the neighborhood.
  5. **Safety.** Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises. The use shall not employ the storage of flammable, explosive, or hazardous materials unless specifically approved by the County Fire Department, in compliance with Title 16 (Fire) of the County Code.
  6. **Off-site effects.** No home occupation activity shall create dust, electrical interference, fumes, gas, glare, light, noise, odor, smoke, toxic/hazardous materials, vibration, or other hazards or nuisances as determined by the Director.
  7. **Employees.** A home occupation may be authorized to have a maximum of one nonresident employee with a Use Permit, in compliance with Chapter 22.48.
- C. **Prohibited home occupation uses.** The following are *examples* of uses that are not incidental to or compatible with residential activities, and are therefore *prohibited* as home occupations:
  1. Adult businesses;

2. Dance or night clubs;
3. Mini storage;
4. Storage of equipment, materials, and other accessories for the construction and service trades;
5. Vehicle repair (body or mechanical), upholstery, automobile detailing and painting;
6. Welding and machining;
7. Any use which generates more than one client appointment at a time; and
8. Any other use not incidental to or compatible with residential activities as determined by the Director.

### **22.32.105 – Mariculture (Coastal)**

This Section applies to the culture and husbandry of aquatic organisms including shellfish, mollusks, crustaceans, kelp, and algae.

- A. Support Mariculture.** As applicable, the coastal permitting authority shall support and encourage mariculture in the Coastal Zone for the purposes of producing food, enhancing and restoring fisheries stocks, and contributing to the economy of the state and Marin County, while providing for other uses, such as commercial fishing, recreational clamming and boating, and the protection of coastal wildlife, water quality, and visual resources. Support provision of onshore facilities necessary to support mariculture operations in coastal waters.
- B. Apply General Standards to Mariculture Operations.** The coastal permitting authority (Coastal Commission and/or Marin County) shall apply the following standards and procedures to all mariculture operations:
  - 1. Protection of eelgrass beds.** The siting of oyster allotments, mariculture leases, and mariculture structures should avoid interference or damage to eelgrass beds in Tomales Bay, in conformance with Section 30.10, Title 14, California Code of Regulations.
  - 2. Operator access.** Public agencies should be encouraged to consider operator access to mariculture leaseholds.
  - 3. Shoreline access.** Mariculture operations and onshore support facilities shall incorporate provisions for public access to and along the shoreline unless such access would interfere with mariculture and the impacts from access cannot be mitigated to less than significant levels. In evaluating coastal permits for mariculture, the County shall consider the location of existing accessways and potential conflicts between mariculture and public use of the shoreline.
  - 4. Boating access.** The placement of structures within new or existing allotments and leases shall not interfere with public boating access at high tide to state lands within the leased areas. If boat passages are proposed, they shall be spaced at a minimum of one passage per 1/2 mile of shoreline.

5. **Onshore support facilities.** Applicants for a coastal permit shall specify what access points and onshore support facilities (e.g. boat launch, loading dock, etc.) are required for the proposed mariculture operation, where such facilities will be located, and the timing of use. If private lands will be used for access or support facilities, the applicant shall submit a written statement from the property owner(s) agreeing to such use. If public lands will be used for access or support facilities, the applicant shall arrange a lease with the appropriate public agency specifying the type, location, and timing of use which is acceptable.
6. **Visual impacts.** Mariculture structures shall be sited and designed to minimize visual impacts, especially in areas which are highly visible from public roads, parks, or other public viewing areas.

### 22.32.110 – Mobile Home Parks

This Section applies to areas set aside for mobile home parks in locations that are properly integrated with adjoining neighborhoods, in a way which will ensure the optimum benefit of residents of the mobile home park and of the larger community.

- A. **Allowable uses.** Mobile home parks may include the primary uses normally associated with a mobile home park. The following accessory uses may be established in compliance with the applicable standards of this Development Code:
  1. Car washing facilities, for residents, only;
  2. Chapel;
  3. Coin-operated laundry and dry cleaning facilities, for residents;
  4. Home occupations;
  5. Management office and maintenance equipment storage;
  6. Non-commercial recreation, meeting halls, club houses, etc.;
  7. Overnight accommodations, for guests of residents;
  8. Storage facilities, for residents, only;
  9. Vending machines, for residents, only; and
  10. Any other use determined by the Director to be clearly incidental and subordinate to the primary use.
- B. **Large parks.** The following additional accessory uses may be allowed in a mobile home park with over 200 mobile homes:
  1. Convenience goods shopping and personal service establishments primarily for residents, only; and
  2. One doctor's and one dentist's office.
- C. **Standards and criteria.** Mobile home parks shall comply with the following standards.

1. **Minimum site area:** 10 contiguous acres.
2. **Maximum density.**
  - a. The maximum density for a mobile home park in the RX zoning district shall be set by the Board as part of rezoning to the RX district and simultaneous Master Plan approval (see Section 22.32.110.D (Submission Requirements), below), but shall not exceed the density provided by Section 22.32.110.C.2.b below.

In determining the appropriate density, the Board shall consider any adopted Community Plan or the Countywide Plan, any Master Plan for the area in which the RX zoning district is to be established, existing zoning and development in the area, and any applicable parcel slope.
  - b. Maximum density, determined by Master Plan approval, shall not exceed 10 mobile homes of 750 square feet or less in gross floor area per acre or eight mobile homes of more than 750 square feet in gross floor area per acre; or a combination of both.
3. **Completion of construction.** Prior to occupancy of the first mobile home, not less than 50 mobile home lots shall be prepared and available for occupancy.
4. **Parking requirements.** The overall parking ratio shall be two parking spaces for each mobile home lot. At least one parking space shall be provided on, or immediately adjoining to, each mobile home lot, in compliance with Sections 24.04.330 through .400 (Parking and Loading) of the County Code.
5. **Setbacks.** All structures and mobile homes shall be set back at least 25 feet from all property lines and streets or public rights-of-way. If a greater building line has been established by ordinance, it shall be observed. The setback area shall be landscaped and maintained as a buffer strip, in compliance with Chapter 22.26 (Landscaping).
6. **County Health requirements.** A County Health Department permit shall be obtained in compliance with Chapter 7.44 (Mobile Home Parks) of the County Code.
7. **Utilities.** All utilities shall be installed underground. Individual exposed antennae shall not be allowed.
8. **Height limits.** The maximum height for:
  - a. Mobile homes shall be 15 feet;
  - b. Accessory **structures** shall be 15 feet; and
  - c. **Service** facilities shall be 30 feet.

- D. **Submission requirements.** In addition to the general submission requirements for Master Plan and Precise Development Plan approval, in compliance with Chapter 22.44 (Master Plans and Precise Development Plans), a petition for a zoning district change for an RX district and a Master Plan for the mobile home park shall be filed simultaneously with the Agency.

For the purpose of this Section, the rezoning and the Master Plan shall be considered as one application and shall be considered in compliance with Chapter 22.116 (Development Code, Zoning Map, Community Plan and Countywide Plan Amendments).

- E. Other laws, regulations and ordinances.** All applicable County and State laws and regulations concerning the development and operation of mobile home parks shall be observed. Nothing contained in this Section shall be construed to abrogate, void, or minimize other pertinent requirements of law.

### **22.32.115 – Determination of Non-Agricultural Uses (Coastal)**

This Section applies only in those instances where Table 2-1 or Table 5-1 expressly refers to this Section. The purpose of applying the following standards is to determine whether a specific non-agricultural land use is accessory and incidental to the primary use of land for agricultural production. The intent of these provisions is to ensure that non-agricultural uses do not become the primary use of agricultural land to the detriment of agricultural production.

- 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.

**B. Limitations on use:**

- 1. Accessory Use.** In the aggregate, identified non-agricultural uses shall be accessory and incidental to the primary use of the property for agricultural production. The following factors shall be considered in determining whether a property is used primarily for agricultural production:
  - (a) The primary use of the property is consistent with the definition of agriculture; and
  - (b) The agricultural products produced on site are sold commercially.
  
- 2. Referrals.** In determining whether a non-agricultural use is accessory and incidental to the primary use of the property for agricultural production, the review authority may refer such a question to such individuals or groups with agricultural expertise as appropriate for a recommendation prior to making a determination. When determining whether a property is primarily used for agricultural production, the review authority may consider the following:
  - (a) Whether the areal extent of land dedicated to agriculture is sufficient to support agricultural production; and
  - (b) Whether the agricultural producer can demonstrate that agricultural products are sold commercially; and
  - (c) Whether the use intensity and income generation of the agricultural land is consistent with similar agricultural activities in the County and state.

### **22.32.115 – Non-Agricultural Uses in Agricultural Zoning Districts**

This Section applies only in those instances where Table 2-1 expressly refers to this Section. The purpose of applying the following standards is to determine whether a specific non-agricultural land use is accessory and incidental to the primary use of land for agricultural production. The intent of these provisions is to ensure that non-agricultural uses do not become the primary use of agricultural land to the detriment of agricultural production.

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

**B. Limitations on use:**

1. **Accessory Use.** In the aggregate, identified non-agricultural uses shall be accessory and incidental to the primary use of the property for agricultural production. The following factors shall be considered in determining whether a property is used primarily for agricultural production:
  - a. The primary use of the property is consistent with the definition of agriculture; and
  - b. The agricultural products produced on site are sold commercially.
2. **Referrals.** In determining whether a non-agricultural use is accessory and incidental to the primary use of the property for agricultural production, the review authority may refer such a question to such individuals or groups with agricultural expertise as appropriate for a recommendation prior to making a determination. When determining whether a property is primarily used for agricultural production, the review authority may consider the following:
  - a. Whether the areal extent of land dedicated to agriculture is sufficient to support agricultural production; and
  - b. Whether the agricultural producer can demonstrate that agricultural products are sold commercially; and
  - c. Whether the agricultural land is used at a level of intensity that is, and the income derived therefrom is, consistent with similar agricultural activities in the County and in the State.

### **22.32.130 – Residential Accessory Uses and Structures**

When allowed in the zoning district applicable to a site, see Section 22.10.030 (Residential District Land Uses and Permit Requirements), specific residential accessory uses and structures are subject to the provisions of this Section. Residential accessory uses include any use customarily related to a residence, including swimming pools, workshops, studios, storage sheds, greenhouses, and garages.

**A. General requirements.** All residential accessory uses and structures are subject to the following standards, except where more restrictive requirements are established by other provisions of this Section for specific uses.

1. **Relationship of accessory use to primary use.** Residential accessory uses and structures shall be incidental to and not alter the character of the site from that created by the primary use. Accessory uses and structures shall not be allowed until a primary use or structure has been established on the site.
  2. **Attached structures.** A residential accessory structure that is attached to a primary structure shall comply with all requirements of this Development Code applicable to the primary structure, including setbacks, height, and floor area ratio.
  3. **Detached structures:**
    - a. **Height.** Residential accessory structures shall be in compliance with Section 22.20.060 (Height Measurement and Height Limit Exceptions). A residential accessory structure shall not exceed a height of 15 feet; except that an accessory structure may be constructed to the maximum height allowed by the applicable zoning district for a primary structure, where the structure is located at least 40 feet from any property line. Further, where floor area is developed beneath a detached parking structure in conformance with Section 22.32.130.A.3.b below, the maximum height of the detached structure shall be 30 feet above grade.
    - b. **Setback requirements:** Residential accessory structure(s) shall be in compliance with Section 22.20.090 (Setback Requirements and Exceptions). Floor area directly beneath a parking structure that is built in reliance on Section 22.32.130.B.2 may be built to within three feet of the front property line that abuts the adjoining street from which vehicular access is taken, provided the floor area does not extend beyond the footprint of the parking structure.
    - c. **Coverage.** The total aggregate floor area of all detached accessory structures shall not exceed 30 percent of the area contained within the boundaries of the setback required in the rear yard except with Design Review approval. See Chapter 22.42 (Design Review).
    - d. **Floor Area Ratio (FAR).** A detached residential accessory structure shall be subject to the FAR requirements of the applicable zoning district, as FAR is defined in Article VIII (Development Code Definitions).
- B. Parking structures.** The following requirements shall apply to garages and other residential accessory structures for parking.
1. **Floor area ratio.** A parking structure shall be subject to the FAR requirements of the applicable zoning district, as FAR is defined in Article VIII (Development Code Definitions).
  2. **Front setback exception.** Where the slope of the one-half of the parcel beginning at the street-access side is 20 percent or more, or where the elevation of the parcel at the property line from which vehicular access is taken is five feet or more above or below the elevation of the adjoining street, a garage, carport, or cardeck may be built to within three feet of the front and side property lines that abut the adjoining street from which vehicular access is taken. All portions of the dwelling other than the parking structure shall maintain the setbacks applicable to the primary dwelling in the applicable zoning district. No portion of a residential parking structure, including eaves or roof overhangs, shall extend beyond a property line or into an access easement or street

right-of-way.

- C. Home occupations.** Home occupations are subject to Section 22.32.100 (Home Occupations).
- D. Tennis and other recreational uses.** Private non-commercial outdoor tennis courts and courts for other sports (e.g., racquetball, etc.) accessory to a residential use may be established with Design Review approval, in compliance with Chapter 22.42, and are subject to the following requirements:
- 1. Fencing.** Court fencing shall be subject to the height limits of Section 22.20.050 (Fencing and Screening Standards).
  - 2. Lighting.** Court lighting may be prohibited, as a condition of the Design Review approval. If allowed, the court lighting may be installed with a height not exceeding 10 feet, measured from the court surface. The lighting shall be directed downward, shall only illuminate the court, and shall not illuminate adjacent property.
- E. Vehicle storage.** The storage of vehicles, including incidental restoration and repair, shall be in compliance with Section 22.20.090.F (Restrictions on the Use of Front Yard Setbacks in Residential Districts), and Chapter 7.56 (Abandoned Vehicles) of the County Code.
- F. Workshops or studios.** A residential accessory structure intended for engaging in artwork, crafts, handcraft manufacturing, mechanical work, etc. may be constructed or used as a workshop or studio in a residential zoning district solely for: non-commercial hobbies or amusements; maintenance of the primary structure or yards; artistic endeavors (e.g., painting, photography or sculpture); maintenance or mechanical work on vehicles owned or operated by the occupants; or other similar purposes.

Any use of accessory workshops for a commercial activity shall comply with the requirements for Home Occupations in Section 22.32.100 (Home Occupations) or, where applicable Cottage Industries in Section 22.32.060 (Cottage Industries).

## 22.32.140 – Residential Second Units

- A. Purpose.** This Section is intended to accomplish the following:
1. Meet the County's projected housing needs and provide diverse housing opportunities;
  2. Provide needed income for homeowners;
  3. Provide second units which are safe and built to code;
  4. Provide second units which are compatible with the neighborhood and the environment; and
  5. Comply with provisions of State law, including those contained in Section 65852.2 of the California Government Code.
- B. Applicability.** The provisions of this Section shall apply to single-family and multi-family residential zoning districts, including the R1, R-2, RA, RR, RE, RSP, C-R1, C-R2, C-RA, C-RSP, C-RSPS, A, A2, ARP, C-ARP, RMP, and C-RMP districts in the unincorporated portions of the County.

- C. Design Characteristics.** A second residential unit shall be designed and constructed as a permanent residence with a minimum of 220 square feet of floor area, including: food preparation facilities which may include kitchen counters and cabinets, a stove, oven, hot plate, microwave, refrigerator, or sink, as determined by the Director; both a separate bathroom and separate entrance intended for the use of the occupants, as determined by the Director. A second unit may be established by:
1. The alteration of a single-family unit whereby food preparation facilities are not shared in common;
  2. The conversion of an attic, basement, garage, or other previously uninhabited portion of a single-family unit;
  3. The addition of a separate unit onto the existing single-family unit; or
  4. The conversion or construction of a separate structure on the parcel in addition to the existing single-family unit.
- D. Limitation on sale.** A second unit may be rented but shall not be sold separately from the single-family unit.
- E. Second Unit Permitting Procedure.** Applications for Second Unit Permits that are not otherwise subject to a discretionary permit (e.g. Coastal Permit, Design Review, Variance) shall be approved ministerially without discretionary review or public hearing, pursuant to the Second Unit Permit requirements established in Chapter 22.56 (Second Unit Permits).
- F. Recordation of Residential Second Unit Permits.** Any Residential Second Unit Permit granted in compliance with this Section may be recorded in the County Recorder's Office as an informational document in reference to the title of the subject property.
- G. Periodic report.** The Agency shall periodically prepare a report to the Commission and Board on the status of this Section. The report shall include information about the number, size, type, and rent, as available, of each second unit by neighborhood. The report shall provide a basis for an evaluation of the effectiveness of this Section.

### 22.32.150 – Residential Uses in Commercial/Mixed Use Areas

This section applies to development projects that include new non-residential floor area in the C1, CP, AP, and H1 zoning districts.

- A. Permit requirement.** Design Review approval, in compliance with Chapter 22.42 (Design Review), is required for residential uses in commercial areas subject to this Section. The following additional findings shall apply.
1. The site design is compatible with the adjacent community and incorporates design elements such as vertical mix of uses and usable common/open space areas, where appropriate.
  2. The residential uses should be designed and sited in a manner that does not conflict with the continuity of store frontages, while maintaining visual interest and a pedestrian orientation.
- B. Affordable Housing.** The affordable housing requirements contained in Chapter 22.22

Affordable Housing Regulations may apply to the proposed development.

**C. Exemptions.**

1. For lots larger than 2 acres in size, renovations and additions not resulting in more than 1,000 square feet of new floor area shall be exempt from the requirements of this section.
2. For lots 2 acres and less in size, renovations and additions not resulting in more than 2,000 square feet of new floor area shall be exempt from the requirements of this section.
3. Projects developed under the Countywide Plan's Housing Overlay Designation program are subject to separate standards established in the Countywide Plan and are therefore exempt from the requirements of this section.

**D. Waivers.**

The review authority may grant a waiver to the development standards if one or more of the following criteria is met:

1. The applicant shows that the waiver is necessary to make the neighborhood serving retail development project economically viable, based upon appropriate financial analysis and documentation. The full cost of the county's review of any required pro forma data shall be borne by the applicant.
2. The applicant proposes to include either a greater number of affordable housing units than required per Chapter 22.22 or the same number of required units that are affordable at a lower income level.
3. Application of requirements of this Chapter would have an adverse impact on any real property that is listed in the California Register of Historic Resources.

**E. Development standards.**

1. The combined residential and commercial floor area ratio shall not exceed the floor area ratio that is established in the Countywide Plan land use designation. The floor area ratio limit does not apply to affordable housing projects.

For projects consisting of moderate income housing, the FAR may only be exceeded in areas that meet the County's vehicle level of service standard.

2. For lots larger than 2 acres in size, at least 50% of the new floor area shall be developed for new housing.

For lots 2 acres and less in size, at least 25% of the new floor area shall be developed for new housing.

3. Required housing shall be provided at a minimum size of 220 square feet and a maximum size of 1,000 square feet per unit.
4. The maximum residential density shall not exceed one unit per 1,450 square feet of lot area (30 units per acre).

5. Projected afternoon (PM) peak-hour traffic impacts of the proposed development are no greater than such impacts for the maximum non-residential development permissible on the site under the Countywide Plan land use designation.
6. For properties within the area covered by the Tamalpais Area Community Plan, the residential units on sites developed pursuant to this section will not result in more than 100 residential units, excluding units with valid building permits issued prior to the date of adoption of the Countywide Plan update (November 6, 2007). The 100 unit cap includes any applicable density bonus.

### **22.32.160 – Service Stations/Mini-Markets**

The retail sales of food and beverage products and other general merchandise in conjunction with a motor vehicle service station is allowed subject to Use Permit approval, in compliance with Chapter 22.48 (Use Permits), and the following standards.

- A. **Sales area.** The maximum allowable floor area for retail sales shall be 175 square feet or 15 percent of the total floor area of the structure whichever is greater. These area limitations may be increased through Use Permit approval provided that the following findings are made:
  1. Retail sales shall be subordinate to the primary motor vehicle service station use(s);
  2. The proportion of retail sales to total floor area of the structure(s) shall be limited to an amount that is reasonable to allow sales of a limited number of items for the convenience of travelers as permitted by Subsection B, below.
  3. The size, extent and operation of retail sales shall not conflict with the predominant character of the area surrounding the service station.
  4. The size, extent, and operation of retail sales shall not cause a significant increase in traffic and noise in the area surrounding the service station.
- B. **Allowed products.** Retail sales of non-automotive products shall be limited to items for the convenience of travelers, including film, personal care products, and packaged food and beverage items.
- C. **Signs.** No exterior signs are allowed to advertise specific items for sale. All on-site signs shall be in compliance with Chapters 22.28 (Signs) and Title 5, Chapter 5.40 (Posting of Gasoline Prices) of the County Code.
- D. **Parking.** On-site parking shall comply with Sections 24.04.330 through .400 (Parking and Loading) of the County Code, and shall include sufficient spaces for all employees on a single shift.
- E. **Restrooms.** Restrooms shall be provided and available to the public.
- F. **Self-service stations.** Establishment of self-service stations or the conversion of existing full-service stations to self-service stations shall require an additional finding by the Zoning Administrator, that the establishment of a self-service station will not adversely affect public health, safety, and welfare by either diminishing the availability of minor emergency help and safety services, including minor motor vehicle repair and public restrooms, or discriminating against individuals needing refueling assistance.

**22.32.161 – Solar Energy Systems (Coastal)**

The installation of any solar energy system, as defined in Section 22.130.030, must be sited and designed to be consistent with all required setbacks and height limits of the specific zoning district in which it is proposed. In addition, ground area coverage of the system shall have no significant impacts on environmental quality or wildlife habitats, and shall meet all other applicable policies and standards of the LCP.

**A. Roof-Mounted Solar Energy System:**

1. Allowed as a Principal Permitted Use in all coastal zoning districts.
2. Exempt from the Coastal Permit requirement, consistent with Section 22.68.050.
3. May exceed the required height limit of the zoning district in which the project is proposed by no more than two feet. If any part of the solar energy system structure exceeds the required height limit by greater than two feet, then Design Review shall be required for approval.

**B. Free-Standing Solar Energy System:**

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

**22.32.165 – Telecommunications Facilities**

This Section establishes permit requirements and standards for the development and operations of telecommunications facilities in compliance with the Marin County Telecommunications Facility Policy Plan and State law.

- A. Permit requirements.** Telecommunications facilities are allowable in all zoning districts, subject to the permit requirements described in Telecommunications Facilities Policy Plan Implementation Objectives RP-1 and RP-2.
- B. Permit waivers.** An applicant for a wireless telecommunications facility may file a formal written request for waiver of the permit requirements described in Telecommunications Facilities Policy Plan Implementation Objectives RP-1 and RP-2. Permit waivers are separate from the permit exemptions identified in the Telecommunications Facilities Policy Plan and it is the responsibility of the applicant to establish evidence in support of the waiver criteria required by this section. The Director shall waive the permit requirements for a facility that is co-located on or adjoining an existing telecommunications facility when the existing telecommunication facility has a certified environmental impact report or adopted negative declaration or mitigated negative declaration, and the existing facility has incorporated the required mitigation measures. The new equipment or structures do not constitute a substantial change in the project or new information as outlined in Public Resources Code Section 21166.
- C. Electromagnetic fields.** The electromagnetic field (EMF) strengths or equivalent plane-wave power densities generated by the approved facility, in combination with other existing ambient sources of EMF, shall not expose the general public to EMF levels which exceed the Maximum Permitted Exposure levels for electric and magnetic field strength and

equivalent plane-wave power density in the EMF emission guidelines adopted by the Federal Communications Commission (FCC). In the event the FCC adopts a more restrictive Maximum Permitted Exposure Level, or the County adopts a more restrictive EMF exposure standard if allowed by future changes in Federal law, the applicant shall demonstrate compliance with the more restrictive standard unless such a requirement is preempted by State or Federal law.

- D. Development standards.** The development standards for telecommunications facilities are identified in the policies and programs of the Marin County Telecommunications Facilities Policy Plan, as may be updated from time to time.

### **22.32.170 – Tobacco Retail Establishments**

This Section establishes permit requirements and standards for the development and operation of tobacco retail establishments.

- A. Permit requirements.** Notwithstanding any provision of this title, a significant tobacco retailer may be established in the following zoning districts subject to securing a Use Permit or Master Plan where required: C1, CP, OP, H1, IP, C-H1, or C-CP.
- B. Development standards.** No significant tobacco retailer shall be located within 1,000 feet from a parcel occupied by the following uses:
1. Public or private kindergarten, elementary, middle, junior high or high schools;
  2. Licensed child day-care facility or preschool other than a small or large family day-care home;
  3. Public playground or playground area in a public park (e.g., a public park with equipment such as swings and seesaws, baseball diamonds or basketball courts);
  4. Youth or teen center;
  5. Public community center or recreation center;
  6. Arcade;
  7. Public park;
  8. Public library; or
  9. Houses of worship conducting youth programs or youth oriented activities.
- C. Exceptions.** Notwithstanding any other provisions of this code, nothing in this section shall prohibit the County from approving any of the uses specified above in Subsection B, if they are subsequently proposed to be located within 1,000 feet of an existing significant tobacco retailer, if the appropriate decision-making body finds that the establishment of such uses is necessary to protect the public, health, safety, and welfare, or other substantial governmental interest is thereby served.

### **22.32.180 – Wind Energy Conversion Systems (WECS)**

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

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

#### **1. Planned Zoning Districts.**

- a. Small WECS in the APZ zoning district and Small Roof-Mounted and Small Non-Grid-Tied Agricultural WECS, located in parcels with a minimum lot size of one acre in the ARP zoning district and all other planned zoning districts that are not identified in Section 22.32.180.A.1.b are allowed as a ministerial permit subject to the development standards in Section 22.32.180.B.1 and Section 22.32.180.B.5 (Table 3-9).
- b. Small Roof-Mounted and Small Non-Grid-Tied Agricultural WECS located in parcels that are less than one acre in the ARP zoning district and all other Small WECS in planned zoning districts that are not identified herein or in Section 22.32.180.A.1.a shall require Design Review approval subject to the development standards in Section 22.32.180.B.2 and Section 22.32.180.B.5 (Table 3-9).
- c. Medium WECS, located in planned zoning districts, shall require Design Review approval, subject to the development standards in Section 22.32.180.B.3 and Section 22.32.180.B.5 (Table 3-9).
- d. Large WECS, located in planned zoning districts, shall require the approval of a Master Plan and Precise Development Plan subject to the development standards and requirements outlined in Section 22.32.180.B.4 and Section 22.32.180.B.5, unless the Master Plan and Precise Development Plan requirements are waived in compliance with Section 22.44.040 (Waiver of Master Plan/Precise Development Plan Review) and a Use Permit and Design Review are required instead.

#### **2. Conventional Zoning Districts.**

- a. Small WECS, located in conventional agricultural zoning districts and Small Roof-Mounted and Small Non-Grid Tied Agricultural WECS located in parcels with a minimum lot size of one acre in conventional non-agricultural zoning districts, are allowed as a ministerial permit subject to the development standards outlined in Section 22.32.180.B.1 and Section 22.32.180.B.5 (Table 3-9).
- b. Small WECS, located in parcels that are less than one acre in all other conventional non-agricultural zoning districts and Small Freestanding WECS in conventional agricultural zoning districts that are not identified herein or in Section 22.32.180.A.2.a shall require Design Review approval subject to the development

standards outlined in Section 22.32.180.B.2 and Section 22.32.180.B.5 (Table 3-9).

- c. Medium WECS, located in conventional zoning districts, shall require Design Review approval subject to the development standards outlined in Section 22.32.180.B.3 and Section 22.32.180.B.5 (Table 3-9).
- d. Large WECS, located in conventional zoning districts, shall require Use Permit and Design Review approval subject to the development standards outlined in Section 22.32.180.B.4 and Section 22.32.180.B.5 (Table 3-9).

**3. Summary of Permit Requirements.**

**TABLE 3-8  
WECS PERMIT REQUIREMENTS**

	Small					Medium	Large	
	Roof-Mounted		Non-Grid-Tied Agricultural Uses			Freestanding	Freestanding	Freestanding
Parcel Size (Acres)	<1	≥1	<1	≥1 – <10	≥10	Not applicable	Not applicable	≥20
<b>RF (Floating Home Marina) Zoning District</b>	Not Allowed	Not Allowed	Not Allowed	Not Allowed	Not Allowed	Not Allowed	Not Allowed	Not Allowed
<b>A3-A60 Zoning Districts</b>	Ministerial <sup>1</sup>	Ministerial <sup>1</sup>	Ministerial <sup>1</sup>	Ministerial <sup>1</sup>	Ministerial <sup>1</sup>	Ministerial <sup>1</sup>	Design Review <sup>2</sup>	Use Permit/Design Review <sup>4</sup>
<b>APZ Zoning District</b>	Ministerial <sup>1</sup>	Ministerial <sup>1</sup>	Ministerial <sup>1</sup>	Ministerial <sup>1</sup>	Ministerial <sup>1</sup>	Ministerial <sup>1</sup>	Design Review <sup>2</sup>	Master Plan/PDP <sup>3,4</sup>
<b>ARP Zoning District</b>	Design Review <sup>2</sup>	Ministerial <sup>1</sup>	Use Permit/Design Review <sup>2</sup>	Design Review <sup>2</sup>	Ministerial <sup>1</sup>	Design Review <sup>2</sup>	Design Review <sup>2</sup>	Master Plan/PDP <sup>3,4</sup>
<b>A2 and all Other Zoning Districts</b>	Design Review <sup>2</sup>	Ministerial <sup>1</sup>	Use Permit/Design Review <sup>2</sup>	Design Review <sup>2</sup>	Ministerial <sup>1</sup>	Design Review <sup>2</sup>	Design Review <sup>2</sup>	Not Allowed

**Notes:**

- (1) Exceptions to standards in Table 3-9 shall be considered through the Design Review Process.
- (2) Exceptions to standards in Table 3-9 shall be considered through the Use Permit Process.
- (3) If Master/Precise Development Plan requirement is waived, Use Permit and Design Review will be required.
- (4) Exceptions to standards in Table 3-9 shall be considered through the permit process.

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

**B. Development standards.**

- 1. **Small WECS (Ministerial).** A Building Permit for a Small WECS located in

an agricultural zoning district pursuant to this Section shall be issued by the Agency Director upon submission of a Building Permit application containing the information specified in applicable sections of this Development Code and a determination by the Agency Director that the proposed use and development meets the development standards in Section 22.32.180.F and Sections 22.32.180.G.1, G.2, G.5, G.6, G.7, and G.9.a. Before issuance of a building permit, the County shall record a notice of decision against the title of the property stipulating that the WECS must be dismantled and removed from the premises if it has been inoperative or abandoned for a period of more than one year.

**2. Small WECS (Discretionary).**

- a. Small WECS shall be subject to the development standards in Section 22.32.180.B.5 (Table 3-9). Exceptions to the standards in Section 22.32.180.B.5 (Table 3-9) for Small WECS shall be considered through the Use Permit process pursuant to Chapter 22.48 (Use Permits).
- b. Small WECS shall comply with the development standards and requirements contained in Section 22.32.180.C through Section 22.32.180.H.

**3. Medium WECS.**

- a. Medium WECS shall be subject to the development standards in Section 22.32.180 B.5 (Table 3-9). Exceptions to the standards in Section 22.32.180 B.5 (Table 3-9) for Medium WECS shall be considered through the Use Permit process pursuant to Chapter 22.48 (Use Permits).
- b. Medium WECS shall comply with the development standards and requirements contained in Section 22.32.180.C through Section 22.32.180.H.

**4. Large WECS.**

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

- requirements for siting and design shall be identified.
- c. Large WECS shall comply with the development standards and requirements contained in Section 22.32.180.C through Section 22.32.180.H.
- d. The maximum number of Large WECS that is allowed per parcel shall be established through the permit process.

5. **Development Standards** are outlined in Table 3-9 below.

**TABLE 3-9  
WECS DEVELOPMENT STANDARDS**

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

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

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

park.

**D. Site and design requirements:**

1. **General standards.** No Small, Medium, or Large WECS or supporting infrastructure shall be allowed:
  - a. Within five times the total height or 300 feet, whichever is greater, of a known nest or roost of a listed State or Federal threatened or endangered species or California Department of Fish and Game designated bird or bat ‘species of special concern’ (unless siting of the WECS preceded nest or roost establishment) based on the findings and conclusions of the required Bird and Bat Study as defined in Section 22.32.180 G.9 (Application submittal requirements).
  - b. Within five times the total height or 300 feet, whichever is greater, of a known or suspected avian migratory concentration point based on the findings and conclusions of the required Bird and Bat Study as defined in Section 22.32.180 G.9.
  - c. Within 1.5 times the total height or 100 feet, whichever is greater, of a Stream Conservation Area (SCA), a Wetlands Conservation Area (WCA), a State or Federal listed special status species habitat area, a designated archaeological or historical site, or a water course, wetland, pond, lake, bayfront area habitat island, or other significant water body with suitable avian habitat based on the findings and conclusions of Bird and Bat Study as defined in Section 22.32.180 G.9.
  - d. Where prohibited by any of the following:
    1. The Alquist-Priolo Earthquake Fault Zoning Act.
    2. The terms of any conservation easement or Williamson Act contract.
    3. The listing of the proposed site in the National Register of Historic Places or the California Register of Historical Resources.

**E. Appearance and visibility:**

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

1. WECS shall be located downslope a minimum of 300 feet horizontally or 100 feet vertically, whichever is more restrictive, from a visually prominent ridgeline, unless it can be demonstrated through submittal of a County accepted Wind Measurement Study that no other suitable locations are available on the site. If this is the case, then the Wind Study will be one amongst all other standards that would be evaluated in considering whether and where the WECS application should be approved within the ridge setbacks.
2. WECS shall be designed and located to minimize adverse visual impacts from public viewing places, such as roads, trails, scenic vistas, or parklands and from adjacent properties.

3. No wind turbine, tower, or other component associated with a WECS may be used to advertise or promote any product or service. Brand names or advertising associated with any WECS installation shall not be visible from offsite locations. Only appropriate signs warning of the WECS installation are allowed.
  4. Colors and surface treatments, materials and finishes of the WECS and supporting structures shall minimize visual disruption. Exterior materials, surfaces, and finishes shall be non-reflective to reduce visual impacts.
  5. Exterior lighting on any WECS or associated structure shall not be allowed except that which is specifically required in accordance with Federal Aviation Administration (FAA) regulations. Wind tower and turbine lighting must comply with FAA requirements and be at the lowest intensity level allowed.
  6. WECS shall be located in a manner which minimizes their visibility from any existing Federal parklands.
  7. All new electrical wires and transmission lines associated with WECS shall be placed underground except for connection points to a public utility company infrastructure. This standard may be modified by the Director if the project area is determined to be unsuitable for undergrounding of infrastructure due to reasons of excessive grading, biological impacts, or similar factors.
  8. Construction of on-site access routes, staging areas, excavation, and grading shall be minimized. Excluding the permanent access roadway, areas disturbed due to construction shall be re-graded and re-vegetated to as natural a condition as soon as feasibly possible after completion of installation.
  9. All permanent WECS related equipment shall be weather-proof and tamper-proof.
  10. If a climbing apparatus is present on a WECS tower, access control to the tower shall be provided by one of the following means:
    - a. Tower-climbing apparatus located no closer than 12 feet from the ground;
    - b. A locked anti-climb device installed on the tower; or
    - c. A locked, protective fence at least six feet in height that encloses the tower.
  11. WECS shall be equipped with manual and automatic over-speed controls. The conformance of rotor and over-speed control design and fabrication with good engineering practices shall be certified by the manufacturer.
  12. Latticed towers shall be designed to prevent birds from perching or nesting on the tower.
  13. The use of guy wires shall be avoided whenever feasible. If guy wires are necessary, they shall be marked with bird deterrent devices as recommended by the U S Fish and Wildlife Service or the California Department of Fish and Game.
- F. Noise.** Small, Medium, and Large WECS shall not result in a total noise level that exceeds

50 dBA during the daytime (7:00 AM to 10:00 PM) and 45 dBA during the nighttime (10:00 PM to 7:00 AM) as measured at any point along the common property lines of adjacent properties except during short-term events such as utility outages, severe weather events, and construction or maintenance operations, as verified by specifications provided by the manufacturer.

**G. Application submittal requirements.** Small, Medium, and Large WECS permit applications shall include, but may not be limited to, the following information:

1. A plot plan of the proposed development drawn to scale showing:
  - a. Acreage and boundaries of the property;
  - b. Location of all existing structures, their use and dimensions within five times the height of the proposed WECS;
  - c. Location within a distance of five times the total height of the proposed WECS of all wetlands, ponds, lakes, water bodies, watercourses, listed State or Federal special status species habitats, habitat islands, and designated archaeological or historical sites;
  - d. Location of all proposed WECS and associated structures, and their designated use, dimensions, and setback distances;
  - e. Location of all areas to be disturbed by the construction of the proposed WECS project including access routes, trenches, grading and staging areas; and
  - f. The locations and heights of all trees taller than 15 feet within five times the height of the proposed WECS and the locations, heights, and diameters (at breast height) of all trees to be removed.
2. Elevations of the components of the proposed WECS.
3. A description of the measures taken to minimize adverse noise, transmission interference, and visual and safety impacts to adjacent land uses including, but not limited to, over-speed protection devices and methods to prevent public access to the structure.
4. A post-installation erosion control, revegetation, and landscaping plan.
5. Standard drawings and an engineering analysis of the system's tower, showing compliance with the Uniform Building Code (UBC), the International Building Code (IBC) or the California Building Code and certification by a professional mechanical, structural, or civil engineer licensed by this state. However, a wet stamp shall not be required, provided that the application demonstrates that the system is designed to meet the UBC or IBC requirements for wind exposure D, the UBC or IBC requirements for Seismic Zone 4, and the requirements for a soil strength of not more than 1,000 pounds per square foot, or other relevant conditions normally required by a local agency.
6. A line drawing of the electrical components of the system in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code.

7. Written evidence that the electric utility service provider that serves the proposed site has been informed of the owner's intent to install an interconnected customer-owned electricity generator, unless the owner does not plan, and so states so in the application, to connect the system to the electricity grid.
8. Wind Measurement Study. A wind resource assessment study, prepared by a qualified consultant approved by the Marin County Environmental Coordinator, may be required. The study shall be performed for a minimum 6-month period during prime wind season, at the proposed site prior to the acceptance of an application. The study may require the installation of a meteorological tower, erected primarily to measure wind speed and directions plus other data relevant to appropriate siting. The study shall include any potential impacts on, or in conjunction with, existing WECS within a minimum of two miles of the proposed WECS site.
9. Bird and Bat Study. Before issuance of County building or planning permit approvals:
  - a. All WECS projects shall require the submittal of a Bird and Bat Study prepared by a qualified consultant approved by the Marin County Environmental Coordinator using the "California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development" (California Energy Commission and California Department of Fish and Game), or any superseding State or Federal Guidelines, the State Natural Diversity Data Base, Partners in Flight Data Base, the Migratory Bird Treaty Act, the Bald and Golden Eagle Protection Act, and field data and counts from local environmental groups. The Bird and Bat Study shall identify any listed State or Federal threatened or endangered species, California Department of Fish and Game designated bird or bat 'species of special concern', or raptors found to nest or roost in the area of the proposed WECS site. The study shall identify periods of migration and roosting and assess pre-construction site conditions and proposed tree removal of potential roosting sites. The Community Development Agency will maintain an inventory of all Bird and Bat Studies that are filed pursuant to the requirements of the WECS ordinance on the Agency's website. If the Bird and Bat Study for a proposed ministerial Small WECS project finds that there is a potential for impacts to any listed State or Federal threatened or endangered species or California Department of Fish and Game designated bird or bat 'species of special concern' found to nest or roost in the area of the proposed WECS site, the project will become discretionary and require a Resource Management and Contingency Plan as described in G.9.b. below.
  - b. Small, Medium, and Large WECS projects shall require the Bird and Bat Study to include a Resource Management and Contingency Plan to: (1) provide for pre-approval and post-construction monitoring and reporting; and (2) provide mitigation to reduce bird and bat mortality rates, if necessary.
10. Visual Simulations. Visual simulations taken from off-site views, including from adjacent properties, as determined by the Community Development Agency shall be submitted showing the site location with the proposed WECS installed on the proposed site.
11. Project-Specific Acoustical Analysis. A project-specific acoustical analysis may be required that would simulate the proposed WECS installation to assure acceptable noise levels and, if necessary, provide measures to comply with applicable County noise standards.

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

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

permit requirements, until implementation of requirements is complete.

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

### **22.32.190 – Wind Energy Conversion Systems (WECS) (Coastal)**

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

**A. Permit requirements.** Small Roof Mounted Wind Energy Conversion Systems (WECS) are allowed in all coastal zoning districts, subject to the following general requirements. Small and Medium Freestanding WECS are allowed only in coastal agricultural zoning districts (C-ARP, C-APZ), subject to the following general requirements. Large WECS are prohibited in all coastal zoning districts.

#### **1. Coastal Zoning Districts.**

##### **a. Small Roof Mounted WECS.**

- i. Allowed as a Principal Permitted Use in all coastal zoning districts;
- ii. Exempt from the Coastal Permit requirement, consistent with Section 22.68.050; and
- iii. Subject to development standards in Sections 22.32.190.B.1, and B.4.

##### **b. Small Freestanding WECS.**

- i. Allowed as a Permitted Use only in coastal agricultural zoning districts (C-ARP, C-APZ); and
- ii. Subject to development standards in Section 22.32.190.B.2 and Section 22.32.190.B.4.

##### **c. Medium Freestanding WECS (coastal).**

- i. Allowed as a Permitted Use only in coastal agricultural zoning districts (C-ARP, C-APZ) in the Coastal, Wind Energy “WE” Combining District; and
- ii. Subject to development standards in Section 22.32.190.B.3 and Section 22.32.190.B.4.

##### **d. Large Freestanding WECS (coastal).**

- i. Prohibited in all coastal zoning districts.

**2. Summary of Permit Requirements.** Small Roof Mounted WECS shall require a Building Permit approval in all coastal zoning districts. Small Freestanding WECS and Medium WECS (coastal) shall require a Coastal Permit and Building Permit approval, where allowed in coastal agricultural zoning districts (C-ARP, C-APZ).

- 3. **Time limits.** The approval for any WECS (coastal) shall be for an indefinite period, except that an approval shall lapse if the WECS becomes inoperative or abandoned for a period of more than one year.
- 4. **Applicability.** In addition to the provisions of Section 22.32.190, all other applicable provisions of this Development Code shall apply to a new WECS (coastal) land use. In the event there is any conflict between the provisions of this section and any other provision of this Development code, the more restrictive provision shall apply.
- 5. **Wind Testing Facilities.** For the purpose of Section 22.32.190, wind testing facilities are those facilities or structures which have been temporarily installed to measure wind speed and directions and to collect other data relevant to siting WECS. Installations of temporary (up to one year) wind testing facilities shall be considered pursuant to Section 22.32.200.

**B. Development standards.**

- 1. **Small Roof Mounted WECS.** A Building Permit for a Small Roof Mounted WECS located on a parcel pursuant to this Section shall be issued by the Agency Director upon submission of a Building Permit application containing the information specified in applicable sections of this Development Code and a determination by the Agency Director that the proposed use and development meets the development standards in Section 22.32.190.B.4 Table 3-10, Section 22.32.190.F, and Sections 22.32.190.G.1, G.2, G.5, G.6, G.7, and G.9.a. Before issuance of a building permit, the County shall record a notice of decision against the title of the property stipulating that the WECS must be dismantled and removed from the premises if it has been inoperative or abandoned for a period of more than one year.
- 2. **Small Freestanding WECS.** Small Freestanding WECS shall be subject to the development standards in Section 22.32.190.B.4, Table 3-10 and shall comply with the development standards and requirements contained in Section 22.32.190.C through 22.32.190.H.
- 3. **Medium Freestanding WECS (coastal).** Medium Freestanding WECS (coastal) shall be subject to the development standards in Section 22.32.190.B.4, Table 3-10 and shall comply with the development standards and requirements contained in Section 22.32.190.C through Section 22.32.190.H.
- 4. **Summary of Development Standards.**

**TABLE 3-10  
WECS (Coastal) Development Standards<sup>2</sup>**

	Small		Medium (coastal)
	Roof Mounted	Freestanding	Freestanding
<b>Total Height</b>	≤10 feet (above roof line)	≤ 40 feet	>40 – ≤100 feet (above grade) <sup>†</sup>
<b>Min. Height of Lowest Position of Blade Above Grade</b>	Not Applicable	15 feet	15 feet

<b>Max. Rotor Blade Radius (HAWT)/ Max. Rotor Blade Diameter (VAWT)</b>	7.5 feet/5 feet	0.5 x tower height/5 feet	0.5 x tower height
<b>Min. Setback from Tip of Blade to Property Line</b>	0.5 x total height	0.5 x total height	1 x total height
<b>Max. Units/Parcel</b>	1	1	2
<b>Min. Unit Separation</b>	Not Applicable	Not Applicable	1 x tower height
<b>Min. Setback from Habitable Structures</b>	Not Applicable	1 x total height	1 x total height
<b>Min. Setback from Prominent Ridgeline</b>	Not Applicable	Not Applicable	Minimum of 300 feet horizontally or 100 feet vertically

<sup>1</sup> Medium Freestanding WECS (coastal) are only allowed in the Coastal, Wind Energy “WE” Combining District, where WECS projects are allowed up to a maximum total height of 100 feet above grade (see Sections 22.62.090 and 22.64.045).

<sup>2</sup> Exceptions to standards other than total height limits in Table 3-10 shall be considered through the Design Review process pursuant to Chapter 22.42 and the Coastal Permit process pursuant to Chapters 22.68 and 22.70.

**C. Public notice.** Where required, a Notice of the required application(s) shall be provided in compliance with Section 22.70.050 (Public Notice).

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

**D. Site and design requirements:**

**1. General standards.** No Small WECS or Medium WECS (coastal) or supporting infrastructure shall be allowed:

a. Within five times the total height or 300 feet, whichever is greater, of a known nest or roost of a listed state or federal threatened or endangered species or California Department of Fish and Game designated bird or bat ‘species of special concern’ or ‘Fully Protected species’ (unless siting of the WECS preceded nest or roost establishment) based on the findings and conclusions of the required Bird and Bat Study as defined in Section 22.32.190.G.9.

b. Within five times the total height or 300 feet, whichever is greater, of a known or suspected avian migratory concentration point based on the findings and conclusions of the required Bird and Bat Study as defined in Section 22.32.190.G.9.

e. Within 1.5 times the total height or 100 feet, whichever is greater, of an environmentally sensitive habitat area (ESHA); a state or federal listed special status species habitat area; a designated archaeological or historical site; or a water course, wetland, pond, lake, bayfront area habitat island, or other significant water body with suitable avian habitat based on the findings and conclusions of a Bird and Bat Study as defined in Section 22.32.190.G.9.

**d. Where prohibited by any of the following:**

1. The Alquist Priolo Earthquake Fault Zoning Act;
2. The terms of any conservation easement or Williamson Act contract;
3. The listing of the proposed site in the National Register of Historic Places or the California Register of Historical Resources.

**E. Appearance and visibility:**

In addition to any conditions which may be required by Coastal Permit approvals, Small WECS and Medium WECS (coastal) shall comply with the following design standards:

1. WECS that exceed 40 feet in total height shall be located downslope a minimum of 300 feet horizontally or 100 feet vertically, whichever is more restrictive, from a visually prominent ridgeline, unless it can be demonstrated through submittal of a County accepted Wind Measurement Study that no other suitable locations are available on the site. If this is the case, then the Wind Measurement Study will be one amongst all other standards that would be evaluated in considering whether and where the WECS application should be approved within the ridge setbacks.
2. WECS shall be designed and located to minimize adverse visual impacts from public viewing areas such as highways, roads, beaches, parks, coastal trails and accessways, vista points, and coastal streams and waters used for recreational purposes.
3. No wind turbine, tower, or other component associated with a WECS may be used to advertise or promote any product or service. Brand names or advertising associated with any WECS installation shall not be visible from offsite locations. Only appropriate signs warning of the WECS installation are allowed.
4. Colors and surface treatments, materials and finishes of the WECS and supporting structures shall minimize visual disruption. Exterior materials, surfaces, and finishes shall be non reflective to reduce visual impacts.
5. Exterior lighting on any WECS or associated structure shall not be allowed except that which is specifically required in accordance with Federal Aviation Administration (FAA) regulations. Wind tower and turbine lighting must comply with FAA requirements and be at the lowest intensity level allowed.
6. WECS shall be located in a manner which minimizes their visibility from any existing federal parklands.
7. All new electrical wires and transmission lines associated with WECS shall be placed underground except for connection points to a public utility company infrastructure. This standard may be modified by the Director if the project area is determined to be unsuitable for undergrounding of infrastructure due to reasons of excessive grading, biological impacts, or similar factors.
8. Construction of on site access routes, staging areas, excavation, and grading shall be minimized. Excluding the permanent access roadway, areas disturbed due to construction shall be regraded and revegetated to as natural a condition as possible as soon as feasible after completion of installation.

- ~~9. All permanent WECS related equipment shall be weather proof and tamper proof.~~
- ~~10. If a climbing apparatus is present on a WECS tower, access control to the tower shall be provided by one of the following means:~~
- ~~a. Tower climbing apparatus located no closer than 12 feet from the ground;~~
  - ~~b. A locked anti climb device installed on the tower; or~~
  - ~~c. A locked, protective fence at least six feet in height that encloses the tower.~~
- ~~11. WECS shall be equipped with manual and automatic over speed controls. The conformance of rotor and over speed control design and fabrication with good engineering practices shall be certified by the manufacturer.~~
- ~~12. Latticed towers shall be designed to prevent birds from perching or nesting on the tower.~~
- ~~13. The use of guy wires shall be avoided whenever feasible. If guy wires are necessary, they shall be marked with bird deterrent devices as recommended by the U.S. Fish and Wildlife Service or the California Department of Fish and Game.~~
- ~~F. Noise. Small WECS and Medium WECS (coastal) shall not result in a total noise level that exceeds 50 dBA during the daytime (7:00 AM to 10:00 PM) and 45 dBA during the nighttime (10:00 PM to 7:00 AM) as measured at any point along the common property lines of adjacent properties except during short term events such as utility outages, severe weather events, and construction or maintenance operations, per specifications provided by the manufacturer.~~
- ~~G. Application submittal requirements. Small WECS and Medium WECS (coastal) permit applications shall include, but may not be limited to, the following information:~~
- ~~1. Plot Plan. A plot plan of the proposed development drawn to scale showing:
 
    - ~~a. Acreage and boundaries of the property;~~
    - ~~b. Location, dimensions, and use of all existing structures within five times the height of the proposed WECS;~~
    - ~~c. Location within a distance of five times the total height of the proposed WECS of all wetlands, ponds, lakes, water bodies, watercourses, listed state or federal special status species habitats, habitat islands, and designated archaeological or historical sites;~~
    - ~~d. Location of all proposed WECS and associated structures, and their designated use, dimensions, and setback distances;~~
    - ~~e. Location of all areas to be disturbed by the construction of the proposed WECS project including access routes, trenches, grading and staging areas; and~~
    - ~~f. The locations and heights of all trees taller than 15 feet within five times the height of the proposed WECS and the locations, heights, and diameters (at breast height) of all trees to be removed.~~~~

- ~~2. Elevation Details. Elevations of the components of the proposed WECS.~~
- ~~3. Minimized Impacts. A description of the measures taken to minimize adverse noise, transmission interference, and visual and safety impacts to adjacent land uses including over speed protection devices and methods to prevent public access to the structure.~~
- ~~4. Post Installation Plan. A post installation erosion control, revegetation, and landscaping plan.~~
- ~~5. Engineering Drawings and Analysis. Standard drawings and an engineering analysis of the system's tower, showing compliance with the Uniform Building Code (UBC), the International Building Code (IBC) or the California Building Code and certification by a professional mechanical, structural, or civil engineer licensed by this state. However, a wet stamp shall not be required, provided that the application demonstrates that the system is designed to meet the UBC or IBC requirements for Seismic Zone 4, and the requirements for a soil strength of not more than 1,000 pounds per square foot, or other relevant conditions normally required by a local agency.~~
- ~~6. Electrical Drawing. A line drawing of the electrical components of the system in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code.~~
- ~~7. Notice of Intent. Written evidence that the electric utility service provider that serves the proposed site has been informed of the owner's intent to install an interconnected customer owned electricity generator, unless the owner does not plan, and so states in the application, to connect the system to the electricity grid.~~
- ~~8. Wind Measurement Study. A wind resource assessment study, prepared by a qualified consultant approved by the Marin County Environmental Coordinator, may be required. The study shall be performed for a minimum 6 month period during prime wind season, at the proposed site prior to the acceptance of an application. The study may require the installation of a wind testing facility, erected primarily to measure wind speed and directions and to collect other data relevant to appropriate siting. The study shall include any potential impacts on, or in conjunction with, existing WECS within a minimum of two miles of the proposed WECS site.~~
- ~~9. Bird and Bat Study. Before issuance of County building or planning permit approvals:
  - ~~a. All WECS projects shall require the submittal of a Bird and Bat Study prepared by a qualified consultant approved by the Marin County Environmental Coordinator using the "California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development" (California Energy Commission and California Department of Fish and Game), or any superseding state or federal Guidelines, the State Natural Diversity Data Base, Partners in Flight Data Base, the Migratory Bird Treaty Act, the Bald and Golden Eagle Protection Act, and field data and counts from local environmental groups. The Bird and Bat Study shall identify any listed state or federal threatened or endangered species, California Department of Fish and Game designated bird or bat 'species of special concern' or 'Fully Protected species', or raptors found to nest or roost in the area of the proposed WECS site. The study shall identify any avian migratory concentration points in the area of the proposed WECS site. The study shall identify periods of migration and roosting~~~~

~~and assess pre construction site conditions and proposed tree removal of potential roosting sites. The Community Development Agency will maintain on the Agency's website an inventory of all Bird and Bat Studies that are filed pursuant to the requirements of the WECS ordinance. If the Bird and Bat Study for a proposed ministerial Small WECS project finds that there is a potential for impacts to any listed state or federal threatened or endangered species or California Department of Fish and Game designated bird or bat 'species of special concern' or 'Fully Protected species' found to nest or roost in the area of the proposed WECS site, the project will become discretionary and require a Resource Management and Contingency Plan as described in Section 22.32.190.G.9.b.~~

~~**b.** Small WECS and Medium WECS (coastal) projects, with the exception of Small Roof Mounted WECS, shall require the Bird and Bat Study to include a Resource Management and Contingency Plan to: (1) provide for pre approval and post construction monitoring and reporting; and (2) provide mitigation to reduce bird and bat mortality rates, if necessary.~~

~~**10. Visual Simulations.** Visual simulations taken from off site views, including from adjacent properties, as determined by the Community Development Agency shall be submitted showing the site location with the proposed WECS installed on the proposed site.~~

~~**11. Project Specific Acoustical Analysis.** A project specific acoustical analysis may be required that would simulate the proposed WECS installation to assure acceptable noise levels and, if necessary, provide measures to comply with applicable County noise standards.~~

~~**H. Post approval requirements.** Small WECS and Medium WECS (coastal) permit applications shall be subject to the following:~~

~~**1. Post Construction Avian and Bat Monitoring Program.** A post construction avian and bat monitoring program shall be required of the owner during periods of nesting, roosting, foraging, and migration, for Small Freestanding WECS and Medium WECS (coastal). The application of this requirement shall be in accordance with criteria established by a governmental agency, such as the U. S. Fish and Wildlife Service (USFWS) or the California Department of Fish and Game (CDFG), or by PRBO Conservation Science. The required monitoring program shall be conducted by a professional biologist or an ornithologist approved by the Marin County Environmental Coordinator. Monitoring protocol shall be utilized as set forth in the "California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development" (California Energy Commission and California Department of Fish and Game). A WECS determined to be detrimental to avian or bat wildlife may be required to cease operation for a specific period of time or may be required to be decommissioned.~~

~~**2. WECS Decommissioning and Reclamation Plan and Agreement.** Before issuance of building permit approval, the owner/operator of any discretionary WECS shall enter into a WECS Decommissioning and Reclamation Plan (Plan) and Agreement with the County, outlining the anticipated means and cost of removing the WECS at the end of its serviceable life or upon becoming a discontinued use if it remains inoperable for a period of more than one year. The owner/operator shall post suitable financial security as determined by the County in order to guarantee removal of any WECS that is non-operational or abandoned. The Plan must include in reasonable detail how the WECS~~

will be dismantled and removed. The WECS must be dismantled and removed from the premises if it has been inoperative or abandoned for a period of more than one year. The Plan shall include removal of all equipment and may require removal of all foundations and other features such as fencing, security barriers, transmission lines, disposal of all solid and hazardous waste in accordance with local, state and federal regulations, and access roads, to the satisfaction of the Director. The Plan shall include restoration of the physical state as existed before the WECS was constructed, and stabilization and re-vegetation of the site as necessary to minimize erosion. The owner/operator, at his/her expense, shall complete the removal within 90 days following the one year period of non-operation, useful life, or abandonment, unless an extension for cause is granted by the Director or a plan is submitted outlining the steps and schedule for returning the WECS to service to the satisfaction of the Director. The WECS Decommissioning and Reclamation Plan Agreement shall be recorded by the Community Development Agency against the title of the property.

3. Encumbrances on Parcel(s). Any encumbrances placed on a parcel or parcels due to the installation of a WECS system shall remain in effect for as long as the WECS is on the site, and these encumbrances shall hold equal weight and be cumulative with respect to other limitations on the development of the parcel or parcels. Such encumbrances may not be the basis for granting any exceptions to the Marin County Development Code or Marin County Local Coastal Program regardless of any other additional development constraints imposed on the parcel or parcels. It is the owner's due diligence responsibility to ensure the siting of the WECS will not impose future development restrictions that are unacceptable to the owner.
4. Construction Monitoring. Construction monitoring of individual projects may be required to include, but not be limited to, surveys and/or inspections as needed, to ensure on-site compliance with all permit requirements, until implementation of requirements is complete.
5. Waste Removal. Upon the completion of construction and before final inspection, solid and hazardous wastes, including, but not necessarily limited to, packaging materials, debris, oils and lubricants, shall be removed promptly from the site and disposed of in accordance with all applicable County, state and federal regulations. No hazardous materials shall be stored on the WECS site.

[BOS app. 2/26/2013]

### **22.32.200—Wind Testing Facilities (Coastal)**

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

[BOS app. 12/11/2012]





## **CHAPTER 22.60 – PURPOSE AND APPLICABILITY OF COASTAL ZONE REGULATIONS**

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### **Sections:**

22.60.010 – Purpose of Article

22.60.020 – Applicability

22.60.030 – Consistency with Coastal Act

### **22.60.010 – Purpose of Article**

This Article provides permit requirements and development standards for proposed development and new land uses in the unincorporated areas of Marin County within the Coastal Zone established by the California Coastal Act of 1976. This Article implements applicable policies of the Marin County Local Coastal Program (LCP), which identify the location and density of development, provide for visitor-serving facilities, provide for public access to and along the coast, and protect significant natural resources.

### **22.60.020 – Applicability**

The requirements of this Article apply to all proposed development and new land uses within the Coastal Zone. These requirements apply in addition to all other applicable provisions of this Development Code. In the event of any perceived conflict between the requirements of this Article and any other provisions of this Development Code, this Article shall control.

### **22.60.030 – Consistency with Coastal Act**

All development in the Coastal Zone shall be consistent with the Marin County LCP in order to carry out the California Coastal Act of 1976, specifically the Public Access and Recreational Policies (Public Resources Code Chapter 6, Sections 30200, 30210, 30211, 30212, 30212.5, 30213, 30220, 30221, 30222, and 30223). The process of review and approval of any project shall also be consistent with the appeals section of the Coastal Act (Chapter 6, Section 30603, Paragraphs A and B).



## **CHAPTER 22.62 – COASTAL ZONING DISTRICTS AND ALLOWABLE LAND USES**

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### **Sections:**

- 22.62.010 – Purpose of Chapter
- 22.62.020 – Applicability
- 22.62.030 – Coastal Zoning Districts Established
- 22.62.040 – Allowable Land Uses and Permit Requirements
- 22.62.050 – Coastal Zoning District Regulations
- 22.62.060 – Coastal Agricultural and Resource-Related Districts
- 22.62.070 – Coastal Residential Districts
- 22.62.080 – Coastal Commercial and Mixed-Use Districts
- 22.62.090 – Coastal Special Purpose and Combining Districts

### **22.62.010 – Purpose of Chapter**

This Chapter establishes the zoning districts in areas of the County within the Coastal Zone as mapped on the certified maps for the Marin County Local Coastal Program, determines how the zoning districts are applied on the official Zoning Maps, and provides general permit requirements for development.

### **22.62.020 – Applicability**

The provisions of this Chapter apply to all property within the Coastal Zone, including county, state, school, and special district property, but not including federal property. This Chapter shall not apply to development proposed or undertaken on any tidelands, submerged lands, or on public trust lands, whether filled or unfilled, where a Coastal Commission Permit is required pursuant to Public Resources Code Section 30519(b).

### **22.62.030 – Coastal Zoning Districts Established**

The unincorporated areas of Marin County within the Coastal Zone shall be divided into zoning districts which consistently implement the Marin Countywide Plan and Marin County Local Coastal Program. The following coastal zoning districts are established, and shall be shown on the official Zoning Map (Section 22.06.030 (Zoning Map Adopted)).

<b>A. Agricultural and Resource-Related Districts</b>	<b>Map Symbol</b>
Coastal, Agricultural Production Zone	C-APZ
Coastal, Agricultural, Residential Planned	C-ARP
Coastal, Open Area	C-OA
<b>B. Residential Zoning Districts</b>	
Coastal, Residential, Agricultural	C-RA
Coastal, Residential, Single-Family	C-R1
Coastal, Residential, Single-Family Planned	C-RSP
Coastal, Residential, Single-Family Planned, Seadrift Subdivision	C-RSPS
Coastal, Residential, Two-Family	C-R2
Coastal, Residential, Multiple Planned	C-RMP

**C. Commercial and Mixed-Use Zoning Districts****Map Symbol**

Coastal, Village Commercial/Residential	C-VCR
Coastal, Limited Roadside Business	C-H1
Coastal, Planned Commercial	C-CP
Coastal, Residential/Commercial Multiple Planned	C-RMPC
Coastal, Resort and Commercial Recreation	C-RCR

**D. Special Purpose and Combining Districts**

Coastal, Public Facilities	C-PF
Coastal, Minimum Lot Size	B
Coastal, Wind Energy	WE

**22.62.040 – Allowable Land Uses and Coastal Permit Requirements**

**A. General requirements for allowed uses.** Proposed development within the Coastal Zone shall be consistent with land use definitions in Article VIII, and comply with Chapter 22.32 (Standards for Specific Land Uses) and other applicable provisions of this Article.

**B. Coastal zone permit requirements.** Unless exempted or Categorically Excluded, proposed development within the Coastal Zone shall require approval of a Coastal Permit in compliance with Chapter 22.68 (Coastal Permit Requirements), in addition to any non-coastal land use permits required by the Development Code and Section 22.62.040.B.

The uses of land allowed by this Chapter in each coastal zoning district are identified in Tables 5-1, 5-2, and 5-3 (Allowable Land Uses for the Coastal Agricultural and Resource Related Districts, Coastal Residential Districts, and Coastal Commercial and Mixed/Use Districts, respectively) as being:

1. Uses allowed by right for which no Coastal permit is required are those as specified in applicable Categorical Exclusion Orders issued by the California Coastal Commission or determined exempt under Coastal Permit Requirements herein (Chapter 22.68). These uses are shown as “E” in the tables.
2. Principally permitted 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. The Coastal Permit for a principal permitted use is appealable to the Coastal Commission only if the project is located in geographic appeals area, or if the project constitutes a major public works project or major energy facility. Principal permitted uses are shown as "PP" uses in the tables.
3. Permitted 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. The Coastal Permit for a permitted use is appealable to the Coastal Commission. Permitted uses are shown as “P” uses in the tables.
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]

5. Land uses that are not listed in Tables 5-1, 5-2, and 5-3 or are not shown in a particular zoning district are not allowed, except where otherwise provided by Section 22.06.040.B (Determination of Allowable Land Uses), or 22.68.050 (Exempt Projects).

**C. Master Plan and Other Non-Local Coastal Program Permit Requirements.** In addition to permits required for conformance with the Marin County Local Coastal Program, a Master Plan and/or other local permit such as a Second Unit Permit may be required for certain uses. Please refer to Articles II-IV, VI, and VII for development standards that govern these uses. A Master Plan is required only for the following uses:

1. A subdivision which does not exhaust the potential for residential development based on the Countywide Plan and zoning district densities and floor area ratios.
2. Airparks
3. Cemeteries, columbariums, mausoleums
4. Marinas and harbors
5. Mineral resource extraction
6. Waste disposal sites

### **22.62.050 – Coastal Zoning District Regulations**

- A. Purpose.** Sections 22.62.040 through 22.62.080 and Chapter 22.64 determine which land uses are allowable in each zoning district, what land use permit is required to establish each use, and the basic development standards that apply to allowed land uses in each of the zoning districts established by Section 22.62.030 (Coastal Zoning Districts Established).
- B. Single parcel in two zoning districts.** In the event two or more parcels are consolidated through the approval of a lot line adjustment, merger, parcel or Tentative Map, or reversion to acreage in compliance with Article VI (Subdivisions), where a single parcel is covered by two or more zoning districts, the consolidated parcel should be reviewed by the Director to determine whether the parcel should be rezoned to a single zoning district.
- C. Measurements, calculations.** Explanations of how height limits, site coverage requirements, and floor area ratios (FAR) apply to sites and projects are in Chapter 22.64 (Coastal Zone Development and Resource Management Standards).

### **22.62.060 – Coastal Agricultural and Resource-Related Districts**

- A. Purpose of Section.** This Section provides regulations for development and new land uses proposed within the coastal agricultural and resource-related zoning districts established consistent with Local Coastal Program policies by Section 22.62.030 (Coastal Zoning Districts Established). The purpose of these zoning districts is to 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 and to preserve important soils, agricultural water sources, and forage to allow continued agricultural production on agricultural lands. (Policy C-AG-1)

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

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

The principal **permitted** use of lands in the C-APZ district is **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~~, **viticulture**, vermiculture, forestry crops, and plant nurseries; substantially similar uses of an equivalent nature and intensity; accessory structures or uses appurtenant and necessary to the operation of agricultural uses, including one farmhouse per legal lot, ~~an~~ **one** intergenerational home, agricultural worker housing, limited agricultural product sales and processing, educational tours, agricultural homestay facilities with three or fewer guest rooms, barns, fences, stables, corrals, coops and pens, and utility facilities **(not including wind energy conversion systems and wind testing facilities)**. (Policy C-AG-2)

**[BOS app. 10/2/12, 11/13/2012, 1/15/2013]**

~~Viticulture is a permitted use.~~ 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 Policies C-AG-7, 8 and 9. 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, and, as applicable, other LCP policies are applied. (Policy C-AG-1, 2)

**[BOS app. 10/2/2012, 1/15/2013]**

The C-APZ zoning district is consistent with the Agriculture 1 land use category of the Marin County Local Coastal Program.

- 2. C-ARP (Coastal, Agricultural, Residential Planned) District.** The C-ARP district applies 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 the C-APZ zone. The C-ARP district provides flexibility in lot size and building locations to concentrate development to maintain the maximum amount of land for agricultural use, and to 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. The C-ARP zoning district is consistent with the Agriculture 1, 2, and 3 land use categories of the Marin County Local Coastal Program. (Policy C-AG-3)
- 3. C-OA (Coastal, Open Area) District.** The C-OA District provides for open space, outdoor recreation, and other open lands, including areas particularly suited for park and recreational purposes, access to beaches, natural drainage channels, and areas that serve as links between major recreation and open space reservations. The C-OA zoning district is

consistent with the Public and Quasi Public - Open Space land use category of the Marin County Local Coastal Program.

- C. Allowed land uses and permit requirements in agricultural/resource districts.** Table 5-1 lists the land uses allowed in the agricultural/resource zoning districts within the Coastal Zone, in compliance with Chapter 22.62 (Coastal Zoning Districts and Allowable Land Uses).
- D. Development standards for agricultural- and resource-related districts.** Proposed development and new land uses consistent with the definitions in Article VIII shall comply with the provisions of Chapters 22.32 as applicable (Standards for Specific Land Uses), this Chapter, Chapter 22.64 (Coastal Zone Development and Resource Management Standards), 22.65 (Coastal Zone Planned District Development Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements),
- E. 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.
    - (a) 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.
    - (b) 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:
      - (1) The applicant's history of production agriculture.
      - (2) 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.
      - (3) Whether long term capital investment in agriculture and related infrastructure, such as fencing, processing facilities, market mechanisms, agricultural worker housing or agricultural leasing opportunities, has been established or is proposed to be established.
      - (4) 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.
      - (5) Whether the proposed residential development will facilitate the ongoing viability of agriculture such as through the intergenerational transfer of existing agricultural operations.
    - (c) 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 7,000 square feet.

- (d) The following shall be excluded from the 7,000 square foot limitation:
- (1) Agricultural worker housing;
  - (2) Up to 540 square feet of garage space for each residence unit;
  - (3) Agricultural accessory structures; and
  - (4) Up to 500 square feet of office space in the farmhouse used in connection with the agricultural operation on the property.
- (e) 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.

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

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT			See Standards in Section:
	C-APZ Agricultural Production	C-ARP Agricultural Residential Planned	C-OA Open Area	
<b>AGRICULTURE, MARICULTURE</b>				
Agricultural accessory activities	PP, E	PP, E	PP, E	22.32.021
Agricultural accessory structures	PP, E	PP, E	PP, E	22.32.022
Agricultural homestays, 3 or fewer guest rooms	PP(10)	PP(10)	—	22.32.023 22.32.115
Agricultural homestays, 4 or 5 guest rooms	U(10)	U(10)	—	22.32.023 22.32.115
Agricultural Intergenerational Home (first)	PP	--	—	22.32.024
Agricultural Intergenerational Home (second)	U	--	—	22.32.024
Farmhouse	PP (8)	PP	—	22. 32.025
Agricultural processing uses (≤5,000 sqft.)	PP	U	—	22.32.026
Agricultural processing uses (>5,000 sqft.)	U	U	—	22.32.026
Agricultural production, <del>except viticulture</del>	PP, E	PP, E	P	22.32.030
Agricultural product sales (≤500 sqft.)	PP	PP	U	22.32.027
Agricultural product sales (>500 sqft.)	U	U	U	22.32.027
Agricultural worker housing	PP	PP	U	22.32.028
Commercial gardening	PP, E	P	P	
Dairy operations	PP, E	P	P(4)	22.32.030
Educational tours (non-profit or owner/operator)	PP	PP	PP	22.32.062 22.32.115
Fish hatcheries and game reserves	U	P	P	
Livestock operations, grazing	PP, E(5)	P(5)	P	22.32.030
Livestock operations, large animals	PP, E(5)	P(5)	—	22.32.030
Livestock operations, sales/feed lots, stockyards	P(5)	P(5)	—	22.32.030
Livestock operations, small animals	PP, E(5)	P(5)	—	22.32.030
Mariculture/aquaculture	PP	PP	—	22.32.105
Plant nurseries	PP	PP		
Raising of other food and fiber producing animals not listed under “agricultural production”	U	U	—	22.32.030
<b>Viticulture</b>	<b>P</b>	<b>P</b>		

[BOS app. 1/15/2013]

**KEY TO PERMIT REQUIREMENTS**

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

**Notes:**

- (1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions).
- (2) See Chapter 22.42 (Design Review) for separate, non-coastal permit Design Review requirements for all uses.
- (4) Dairy operations allowed only on a site of 50 acres or larger.
- (5) Permit requirements are determined by Section 22.32.030 (Animal Keeping).

- (8) Only one single family dwelling per legal lot allowed (does not include intergenerational homes or agricultural worker housing). To create additional parcels and additional single-family homes, see also 22.86 (Subdivisions).
- (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.

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

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

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

**KEY TO PERMIT REQUIREMENTS**

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

**Notes:**

- (1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions).
- (2) See Chapter 22.42 (Design Review) for separate, non-coastal permit Design Review requirements for all uses.
- (5) Permit requirements are determined by Section 22.32.030 (Animal Keeping).
- (9) Equestrian employee housing is permitted with Use Permit approval (See Chapter 22.48 Use Permits)

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

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

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

[BOS app. 2/26/2013]

**KEY TO PERMIT REQUIREMENTS**

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

**Notes:**

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

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

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

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT			See Standards in Section:
	C-APZ Agricultural Production	C-ARP Agricultural Residential Planned	C-OA Open Area	
<b>RESOURCE, OPEN SPACE USES</b>				
Mineral resource extraction	U	U	—	Chapter 23.06
Nature preserves	U	P	P	
Water conservation dams and ponds	U	P	P	
Timber and tree production	U	U		23.04
Wind energy conversion systems (WECS), Small Roof-mounted	PP	PP	PP	22.32.190
Wind energy conversion systems (WECS), Small Freestanding, and Medium (coastal)	P	P	—	22.32.190
Wind energy conversion systems (WECS), Large (coastal)	—	—	—	22.32.190
Water wells or septic systems to serve development on adjoining land	U	U	U	
Solar energy systems (coastal), roof-mounted	PP	PP	PP	22.32.161 22.42.055(2)
Solar energy systems (coastal), free-standing	P	P	P	22.32.161
<b>RETAIL TRADE USES</b>				
Building materials stores	—	U	—	
Commercial storage and sale of garden supply products	U	U	—	
Sales of agricultural products	P(10)	P(10)	U	22.32.027
Bed and breakfast inns, 3 or fewer guest rooms	P(10)	P(10)	—	22.32.040 22.32.115
Bed and breakfast inns, 4 or 5 guest rooms	U(10)	U(10)	—	22.32.040 22.32.115
Child day-care centers	U	U	—	22.32.050
Child day-care - Large family day-care homes	PU	PU	—	22.32.050
Child day-care - Small family day-care homes	P	P	—	22.32.050
Cemeteries, columbariums, mausoleums	—	U	U	
Kennels and animal boarding	U	U	—	
Public safety/service facilities	U	U	U	
Public utility facilities	U	U	U	
Storage, accessory	P	P	P	
Veterinary clinics and animal hospitals	—	U	—	
Waste disposal sites	U	U	—	

[BOS app. 12/11/2012, 2/26/2013]

**KEY TO PERMIT REQUIREMENTS**

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

U	Conditional use, Use Permit required. (2)	Chapter 22.48
—	Use not allowed. (See 22.02.020.E regarding uses not listed.)	

**Notes:**

- (1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions)
- (2) See Chapter 22.42 (Design Review) for separate, non-coastal permit Design Review requirements for all uses.
- (10) Only allowed when the primary use of the property is for agriculture; see Chapter 22.32.115 (Non-Agricultural Uses). The non-agricultural standards contained in Section 22.32.115 do not apply to C-ARP zoned properties with an assigned density of one unit per 1 – 5 acres.

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

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

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

**KEY TO PERMIT REQUIREMENTS**

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

**Notes:**

- (1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions).
  - (2) See Chapter 22.42 (Design Review) for separate, non-coastal permit Design Review requirements for all uses.
  - (9) Use Permit approval may be required for aboveground telecommunications facilities per Section 22.32.165.
- Development shall also be consistent, as applicable, with Chapters 22.130 (Definitions), 22.32 (Standards for Specific Land Uses), 22.64 (Coastal Zone Development and Resource Management Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

**22.62.070 – Coastal Residential Districts**

- A. Purpose of Section.** This Section provides regulations for development and new land uses in the coastal residential zoning districts established consistent with Marin County Local Coastal Program policies by Section 22.62.020 (Coastal Zoning Districts Established).
- B. Purposes of zoning districts.** The purposes of the individual zoning districts are as follows:
- 1. C-RA (Coastal, Residential, Agricultural) District.** The C-RA zoning district provides areas for residential use within the context of small-scale agricultural and agriculturally-related uses, subject to specific development standards. The C-RA zoning district is consistent with the Single-Family Residential 3, 4, 5, and 6 land use categories of the Marin County Local Coastal Program.
  - 2. C-R1 (Coastal, Residential, Single-Family) District.** The C-R1 zoning district provides areas for detached single-family homes, similar and related compatible uses. The C-R1 zoning district is consistent with the Single-Family Residential 3, 4, 5, and 6 land use categories of the Marin County Local Coastal Program.
  - 3. C-RSP (Coastal, Residential, Single-Family Planned) District.** The C-RSP zoning district provides areas for detached single-family homes, similar and related compatible uses, which are designed in compliance with Marin County Local Coastal Program policies. This Section establishes no specific setback requirements, so that development may be designed for maximum compatibility with sensitive site characteristics. The C-RSP zoning district is consistent with all Single-Family Residential land use categories of the Marin County Local Coastal Program.
  - 4. C-RSPS (Coastal, Residential, Single-Family Planned) District (Seadrift Subdivision).** The C-RSPS zoning district is applied to areas within the Seadrift Subdivision intended for detached single-family homes, similar and related compatible uses, which are designed in compliance with Marin County Local Coastal Program policies. This Section establishes no specific setback requirements, so that development may be designed for maximum compatibility with sensitive site characteristics unique to the Seadrift sandspit and lagoon, Bolinas lagoon, and the beaches adjacent to the subdivision. The C-RSPS zoning district is consistent with all Single-Family Residential land use categories of the Marin County Local Coastal Program.
  - 5. C-R2 (Coastal, Residential, Two-Family) District.** The C-R2 zoning district provides areas for attached two-family housing units, detached single-family homes consistent with Land Use Plan Policy C-CD-26, and similar and related compatible uses. The C-R2 zoning district is consistent with the Multi-Family Residential 2 land use category of the Marin County Local Coastal Program.
  - 6. C-RMP (Coastal, Residential, Multiple Planned) District.** The C-RMP zoning district provides areas for varied types of residential development, and similar and related compatible uses, designed in compliance with Marin County Local Coastal Program policies. This Section establishes no specific setback requirements, so that development may be designed for maximum compatibility with sensitive site characteristics. The C-RMP zoning district is consistent with the Planned Residential and other Multi-Family Residential land use categories of the Marin County Local Coastal Program.

- C. Allowable land uses and permit requirements in residential districts.** Table 5-2 (Allowed Uses and Permit Requirements for Coastal Residential Districts) lists the land uses allowed in the residential zoning districts within the Coastal Zone, in compliance with Section 22.62.040 (Allowable Land Uses and Permit Requirements).
- D. Development standards for residential districts.** Proposed development and new land uses shall be consistent with the land use definitions in Article VIII, and shall comply with the provisions of Chapters 22.32 as applicable (Standards for Specific Land Uses) and all other applicable provisions of this Article.

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

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

**KEY TO PERMIT REQUIREMENTS**

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

**Notes:**

- (1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions).
- (2) See Chapter 22.42 (Design Review) for Design Review requirements for all uses.
- (4) Allowed only where a maximum density of one unit per three acres or larger is required.
- (5) Permit requirement determined by Section 22.32.030 (Animal Keeping).

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

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

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT						See Standards n Section:
	C-RA Residential Agri- cultural	C-R1 Single Family	C-R2 Two Family	C-RSPS Single Family Seadrift Sub- division	C-RSP Single Family Planned	C-RMP Multiple Planned	
<b>RESOURCE, OPEN SPACE USES</b>							
Nature preserves	P	P	P	P	P	P	
Wind energy conversion systems (WECS), Small Roof-mounted	PP	PP	PP	PP	PP	PP	22.32.190
Wind energy conversion systems (WECS), Small Freestanding, and Medium (coastal)	—	—	—	—	—	—	22.32.190
Wind energy conversion systems (WECS), Large (coastal)	—	—	—	—	—	—	22.32.190
Solar energy systems (coastal), roof-mounted	PP	PP	PP	PP	PP	PP	22.32.161 22.42.055 (2)
Solar energy systems (coastal), free-standing	P	P	P	P	P	P	22.32.161
<b>RECREATION, EDUCATION &amp; PUBLIC ASSEMBLY USES</b>							
Community centers	U	U	U	U	U	U	
Equestrian facilities	U	—	—	—	U	U	22.32.030
Horses, donkeys, mules, ponies	P(4)	P(4)	P(4)	—	U(4)	U(4)	22.32.030
Libraries and museums	U	U	U	U	U	U	
Private residential recreation facilities	U	U	U	U	U	U	
Public parks and playgrounds	U	U	U	U	U	P	
Public buildings	U	U	U	U	U	U	
Religious places of worship	U	U	U	U	U	U	
Schools	U	U	U	U	U	U	

[BOS app. 2/26/2013]

**KEY TO PERMIT REQUIREMENTS**

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

**Notes:**

- (1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions).
- (2) See Chapter 22.42 (Design Review) for separate, non-coastal permit Design Review requirements for all uses.
- (4) Permit requirement determined by Section 22.32.030 (Animal Keeping).

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

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

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

**KEY TO PERMIT REQUIREMENTS**

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

**Notes:**

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

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

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

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

**KEY TO PERMIT REQUIREMENTS**

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

**Notes:**

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

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

**22.62.080 – Coastal Commercial and Mixed-Use Districts**

- A. Purpose of Section.** This Section provides regulations for development and new land uses in the coastal commercial and mixed-use zoning districts established consistent with Marin County Local Coastal Program policies by Section 22.62.030 (Coastal Zoning Districts Established).
- B. Purposes of zoning districts.** The purposes of the individual zoning districts are as follows:
- 1. C-VCR (Coastal, Village Commercial/Residential) District.** The C-VCR zoning district is intended to: maintain the established historical character of village commercial areas; promote village commercial self-sufficiency; foster opportunities for village commercial growth, including land uses that serve coastal visitors; maintain a balance between resident-serving and non-resident-serving commercial uses; protect established residential, commercial, and light industrial uses; and maintain community scale. The C-VCR zoning district is consistent with the Neighborhood Commercial land use category of the Marin County Local Coastal Program.
  - 2. C-H1 (Coastal, Limited Roadside Business) District.** The C-H1 zoning district is intended for rural areas suitable for businesses that serve the motoring public. The C-H1 zoning district is consistent with the General Commercial/Mixed-Use land use category of the Marin County Local Coastal Program.
  - 3. C-CP (Coastal, Planned Commercial) District.** The C-CP zoning district is intended to create and protect areas suitable for a full range of commercial and institutional uses in compliance with the Marin County Local Coastal Program. The C-CP zoning district is consistent with the General Commercial/Mixed-Use land use category of the Marin County Local Coastal Program.
  - 4. C-RMPC (Coastal, Residential/Commercial Multiple Planned) District.** The C-RMPC zoning district is intended to create and protect areas suitable for a mixture of residential and commercial uses in compliance with the Marin County Local Coastal Program. The C-RMPC zoning district is consistent with the General Commercial/Mixed-Use land use category of the Marin County Local Coastal Program.
  - 5. C-RCR (Coastal, Resort and Commercial Recreation) District.** The C-RCR zoning district is intended to create and protect areas for resort facilities, with emphasis on public access to recreational areas within and adjacent to developed areas. The C-RCR zoning district is consistent with the Recreational Commercial land use category of the Marin County Local Coastal Program.
- C. Allowed land uses and permit requirements in commercial/mixed use districts.** Table 5-3 (Allowed Use and Permit Requirements for Coastal Commercial/Mixed-Use Districts) lists the land uses allowed in the commercial zoning districts within the Coastal Zone, in compliance with Section 22.62.040 (Allowable Land Uses and Permit Requirements).
- D. Development standards for Commercial/Mixed-use districts.** Proposed development and new land uses consistent with the definitions in Article VIII shall comply with the provisions of Chapters 22.32 as applicable (Standards for Specific Land Uses), 22.64 (Coastal Zone Development and Resource Management Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

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

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT					See Standards in Section
	C-VCR Village Commercial Residential	C-H1 Limited Roadside Business	C-CP Planned Commercial	C-RMPC Residential Commercial Multiple Planned	C-RCR Resort and Commercial Recreation	
<b>AGRICULTURAL, RESOURCE &amp; OPEN SPACE</b>						
Agricultural production	P	P	P	P	—	
Commercial gardening	P	P	P	P	—	
Mariculture/aquaculture	P	P	P	P	—	22.32.105
Plant nurseries, with or without on-site sales	P	P	P	P	—	
<del>Wind energy conversion systems (WECS), small roof mounted</del>	<del>PP</del>	<del>PP</del>	<del>PP</del>	<del>PP</del>	<del>PP</del>	<del>22.32.190</del>
<del>Wind energy conversions systems (WECS), Small Freestanding, and Medium (coastal)</del>	<del>—</del>	<del>—</del>	<del>—</del>	<del>—</del>	<del>—</del>	<del>22.32.190</del>
<del>Wind energy conversion systems (WECS), Large (coastal)</del>	<del>—</del>	<del>—</del>	<del>—</del>	<del>—</del>	<del>—</del>	<del>22.32.190</del>
Solar energy systems (coastal), roof-mounted	PP	PP	PP	PP	PP	22.32.161 22.42.055(2)
Solar energy systems (coastal), free-standing	P	P	P	P	P	22.32.161
<b>MANUFACTURING &amp; PROCESSING USES</b>						
Beverage production	U	—	U	U	—	
Boat manufacturing and sales	U	—	U	U	—	
Cottage Industries	U	—	—	U	—	22.32.060
Food products	U	U	U	U	—	
Furniture and fixtures	U	—	U	U	—	
Laundries and dry cleaning plants	U	—	U	U	—	
Recycling facilities	U	U	U	U	P	
Recycling - Reverse vending machines	P	P	P	P	P	
Seafood processing and sales	U	—	U	U	—	

[BOS app. 2/26/2013]

**KEY TO PERMIT REQUIREMENTS**

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

**Notes:**

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

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

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

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

**KEY TO PERMIT REQUIREMENTS**

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

**Notes:**

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

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

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

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT					See Standards in Section
	C-VCR Village Commercial Residential (4)	C-HI Limited Roadside Business	C-CP Planned Commercial	C-RMPC Residential Commercial Multiple Planned	C-RCR Resort and Commercial Recreation	
<b>RESIDENTIAL USES</b>						
Affordable housing	PP	PP	PP	PP	PP	Chapter 22.22
Group homes, 6 or fewer residents	P	U	—	P	—	22.32.080
Group homes, 7 or more residents	U	U	—	U	—	22.32.080
Guest houses	PP	U	—	PP	—	22.32.090
Home occupations	PP	U	—	PP	—	22.32.100
Multi-family dwellings	U	U	U(8)	PP	—(9)	22.32.150
Organizational houses	U	U	—	U	—	
Residential accessory uses and structures	PP	U	—	PP	—	22.32.130
Residential Second Units	—	—	—	—	—	22.32.140
Room rentals	PP	U	—	PP	—	
Single-family dwellings	PP	U	U(8)	PP	—(9)	22.32.150
Tennis and other recreational uses	U	U	U(8)	PP	—	22.32.130
Two-family dwellings	U	U	U(8)	PP	—(9)	22.32.150

**KEY TO PERMIT REQUIREMENTS**

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

**Notes:**

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

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

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

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

**KEY TO PERMIT REQUIREMENTS**

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

**Notes:**

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

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

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

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

[BOS app., 12/11/2012]

**KEY TO PERMIT REQUIREMENTS**

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

**Notes:**

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

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

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

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

**KEY TO PERMIT REQUIREMENTS**

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

**Notes:**

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

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

**22.62.090 – Coastal Special Purpose and Combining Districts**

**A. Purpose of Section.** This Section provides regulations for development and new land uses in the coastal special purpose and combining zoning districts established consistent with Marin County Local Coastal Program policies by Section 22.62.030 (Coastal Zoning Districts Established).

**B. Purpose and applicability of zoning districts.**

**1. General Applicability.**

**a. Special purpose districts.** Special purpose zoning districts are intended to identify sites suitable for types of land uses that are substantially different from, or that may not be appropriate or cannot be readily accommodated along with, most land uses allowed within the other coastal agricultural, residential, and commercial zoning districts established by Section 22.62.030.

**b. Combining districts.** Combining districts are applied to property together with one of the other agricultural, residential, or commercial zoning districts, to highlight areas

where important site, neighborhood, or area characteristics require particular attention in project planning.

- (1) The combining districts established by this Chapter provide standards that apply to development and new land uses in addition to those of zoning districts.
- (2) The applicability of a combining district to property is shown by its map symbol established by Section 22.62.030 (Coastal Zoning Districts Established) being shown as a suffix to the symbol for the primary zoning district. A site designated within a combining district shall be subject to all applicable provisions of this Chapter, in addition to the requirements of the primary zoning district. If provisions of this Chapter conflict with any requirements of a primary zoning district, this Chapter shall control.

**2. C-PF (Coastal, Public Facilities) Zoning/Combining District.**

- a. The Coastal Public Facilities “C-PF” zoning/combining district is applied to land in the Coastal Zone suitable for public facilities and public institutional uses, where a governmental, educational, or other institutional facility is the primary use of the site, in compliance with the Marin County Local Coastal Program. The C-PF district is consistent with the Public Facility and Quasi-Public Facility land use categories of the Marin County Local Coastal Program.
- b. The C-PF district may be applied to property as a primary zoning district where the permitting authority determines that the facility is sufficiently different from surrounding land uses to warrant a separate zoning district, and as a combining district where a publicly-owned site accommodates land uses that are similar in scale, character, and activities, to surrounding land uses.

**3. B (Coastal, Minimum Lot Size) Combining District.** See Section 22.64.040 (Coastal Minimum Lot Size (-B) Combining District) for the purpose and applicability of this district.

**4. WE (Coastal Wind Energy) Combining District.** See Section 22.64.045 (Coastal Wind Energy (“-WE”) Combining District) for the purpose and applicability of this district

**C. Development standards for special purpose/combining districts.** Proposed development and new land uses shall be consistent with the land use definitions in Article VIII, and shall comply with the provisions of Chapter 22.32 (Standards for Specific Land Uses) as applicable and all other applicable provisions of this Article.

## **CHAPTER 22.64 – COASTAL ZONE DEVELOPMENT AND RESOURCE MANAGEMENT STANDARDS**

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### **Sections:**

- 22.64.010 – Purpose of Chapter
- 22.64.020 – Applicability
- 22.64.030 – General Site Development Standards
- 22.64.040 – Coastal Minimum Lot Size (-B) Combining District
- 22.64.045 – Coastal Wind Energy (-WE) Combining District
- 22.64.050 – Biological Resources
- 22.64.060 – Environmental Hazards
- 22.64.080 – Water Resources
- 22.64.100 – Community Design
- 22.64.110 – Community Development
- 22.64.120 – Energy
- 22.64.130 – Housing
- 22.64.140 – Public Facilities and Services
- 22.64.150 – Transportation
- 22.64.160 – Historical and Archaeological Resources
- 22.64.170 – Parks and Recreation
- 22.64.180 – Public Coastal Access

### **22.64.010 – Purpose of Chapter**

This chapter provides general standards for proposed development, site planning, and land use for the following coastal zoning districts: C-APZ (Coastal, Agricultural Production Zone), C-ARP (Coastal, Agricultural, Residential Planned), C-OA (Coastal, Open Area), C-RA (Coastal, Residential, Agricultural), C-R1 (Coastal, Residential, Single-Family), C-RSP (Coastal, Residential, Single-Family Planned), C-RSPS (Coastal, Residential, Single-Family Planned, Seadrift Subdivision), C-R2 (Coastal, Residential, Two-Family), C-RMP (Coastal, Residential, Multiple Planned), C-VCR (Coastal, Village Commercial/ Residential), C-H1 (Coastal, Limited Roadside Business), C-CP (Coastal, Planned Commercial), and C-RMPC (Coastal, Residential/Commercial Multiple Planned) zoning districts, and the -B (Minimum Lot Size) and -WE (Coastal Wind Energy) combining districts.

### **22.64.020 – Applicability**

The provisions of this Chapter apply in all coastal zoning districts to proposed development and new land uses which require Coastal Permit approval in addition to the requirements of Chapters 22.62 (Coastal Zoning Districts and Allowable Land Uses), 22.66 (Coastal Zone Community Standards), and all other applicable provisions of this Development Code.

### **22.64.030 – General Site Development Standards**

Proposed development within the coastal zoning districts established by Section 22.62.030 (Coastal Zoning Districts Established) shall be designed and constructed in compliance with the minimum lot area, setback requirements, and floor area ratio requirements shown in Table 5-4 (Coastal Zone Development Standards).

**TABLE 5-4-a – COASTAL ZONE DEVELOPMENT STANDARDS**

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

**Notes:**

- (1) Minimum lot area and setback standards may change, as follows:
  - a. Minimum lot area and setback standards may change when such district is combined with a “-B” district in compliance with the provisions of Section 22.64.040 (Coastal “-B” Combining District Development Standards).
  - b. Minimum lot area may change in areas of sloping terrain, including those districts combined with “-B” districts, in compliance with the provisions of Section 22.82.050 (Hillside Subdivision Design).
- (2) In C-RA, C-R1, C-R2, and C-H1 districts, maximum residential density is based on one unit per the minimum lot area required.
- (3) See (1) above. See Section 22.20.090 (Setback Requirements and Exceptions) for setback measurement, allowed projections into setbacks, and exceptions to required setbacks. (4) See Section 22.20.060 (Height Measurement and Height Limit Exceptions) for height measurement and exceptions. Building height limits may change, as follows:
  - a. In C-R1 districts of the Stinson Beach Highlands, the primary building height limit is 17 feet.
  - b. Single-family dwellings over 25 feet in height may require Design Review and Variance approval in compliance with Chapters 22.42 (Design Review) and 22.54 (Variances), in addition to a Coastal Permit.
- (4) See Section See Section 22.20.060 (Height Measurement and Height Limit Exceptions) for height measurement and exceptions. Building height limits may change, as follows:
  - a. In C-R1 districts of the Stinson Beach Highlands, the primary building height limit is 17 feet.
  - b. Single-family dwellings over 25 feet in height may require Design Review and Variance approval in compliance with Chapters 22.42 (Design Review) and ~~22.54 (Variances)~~ **22.70.150 (Coastal Zone Variances)**, in addition to a Coastal Permit. **[BOS app. 12/11/2012]**
- (5) See Chapter 22.42 (Design Review) for other conditions that may require Design Review approval in addition to a Coastal Permit. In C-VCR and C-H1 districts, maximum floor area may be determined through the Design Review Process in compliance with Chapter 22.42 (Design Review) in addition to a Coastal Permit.
- (6) The maximum residential density for proposed subdivision for that portion or portions of properties with Environmentally Sensitive Habitat Areas and buffers, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the density range as established by the governing Land Use Category, except for projects that provide significant

public benefits, as determined by the Review Authority, lots proposed for affordable housing, or where it can be demonstrated that the development can be served by on-site water and sewage disposal systems.

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

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

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

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

**Notes:**

- (1) Minimum lot area is determined through the Coastal Permit. The review authority will determine whether the lot area is adequate for a proposed land use.
- (2) Where dwellings are permitted, the following standards apply:
  - a. In C-OA districts, maximum residential density is determined through the Coastal Permit.
  - b. In C-APZ, C-ARP, C-RMP, C-RMPC, C-RSP, and C-RSPS districts, when determining the maximum residential density allowed, any fraction of a dwelling unit of 0.90 or greater will be counted as a whole unit.
  - c. C-APZ districts shall have a maximum residential density of one unit per 60 acres.
  - d. In considering division of agricultural lands in the Coastal Zone, the County may approve fewer parcels than the maximum number of parcels allowed by this Code, based on site characteristics such as topography, soil, water availability, environmental constraints, and the capacity to sustain viable agricultural operations. {Policy C-AG-6}
- (3) Setbacks are determined through the Coastal Permit.
- (4) See Section 22.20.060 (Height Measurement and Height Limit Exceptions) for height measurement and exceptions. Building height limits may change, as follows:
  - a. In C-RSP districts on the shoreline of Tomales Bay, building height limits shall comply with Section 22.65.060.C (C-RSP Zoning District Height Limit - Tomales Bay).
  - b. In C-RSPS districts, building height limits shall comply with Section 22.65.070.D (C-RSPS Zoning District Height Limit - Seadrift Subdivision).
- (5) Maximum floor area is determined through the Coastal Permit.
- (6) The maximum residential density for proposed subdivisions for that portion or portions of properties with Environmentally Sensitive Habitat Areas and buffers, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the density range as established by the governing Land Use Category, except for projects that provide significant public benefits, as determined by the Review Authority, lots proposed for affordable housing, or where it can be demonstrated that the development can be served by on-site water and sewage disposal systems.
- (7) The maximum non-residential and non-agricultural floor area for that portion or portions of properties with Environmentally Sensitive Habitat Areas and buffers, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the density range as established by the governing Land Use Category, except for projects that provide significant public benefits, as determined by the Review Authority, or where it can be demonstrated that the development can be served by on-site water and sewage disposal systems.

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

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

**A. Purpose.** The Coastal Minimum Lot Size “-B” combining district is intended to establish lot size, area, and setback requirements for new subdivisions that are different from those normally applied by the primary zoning district applicable to a site; and to configure new development on existing lots, where desirable, because of specific characteristics of the area.

**B. Development standards.** Where the -B combining district is applied, the minimum lot area, average lot width, and depths of front, side, and rear yards in Table 5-5 shall be required, instead of those that are normally required by the primary zoning district. The maximum residential density for proposed subdivision for that portion or portions of properties with Environmentally Sensitive Habitat Areas and buffers, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the density range as established by the governing Land Use Category, except for projects that provide significant public benefits, as determined by the Review Authority, lots proposed for affordable housing, or where it can be demonstrated that the development can be served by on-site water and sewage disposal systems.

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

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

**Notes:**

- (1) Minimum lot area shown applies except where Section 22.82.050 (Hillside Subdivision Design) establishes a different standard.
- (2) See Section 22.20.090 (Setback Requirements and Exceptions) for setback measurement, allowed projections into setbacks, and exceptions to required setbacks.
- (3) See Section 22.20.060 (Height Measurement and Height Limit Exceptions) for height measurement and exceptions. Primary building height limit in the Stinson Beach Highlands is 17 feet, not 25 feet. Single-family dwellings over 25 feet in height may require Design Review and

Variance approval in compliance with Chapters 22.42 (Design Review) and ~~22.54 (Variances)~~ 22.70.150 (Coastal Zone Variances), in addition to a Coastal Permit.

[BOS app., 12/11/2012]

- (4) See Chapter 22.42 (Design Review) for other conditions that may require Design Review approval in addition to a Coastal Permit.
- (5) The maximum non-residential and non-agricultural floor area for that portion or portions of properties with Environmentally Sensitive Habitat Areas and buffers, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the density range as established by the governing Land Use Category, except for projects that provide significant public benefits, as determined by the Review Authority, or where it can be demonstrated that the development can be served by on-site water and sewage disposal systems.

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

### **22.64.045 – Coastal Wind Energy (-WE) Combining District**

**A. Purpose.** ~~The Coastal Wind Energy “WE” combining district is intended to establish design standards for specific land uses and new development that are different from those normally applied by the primary zoning district applicable to a site.~~

**B. Development standards.** ~~Where the WE combining district is applied, the following development standards shall be required:~~

- ~~1. Wind Energy Conversion System (WECS) (coastal). Only where the WE Combining District is applied, WECS (coastal) projects shall be allowed to exceed a total height of 40 feet up to a maximum total height of 100 feet, instead of the height limits normally required by the primary zoning district. All WECS (coastal) projects shall remain subject to all other applicable standards of Section 22.32.190.~~

[BOS app., 2/26/2013]

### **22.64.050 – Biological Resources**

#### **A. Submittal requirements.**

##### **1. Biological studies.**

- a. **Initial Site Assessment Screening.** The Marin County Community Development Agency (CDA) shall conduct an initial site assessment screening of all development proposals to determine the potential presence of Environmentally Sensitive Habitat Area (ESHA). The initial site assessment screening shall include a review of reports, resource maps, aerial photographs, site inspection and additional resources as necessary to determine the presence of ESHA.

[BOS app. 10/2/2012]

- b. **Site Assessment.** A site assessment shall be submitted for those Coastal Permit applications where the initial site assessment screening may be required to provide a site assessment based on a review of the best available scientific and geographic information reveals the potential presence of an Environmentally Sensitive Habitat Area (ESHA) within 100 feet of the proposed development. The permit will be and subject to a level of review that is commensurate with the nature and scope of the project and the potential existence of an Environmentally Sensitive Habitat Area (ESHA). A site assessment shall be prepared by a qualified biologist hired by the County and paid for by the applicant, and shall confirm the extent of the ESHA,

document any site constraints and the presence of other sensitive resources, recommend buffers, development timing, mitigation measures or precise required setbacks and provide other information, analysis and potential modifications necessary to protect the resource. demonstrate compliance with the LCP. Where habitat restoration or creation is required to eliminate or offset potential impacts to an ESHA, a detailed Restoration and Monitoring Plan shall be required, as provided in this section. The Restoration and Monitoring Plan shall be consistent with the guidance provided in the California Coastal Commission LCP Guide for Local Governments, *Protecting Sensitive Habitats and Other Natural Resources* (undated).  
[BOS app. 10/2/2012]

- c. **Buffer Areas.** Buffers shall be provided for ESHAs in accordance with the policies of C-BIO-3 (ESHA Buffers), C-BIO-19 (Wetland Buffers), or C-BIO-24 (Coastal Streams and Riparian Vegetation), in combination with the findings of a site assessment, as necessary to ensure the biological integrity and preservation of the habitat they are designed to protect. Maintain ESHA buffers in their natural condition, except as provided in C-BIO-20 (Wetland Buffer Adjustments), C-BIO-25 (Stream Buffer Adjustments) or C-BIO-4 (Protect Major Vegetation).

Determination of ESHA buffer requirements should consider the following:

- 1) Habitat requirements of the ESHA, including the migratory patterns of affected species and tendency to return each season to the same nest site or breeding colony;
- 2) Sensitivity of the ESHA to disturbance;
- 3) Topography of the site;
- 4) Movement of stormwater;
- 5) Permeability of the soils and depth to water table;
- 6) Vegetation present;
- 7) Unique site conditions
- 8) Whether vegetative, natural topographic, or built features (e.g., roads, structures) provide a physical barrier between the proposed development and the ESHA; and Proposed activities; and Behavior and movement of habitat dependent wildlife
- 9) The likelihood of increased human activity and disturbance resulting from the project relative to existing development.

[BOS app. 10/2/2012]

- d. **Habitat Mitigation.** New development shall be sited and designed to avoid impacts to ESHA. If there is no feasible alternative that can eliminate significant impacts, then the alternative that would result in the fewest or least significant impacts shall be selected. Residual adverse impacts to ESHA shall be fully mitigated, with priority given to on-site habitat mitigation. Off-site or fee-in-lieu habitat mitigation measures shall only be approved when it is not feasible to fully mitigate impacts on-site or where off-site habitat mitigation is more protective in the context of a biological analysis prepared by a qualified scientist and approved by the County of Marin. Mitigation shall not substitute for implementation of the project alternative that would avoid impacts to ESHA.

Habitat mitigation shall occur in accordance with the provisions of C-BIO-21 (Wetland Impact Mitigation) for wetlands or the findings of a site assessment, and shall be provided at a minimum ratio of 2:1 for on-site mitigation; 3:1 for off-site mitigation or 4:1 for an in-lieu fee where applicable. In determining required mitigation, the acreage of habitat impacted shall be determined based on the size of the approved development

area, road/driveway area, required fuel modification on the project site, and required vegetation clearance, if any, on adjacent properties. Habitat mitigation may be required at an adjusted ratio or through other appropriate techniques as commensurate with the extent of habitat disruption, based on the specific requirements of the ESHA as determined through the site assessment.

[BOS app. 10/2/2012]

2. **Site map.** Coastal Permit applications shall contain a detailed site plan showing existing and proposed construction, with major vegetation, water courses, natural features, and other probable wildlife areas.

**3. Restoration and Monitoring Plan.** Restoration and Monitoring Plans shall include the following:

- a. A clear statement of the ESHA habitat restoration goals. Characterization of the desired habitat, including an actual habitat, that can act both as a model for the restoration and as a reference site for developing success criteria.
- b. Sampling of reference habitat using the methods that will be applied to the restoration site with reporting of resultant data.
- c. Quantitative description of the chosen restoration site.
- d. Requirements for designation of a qualified restoration biologist as the restoration manager who will be personally responsible for all phases of the restoration. Phases of the restoration shall not be assigned to different contractors without onsite supervision by the restoration manager.
- e. A specific Grading Plan if the topography must be altered.
- f. A specific Erosion Control plan if soil or other substrate will be significantly disturbed during the course of the restoration.
- g. A Weed Eradication Plan designed to eradicate existing weeds and to control future invasion by exotic species that is carried out by hand weeding and supervised by a restoration biologist.
- h. A Planting Plan that specifies detailed plant palette based on the natural habitat type that is the model for the restoration, using local native stock and requiring that if plants, cuttings, or seed are obtained from a nursery, the nursery must certify that they are of local origin and are not cultivars. The Planting Plan should provide specifications for preparation of nursery stock and include technical details of planting methods (e.g., spacing, micorrhyzal inoculation, etc.)
- i. An Irrigation Plan that describes the method and timing of watering and ensures removal of watering infrastructure by the end of the monitoring period.
- j. An Interim Monitoring Plan that includes maintenance and remediation activities, interim performance goals, assessment methods, and schedule.
- k. A Final Monitoring Plan to determine whether the restoration has been successful that specifies:
  - 1) A basis for selection of the performance criteria.
  - 2) Types of performance criteria.
  - 3) Procedure for judging success.
  - 4) Formal sampling design.
  - 5) Sample size.
  - 6) Approval of a final report, and
  - 7) Provision for possible further action if monitoring indicates that initial restoration has failed.

[BOS app. 10/2/2012]

34. **Additional information.** Based on review of the provided information, the County may request additional information to address site-specific conditions and/or as part of the

environmental review process.

[BOS app. 10/2/2012]

## B. Biological Resource standards.

1. **Environmentally Sensitive Habitat Areas (ESHAs).** The resource values of ESHAs shall be protected by limiting development per Land Use Policies C-BIO-1, C-BIO-2, and C-BIO-3.
2. **Habitats of rare or endangered species and unique plant communities.** Habitats of rare and endangered species and unique plant communities shall be protected by limiting development in those areas and providing adequate buffers surrounding those areas per Land Use Plan Policy C-BIO-3.
3. **Ecological restoration.** Encourage restoration of degraded ESHAs per Land Use Plan Policy C-BIO-5.
4. **Invasive plants.** Where feasible, require the removal of non-native, invasive plant species, and revegetation of denuded areas with native plants, and provision of primarily native, drought-tolerant plant species for areas of new or replacement planting, per Land Use Plan Policy C-BIO-6.  
[BOS app. 10/2/2012]
5. **Coastal dunes and beaches.** Coastal dunes and beaches shall be preserved by limiting development in those areas per Land Use Plan Policies C-BIO-7, C-BIO-8, and C-BIO-9.
6. **Roosting and nesting habitat.** Roosting and nesting habitat and the grassy shorebird feeding areas adjacent to Bolinas Lagoon shall be protected by limiting development per Land Use Plan Policies C-BIO-10, C-BIO-11, and C-BIO-12.
7. **Biological productivity.** The biological productivity and quality of coastal waters, coastal streams, coastal wetlands, coastal estuaries and coastal lakes shall be maintained, and where feasible, enhanced per Land Use Plan Policy C-BIO-13.
8. **Coastal wetlands.** Coastal wetlands shall be preserved and maintained as productive wildlife habitats, water filtering and storage areas, and, as appropriate, recreational open space, by limiting diking, dredging, and draining per Land Use Plan Policies C-BIO-14, C-BIO-15, C-BIO-16, and C-BIO-17, disposing of spoils dredged materials per Land Use Plan Policy C-BIO-18 and mitigating wetland impacts per Land Use Plan Policy C-BIO-21.  
[BOS app. 10/2/2012]
9. **Coastal wetland buffers.** Adequate buffers shall be maintained surrounding coastal wetlands per Land Use Policy C-BIO-19 unless an adjustment or exception to standard buffers is granted per Land Use Plan Policy C-BIO-20.  
[BOS app. 10/2/2012]
10. **Marine resources.** Marine resources shall be maintained, enhanced, and where feasible, restored and special protection shall be provided to areas and species of special biological or economic significance per Land Use Plan Policy C-BIO-23.

11. **Coastal streams, riparian vegetation, and buffers.** Alterations to coastal streams and riparian vegetation shall be limited and adequate buffers shall be provided surrounding those resources per Land Use Plan Policy C-BIO-24, unless an adjustment ~~or exception~~ to the standard buffers is granted per Land Use Plan Policy C-BIO-25. Any alteration of riparian vegetation which is allowed under these policies shall require an erosion control plan and re-vegetation plan that incorporates native species to the maximum extent feasible.

[BOS app. 10/2/2012]

## 22.64.060 – Environmental Hazards

### A. Application requirements.

1. **Environmental hazards report.** Coastal permit applications for development in areas potentially subject to geologic or other hazards as mapped by the County at the time of Coastal Permit application, including Alquist-Priolo earthquake hazards zones, areas subject to tsunami runup, landslides, liquefaction, beach or bluff erosion, steep slopes averaging greater than 35 percent, unstable slopes regardless of steepness, flood hazard areas, or areas potentially inundated by accelerated sea level rise, shall include a report by a qualified registered civil or structural engineer describing the extent of potential environmental hazards on the site and recommended construction, siting and other techniques to minimize possible environmental hazards. The report shall demonstrate that, subject to the recommended measures, the area of construction is stable for development, that the development will not create a hazard or diminish the stability of the area, and that the development will not require the construction of shoreline protective devices during its economic life (100 years). (Portion of Land Use Plan Policy C-EH-2)
2. **Geotechnical investigation for blufftop development.** Coastal permit applications for development proposed: 1) on a blufftop parcel; or 2) on a site located in stability zone 2, 3, or 4 as indicated on the Slope Stability of the Bolinas Peninsula Study Area map which accompanies Wagner's 1977 report, "Geology for Planning, Western Marin County" (hereby incorporated by reference as part of this Development Code), shall include a complete geotechnical investigation which determines the retreat rate (or long-term annual average erosion rate) for the property on which development is proposed. The retreat rate shall be determined based upon an examination of the historic and projected rates of bluff retreat attributable to wave, wind and/or surface runoff erosion and to the extent feasible, take into account the hazards associated with strong seismic shaking and the risk of continued and accelerated sea level rise. The retreat rate shall be used to determine the appropriate blufftop setback as specified in Section 22.64.060.B.2 below. (Program C-EH-5.a. and 5.b)
3. **Drainage plan for blufftop development.** Coastal permit applications for development proposed on a blufftop parcel shall include a drainage plan prepared by a civil engineer, which indicates how rainwater and irrigation runoff will be directed away from the top of the bluff or handled in a manner which prevents damage to the bluff by surface and percolating water. Blufftop landscaping shall be required to use drought tolerant native species with minimal irrigation. (Program C-EH-6.a)
4. **Engineer report for shoreline protective devices.** Coastal permit applications for the construction or reconstruction of any shoreline protective device, including revetments, breakwaters, groins, seawalls, or other artificial structures for coastal erosion control shall

include a report from a professional civil engineer or certified engineering geologist verifying that the device is necessary for coastal erosion control and explaining how it will perform its intended function and the extent to which it will meet the criteria and standards contained in Section 22.64.060.C.5 below. The report shall include an analysis of alternatives to a shoreline device that are capable of protecting existing threatened structures from erosion including: no action, involvement in regional beach nourishment, and relocation of the threatened structure. In addition, the report shall include the following information:

- (a) For the shoreline in question: long term and seasonal erosion trends, the effects of accelerated sea level rise due to climate change, and the potential effects of infrequent storm events, such as a 100-year storm;
  - (b) The amount of beach that will be covered by the shoreline protective device;
  - (c) The amount of beach that will be lost through passive erosion over the life of the shoreline protective device;
  - (d) Total lineal feet of shoreline protective devices within the littoral zone where the device is proposed;
  - (e) The cumulative impact of added shoreline protective devices from the littoral cell within which the proposed device will be located; and
  - (f) Provision for future maintenance of the shoreline protective device, for future removal of the shoreline protective device if and when it reaches the end of its economic or functional life, and for changes in the shoreline protective device if needed to respond to alterations in the development for which the device was installed. (Program C-EH-13.a)
5. **New development and fire safety.** Coastal Permit applications shall demonstrate that the new development meets all applicable fire safety standards.

#### **B. Environmental Hazard standards.**

- 1. **Blufftop setbacks.** Proposed structures, including accessory structures, shall be set back a sufficient distance from coastal bluffs to ensure that they will not be threatened by bluff retreat within their expected economic life (100 years) and will not require shoreline protection improvements per Land Use Plan Policy C-EH-5.
- 2. **Determination of bluff setbacks.** Adequate bluff setback distances will be determined based on the information provided in the geologic report required pursuant to Section 22.64.060.A.2 and the following setback formula (where 100 years represents the economic life of a structure and 1.5 represents a minimum safety factor):

$$\text{Setback (meters)} = 100 \text{ (years)} \times \text{Retreat Rate (meters/year)} \\ + \text{setback to achieve a slope stability Factor of Safety} \\ \text{of at least 1.5 (minimum factor of safety)}$$

- 3. **Shoreline access facilities on blufftop parcels.** Shoreline access facilities, such as stairways and ramps, may only be permitted per Land Use Plan Policy C-EH-7 and C-EH-16.

4. **Bolinas Bluff Erosion Zone setback exceptions and waivers.** Within established Bluff Erosion Zones on the Bolinas Mesa, no new construction shall be permitted on vacant lots. Residential additions no greater than 10 percent of the existing floor area or 120 square feet (whichever is greater) may be permitted on a one-time basis.
5. **Criteria and design standards for shoreline protective devices.** Shoreline protective devices in the Coastal Zone are discouraged due to their visual impacts, obstruction of public access, interference with natural shoreline processes and water circulation, and effects on marine habitats and water quality. The construction or reconstruction of shoreline protective devices shall only be allowed subject to the criteria contained in Land Use Plan Policy C-EH-13 and the design standards contained in Land Use Plan Policy C-EH-14. Emergency permit applications for shoreline protective devices may be considered in compliance with Section 22.70.130 (Emergency Coastal Permits) consistent with the Land Use Plan Policy C-EH-21 and Program C-EH-21.a.
6. **Accessory structures in hazardous areas.** Accessory structures on shoreline parcels shall be designed and constructed in conformance with Land Use Plan Policy C-EH-15.
7. **Seismic safety standards.** Proposed structures shall meet the seismic safety standards of the Alquist-Priolo Act (Land Use Plan Policy C-EH-4).
8. **Applicant's assumption of risk.** Applicants for development in hazardous areas shall be required to record a Liability Waiver per Land Use Plan Policy C-EH-3.
9. **Creation of new parcels abutting coastal waters.** Creation of new parcels on lands abutting the ocean, bays, lagoons, or other coastal water bodies shall be prohibited unless the new parcel can be developed with structures that will not require a shoreline protective device during their economic life.
10. **Major Vegetation Management.** Coastal Permit applications for the management or removal of major vegetation must meet criterion (a) below, and at least one of criteria (b) through (k) for removal.
  - (a) The major vegetation removal does not: 1) adversely affect any environmentally sensitive habitat areas; 2) adversely impact coastal waters; 3) adversely impact public views; and 4) conflict with conditions of approval of a prior coastal permit.
  - (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;
  - (c) The major vegetation is infected by a pathogen or attacked by insects that threaten surrounding major vegetation as determined by an arborist report or other qualified professional;
  - (d) The major vegetation is a potential public health and safety hazard due to risk of falling and its structural instability cannot be remedied;
  - (e) The major vegetation is a public nuisance by causing damage to improvements, such as building foundations, retaining walls, roadways/driveways, patios, sidewalks and decks, or interfering with the operation, repair or maintenance of public utilities;

- (f) The major vegetation has been identified by a Fire Inspector as a fire hazard that requires removal;
- (g) The major vegetation was planted for a commercial enterprise, such as a Christmas tree farm or orchard;
- (h) Prohibiting the removal of the major vegetation will conflict with CC&R's which existed at the time this Chapter was adopted;
- (i) The major vegetation is located on land which is zoned for agriculture (C-ARP or C-APZ) and is being used for commercial agricultural purposes;
- (j) The major vegetation removal is proposed by a public agency to provide for the routine management and maintenance of public land or to construct a fuel break.
- (k) The major vegetation is non-native and is not defined as a "protected and heritage tree" in Article VIII (Definitions);

## **22.64.080 – Water Resources**

### **A. Application requirements.**

- 1. Drainage plans.** Coastal permit applications for development that would add or create a total of 10,000 square feet or more of impervious surface (collectively over the entire project site) or would alter drainage patterns, shall be accompanied by a preliminary drainage plan. The plan shall include existing and proposed drainage patterns and storm drain improvements for the site, all structures and impervious areas, and any other improvements. The plan must indicate the direction of surface runoff and method of on-site runoff dispersal for existing and proposed drainage channels or facilities. Draining to existing watercourses or detention basins may be allowed if negative impacts to biological resources, water quality, channel stability or flooding of surrounding properties can be avoided or if existing soil conditions do not allow infiltration. Hydrologic calculations may be required to determine whether there would be any additional surface run-off resulting from the development.
- 2. Structural and/or treatment control facilities: monitoring and maintenance plans.** If structural and/or treatment control facilities are incorporated in a project, the applicant shall submit a monitoring and maintenance plan indicating how such facilities will be adequately maintained by the applicant and any subsequent property owner after construction is complete. (Policy C-WR-12)
- 3. Site Plan – Post Construction Element.** At the discretion of the County based on the scale or potential water quality impacts of a proposed project, the applicant shall submit a site plan containing a Post-Construction Element. This plan shall detail how stormwater and polluted runoff will be managed or mitigated following project construction, utilizing both source control and treatment control measures, and both structural and non-structural measures. (Policy C-WR-13)
- 4. Grading plans.** Coastal permit applications for any cut, fill, or grading shall be accompanied by a preliminary grading plan that indicates existing and proposed contours across the building site and existing and proposed average lot slope. (Program C-WR-4.a)

5. **Geotechnical reports.** A geotechnical report may be required at the discretion of the Department of Public Works if proposed cut and fill slopes are determined to be steeper than is safe for the subject material or necessary for the intended use. (Policy C-WR-5)
6. **Erosion and sedimentation control plans.** An erosion and sedimentation control plan, subject to approval by the Department of Public Works, shall be required for development of any site of 1 acre or more in size or, at the discretion of the Department of Public Works, for any site of less than 1 acre because of a high risk of erosion and sedimentation. (Policy C-WR-6)
7. **Site Plan Contents – Construction Phase.** All projects that would add or create a total of 10,000 square feet or more of impervious surface (collectively over the entire project site), projects that may impact environmentally sensitive habitat (i.e. projects within, directly adjacent to or discharging directly to an environmentally sensitive habitat area), county-defined high-impact projects or other projects that the county staff finds to be a threat to coastal water quality, shall require a Construction-Phase element shown on the site plan. The Construction-Phase element shall specify which interim Best Management Practices (BMPs) will be implemented to minimize erosion and sedimentation during construction and address potential construction runoff contamination with fuels, lubricants, cleaning agents and/or other potential construction-related pollutants or chemicals.

In the application and initial planning process, the applicant shall submit for review and approval a Construction-Phase element that shall include, at a minimum, a narrative report describing all interim erosion, sedimentation, and polluted runoff control BMPs to be implemented during construction, including the following where applicable:

- (a) Controls to be implemented on the amount and timing of grading;
- (b) BMPs to be implemented for staging, storage, and disposal of excavated materials;
- (c) Design specifications for treatment control BMPs, such as sedimentation basins;
- (d) Revegetation or landscaping plans for graded or disturbed areas;
- (e) Methods to manage affected onsite soils;
- (f) Other soil stabilization BMPs to be implemented;
- (g) Methods to infiltrate or treat stormwater prior to conveyance off-site during construction;
- (h) Methods to eliminate or reduce the discharge of other stormwater pollutants resulting from construction activities (e.g., paints, solvents, vehicle fluids, asphalt and cement compounds, and debris) into stormwater runoff;
- (i) Plans for the clean-up of spills and leaks;
- (j) BMPs to be implemented for staging, storage, and disposal of construction chemicals and materials;

- (k) Proposed methods for minimizing land disturbance activities, soil compaction, and disturbance of natural vegetation;
- (l) A site plan showing the location of all temporary erosion control measures; and
- (m) A schedule for installation and removal of the temporary erosion control measures.

#### B. Water quality standards.

1. **Water quality protection.** The quality of coastal waters shall be monitored, protected, and enhanced for the benefit of natural communities, human health, recreational users, and the local economy (Land Use Plan Policy C-WR-1).
2. **Site design and source control measures.** Development shall meet the standards contained in Land Use Plan Policy C-WR-2.
3. **Drainage standards.** Development shall meet the standards contained in Land Use Plan Policy C-WR-3.
4. **Detention and infiltration basins.** *(Deleted for consistency with deletion of WR-11, 12/1/11)*
5. **Structural and/or treatment control facilities: proper maintenance.** Structural and/or treatment control facilities shall meet the requirements of Land Use Plan Policy C-WR-12.
6. **High impact projects: design standards.** Development that has a high potential for generating pollutants (High Impact Projects) shall incorporate treatment control Best Management Practices (BMPs) or ensure that the requirements of the current NPDES Municipal Stormwater permit are met, whichever is stricter, to address the particular pollutants of concern, including the requirements of Land Use Plan Policy C-WR-14.
7. **Construction Non-sediment Pollution.** Construction site practices shall be carried out consistent with Land Use Plan Policy C-WR-16.
8. **Construction Phase Pollution.** The construction site shall be managed to prevent contact between runoff and chemicals, fuel and lubricants, cleansers, and other potentially harmful materials.

#### C. Grading and excavation standards.

1. **Site planning.** Development shall meet the standards contained in Land Use Plan Policy C-WR-4.
2. **Preservation of landforms and native vegetation.** Development shall meet the standards contained in Land Use Plan Policies C-WR-4 and C-WR-5.
3. **Extent and timing of grading.** Development shall meet the standards contained in Land Use Plan Policies C-WR-6 and C-WR-7.
4. **Erosion and sedimentation control.** Development shall meet the standards contained in Land Use Plan Policies C-WR-10 and C-WR-8.

5. **Impervious surfaces, runoff control.** Development shall meet the standards contained in Land Use Plan Policy C-WR-2.
6. **Sediment basins during construction.** Development shall meet the requirements of Land Use Plan Policy C-WR-10.
7. **Pollutants.** Pollutants, including chemicals, fuels and other harmful materials shall be collected and disposed of in an approved manner.
8. **Topsoil.** Development shall meet the requirements of Land Use Plan Policy C-WR-9.
9. **Removal of construction debris.** All debris shall be removed from the site upon the completion of the project.
10. **Erosion and Flood Control Facilities.** Consider placement of sediments collected by erosion and flood control facilities at appropriate points on the shoreline, consistent with Land Use Plan Policy C-WR-17.

## 22.64.100 – Community Design

### A. Community Design standards.

1. **Compatible Design.** The height, scale, and design of new structures shall be compatible with the character of the surrounding natural or built environment per Land use Policy C-DES-1.
2. **Protection of visual resources.** Development shall be sited and designed to protect visual resources per Land Use Policy C-DES-2.
3. **Protection of ridgeline views.** New development proposed on or near visually prominent ridgelines shall be sited and designed per Land Use Policy C-DES-3.
4. **Height limits.** Structures in the Coastal Zone shall be limited to a maximum height of 25 feet with the exceptions provided for by Land Use Policy C-DES-4.
5. **New signs.** New signs shall be of a size, location, and appearance so as not to detract from scenic areas or views from public roads and other viewing points (Land Use Policy C-DES-5).
6. **Underground Utilities.** Utility lines should be undergrounded per Land Use Policy C-DES-6.
7. **Minimized exterior lighting.** Exterior lighting shall be the minimum consistent with safety and shall be low wattage, hooded, and downcast to prevent glare (Land Use Policy C-DES-7).
8. **Protection of trees.** Structures and roads should be sited to avoid tree removal per Land Use Policy C-DES-8.
9. **Landscaping.** Required landscaping shall predominantly use native species of trees and plants and shall avoid using non-native, invasive trees and plants (Land Use Policy C-DES-9).

10. **Prohibition of Gated Communities.** The establishment of gated communities shall be prohibited (Land Use Policy C-DES-10).
11. **Minimization of fuel modification.** New development should be sited and designed to minimize the need for fuel modification per Land Use Policy C-DES-11.

### 22.64.110 – Community Development

#### A. Community development standards.

- ~~1. **Coastal dependent development** (Deleted for consistency with deletion of Policy C-CD-1, 11/7/11)~~
2. **Location of new development.** New development should be located within, next to, or in close proximity to developed areas with adequate public services and where it will not have significant adverse impacts, either individually or cumulatively, on environmental and natural resources, including coastal resources (Land Use Policy C-CD-2).
3. **Appropriate new development.** The type and intensity of new development, including land divisions, shall conform to the land use categories and density provisions of the LCP Land Use Maps. Allowable densities are stated as maximums and do not establish an entitlement to buildout potential (Land Use Policy C-CD-3).
4. **Non-conforming structures and uses.** Allow lawfully established non-conforming structures and uses to be maintained or continued in conformance with the requirements of Chapter 22.112.
5. **Development standards for Tomales Bay shoreline.** New construction along the shoreline of Tomales Bay shall be limited in height to 15 feet above grade except as provided for per Land Use Policy C-CD-6.
6. **Structures on public trust lands.** The construction of new residential dwellings shall not be permitted on public trust lands. Along the shoreline of Tomales Bay, existing structures on public trust lands may be rebuilt if damaged or destroyed by natural disaster per Land Use Policy C-CD-7.
7. **Shoreline Structures and Piers.** The location of piers and other recreational or commercial shoreline structures shall be limited per Land Use Policy C-CD-8 and public access to such structures shall be required per Land Use Policy C-CD-9.
8. **Subdivision of beachfront lots.** The subdivision of beachfront lots shall be restricted per Land Use Policy C-CD-10.
9. **Maintenance of village limit boundaries.** Village limit boundaries shall be set and maintained per Land Use Policy C-CD-11 and C-CD-12.
10. **Chain store operations.** Discourage the establishment of chain store operations that are not consistent with the existing character and scale of the surrounding community (Land Use Policy C-CD-13).

11. **Limit conversion of overnight visitor-serving enterprises.** Visitor-serving uses should remain available to the public on a space available basis; conversion of overnight accommodations into a more limited type of occupancy shall be discouraged (Land Use Policy C-CD-14).
12. **Residential character in villages.** Discourage the conversion of residential to commercial uses in coastal villages per Land Use Policy C-CD-15.
13. **Rural character of roadways.** The only areas to be considered for sidewalks, curbs, and similar roadway improvements shall be the downtown areas of Point Reyes Station, Stinson Beach, and Tomales (Land Use Policy C-CD-16).
14. **Commercial development on Highway One.** *(Deleted for consistency with deletion of Policy C-CD-17, 9/19/11)*
15. **Windbreaks.** Discourage new wind breaks along Highway One to preserve coastal views. Consider the effects of proposed wind breaks at maturity on sunlight, coastal views, and traffic safety related to visibility (Land Use Policy C-CD-19).
16. **Lighting for recreational use.** Prohibit night lighting for privately-owned recreational facilities per Land Use Policy C-CD-20.

## 22.64.120 – Energy

### A. Energy efficiency standards.

1. **Energy efficiency standards.** Complement coastal permit requirements with the application of Marin County Energy Efficiency Ordinance 3494 and Green Building Requirements to integrate energy efficiency and conservation, and renewable energy requirements into the development review and building permit process per Land Use Policy C-EN-1.
2. **Renewable energy resource priority.** Utilize renewable energy resources and support appropriate renewable energy technologies per Land Use Policy C-EN-4.
3. **Energy production facility impacts.** Energy production facilities shall be designed and constructed to minimize impacts to public health and coastal resources per Land Use Policy C-EN-5.
4. **Energy and Industrial Development.** Major energy or industrial development, both on and offshore, shall not be permitted per Land Use Policy C-EN-6.

## 22.64.130 – Housing

### A. Affordable housing standards.

1. **Protection of existing affordable housing.** Protect and provide affordable housing opportunities for very low, low, and moderate income households. The demolition of existing deed restricted very low, low, and moderate income housing is prohibited except as provided for per Land Use Policy C-HS-1.

2. **Density for affordable housing.** Allow the maximum range of density for deed-restricted housing developments that are affordable to extremely low, very low or low income households and that have access to adequate water and sewer services (Land Use Policy C-HS-2). Density bonuses for affordable housing mandated by state law shall be provided to the extent that such increases in density are consistent with the provisions of the LCP per Land Use Policy C- HS-9.
3. **Affordable housing requirement.** Residential developments in the Coastal Zone consisting of 2 or more units shall be required to provide 20 percent of the total number of units to be affordable by households of very low or low income or a proportional “in-lieu” fee to increase affordable housing construction, consistent with the County’s inclusionary housing policy (Land Use Policy C-HS-3).
4. **Retention of small lot zoning.** Preserve small lot zoning (6,000 to 10,000 square feet) in Tomales, Point Reyes Station, and Olema for the purposes of providing housing opportunities at less expense than available in large-lot zones (Land Use Policy C-HS-4).
5. **Second units.** Enable the construction of well-designed second units in single-family and multifamily residential zoning districts consistent with Land Use Policy C-HS-5.

## 22.64.140 – Public Facilities and Services

### A. Public facility and service standards.

1. **Adequate public services.** Adequate public services (that is, water supply, on-site sewage disposal or sewer systems, and transportation, including public transit as well as road access and capacity if appropriate) shall be available prior to approving new development per Land Use Policy C-PFS-1.
2. **Expansion of public services.** Limit new or expanded roads, flood control projects, utility services, and other public service facilities, whether publicly owned or not, to the minimum necessary to adequately serve planned development per Land Use Policy C-PFS-2.
3. **Formation of special districts.** Ensure that special districts are formed or expanded only where assessment for, and provision of, the service would not induce new development inconsistent with the policies of the LCP (Land Use Policy C-PFS-3).
4. **High-priority visitor-serving land uses.** In acting on any coastal permit for the extension or enlargement of community water or community sewage treatment facilities, determine that adequate treatment capacity is available and reserved in the system to serve VCR- and RCR-zoned property and other visitor-serving uses (Land Use Policy C-PFS-4).
5. **Community sewer systems.** New development within a village limit boundary shall connect to a public sewer system within 400 feet of the parcel, unless such connection is prohibited, physically impossible, or otherwise infeasible (Land Use Policy C-PFS-5).
6. **Sewage disposal systems and protection of water quality.** Require new and expanded sewage disposal systems to be designed, constructed, and maintained so as to protect the

biological productivity and quality of coastal streams, wetlands, and other waters (Land Use Policy C-PFS-6).

7. **Adequately sized sewage disposal systems.** New and expanded sewage disposal systems shall be sized adequately to meet the needs of proposed development, including any changes to the intensity in use of an existing structure (Land Use Policy C-PFS-7).
8. **Sewage disposal system requirements for new lots.** All sewage disposal systems on newly created lots shall comply in all respects, without variance, with applicable County and state regulations (Land Use Policy C-PFS-8).
9. **Preference for on-site individual sewage disposal systems.** An individual sewage disposal system shall be located on the same parcel as the building or buildings it serves per Land Use Policy C-PFS-9.
10. **Adequate on-site sewage disposal systems for existing development.** Ensure that existing on-site sewage disposal systems function properly by complying with all rules and regulations of the Regional Water Quality Control Board, including any requirements adopted pursuant to AB885. Where repairs to existing systems are necessary, corrective actions shall be taken per Land Use Policy C-PFS-10.
11. **Alternative on-site sewage disposal systems.** Alternative on-site sewage disposal systems shall be considered and approved per Land Use Policy C-PFS-11.
12. **Limited use of off-site septic systems.** Allow construction of off-site individual or community septic systems only in compliance with Land Use Policy C-PFS-12.
13. **New water sources serving five or more parcels.** Applicants for new water wells or other sources serving 5 or more parcels shall demonstrate that no adverse impacts on coastal resources shall result per Land Use Policy C-PFS-13.
14. **Adequacy of water supply within water system service areas.** Development of individual domestic water wells or other individual water sources to serve new development in areas served by public or private water systems is prohibited except in limited cases per Land Use Policy C-PFS-14.
15. **Development of water sources including wells, streams and springs.** Coastal Permit approval is required for wells and borings unless otherwise exempt or categorically excluded per Land Use Policy C-PFS-15.
16. **Standards for water supply wells and other water sources.** Water supply wells and other water sources shall comply with the standards contained in Land Use Policy C-PFS-16.
17. **Conservation of water.** To minimize the generation of wastewater and to encourage the conservation of coastal water resources, the use of water saving devices as prescribed by the local water provider shall be required in all new development (Land Use Policy C-PFS-17).
18. **Desalination facilities.** Due to the Coastal Zone's unique natural resources and recreational opportunities of nationwide significance, development of desalination facilities shall be prohibited with the exception of treatment of existing surface or ground water supplies for purposes of maintaining water quality (Land Use Policy C-PFS-18).

- 19. Telecommunications facilities.** Ensure through siting, co-location, “stealth” design, and other measures that telecommunications facilities are designed and constructed to minimize impacts on coastal views, community character, natural resources, wildlife, and public safety (Land Use Policy C-PFS-19).

### **22.64.150 – Transportation**

#### **A. Transportation standards.**

- 1. Roads in the Coastal Zone.** The motorized vehicular capacity of roads in the Coastal Zone shall be limited per Land Use Policy C-TR-1.
- 2. Scenic quality of Highway One.** The scenic quality of Highway One shall be maintained per Land Use Policy C-TR-2.
- 3. New bicycle and pedestrian facilities.** New development shall be encouraged or required to provide new bicycle and pedestrian facilities per Land Use Policy C-TR-6. Where appropriate, the installation of bike racks, lockers and other bike storage facilities shall be encouraged per Land Use Policy C-TR-7.
- 4. Expansion of the Countywide Trail System.** Acquire additional trails to complete the proposed countywide trail system, providing access to or between public lands and enhancing public trail use opportunities for all user groups, including multi-use trails, as appropriate (Land Use Policy C-TR-8).

### **22.64.160 – Historical and Archaeological Resources**

#### **A. Application requirements.**

- 1. Archaeological Resource Survey.** Coastal permit applications for development proposed within an area of known or likely archaeological or paleontological significance shall include a field survey by a state-qualified archaeologist recommended by the Sacred Sites Protection Committee of the Federated Indians of Graton Rancheria or by a qualified paleontologist which determines the extent of archaeological or paleontological resources on the site and evaluates the project’s potential impacts to those resources. Where adverse impacts are possible, the report shall identify reasonable mitigation measures, including avoidance and permanent protection as open space, if feasible. (Land Use Plan Policy C-HAR-2)

#### **B. Historical and Archaeological Resource standards.**

- 1. Implementation of mitigation measures.** Implement as appropriate mitigation measures, including avoidance and permanent protection as open space, if feasible, as recommended in the field survey prepared per Land Use Plan Policy C-HAR-2.
- 2. Monitoring of construction activities on archaeological sites.** New development on sites identified as archaeologically sensitive shall be monitored per Land Use Plan Policy C-HAR-3.

3. **Structures of special character and visitor appeal.** Preserve and restore structures with special character and visitor appeal in coastal communities (Land Use Plan Policy C-HAR-4).
4. **Development affecting structures and areas of special character and visitor appeal.** Coastal Permit applications for projects that involve pre-1930 buildings or are located in areas designated as having special character and visitor appeal, including historic areas, shall be evaluated per Land Use Plan Policy C-HAR-5.
5. **Alterations and additions to structures of special character and visitor appeal.** Applications for substantial alterations or additions to any structure built prior to 1930 shall be evaluated per Land Use Plan Policy C-HAR-6.
6. **Proposed demolition of structures of special character and visitor appeal.** Proposed demolition of any structure built prior to 1930 shall be evaluated and processed per Land Use Plan Policy C-HAR-7.
7. **Villages with special character and visitor appeal.** New construction in mapped areas having special character and visitor appeal, including historic areas, shall comply with Land Use Plan Policy C-HAR-8.

## 22.64.170 – Parks, Recreation, and Visitor-Serving Uses

### A. Parks and Recreation and Visitor-Serving Use standards.

1. **Coastal recreation opportunities.** The development of visitor-serving and commercial recreation facilities shall have priority over residential or general commercial development per Land Use Plan Policy C-PK-1.
2. **Compatible commercial recreation facilities.** New visitor-serving and commercial development shall be sited and designed per Land Use Plan Policy C-PK-2.
3. **Mixed uses in coastal village commercial/residential zones.** A mixture of residential and commercial uses shall be permitted in the C-VCR zoning district per Land Use Plan Policy C-PK-3.
4. **Balance of visitor-serving and local-serving facilities.** Support a level of local-serving facilities such that an adequate infrastructure can be maintained to ensure the health, vitality, and survival of the visitor-serving segment of the coastal economy (Land Use Plan Policy C-PK-4).
5. **Small-scale tourist facilities.** Small-scale tourist-oriented businesses, rather than large tourist facilities, shall be permitted per Land Use Plan Policy C-PK-5.
6. **Bed and breakfast inns.** Support bed and breakfast facilities in the Coastal Zone as a means of providing visitor accommodations per Land Use Plan Policy C-PK-6.
7. **Lower-cost recreational facilities.** Lower cost visitor and recreational facilities shall be protected and encouraged per Land Use Plan Policy C-PK-7.

8. **Appropriate public recreation opportunities.** Public recreational development shall be undertaken in a manner which preserves the unique qualities of Marin's coast per Land Use Plan Policy C-PK-8.
9. **Appropriate uses of federal parks.** Uses and facilities within federal parklands should comply with Land Use Plan Policy C-PK-10.
10. **State parks.** Support management of Tomales Bay State Park consistent with the adopted General Plan per Land Use Plan Policy C-PK-11.
11. **County parks in the Coastal Zone.** Continue to operate existing Marin County park facilities in the Coastal Zone per Land Use Plan Policy C-PK-12 and support future acquisition of park areas per Land Use Plan Policy C-PK-13.
12. **California Coastal Trail.** Support completion of the California Coastal Trail through Marin County per Land Use Plan Policy C-PK-14.
13. **Commercial fishing and recreational boating.** Support and protect commercial fishing and recreational boating on Tomales Bay per Land Use Plan Policy C-PK-15.
14. **Standards for new boating facilities.** The development of new boating facilities on Tomales Bay shall comply with the standards contained in Land Use Plan Policy C-PK-16.

## 22.64.180 – Public Coastal Access

### A. Application requirements.

1. **Site Plan.** Coastal permit applications for development on property located between the shoreline and the first public road shall include a site plan showing the location of the property and proposed development in relation to the shoreline, tidelands, submerged lands or public trust lands. Any evidence of historic public use should also be indicated.

### B. Public Coastal Access standards.

1. **Public coastal access in new developments.** New development located between the shoreline and the first public road shall be evaluated for impacts on public access to the coast per Land Use Plan Policy C-PA-2. Where a nexus exists, the dedication of a lateral, vertical and/or bluff top accessway shall be required per Land Use Plan Policy C-PA-9, unless Land Use Plan Policy C-PA-3 provides an exemption.
2. **Direct dedication of public coastal access.** If feasible, direct dedication of an easement or fee title interest for a required coastal accessway is preferred per Land Use Plan Policy C-PA-4.
3. **Acquisition of new public coastal accessways.** The acquisition of additional public coastal accessways shall be pursued through available means per Land Use Plan Policy C-PA-6.
4. **Protection of prescriptive rights.** New development shall be evaluated to ensure that it does not interfere with the public's right of access to the sea where acquired through historic use per Land Use Plan Policy C-PA-7.

5. **Bolinas Mesa.** Public use of the two access trails across Bolinas Mesa to the RCA beach and of the RCA beach area itself shall be protected per Land Use Plan Policy C-PA-8.
6. **Impacts of public coastal accessways on their surroundings.** Coastal accessways and their support facilities shall be sited and designed to avoid impacts to environmental resources, agriculture, and surrounding neighbors per Land Use Plan Policy C-PA-10 and C-PA-11.
7. **Public coastal accessway maintenance and liability agreements.** Maintenance and liability responsibilities for coastal accessways shall conform to Land Use Plan Policy C-PA-12.
8. **Accessibility of public coastal accessways.** New public coastal accessways shall comply with California Title 24 and be accessible to persons with disabilities to the maximum extent feasible (Land Use Plan Policy C-PA-13).
9. **Impacts of new development on public coastal accessways.** New development shall be sited and designed to avoid impacts to users of coastal access and recreation areas per Land Use Plan Policy C-PA-15.
10. **Parking, signage, and support facilities at public coastal accessways.** Where appropriate and feasible, parking, signage, and support facilities should be provided in conjunction with public coastal accessways per Land Use Policy C-PA-18 and C-PA-19. Proposals to restrict public parking near beach access points or parklands should be evaluated per Land Use Plan Policy C-PA-20.
11. **Shoreline protection structures near public coastal accessways.** The construction of shoreline protection structures should maintain existing shoreline access per Land Use Plan Policy C-PA-21.

## **CHAPTER 22.65 – COASTAL ZONE PLANNED DISTRICT DEVELOPMENT STANDARDS**

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### **Sections:**

- 22.65.010 – Purpose of Chapter
- 22.65.020 – Applicability of Planned District Standards
- 22.65.030 – Planned District General Development Standards
- 22.65.040 – C-APZ Zoning District Standards
- 22.65.050 – C-ARP Zoning District Standards
- 22.65.060 – C-RSP Zoning District Standards
- 22.65.070 – C-RSPS Zoning District Standards (Seadrift Subdivision)

### **22.65.010 – Purpose of Chapter**

- A. This chapter provides detailed site planning, development, and land use standards for the planned zoning districts within the Coastal Zone. These districts include C-APZ, C-ARP, C-RSP, C-RSPS, C-RMP, C-CP, C-RMPC, and C-RCR.
- B. These standards are intended to ensure that proposed development is designed and constructed in a manner compatible with, and sensitive to, the important environmental characteristics and visual features of lands designated within coastal planned zoning districts.

### **22.65.020 – Applicability of Planned District Standards**

- A. **Compliance with standards required.** Proposed development and new land uses shall be designed and constructed in conformity with:
  1. All standards and requirements established through the approval of a Coastal Permit;
  2. Any provisions of this Chapter applicable to a specific planned coastal zoning district;
  3. The provisions of Chapter 22.64 (Coastal Zone Development and Resource Management Standards); and
  4. Any provisions of Sections 22.62.060 (Coastal Agricultural and Resource Related Districts), 22.62.070 (Coastal Residential Districts), or 22.62.080 (Coastal Commercial and Mixed-Use Districts).

### **22.65.030 – Planned District General Development Standards**

#### **A. Access:**

1. **Roads.** Road designs shall minimize road length and maximize the amount of undivided agricultural land, except that longer road extensions may be necessary in highly visible areas in order to avoid or minimize other impacts.

Roads shall be generally designed with not more than 18 feet pavement width, depending on safety requirements. A minimum of 16 feet may be permitted in certain very low use

areas, as provided in the improvement standards established in compliance with Sections 24.04.020 et seq. of the County Code (Roads).

- 2. Driveways.** Driveways shall be designed in compliance with Sections 24.04.240 et seq. of the County Code (Driveways). Driveway length shall be minimized, consistent with the clustering requirements of Subsection D.1 below (Building Location - Clustering Requirement). Applicants are encouraged, to the extent permitted by applicable laws, to utilize pervious surface materials (e.g., turfblock, porous asphalt and gravel) for new or modified driveways to reduce the area of impervious surface and the extent of storm water runoff.
- B. Fire protection.** In areas without water systems, on-site water storage capacity may be required for each single-family dwelling, subject to the requirements of the County Fire Department or local Fire Protection District, as applicable. Where feasible, the design of planned or cluster developments should include provisions for common water storage facilities and distribution systems. Maintenance of these water storage facilities and distribution systems should be performed according to a plan prepared by the applicant and approved by the County Fire Department or local Fire Protection District, as applicable.
- C. Building design:**
- 1. Height limits for structures:**
    - (a) The height limit is 25 feet for primary structures and 15 feet for accessory structures. (See also height limit provisions for the Seadrift Subdivision in Section 22.65.070.D and the shoreline of Tomales Bay in Sections 22.66.080.D and 22.66.090.B).
    - (b) The floor level of the first floor shall not exceed 10 feet above natural grade at the lowest corner, unless otherwise required by FEMA standards.
    - (c) Structures located within the ridgeline areas pursuant to Subsection D.2 below shall be limited to a maximum height of 18 feet.
    - (d) Where allowed, agricultural structures in an agricultural zone sited in compliance with the requirements of Subsection D.2 below may exceed the above height limits if determined to have no significant visual or resource impacts.
    - (e) These requirements may be waived by the Director in unusual circumstances resulting from an irregular site characteristic (e.g., location, lot shape/size, topography) where the waiver will not result in a structure that will impinge significantly on sun and light exposure, views, vistas, and privacy of adjacent properties and rights-of-way.
  - 2. Materials and colors.** Building materials and colors should emphasize earth tones, and be chosen to blend into the natural and built environment unobtrusively, to the greatest extent possible. Traditional colors for agricultural structures (red, whitewash, etc.) are appropriate for these structures in agricultural zoning districts.

**D. Building location:**

- 1. Clustering requirement.** Structures shall be clustered in a geologically stable, accessible location on the site where their visual prominence is minimized, consistent with needs for privacy. Clustering is especially important on open grassy hillsides; however, a greater scattering of buildings may be preferable on wooded hillsides to save trees. The

prominence of construction shall be minimized by placing buildings so that they will be screened by existing vegetation, rock outcroppings or depressions in topography.

~~In the C-APZ and C-ARP agricultural zones, non-agricultural development shall also be clustered or sited to retain the maximum amount of agricultural land and minimize possible conflicts with existing or possible future agricultural use. Non-agricultural development, including division of agricultural lands, shall only be allowed upon demonstration that long-term productivity of agricultural lands would be maintained and enhanced as a result of such development. 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, and shall not require new road construction or improvements resulting in significant impacts on agriculture, significant vegetation, significant scenic resources, or natural topography 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.~~  
 [BOS app. 10/2/2012]

2. **Development near ridgelines.** No construction shall occur on top of, or within 300 feet horizontally, or within 100 feet vertically, of visually prominent ridgelines, whichever is more restrictive, unless no other suitable locations are available on the site or the lot is located substantially within the ridgeline area as defined herein. If structures must be placed within this restricted area because of site constraints or because siting the development outside of the ridgeline area will result in greater visual or environmental impacts, they shall be in locations that are the least visible from public viewing areas.
  3. **Energy conservation.** Solar access shall be considered in the location, design, height and setbacks of all structures. Generally, structures should be oriented in a north/south fashion with the majority of glazing on the south wall or walls of the buildings.
  4. **Noise mitigation.** Noise impacts on residents in nearby areas shall be minimized through the placement of buildings, recreation areas, roads and landscaping.
- E. Land Division of Agricultural Lands.** Land divisions affecting agricultural lands shall be designed consistent with the requirements of this Article. 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.
- F. Landscaping.** Introduced landscaping shall be designed to minimally disturb natural areas, and shall be compatible with the native plant setting. Landscaping plans shall be prepared with consideration for fire protection, solar access, the use of native and drought tolerant species, and minimal water use. Planting should not block scenic views from adjacent properties or disturb wildlife trails.
- G. Open space areas:**
1. **Dedication required.** Land to be preserved as open space may be dedicated by fee title to the County or an agency or organization designated by the County before issuance of any construction permit or may remain in private ownership with appropriate scenic and/or open space easements or other encumbrances acceptable to the County, and the County

may require reasonable public access across lands remaining in private ownership, consistent with federal and state law.

2. **Maintenance.** The County or other designated agency or organization will maintain all open space lands accepted in fee title, as well as public access and trail easements across private property. Where open space lands remain in private ownership with scenic easements, these lands shall be maintained in compliance with the adopted policies of the Marin County Open Space District and may require the creation of a homeowners' association or other organization to maintain private open space lands where appropriate.
3. **Open space uses.** Uses in open space areas shall be in compliance with policies of the Marin County Open Space District. Generally, uses shall have no or minimal impact on the natural environment. Pedestrian and equestrian access shall be provided where possible and reasonable. The intent is to serve the people in adjacent communities, but not attract large numbers of visitors from other areas.

#### H. Site preparation:

1. **Grading.** Grading shall occur in compliance with Chapter 23.08 of the County Code (Excavating, Grading and Filling), but shall be held to a minimum. Every reasonable effort shall be made to retain the natural features of the land: skylines and ridgetops, rolling land forms, knolls, native vegetation, trees, rock outcroppings, and watercourses. Where grading is required, it shall not create flat planes and sharp angles of intersection with natural terrain. Slopes shall be rounded and contoured to blend with existing topography.
  2. **Drainage.** The areas adjacent to creeks shall be kept as much as possible in their natural state. All construction shall ensure drainage into the natural watershed in a manner that will avoid significant erosion or damage to adjacent properties. Impervious surfaces shall be minimized. At major creek crossings, bridges should be utilized instead of culverts, wherever possible.
  3. **Trees and vegetation.** Every effort shall be made to avoid tree removal, and changes or construction that would cause the death of existing trees, rare plant communities, and wildlife habitats.
  4. **Fire hazards.** Development shall be permitted in areas subject to wildfire threat only where the review authority determines there are good access roads, and adequate water supply, and vegetation management plans are required and adopted.
  5. **Geologic hazards.** Construction shall not be permitted on identified seismic or geologic hazards, including slides, natural springs, identified fault zones, or on bay mud, without approval from the Department of Public Works, based on acceptable soils and geologic reports.
  6. **Watershed areas.** All projects within water district watershed areas shall be referred to the appropriate district for review and comment. Damaging impoundments of water shall be avoided.
- I. **Utilities.** In ridge land areas, street lights shall be of low level intensity and low in profile. In all areas, power and telephone lines shall be underground where feasible.

## 22.65.040 – C-APZ Zoning District Standards

- A. Purpose.** This Section provides additional development standards for the C-APZ zoning district that are to preserve productive lands for agricultural use, and ensure that development is accessory and incidental to, in support of, and compatible with agricultural uses.
- B. Applicability.** The requirements of this Section apply to proposed development in addition to the standards established by Section 22.65.030 (Planned District General Development Standards) and Chapter 22.64 (Coastal Zone Development and Resource Management Standards), and all other applicable provisions of this Development Code.
- C. Development standards.** Development permits in the C-APZ district shall also be subject to the following standards and requirements in addition to section 22.65.030:

### 1. Standards for agricultural uses:

- a. Permitted development shall protect and maintain continued agricultural use, and contribute to agricultural viability. Development of agricultural facilities shall be sited to avoid agricultural land whenever possible, consistent with the operational needs of agricultural production. If use of agricultural land is necessary, prime agricultural land shall not be converted if it is possible to utilize other lands suitable for agricultural use. In addition, as little agricultural land as possible shall be converted.  
[BOS app. 10/2/2012]
- b. Development shall be permitted only where 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, have significant effects on groundwater resources, or significantly reduce freshwater inflows to water bodies including Tomales Bay, either individually or cumulatively.
- c. Permitted development shall have no significant adverse impacts on environmental quality or natural habitats, and shall meet all other applicable policies, consistent with the LCP.
- d. In order to retain the maximum amount of land in agricultural production or available for future agricultural uses, farmhouses, intergenerational homes, and agricultural homestay facilities shall be placed in one or more groups along with any non-agricultural development 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.

[BOS app. 10/2/2012]

### 2. Standards for Non-Agricultural Uses

Non-agricultural uses, including division of agricultural lands or construction of two or more dwelling units (excluding agricultural worker or intergenerational housing) shall meet the requirements of Section 22.65.040C above and the following additional requirements:

- a. Conservation easements.** Consistent with state and federal laws, the approval of non-agricultural uses, a subdivision, or construction of two or more dwelling units, excluding agricultural worker and intergenerational housing, shall include measures for

the long-term preservation of lands proposed or required to remain undeveloped. Preservation shall be accomplished by permanent conservation easements or other encumbrances acceptable to the County. Only agricultural uses shall be allowed under these encumbrances. In addition, the County shall require the execution of a covenant prohibiting further subdivision of parcels created in compliance with this Section and Article VI (Subdivisions), so that each is retained as a single unit.

**b. Agricultural Production and Stewardship Plans.** The creation of a homeowners' association or other organization and/or the submission of an Agricultural Production and Stewardship Plan (APSP) may be required to provide for the proper use and management of agricultural lands, and their availability for lease, and/or for the maintenance of community roads or mutual water systems. The Director may waive the requirement for an APSP for a project involving an existing commercial agricultural production operation or an existing commercial agricultural property.

- (1) 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 APSP 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 APSP 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 APSP shall include conditions ensuring the proper, long-term implementation of the plan.
- (2) The requirement for an Agricultural Production and Stewardship Plan shall not apply to agricultural worker housing or to intergenerational homes 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.
- (3) 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 APSP program.

- c. Required findings.** Review and approval of land use permits for non-agricultural development, including land divisions and determinations of allowed density in the C-APZ zoning district, shall be subject to the following findings, in addition to others required by this Article:
1. The proposed development is necessary because the agricultural use of the property is no longer 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 the hardship and enhance agricultural operations on the remainder of the property.
  2. The proposed development will not conflict with the continuation or initiation of agricultural uses on the 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.
  3. Appropriate public agencies are able to provide necessary services (fire protection, police protection, schools, etc.) to serve the proposed development without extending urban services.
- d. Transfer of development rights (TDR).** Proposed development within the C-APZ district may use the TDR provisions of Chapter 22.34 (Transfer of Development Rights).

### 22.65.050 – C-ARP Zoning District Standards

- A. Purpose.** This Section provides development standards for the C-ARP zoning district that are to preserve productive lands for agricultural use through the clustering of allowed development.
- B. Applicability.** Proposed development shall comply with the provisions of Section 22.65.030 (Planned District General Development Standards), and Chapter 22.64 (Coastal Zone Development and Resource Management Standards).
- C. Subdivision requirements.** Subdivisions of small agricultural holdings within the C-ARP zoning district shall conform to the following standards:
1. Subdivision applications shall include information demonstrating to the Director that the design of proposed parcels provides the maximum feasible concentration of clustering.
  2. Clustered development shall be located both to provide for the retention of the maximum amount of land in agricultural use and to protect important wildlife habitat areas. Development clusters shall also be located to maintain the visual resources and environmentally sensitive areas of the site and surrounding areas.
  3. Open space easements or other restrictions shall be required to designate intended use and restrictions on the property being subdivided.
- D. Agricultural and open space uses.** Agricultural uses shall be encouraged in the C-ARP zoning district.

1. As part of the Coastal Permit review process, usable agricultural land should be identified and efforts made to preserve and/or promote its use. Agricultural land not presently in production may be preserved as undeveloped private open space to be made available on a lease basis in the future for compatible agricultural uses. The primary intent shall be to preserve open lands for agricultural use, not to provide open space/recreational land uses that will interfere or be in conflict with agricultural operations.
2. Lands to be preserved for agriculture and/or open space use may require the creation of a homeowners' association or other organization for their maintenance.
3. The nature and intensity of large scale agricultural uses should be described in the form of an Agricultural Production and Stewardship Plan (APSP). The APSP should consider intensity of grazing, runoff protection, chemical and fertilizer use and, in order to preserve agricultural land practices, separation from existing or proposed residential 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.

#### **22.65.060 – C-RSP Zoning District Standards**

- A. **Purpose.** This Section provides development standards for the C-RSP zoning district that are intended allow for site planning with careful consideration to sensitive site characteristics.
- B. **Applicability.** Proposed development and new land uses shall comply with the provisions of Section 22.65.030 (Planned District General Development Standards), and Chapter 22.64 (Coastal Zone Development and Resource Management Standards).
- C. **C-RSP zoning district height limit - Tomales Bay.** New residential construction on the shoreline of Tomales Bay shall be limited in height to 15 feet. Additional height may be permitted where the Director determines, based on topography, vegetation or character of existing development, that a higher structure would not create additional interference with coastal views either to, along, or from the water.

#### **22.65.070 – C-RSPS Zoning District Standards (Seadrift Subdivision)**

- A. **Purpose.** This Section provides development standards for the C-RSPS zoning district (Seadrift Subdivision) that provide for site planning with careful consideration of sensitive site characteristics.
- B. **Applicability.** Proposed development and new land uses shall comply with the provisions of Section 22.65.030 (Planned District General Development Standards) and Chapter 22.64 (Coastal Zone Development and Resource Management Standards).
- C. **Ocean setbacks.** On those lots fronting the ocean and south of Seadrift Road, no development shall be located seaward of the building setback line as shown on the map of Seadrift Subdivision Number One, RM, Bk. 6, Pg. 92 and Seadrift Subdivision Number Two, RM, Bk. 9, Pg. 62, and as described in the subdivision's covenants, conditions and restrictions in effect as of June 19, 1981 (Ordinance 2637).

**D. Height limit.** Development on all lots in Seadrift shall be limited to a maximum height as follows:

1. In Seadrift Subdivision One (with the exception of lots 01 through 03) and Two, and lots 01 and 02 of Parcel 1 in the Lands of Sidney J. Hendrick, finished floor elevations shall not exceed 19.14 feet above NAVD (North American Vertical Datum), except on those portions of lots or parcels where the Federal Emergency Management Agency (FEMA) requires minimum finished floor elevations to be set at a higher level. In the areas of lots or parcels where FEMA requires minimum finished floor elevations to be set at levels higher than 19.14 feet above NAVD, minimum floor elevations shall comply with FEMA requirements. The height of any structure shall not exceed 34.14 feet above NAVD, provided that in those portions of lots and parcels where FEMA requires minimum finished floor elevations to be set at a level higher than 19.14 feet above NAVD, the height of any structure shall not be greater than 15 feet above the level of the minimum finished floor elevation required by FEMA.
2. In Seadrift Lagoon Subdivisions One and Two, Seadrift Subdivision Three, Norman's Seadrift Subdivisions, and Lots 01 through 03 in Seadrift Subdivision One, finished floor elevation shall not exceed 14.14 feet above NAVD. Total height of a structure shall not exceed 29.14 feet above NAVD.

**E. Public access requirements.** Public access within the Seadrift Subdivision and on the ocean beach adjacent to Seadrift shall comply with the provisions of the March 16, 1994 Settlement Agreement between the Seadrift Association and the County of Marin, et al., in Kelley et al. v. California Coastal Commission, Marin County Superior Court Case No. 152998, and as set forth in that certain Deed of Open Space and Limited Pedestrian Easement and Declaration of Restrictions dated November 1, 1985, and recorded March 26, 1986, Marin County Recorder's Office.



## **CHAPTER 22.66 – COASTAL ZONE COMMUNITY STANDARDS**

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### **Sections:**

- 22.66.010 – Purpose of Chapter
- 22.66.020 – Applicability
- 22.66.030 – Muir Beach Community Standards
- 22.66.040 – Stinson Beach Community Standards
- 22.66.050 – Bolinas Community Standards
- 22.66.060 – Olema Community Standards
- 22.66.070 – Point Reyes Station Community Standards
- 22.66.080 – Inverness Community Standards
- 22.66.090 – East Shore Community Standards
- 22.66.100 – Tomales Community Standards
- 22.66.110 – Dillon Beach Community Standards

### **22.66.010 – Purpose of Chapter**

This Chapter provides development standards for specific communities within the Coastal Zone, where the preservation of unique community character requires standards for development that differ from the general coastal zoning district requirements of this Article.

### **22.66.020 – Applicability**

The provisions of this Chapter apply to proposed development and new land uses in addition to the general site planning standards for the coastal zoning districts in Chapter 22.64 (Coastal Zone Development and Resource Management Standards) and all other applicable provisions of this Development Code. In the event of any perceived conflict between the requirements of this Chapter and any other provisions of this Development Code, this Chapter shall control.

### **22.66.030 – Muir Beach Community Standards**

- A. Community character.** Maintain the small-scale character of Muir Beach as a primarily residential community with recreational, small-scale visitor-serving and limited agricultural use (Land Use Policy C-MB-1).

### **22.66.040 – Stinson Beach Community Standards**

- A. Community character.** Maintain the existing character of residential, small-scale commercial and visitor-serving recreational development in Stinson Beach (Land Use Policy C-SB-1).
- B. Limited access in Seadrift.** Allow only limited public access across the open space area generally located north of Dipsea Road and adjacent to Bolinas Lagoon in the Seadrift Subdivision to protect wildlife habitat, subject to the Deed of an Open Space and Limited Pedestrian Easement and Declaration of Restrictions as recorded March 26, 1986 as Instrument No. 86-15531. This area includes parcels 195-070-35 and 36; 195-080-29; 195-090-44; 195-320-62 and 78; and 195-340-71, 72, and 73 (Land Use Plan Policy C-SB-2).
- C. Density and location of development in Seadrift.** Development within the Seadrift Subdivision shall be subject to the standards contained in Land Use Plan Policy C-SB-3.

- D. Easkoot Creek.** Easkoot Creek shall be restored, as feasible, to improve habitat and support natural processes (Land Use Plan Policy C-SB-4).
- E. ~~Camping and hostel facilities.~~** *(Removed for consistency with deletion of Policy C-SB-5, 9/19/11)*
- F. Height limit in Highlands Subdivision.** In the Highlands Subdivision of Stinson Beach, the maximum height shall be no more than seventeen (17) feet per Land Use Plan Policy C-DES-4.
- G. Height measurement in Seadrift Subdivision.** In FEMA special flood hazard (V) zones within the Seadrift Subdivision, the maximum building height of 15 feet shall be measured from the minimum floor elevation required by the flood hazard zone designation per Land Use Plan Policies C-DES-4 and C-EH-11.
- H. Stinson Beach dune and beach areas.** Development of shorefront lots within the Stinson Beach and Seadrift areas shall be limited per Land Use Plan Policy C-BIO-9.
- I. R-2 zoning.** Existing R-2 zoning in Stinson Beach shall be maintained per Land Use Plan Policy C-SB-6.
- J. Repair or Replacement of Structures.** The repair or replacement of existing duplex residential structures shall be permitted per Land Use Plan Policy C-SB-7.

#### **22.66.050 – Bolinas Community Standards**

- A. Community character.** Maintain the existing character of small-scale residential, commercial, and agricultural uses in Bolinas (Land Use Plan Policy C-BOL-1).
- B. ~~C RCR zoning district development standards~~** *(Removed for consistency with deletion of Policy C-BOL-2, 9/19/11)*
- C. New development on the Bolinas Gridded Mesa.** New construction and the redevelopment and rehabilitation of existing structures on the Bolinas Mesa shall be permitted in accordance with the policies of the Bolinas Gridded Mesa Plan which has been certified by the California Coastal Commission (Land Use Plan Policy C-BOL-3).

#### **22.66.060 – Olema Community Standards**

- A. Community character.** Maintain Olema's existing mix of residential, commercial, and open space land uses and the small-scale, historic community character. The impacts of future development on the hillside area of Olema shall be minimized through application of the design standards contained in Land Use Plan Policy C-OL-1.

#### **22.66.070 – Point Reyes Station Community Standards**

- A. Community character.** Maintain the existing mix of residential and small-scale commercial development and the small-scale, historic community character in Point Reyes Station (Land Use Plan Policy C-PRS-1).
- B. Commercial infill.** Commercial infill development should be promoted within and adjacent to

existing commercial uses per Land Use Plan Policy C-PRS-2.

- C. Visitor-serving and commercial facilities.** The development of additional visitor-serving and commercial facilities, especially overnight accommodations, shall be encouraged per Land Use Plan Policy C-PRS-3.
- D. Junction of Highway One and Point Reyes Petaluma Road (APN 119-240-55).** The development of APN 119-240-55 shall comply with standards contained in Land Use Plan Policy C-PRS-4.
- E. New residential development in Point Reyes station.** New residential development in Point Reyes Station shall comply with the building height, building size, and landscaping criteria specified in Land Use Plan Policy C-PRS-5.
- F. Lighting.** Exterior lighting shall comply with Land Use Plan Policy C-PRS-6.
- G. Point Reyes Affordable Homes Project.** Development of the 18.59 acre property consisting of Assessor's parcels 119-260-02 through -06 (formerly 119-240-45) and 119-240-02 through -13 (formerly 119-240-46, 57 and 58) shall conform to the provisions of Land Use Plan Policy C-PRS-7.

### 22.66.080 – Inverness Community Standards

- A. Community character.** Maintain the existing character of residential and small-scale commercial development in the Inverness Ridge communities (Land Use Plan Policy C-INV-1).

**B. New visitor-serving uses.** *(Removed for consistency with deletion of Policy C-INV-2, 9/19/11)*

- C. Paradise Ranch Estates design guidelines.** Development in Paradise Ranch Estates should maintain the existing exclusively residential nature of the community and should consider the community's unique factors such as substandard roads and the need to protect viewsheds from adjacent parklands. The guidelines contained in Land Use Plan Policy C-INV-3 regarding protection of visual resources, public services, and tree protection shall apply to development within Paradise Ranch Estates.
- D. Tomales Bay shoreline development standards.** New construction along the shoreline of Tomales Bay shall be limited in height to 15 above grade except as provided for per Land Use Plan Policy C-CD-6.
- E. Road and Path Maintenance.** Existing residential streets and pathways shall be maintained consistent with Land Use Plan Policy C-INV-4.

### 22.66.090 – East Shore Community Standards

- A. Community character.** Maintain the existing character of low-density residential, agriculture, mariculture and fishing or boating-related uses. The expansion or modification of visitor-serving or commercial development on previously developed lots along the east shore of Tomales Bay should be allowed consistent with Land Use Plan Policy C-ES-1.
- B. Tomales Bay shoreline development standards.** New construction along the shoreline of

Tomales Bay shall be limited in height to 15 above grade except as provided for per Land Use Plan Policy C-CD-6.

- C. Protection of trees.** Significant stands of trees should be identified and protected (Land Use Plan Policy C-ES-2).
- D. Prioritization of water-related uses.** Mariculture, boat repair, fishing, water-related recreation and scenic resources shall have priority over other uses along the shoreline (Land Use Plan Policy C-ES-3).
- E. Commercial land use.** The development of commercial and public facilities should be limited to existing activity centers, such as Nick's Cove, historic Marshall or near the Post Office/Marshall Boatworks and Marconi area (Land Use Plan Policy C-ES-4).
- F. Local serving facilities.** Local serving facilities should be incorporated in new development, where appropriate (Land Use Plan Policy C-ES-5).
- G. New marina development.** New marina developments shall make provisions for the use of the facilities by local commercial and recreational boats (Land Use Plan Policy C-ES-6).

### 22.66.100 – Tomales Community Standards

- A. Community character.** Maintain the existing character of residential and small-scale commercial development in the community of Tomales consistent with the provisions of Land Use Plan Policy C-TOM-1.

### 22.66.110 – Dillon Beach Community Standards

- A. Community character.** Maintain the existing character of residential and small-scale commercial development in Dillon Beach and Oceana Marin consistent with the provisions of Land Use Plan Policy C-DB-1 and C-DB-3.
- B. C-R-1:B-D Zoning standards.** The following standards shall apply in those areas of Dillon Beach governed by the C-R-1:B-D zoning district.
  - 1. Minimum lot size.** Parcels proposed in new subdivisions shall have a minimum area of 1,750 square feet for each single-family dwelling.
  - 2. Setback requirements.** Structures shall be located in compliance with the following minimum setbacks (See Section 22.20.090400, Setback Measurement Requirements and Exceptions):
 

**[BOS app. 12/11/2012]**

    - (a) Front.** The minimum front yard setback shall be 10 feet.
    - (b) Sides.** The minimum side yard setbacks shall be 5 feet; 10 feet for a street side setback on a corner lot.
    - (c) Rear.** The minimum rear yard setback shall be 10 feet.
  - 3. Height limits.** Structures shall not exceed a maximum height of 20 feet (See Section

22.20.060 Height Measurement and Height Limit Exceptions)

- 4. Floor area ratio (FAR).** Parcels in this district are exempt from this limitation.
- C. Lawson's Landing.** Lawson's Landing shall be retained as an important lower cost visitor serving facility per Land Use Plan Policy C-DB-2.
- D. Dillon Beach Community Plan.** Refer to the Dillon Beach Community Plan, which has been certified by the California Coastal Commission, when reviewing Coastal Permits per Land Use Plan Policy C-DB-4.



## **CHAPTER 22.68 – COASTAL PERMIT REQUIREMENTS**

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### **Sections:**

- 22.68.010 – Purpose of Chapter
- 22.68.020 – Applicability
- 22.68.030 – Coastal Permit Required
- 22.68.040 – Categorically Excluded Projects
- 22.68.050 – Exempt Projects
- 22.68.060 – Non-Exempt Projects
- 22.68.070 – De Minimis Waiver of Coastal Permit
- 22.68.080 – Projects Requiring a Coastal Commission Permit
- 22.68.090 – Consolidated Coastal Permit

### **22.68.010 – Purpose of Chapter**

This Chapter determines when a Coastal Permit shall be required to authorize a proposed development.

### **22.68.020 – Applicability**

The provisions of this Chapter apply to proposed development in the Coastal Zone as defined by Public Resources Code Section 30103.

### **22.68.030 – Coastal Permit Required**

A Coastal Permit is required for development in the Coastal Zone proposed by a private entity or a state or local agency unless the development is categorically excluded, exempt, or qualifies for a De Minimis Waiver.

Development is defined in Article VIII of this Development Code and is interpreted to include installation of water or sewage disposal systems, the closure of County-managed public accessways, changes in public access to the water including parking availability, and the significant alteration of landforms. Significant alteration of land forms entails the removal or placement of vegetation on a beach, wetland, or sand dune, or within 100 feet of the edge of a coastal bluff, stream, or in areas of natural vegetation designated as environmentally sensitive habitat areas (ESHA). On-going agricultural operations including cultivation, crop and animal management and grazing are not considered to be a significant alteration of landforms development or a change in the density or intensity of the use of land. For the purposes of this Chapter, “on-going agricultural operations” are those which exist presently or historically, and do not entail new encroachment within 100 feet of the edge of a wetland, stream or riparian vegetation. For agricultural uses, a “change in the intensity of use of water, or access thereto” means the development of new water sources such as construction of a new or expanded well or expansion of a surface impoundment. [BOS app. 10/2/12, 1/15/2013]

### 22.68.040 – Categorically Excluded Projects

- A. A project specifically designated as categorically excluded from the requirement for a Coastal Permit by Public Resources Code Section 30610(e) and implementing regulations is not subject to Coastal Permit requirements.
- B. The Director shall maintain, **post on the Agency's website**, and regularly transmit to the Coastal Commission a list and summary of projects determined to be categorically excluded from the requirements of this Chapter for a Coastal Permit. The list and summary shall be available for public inspection and shall include the applicant's name, project description and location, and the date of the Director's determination for each project.

**[BOS app. 2/26/2013]**

### 22.68.050 – Exempt Projects

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

- A. **Improvements, other than to a public works facility, on developed lots.** The following improvements on developed lots:
1. All fixtures and other structures directly attached to an existing structure including additions resulting in an increase of less than 10 percent of the floor area of the existing structure; and
  2. Structures on a residential lot normally associated with a single-family residence, such as garages, swimming pools, fences, and storage sheds; but not including guest houses, self-contained residential units, or 1,000 square feet or more of impermeable paving within an ESHA or its buffer; and
  3. Landscaping on the lot.
- B. **Repair and maintenance.** Repair and maintenance activities that do not result in the addition to or enlargement or expansion of the object of repair or maintenance. No coastal permit shall be required for ordinary maintenance of the Seadrift Revetment, which is defined to include removal from the beach of any rocks or other material which become dislodged from the revetment or moved seaward from the identified footprint, replacement of such materials on the revetment, minor placement of sand over the revetment from a source other than the Bolinas Sandspit Beach, planting of dune grass on the revetment, and similar activities.

Unless destroyed by a disaster, the replacement of 50 percent or more of a single family residence is not considered solely repair and maintenance, but instead constitutes a replacement structure.

- C. **Replacement after disaster.** The replacement of any legal structure, other than a public works facility, destroyed by a disaster. The replacement structure shall:
1. Conform to applicable existing zoning requirements;
  2. Be for the same legal use as the destroyed structure, whether that use is legal conforming or legal non-conforming;

3. 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. Be sited in the same location on the site as the destroyed structure, unless the Director determines that relocation is warranted because of proximity to coastal resources.
- D. Emergency work.** Immediate emergency work necessary to protect life or property or immediate emergency repairs to public service facilities necessary to maintain service as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Calif. Government Code.
- E. Emergency highway repair.** Emergency projects undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing highway, as defined in Section 360 of the Vehicle Code, except for a highway designated as an official state scenic highway pursuant to Section 262 of the Streets and Highways Code, within the existing right-of-way of the highway, damaged as a result of fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, within one year of the damage. This paragraph does not exempt any project undertaken, carried out, or approved by a public agency to expand or widen a highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide.
- F. Time-Share.** Any activity that involves the conversion of any existing multiple-unit residential structure to a time-share project, estate, or use, as defined in Section 11003.5 of the Calif. Business and Professions Code.
- G. Maintenance dredging.** Maintenance dredging of existing navigation channels or moving dredged material from those channels to a disposal area outside the coastal zone, pursuant to a permit from the US Army Corps of Engineers.
- H. Utility connection.** The installation, testing, and placement in service or the replacement of any necessary utility connection between an existing service facility and any development for which a Coastal Permit has been approved.
- I. Temporary event.** A temporary event which:
1. Would have a duration of two consecutive days or less; and
  2. Would not occupy a sandy beach in Muir Beach, Stinson Beach, Bolinas, or Dillon Beach; and
  3. Would not involve a charge for general public admission or seating where no fee is currently charged for use of the same area; and
  4. Would not take place in any wetlands, streams and riparian corridors vegetation, other ESHAs, or their buffers.
- [BOS app. 10/2/2012]
- J. Nuisance Abatement.** Nuisance abatement actions by the County that are necessary to protect public health and safety, when such abatement must occur more quickly than could occur if

authorized by a Coastal Permit. If exempt from a Coastal Permit, a nuisance abatement action shall involve the minimum level of development activity necessary to successfully abate the nuisance.

### 22.68.060 – Non-Exempt Projects

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

**A. Improvements to existing structures, ~~and repair and maintenance of existing structures.~~** Improvements to an existing 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.

[BOS app. 2/26/2013]

**B. Alterations within geographically defined appealable areas.** On property that is located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, improvement that would result in an increase of 10 percent or more of floor area of an existing structure or an additional improvement of 10 percent or less where an improvement to the structure had previously been exempt from Coastal Permit requirements, an increase in height by more than 10 percent of an existing structure and/or any significant non-attached structure such as garages, fences, shoreline protective works or docks.

**C. Shoreline protective devices.** Those repair and maintenance activities which involve seawalls and similar shoreline structures.

**D. Seadrift Revetment.** Extraordinary maintenance of the rock revetment as permitted by Coastal Commission permit #A-1-MAR-87-235-A issued August 31, 1994. Extraordinary maintenance is defined to include placement of any material on or adjacent to the seaward face of the revetment (other than replacement of dislodged material) or which expands the height or length of the revetment.

**E. Changes in intensity of use.** Improvements to a structure, other than a single-family residence or public works facility, which increase or decrease the intensity of use of the structure, as determined by the Director.

**F. Conversions.** Improvements carried out in conjunction with the conversion of an existing structure from a multi-family residential rental or visitor-serving commercial use to a use involving a fee ownership or long-term leasehold, including a condominium conversion, stock cooperative conversion or motel/hotel conversion, not including a time-share project.

**G. Structures of special character and visitor appeal.** Demolition of, or substantial alterations or additions to any structure built prior to 1930, except for maintenance or repair consistent with its original architectural character and maintenance or repair that includes replacement-in-kind of building components.

**H. Water wells and septic systems.** The expansion or construction of water wells or septic systems.

- I. Landform alterations.** Any significant alteration of land forms including grading as defined in Section 22.130.030 and the removal or placement of vegetation on a beach, wetland, or sand dune, or within 100 feet of the edge of a coastal bluff, stream, or in areas of natural vegetation designated as environmentally sensitive habitat areas (ESHA).  
[BOS app. 1/15/2013]
- J. Future Improvements.** Any improvements to a single-family residence or other structure where the coastal development permit issued for the original structure indicated that any future improvements would require a development permit.
- K. Repair and maintenance activities.** Repair and maintenance activities as follows:
1. Any method of repair or maintenance of a seawall revetment (other than ordinary maintenance of the Seadrift Revetment as provided by Section 22.68.050.B), bluff retaining wall, breakwater, groin, culvert, outfall, or similar shoreline work that involves:
    - (a) Repair or maintenance involving substantial alteration of the foundation of the protective work including pilings and other surface or subsurface structures;
    - (b) The placement, whether temporary or permanent, of rip-rap, artificial berms of sand or other beach materials, or any other forms of solid materials, on a beach or in coastal waters, streams, wetlands, estuaries and lakes or on a shoreline protective work except for agricultural dikes within enclosed bays or estuaries;
    - (c) The replacement of 20 percent or more of the materials of an existing structure with materials of a different kind; or
    - (d) The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area, bluff, or ESHA, or within 20 feet of coastal waters or streams.
  2. Any method of routine maintenance dredging that involves:
    - (a) The placement of dredged spoils of any quantity within an ESHA, on any sand area, within 50 feet of the edge of a coastal bluff or ESHA, or within 20 feet of coastal waters or streams; or
    - (b) The removal, sale, or disposal of dredged spoils of any quantity that would be suitable for beach nourishment in an area the Coastal Commission has declared by resolution to have a critically short sand supply that must be maintained for protection of structures, coastal access or public recreational use.
  3. Any repair or maintenance to facilities or structures or work located in an ESHA, any sand area, within 50 feet of the edge of a coastal bluff or ESHA, or within 20 feet of coastal waters or streams that includes:
    - (a) The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials; or
    - (b) The presence, whether temporary or permanent, of mechanized equipment or construction materials.

**22.68.070 – De Minimis Waiver of Coastal Permit**

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

- A. Involves no potential for adverse effects, either individually or cumulatively on coastal resources,
- B. Is consistent with the certified Marin County Local Coastal Program,
- C. Is not of a type or in a location where the project, if subject to a Coastal Permit, would be appealable to the Coastal Commission or would be subject to a Coastal Permit issued by the Coastal Commission,
- D. Consists of one of the following or a project substantially similar to the following:
  1. Construction of retaining walls less than four (4) feet in height,
  2. Demolition of structures other than those built prior to 1930,
  3. “One for one” replacement of or abandonment of minor utilities,
  4. Repair and replacement work associated with underground and above-ground storage tanks,
  5. Installation of borings for test purposes, monitoring wells, vadose wells, temporary well points, and vapor points, or
  6. Merger of property
- E. Public notice of the proposed De Minimis Waiver of Coastal Permit and opportunities for public comment have been provided as required by Section 22.70.050,
- F. The Director shall not issue a waiver until the public comment period for the waiver has expired and no written requests for a coastal development permit have been submitted to the Department. If any member of the public requests that a waiver not be issued, the applicant shall be advised that a Coastal Permit is required if the applicant wishes to proceed with the development.
- G. Within seven (7) calendar days of issuance of a De Minimis Waiver of Coastal Permit, the Director shall notify the Coastal Commission and any persons who specifically requested notice of such action via first class mail, a Notice of Final Action describing the issuance and effectiveness of the De Minimis Waiver.

**22.68.080 – Projects Requiring a Coastal Commission Permit**

- A. **Coastal Commission approval required.** Development or new land uses proposed on tidelands, submerged lands, public trust lands, or otherwise located seaward of the line of Coastal Commission jurisdiction, shall require a Coastal Permit from the Coastal Commission in compliance with Public Resources Code Section 30519(b). Also under the Coastal

Commission's continuing jurisdiction are amendments or extensions to coastal permits issued by the Coastal Commission; thermal power plants of 50 megawatts or greater along with the transmission lines, fuel supply lines, and related facilities to serve them; state university or college projects; and non-federal projects on federal land.

- B. Determination of jurisdiction.** The determination of jurisdiction shall be made by the Coastal Commission based upon maps and other descriptive information that the County, Coastal Commission and/or State Lands Commission may supply.
- C. Referral.** Before issuing a Coastal Permit, the Coastal Commission will refer the application to the State Lands Commission for a determination whether a State Lands Commission permit or lease is required for the proposed development, and whether the State Lands Commission finds it appropriate to exercise the easement over that property. The Coastal Commission shall also refer the application to the County for review and comment.
- D. County land use designations and zoning districts.** County land use designations and zoning districts on public trust lands and federal lands shall be advisory only for purposes of the Coastal Commission's review of a coastal permit application.

### **22.68.090 – Consolidated Coastal Permit**

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

- A.** The Director, with agreement of the applicant, may request the Coastal Commission through its executive director to process a consolidated Coastal Permit. The standard of review for a consolidated Coastal Permit application shall follow Chapter 3 of the Coastal Act (commencing with Public Resources Code Section 30200), with the Marin County Local Coastal Program used as guidance. The application fee for a consolidated Coastal Permit shall be determined by reference to the Coastal Commission's permit fee schedule.
- B.** Prior to making a request for a consolidated Coastal Permit, the Director shall first determine that public participation would not be substantially impaired by that review process.



## **CHAPTER 22.70 – COASTAL PERMIT ADMINISTRATION**

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### **Sections:**

- 22.70.010 – Purpose of Chapter
- 22.70.020 – Applicability
- 22.70.030 – Coastal Permit Filing, Initial Processing
- 22.70.040 – Appeal of Permit Category Determination
- 22.70.050 – Public Notice
- 22.70.060 – Decision on Coastal Permit
- 22.70.070 – Required Findings
- 22.70.080 – Appeal of Coastal Permit Decision
- 22.70.090 – Notice of Final Action
- 22.70.100 – Notice of Failure to Act
- 22.70.110 – Effective Date of Final Action
- 22.70.120 – Expiration Date and Time Extensions
- 22.70.130 – Amendments to Coastal Permits
- 22.70.140 – Emergency Coastal Permits
- 22.70.150 – Coastal Zone Variances
- 22.70.160 – Coastal Zone Variance Exemptions
- 22.70.170 – Decision and Findings

### **22.70.010 – Purpose of Chapter**

This Chapter provides procedures for the filing, processing, and action on Coastal Permits, De Minimis Waivers and Categorical Exclusions.

### **22.70.020 – Applicability**

The provisions of this Chapter apply to the preparation, filing, review, and approval or denial of all Coastal Permit, De Minimis Waiver, and Categorical Exclusion applications for development in Marin County.

### **22.70.030 – Coastal Permit Filing, Initial Processing**

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

1. Project plans and supporting materials sufficient to determine whether the project complies with all relevant policies of the Local Coastal Program;
2. Documentation of the applicant's legal interest in all the property upon which work is proposed to be performed, and all contiguous properties under the same ownership. The area subject to the Coastal Permit may include such contiguous properties where the Director finds that necessary to achieve the requirements of the Local Coastal Program. The area covered by a proposed project may also include multiple ownerships.

[BOS app. 10/2/2012, 2/26/2013]

3. A dated signature by or on behalf of each of the applicants, attesting to the truth, completeness and accuracy of the contents of the application and, if the signer of the application is not the applicant, written evidence that the signer is authorized to act as the applicant's representative and to bind the applicant in all matters concerning the application: and
4. Any additional information deemed by the Director to be required for specific categories of development or for development proposed from specific geographic areas.

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

**[BOS app., 12/11/2012, 2/26/2013]**

1. **Categorical exclusion.** A determination that a project is categorically excluded shall comply with Section 22.68.040 – Categorically Excluded Projects.
2. **De Minimis Waiver.** A determination that a project qualifies for a De Minimis Waiver shall comply with 22.68.070 – De Minimis Waiver of Coastal Permit.
3. **Administrative applications.** A public hearing shall not be required when an application is not defined as appealable to the Coastal Commission by 22.70.080 - Appeal of Coastal Permit Decision, unless a public hearing is required for another discretionary planning permit for the same project.
4. **Public hearing applications.** A public hearing shall be required when a project is defined as appealable to the Coastal Commission by 22.70.080 - Appeal of Coastal Permit Decision, unless the proposed project only entails the approval of a second unit use or if it qualifies for a public hearing waiver. If a public hearing is held for another type of discretionary permit, the same review authority shall issue the decision on the Coastal Permit.
5. **Public hearing waiver.** A public hearing that would otherwise be required for a minor development shall be waived if both the following occur:
  - (a) Notice as required by Section 22.70.050 – “Public Notice” that a public hearing shall be held upon request by any person is provided , and
  - (b) No written request for a public hearing is received within 15 working days from the date of sending the notice.

In addition to the requirements of Section 22.70.050, the notice shall include a statement that the hearing will be cancelled if no person submits a written request for a public hearing as provided above, and a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal to the Coastal Commission any action taken by the County of Marin on the Coastal Permit application.

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

- (1) Is consistent with the certified Local Coastal Program,
- (2) Requires no discretionary approvals other than a Coastal Permit, and
- (3) Has no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast.

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

- C. Initial processing.** A Coastal Permit shall be processed concurrently with other permit applications required for the project, and shall be evaluated as provided by Chapter 22.40 (Application Filing and Processing, Fees).

### **22.70.040 – Appeal of Permit Category Determination**

Where an applicant or interested person disputes the Director's permit category determination of Coastal Permit category (Section 22.70.030.B – Determination of Permit Category), the determination may be appealed as follows:

- A. General County appeal procedure.** Appeals to the Planning Commission or Board shall be filed and processed in compliance with Chapter 22.114 (Appeals).
- B. Timing of County appeal.** A determination regarding permit category by the Director may be appealed to the Planning Commission, and subsequently to the Board, within 10 business days of the determination.
- C. Procedures for appeals of permit category determination to the Coastal Commission.** Appeals of permit category determinations to the Coastal Commission shall follow the procedures contained in California Code of Regulations, Title 14, section 13569 (Determination of applicable Notice and Hearing Procedures).

### **22.70.050 – Public Notice**

Notice to the public of a pending action on a Coastal Permit or De Minimis Waiver or on a public hearing waiver shall be given as follows:

- A. Form of notice.** Permit applications shall be noticed at least 10 days prior to a hearing or action on the proposed project by posting notice in at least one location on or adjacent to the property which is the subject of the permit and by mailing notice to:
  1. The owner(s) or owner's agent of the property being considered, and the applicant;
  2. Each local agency expected to provide essential facilities or services to the project, whose ability to provide the facilities and services may be significantly affected by the proposed project;
  3. Any person who has filed a written request for notice with the Director and has paid the fee set by the most current County Fee Ordinance for the notice;

4. All owners of real property within three hundred feet of the property on which the development is proposed, as shown on the County's latest equalized assessment roll, if the zoning for such property requires a minimum lot area of less than twenty thousand square feet or a maximum density higher than two units per acre, or all owners of real property within six hundred feet of the property on which development is proposed, as shown on the County's latest equalized assessment roll, if the zoning for such property requires a minimum lot area of twenty thousand square feet or greater, or a maximum density of two units per acre or lower; and
5. The Coastal Commission.

Notice listed in 1 through 5 above shall be provided whether or not a hearing is required on the permit. If a hearing is required, notice shall also be published at least once in a local newspaper of general circulation in the County.

The Director may also require additional means of notice that is reasonably determined necessary to provide adequate public notice of the decision on the proposed project.

**B. Content of notice.** The required notice may be combined with other required project permit notice(s), shall be mailed by First Class mail and shall include the following information:

1. A statement that the project is within the Coastal Zone, and that the project decision will include a determination on a Coastal Permit;
2. The date of filing of the application;
3. The name of the applicant;
4. The number assigned to the application;
5. A description of the proposed project and its location;
6. A determination of whether the project is appealable to the Coastal Commission under Section 30603(a) of the Public Resources Code;
7. The date, time and place of the hearing and/or decision on the application;
8. A brief description of the procedures for public comment and decision on the application including the system of appeal if applicable;
9. If no public hearing is held, a description of the applicable public comment period sufficient to allow for the submission of comments by mail prior to the local decision; and
10. If a public hearing is proposed to be waived, a description of the public hearing waiver process as provided in Section 22.70.030.B.5.

**C. Renoticing required.** If a decision on a Coastal Permit is continued by the review authority to a date or time not specific, the item shall be renoticed in the same manner and within the same time limits established by this Section. If a decision on a Coastal Permit is continued to a specific date and time, then no renoticing is required.

- D. State Lands Commission notification.** Notice shall be provided to the State Lands Commission when an application for a Coastal Permit is submitted to the County on property identified as potentially subject to the public trust.

### **22.70.060 – Decision on Coastal Permit**

- A. Review authority.** A decision to approve, conditionally approve, or deny a Coastal Permit shall be by the applicable review authority.
1. The Director shall take action on a non-hearing Coastal Permit application.
  2. Where the decision required for the permit by this Development Code or other County Code provision is to be by the Zoning Administrator, Commission, or Board, that review authority shall conduct a public hearing and take action on the Coastal Permit application.
  3. Where the decision required for the permit by this Development Code or other County Code provision is to be by the Director or other County officer, and a public hearing is required, the Zoning Administrator shall hold a public hearing and approve or deny the Coastal Permit application.
  4. For projects requiring multiple approvals under various provisions of the County Code, and where at least one approval is required by the Zoning Administrator or Commission, the Zoning Administrator or Commission may hold the public hearing and approve or deny the Coastal Permit application at the same time as taking action on the other applications.
  5. For appealable projects or other public hearing coastal projects for which the County permit requirements do not identify a review authority, the Coastal Permit application shall be heard, and approved or denied by the Zoning Administrator.

### **22.70.070 – Required Findings**

**Findings.** The applicable review authority shall approve a Coastal Permit only when it first makes the findings below in addition to any findings required by this Article. Findings of fact establishing that the project conforms to the requirements and objectives of the Marin County Local Coastal Program shall be made as enumerated below. The findings shall reference applicable policies of the Marin County Local Coastal Program where necessary or appropriate.

- A. Coastal Access.** The proposed project is consistent with the applicable policies contained in the Public Coastal Access section of the Marin County Local Coastal Program and the specific standards contained in Section 22.64.180 (Public Coastal Access). Where the project is located between the nearest public road and the sea the findings shall include a determination of the project's conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act (commencing with Section 30200 of the Public Resources Code).
- B. Biological Resources.** The proposed project is consistent with the applicable policies contained in the Biological Resources section of the Marin County Local Coastal Program and the specific standards contained in Section 22.64.050 (Biological Resources).
- C. Environmental Hazards.** The proposed project is consistent with the applicable policies contained in the Environmental Hazards section of the Marin County Local Coastal Program,

including that new development during its economic life (100 years) is safe from and does not contribute to geologic or other hazards, and the specific standards contained in Section 22.64.060 (Environmental Hazards).

- D. Agriculture and Mariculture.** The proposed project is consistent with the applicable policies contained in the Agriculture and Mariculture sections of the Marin County Local Coastal Program and the specific agricultural and maricultural land use standards contained in Chapter 22.32.
- E. Water Resources.** The proposed project is consistent with the applicable policies contained in the Water Resources section of the Marin County Local Coastal Program and the specific standards contained in Section 22.64.080 (Water Resources).
- F. Community Design.** The proposed project is consistent with the applicable policies contained in the Community Design section of the Marin County Local Coastal Program and the specific standards contained in Section 22.64.100 (Community Design).
- G. Community Development.** The proposed project is consistent with the applicable policies contained in the Community Development section of the Marin County Local Coastal Program and the specific standards contained in Section 22.64.110 (Community Development).
- H. Energy.** The proposed project is consistent with the applicable policies contained in the Energy section of the Marin County Local Coastal Program and the specific standards contained in Section 22.64.120 (Energy).
- I. Housing.** The proposed project is consistent with the applicable policies contained in the Housing section of the Marin County Local Coastal Program and the specific standards contained in Section 22.64.130 (Housing).
- J. Public Facilities and Services.** The proposed project is consistent with the applicable policies contained in the Public Facilities and Services section of the Marin County Local Coastal Program and the specific standards contained in Section 22.64.140 (Public Facilities and Services).
- K. Transportation.** The proposed project is consistent with the applicable policies contained in the Transportation section of the Marin County Local Coastal Program and the specific standards contained in Section 22.64.150 (Transportation).
- L. Historical and Archaeological Resources.** The proposed project is consistent with the applicable policies contained in the Historical and Archaeological Resources section of the Marin County Local Coastal Program and the specific standards contained in Section 22.64.160 (Historical and Archaeological Resources).
- M. Parks, Recreation, and Visitor-Serving Uses.** The proposed project is consistent with the applicable policies contained in the Parks, Recreation, and Visitor-Serving Uses section of the Marin County Local Coastal Program and the specific standards contained in Section 22.64.170 (Parks, Recreation, and Visitor-Serving Uses).

### **22.70.080 – Appeal of Coastal Permit Decision**

- A. County appeal procedure.** Decisions of the County on a Coastal Permit (Section 22.70.060 –

Decision on Coastal Permit) may be appealed to the Planning Commission and Board as provided by Chapter 22.114 – Appeals.

**B. Appeals to the Coastal Commission.** Coastal Permits may be appealed to the Coastal Commission by an aggrieved person, including the applicant, or two members of the Coastal Commission, as follows:

**1. Appealable Development.** For purposes of appeal to the Coastal Commission, appealable development includes the following:

- (a) Development approved between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance;
- (b) Development approved, not included in paragraph (a) above, that is located on tidelands, submerged lands, public trust lands, within 100 feet of any coastal wetland, estuary, or coastal stream, or within 300 feet of the top of the seaward face of any coastal bluff;
- (c) Development approved that is not designated as the Principal Permitted Use (PP) by Tables 5-1, 5-2, or 5-3 in Chapter 22.62 – Coastal Zoning Districts and Allowable Land Uses; and
- (d) Any development which constitutes a major public works project or a major energy facility.

**2. Filing.** Appeals must be filed in the office of the Coastal Commission prior to the close of business on the 10th working day after receipt by the Coastal Commission of the notice of final County action on the Coastal Permit that is the subject of the appeal. In the case of an appeal by an applicant or other aggrieved person, the appellant must exhaust all appeals to the County in compliance with Subsection A above (County Appeal Procedure) to be considered an aggrieved person, unless the County charges an appeal fee.

**3. Appeal by Coastal Commissioners.** When two Coastal Commissioners bring an appeal against a project that was approved by other than the Board of Supervisors, the Board of Supervisors may elect to consider the appeal before any action by the Coastal Commission. The Board of Supervisors shall notify the Coastal Commission of its decision to consider an appeal within 12 days of the County's receipt of notice of an appeal by two Coastal Commissioners. County action on an appealable project shall not be deemed final if the Board elects to consider the appeal. Notice and hearing on these appeals by the Board of Supervisors shall comply with Chapter 22.114 – Appeals. After action by the Board of Supervisors (or failure or refusal to act), notice of final action shall be provided to the Coastal Commission pursuant to Section 22.70.090.

### **22.70.090 – Notice of Final Action**

Within 7 calendar days of a final County decision on an application for a Coastal Permit, the Director shall provide notice of the action by First Class mail to the Coastal Commission, and to any persons who specifically requested notice and provided a self-addressed stamped envelope or other designated fee covering mailing costs. The notice shall include conditions of approval,

written findings and the procedures for appeal of the County decision to the Coastal Commission.

### **22.70.100 – Notice of Failure to Act**

- A. Notification by applicant.** If the County has failed to act on an application within the time limits set forth in Government Code Sections 65950 et seq. (Approval of Development Permits), thereby approving the development by operation of law, the person claiming a right to proceed in compliance with Government Code Section 65950 et seq. (i.e., the applicant), shall notify the County and the Coastal Commission in writing of the claim that the development has been approved by operation of law. The notice shall specify the application which is claimed to be approved. Even if deemed approved in compliance with Government Code Section 65950, the project shall still comply with all applicable standards of this Development Code.
- B. Notification by County.** Upon a determination that the time limits established in compliance with Government Code Section 65950 et. seq. have expired, the Director shall, within five days of the determination, notify persons entitled to receive notice in compliance with Section 22.70.050 (Public Notice) ~~22.72.080 (Notice of Coastal Permits)~~ that it has taken final action by operation of law in compliance with Government Code Section 65956. The appeal period for projects approved by operation of law shall begin only upon receipt of the County's notice in the office of the Coastal Commission.  
[BOS app. 12/11/2012]

### **22.70.110 – Effective Date of Final Action**

A final decision by the applicable review authority on an application for an appealable development shall become effective after the 10 working day appeal period to the Coastal Commission has expired or after the 21st calendar day following the final County action unless any of the following occur:

- A.** An appeal is filed in compliance with Section 22.70.080 – Appeal of Coastal Permit Decision.
- B.** The notice of final Coastal Permit approval does not meet the requirements of Section 22.70.090 (Notice of Final Action).
- C.** The notice of final action is not received in the Coastal Commission office and/or distributed to interested parties in time to allow for the 10 working day appeal period within the 21 days after the County decision.

Where any of the above circumstances occur, the Coastal Commission shall, within five days of receiving notice of that circumstance, notify the County and the applicant that the effective date of the County action has been suspended.

### **22.70.120 – Expiration Date and Time Extensions**

- A. Time limits, vesting, extensions.** Coastal permit time limits, vesting requirements, and extension provisions shall comply with Section 22.70.050 ~~22.56.050~~ – Time Limits and Extensions.  
[BOS app. 12/11/2012]
- B. Findings.** In addition to the requirements of Section 22.70.050 ~~22.56.050~~, Coastal Permit

extensions may be granted by the Director upon a finding that the project continues to be in conformance with the requirements and objectives of the Marin County Local Coastal Program.

[BOS app. 12/11/2012]

- C. Appeal.** Coastal Permit extensions may be appealed in compliance with Section 22.70.080 (Appeal of Coastal Permit Decision).

### **22.70.130 – Amendments to Coastal Permits**

A Coastal Permit may be amended in the same manner required for initial approval. Amendment requests shall be subject to the appeal provisions of Section 22.70.080 (Appeal of Coastal Permit Decision).

### **22.70.140 – Emergency Coastal Permits**

In the event of an emergency, the Director may issue a permit to authorize emergency work in compliance with this Section, and Section 30624 of the Coastal Act and Section 13329 of Title 14 of the California Code of Regulations. The Director shall not issue an emergency permit for any work to be conducted on any tidelands, submerged lands, or on public trust lands, whether filled or unfilled; requests for emergency work in these areas shall be referred to the Coastal Commission.

- A. Application.** An application for an emergency permit shall be filed with the Director in writing if time allows, or in person or by telephone if time does not allow.
- B. Required information.** The applicant shall report to the Director the following information, either during or as soon after the emergency as possible:
1. The nature and location of the emergency;
  2. The cause of the emergency, insofar as this can be established;
  3. The remedial, protective, or preventive work required to deal with the emergency; and
  4. The circumstances during the emergency that appeared to justify the course(s) of action taken, including the probable consequences of failing to take action.
  5. An application for an emergency shoreline protective device shall be accompanied by an engineering report as described in Section 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) an analysis of alternatives, including the “no action” alternative.

The Director shall verify the facts, including the existence and nature of the emergency, as time allows.

- C. Notice.** The Director shall provide public notice of the proposed emergency work, and determine the extent and type of notice based on the nature of the emergency.
- D. Emergency permit approval.** The Director may grant an emergency permit upon reasonable

terms and conditions, including an expiration date, if the Director finds that:

1. An emergency exists that requires action more quickly than permitted by the procedures of this Article for a Coastal Permit, and the work can and will be completed within 30 days unless otherwise specified by the emergency permit;
2. Public comment on the proposed emergency action has been reviewed, if time allows; and
3. The proposed work is consistent with applicable Marin County Local Coastal Program policies.

The decision to issue an emergency permit is at the sole discretion of the Director, provided that subsequent Coastal Permits required for the project shall comply with all applicable provisions of this Development Code.

- E. Coastal Permit required.** Within 30 days of the notification required in Subsection A. (Application), the applicant shall apply for a Coastal Permit. Failure to file the applications and obtain the required permits shall result in enforcement action in compliance with Chapter 22.122 (Enforcement)

### **22.70.150 – Coastal Zone Variances**

This Section provides procedures for the adjustment from the development standards of Article V of this Development Code only when, because of special circumstances applicable to the property, including location, shape, size, surroundings, or topography, the strict application of this Article denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts. Any Coastal Zone Variance granted shall be subject to conditions that will ensure that the Variance does not constitute a granting of special privilege(s) inconsistent with the limitations upon other properties in the vicinity and zoning district in which the property is situated.

Coastal Zone Variances provide relief from standards relating to height, floor area ratio, and yard setbacks. Coastal Zone Variances cannot be granted for relief from use limitations or minimum lot size and density requirements.

- A. Filing.** An application for a Coastal Zone Variance shall be submitted, filed, and processed in compliance with and in the manner described in Chapter 22.40 (Application Filing and Processing, Fees). It is the responsibility of the applicant to establish evidence in support of the findings required by Section 22.70.070 – Required Findings.
- B. Project review procedure.** Each application shall be analyzed by the Agency to ensure that the application is consistent with the purpose and intent of this Section.
- C. Action on Variances.** Decisions on Coastal Zone Variances shall be issued by the Director or the same review authority that issues the decision on the Coastal Permit for the project.
- D. Notice of action and/or hearing date.** Administrative decisions and public hearings on a proposed Coastal Zone Variance application shall be noticed in compliance with Chapter 22.118 (Notices, Public Hearings, and Administrative Actions).

### **22.70.160 – Coastal Zone Variance Exemptions**

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

- A. The cubical contents of the structure shall not be increased with the exception of minor dormers and bay windows which provide headroom or circulation or projects that are addressed in Section 22.54.040.C, but do not add to the bulk and mass of the structure.
- B. The floor area ratio may increase, not to exceed 35 percent maximum, or 300 square feet, whichever is more restrictive, except that such area limitations do not apply to circumstances in flood zones that are addressed in Section 22.54.040.C.
- C. The floor area ratio may increase above 30 percent if the increase in floor area is due to a federal or County requirement that an existing structure be raised above the base flood elevation. In this instance, the finished floor of the first level above the base flood elevation shall not be more than 18 inches above the base flood elevation. Floor area beneath proposed additions does not qualify for this exemption.
- D. Existing legal non-conforming setbacks may be maintained if a structure is being raised to conform to a federal or County requirement that an existing structure be raised above the base flood elevation. In this instance, the finished floor of the first level above the base flood elevation shall not be more than 18 inches above the base flood elevation. Development beneath proposed additions does not qualify for this exemption.
- E. The height of a roof of an existing structure that encroaches into a required setback is being lowered by any height or is being raised by not more than three feet in height above the existing roof, or to a maximum of 25 feet above grade, whichever is more restrictive.
- F. The project shall be subject to Coastal Permit, in compliance with this Article.

### **22.70.170 – Decision and Findings**

Following notice for an administrative Coastal Zone Variance, or a public hearing for a Public Hearing Coastal Zone Variance, the Review Authority shall issue a notice of decision in writing with the findings upon which the decision is based, in compliance with state law (Government Code Section 65906). The Review Authority may approve an application, with or without conditions, only if all of the following findings are made:

- A. There are special circumstances unique to the property (e.g., location, shape, size, surroundings, or topography), so that the strict application of this Development Code denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts.
- B. Granting the Variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel.
- C. Granting the Variance does not result in special privileges inconsistent with the limitations upon other properties in the vicinity and zoning district in which the real property is located.
- D. Granting the Variance will not be detrimental to the public interest, health, safety, convenience,

or welfare of the County, or injurious to the property or improvements in the vicinity and zoning district in which the real property is located.

### **22.70.180 – Potential Takings Economic Evaluation**

If the application of the policies, standards or provisions of the Local Coastal Program regarding use of property designated as Environmentally Sensitive Habitat Area (ESHA would likely constitute a taking of private property, then a use that is not consistent with the ESHA provisions of the LCP shall be allowed on the property, provided such use is consistent with all other applicable policies and is the minimum amount of development necessary to avoid a taking as determined through an economic evaluation. The applicant shall supplement their application materials to provide the required information and analysis as specified below.

[BOS app. 10/2/2012]

**A. Filing.** The economic evaluation shall include the entirety of all parcels that are geographically contiguous and held by the applicant in common ownership at the time of the application. Before any decision on a coastal development permit, the applicant shall provide the following information, unless the Director determines that one or more of the particular categories of information is not relevant to the analysis:

1. The date the applicant purchased or otherwise acquired the property, and from whom.
2. The purchase price paid by the applicant for the property.
3. The fair market value of the property at the time the applicant acquired it, describing the basis upon which the fair market value is derived, including any appraisals done at the time.
4. The general plan, zoning or similar land use designations applicable to the property at the time the applicant acquired it, as well as any changes to these designations that occurred after acquisition.
5. Any development restrictions or other restrictions on use, other than government regulatory restrictions described in subsection d above, that applied to the property at the time the applicant acquired it, or which have been imposed after acquisition.
6. Any change in the size of the property since the time the applicant acquired it, including a discussion of the nature of the change, the circumstances and the relevant dates.
7. A discussion of whether the applicant has sold or leased a portion of, or interest in, the property since the time of purchase, indicating the relevant dates, sales prices, rents, and nature of the portion or interests in the property that were sold or leased.
8. Any title reports, litigation guarantees or similar documents in connection with all or a portion of the property of which the applicant is aware.
9. Any offers to buy all or a portion of the property which the applicant solicited or received, including the approximate date of the offer and offered price.
10. The applicant's costs associated with the ownership of the property, annualized for each of the last five (5) calendar years, including property taxes, property assessments, debt service costs (such as mortgage and interest costs), and operation and management costs.
11. Apart from any rents received from the leasing of all or a portion of the property, any income generated by the use of all or a portion of the property over the last five (5) calendar years. If there is any such income to report it should be listed on an annualized basis along with a description of the uses that generate or has generated such income.

**12. Any additional information that the County requires to make the determination.**

[BOS app. 10/2/2012]

**B. Evaluation.** To evaluate whether a restriction would not provide an economically viable use of property as a result of the application of the policies and standards contained in the LCP regarding use of property designated as ESHA, an applicant shall provide information about resources present on the property sufficient to determine whether all of the property, or which specific area of the property, is subject to the restriction on development, so that the scope and nature of development that could be allowed on any portions of the property that are not subject to the restriction can be determined.

Based upon this analysis, the least environmentally damaging feasible alternative shall be identified. Impacts to ESHA that cannot be avoided through the implementation of siting and design alternatives shall be mitigated to the maximum extent feasible, with priority given to on-site mitigation. Off-site mitigation measures shall only be approved when it is not feasible to mitigate impacts on-site. Mitigation shall not substitute for implementation of the feasible project alternative that would avoid adverse impacts to ESHA.

[BOS app. 10/2/2012]

**C. Supplemental Findings for Approval of Coastal Development Permit.** A Coastal Permit that allows a deviation from a policy or standard of the LCP to provide a reasonable economic use of the parcel as a whole may be approved or conditionally approved only if the appropriate governing body, either the Planning Commission or Board of Supervisors, makes the following supplemental findings in addition to the findings required in Section 22.70.070 (Required Findings):

1. Based on the economic information provided by the applicant, as well as any other relevant evidence, no use allowed by the LCP policies, standards or provisions would provide an economically viable use of the applicant's property.
2. The use proposed by the applicant is consistent with the applicable zoning.
3. The use and project design, siting, and size are the minimum necessary to avoid a taking.
4. The project is the least environmentally damaging alternative and is consistent with all provisions of the certified LCP other than the provisions for which the exception is requested.
5. The development will not be a public nuisance. If it would be a public nuisance, the development shall be denied.

[BOS app. 10/2/2012]



# ARTICLE VIII

## Development Code Definitions

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### CHAPTER 22.130 – DEFINITIONS

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#### Sections:

- 22.130.010 – Purpose of Chapter
- 22.130.020 – Applicability
- 22.130.030 – Definitions of Specialized Terms and Phrases

#### **22.130.010 – Purpose of Chapter**

This Chapter provides definitions of terms and phrases used in this Development Code that are technical or specialized, or that may not reflect common usage.

#### **22.130.020 – Applicability**

If any of the definitions in this Chapter conflict with definitions in other chapters of the Marin County Code, these definitions shall prevail for the purposes of this Development Code. If a word used in this Development Code is not defined in this Chapter, or other Titles of the County Code, the most common dictionary definition is presumed to be correct.

#### **22.130.030 – Definitions of Specialized Terms and Phrases**

Definitions are listed in alphabetical order.

**A. Definitions, "A."**

**Accessory Retail Uses (land use).** This land use consists of the retail sale of various products (including food) in a store or similar facility that is located within a health care, hotel, office, or industrial complex, for the purpose of serving employees or customers, and is not visible from a public street. These uses include pharmacies, gift shops, food service establishments within hospitals, convenience stores and food service establishments within hotels, and office and industrial complexes.

**Accessory Structure.** A structure that is physically detached from, secondary and incidental to, and commonly associated with the primary structure or use. Physically detached means independent of any type of substantial connection with the primary structure. A substantial connection means having a continuous foundation and a connecting roof.

**Acres, Gross and Net.** See "Lot Area."

**Adult Entertainment Establishment (land use).** This land use consists of any adult bookstore, adult hotel or motel, adult motion picture arcade, adult motion picture theater, cabaret, sexual encounter center, or any other business or establishment that offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," but not including those uses or activities, the regulation of which is preempted by state law.

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

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

1. For inclusionary units required by Chapter 22.22, annual housing costs cannot exceed 30 percent of 60 percent of area median income, adjusted for household size.
2. For affordable housing that qualifies a project for a state density bonus, annual housing costs cannot exceed the following:
  - (a) for moderate income households: 35 percent of 110 percent of area median income, adjusted for household size.
  - (b) for low income households: 30 percent of 70 percent of area median income, adjusted for household size.
  - (c) for very low income households: 30 percent of 50 percent of area median income, adjusted for household size.

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

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

household size.

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

**Agency.** The Marin County Community Development Agency.

**Agent.** A person authorized in writing by the property owner to represent and act for a property owner in contacts with County employees, committees, Commissions, and the Board, regarding matters regulated by this Development Code.

**Aggrieved Person (coastal).** Any person who, in person or through a representative, appeared at a public hearing of the Coastal Commission or County of Marin in connection with a decision or action appealed, or who, by other appropriate means prior to a hearing, informed the Coastal Commission or County of Marin of the nature of his concerns or who for good cause was unable to do either. "Aggrieved person" includes the applicant for a permit.

**Agricultural Accessory Activity (land use) (coastal).** This land use consists of accessory activities customarily incidental to agricultural operations, and which involve agricultural products produced predominantly on site or elsewhere in Marin County, including:

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

Any of the above activities performed in the field with mobile equipment not involving permanent structures are included under the definition of "Crop Production".

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

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

Does not include commercial greenhouses (which are under "Plant Nurseries") or structures for agricultural processing activities (which are under "Agricultural Processing") or retail sales of agricultural products. ~~Wind machines for water pumping or other conversion of wind energy to mechanical or thermal power are included under the definition of "Wind Energy Conversion Systems" (WECS).~~

[BOS app. 2/26/2013]

**Agricultural District or Zone.** Any of the agricultural zoning districts established by Chapter 22.08 (Agricultural and Resource-Related Districts), or Coastal Zoning Districts established by Article V (Coastal Zones – Permit Requirements and Development Standards), including A (Agriculture and Conservation), A2 (Limited Agriculture), ARP (Agricultural, Residential Planned), C-APZ (Coastal, Agricultural Production Zone), and C-ARP (Coastal, Agricultural, Residential Planned).

**Agricultural Homestay Facility (coastal).** A facility that meets all of the following requirements: (a) Has not more than five guest rooms and accommodates not more than 15 guests; (b) Provides overnight transient accommodations; and (c) Serves food only to its registered guests and serves meals at any time, and includes the price of food in the price of the overnight transient occupancy accommodation.

**Agricultural Processing (land use).** This land use consists of the processing of harvested crops and other agricultural products, including the following:

- production of butter, cheese, and other dairy products
- processing of milk
- milling
- processing of fruit products
- food oil production, including olive oil
- shellfish processing
- wine production
- processing of honey

Also includes structures used in connection with the above activities.

**Agricultural Production (land use) (coastal).** This land use consists of the raising of animals used in farming or the growing and/or producing of agricultural commodities for commercial purposes, including the following and substantially similar uses of an equivalent nature and intensity:

1. 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.
2. Livestock and poultry products (such as milk, wool, eggs).
3. Field, fruit, nut, and vegetable crops – hay, grain, silage, pasture, fruits, nuts, seeds, and vegetables.
4. Nursery products - nursery crops, cut plants.
5. Aquaculture and mariculture
6. Viticulture
7. Vermiculture
8. Forestry
9. Commercial gardening
10. Beekeeping

**Agricultural Production and Stewardship Plan (coastal).** A plan that identifies existing and proposed agricultural uses and resources for a property. The intent of these plans is to demonstrate the following: (1) the long-term agricultural use of the property will be preserved; (2) agricultural infrastructure has been established or will be enhanced; (3) agricultural uses proposed in connection with the residence are appropriate to the site; (4) sound land stewardship has been implemented or will be enacted; and (5) at least 95% of the usable land of the property will be engaged in agricultural production.

**Agricultural Retail Sales Facility/Farm Stand (coastal).** A temporary or permanent structure used for the display and sale of agricultural products.

**Agricultural Worker.** An employee who is engaged in services associated with an agricultural use, including: cultivation and tillage of soil; dairying; the production, cultivation, growing, and harvesting of any agricultural or horticultural commodity; and the preparation, delivery, or storage of any agricultural or horticultural commodity for market.

**Agricultural Worker Housing.** Any attached or detached dwelling unit used to house agricultural workers and their family members, including temporary mobile homes. For the purpose of calculating density, no more than one food preparation area shall be provided for each agricultural worker housing unit.

**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 farmhouse per legal lot, ~~up to two~~ intergenerational ~~homes~~ housing, agricultural worker housing, ~~limited~~ agricultural product sales and processing, non-profit and owner-operator conducted agricultural tours, and agricultural homestay facilities.

[BOS app. 10/2/2012]

**Airpark (land use).** This land use consists of airfields, landing strips, and/or heliports, in compliance with the regulations of the Federal Aviation Administration (FAA), and California Division of Aeronautics.

**Alley.** A public or private roadway, not intended for general vehicle traffic circulation, that provides secondary vehicle access to the rear or side of lots having other public street frontage.

**Alteration.** Any construction or physical change in the internal arrangement of rooms or the supporting members of a structure, or a change in the external appearance of any structure, not including painting.

**Animal Sales Lot.** See "Livestock Operations, Sales Lots, Feedlots, Stockyards."

**Antennas.** See "Telecommunications Facilities."

**Antiquated Subdivision.** (*Definition under Planning Commission review*)

**Apartment.** See "Multi-Family Housing."

**Appealable Area.** The areas described by Public Resources Code Sections 30519.b and 30603.a.1 and .a.2, within which a County decision to approve a development may be appealed to the California Coastal Commission.

**Appeals Area Maps.** The official maps on file with the Community Development Agency which identify areas within the Coastal Zone where County decisions on Coastal Permit applications may be appealed to the Coastal Commission.

**Applicant.** Any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities, which seeks County permits and approvals.

**Approval.** An official sanction that includes both approval and approval with conditions.

**Aquaculture (land use).** This land use consists of the raising and harvesting of aquatic organisms, including shellfish, mollusks, crustaceans, kelp, and algae.

**Arborist.** An arborist is 1) a person currently certified by the Western Chapter of the International Society of Arboriculture as an expert on the care of trees; 2) a consulting arborist who satisfies the requirements of the American Society of Consulting Arborists; or 3) such other qualified professionals who the Director determines has gained through experience the qualifications to identify, remove or replace trees.

**Architectural Deviation.** A discretionary land use permit established by Chapter 22.46 (Floating Home Adjustments and Deviations) to evaluate floating homes that are between 16 and 20 feet in height. The review considers the appropriateness of project design as it relates to the aesthetics and scale of neighboring floating homes, as well as views within and to the marina.

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

**Ark.** Any vessel, boat, craft, or structure originally designed to float that is now permanently grounded or supported by a foundation or piling.

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

**Auto, Mobile Home, Vehicle, Parts Sales (land use).** This land use consists of the retail sale and/or rental of the following (vehicles may be new or used):

- automobiles
- boats
- campers
- dealerships
- golf carts
- jet skis
- mobile homes
- motorcycles
- motorized farm equipment
- recreational and utility trailers
- repair shops with new car
- snowmobiles
- tires
- trucks
- vans
- vehicle accessories
- vehicle parts

Does not include: bicycle and moped sales (see "Retail Stores, General Merchandise"); tire recapping establishments (see "Repair and Maintenance - Vehicle"); businesses dealing exclusively in used parts, (see "Recycling, Scrap and Dismantling Yards"); or "Service Stations," which are separately defined.

**Automatic Teller Machine (ATM) (land use).** This land use consists of machines used by bank and financial service patrons for conducting transactions, including deposits, withdrawals and fund transfers, without contact with financial institution personnel. The machines may be located at or within banks, or in other locations, in compliance with this Development Code.

**Automobile Dismantling Yard.** See "Recycling Facilities, #6, Scrap, and Dismantling Yards."

**Automobile Repair.** See "Repair and Maintenance, Vehicle."

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

**B. Definitions, "B."**

**Banks and Financial Services (land use).** This land use consists of financial institutions including:

- banks and trust companies
- credit agencies
- holding (but not primarily operating) companies
- lending and thrift institutions
- other investment companies
- securities/commodity contract brokers and dealers
- security and commodity exchanges
- vehicle finance (equity) leasing agencies

See also, "Automatic Teller Machine," above.

**Bars and Drinking Places (land use).** This land use consists of the sale of alcoholic beverages for on-site consumption, not as part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May include entertainment (e.g., live music and/or dancing). May also include beer brewing as part of a microbrewery, and other beverage tasting facilities.

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

**Basement.** A story which is partly or completely below grade.

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

**Beach (coastal).** The expanse of sand, gravel, cobble or other loose material that extends landward from the low water line to the place where there is distinguishable change in physiographic form, or to the line of permanent vegetation. The seaward limit of a beach (unless specified otherwise) is the mean low water line.

**Bed and Breakfast Inns (land use).** This land use consists of providing up to five guest bedrooms for overnight lodging, where the use is clearly secondary and incidental to the use of the property as a single-family residence. County requirements applicable to Bed and Breakfast Inns are in Section 22.32.040 (Bed and Breakfast Inns), and applicable Health Department regulations. A Bed and Breakfast Inn with more than five guest rooms is considered a hotel or motel, and is not permitted in a residential zoning district. Refer to the definition of "Room Rental" to distinguish between a Bed and Breakfast Inn and room rental in a "boarding house" situation.

**Below Market Rate.** Housing that is sold or rented at a price which is below the prevailing rate for equivalent housing units within the same community.

**Beneficial Use (coastal).** Use of waters of the state including domestic, municipal, agricultural and industrial supply; power generation; recreation; aesthetic enjoyment; navigation; and preservation and enhancement of fish, wildlife, and other aquatic resources or preserves.

**Best Management Practices (BMPs) (coastal).** Methods that have been determined to be the most effective, practical means of preventing or reducing pollution from non-point sources, such as pollutants carried by urban runoff.

**Beverage Production (land use).** This land use consists of manufacturing facilities including bottling plants, breweries, coffee roasting, soft drink production, and wineries. Does not include milk processing; see "Food Products." May include tasting and accessory retail sales of beverages produced on site. A tasting facility separate from the manufacturing facility is included under the definition of "Bars and Drinking Places" if alcoholic beverages are tasted, and under "Restaurant" if beverages are non-alcoholic.

**Billboard.** Any sign advertising, indicating, or identifying a use, activity, or other entity not on the same premises as the sign.

**Block.** A group of lots surrounded by streets or roads, or streets or roads and railroad right-of-way, mean high tide line or unsubdivided acreage.

**Blue Line Stream.** A watercourse shown as a blue line (perennial or intermittent) on the most recent appropriate USGS data.

**Bluff (coastal).** A high bank or bold headland with a broad, precipitous, sometimes rounded cliff face overlooking a plain or body of water. A bluff may consist of a steep cliff face below and a more sloping upper bluff above.

**Bluff Edge (coastal).** The upper termination of a bluff, cliff, or seacliff. In cases where the top edge of the bluff is rounded away from the face of the bluff as a result of erosional processes related to the presence of the steep bluff face, the bluff line or edge shall be defined as that point nearest the bluff beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the bluff. In a case where there is a steplike feature at the top of the bluff face, the landward edge of the topmost riser shall be taken to be the bluff edge. Bluff edges typically retreat landward due to coastal erosion, landslides, development of gullies, or by grading (cut). In areas where the bluff top or bluff face has been cut or notched by grading, the bluff edge shall be the landwardmost position of either the current or historic bluff edge. In areas where fill has been placed near or over the historic bluff edge, the original natural bluff edge, even if buried beneath fill, shall be taken to be the bluff edge.

**Blufftop (coastal).** The upper surface of a bluff.

**Blufftop Parcel (coastal).** A parcel located on a blufftop.

**Board, Board of Supervisors.** The Board of Supervisors of the County of Marin, State of California.

**Board, Board of Commissioners of the Housing Authority.** The Board of Commissioners of the Housing Authority of the County of Marin, State of California.

**Broadcasting Studios (land use).** This land use consists of commercial and public communications facilities entirely within buildings, including radio and television broadcasting and receiving stations and studios. Transmission and receiving apparatus, including antennas and towers, are included under the definition of "Telecommunications Facilities."

**Buffer Zone.** An area which separates one land use from another, for purposes of safety, environmental protection or compatibility.

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

**Building Area.** The sum of the floor area of all floors in all buildings on a site. Unlike "Floor Area", building area includes garages, carports, storage buildings, and other attached or detached accessory structures.

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

**Building, Main.** See "Structure, primary."

**Building Material Stores (land use).** This land use consists of the retail sale of lumber and other large building materials, where most display and sales activities occur indoors. Products sold may include paint, wallpaper, glass, fixtures, nursery stock, and lawn and garden supplies. Includes stores selling to the general public, even if contractor sales account for a major proportion of total sales. Includes incidental retail ready-mix concrete operations, except where excluded by a specific zoning district. Establishments primarily selling electrical, plumbing, heating, and air conditioning equipment and supplies are classified in "Wholesaling and Distribution." Hardware stores are listed in the definition of "Retail Stores, General Merchandise," even if they sell some building materials.

**Building Site.** A lot or parcel that is recognized by the Community Development Agency as having been created in compliance with the governing zoning and development standards.

**Bulk.** Total interior cubic volume as measured from the exterior surfaces of the structure.

**Business Support Services (land use).** This land use consists of establishments located primarily within buildings, providing other businesses with services including maintenance, repair and service, testing, rental, etc. Examples of these services include:

- blueprinting
- business equipment repair services (except vehicle repair, see "Repair and Maintenance - Vehicle")
- commercial art and design (production)
- computer-related services (rental, repair)
- copying, quick printing, and blueprinting services
- equipment rental businesses within buildings (rental yards are "Storage Yards and Sales Lots")
- equipment repair services where repair occurs on the client site
- film processing laboratories
- graphic design
- janitorial services
- mail advertising services (reproduction and shipping)
- outdoor advertising services
- photocopying
- photofinishing
- secretarial and personnel services
- security services
- soils and materials testing laboratories
- window cleaning

**C. Definitions, "C."**

**Cabinet Shop.** See "Furniture and Fixtures" (land use).

**California Environmental Quality Act (CEQA).** A state law originally enacted in 1970, which requires public agencies to document and consider the environmental effects of a proposed action, before a decision is issued. See California Public Resources Code Sections 21000 et seq.

**Campground (land use).** This land use consists of land that is used or intended for use by camping parties, which may include individual campsites, but where utility hookups for recreational vehicles are typically not provided at campsites. See also "Recreational Vehicle Parks."

**Car Deck.** See "Parking Structure."

**Cargo Container.** A portable, rectangular metal storage container, generally with a height greater than five feet and with doors on one end, designed to be transported on trucks, rail cars, or ships, individually or stacked.

**Carport.** See "Parking Structure."

**Cemeteries, Columbariums and Mortuaries (land use).** This land use consists of internment establishments engaged in subdividing property into cemetery lots and offering burial plots or air space for sale. Includes animal cemeteries; cemetery, mausoleum, crematorium and columbarium operations, and full-service funeral parlors, whether accessory to or separate from a cemetery or columbarium.

**CEQA.** See California Environmental Quality Act (CEQA).

**Certificate of Compliance.** A Certificate of Compliance is a document recorded by the County Recorder, which acknowledges that the subject parcel, which was typically created prior to current subdivision map requirements, is considered by the County to be a legal lot of record. A Conditional Certificate of Compliance is used instead of a Certificate of Compliance to validate a parcel that was not legally subdivided. Procedures for Certificates of Compliance may be found in Chapter 22.96 (Certificates of Compliance) of this Development Code.

**Chemical Products (land use).** This land use consists of the manufacture of chemicals and other products created predominantly by chemical processes. This definition includes the manufacture of three general classes of products: (1) basic chemicals, such as acids, alkalies, salts, and organic chemicals; (2) chemical products to be used in further manufacture, such as synthetic fibers, plastic materials, dry colors, and pigments; and (3) finished chemical products to be used for ultimate consumption, such as drugs and cosmetics, or to be used as materials or supplies in other industries such as paints, fertilizers, and explosives. Also includes sales and transportation establishments handling the chemicals described above in other than one of the uses included in the Retail Trade Group on the land use and permit tables.

**Child Day-Care Facilities (land use).** This land use consists of the provision of nonmedical care and supervision of minor children for periods of less than 24 hours. This land use includes the following types of facilities, all of which are required to be licensed by the California State Department of Social Services:

1. **Child Day-Care Center (land use).** This land use consists of commercial or non-profit child day-care facilities designed and approved to accommodate 15 or more children. Includes infant centers, preschools, sick-child centers, and school-age day-care facilities. These may be operated in conjunction with other approved land uses, or as an independent land use.
2. **Large Family Day-Care Home (land use).** This land use consists of a day-care facility located in a single-family residence where an occupant of the residence provides care and

supervision for eight to 14 children. Children under the age of 10 years who reside in the home count as children served by the day-care facility.

3. **Small Family Day-Care Home (land use).** This land use consists of a day-care facility located in a single-family residence where an occupant of the residence provides care and supervision for either six or fewer children, or eight or fewer children provided that no more than two of the children are under the age of two and at least two of the children are over the age of six. Children under the age of 10 years who reside in the home count as children served by the day-care facility.

**Churches.** See "Religious Places of Worship."

**Clothing Products (land use).** This land use consists of the manufacture of clothing, and the fabrication of products by cutting and sewing purchased textile fabrics, and related materials such as leather, rubberized fabrics, plastics and furs. Custom tailors and dressmakers not operating as a factory and not located on the site of a clothing store ("Retail Stores, General Merchandise") are instead included under "Personal Services." See also, "Textile and Leather Products."

**Coastal Act.** The California Coastal Act of 1976, enacted by the legislature in response to the 1972 ballot initiative known as Proposition 20. The Coastal Act requires local jurisdictions to adopt and maintain Local Coastal Programs (LCPs) and implementing ordinances consistent with its provisions. Article V (Coastal Zones – Permit Requirements and Development Standards) of this Development Code comprises the implementing ordinances of the Marin County LCP.

**Coastal Commission.** The California Coastal Commission as established by the California Coastal Act of 1976.

**Coastal Dependent Use.** Any development or use that requires a site on, or adjacent to the ocean to function.

**Coastal Permit.** A discretionary land use permit that may be granted in compliance with Article V (Coastal Zones – Permit Requirements and Development Standards), which authorizes a specific use of land on a specific site, subject to compliance with any conditions of approval imposed on the permit.

**Coastal-Related Development (coastal).** Any use that is dependent on a coastal-dependent development or use.

**Coastal Stream (coastal).** Streams in the Coastal Zone, perennial or intermittent, which are mapped by the United States Geological Survey (USGS) in the National Hydrographic Dataset. In addition, those ephemeral streams that are not mapped by the United States Geological Survey if the stream: (a) supports riparian vegetation for a length of 100 feet or more, or (b) supports special status species or another type of ESHA, regardless of the extent of riparian vegetation associated with the stream. [BOS app. 10/2/2012]

**Coastal Zone (coastal).** That land and water area of the County of Marin specified on the maps identified and set forth in Section 17 of that chapter of the Statutes of the 1975-76 Regular Session enacting the California Coastal Act of 1976, extending seaward to the state's outer limit of jurisdiction, including all offshore islands, and extending inland generally 1,000 yards from the mean high tide line of the sea. In significant coastal estuarine, habitat, and recreational areas it extends inland to the first major ridgeline paralleling the sea or five miles from the mean high tide line of the sea, whichever is less, and in developed urban areas the zone generally extends inland less than 1,000 yards. The coastal zone does not include the area of jurisdiction of the San Francisco Bay Conservation and Development Commission, established pursuant to Title 7.2 (commencing with Section 66600) of the Government Code, nor any area contiguous thereto, including any river, stream, tributary, creek, or flood control or drainage channel flowing into such area.

**Coastal Zoning Districts.** Any of the coastal zoning districts established by Article V (Coastal Zones – Permit Requirements and Development Standards), including:

C-ARP (Coastal, Agricultural Residential Planned)	C-CP (Coastal, Planned Commercial)
C-APZ (Coastal, Agricultural Production Zone)	C-H1 (Coastal, Limited Roadside Business)
C-RA (Coastal, Residential Agricultural)	C-VCR (Coastal, Village Commercial Residential)
C-R1 (Coastal, Single-Family Residence)	C-OA (Coastal, Open Area)
C-R2 (Coastal, Two-Family Residence)	C-RMPC (Coastal, Residential Multiple Planned Commercial)
C-RMP (Coastal, Residential Multiple Planned)	C-RCR (Coastal, Resort Commercial Recreation)
C-RSP (Coastal, Residential Single-Family Planned)	
C-RSPS (Coastal, Residential Single-Family Planned, Seadrift Subdivision)	

**Co-Located.** A telecommunications facility site where a structure contains antennas for more than one telecommunications service or service providers.

**Combining District.** A combining district is a supplementary zoning designation that is applied to property in addition to a primary zoning district to highlight special regulations that apply to properties within the combining district. The combining districts established by Section 22.06.020 (Zoning Districts Established), include -B (Minimum Lot Size), and -BFC (Bayfront Conservation).

**Commercial District or Zone.** Any of the commercial zoning districts established by Sections 22.06.020 (Zoning Districts Established), or Article V (Coastal Zones – Permit Requirements and Development Standards) including:

VCR (Village Commercial/Residential)	C-VCR (Coastal, Village Commercial/Residential)
RMPC (Residential/Commercial Multiple Planned)	C-RMPC (Coastal, Residential/Commercial Multiple Planned)
C1 (Retail Business)	C-H1 (Coastal, Limited Roadside Business)
CP (Planned Commercial)	C-CP (Coastal, Planned Commercial)
AP (Administrative and Professional)	C-RCR (Coastal, Resort and Commercial Recreation)
OP (Planned Office)	
H1 (Limited Roadside Business)	
RCR (Resort and Commercial Recreation)	

**Commercial Gardening (land use).** This land use consists of small-scale truck gardening, tree farming, and other similar agricultural production activities, where products are sold off-site.

**Commercial Parking and Vehicle Storage (land use).** This land use consists of service establishments in the business of storing operative cars, buses, recreational vehicles, and other motor vehicles for clients. Includes both day use and long-term public and commercial garages, parking lots and structures, except when accessory to a principal use. Includes sites where vehicles are stored for rental or leasing. All principal uses are considered to include any customer or public use off-street parking required by this Development Code. Does not include dismantling yards; see "Recycling, Scrap and Dismantling Yards."

**Commercial Recreational Facilities (coastal).** Facilities such as riding stables, chartered fishing boats, amusement or marine parks, operated for private profit.

**Commission.** See "Planning Commission."

**Common Interest Development.** A condominium, community apartment project, planned development or stock cooperative, as provided by California Civil Code Section 1351, where individually-owned housing units are located together on a parcel or within a building that is owned in common by all owners of individual units.

**Community Apartment Project.** A development in which an undivided interest in land is coupled with the right of exclusive occupancy of any apartment located thereon; as defined in Business and Professions Code Section 11004 and Civil Code Section 1351(d).

**Community Centers (land use).** This land use consists of multi-purpose meeting and recreational facilities, typically consisting of one or more meeting or multi-purpose rooms, kitchen and/or outdoor barbecue facilities, that are available for use by various groups for such activities as meetings, parties, receptions, dances, etc.

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

**Community Plan.** A planning document which sets forth goals, objectives, policies, and programs to address specific issues related to a particular unincorporated community. Community Plans are considered part of the Marin Countywide Plan.

**Completeness Determination.** The review of a land use permit application and all supporting materials to determine whether the submittal includes all information and materials required by the Agency.

**Concrete, Gypsum, and Plaster Products (land use).** This land use consists of the manufacture of bulk concrete, concrete building block, brick and all types of precast and prefab concrete products. Also includes ready-mix concrete batch plants, lime manufacturing, and the manufacture of gypsum products, such as plasterboard. A retail ready-mix concrete operation as an incidental use in conjunction with a building materials outlet is defined under "Building Material Stores."

**Conditional Use (coastal).** A land use allowed in the applicable zoning district by Article 5 (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]

**Conditions, Covenants, and Restrictions (CC&Rs).** A declaration recorded with the title to a parcel that may establish private provisions governing how a property shall be held, conveyed, encumbered, leased, rented, used, occupied, and/or improved. CC&Rs are not administered or enforced by the County.

**Condominium.** As defined by Civil Code Section 1351.f, a development where undivided interest in common in a portion of real property is coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded final map, parcel map, or condominium plan. The area within the boundaries may be filled with air, earth, or water, or any combination, and need not be physically attached to any land except by easements for access and, if necessary, support.

**Construction Equipment Sales (land use).** This land use consists of the retail sale or rental of heavy construction equipment, including cranes, earth moving equipment, heavy trucks, etc.

**Construction Yard (land use).** This land use consists of the outdoor storage of vehicles and large equipment, or other materials commonly used in the construction business; storage of scrap materials

used for repair and maintenance of construction equipment; and buildings or structures for uses including offices and repair facilities.

**Contiguous Properties.** For the purposes of Chapter 22.92 (Merger of Parcels), all adjoining land owned or controlled by the applicant, the property lines of which touch or join at more than one point, or the property lines of which are separated only by a public or private street, road or other public or private right-of-way, or separated only by other land owned by the applicant.

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

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

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

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

**County.** The County of Marin, State of California, referred to in this Development Code as "the County."

**County Boundary.** The boundary of the unincorporated limits of the County of Marin.

**County Code.** The Marin County Code.

**Countywide Plan.** The Marin Countywide Plan, including all of its elements and amendments, and all Community Plans, as adopted by the Board of Supervisors under the provisions of the Government Code (Sections 65300 et seq.), and referred to in this Development Code as the "Countywide Plan."

**Coverage.** See "Site Coverage."

**Crop Production (land use).** This land use consists of commercial agricultural field and orchard uses, including production of:

- field crops
- flowers and seeds
- fruits
- grains
- melons
- ornamental crops
- tree nuts
- trees and sod
- vegetables

Also includes associated crop preparation services and harvesting activities, such as mechanical soil preparation, irrigation system construction, spraying, crop harvesting, and sales in the field not involving a permanent structure.

**Cumulatively (coastal).** The incremental effects of an individual project reviewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

#### D. Definitions, "D."

**DBH.** See "Diameter at breast height"

**Dairy Operations (land use).** This land use consists of specialized and intensive commercial animal facilities for the raising and keeping of dairy animals, including facilities for milking.

**Demolition.** The act of tearing down, removing, or replacing an existing building, structure, or other physical improvement.

**Density.** The number of dwellings per acre of lot area, unless otherwise stated, for residential uses.

**Density Bonus.** An increase in the number of dwelling units over the base density.

**Design Review.** See Chapter 22.42 (Design Review).

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

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

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

**Development Code.** The Marin County Development Code, Title 22 of the Marin County Code, referred to herein as "this Development Code."

**Development Permit.** See "Land Use Permit."

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

**Diameter at Breast Height (DBH).** DBH means the diameter of a tree trunk measured in inches at a height of 4.5 feet above ground while standing on level ground or from the uphill side of the tree. If a tree splits into multiple trunks below 4.5 feet, the trunk is measured at its most narrow point beneath the split.

**Director.** The Director of the Marin County Community Development Agency or designee of the Director, referred to throughout this Development Code as "Director."

**Disabled.** A person with: (1) a physical or mental impairment which substantially limits one or more of a person's major life activities; (2) a record of having such an impairment; or (3) being regarded as having such an impairment.

**Disaster (coastal).** Any situation in which the force or forces which destroy a structure were beyond the control of its owner. (Adapted from Public Resources Code Section 30610(g)(2)(A))

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

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

**Disruption (coastal).** Disruption of habitat values occurs when the physical habitat is significantly altered or when species diversity or the abundance or viability of species populations is reduced. The type of the proposed development, the particulars of its design, and location in relation to the habitat area, will affect the determination of disruption.

**Domestic Water Use (coastal).** Domestic water use is approved, potable water used for indoor and outdoor household and other non-residential purposes including drinking, cooking, personal hygiene, irrigation and the general operation of plumbing fixtures.

**Dripline.** A vertical line extending from the outermost edge of the tree canopy to the ground.

**Drive-in and Drive-thru Sales (land use).** This land use consists of the retail sale of food or other products to motorists who do not leave their vehicles to complete their purchases. Examples of facilities included under this land use are fast-food restaurants, drive-through photo processing facilities, coffee sales, dairy product stores, pharmacies, etc.

**Drive-in and Drive-thru Services (land use).** This land use consists of services provided to motorists who do not leave their vehicles to obtain the services. Examples of facilities included under this land use are drive-up bank teller windows, dry cleaners, etc. Does not include: automatic teller machines (ATMs) or automobile service stations, which are separately defined; or car washes (see "Repair and Maintenance - Vehicle").

**Driveway.** A vehicular access across private property, extending from an improved street to a building site.

**Dune (coastal).** Ridges or mounds of loose, wind-blown material, usually sand. A dune structure often has a back and foredune area. Stable dunes are often colonized by vegetation.

**Dwelling, or Dwelling Unit.** A room or group of internally connected rooms that have sleeping, food preparation, eating, and sanitation facilities, but not more than one kitchen, which constitute an independent housekeeping unit, occupied by or intended for one household on a long-term basis. Types of dwellings include single-family dwellings, two-family dwellings, multi-family dwellings, mobile homes, condominiums and townhouses, floating homes, and independent living units for the elderly.

**E. Definitions, "E."**

**Easement, Conservation or Scenic.** A grant of partial title from a landowner to a public or nonprofit agency for the purpose of protecting on-site environmental resources or scenic features by limiting the future development of the property.

**Economic Life (coastal).** A period of at least 100 years.

**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.

**Electrical and Electronic Equipment, Instruments (land use).** This land use consists of the manufacture of manufacturing machinery, apparatus, and supplies for the generation, storage, transmission, transformation and use of electrical energy. Examples of these products include:

- appliances including stoves/ovens, refrigerators, freezers, laundry equipment, fans, vacuum cleaners, sewing machines
- aviation instruments
- computers, computer components, peripherals
- electrical transmission and distribution equipment
- electronic components and accessories, semiconductors, integrated circuits, related devices
- electrical welding apparatus
- lighting and wiring equipment such as lamps and fixtures, wiring devices, vehicle lighting
- industrial controls, instruments for measurement, testing, analysis and control, associated sensors and accessories, miscellaneous electrical machinery, equipment and supplies such as batteries, X-ray apparatus and tubes, electromedical and electrotherapeutic apparatus, electrical equipment for internal combustion engines
- motors and generators
- optical instruments and lenses
- photographic equipment and supplies
- radio and television receiving equipment
- surgical, medical and dental instruments, equipment, and supplies
- storage media, blank and pre-recorded, including magnetic, magneto-optical, and optical products such as compact disks (CDs), computer diskettes and hard drives, digital versatile disks (DVDs), magnetic tape products, phonograph records, etc.
- surveying and drafting instruments
- telephone and telegraph apparatus
- transformers, switch gear and switchboards
- watches and clocks

Does not include testing laboratories (soils, materials testing, etc.) (see "Business Support Services"), or research and development facilities separate from manufacturing (see "Research and Development").

**Emergency.** A sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss of, or damage to life, health, property, or essential public services.

**Employee Housing.** An accessory residential dwelling unit located in a commercial building on a parcel having a primary commercial land use and occupied by an employee of the commercial use on

the same property or a family member who is actively engaged in such commercial use.

**Endangered Species.** An Endangered Species is an animal or plant species in danger of extinction throughout all or a significant portion of its range, as determined by the U.S. Fish and Wildlife Service or National Oceanic and Atmospheric Administration consistent with the Endangered Species Act of 1973, or as designated by the California Department of Fish and Game Wildlife consistent with the California Endangered Species Act.

[BOS app. 10/2/2012, 11/13/2012]

**Energy Production Facility (coastal).** Any public or private processing, producing, generating, storing, transmitting, or recovering facility for renewable or non-renewable energy resources, electricity, natural gas, petroleum, coals, solar or wind conversion, wave and tidal energy, biogas, or other source of energy.

**Environmental Impact Report (EIR).** An informational document in compliance with the California Environmental Quality Act (CEQA). Please refer to CEQA Section 21061 for a complete definition of an EIR.

**Environmental Impact Statement (EIS).** An informational document that analyzes a project's significant environmental effects and identifies mitigation measures and reasonable alternatives, in compliance with the National Environmental Policy Act (NEPA).

**Environmentally Sensitive Habitat Area (ESHA) (coastal).** Areas in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. ESHAs include wetlands, coastal streams and riparian vegetation, and habitats of plant and animal species listed under the Federal or California Endangered Species Act and existing populations of the plants listed as 1b or 2 by the California Native Plant Society.

The ESHAs in the County of Marin are habitats that are essential for the specific feeding, cover, reproduction, water, and activity pattern requirements of existing populations of special status species of plants and animals, as designated by the California Department of Fish and Game and identified in the California Natural Diversity Database. In addition, ESHAs include existing populations of the plants listed as 1b or 2 by the California Native Plant Society and the following terrestrial communities that are identified in the California Natural Diversity Database:

- A. Central dune scrub
- B. Coastal terrace prairie
- C. Serpentine bunchgrass
- D. Northern maritime chaparral

Wetlands, estuaries, lakes and portions of open coastal waters are considered ESHAs. Coastal streams and the riparian vegetation surrounding them are considered ESHAs.

[BOS app. 10/2/2012, 11/13/2012, 1/15/2013]

**Environmentally Sensitive Habitat Area (ESHA), Terrestrial (coastal).** Includes non-aquatic ESHA, including habitats of plant and animal species listed under the Federal or California Endangered Species Act and existing populations of the plants listed as 1b or 2 by the California Native Plant Society; coastal dunes; groves of trees that provide colonial nesting and roosting habitat for butterflies or other wildlife; and riparian vegetation that is associated with an ephemeral watercourse. Does not include "Stream (coastal)" or "Wetland (coastal)". See also, "Environmentally Sensitive Habitat Area (ESHA)(coastal)" and "Riparian Vegetation (coastal)".

[BOS app. 1/15/2013]

**Equestrian Facilities (land use).** This land use consists of the commercial keeping of horses, donkeys, and mules in facilities, including:

- horse ranches

- boarding stables
- riding schools and academies
- horse exhibition facilities
- pack stations

This land use includes barns, stables, corrals, and paddocks accessory and incidental to the above uses. Noncommercial facilities of this type are included in the definition of "Agricultural Accessory Structures." This land use does not include the boarding of up to five horses on property in the ARP, C-ARP and C-APZ zones as indicated in Standard 5 of Table 3-7 (General Requirements for the Keeping of Large Animals).

**ESHA (coastal)** – See “Environmentally Sensitive Habitat Area”

**Estuarine Habitats.** A habitat made up of a mixture of fresh and salt waters.

**Estuary (coastal).** A coastal water body, usually semi-enclosed by land, having open, partially obstructed, or intermittent exchange with the open ocean, and in which ocean water is at least occasionally diluted by freshwater from the land. The salinity level may be periodically increased to above that of the open ocean due to evaporation. The mean high tide line shall be defined as the statistical mean of all the high tides over the cyclical period of 18.6 years, and shall be determined by reference to the records and elevations of tidal benchmarks established by the National Ocean Survey. In areas where observations covering a period of 18.6 years are not available, a determination may be made based on observations covering a shorter period, provided they are corrected to a mean value by comparison with observations made at some suitably located control tide station.

**Existing (coastal).** Extant at the time that a particular Coastal Permit application is accepted for filing.

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

**Existing Structure (coastal).** A structure that is legal or legal non-conforming. For the purpose of implementing LCP policies regarding shoreline protective devices, a structure in existence since May 13, 1982.

**Exotic Animals.** Non-domesticated animals that are carnivorous, poisonous, or not native to North America, commonly displayed in zoos as per Chapter 8.04 of the Marin County Code.

**F. Definitions, "F."**

**Factor of Safety (coastal).** The quotient of the forces tending to resist a potential landslide divided by the forces tending to drive a potential landslide.

**Family.** One or more persons occupying a dwelling and living as a single, domestic housekeeping unit, as distinguished from a group occupying a hotel or motel, club, fraternity or sorority house.

**Farm Equipment and Supplies Sales (land use).** This land use consists of the retail sale, rental, or repair of agricultural machinery, equipment, and supplies for use in soil preparation and maintenance, the planting and harvesting of crops, and other operations and processes pertaining to farming and ranching.

**Farm Worker Housing.** See "Agricultural Worker Housing."

**Farmer's Markets (land use).** This land use consists of the temporary and/or occasional outdoor retail sale of farm produce from vehicles or temporary stands, located within a parking lot, or a public right-of-way (where authorized by encroachment permit).

**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.

**Feasible.** That which is capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

**Fill (coastal).** Earth or any other substance or material, including pilings placed for the purpose of placing structures thereon, placed in a submerged area. Also, a deposit of earth material placed by artificial means; any act by which earth, sand, gravel, rock, or any other material is placed, pushed, dumped, pulled, transported, or moved to a new location above the natural surface of the ground, on top of the stripped surface, or in a submerged area.

**Final Map.** A subdivision map prepared in compliance with Subdivision Map Act, Article 2, Chapter 2, and approved in compliance with Subdivision Map Act, Article 4, Chapter 3.

**Fire Inspector.** A person empowered by the chief of a fire department to inspect property for fire safe landscape, wildland management or fire protection.

**Fish Hatcheries and Game Reserves (land use).** This land use consists of commercial fish hatcheries, rearing ponds, aquaculture, fish and game preserves, and game propagation. (See "Mariculture" for shellfish, kelp, algae, etc.)

**Flag lot.** See "Lot or Parcel."

**Floating Home (land use).** This land use consists of any boat, craft, living accommodation, or structure supported by means of flotation, designed to be used without a permanent foundation, that is used or intended for human habitation.

**Floating Home Adjustment Permit.** See Chapter 22.46 (Floating Home Adjustments and Deviations).

**Floating Home Architectural Deviation.** See Chapter 22.46 (Floating Home Adjustments and Deviations).

**Floating Home Fairway.** An area of water within a floating home marina that is used exclusively for access to other waters for vessels permanently moored in the floating home marina. A fairway shall not be used for the permanent mooring of any vessel or for piers, docks, ramps, walkways or other exit ways.

**Floating Home Marina (land use).** This land use consists of a facility that contains one or more berthing spaces for floating homes.

**Flood Hazard Zone (coastal).** Geographic areas defined by the Federal Emergency Management Agency according to varying levels of flood risk which are depicted on a community's Flood Insurance Rate Map (FIRM). Flood Hazard Zones with a "V" designation are located in coastal areas which have a one percent or greater chance of annual flooding and an additional hazard associated with storm waves (also referred to as the "V Zone").

**Flood Velocity Zone (coastal).** See "Flood Hazard Zone."

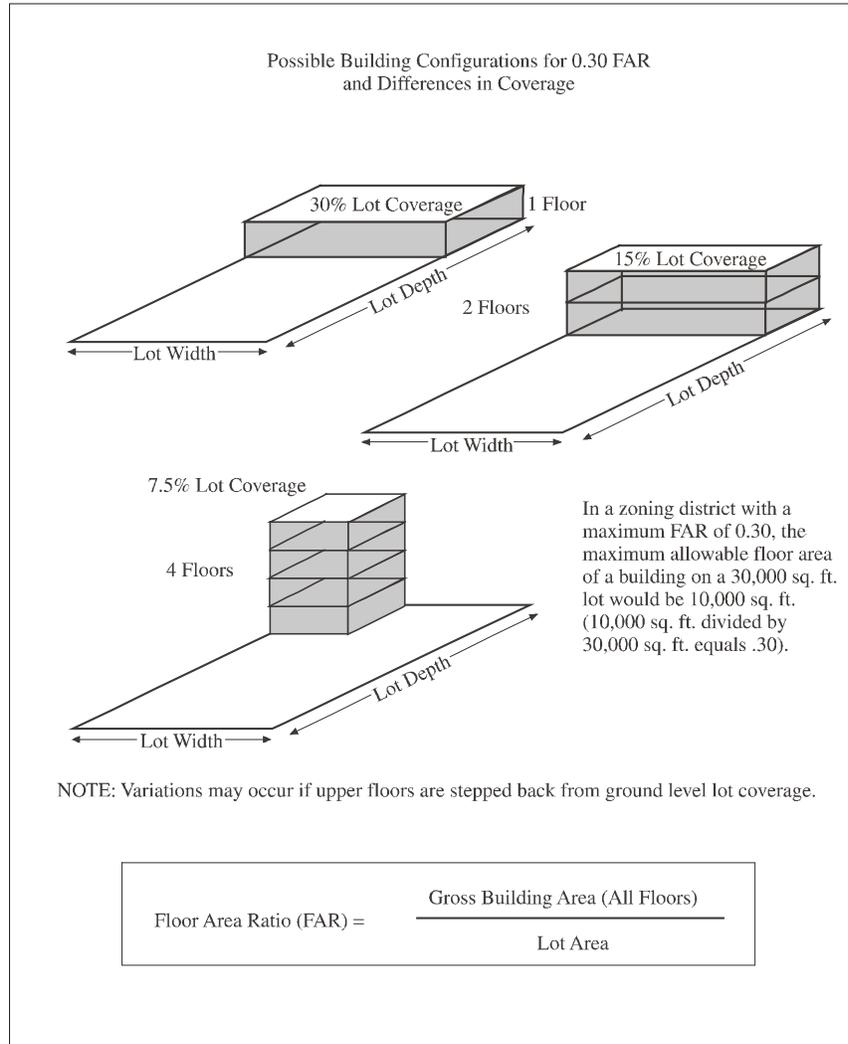
**Floor Area.** Except as specified by the Tamalpais Area Community Plan, the sum of the gross area of all floors in all buildings on a site, measured from the exterior faces of the exterior walls, including enclosed understory, basement, and attic space that can be easily converted to living area, but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

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

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

**Floor Area Ratio (FAR).** The total floor area of all buildings on a lot, divided by the area of that lot. For example, a building with 3,000 square feet of floor area on a 10,000 square foot lot has a FAR of 0.30. See Figure 8-1 (Floor Area Ratio).

**FIGURE 8-1  
FLOOR AREA RATIO**



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

**Food Products (land use).** This land use consists of the manufacture of or processing foods for human consumption, and certain other related products. Examples of the products included in this land use are:

- bakery products
- candy, sugar and confectionery products
- catering services separate from stores or restaurants
- dairy products
- fats and oil products
- fruit and vegetable canning, preserving, related processing
- grain mill products and by-products
- meat, poultry, and seafood canning, curing, byproduct processing
- miscellaneous food item preparation from raw products

Does not include: bakeries which sell all products on site (see "Retail Stores, General Merchandise"); beer brewing as part of a brew pub, bar or restaurant (see "Bars and Drinking Places"); beverage production other than dairy products (see "Beverage Production"); slaughterhouses and rendering plants (see "Slaughterhouses and Rendering Plants"); or operations on crops after harvest (see "Agricultural Processing Uses").

**Footprint.** The horizontal surface area covered by a structure.

**Forestry (coastal).** The practice of cultivating, managing, using, and conserving forests.

**Front Wall.** The wall of the building or other structure nearest the street upon which the building faces.

**Front Wall (Signs).** For the purposes of Chapter 22.28 (Signs), the front wall is the wall of a structure that contains the primary entrance or entrances to the premises. If there are entrances in more than one wall, the longest of the walls in which primary entrances are located shall be the front wall. The front wall includes not only the wall itself, but all doors, windows, and other openings and projections. See Figure 8-2.

**Frontage.** See "Lot Frontage."

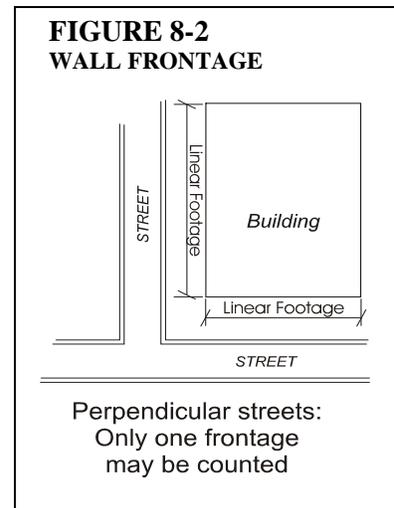
**Fuel and Ice Dealers (land use).** This land use consists of the retail sale to consumers of ice, bottled water, fuel oil, butane, propane and liquefied petroleum gas (LPG), bottled or in bulk, as a principal use.

**Fully Protected Species.** Fully Protected species is a classification of fish, amphibians, reptiles, birds and mammals established by the California Department of Fish and Game prior to the Federal Endangered Species Act of 1973, to identify and provide additional protection to those animals that were rare or faced possible extinction at the time. Fully Protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except for collecting these species for necessary scientific research and relocation of the bird species for the protection of livestock. Species provided this classification are listed under the California Fish and Game Code Sections 3511, 4700, 5050, and 5515, however some of the listed species names are no longer consistent with current scientific nomenclature.

**Functional Capacity (coastal).** The ability of a habitat to be self-sustaining and to maintain natural species diversity or special-status species.

**Furniture and Fixtures Manufacturing (land use).** This land use consists of the manufacture of products including:

- bedsprings and mattresses
- drapery hardware
- household appliances
- lockers
- office furniture
- partitions
- shades
- shelving
- store furniture
- window blinds
- wood and metal household furniture



Includes wood and cabinet shops, but not sawmills or planing mills, which are instead included under "Lumber and Wood Products."

**Furniture, Furnishings and Equipment Stores (land use).** This land use consists of the retail sale of products including:

- draperies
- floor coverings
- furniture
- glass and chinaware
- home furnishings
- home sound systems
- large musical instruments
- lawn furniture
- movable spas and hot tubs
- office furniture
- other household electrical and gas appliances
- outdoor furniture
- refrigerators
- stoves
- televisions

**G. Definitions, "G."**

**Garage, Carport, or Car Deck.** See "Parking Structure."

**General Plan.** See "Marin Countywide Plan."

**Glass Products (land use).** This land use consists of the manufacture of flat glass and other glass products that are pressed, blown, or shaped from glass produced in the same establishment. Does not include artisan and craftsman type operations of a larger scale than home occupations; see "Handcraft Industries and Small Scale Manufacturing."

**Golf Courses/Country Clubs (land use).** This land use consists of golf courses, and accessory facilities and uses including: clubhouses with bar and restaurant, locker and shower facilities; driving ranges; "pro shops" for on-site sales of golfing equipment and clothing; and golf cart storage and sales facilities.

**Grade.** The ground elevation used as the basis for measurement of allowed structure height. Grade shall be the elevation of the natural or finished grade at the exterior surface of the structure, whichever is more restrictive, and the elevation of the natural grade within the footprint of the structure.

**Grading (coastal) – Any excavation, stripping, cutting, filling, or stockpiling of soil material, or any combination thereof that exceeds 150 cubic yards of material. As used in this Development Code, grading does not include plowing, tilling, harrowing, aerating, disking, planting, seeding, weeding, fertilizing or other similar routine agricultural cultivation practices.**

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**Grantee/Grantor Index.** The index to real property transfer transactions maintained by the Marin County Recorder.

**Group Homes (land use).** This land use consists of a dwelling unit licensed or supervised by any federal, state, or local health/welfare agency which provides 24-hour nonmedical care of unrelated persons who are not disabled but are in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual in a family-like environment. Includes: children's homes; rehabilitation centers; self-help group homes. Medical care may be provided in conjunction with group homes that provide alcoholism or drug abuse recovery or treatment services. Convalescent homes, nursing homes and similar facilities providing medical care are included under the definition of "Medical Services - Extended Care."

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

**H. Definitions, "H."**

**Handcraft Industries, Small-Scale Manufacturing (land use).** This land use consists of the manufacture of products not classified in another major manufacturing group, including: jewelry; musical instruments; toys; sporting and athletic goods; pens, pencils, and other office and artists' materials; buttons, costume novelties, miscellaneous notions; brooms and brushes; and other miscellaneous manufacturing industries.

**Harbors (land use).** This land use consists of facilities providing a full range of services related to: commercial and recreational fishing; fisheries and hatcheries; seafood processing; ship and boat building and repair; marine hardware sales and service; petroleum storage and handling; boat storage and miscellaneous storage activities. Facilities primarily oriented toward recreational activities are included under the definition of "Marinas."

**Hazardous Waste Facility.** A state-licensed facility for the temporary storage and/or processing of hazardous waste.

**Health/Fitness Facilities (land use).** This land use consists of fitness centers, gymnasiums, health and athletic clubs including sauna, spa or hot tub facilities; tennis, handball, racquetball, archery and shooting ranges and other sports activities.

**Health Officer.** The Marin County Health Officer.

**Height, Structure (coastal).** The vertical distance from grade to the highest point of a structure. Maximum height shall be measured as the vertical distance from grade to an imaginary plane located the allowed number of feet above and parallel to the grade. The maximum height of buildings located in areas subject to tidal action shall be measured from MSL. Any structure built prior to April 8, 1980 shall be exempt from becoming nonconforming with respect to height. The height measurement for structures within Seadrift Subdivision in the special Flood Hazard (V-zone) shall be measured according to the requirements of LCP Policy C-EH-11.

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

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

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

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

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

**Holiday Product Sales.** See "Outdoor Retail Sales, Temporary."

**Home Occupation (land use).** This land use consists of the conduct of a business within a dwelling, or within an accessory building located on the same site as the dwelling, employing the occupant of the dwelling, with the business activity being subordinate to the residential use of the property. See Section 22.32.100 (Home Occupations).

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

**Homestay (coastal).** See “Agricultural Homestay Facility.”

**Horses, Donkeys, Mules, Ponies (land use).** This land use consists of the raising or keeping of horses, donkeys, mules, and/or ponies for domestic/recreational or agricultural purposes.

**Hotel or Motel (land use).** This land use consists of facilities with guest rooms and/or suites, provided with or without meals or kitchen facilities, rented to the general public for overnight or other temporary lodging (less than 30 days). Hotels provide access to most guest rooms from an interior walkway. Motels provide access to most guest rooms from an exterior walkway. Also includes accessory guest facilities such as swimming pools, tennis courts, indoor athletic facilities, accessory retail uses, etc.

**Household Income.** The gross annual household income considering household size, income of all wage earners, elderly or disabled family members, and all other sources of household income.

**Household Pets (land use).** This land use consists of the keeping of cats, dogs, and other domesticated animals, determined by the Director to be comparable based on factors including size, sanitation requirements, odor, noise, etc., accessory and incidental to a residential use.

**Housing Authority.** The Marin County Housing Authority, a nonprofit public corporation.

**Housing Costs.** The monthly mortgage principal and interest, property taxes, homeowners insurance, and condominium fees, where applicable, for ownership units; and the monthly rent for rental units.

**Housing Director.** The Executive Director of the Marin County Housing Authority.

**Housing Project.** A development of housing units at one location, including all units for which permits have been applied for or approved within a 12-month period.

**HUD.** The United States Department of Housing and Urban Development, or its successor.

**Hunting and Fishing Clubs - Private (land use).** This land use consists of hunting of wildlife, fishing, and accessory structures where such activities are undertaken by the property owner(s) and their guests without a fee being charged.

**Hunting and Fishing Clubs - Public (land use).** This land use consists of hunting of wildlife, fishing, and accessory structures where such activities are undertaken by guests or members of the public for a fee.

**I. Definitions, "I."**

**Immediate Family (coastal).** A person's spouse, registered domestic partner, child, stepchild, parent, stepparent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse, child, stepchild or guardian of any of those persons.

**Impoundments and Diversions.** Impoundments and diversions refers to alterations in stream flows through holding or diverting water supply.

**Including.** Means "including but not limited to . . ."

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

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

- a. Moderate income, 80 to 120 percent of area median income.
- b. Low income, 50 to 60 percent of area median income.
- c. Very low income, 30 to 50 percent of area median income.
- d. Extremely low income, 30 percent and less of area median income.

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

**Indoor Recreation Centers (land use).** This land use consists of facilities providing indoor amusement/entertainment services for a fee or admission charge, such as:

- bowling alleys
- card rooms
- coin-operated amusement arcades
- dance halls, clubs and ballrooms
- electronic game arcades
- ice skating and roller skating rinks
- pool and billiard rooms

Five or more electronic games or coin-operated amusements in any establishment is considered an electronic game arcade as described above. Four or less machines are not considered a land use separate from the primary use of the site.

**Infant.** An infant is a child less than 12 months of age.

**Initial Study.** A preliminary analysis to determine whether an Environmental Impact Report (EIR) or a Negative Declaration must be prepared, and to identify any significant environmental effects that are to either be mitigated or further analyzed.

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

**Institutional Structure, or Use.** A publicly-owned structure accommodating a public facility; or a private structure designed and operated as a church, hospital, school, or similar facility

**Intergenerational Home (coastal).** In the C-APZ land use designation and zoning district, a dwelling unit allowed in addition to otherwise permitted development for residence exclusively by members of the farm operator's or owner's immediate family, where this home is not subdivided from the primary agricultural parcel.

**J. Definitions, "J."**

**Junk.** Materials that characterize junk typically include automotive parts, vehicle body parts, inoperable vehicles, household furniture, appliances, household trash, building materials, scrap wood, scrap metal, and machine parts.

**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.

**K. Definitions, "K."**

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

**Kitchen.** See "Food Preparation Facilities."

**L. Definitions, "L."**

**Lagoon (coastal).** A shallow body of water, such as a pond or lake, usually located near or connected to the sea.

**Lake (coastal).** A relatively large and deep confined perennial water body that is mapped by the USGS.

**Land Use.** The purpose for which land or a building thereon is occupied.

**Land Use Permit.** Any of the entitlements/approvals described by Article IV (Land Use and Development Permits), including Design Review, Floating Home Adjustment Permits, Use Permits, Temporary Use Permits, Tidelands Permits, Variances, Master Plans, or Precise Development Plans.

**Landscaped Area.** The entire planting area within a parcel affected by new plantings and supporting irrigation, excluding building footprints, paved driveways, parking areas, decks, patios, walkways and undisturbed natural areas. Water features are included in the landscaped area.

**Large Family Day Care Home (land use).** See "Child Day Care Facilities."

**Laundries and Dry Cleaning Plants (land use).** This land use consists of service facilities engaged primarily in high volume laundry and garment services, including: power laundries (family and commercial); garment pressing and dry cleaning; linen supply; diaper service; industrial laundries; and carpet and upholstery cleaners. Does not include coin-operated laundries or dry cleaning pick-up stores without dry cleaning equipment; see "Personal Services."

**LCP.** See "Local Coastal Program."

**Lead Agency.** The public agency which has the principal responsibility for carrying out or approving a project which may have a significant effect upon the environment.

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

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

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

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

**Libraries and Museums (land use).** This land use consists of public or quasi-public facilities including aquariums, arboretums, art exhibitions, botanical gardens, historic sites and exhibits, libraries, museums, and planetariums, which are generally non-commercial in nature.

**Liquor Store (land use).** A retail store offering beer, wine, and/or distilled spirits for off-premise consumption which either devotes 20% or more of the floor area or display area to, or derives 75% or more of gross sales receipts from, the sale of these products.

**Livestock Operations, Grazing (land use).** This land use consists of the raising or keeping of cattle, or other animals of similar size, where feed is provided primarily by grazing when on-site resources are available. Does not include the keeping of horses, donkeys, mules, or ponies, (see "Horses, Donkeys, Mules and Ponies").

**Livestock Operations, Large Animals (land use).** This land use consists of the raising or keeping of cattle, goats, ostriches, sheep, hogs, or other farm or exotic animals of similar size, in corrals or other similar enclosures. Does not include the keeping of horses, donkeys, mules, or ponies, (see "Horses, Donkeys, Mules and Ponies") or the grazing or pasturing of large animals on open rangeland (see "Livestock Operations, Grazing"). See also, "Dairy Operations."

**Livestock Operations, Sales/Feed Lots, Stockyards (land use).** This land use consists of specialized and intensive commercial animal facilities including animal sales yards, stockyards, and cattle feedlots. Feedlots are any site where cattle are held and maintained for the purposes of feeding/fattening, for market ~~or milking~~, and where at least 60 percent of the feed is imported or purchased. Does not include slaughterhouses or rendering plants; see "Slaughterhouses and Rendering Plants." See also, "Dairy Operations."

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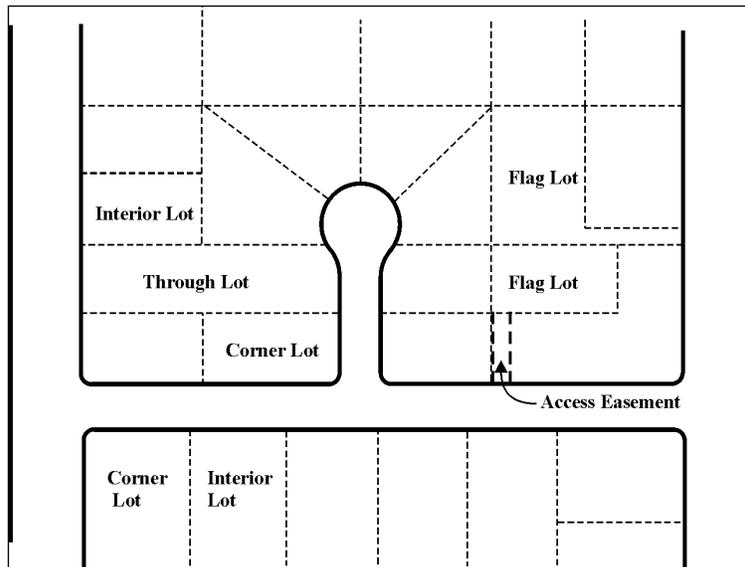
**Livestock Operations, Small Animals (land use).** This land use consists of the raising or keeping of up to 12 fowl and/or 12 rabbits or similar animals. Does not include hog raising, dairying or the raising or keeping for commercial purposes of cattle, horses, or similar livestock, as determined by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

**Local Coastal Program (LCP).** A document that consists of a Land Use Plan and relevant portions of the County's Development Code, zoning Ordinances and Zoning District maps prepared and adopted by the County and certified by the Coastal Commission in compliance with the California Coastal Act of 1976 (Division 20 of the Public Resources Code).

**Lot.** A legal lot of record. Types of lots include the following. See Figure 8-3 (Lot Types).

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

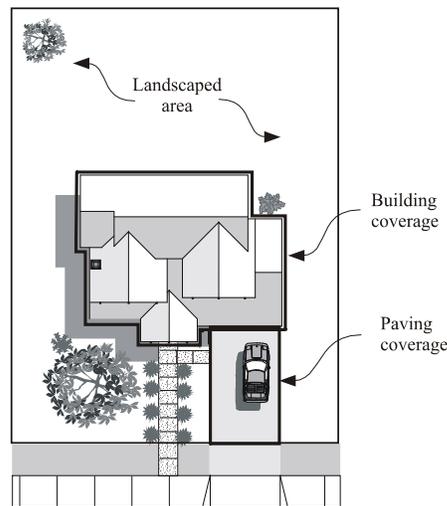
**FIGURE 8-3  
LOT TYPES**



**Lot Area.** Lot area is the total area included within the lot lines of a lot, exclusive of adjacent street rights of way and any portion of the property located below mean high tide that is subject to tidal action.

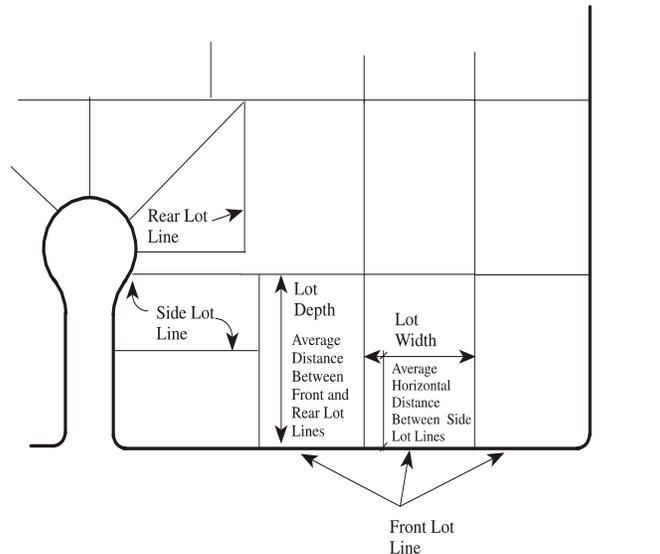
**Lot Coverage.** Lot coverage is the percentage of total site area occupied by structures, and paving for vehicle and pedestrian use. Structure/building coverage includes the primary structure, all accessory structures (e.g., carports, garages, patio covers, storage sheds, trash dumpster enclosures, etc.) and architectural features (e.g., chimneys, balconies, decks, porches, stairs, etc.). Structure/building coverage is measured from exterior wall to exterior wall. Paving coverage includes areas necessary for the ingress, egress, outdoor parking, and circulation of motor vehicles and pedestrians. See Figure 8-4 (Lot Coverage).

**FIGURE 8-4  
LOT COVERAGE**



**Lot Depth.** The average linear distance between the front and the rear lot lines or the intersection of the two side lot lines if there is no rear line. See Figure 8-5 (Lot Lines and Lot Features). The Director shall determine lot depth for parcels of irregular configuration.

**FIGURE 8-5  
LOT LINES AND LOT FEATURES**



**Lot Frontage.** The boundary of a lot adjacent to a public or private street right-of-way.

**Lot Line, or Property Line.** Any recorded boundary of a lot. Types of lot lines are as follows (see Figure 8-5 (Lot Lines and Lot Features)):

1. **Front Lot Line.** On an interior lot, the property line separating the parcel from the street. The front lot line on a corner lot is the property line bounding the street to which the property is addressed and the street from which access is taken. On a through lot, both lot lines are front lot lines and the lot is considered to have no rear lot line.
2. **Interior Lot Line.** Any lot line not abutting a street.
3. **Rear Lot Line.** A property line that does not intersect the front lot line, which is most distant from and most closely parallel to the front lot line.
4. **Side Lot Line.** Any lot line that is not a front or rear lot line.

**Lot Width.** The average horizontal distance between the side lot lines. See Figure 8-5 (Lot Lines and Lot Features). The Director shall determine lot width for parcels of irregular shape.

**Low Impact Development (LID):** A development site-design strategy with a goal of maintaining or reproducing the site's pre-development hydrologic functions of storage, infiltration, and groundwater recharge, as well as maintaining the volume and rate of stormwater discharges. Low Impact Development strategies use small-scale integrated and distributed management practices, including minimizing impervious surfaces, infiltrating stormwater close to its source, and preserving permeable soils and native vegetation.

**Low Income.** See "Income Qualifying Household"

**Lumber and Wood Products (land use).** This land use consists of the manufacture, processing, and sale of milled forest products, including rough and finished lumber and other wood materials for use in other manufacturing, craft, or construction processes. Includes the following processes and products:

- containers, pallets and skids
- milling operations
- trusses and structural beams
- turning and shaping of wood products
- wholesaling of basic wood products
- wood product assembly

Craft-type shops are included in "Handcraft Industries and Small-Scale Manufacturing." Other wood and cabinet shops are included under "Furniture and Fixture Manufacturing." The indoor retail sale of building materials, construction tools and equipment is included under "Building Material Stores."

**M. Definitions, "M."**

**Machinery Manufacturing (land use).** This land use consists of the manufacture of machinery and equipment for purposes and products including the following:

- |  |                                   |
|--|-----------------------------------|
| - bulldozers                             | - industrial furnaces and ovens   |
| - carburetors                            | - industrial molds                |
| - construction                           | - laundry and dry cleaning        |
| - conveyors                              | - materials handling              |
| - cranes                                 | - mining                          |
| - die casting                            | - oil field equipment             |
| - dies                                   | - paper manufacturing             |
| - dredging                               | - passenger and freight elevators |
| - engines and turbines                   | - pistons                         |
| - farm and garden                        | - printing                        |
| - food products manufacturing            | - pumps                           |
| - gear cutting                           | - refrigeration equipment         |
| - heating, ventilation, air conditioning | - textile manufacturing           |
| - industrial trucks and tractors         |                                   |

**Major Energy Facility (coastal).** Any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy that costs more than one hundred thousand dollars (\$100,000) with an automatic annual increase in accordance with the Engineering News Record Construction Cost Index, except for those governed by the provisions of Public Resources Code Section 30610, 30610.5, 30611 or 30624.

**Major Public Works Project (coastal).** This land use consists of: (1) Publicly financed recreational facilities that serve, affect, or otherwise impact regional or statewide use of the coast by increasing or decreasing public recreational opportunities or facilities; and (2) Facilities that cost more than one hundred thousand dollars (\$100,000) with an automatic annual increase in accordance with the Engineering News Record Construction Cost Index, except for those governed by the provisions of Public Resources Code Section 30610, 30610.5, 30611 or 30624 and that fall within one of the following categories:

- a) Production, storage, transmission, and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the California Public Utilities Commission, except for energy facilities;
- b) Public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires, and other related facilities;
- c) Projects of the State Coastal Conservancy and any development by a special district;
- d) Community college facilities.

**Major Vegetation (coastal).** Any vegetation on a beach or sand dune, within fifty feet of the edge of a coastal bluff, in an environmentally sensitive habitat area (ESHA) or its buffer, or heritage trees and vegetation that is visually prominent and a significant part of the viewshed. Agricultural croplands and pastures and nonnative ornamental vegetation are not considered to be major vegetation. The removal of vegetation for defensible space, including the pruning and maintenance of understory vegetation

within 100 feet of a building or structure, the maintenance of trees and removal of trees less than 6 inches in DBH (diameter at breast height) within 100 feet of a building or structure, and the removal of vegetation within 100 feet of a power pole and/or transmission line by a public agency or their representative do not constitute removal or harvesting of major vegetation.

**Map Act.** See "Subdivision Map Act."

**Mariculture (land use).** This land use consists of the culture and husbandry of aquatic organisms including shellfish, mollusks, crustaceans, kelp, and algae. (See "Fish Hatcheries and Game Reserves," for activities related to fish.)

**Marin Countywide Plan.** The Marin Countywide Plan, including all its elements and all amendments, adopted as the General Plan by the Board of Supervisors under the provisions of Government Code Sections 65300 et seq.

**Marinas (land use).** This land use consists of recreationally-oriented small craft harbors that may include mooring and launching facilities and accessory facilities for boat servicing. Mooring, launching, and service facilities oriented primarily toward the needs of commercial fishing are included under the definition of "Harbors." Marinas accommodating floating homes are defined as "Floating Home Marinas."

**Marine Environment (coastal).** The marine environment consists of the ocean, the high-energy coastline, and bays, inlets, lagoons, and estuaries subject to the tides. Marine habitats are affected by the waves and currents of the open ocean and the water regimes are determined primarily by the ebb and flow of oceanic tides.

**Master Plan.** See Chapter 22.44 (Master Plans and Precise Development Plans).

**Medical Services - Clinics and Laboratories (land use).** This land use consists of businesses primarily engaged in furnishing outpatient medical, mental health, surgical and other personal health services, but which are separate from hospitals, including:

- health management organizations (HMOs)
- medical and dental laboratories
- medical, dental and psychiatric offices
- out-patient care facilities
- other allied health services

Counseling services by other than medical doctors or psychiatrists are included under "Offices."

**Medical Services – Extended Care (land use).** This land use consists of the provision of nursing and health-related care as a principal use, with in-patient beds. This land use includes: board and care homes; convalescent and rest homes; extended care facilities; and skilled nursing facilities that are licensed or supervised by any federal, state, or local health/welfare agency. Long-term personal care facilities that do not emphasize medical treatment are included under "Residential Care Facilities," and "Group Homes."

**Medical Services - Hospitals (land use).** This land use consists of the provision of diagnostic services and extensive medical treatment, including surgical and other related services. These establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care services. May include on-site accessory clinics and laboratories, accessory retail uses and emergency heliports (see the separate definition of "Accessory Retail Uses").

**Membership Organization Facilities (land use).** This land use consists of permanent headquarters and meeting facilities for organizations operating on a membership basis for the promotion of the interests of the members, including facilities for:

- business associations
- civic, social and fraternal organizations
- country clubs (golf courses separately defined)
- labor unions and similar organizations
- political organizations
- professional membership organizations
- other membership organizations

**Metal Fabrication, Machine and Welding Shops (land use).** This land use consists of the assembly of metal parts, including the following uses that produce metal duct work, tanks, towers, cabinets and enclosures, metal doors and gates, and similar products.

- blacksmith and welding shops
- sheet metal shops
- machine shops and boiler shops

**Mezzanine.** An intermediate floor placed within any story or room. If the total floor area of a mezzanine is more than one-third of the total floor area of the room, it shall be considered an additional story.

**Mineral Resource Extraction (land use).** This land use consists of the extraction from the ground of hydrocarbons, gravel, or sand resources, or other commercial surface mining or underground mining and processing activity. Oil and gas well drilling, geothermal wells, production operations and related facilities are not permitted.

**Mini Mart.** A convenience retail store on the site of a service station, which typically sells food products and other products serving the needs of travelers.

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

**Minor.** Any person under 18 years of age.

**Mixed Use.** An existing or proposed development that includes more than one type of land use.

**Mobile Home.** A trailer, transportable in one or more sections, that is certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, which is over eight feet in width and 40 feet in length, with or without a permanent foundation and not including recreational vehicle, commercial coach or factory-built housing. A mobile home on a permanent foundation is included under the definition of "Single-Family Dwellings."

**Mobile Home Park (land use).** This land use consists of any site that is planned and improved to accommodate two or more mobile homes used for residential purposes, or on which two or more mobile home lots are rented, leased, or held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate mobile homes used for residential purposes.

**Moor.** The fixing of a vessel in one location, temporarily or permanently, by mooring, anchoring, grounding, or any other means.

**Motel.** See "Hotel or Motel."

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

**Mutual Water Company.** A state-licensed water purveyor providing domestic water to multiple residences, where the owners of property being served are shareholders in the company.

**N. Definitions, "N."**

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

**Native Tree.** Any tree in the list "Trees Native to Marin County," maintained and provided by the Marin County Community Development Agency.

**Native Tree Removal.** Generally means the destruction of any protected tree or the alteration of any protected tree which may adversely affect the health and survival of the tree. Includes "removal of a tree." Routine trimming and pruning is not considered tree removal for the purpose of this Chapter.

**Natural Disaster.** Any situation in which the force or forces which destroyed a structure were beyond the control of the owner, including fire, flood, storm, explosion, landslide, earthquake, or other similar conditions.

**Nature Preserves (land use).** This land use consists of sites with environmental resources intended to be preserved in their natural state.

**Negative Declaration.** A written statement describing the reasons that a proposed project that is not otherwise exempt from the California Environmental Quality Act (CEQA) will not have a significant adverse effect on the environment and, therefore, does not require the preparation of an Environmental Impact Report (EIR). Please refer to CEQA Guidelines Section 15369.5 for a complete definition of a Negative Declaration.

**New Development (coastal).** For purposes of applying Section 30212 of the Coastal Act, new development consists of any development other than the following:

- (1) Replacement of any structure pursuant to the provisions of subdivision (g) of Section 30610
- (2) The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.
- (3) Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.
- (4) The reconstruction or repair of any seawall; provided, however, that the reconstructed or repaired seawall is not seaward of the location of the former structure.
- (5) Any repair or maintenance activity for which the Coastal Commission has determined by regulation, pursuant to Section 30610, that a coastal development permit will be required unless the Coastal Commission determines that the activity will have an adverse impact on lateral public access along the beach.

As used here "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

**Nonconforming Lot.** A lot of record that was legally created, but does not conform with this Development Code because the lot is of a size, shape, or configuration no longer allowed in the zoning district that applies to the site, as a result of the adoption of, or amendments to this Development Code.

**Nonconforming Structure.** A structure that was legally constructed, but does not conform with this Development Code because amendments to this Development Code or the previous Marin County Zoning Ordinance made the structure nonconforming in its size, location on its site, separation from other structures, number of parking spaces provided, or other features.

**Nonconforming Use.** A use of land, and/or within a structure, that was legally established, but does not conform with this Development Code because the use is no longer allowed in the zoning district that applies to the site, as a result of amendments to this Development Code or the previous Marin County Zoning Ordinance.

**O. Definitions, "O."**

**Oak Woodland Management Guidelines.** The Oak Woodland Management Guidelines adopted by the Board and on file with the Agency.

**Occupancy.** The use or operation of a site or structure for an approved land use.

**Off-Road Vehicle Courses (land use).** This land use consists of areas set aside for the use of off-road vehicles, including dirt bikes, motorcycles, and four-wheel drive vehicles. Does not include sports assembly facilities (see "Sports Facilities and Outdoor Public Assembly"), or simple access roads that are usable only by four-wheel or two-wheel drive vehicles in conjunction with a permitted land use.

**Off-Site Product.** A product that is produced on property other than the site where it is offered for sale.

**Offices, Business (land use).** This land use consists of the provision of direct services to consumers. This land use includes establishments such as insurance agencies, real estate offices, and post offices (not including bulk mailing distribution centers, which are included under "Vehicle and Freight Terminals").

Does not include: medical offices (see "Medical Services - Clinics and Laboratories"); or offices that are incidental and accessory to another business or sales activity that is the principal use. Incidental offices that are customarily accessory to another use are allowed as part of an approved principal use.

**Offices, Professional (land use).** This land use consists of professional or government offices including:

- |   |  |
|---|--|
| - accounting, auditing and bookkeeping services               | - educational, scientific and research organizations                       |
| - advertising agencies  | - employment, stenographic, secretarial and word processing services       |
| - architectural, engineering, planning and surveying services | - government offices including agency and administrative office facilities |
| - attorneys   | - management, public relations and consulting services                     |
| - counseling services   | - photography and commercial art studios                                   |
| - court reporting services                                    | - writers and artists offices outside the home                             |
| - data processing and computer services                       |  |
| - detective agencies and similar services                     |  |

Does not include: medical offices (see "Medical Services - Clinics and Laboratories") or offices that are incidental and accessory to another business or sales activity that is the principal use. Incidental offices that are customarily accessory to another use are allowed as part of an approved principal use.

**Offices, Property Management (land use).** This land use consists of accessory offices on the site of an apartment complex, mobile home park, or commercial facility, for the purpose of providing tenant services.

**Offices, Temporary (land use).** This land use consists of a mobile home, recreational vehicle or modular unit used as a temporary office facility. Temporary Offices may include: construction supervision offices on a construction site or off-site construction yard; a temporary on-site real estate office for a development project; or a temporary business office in advance of permanent facility construction.

**Offices, Temporary Real Estate (land use).** This land use consists of the temporary use of a dwelling unit within a residential development project as a sales office for the units on the same site, which is converted to residential use at the conclusion of its office use.

**On-Site Product.** A product that is produced on the same property where it is offered for sale.

**Open Coastal Waters (coastal).** The marine environment in the Coastal Zone.

**Open Water.** In conjunction with a Floating Home Marina, a privately owned or controlled water area, which is devoid of any structure or appurtenances including mooring facilities for any vessels or piers, docks, ramps, walkways or other exit ways.

**Organizational Houses (land use).** This land use consists of residential lodging houses operated by membership organizations for their members and not open to the general public. Includes fraternity and sorority houses.

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

**Outdoor Commercial Recreation (land use).** This land use consists of facilities for various outdoor participant sports and types of recreation where a fee is charged for use, including:

- amusement and theme parks
- drive-in theaters
- go-cart and miniature auto race tracks
- golf driving ranges separate from golf courses
- health and athletic club outdoor facilities
- miniature golf courses
- skateboard parks
- swim and tennis clubs
- tennis courts
- water slides
- zoos

May also include commercial facilities customarily associated with the above outdoor commercial recreational uses, including bars and restaurants, fast-food restaurants, video game arcades, etc. Spectator facilities are included in the definition of "Sport Facilities and Outdoor Public Assembly."

**Outdoor Retail Sales and Activities (land use).** This land use consists of the outdoor retail sale or rental of autos and other vehicles and equipment, lumber, and other uses where the business is not conducted entirely within a structure.

**Outdoor Retail Sales, Temporary (land use).** This land use consists of the temporary outdoor retail sales activities, examples of which include:

- Christmas trees, pumpkins or the sale of other seasonal items
- semi-annual sales of art/handcrafted items in conjunction with community festivals or art shows
- sidewalk or parking lot sales longer than one weekend
- retail sales in temporary locations outside the public right-of-way

Farmer's markets are separately defined.

**P. Definitions, "P."**

**Paper Products (land use).** This land use consists of the manufacture of paper and paperboard, from both raw and recycled materials, and their conversion into products such as paper bags, boxes, envelopes, wallpaper, etc.

**Paper Street.** Any street, road, or public vehicular access, or portion thereof, shown on a subdivision map recorded prior to April 3, 1953, which is undeveloped and/or unimproved, excluding "driveways", as previously defined.

**Parcel.** A unit of real property.

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

**Parcel Map.** The subdivision map described by the Subdivision Map Act, Article 3, Chapter 2, which is required by Article VI (Subdivisions) of this Development Code to complete a subdivision of four or fewer lots.

**Parking Structure.** Parking space or shelter for automobiles or other vehicles.

1. A garage is an attached or detached accessory structure, which is enclosed on at least three sides;
2. A carport is an attached or detached accessory structure, which is enclosed on no more than two sides;
3. A car deck is an unenclosed and uncovered platform providing off-street parking spaces, normally constructed at the street level of a sloping lot.

**Parks and Playgrounds (land use).** This land use consists of public parks, play lots, playgrounds, and athletic fields for non-commercial neighborhood or community use, including tennis courts. If privately-owned, the same facilities are included under the definition of "Private Residential Recreation Facilities." See also "Golf Courses/Country Clubs," "Outdoor Commercial Recreation," and "Sport Facilities and Outdoor Public Assembly."

**Paving and Roofing Materials (land use).** This land use consists of the manufacture of various common paving and petroleum-based roofing materials, including bulk asphalt, paving blocks made of asphalt, creosote wood and various compositions of asphalt and tar. The manufacture of wood roofing materials (shingles, shakes, etc.) is included under "Lumber and Wood Products."

**Permitted Use.** A land use allowed by Article II (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.

**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]

**Person.** Any natural person, partnership, cooperative association, private corporation, public corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

**Personal Services (land use).** This land use consists of the provision of non-medically related services. Examples of facilities included in this land use include: beauty and barber shops; clothing rental; dry cleaning pick-up stores; laundromats (self-service laundries); psychic readers; shoe repair shops; tanning salons. These uses may also include accessory retail sales of products related to the services provided.

**Pipelines and Utility Lines (land use).** This land use consists of transportation facilities for the conveyance of water or commodities other than petroleum. Also includes pipeline surface and terminal facilities, including pump stations, bulk stations, surge and storage tanks. Utility lines include facilities for the transmission of electrical energy for sale, including transmission lines for a public utility company. Also includes telephone, telegraph, cable television and other communications transmission facilities utilizing direct physical conduits. Does not include offices or service centers (see "Offices"), or distribution substations (see "Public Utility Facilities").

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

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

**Planning Commission.** The Marin County Planning Commission, appointed by the Board of Supervisors as provided by Government Code Section 65101, and Title 2 of the Marin County Code, referred to throughout this Development Code as the "Commission."

**Plant Nurseries (land use).** This land use consists of the commercial production of ornamental plants and other nursery products, grown under cover or outdoors. May include establishments engaged in the sale of such products, and commercial scale greenhouses. The sale of house plants or other nursery products is also included under "Retail Stores, General Merchandise." Home greenhouses are included under "Residential Accessory Uses and Structures."

**Plastics and Rubber Products (land use).** This land use consists of the manufacture of rubber products such as: tires; rubber footwear; mechanical rubber goods; heels and soles; flooring; and other rubber products from natural, synthetic or reclaimed rubber. Also includes establishments engaged primarily in manufacturing tires. Also includes: establishments engaged in molding primary plastics for other manufacturers, and manufacturing miscellaneous finished plastics products; fiberglass manufacturing, and fiberglass application services. Establishments engaged primarily in recapping and retreading automobile tires are classified in "Auto, Mobile home, Vehicle and Supplies Sales."

**Playground.** See "Parks and Playgrounds."

**Poster Board.** A sign consisting of a framed or unframed surface, freestanding or attached to a wall or fence or other structure, designed and located only for the display of announcements of coming performances of cultural, educational, and athletic events.

**Precise Development Plan.** See Chapter 22.44 (Master Plans and Precise Development Plans).

**Premise(s).** The site of a land use or activity subject to the requirements of this Development Code.

**Prescriptive Rights (coastal).** Public rights that are acquired over private lands through use as defined by California law.

**Primary Structure.** See "Structure, primary."

**Primary Zoning District.** One of the agricultural, residential, commercial, or special purpose zoning districts established by Sections 22.06.020 (Zoning Districts Established) and Article V (Coastal Zones – Permit Requirements and Development Standards), that is applied to a site by the Zoning Map in addition to one or more of the combining districts established by Section 22.06.020.

**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]

**Principal Structure (coastal).** The primary use or structure on the property.

**Printing and Publishing (land use).** This land use consists of printing by letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying, and other "quick printing" services; and other establishments serving the printing trade such as bookbinding, typesetting, engraving, photoengraving and electrotyping. This use also includes establishments that publish newspapers, books and periodicals; and establishments manufacturing business forms and binding devices.

**Private Residential Recreation Facilities (land use).** This land use consists of privately-owned, non-commercial outdoor recreation facilities provided for members or project/neighborhood residents, including swim and tennis clubs, park and sport court facilities. Does not include golf courses/country clubs, which are separately defined.

**Private Road.** A street or right-of-way owned and maintained by a private person(s) or entity(ies).

**Project.** See "Development, or Project."

**Property Line.** See "Lot Line or Property Line."

**Proposed Parcel(s).** Each separate parcel shown on a tentative map or lot line adjustment, as proposed by an applicant.

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

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

Coast redwood	<i>Sequoia sempervirens</i>	10 inches	30 inches
Douglas-fir	<i>Pseudotsuga menziesii</i>	10 inches	30 inches
Giant Chinquapin	<i>Castanopsis chrysophylla</i>	10 inches	30 inches
Hawthorn	<i>Crataegus douglasii</i>	10 inches	30 inches
Mountain-mahogany	<i>Cercocarpus betuloides</i>	10 inches	30 inches
Narrow leaved willow	<i>Salix exigua</i>	6 inches	18 inches
Oak	<i>Q. parvula</i> var. <i>shrevei</i>	6 inches	18 inches
Oregon ash	<i>Fraxinus latifolia</i>	10 inches	30 inches
Oregon oak	<i>Q. garryana</i>	6 inches	18 inches
Pacific madrone	<i>Arbutus menziesii</i>	6 inches	
Pacific yew	<i>Taxus brevifolia</i>	10 inches	30 inches
Red alder	<i>A. rubra</i>	10 inches	30 inches
Red elderberry	<i>Sambucus callicarpa</i>	10 inches	30 inches
Red willow	<i>S. laevigata</i>	6 inches	18 inches
Sargent cypress	<i>Cupressus sargentii</i>	6 inches	18 inches
Scoulier's willow	<i>S. scouleriana</i>	6 inches	18 inches
Service-berry	<i>Amelanchier alnifolia</i>	10 inches	30 inches
Shining willow	<i>S. lucida</i> ssp. <i>lasiandra</i>	6 inches	18 inches
Silk tassel	<i>Garrya elliptica</i>	10 inches	30 inches
Sitka willow	<i>S. sitchensis</i>	6 inches	18 inches
Tanbark oak	<i>Lithocarpus densiflorus</i>	10 inches	30 inches
Valley oak	<i>Q. lobata</i>	6 inches	18 inches
Wax myrtle	<i>Myrica californica</i>	10 inches	30 inches
White alder	<i>Alnus rhombifolia</i>	10 inches	30 inches

**Public Access Deed Restriction (coastal).** A legal document that places responsibilities upon the landowner relative to public use within a specifically defined area of the property, in order to allow for a public accessway.

**Public Access Offer to Dedicate (OTD) (coastal).** A legal document that offers an easement across private land for a future public accessway. In order to effectuate the OTD and open the accessway or stairway for public use, it must be accepted for management by a responsible agency and then improved, if necessary, and opened.

**Public Road.** A street or highway owned and maintained by the County, a City, the State, or the federal government.

**Public Safety/Service Facilities (land use).** This land use consists of facilities operated by public agencies including fire stations, other fire prevention and firefighting facilities, police and sheriff substations and headquarters, including interim incarceration facilities, and civic buildings.

**Public Utility Facilities (land use).** This land use consists of fixed-base structures and facilities serving as junction points for transferring utility services from one transmission voltage to another or to local distribution and service voltages. These uses include any of the following facilities that are not exempted from land use permit requirements by Government Code Section 53091:

- corporation and maintenance yards
- electrical substations and switching stations
- natural gas regulating and distribution facilities
- public water system wells, treatment plants and storage
- telephone switching facilities
- wastewater treatment plants, settling ponds and disposal fields

These uses do not include office or customer service centers (classified in "Offices").

**Q. Definitions, "Q."**

**Quarry.** See "Surface Mining."

**R. Definitions, "R."**

**Recreational Vehicle (RV).** A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, originally designed for human habitation for recreational, emergency, or other occupancy, which meets all of the following criteria:

1. It contains less than 320 square feet of internal living room area, excluding built-in equipment, including wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms;
2. It contains 400 square feet or less of gross area measured at maximum horizontal projections;
3. It is built on a single chassis; and
4. It is either self-propelled, truck-mounted, or permanently towable on the highways without a towing permit.

**Recreational Vehicle Park (land use).** This land use consists of a site where one or more lots are used, or are intended to be used, by campers with recreational vehicles or tents. Recreational vehicle parks may include public restrooms, water, sewer, and electric hookups to each lot and are intended as a higher density, more intensively developed use than campgrounds. May include accessory retail uses where they are clearly incidental and intended to serve RV park patrons only.

**Recycling Facilities (land use).** This land use type includes a variety of facilities involved with the collection, sorting and processing of recyclable materials.

1. **Mobile Recycling Unit.** An automobile, truck, trailer, or van used for the collection of recyclable materials, and carrying bins, boxes, or other containers for such materials.
2. **Processing Facility.** A structure or enclosed space used for the collection and processing of recyclable materials for shipment, or to an end-user's specifications, by such means as baling, briquetting, cleaning, compacting, crushing, flattening, grinding, mechanical sorting, remanufacturing and shredding. Processing facilities include the following types, both of which are included under the definition of "Scrap and Dismantling Yards:"
  - a. Light processing facility occupies an area of under 45,000 square feet of collection, processing and storage area, and averages two outbound truck shipments each day. Light processing facilities are limited to baling, briquetting, compacting, crushing, grinding, shredding and sorting of source separated recyclable materials sufficient to qualify as a certified processing facility. A light processing facility shall not shred, compact, or bale ferrous metals other than food and beverage containers; and
  - b. A heavy processing facility is any processing facility other than a light processing facility.
3. **Recycling Facility.** A center for the collection and/or processing of recyclable materials. A "certified" recycling or processing facility is certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986. A recycling facility does not include storage containers located on a residentially, commercially or industrially designated site used solely for the recycling of material generated on the site. See "Collection Facility" above.
4. **Recycling or Recyclable Material.** Reusable domestic containers and other materials which can be reconstituted, remanufactured, or reused in an altered form, including glass, metals, paper and plastic. Recyclable material does not include refuse or hazardous materials.
5. **Reverse Vending Machine.** An automated mechanical device which accepts at least one or more types of empty beverage containers and issues a cash refund or a redeemable credit slip

with a value not less than the container's redemption value, as determined by state law. These vending machines may accept aluminum cans, glass and plastic bottles, and other containers.

A bulk reverse vending machine is a reverse vending machine that is larger than 50 square feet, is designed to accept more than one container at a time, and issues a cash refund based on total weight instead of by container.

**6. Scrap and Dismantling Yards.** See "Junk Yard."

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

**Religious Places of Worship (land use).** This land use consists of religious facilities operated by organizations for worship, or the promotion of religious activities, including:

- churches
- synagogues
- mosques
- religious schools

Includes accessory uses on the same site, such as living quarters for ministers and staff, and child day care facilities where authorized by the same type of land use permit required for the religious facility itself. Does not include other establishments maintained by religious organizations, such as full-time educational institutions, hospitals and other potentially related operations (such as a recreational camp), which are defined under their respective activities.

**Religious Residential Retreat (land use).** This land use consists of convents, monasteries, and other facilities where members of religious organizations set themselves apart from the external community for short- or long-term periods to participate in worship and other religious activities.

**Repair and Maintenance - Consumer Products (land use).** This land use consists of the repair of consumer products as the principal business activity. Examples of establishments included in this land use are: electrical repair shops; television and radio and other appliance repair; watch, clock and jewelry repair; re-upholstery and furniture repair. Does not include shoe repair (see "Personal Services"), or businesses serving the repair needs of heavy equipment (see "Business Support Services").

**Repair and Maintenance - Vehicle (land use).** This land use generally consists of the repair, alteration, restoration, towing, painting, cleaning (including self-service and attended car washes), or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a principal use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This use includes major and minor facilities. Major vehicle repair facilities deal with entire vehicles. Minor facilities specialize in limited aspects of repair and maintenance (i.e., muffler and radiator shops, quick-lube, etc.).

Includes tire recapping establishments. Does not include automobile parking (see "Commercial Parking and Vehicle Storage"), repair shops that are part of a vehicle dealership on the same site (see "Auto, Mobile home, Vehicle and Parts Sales"); automobile service stations, which are separately defined; or automobile dismantling yards, which are included under "Recycling, Scrap and Dismantling Yards."

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

**Research and Development (land use).** This land use consists of scientific research, and the design, development and testing of computer software, and electrical, electronic, magnetic, optical and mechanical components in advance of product manufacturing, not associated with a manufacturing facility on the same site. Includes chemical and biotechnology research and development. Does not include soils and other materials testing laboratories (see "Business Support Services"), or medical laboratories (see "Medical Services - Clinics and Labs").

**Residence.** See "Dwelling, or Dwelling Unit."

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

- garages
- gazebos
- greenhouses
- spas and hot tubs
- roof-mounted WECS
- solar collectors
- rainwater cisterns and collectors
- storage sheds
- studios
- swimming pools
- workshops

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

**Residential Care Facilities (land use).** This land use consists of a dwelling unit licensed or supervised by any federal, state, or local health/welfare agency which provides 24-hour nonmedical care of unrelated persons who are disabled and in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual in a family-like environment. This land use includes licensed senior care facilities. For purposes of calculating residential densities, a unit that contains a food preparation area is not counted as a separate residential unit if meal service is provided at least twice a day as part of the residential care component.

**Residential District or Zone.** This designation includes any of the residential zoning districts established by Sections 22.06.020 (Zoning Districts Established) and Article V (Coastal Zones – Permit Requirements and Development Standards), including:

- |  |  |
|--|--|
| RA (Residential, Agricultural)           | C-RA (Coastal, Residential, Agricultural)                                  |
| RR (Residential, Restricted)             | C-R1 (Coastal, Residential, Single-Family)                                 |
| RE (Residential, Estate)                 | C-RSP (Coastal, Residential, Single-Family Planned)                        |
| R1 (Residential, Single-Family)          | C-RSPS (Coastal, Residential, Single-Family Planned, Seadrift Subdivision) |
| RSP (Residential, Single-Family Planned) | C-R2 (Coastal, Residential, Two-Family)                                    |
| R2 (Residential, Two-Family)             | C-RMP (Coastal, Residential, Multiple Planned)                             |
| RMP (Residential, Multiple Planned)      |  |
| RX (Residential, Mobile Home Park)       |  |
| RF (Residential, Floating Home Marina)   |  |

**Residential Second Unit (land use).** This land use consists of a second permanent dwelling that is accessory to a primary dwelling on the same site. A residential second unit provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, food preparation, sanitation, and parking. The primary criterion for defining a second

unit shall be the existence of separate food preparation facilities which may include but are not limited to stove, oven, hot plate, refrigerator or sink. Also see Existing Residential Second Units.

**Restaurant (land use).** This land use consists of the retail sale of prepared food and beverages for on-site consumption. This Development Code distinguishes between restaurants (including cafes and coffee shops) designed to accommodate 40 or fewer patrons, more than 40 patrons, and restaurants that serve alcohol and/or provide live entertainment.

**Restaurant, Fast Food (land use).** This land use consists of restaurants where customers are served prepared food from a walk-up ordering counter, or drive-through window, for either on- or off-site consumption.

**Resubdivision.** Changing the street alignment, lot configuration, or drainage of an existing subdivision, except through the Lot Line Adjustment process described in Chapter 22.90 (Lot Line Adjustments).

**Retail Stores, General Merchandise (land use).** This land use consists the retail sale of many lines of merchandise. Examples of the types of merchandise, and stores included within this land use are:

- artists' supplies
- auto parts (not repair or machine shops)
- bakeries (retail only)
- bicycles
- books
- cameras and photographic supplies
- clothing and accessories
- department stores
- drug and discount stores
- dry goods
- fabrics and sewing supplies
- florists and houseplant stores
- garden supply stores and sale of houseplants and nursery products
- general stores
- grocery stores
- hardware
- hobby materials
- jewelry
- luggage and leather goods
- musical instruments, parts and accessories
- newsstands
- orthopedic supplies
- pet stores
- religious goods
- shoe stores
- small wares
- specialty shops
- sporting goods and equipment
- stationery
- toys and games
- variety stores

**Retail Stores, Visitor/Collector (land use).** This land use consists of the retail sale of products oriented primarily toward visitors to Marin County and/or collectors other than local resident populations. Examples of the stores and products included under this land uses are antiques, art galleries, gift, souvenir, and curio shops, and handcraft sales (stores may include crafting subordinate to sales).

**Retreat Rate.** The rate at which wave action and other erosion processes will cause a coastal bluff to erode.

**Review Authority.** The Board of Supervisors, Health Officer, Planning Commission, Zoning Administrator, or Community Development Director, where designated by this Development Code as

having the responsibility and authority to review, approve, or deny land use and development applications in compliance with this Development Code.

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

**Right-to-Farm Ordinance.** An ordinance that was adopted in compliance with the Marin Countywide Plan for the purpose of protecting existing or future agricultural uses.

**Riparian Vegetation (coastal).** Vegetation associated with a watercourse and relying on the higher level of water provided by the watercourse. Riparian vegetation can include trees, shrubs, and/or herbaceous plants. Woody riparian vegetation includes plants that have tough, fibrous stems and branches covered with bark and composed largely of cellulose and lignin. Herbaceous riparian vegetation includes grasses, sedges, rushes and forbs – broad-leaved plants that lack a woody skeleton.

**Room Rental (land use).** This land use consists of the rental of bedrooms within a dwelling or accessory structure, excluding a guest house, whether or not meals are provided. This use is subordinate to the primary residential use of the property.

**Rural Recreation (land use).** This land use consists of facilities for outdoor recreational activities including: outdoor archery, pistol, rifle, and skeet shooting ranges and clubs; rodeo facilities; guest ranches; and health resorts including outdoor hot springs or hot tub facilities. Hunting and fishing clubs are separately defined.

**S. Definitions, "S."**

**Sale of Agricultural Products (land use).** This land use consists of retail sales of agricultural products. Includes seasonal structures, such as roadside stands, which are open structures for retail sales, and permanent structures for year-round sales. Does not include hay, grain and feed sales (see "Farm Equipment and Supplies").

**SCA.** See "Stream Conservation Area."

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

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

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

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

Also includes facilities, institutions and conference centers that offer specialized programs in personal growth and development, such as fitness, environmental awareness, arts, communications, and management. Includes child day-care facilities where authorized by the same type of land use permit required for the school itself.

**Scrap.** See "Junk."

**Sea (coastal).** The Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through any connection with the Pacific Ocean, excluding non-estuarine rivers, streams, tributaries, creeks, and flood control and drainage channels. "Sea" does not include the area of jurisdiction of the San Francisco Bay Conservation and Development Commission, established pursuant to Title 7.2 (commencing with Section 66600) of the Government Code, including any river, stream, tributary, creek, or flood control or drainage channel flowing directly or indirectly into such area.

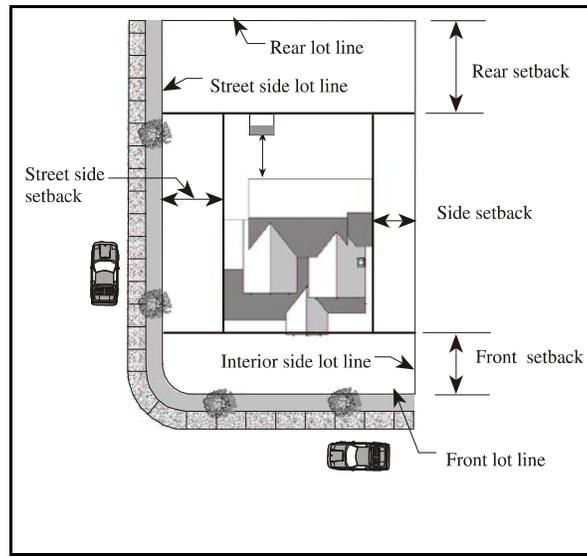
**Second Hand Stores (land use).** This land use consists of the purchase and retail sale of used products, including books, clothing, furniture and household goods. The sale of antiques is included under "Retail Stores, Visitor/Collector." The sale of cars and other used vehicles is included under "Auto, Mobile Home, Vehicle and Parts Sales."

**Second Unit (coastal).** See "Residential Second Unit"

**Septic System.** An on-site sewage disposal system consisting of a septic tank, and a soil infiltration leach field, evapotranspiration mound, or other approved disposal facility.

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

**FIGURE 8-6  
SETBACKS**



**Service Station (land use).** This land use consists of the retail sale of gasoline or other motor vehicle fuels, which may also include services incidental to fuel sales. These incidental services may include vehicle engine maintenance and repair, towing and trailer rental services. Does not include the storage or repair of wrecked or abandoned vehicles, vehicle painting, body or fender work, or the rental of vehicle storage or parking spaces.

**Sewage Disposal System (coastal).** See "Septic System"

**Shopping Center (land use).** This land use consists of structures with six or more independently operated retail uses whose combined gross floor area totals at least 20,000 square feet, and which are located on a site where any underlying separate lots are tied together by a binding legal agreement providing rights of reciprocal parking and access.

**Shore (coastal).** A narrow strip of land in immediate contact with the sea, including the zone between high and low water. A shore of unconsolidated material is usually called a beach.

**Shoreline (coastal).** The intersection of the ocean or sea with land; the line delineating the shoreline on National Ocean Service nautical charts and surveys approximates the mean low water line from the time the chart was prepared.

**Shoreline Protective Device (coastal).** A structure such as a seawall, revetment, riprap, or bulkhead built parallel to the shoreline for the purpose of protecting a structure or other upland property

**Sign.** Any display or device which is intended to or may, in the judgment of the Director, communicate an advertisement, announcement, direction, identity, or other message to attract, and/or distract, hold, direct, or focus the attention of, persons on public property or on private property generally open to members of the public. A sign shall include any moving part, lighting, sound equipment, framework, background material, structural support, or any other part. A display or device need not contain any lettering to be considered a sign.

**Sign Area.** Sign area consists of the message, background and any frame or outline and does not include any material used exclusively for structural support. Where a sign message has no background material or where the background is an undifferentiated wall, the area shall consist of the smallest convex shape which encompasses the total message. The area of a conic, cylindrical, spheric or multifaced sign shall be its maximum projection on the vertical plane (e.g., for a two-faced sign, only one side shall be measured).

**Significant Tobacco Retailer.** Any tobacco retailer engaged in the sale and/or distribution of tobacco products or paraphernalia to the general public, excluding wholesale businesses, that either devotes 20% or more of floor area or display area to, or derives 75% or more of gross sales receipts from, the sale or exchange of tobacco products and/or tobacco paraphernalia.

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

**Single-Family Residential Zoning District.** A zoning district listed in Articles II (Zoning Districts and Allowable Land Uses) and V (Coastal Zones - Permit Requirements and Allowable Land Uses) which allows single-family dwellings, but not two-family or multi-family dwellings. These zoning districts include:

RA (Residential, Agricultural)	C-RA (Coastal, Residential, Agricultural)
RR (Residential, Restricted)	C-R1 (Coastal, Residential, Single Family)
RE (Residential, Estate)	C-RSP (Coastal, Residential, Single-Family Planned)
R1 (Residential, Single-Family)	
RSP (Residential, Single-Family Planned)	C-RSPS (Coastal, Residential, Single-Family Planned, Seadrift Subdivision)
RX (Residential, Mobile Home Park)	
RF (Residential, Floating Home Marina)	A2B (Agriculture, Limited)

Districts zoned A for agricultural uses, other than those listed above, are not included in this definition.

**Site.** A lot or parcel, or adjoining lots or parcels under single ownership or single control, which is considered a unit for the purposes of development or other use.

**Site Coverage.** See "Lot Coverage."

**Site Restoration Program (coastal).** A site restoration program is a documented plan to restore or enhance the ecological quality of an area, which is prepared by a qualified specialist in biology. Site restoration programs must contain the following key components:

- A. A clear statement of the goals of the restoration for all habitat types. Characterization of the desired habitat, including an actual habitat, that can act both as a model for the restoration and as a reference site for developing success criteria.
- B. Sampling of reference habitat using the methods that will be applied to the restoration site with reporting of resultant data.
- C. Quantitative description of the chosen restoration site.
- D. Requirements for designation of a qualified restoration biologist as the Restoration Manager who will be personally responsible for all phases of the restoration.
- E. Prohibition on assignment of different phases of the restoration to different contractors without onsite supervision by the restoration manager.
- F. A specific grading plan if the topography must be altered.

- ~~G. A specific Erosion Control plan if soil or other substrate will be significantly disturbed during the course of the restoration.~~
- ~~H. A Weed Eradication Plan designed to eradicate existing weeds and to control future invasion by exotic species that is carried out by hand weeding and supervised by a restoration biologist.~~
- ~~I. A Planting plan that specifies detailed plant palette based on the natural habitat type that is the model for the restoration and using local native stock and requiring that if plants, cuttings, or seed are obtained from a nursery, the nursery must certify that they are of local origin and are not cultivars. The Planting plan should provide specifications for preparation of nursery stock and include technical details of planting methods (e.g., spacing, *mycorrhizal* inoculation, etc.)~~
- ~~J. An Irrigation Plan that describes the method and timing of watering and ensures removal of watering infrastructure by the end of the monitoring period.~~
- ~~K. An Interim Monitoring Plan that includes maintenance and remediation activities, interim performance goals, assessment methods, and schedule.~~
- ~~L. A Final Monitoring Plan to determine whether the restoration has been successful that specifies:~~
- ~~a. A basis for selection of the performance criteria~~
  - ~~b. Types of performance criteria,~~
  - ~~c. Procedure for judging success,~~
  - ~~d. Formal sampling design,~~
  - ~~e. Sample size,~~
  - ~~f. Approval of a final report, and~~
  - ~~g. Provision for possible further action if monitoring indicates that initial restoration has failed.~~
- ~~M. An ongoing Repair and Maintenance Plan.~~  
~~[BOS app. 10/2/2012]~~

**Skilled Nursing Facility.** A medical care facility providing care for physically or mentally disabled persons, where care is less than that provided by a hospital or other acute care facility. See "Medical Services - Extended Care."

**Slaughterhouses and Rendering Plants.** Slaughterhouses are establishments primarily engaged in slaughtering cattle, hogs, sheep, lambs, calves, rabbits and fowl for meat to be sold or to be used on the same site in canning, curing and freezing, and in the making of sausage, lard, and other products. Rendering plants are engaged in the rendering of inedible stearin, grease, and tallow from animal fat, bones, and meat scraps.

**Slope.** The average slope of a lot expressed as a percent, which is calculated as follows:

$$S = (L \times I \times 100) / A$$

Where:

S	=	The average slope of natural ground expressed as a percent
I	=	The topographic contour interval in feet (i.e., 2-foot contour intervals, 5-foot contour intervals, etc.)
L	=	The sum of the length of the contour lines expressed in feet
A	=	The area of the lot expressed in square feet

This definition assumes that slope calculations are based on accurate topographic survey maps drawn to a scale of not less than one inch equals 100 feet, with contour lines at maximum 10-foot intervals for ground slope over 15 percent, and at five-foot intervals for ground slope of 15 percent or less.

**Slope Ordinance.** Minimum lot area requirements established based on slope. See Section 22.82.050 (Hillside Subdivision Design).

**Small Family Day-Care Homes (land use).** See "Child Day-Care Facilities."

**Snack Bar.** An area within a residence that accommodates small food preparation appliances, such as a toaster, microwave, and refrigerator and may include a small wetbar-type sink, but not a full-sized refrigerator, stove, or food preparation area. A snack bar is accessory to the primary food preparation facility within the residential unit and is not treated as a separate food preparation facility for purposes of calculating the residential density on the lot.

**Solar Energy System (coastal).** As used in the Marin County Local Coastal Program, "solar energy system" means either of the following:

- (1) Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electricity generation, or water heating.
- (2) Any structural design feature of a building, whose primary purpose is to provide for the collection, storage and distribution of solar energy for electricity generation, space heating or cooling, or water heating.

**Solid Waste.** Unwanted materials discarded by the occupants of homes and businesses, which may include recyclable materials.

**Special Purpose District or Zone.** Any of the special purpose zoning districts established by Section 22.06.020 (Zoning Districts Established), including PF (Public Facilities) and OA (Open Area); and by Section 22.62.030 (Coastal Zoning Districts Established), including the C-PF (Coastal, Public Facilities) zone as defined in Section 22.62.090 (Coastal Special Purpose and Combining Districts).

**Species of Special Concern.** As determined by the California Department of Fish and Game, a Species of Special Concern (SSC) is a species, subspecies, or distinct population of fish, amphibian, reptile, bird, or mammal native to California that currently satisfies one or more of the following (not necessarily mutually exclusive) criteria:

- a. is extirpated from the state or, in the case of birds, in its primary seasonal or breeding role;
- b. is listed as federally-, but not state-, threatened or endangered;
- c. meets the state definitions of threatened or endangered but has not formally been listed;
- d. is experiencing, or formerly experienced, serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for state threatened or endangered status;
- e. has naturally small populations exhibiting high susceptibility to risk from any factor(s), that if realized, could lead to declines that would qualify it for state threatened or endangered status.

**Specific Plan.** A detailed plan for the systematic implementation of the general plan, for all or part of the area covered by the general plan, as authorized by Government Code Sections 65450 et seq.

**Sport Facilities and Outdoor Public Assembly (land use).** This land use consists of indoor and outdoor facilities for spectator-oriented sports and other outdoor public assembly facilities for such activities as outdoor theater productions and concerts. These facilities include: amphitheaters; stadiums and coliseums; arenas and field houses; race tracks; motorcycle racing and drag strips; and other sports facilities that are considered commercial.

**State.** The State of California.

**Stealth Design.** A telecommunications facility that is designed or located in such a way that the facility is not readily recognizable as telecommunications equipment.

**Stock Cooperative.** A development defined by the Business and Professions Code, Section 11003.2 and the Civil Code, Section 1351.m, where a corporation is formed to hold title to improved real property and the shareholders of the corporation receive a right of exclusive occupancy in a portion of the real property.

**Stone and Cut Stone Products (land use).** This land use consists of the cutting, shaping, and finishing of marble, granite, slate, and other stone for building and miscellaneous uses. Also includes establishments engaged primarily in buying or selling partly finished monuments and tombstones.

**Stop Work Order.** A notice issued by the Building Official, or other designated official, that directs the property owner to cease work that was undertaken without proper permits.

**Storage, Accessory (land use).** This land use consists of the storage of various materials in support of a residential, commercial, or industrial land use on the same site, where the primary use of the site is not a storage facility.

**Storage, Personal Storage Facility (land use).** This land use consists of a structure or group of structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces and characterized by low parking demand.

**Story.** That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

**Story (floating home).** That portion of the superstructure located between the upper surface of any deck and the upper surface of the deck or ceiling next above.

**Stream (coastal).** See "Coastal Stream"

**Stream Bank (coastal).** The bank of a stream shall be defined as the watershed and relatively permanent elevation or acclivity at the outer line of the stream channel which separates the bed from the adjacent upland, whether valley or hill, and serves to confine the water within the bed and to preserve the course of the stream. In areas where a stream has no discernable bank, the boundary shall be measured from the line closest to the stream where riparian vegetation is permanently established. In areas where a stream has no discernable bank or riparian vegetation, the stream boundary shall be considered the stream's thalweg.

**Street.** A public right-of-way or access normally used for vehicular traffic, excluding vehicular driveways serving a single lot or parcel and trails or paths used for pedestrian access purposes only.

**Structural Alterations.** Any change in the supporting members of a building, including bearing walls, columns, beams or girders.

**Structural Clay and Pottery Products (land use).** This land use consists of the manufacture of brick and structural clay products, including pipe, china plumbing fixtures, and vitreous china articles, fine

earthenware and porcelain products. Artist/craftsman uses are included in "Cottage Industries," "Handcraft Industries and Small Scale Manufacturing," "Home Occupations."

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

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

**(Coastal)** In the Coastal Zone, the following additional improvements are considered to meet the definition of a "structure:" a road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

**Structure, Accessory.** See "Accessory Structures."

**Structure, Primary.** A structure in which the principal use of the site is conducted. On sites with multiple structures, the Director shall determine which is the primary structure based on zoning, use, floor area, owner occupancy, etc.

**Studios for Art, Dance, Music, Photography, etc. (land use).** This land use consists of the provision of individual and group instruction and training in: the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; and martial arts training studios.

**Subdivider.** A person, firm, corporation, partnership or association, a governmental agency, public entity or public utility, or the grantor to any such agency, entity, utility or subsidiary, who proposes to subdivide real property for themselves or for others, except employees and consultants or these persons or entities acting in this capacity.

**Subdivision.** The division, by any subdivider, of any unit or portion of land shown on the latest equalized Marin County assessment roll as a unit or contiguous units, for the purpose of sale, lease or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement or railroad rights-of-way. Subdivision includes a condominium project, as defined in Section 1351.f of the Civil Code, and a community apartment project, as defined in Section 1351.d of the Civil Code.

**Subdivision Map.** A Tentative, Parcel or Final Map, as described in Article VI (Subdivisions).

**Subdivision Map Act.** Division 2, Title 7 of the California Government Code, commencing with Section 66410 as presently constituted, and any amendments to those provisions.

**Substantial Evidence (coastal).** Enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Argument, speculation, unsubstantiated opinion or narrative, or evidence which is clearly erroneous or inaccurate, does not constitute substantial evidence.

**Superstructure (floating home).** The portion of a floating home or ark above the lowest deck or the level of floatation.

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

**Surface Mining.** All or any part of the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine.

**T. Definitions, "T."**

**Telecommunications Facilities (land use).** This land use consists of public, commercial and private electromagnetic and photoelectrical transmission, broadcast, repeater and receiving stations and equipment, including:

- cellular telephone and personal communications services (PCS) facilities, and enhanced specialized mobile radio facilities
- commercial earth stations for satellite-based communications
- data network communications facilities
- radio and television broadcast facilities, including ham radio facilities
- telephone and telegraph microwave facilities

Includes antennas, microwave dishes or horns, structures or towers to support receiving and/or transmitting devices, accessory development and structures, and the land on which they are situated. Does not include telephone, telegraph and cable television transmission facilities utilizing hard-wired or direct cable connections (see "Pipelines and Utility Lines").

**Temporary Construction Yard.** A site for the storage of construction materials other than the construction site.

**Temporary Mobile Home (land use).** This land use consists of a mobile home used as a temporary residence during the construction of a permanent residence on the same site.

**Temporary Use Permit.** A discretionary land use permit that may be granted in compliance with Chapter 22.50 (Temporary Use Permits), which authorizes a specific use of land on a specific site for a limited time, subject to compliance with any conditions of approval imposed on the permit.

**Tennis and Other Recreational Uses (land use).** Non-commercial facilities constructed for private use on properties developed with homes or other residences. See also "Hotel/Motel", "Outdoor Commercial Recreation", Private Recreational Facility, and "Sports Facilities and Outdoor Public Assembly".

**Tentative Map.** A map made for the purpose of showing the design and improvement of a proposed subdivision and the existing conditions in and around it.

**Textile and Leather Products (land use).** This land use consists of any of the following manufacturing activities:

- coating, waterproofing, or otherwise treating fabric
- dyeing and finishing fiber, yarn, fabric, and knit apparel
- manufacture of knit apparel and other finished products from yarn
- manufacture of felt goods, lace goods, non-woven fabrics and miscellaneous textiles
- manufacturing of woven fabric, carpets and rugs from yarn
- preparation of fiber and subsequent manufacturing of yarn, threads, braids, and twine cordage
- upholstery manufacturing

**Thalweg (coastal).** A line connecting the lowest or deepest points along a stream bed or valley bottom

**Theaters and Meeting Halls (land use).** This land use consists of indoor facilities for public assembly and group entertainment, other than sporting events, including:

- civic theaters, meeting halls and facilities for "live" theater and concerts
- exhibition and convention halls
- meeting halls for rent
- motion picture theaters
- public and semi-public auditoriums
- similar public assembly uses

Does not include outdoor theaters, concert and similar entertainment facilities, and indoor and outdoor facilities for sporting events; see "Sport Facilities and Outdoor Public Assembly."

**Threatened Species.** A Threatened Species is an animal or plant species likely to become endangered within the foreseeable future throughout all or a significant portion of its range, as determined by the U.S. Fish and Wildlife Service or National Oceanic and Atmospheric Administration consistent with the Federal Endangered Species Act of 1973, or as designated by the California Department of Fish and Game Wildlife consistent with the California Endangered Species Act.

[BOS app. 10/2/2012, 11/13/2012]

**Tidelands.** All land and water areas that are below, or were at any time within a preceding 12-month period below the Mean High Tide line, and to contiguous land between that line, and either a point 100 feet inland or the nearest publicly maintained road, whichever is closer.

**Tidelands Permit.** A discretionary permit that may be granted in compliance with Chapter 22.52 (Tidelands Permits) of this Development Code, which may authorize fill, excavation, or structures within the tidelands of the County, subject to compliance with any conditions of approval imposed on the permit.

**Timber Harvesting.** The cutting of timber and/or removal of forest products for commercial purposes, together with all the work incidental to those operations, including road building, tree marking, hazard reduction, etc.

**Tobacco Paraphernalia.** Cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette-rolling machines, and any other item designed for the smoking, use or ingestion of tobacco products.

**Tobacco Products.** Any substance containing any tobacco leaf, including cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, and smokeless tobacco.

**Tobacco Retailer.** Any person who sells, offers for sale, or offers to exchange for any form of consideration, tobacco, tobacco products, and/or tobacco paraphernalia.

**Transfer of Development Rights (TDR).** The process established by Chapter 22.34 (Transfer of Development Rights), which allows some or all of the number of dwelling units potentially allowed by the zoning applicable to a "donor" site, to be transferred and built on another "receiving" site, in addition to the number of units potentially allowed by the zoning of the receiving site.

**Transit Stations and Terminals (land use).** This land use consists of passenger stations for vehicular, ferry, and rail mass transit systems; also terminal facilities providing maintenance and service for the vehicles operated in the transit system. Includes buses, taxis, railway, etc.

**Transit Stop Shelter (land use).** This land use consists of a small-scale covered waiting area for busses, taxis, and rail/mass transit stops.

**Transitional Housing.** Buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to

another eligible program recipient at some predetermined future point in time, which shall be no less than six months per Health and Safety Code section 50675.2(h).

**Two-Family Dwelling (land use).** This land use consists of detached residential structures under single ownership containing two dwellings. This land use does not include residential second units, which are separately defined.

**U. Definitions, "U."**

**Unincorporated Community.** A concentration of structures and population within the unincorporated areas of the County identified by the Countywide Plan as a community.

**Use.** The purpose for which land or a building thereon is designed, or for which it may be occupied. Each business, administrative, professional, industrial, or other establishment, which is separate from another establishment, both in fact and in the appearance presented to the public, shall be considered a separate use.

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

**V. Definitions, "V."**

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

**Variance.** See Chapter 22.54 (Variances).

**Vehicle and Freight Terminals (land use).** This land use consists of the provision of services incidental to air, motor freight, and rail transportation. Examples of these services and related facilities include:

- freight forwarding services
- freight terminal facilities
- joint terminal and service facilities
- packing, crating, inspection and weighing services
- postal service bulk mailing distribution centers
- transportation arrangement services
- trucking facilities, including transfer and storage

**Vermiculture (coastal).** The raising and production of earthworms and their by-products.

**Vessel.** Any watercraft of any type or size, including barges, ferry boats, yachts, houseboats, floating homes, and rafts.

**Vest.** To obtain a right by completing an action required by this Development Code.

**Vesting Tentative Map.** A map that is filed and processed in the same manner as a Tentative Map except as otherwise provided by Section 22.84.110 (Tentative Map Time Limits), or the Subdivision Map Act. A Vesting Tentative Map shall have the words "Vesting Tentative Map" printed conspicuously on its face at the time it is filed with the Agency.

**Veterinary Clinics and Animal Hospitals (land use).** This land use consists of office and entirely indoor medical treatment facilities used by veterinarians, including large and small animal veterinary clinics, and animal hospitals. See also, "Kennels and Animal Boarding."

**Visitor-Serving Facility.** Stores, shops, businesses, bed and breakfast inns, public and private recreational facilities that provide accommodations, food and services. Includes hotels and motels, campgrounds, parks, nature preserves, restaurants, and commercial recreational development such as shopping, eating and amusement areas which are used by the traveling public.

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

**Viticulture (coastal).** The cultivation of grapes.

**V-Zone (coastal).** See "Flood Hazard Zone."

**W. Definitions, "W."**

**Warehouse Retail Stores (land use).** This land use consists of the retail stores that emphasize the packaging and sale of products in large quantities or volumes, some at discounted prices, where products are typically displayed in their original shipping containers. Sites and buildings are usually large and industrial in character. Patrons may or may not be required to pay membership fees.

**Warehousing (land use).** This land use consists of facilities for the storage of farm products, furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include: warehouse, storage or mini-storage facilities offered for rent or lease to the general public (see "Storage, Personal Storage Facilities"); warehouse facilities in which the primary purpose of storage is for wholesaling and distribution (see "Wholesaling and Distribution"); or terminal facilities for handling freight (see "Vehicle and Freight Terminals").

**Waste Disposal Sites (land use).** This land use consists of County-approved or operated refuse dumps, sanitary landfills and other solid waste terminal disposal facilities, not including facilities for hazardous materials.

**Water Conservation Dams and Ponds (land use).** This land use consists of water impoundment reservoirs constructed for watering stock, groundwater recharge, and other conservation purposes.

**Watershed (coastal).** The geographical area drained by a river and its connecting tributaries into a common source. A watershed may, and often does, cover a very large geographical region.

**WECS (land use).** See "Wind Energy Conversion Systems (WECS)."

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

**Wetland (coastal).** Lands within the Coastal Zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens. "Wetland" shall be defined as:

- A. Land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats. For purposes of this section, the upland limit of a wetland shall be defined as:
  1. The boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover;
  2. The boundary between soil that is predominantly hydric and soil that is predominantly nonhydric; or
  3. In the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation, and land that is not.
- B. The term "wetland" shall not include wetland habitat created by the presence of and associated with agricultural ponds and reservoirs or by drainage ditches where:
  1. The pond or reservoir was in fact constructed by a farmer or rancher for agricultural purposes; and
  2. There is no evidence (e.g., aerial photographs, historical survey, etc.) showing that wetland habitat pre-dated the existence of the pond or reservoir. Areas with drained

- hydric soils that are no longer capable of supporting hydrophytes shall not be considered wetlands; or
3. The drainage ditch is a narrow (usually less than 5-feet wide), constructed nontidal ditch excavated from dry land, which is not a replacement for a natural drainage feature.

**Wholesaling and Distribution (land use).** This land use consists of establishments engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Includes such establishments as:

- agents, merchandise or commodity brokers, and commission merchants
- assemblers, buyers and associations engaged in the cooperative marketing of farm products
- merchant wholesalers
- stores primarily selling electrical, plumbing, heating and air conditioning supplies and equipment

**Wild Animal Ranches (land use).** This land use consists of the keeping or raising of wild animals for commercial agricultural purposes.

**Williamson Act.** Formally the California Land Conservation Act of 1965, this Act was designed as an incentive to retain prime agricultural land and open space in agricultural use, thereby slowing its conversion to urban and suburban development. The program entails a 10-year contract between the County and an owner of land whereby the land is taxed on the basis of its agricultural use rather than the market value. The land becomes subject to certain enforceable restrictions, and certain conditions need to be met prior to approval of an agreement.

**Wind Energy Conversion System (WECS) (land use).** This land use consists of a wind turbine, windmill, or similar machine, which converts the kinetic energy in the wind into a usable form. The WECS consists of all parts of the system, including the wind turbine tower and the transmission equipment.

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

- ~~1. *Small WECS.* This land use is defined as: (1) any small freestanding WECS up to 40 feet in total height above grade; or (2) a roof mounted WECS.~~
- ~~2. *Medium WECS (coastal).* This land use is defined as any freestanding WECS project between 40 feet and 100 feet in total height above grade.~~
- ~~3. *Large WECS (coastal).* This land use is defined as any WECS project greater than 100 feet in total height above grade.~~
- ~~4. *Freestanding WECS.* Any WECS project that is a self supporting, stand alone structure detached from any other type of structure.~~
- ~~5. *Roof Mounted WECS.* Any Small WECS project that is roof mounted, utilizes a horizontal axis wind turbine (HAWT) or a vertical axis wind turbine (VAWT), and does not exceed 10 feet in height above the roof line of the structure.~~

[BOS app. 2/26/2013]

**Wind Testing Facility (coastal).** Wind testing facilities are those facilities or structures that have been temporarily installed to measure wind speed and directions and collect other data relevant to siting WECS.



**X. Definitions, "X."** No definitions beginning with the letter "X" are used at this time.

**Y. Definitions, "Y."**

**Yard.** An area between a lot line and a setback, unobstructed and unoccupied from the ground upward, except for projections permitted by this Development Code. See Section 22.20.100 (Setback Requirements and Exceptions) and Figure 8-7 (Setbacks).

1. **Front Yard.** An area extending across the full width of the lot between the front lot line and the nearest line of the building.
2. **Rear Yard.** An area extending the full width of the lot between a rear lot line and the nearest line of the building.
3. **Side Yard.** An area extending from the front yard to the rear yard between the nearest side lot line and the nearest line of the building.
4. **Interior Yard.** An area between a lot line and the nearest line of the building that does not abut a street or right-of-way.

**Z. Definitions, "Z."**

**Zoning Administrator.** The employee of the Marin County Community Development Agency appointed by the Board of Supervisors as Zoning Administrator, with duties and authority as described in Section 22.110.040 (Zoning Administrator).

**Zoning Code.** Articles I through V, and VII through VIII of this Development Code.

**Zoning District.** An area identified on the County Zoning Map within which certain uses of land and structures are permitted, and regulations are specified by this Development Code. The zoning districts established by this Development Code are described in Sections 22.06.020 (Zoning Districts Established), and Article V (Coastal Zones – Permit Requirements and Development Standards).

**Zoning Map.** The official map or maps of Marin County that identify the specific zoning districts located in the unincorporated areas of the County. The Zoning Map is on file with the Marin County Community Development Agency.