

Marin County Aug. 4, 2015
Final Implementation Program (IP) for Agriculture Resubmittal Text

Notes:

1. CCC staff-proposed changes (in 4/2/2015 IP Staff Report including 4/15/15 Addendum) are shown in black, with ~~strikeout~~ and (single) underline.
2. CDA staff additions to CCC-proposed text are in blue, double-underlined.
3. CDA staff ~~deletions~~ of CCC-proposed text are in blue, italicized, and (single) ~~cross-out~~.
4. CDA staff additions to County-proposed text are shown in red with a double underline; deletions with a double ~~cross-out~~.
5. Comments in right margin show some key reasons for CDA changes.

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, and, within the C-APZ zone, or necessary for agricultural production, and may be allowed as a Principal Permitted Use, ~~or~~ Where applicable under Chapter 22.68 (Coastal Permit Requirements), agricultural accessory activities within the C-APZ zone 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, and, within the C-APZ zone, or necessary for agricultural production, and may be allowed as a Principal Permitted Use, ~~or~~ Where applicable under Chapter 22.68 (Coastal Permit Requirements), agricultural accessory structures within the C-APZ zone may be exempt from coastal permit requirements.

22.32.023 – Agricultural Homestays (Coastal)

The standards of this Section shall apply to agricultural homestays defined in Section 22.130.030.

(Coastal) ~~Agricultural Homestays are subject to the requirements of this Section. The intent of these provisions is to ensure that the Homestay is shall be 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), including the development standards specified in Chapter 22.65.040 for Agricultural Homestays within the C-APZ district.

B. Land Use Requirements. An Agricultural Homestay shall:

1. ~~Shall h~~Have no more than five guest rooms and host no more than 15 registered guests,
2. Provides overnight transient accommodations.
3. ~~Shall o~~Offer meals only to overnight guests as an incidental, and not as the primary, function of the establishment,
4. ~~Is -~~Be located on, and is ~~be~~ a 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 o~~Operate within an otherwise allowable agricultural dwelling unit and not within an additional separate structure ~~the same structure as an otherwise permitted farmhouse or intergenerational home,~~
6. ~~Shall b~~Be limited to one per legal lot, and
7. Shall not be allowed if there is already a bed and breakfast on the lot.

C. Site requirements. ~~Except for minimum lot size requirements, the~~The proposed site shall conform to all standards of the applicable zoning district.

D. Appearance. For new structures, the exterior appearance of the structure used for the Agricultural Homestay shall maintain a rural character consistent with the surrounding environment and the 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.

Comment [jI-1]:

Change applies ALL standards of Chap. 22.65 and eliminates inconsistent references (sometimes to Table 5-1-a in Chapter 22.62 and other times to 22.65.040 – C-APZ Zoning District Standards, and is consistent with Dev. Code Sec. 22.32.010 – “Purpose of Chapter”

Comment [jI-2]:

Mods define “Farm” differently than elsewhere in IP. There are about 140 instances of “farm” in the IP. The same word can’t have two different meanings. For application of Mods, it is replaced with “FARM TRACT”

Comment [jI-3]:

The mods. elsewhere restrict the Homestay to the dwelling. Mod could be read to require redoing exterior of structure to allow a Homestay. The phrase “...consistent with the surrounding environment is encompassed by “rural character... farm.”

- 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 22.64.100(A)(5)~~28~~ (New Signs). Signs shall also be installed/maintained in compliance with Chapter 22.28 in addition to and independent of Coastal Permit requirements.
- 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~~ 22.64.150 (Transportation). Parking shall also be provided in compliance with 24.04.330 through .400 (Parking and Loading) of the County Code in addition to and independent of Coastal Permit requirements.
- L. **Sewage disposal.** Any on-site sewage disposal shall be provided in compliance with 22.64.140 (Public Facilities and Services). Sewage disposal shall also be provided in compliance with Title 18 (Sewers) of the County Code in addition to and independent of Coastal Permit requirements.

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

22.32.024 – Agricultural ~~Intergenerational Homes~~ Dwellings Units (Coastal)

The standards of this Section shall apply in the C-APZ Zone to Farmhouses, agricultural Intergenerational Homes defined in Section 22.130.030.

- A. ~~Only one An Agricultural Dwelling Cluster (Aa) consists of a farmhouse or a combination of one farmhouse and up to two intergenerational homes with the combined total of 7,000 square feet, plus the allowed up to an additional 540 square feet of garage space, and up to 500 square feet of office space in the farmhouse used in connection with the agricultural operation. is allowed for the farm tract identified in subsection (3) above, regardless of the number of legal lots the farm owner or operator owns that comprise the farm. Each agricultural dwelling unit must be owned by a farmer or operator actively and directly engaged in agricultural use on the property. All coastal permit applications for agricultural dwelling units must identify that the owner is actively and directly engaged in agricultural use of the property. See Section 22.130.030 for definition of "Actively and directly engaged" means making day to day management decisions for the agricultural operation and being directly engaged in the production of agricultural commodities for commercial purposes on the property.~~
- B. ~~No more than a combined total of 7,000 square feet one Agricultural Dwelling Cluster may be permitted used for agricultural dwellings per farm tract, whether in it contains a single farmhouse or in a combination of a farmhouse and one or two intergenerational homes. (agricultural worker housing, up to 540 square feet of garage space in the farmhouse, and 500 square feet of office space in the farmhouse used in connection with the agricultural operation shall be excluded from the 7,000 square foot limitation).~~
- C. ~~An application for a farmhouse or intergenerational home shall identify the farm, which shall consist of all parcels owned (in either total or partial fee ownership) by the same owner of the property upon which the proposed farmhouse or intergenerational home is located. A farm shall~~

Comment [Jl-4]: Section Title is "New Signs"

Comment [JL5]: Moved from 22.65.040.C.1.e per discussions.

Comment [JL6]: Moved from 22.65.040.C.1.e.2 (and was also duplicated in 22.65.040.C.1.e.4)

Comment [KD7]: Moved from 22.65.040.C.1.e.1

Comment [KD8]: Moved from 22.65.040.C.1.e.1.

Comment [JL9]: Consistent with definition in 22.130.

Comment [j3010]: Deleted from 22.65.040.C.1.e.1 due to redundancy with previous sentence.

Comment [Jl11]: From 22.65.040.C.1.e.1. Definition of "actively and directly engaged" added to 22.130.030

Comment [JL12]: Moved from 22.65.040.C.1.e.2

~~consist of no less than including all contiguous properties legal lots under common ownership (the "farm tract"). Non-contiguous property may constitute a separate farm when determined to be a wholly independent farming operation, as evidenced by such factors as independent types of bona fide commercial agricultural production, the history of such agricultural production on the property, and the long term capital investment in independent agricultural operations and infrastructure (such as fencing, processing facilities, marketing mechanisms, and agricultural worker housing).~~ The application shall identify all existing agricultural dwellings on the identified parcels ~~that constitute the farm,~~ and shall demonstrate that the proposed farmhouse or intergenerational house is located on a legal lot.

Comment [JL13]: Moved from 22.65.040.C.1.e.3

D. Nothing in this subsection shall be construed to prohibit the sale of any legal lot comprising the farm, nor require the imposition of any restrictive covenant on any legal lot comprising the farm other than the legal lot upon which development of one farmhouse and up to two intergenerational homes is approved. Future development of other legal lots comprising the farm shall be subject to the provisions of the LCP and Development Code, including but not limited to Section 22.65.040.

Comment [JL14]: Modified by CCC staff after Ap.16, 2015 hearing.

E. No allowable farmhouse or intergenerational home may be divided from the rest of the legal lot. As a condition of permit approval for a farmhouse and/or intergenerational home, future land division of the legal lot containing the farmhouse and/or intergenerational home(s) is prohibited except that lease of the rest of the legal lot at a level of agricultural use that will sustain the agricultural capacity of the site is not prohibited (see restrictive covenant requirements specified in Sections 22.32.024 and 22.32.025).

Comment [JL15]: Moved from 22.65.040.C.1.e.5, beginning with sentence 2.

G. A density of 60 acres per unit shall be required for each farmhouse and intergenerational house (i.e., a parcel must be at least 60 acres for a farmhouse, 120 acres for a farmhouse and intergenerational house, and at least 180 acres for a farmhouse and two intergenerational homes).

Comment [JL16]: Moved from 22.65.040.C.1.e.6

He. ~~The Agricultural dwelling units—*is* shall not be placed on land designated as prime agricultural land, *d. The agricultural dwelling unit is and shall be* placed within the mapped clustered development area required in subsection 22.65.040.C.1.d. *and does not require any new road construction.*~~

Ie. ~~The Agricultural dwelling units *does* may be permitted only if they do not require any Coastal Zone Variance.~~

Comment [JL17]: Moved from 22.65.040.C.1.e.9.c; .d; and .e.

I. **(Coastal)** Intergenerational Housing in the Coastal Zone is subject to the requirements of this Section. **Intergenerational Homes.** Agricultural Intergenerational Homes shall be accessory and incidental to, in support of, compatible with, ~~or and~~ necessary for agricultural production. The intent of these provisions is to allow intergenerational home ~~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. ~~Agricultural Intergenerational housing is considered a component type of the agricultural activities of the property dwelling unit.~~

1. ~~A.~~ **Permitted use, zoning districts.** Up to two Agricultural intergenerational homes in addition to the farmhouse may be permitted in the C-APZ, consistent with Table 5-1-a in Chapter 22.62 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, 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).

~~**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.~~

~~**2C. Permit Requirements.** Agricultural intergenerational homes are allowable in the C-APZ zoning districts and with the permit requirements determined by Article V (Coastal Zones—Permit Requirements and Development Standards), including the development standards specified in Chapter 22.65.040, and subsections 3 and 4 below.~~

~~**3. Location.** Intergenerational homes shall be placed on the same legal lot of record as the legally permitted farmhouse, and shall be located immediately adjacent (i.e., within 100 feet) to an existing farmhouse within the Agricultural Dwelling Cluster, development area and not require any new road construction. When immediately adjacent placement would be inconsistent with applicable LCP standards (such as placement within an ESHA buffer) the intergenerational home shall be placed as close as possible to the farmhouse in a way that also meets applicable LCP 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).~~

~~**4.F. Restrictive Covenant.** Agricultural Intergenerational housing requires the preparation and recordation of a restrictive covenant running with the land for the benefit of the County operator's immediate family. The covenant must include, at a minimum, the following:~~

- a. ~~A~~ detailed description of the intergenerational home or homes.
- b. Assurance that any ~~change in~~ use will be in compliance with ~~22.32.024.B~~ 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. Assurance that the intergenerational housing will not be subdivided or sold separately from the ~~primary agricultural legal lot~~ rest of the agriculturally zoned legal lot. As a condition of permit approval for an intergenerational home, future land division of the legal lot containing the intergenerational home is prohibited except that lease of the rest of the legal lot at a level of agricultural use that will sustain the agricultural capacity of the site is not prohibited.
- 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 shall be enforced by the County of Marin.
- e. Assurance that the owner of the intergenerational home shall be actively and directly engaged in agricultural use of the agriculturally zoned legal lot and that the use

Comment [JL18]: Moved from 22.65.040.C.1.e.5

Comment [JL19]: from 22.65.040.C.1.e.9.d

Comment [CDA20]: Added for consistency with 22.65.040.C.1.d.2

Comment [j3021]: Renumbered for consistent format

of the agriculturally zoned legal lot shall remain confined to agriculture. See Section 22.130.030 for definition of “Actively and directly engaged” and “Agricultural use.” ~~“Actively and directly engaged” means making day to day management decisions for the agricultural operation and being directly engaged in production of agricultural commodities for commercial purposes on the property. “Agricultural use” shall be defined as: breeding, raising, pasturing, and grazing livestock of every nature and description for the production of food and fiber; breeding and raising bees, fish, poultry, and other fowl; planting, raising, harvesting, and producing agricultural, aquacultural, horticultural, and forestry crops and products of every nature and description; and the processing, storage, and sale, including direct retail sale to the public, of crops and products harvested and produced principally on the farm; further provided, however, that all agricultural uses and activities are consistent with applicable laws, including those of the Local Coastal Program.~~

Comment [KD22]: Definitions for both terms are in 22.130.030

5. **Development limit.** No more than 27 intergenerational homes may be allowed in the County’s coastal zone without being authorized in an LCP Amendment.

Comment [JL23]: Moved from 22.65.040.C.1.e.7

22.32.025 – Farmhouse (Coastal)

The standards of this Section shall apply in the C-APZ Zone to farmhouses defined in Section 22.130.030.

(Coastal) In addition to the provisions of Section 22.32.024 pertaining to Agricultural Dwelling Units (coastal), the standards of this Section shall apply to farmhouses. Farmhouses shall be accessory and incidental to, in support of, and compatible with agricultural production. 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). In the C-APZ, farmhouses also shall be considered necessary for agricultural production.

Comment [jl-24]: To add clarity; see comment #1

A. Principal permitted use, zoning districts. A farmhouse ~~shall be~~ is a type of agricultural dwelling unit that may be considered a principal permitted agricultural land use where allowed by Article V, Table 5-1 (Coastal Zones – Permit Requirements and Development Standards), and subject to development standards, including those set forth in Sections 22.32.024 and 22.65.040 in the C- APZ zone.

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.~~

B. Restrictive Covenant. Development of a farmhouse requires recording a restrictive covenant running with the land for the benefit of the County ensuring that the agricultural farmhouse

will continuously be maintained as such. The covenant must include, at a minimum, the following:

1. A ~~detailed~~ description of the farmhouse.
2. Assurance that any 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.
3. 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 shall be enforced by the County of Marin.
4. Assurance that the farmhouse will not be divided or sold separately from the rest of the agriculturally zoned legal lot. As a condition of permit approval for a farmhouse, future land division of the legal lot containing the farmhouse is prohibited except that lease of the rest of the legal lot at a level of agricultural use that will sustain the agricultural capacity of the site is not prohibited.
5. Assurance that the owner of the farmhouse shall be actively and directly engaged in agricultural use of the agriculturally zoned legal lot and that the use of the agriculturally zoned legal lot remains confined to agriculture. "Actively and directly engaged" means making day-to-day management decisions for the agricultural operation and being directly engaged in the production of agricultural commodities for commercial purposes on the property. "Agricultural use" shall be defined as: breeding, raising, pasturing, and grazing livestock of every nature and description for the production of food and fiber; breeding and raising bees, fish, poultry, and other fowl; planting, raising, harvesting, and producing agricultural, aquacultural, horticultural, and forestry crops and products of every nature and description; and the processing, storage, and sale, including direct retail sale to the public, of crops and products harvested and produced principally on the farm; further provided, however, that all agricultural uses and activities are consistent with applicable laws, including those of the Local Coastal Program.

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.

- A. Agricultural processing is allowed as a Principal Permitted Use in the C-APZ zoning district provided it meets all of the standards set forth ~~in Section 22.65.040 below:~~ 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.

Comment [j1-25]: Meaning and purpose of "detailed" is unclear. If intent is to restrict future development, any non-exempt changes to farmhouse would require a CP in any case. Would covenant's "description" have to be revised if there is a change/remodel to the farmhouse?

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 within the farmshed, defined as the same farm as the proposed processing facility or on other agricultural properties located in Marin County or Sonoma County.
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 other properties located in the farmshed which provide agricultural products to the processing facility.~~ For the purposes of this Section, "directly involved" means actively and directly engaged, means making day-to-day management decisions for the agricultural operation and being directly engaged in the production of agricultural commodities for commercial purposes on the property
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.

A Coastal Permit appealable to the Coastal Commission and 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 standards in Section 22.32.026.A.1 to A.3, one or more of the four standards listed above.

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 independent of and in addition to the Coastal Permit, 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
 - (be) Its development will not include any significant alteration of the exterior appearance of the existing structure.

~~[BOS app. 10/2/2012, 2/26/2013]~~

22.32.027 – Agricultural Retail Sales Facilities/Farm Stands (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~~ Agricultural Retail Sales Facility/Farm Stand"). For Agricultural and Resource-Related Districts outside the Coastal Zone, see Section 22.08.040.F.

A. 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: development standards set forth in Section 22.65.040 below: (1) the building(s) or structure(s), or outdoor areas used for retail sales do not exceed an

Comment [j3026]: Added for consistency between this term and the term "actively and directly engaged" that is used in 22.32.025.B.5.

Comment [j3027]: Adapted from 22.65.040.C.1.e.1

Comment [j3028]: Permit requirements must be ascertainable at the time of application and not be dependent on the outcome of analysis later in the process. Sufficiency of parking and ingress/egress will be subject to review, public comment and conditions of approval through the Coastal Permit process in all cases. Proposed revision intended to clarify the application process without substantively altering the scope or outcome of review related to parking and access.

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 processing 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.

~~A Coastal Permit appealable to the Coastal Commission and a 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.~~

15. The building(s) or structure(s) or outdoor areas used for retail sales do not exceed an aggregate floor area of 500 square feet;

26. Agricultural products to be sold are produced ~~within the farmshed, defined as by the operator on~~ the same farm as the proposed sales facility, or on ~~the operator's~~ other agricultural properties located in Marin County or Sonoma County;

37. The operator of the sales facility is directly involved in the agricultural production on the property on which the sales facility is located, and other properties located in the farmshed which provide agricultural products to the retail sales facility. For the purposes of this Section, "directly involved" means actively and directly engaged, means making day-to-day management decisions for the agricultural operation and being directly engaged in the production of agricultural commodities for commercial purposes on the property

B. All Agricultural Retail Sales Facilities and Farm Stands shall meet the following standards:

18. 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.

Both Uses:

9. In addition to the required standards specified above:

24. The sales facility and the building(s) or structure(s) or outdoor areas used for retail sales are not placed on land designated as prime agricultural land.

~~A Coastal Permit appealable to the Coastal Commission and~~ Use Permit approval is required for agricultural retail sales which exceed an aggregate floor area of 500 square feet or for an agricultural retail sales facility of any size that does not comply with standards in Section 22.32.027.A.1 to A.3. one or more of the four standards listed above.

{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 as defined in Section

Comment [j3029]: Added for consistency between this term and the term "actively and directly engaged" that is used in 22.32.025.B.5.

Comment [j3030]: from 22.65.040.C.1.e.1

Comment [JL31]: Moved from 22.65.040.C.1.f

Comment [Er32]: Moved to correct location in section..

Comment [j3033]: Permit requirements must be ascertainable at the time of application and not be dependent on the outcome of analysis later in the process. Sufficiency of parking and ingress/egress will be subject to review, public comment and conditions of approval through the Coastal Permit process in all cases. Proposed revision intended to clarify the application process without substantively altering the scope or outcome of review related to parking and access.

22.130.030. 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—necessary~~ to support agricultural operations and in conformance with the applicable provisions of state law. Agricultural worker housing is a type of agricultural dwelling unit.

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~~ may be a permitted agricultural land use when allowed by Article V, Table 5-1 (Coastal Zones – Permit Requirements and Development Standards), and when found consistent with required development standards, including those specified in Section 22.65.040 in the C-APZ zoning district. Agricultural worker housing providing accommodations consisting of no more than 36 beds in group living quarter or 12 units or spaces for agricultural workers and their households 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

Up to and including 36 beds or 12 units of agricultural worker housing is allowed per legal lot. In the C-APZ Zone, a ~~Agricultural worker housing above 36 beds or 12 units per legal lot, shall be subject to the density limits of one unit per 60 acres~~ and The application shall include a worker housing needs assessment and plan, including evaluation of other available worker housing in the area. The amount of worker housing approved shall be commensurate with the demonstrated need in the surrounding area. 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, or, if no longer needed, for non-dwelling agricultural production related uses:

B. **Limitations on use:**

1. **Referrals.** Prior to making a determination that agricultural worker housing which exceeds the maximum density ~~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 that is otherwise LCP consistent is also 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 farmworkers 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, or, if no longer needed, for non-dwelling agricultural production related uses. The covenant must include, at a minimum, the following:

Comment [j134]: Paragraph moved from 22.65.040.(C)(1)(e)(8)

Comment [CG35]: Clarifying edit

Comment [CG36]: Edit clarifying that needs assessment looks beyond subject property

Comment [j1-37]: Housing below the maximum density in "A" is not subject to discretionary review under state law.

- (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 shall be enforced by the County of Marin.

~~{BOS app. 10/2/2012, 11/13/2012, 1/15/2013}~~

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, ~~C-ARP, and C-OA~~ zoning districts, not-for-profit 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); for-profit tours operated by a third party those operated for commercial profit~~ require a Conditional Coastal Permit appealable to the Coastal Commission and a Use Permit.

~~{BOS app. 10/2/2012}~~

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~~ Marin County 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~~ consistent with the protection of other priority uses, such as commercial fishing, ~~coastal recreational~~ such as clamming and boating, and the protection of marine biological resources ~~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~~ shall avoid ~~interference~~ disturbance or damage to eelgrass beds ~~in Tomales Bay~~, including 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~~ submit a lease ~~with~~ from the appropriate public agency allowing such use, and 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.

22.32.115 – Determination of Non-Agricultural Uses ~~Development~~ (Coastal)

This Section applies only in those instances where ~~Table 2-1 or~~ Table 5-1 expressly refers to this Section. Non-agricultural development is defined to include division of agricultural lands and any development not classified as “Agriculture, Mariculture” in Table 5-1 in Chapter 22.62. The purpose of applying the following standards is to determine whether a specific non-agricultural development, including land use, is accessory and incidental to, in support of, compatible with, and or necessary for the primary use of land for agricultural production. The intent of these provisions is to ensure that non-agricultural ~~uses~~ development only be allowed ~~where long term agricultural productivity, including on each parcel created in the case of a land division,~~ would be maintained and enhanced ~~do not become the primary use of agricultural land to the detriment of agricultural production.~~

Residential development (defined as “Single-family dwellings, attached or detached” in Table 5-1-c, in contrast to Agricultural Dwelling Units) shall not be permitted in the C-APZ until specific provisions and standard conditions consistent with the Agriculture Chapter of the certified Land Use Plan are adopted by the Marin County Board of Supervisors and certified as an LCP Amendment by the California Coastal Commission. No residential development is permitted on the same legal lot where an Agricultural Dwelling or Dwelling Unit Cluster is located.

Comment [j138]: clarity

Comment [j139]: per C-AG-6.

A. **Permitted use, zoning districts.** Non-agricultural ~~uses-development~~ 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 General.** ~~Require that non-agricultural development, including division of agricultural lands, shall only be allowed upon demonstration that long-term agricultural productivity, including on each parcel created in the case of a land division, would be maintained and enhanced as a result of such development, on the subject parcel and any new each parcel created, and that agricultural productivity on adjacent parcels would be maintained. Non-agricultural development shall only be allowed upon demonstration that long-term agricultural productivity, including on each parcel created in the case of a land division, would be maintained and enhanced as a result of such development, and that agricultural productivity on adjacent parcels would be maintained. 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. 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-development~~ is ~~accessory and incidental to the primary use of the property for agricultural production allowable,~~ 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 In making such a determination, among other things~~ 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.

Comment [j140]: per C-AG-6.

Comment [j141]: Section below replaced consistent with C-AG-6, (preserving edit marks therein for review).

Comment [j142]: Verbatim C-AG-6

22.62.060 – Coastal Agricultural and Resource-Related Districts

A. Purpose of Section. This Section provides regulations for development, as defined in Article VIII and, 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 agriculture, ~~is~~ limited to the types of agricultural development set forth below and in Land Use Plan Policy C-AG-2, and only allowed when consistent with the development standards set forth in Section 22.65.040:

~~a. Agricultural production, 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, mariculture, horticulture, viticulture, vermiculture, forestry crops, and plant nurseries; substantially similar uses of an equivalent nature and intensity;~~

~~b. Agricultural accessory structures or and agricultural accessory uses—activities appurtenant and necessary to the operation of agricultural uses for agricultural production, 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);~~

c. Agricultural dwelling units, consisting of

(1) One farmhouse or a combination of one farmhouse and one intergenerational home per farm tract, consistent with C-AG-5, including combined total size limits; intergenerational homes; and;

(2) Agricultural worker housing, providing accommodations consisting of not more than 36 beds in group living quarters per legal parcel or 12 units or spaces per legal lot for agricultural workers and their households;

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

Comment [CG43]: This section edited for consistency with C-AG-2; Numbering added

Comment [CG44]: Typo corrected

Comment [CG45]: Ag accessory structures and activities now listed in definitions

Comment [j146]: "farm tract" replaces "legal lot" CCC approved in C-AG-2

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

(2) ~~Not for profit~~ Educational tours. (Policy C-AG-2)

Conditional uses in the C-APZ zone, as specified in Table 5-1 of Chapter 22.62, include a second intergenerational home per legal lot, for-profit ~~educational~~ tours operated by a third party, agricultural homestay facilities, agricultural worker housing above 12 units or 36 beds per legal lot, and additional agricultural uses and non-agricultural uses including land division, and residential development potentially up to the zoning density, as ~~and residential development potentially up to the zoning density consistent with Section 22.65.040~~ Policies C-AG-5, 6, 7, 8 and 9. Conditional residential ~~d~~Development shall not exceed a maximum density of 1 agricultural dwelling or residential ~~residential~~ unit per 60 acres. Densities specified in the zoning are maximums and not entitlements, and 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).

The C-APZ zoning district is consistent with the Agriculture 1 land use category of the Marin County Land Use Plan ~~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 promote the concentration of residential development to maintain the maximum amount of land available for agricultural use—~~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—clustering of proposed development. The C-ARP zoning district is consistent with the Agriculture 1, 2, and 3 land use categories of the Marin County Land Use Plan ~~Local Coastal Program~~. Residential use shall be the principal permitted use in all parcels with the land use designation of C-AG3; Agriculture shall be the principal permitted use in all parcels with the C-AG1 and C-AG2 land use designations. (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 Land Use Plan ~~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 uses and development as defined ~~and consistent with the definitions~~ in Article VIII, shall comply with

Comment [j147]: Land Use Tables referenced for clarity and precision.

~~the all provisions of the LCP, including 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.~~

~~(b) 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.~~

~~(e) 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, and/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.~~

~~(e) 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.~~

~~(c) 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.~~

~~{BOS app. 10/2/12, 11/13/2012, 1/15/2013, 2/26/2013}~~

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	
AGRICULTURE, MARICULTURE				
Agricultural accessory activities	PP (68) , E	<u>PP(10)</u> , <u>PP-E</u>	PP E	22.32.021
Agricultural accessory structures	PP (68) , E	<u>PP(10)</u> , <u>PP-E</u>	PP E	22.32.022
Agricultural homestays, 3 or fewer guest rooms	PP U (6), (10)	PP(10)		22.32.023 22.32.115
Agricultural homestays, 4 or 5 guest rooms	U (6), (10)	U(10)		22.32.023 22.32.115
Agricultural Intergenerational Home (first) <u>on legal lots 120 acres or larger and meeting all development standards set forth in 22.65.040(C)(1)(e)(1-9) and 22.32.024</u>	PP (8)	--		22.32.024
<u>Agricultural Intergenerational Home (first) on legal lots 120 acres or larger and meeting all development standards set forth in 22.65.040(C)(1)(e)(1-8) and 22.32.024</u>	<u>P</u>		<u>=</u>	<u>22.32.024</u>
Agricultural Intergenerational Home (second) <u>on legal lots 180 acres or larger</u>	U	--		22.32.024
Farmhouse (for C-APZ parcels only: on legal lots 60 acres or larger and meeting all development standards set forth in 22.65.040(C)(1)(e)(1-9) and 22.32.025)	PP (8)	<u>PP(10)</u> , PP		22.32.024; 22.32.025
<u>Farmhouse (for C-APZ parcels only: on legal lots 60 acres or larger and meeting development standards set forth in 22.65.040(C)(1)(e)(1-8) and 22.32.025)</u>	<u>P</u>		<u>=</u>	<u>22.32.025</u>
Agricultural processing uses (<5,000 sq.ft.) (for C-APZ parcels only: meeting all development standards set forth in 22.65.040(C)(1)(f))	PP (8)	<u>PP(10)</u> , U		22.32.026
Agricultural processing uses (>5,000 sq.ft.) (for C-APZ parcels only: not meeting all development standards set forth in 22.65.040(C)(1)(f))	U	<u>U(10)</u> , <u>U</u>		22.32.026
Agricultural production	PP (8) , E	<u>PP(10)</u> , <u>PP-E</u>	P	22.32.130 , 030
Agricultural Retail Sales Facility/Farm Stand (<500 sq.ft.) Agricultural product sales (<500 sq.ft.) meeting all development standards set forth in 22.65.040(C)(1)(f))	PP (8)	<u>PP(10)</u> , <u>PPP</u>	U	22.32.027
Agricultural Retail Sales Facility/Farm Stand (>500 sq.ft.) Agricultural product sales (>500 sq.ft.) not meeting development standards set forth in	U	<u>U(10)</u> , <u>U</u>	U	22.32.027
Agricultural worker housing up to and including 12 units/36 beds (for C-APZ parcels only: meeting all development standards set forth in 22.65.040(C)(1)(e)(1-9) and 22.32.023)	PP (8)	<u>PP(10)</u> , PP	U	22.32.028
<u>Agricultural worker housing above 12 units/36 beds (for C-APZ parcels only: meeting all development standards set forth in 22.65.040(C)(1)(e)(1-8) and 22.32.023)</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>22.32.028</u>
Commercial gardening	PP, E	P	P	
Dairy operations	PP, E	P	P(4)	22.32.030
Educational tours (non-profit not-for-profit or	PP	PP	PP	22.32.062

Comment [JL48]: duplicate

Comment [Er49]: Corrected

owner/operator) (not-for-profit or owner/operator)				22.32.115
Educational tours (for-profit by third party)	U	P	P	22.32.062
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

[BOS app. 1/15/2013]

KEY TO PERMIT REQUIREMENTS

Symb ol	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. Design review requirements are contained in Chapter 22.42 rather than in the LCP and such design review requirements apply independent of, and in addition to, coastal permit requirements.~~
- (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).
- (6) Only allowed where an agricultural dwelling is first approved.
- ~~(9) 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 22.96 (Subdivisions). The principal permitted use of land in the C-APZ district is agriculture, limited to the types of agricultural development set forth in Section 22.65.040.~~
- (10) Only allowed as a principally permitted use when the primary legal lot is zoned C-ARP-10 to C-ARP-60, which provide that the principally permitted use of the property shall be 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), 22.65 (Coastal Zone Planned District Development Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

Comment [j3050]: SFDs no longer in this table.

Comment [j3051]: Distinguishes Principally Permitted Uses for the two classes of C-ARP established by CCC Mod.

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	
MANUFACTURING AND PROCESSING USES				
Cottage industries		U		22.32.060
Recycling - Scrap and dismantling yards		U		
RECREATION, EDUCATION, AND PUBLIC ASSEMBLY USES				
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>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>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. Design review requirements are contained in Chapter 22.42 rather than in the LCP and such design review requirements apply independent of, and in addition to, coastal permit requirements.~~
- (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), 22.65 (Coastal Zone Planned District Development 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	
RESIDENTIAL USES				
Affordable housing	U	P	U	Chapter 22.22
Group homes, 6 or fewer residents	P(6)	P		22.32.080
Group homes, 7 or more residents	U(6)	U		22.32.080
Guest houses		P(6)	P(6)	22.32.090
Home occupations	P(6), (40)	P	P(6)	22.32.100 22.32.115
Religious residential retreats		U		
Residential Residential Agricultural Dwelling Unit accessory uses and structures	U(8) P(6)	P(6)	P(6)	22.32.130
Residential care facility, 6 or fewer individuals	P(6)	P		22.32.080
Residential care facility, 7 or more individuals	U(6)	U		22.32.080
Residential second units		P		22.32.140 22.32.115
Room rentals	P(6)	P		
Single-family dwellings, attached or detached	U(8)	PP U(10)	U(7)	22.62.060 Chapter 22.65
Tennis and other recreational uses	U(6)	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. Design review requirements are contained in Chapter 22.42 rather than in the LCP and such design review requirements apply independent of, and in addition to, coastal permit requirements.~~
- (6) Only allowed where an allowed single family or single family an agricultural 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, and allowed only where no farmhouse or intergenerational home exists on the lot. Agricultural worker housing May be permitted consistent with Section 22.32.028. To create additional parcels and additional single-family homes, see also 22.86 (Subdivisions).
- ~~(10) Only allowed as a principally permitted use when the primary-legal lot is zoned C-ARP-10 to C-ARP-60, which provide that the principally permitted use of the property shall be 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), 22.65 (Coastal Zone Planned District Development Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

Comment [j3052]: SFDs and Ag Dwellings are mutually exclusive; prohibits adding both.

Comment [j3053]: Distinguish es Principally Permitted Uses for the two classes of C-ARP established by CCC Mod.

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	
RESOURCE, OPEN SPACE USES				
Mineral resource extraction	U	U		Chapter 23.06
Nature preserves	U	P	P	
Water conservation dams and ponds	U	P	P	
Timber harvesting and tree production	U	U		23.04
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
RETAIL TRADE USES				
Building materials stores		U		
Commercial storage and sale of garden supply products	U	U		
Sales of agricultural products (see Agriculture Use)	P(10)	P(10)	U	22.32.027
Bed and breakfast inns, 3 or fewer guest rooms	PU(6), (10)	P(10)		22.32.040 22.32.115
Bed and breakfast inns, 4 or 5 guest rooms	U(6), (10)	U(10)		22.32.040 22.32.115
Child day-care centers	U(6)	U		22.32.050
Child day-care - Large family day-care homes	P(6)	P		22.32.050
Child day-care - Small family day-care homes	P(6)	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.~~

Design review requirements are contained in Chapter 22.42 rather than in the LCP and such design review

requirements apply independent of, and in addition to, coastal permit requirements.

(6) Only allowed where an agricultural dwelling is first approved.

(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), 22.65 (Coastal Zone Planned District Development 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	
TRANSPORTATION & COMMUNICATIONS USES				
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)	22.32.165

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. Design review requirements are contained in Chapter 22.42 rather than in the LCP and such design review requirements apply independent of, and in addition to, coastal permit requirements.~~

(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), 22.65 (Coastal Zone Planned District Development Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

22.65.040 – C-APZ Zoning District Standards

- A. Purpose.** This Section provides additional development standards for the C-APZ zoning district ~~that are designed~~ to preserve productive lands for agricultural use, and ensure that development is accessory and incidental to, in support of, ~~and~~ compatible with, ~~and or necessary for~~ agricultural ~~production use~~ uses. “Necessary for agricultural production” means that the proposed development is needed to sustain an efficient and productive agricultural operation ~~and to ensure continued agricultural viability.~~
- 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 require ments in addition to section 22.65.030:

1. Standards for ~~agricultural uses~~ all development in the C-APZ:

- a. Permitted development shall protect and maintain ~~renewed and~~ continued agricultural ~~production use use~~, and contribute to agricultural viability on-site and ~~shall not impact on adjacent agricultural lands.~~ Permitted development of agricultural facilities shall be sited to avoid agricultural land suitable for agricultural production (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 such land is necessary, prime agricultural land shall not be utilized for structural development converted if it is possible to utilize other lands suitable for agricultural use. In addition, as little agricultural land as possible shall be used for structural development converted.
- 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~~ production. 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~~ production use, farmhouses, intergenerational homes, agricultural worker housing, permitted residential development, agricultural homestay or bed and breakfast facilities, all infrastructure and structural development (e.g., agricultural accessory structures, and agricultural product processing facilities other agricultural uses, and roads) farmhouses, intergenerational homes, and agricultural homestay facilities shall be placed within a clustered development area placed in one or more groups along with any non- agricultural development ~~on of a total of no more than five percent of the gross acreage of the parcel~~ farm (as that term is defined in

Comment [JL54]: Consistent with C-AG-2 “...Ensure that the principal use of these lands is agricultural...” Added throughout.

Comment [JL55]: Following revisions in section (a) made for consistency with C-AG-7.A.1

Comment [jI56]: “Permitted development” clarifies that “development” that is exempt or excluded must meet different standards.

Comment [CG57]: Revisions in section (d) made for consistency with C-AG-2, C-AG-7.A.4

~~subsection (c)(3), below), to the extent feasible, with the remaining acreage retained in or available for agricultural production or open space.~~

~~All applications for development within the CAPZ shall include a map of the development area. The development area shall include all existing structural development and shall total no more than five percent of the farm's total acreage, subject to the allowed exceptions specified below. All new structural development shall be clustered within the identified development area, except when:~~

- ~~(1) Placing development outside such development Placement outside such areas is necessary for agricultural operations (e.g., when a more remote barn is required in a different part of the property to allow for efficient agricultural operations or a retail sales facility needs to be close to a public road); or~~
- ~~(2) When placement inside such areas, placing development within such development area would be inconsistent with applicable LCP standards (e.g., when such placement would be within a required stream setback area). In this case, new development shall be placed as close as possible to the existing clustered development area in a way that also meets applicable LCP standards.~~

The clustered development area, in combination with roads, agricultural sales facilities, and other structure development shall total 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.

Development shall be located close to existing roads, and 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. Development shall be sited to minimize impacts on coastal resources and adjacent agricultural operations and shall be designed and sited to avoid hazardous areas.

e. Agricultural dwelling units shall also meet the following standards, below, including those specified in ~~Section 22.65.040(C)(4)~~ Chapter 22.32:

- ~~1. The agricultural dwelling unit must be owned by a farmer or operator actively and directly engaged in agricultural use on the property. All coastal permit applications for agricultural dwelling units must identify that the owner is actively and directly engaged in agricultural use of the property. "Actively and directly engaged" means making day to day management decisions for the agricultural operation and being directly engaged in the production of agricultural commodities for commercial purposes on the property. "Agricultural use" shall be defined as: breeding, raising, pasturing, and grazing livestock; of every nature and description for the production of food and fiber; breeding and raising bees, fish, poultry, and other fowl; planting, raising, harvesting, and producing agricultural, aquacultural, maricultural, horticultural, viticultural, vermicultural, and forestry crops, plant nurseries and products of every nature and description; and the processing, storage, and sale, including direct retail sale to the public, of crops and products harvested and produced principally on the farm; further provided,~~

Comment [CG58]: Note: 5% limit has been moved to new paragraph below

Comment [JL59]: As previously indicated, sections have been moved to appropriate sections in Chap. 22.32

Comment [j3060]: Moved to 22.32.024.A

Comment [j3061]: Deleted due to redundancy with previous sentence.

Comment [j3062]: Moved to 22.32.024.A. Definition of "Actively and directly engaged" has been added to 22.130.030

Comment [CG63]: Definition can be more specific than C-AG-2; see 22.130.030 for definition of agricultural use

Comment [Er64]: For Consistency, "Agriculture" is used, as defined in 22.130.

Comment [JL65]: Moved to definition of "Agricultural Production"

Comment [j166]: Processing and sales have different criteria; refer to 22.65.040 (C) (1) (f)... or where standards are placed in Chap. 22.32

~~however, that all agricultural uses and activities are consistent with applicable laws, including those of the Local Coastal Program.~~

2. ~~No more than a combined total of 7,000 square feet may be permitted used for as an agricultural dwellings per farm tract, whether in a single farmhouse or in a combination of a farmhouse and one or two intergenerational homes (agricultural worker housing, up to 540 square feet of garage space in the farmhouse, and up to 500 square feet of office space in the farmhouse used in connection with the agricultural operation shall be excluded from the 7,000 square foot limitation).~~
3. ~~An application for a farmhouse or intergenerational home shall identify the farm, which shall consist of all parcels owned (in either total or partial fee ownership) by the same owner of the property upon which the proposed farmhouse or home is located. A farm shall consist of no less than including all contiguous properties parcels under common ownership (the "farm tract"). Non-contiguous property may constitute a separate farm when determined to be a wholly independent farming operation, as evidenced by such factors as independent types of bona fide commercial agricultural production, the history of such agricultural production on the property, and the long term capital investment in independent agricultural operations and infrastructure (such as fencing, processing facilities, marketing mechanisms, and agricultural worker housing). The application shall identify all existing agricultural dwellings on the identified parcels that constitute the farm, and shall demonstrate that the proposed farmhouse or intergenerational house is located on a legal lot.~~
4. ~~Only one Agricultural Dwelling Cluster (Aa farmhouse or a combination of one farmhouse and up to two intergenerational homes with the combined total of 7,000 square feet [plus the allowed 540 square feet of garage space and 500 square feet of office space in the farmhouse used in connection with the agricultural operation]) is allowed for the farm tract identified in subsection (3) above, regardless of the number of legal lots the farm owner or operator owns that comprise the farm. Nothing in this subsection shall be construed to prohibit the sale of any legal lot comprising the farm, nor require the imposition of any restrictive covenant on any legal lot comprising the farm other than the legal lot upon which development of one farmhouse and up to two intergenerational homes is approved. Future development of other legal lots comprising the farm shall be subject to the provisions of the LCP and Development Code, including but not limited to Section 22.65.040.~~
5. ~~Intergenerational homes shall be placed on the same legal lot of record as the legally permitted farmhouse. No allowable farmhouse or intergenerational home may be divided from the rest of the legal lot. As a condition of permit approval for a farmhouse and/or intergenerational home, future land division of the legal lot containing the farmhouse and/or intergenerational home(s) is prohibited except that lease of the rest of the legal lot at a level of agricultural use that will sustain the agricultural capacity of the site is not prohibited (see restrictive covenant requirements specified in Sections 22.32.024 and 22.32.025).~~

Comment [CG67]: Deleted to eliminate unnecessary redundancy

Comment [Jl68]: Paragraph moved to 22.32.024.B

Comment [Jl69]: Paragraph moved to 22.32.024.C

Comment [CG70]: Revisions made for consistency with 6/15/15 Draft Resubmittal Text

Comment [Jl71]: Paragraph moved to 22.32.024.A

Comment [Jl72]: Moved to 22.32.024.J.3

Comment [Jl73]: Moved to 22.32.024.F; 22.32.024.J.4

- ~~6. A density of 60 acres per unit shall be required for each farmhouse and intergenerational house (i.e., a parcel must be at least 60 acres for a farmhouse, 120 acres for a farmhouse and intergenerational house, and at least 180 acres for a farmhouse and two intergenerational homes).~~
- ~~7. No more than 27 intergenerational homes may be allowed in the County's coastal zone without an LCP Amendment.~~
- ~~8. Up to and including 36 beds or 12 units of agricultural worker housing is allowed per legal lot. Agricultural worker housing above 36 beds or 12 units per legal lot shall be subject to the density limits of one unit per 60 acres and the application shall include a worker housing needs assessment and plan, including evaluation of other available worker housing in the area. The amount of additional worker housing approved shall be commensurate with the demonstrated need in the surrounding area. 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, or, if no longer needed, for non-dwelling agricultural production related uses.~~
- ~~9. In addition to the required standards specified in subsections 1 through 8 above, principally permitted agricultural dwelling units must meet the following standards:~~
 - ~~a. Only one Agricultural Dwelling Cluster (Aa farmhouse or a combination of one farmhouse and up to two intergenerational homes with the combined total of 7,000 square feet [plus the allowed 540 square feet of garage space and 500 square feet of office space in the farmhouse used in connection with the agricultural operation]) and on a parcel of at least 120 acres is allowed for the farm tract identified in subsection (3) above as a principally permitted use, regardless of the number of legal lots the farm owner or operator owns that comprise the farm.~~
 - ~~b. Agricultural worker housing must provide accommodations consisting of no more than 36 beds in group living quarters or 12 units or spaces per legal lot for agricultural workers and their households, and shall not be included in the calculation of density.~~
 - ~~c. The agricultural dwelling unit is not placed on land designated as prime agricultural land.~~
 - ~~d. The agricultural dwelling unit is placed within the mapped clustered development area required in subsection (d) and does not require any new road construction. An intergenerational home must be placed immediately adjacent (i.e., within 100 feet) to an existing farmhouse within the mapped development area and not require any new road construction.~~
 - ~~e. The agricultural dwelling unit does not require any Coastal Zone Variance.~~

~~f. Other Agricultural Uses: Agricultural Processing Uses and Agricultural Retail Sales Facilities/Farm Stands shall be classified as principally permitted agricultural uses only when also consistent with the following standards:~~

~~Agricultural Processing Uses:~~

Comment [j174]: Paragraph moved to 22.32.024.G

Comment [JL75]: Moved to 22.32.024.J.5

Comment [j176]: Paragraph moved to 22.32.028.A

Comment [CG77]: Clarifying edit

Comment [CG78]: Edit clarifying that needs assessment looks beyond subject property

Comment [JL79]: following standards, where they are not duplicative, incorporated in appropriate sections of Chap. 22.32 as individually shown

Comment [CG80]: See 22.32.024.A

Comment [JL81]: See 22.32.024.B

Comment [j3082]: See 22.32.024.G

Comment [JL83]: See 22.32.028.A

Comment [CDA84]: See 22.32.024.H

Comment [CDA85]: See 22.32.024.H and J.3, and 22.65.040.C.1.d

Comment [CDA86]: See 22.32.024.I

Comment [CG87]: Revisions to section (f) made for consistency with 6/15/15 Draft Resubmittal Text. Moved to 22.32.026

- ~~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 within the farmshed, defined as the same farm as the proposed processing facility or on other agricultural properties located in Marin County or Sonoma County;~~
- ~~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 other properties located in the farmshed which provide agricultural products to the processing facility;~~
- ~~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.~~

Agricultural Retail Sales Facility/Farm Stand:

- ~~5. The building(s) or structure(s) or outdoor areas used for retail sales do not exceed an aggregate floor area of 500 square feet;~~
- ~~6. Agricultural products to be sold are produced within the farmshed, defined as by the operator on the same farm as the proposed sales facility, or on the operator's other agricultural properties located in Marin County or Sonoma County;~~
- ~~7. The operator of the sales facility is directly involved in the agricultural production on the property on which the sales facility is located, and other properties located in the farmshed which provide agricultural products to the retail sales facility;~~
- ~~8. 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.~~

Both Uses:

- ~~9. In addition to the required standards specified above:

 - ~~a. The processing facility and the building(s) or structure(s) or outdoor areas used for retail sales are not placed on land designated as prime agricultural land.~~
 - ~~b. The processing facility and the building(s) or structure(s) or outdoor areas used for retail sales are placed within the mapped clustered development area required in subsection (d) and do not require any new road construction.~~
 - ~~b.c. The processing facility and the building(s) or structure(s) or outdoor areas used for retail sales do not require a Coastal Zone Variance.~~~~

2. Standards for ~~Non-Agricultural~~ Non-Principally Permitted Uses and Development

~~In addition to the standards of Section 1, above, all of the following development standards apply to non-principally permitted uses and development Non-agricultural uses, including division of agricultural lands, or construction of two or more dwelling units (excluding~~

Comment [JL88]: Revised per recent discussions and moved to 22.32.036

Comment [jl-89]: This is now covered in 22.65.040(C)(1)(d), however that is renumbered, and will be cross-referenced in Chap. 22.32

Comment [JL90]: Revised per recent discussions and moved to 22.32.027

~~agricultural worker or intergenerational housing) shall meet the requirements of Section 22.65.040C above and the following additional requirements:~~

- ~~a. Non-principally permitted uses and development shall only be allowed when such uses will serve to maintain and enhance agricultural production.~~
- ~~b. 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, including their availability on a lease basis or for the maintenance of the community's roads, septic or water systems.~~

3. Standards for Non-Agricultural Conditional Uses and Development

~~In addition to the standards of Sections 1 and 2 above, all of the following development standards apply to non-agricultural conditional uses and development.~~

~~**a. Residential development.** Notwithstanding the provisions of this Section, Non-Agricultural residential development shall not be permitted in the C-APZ until specific provisions and standard conditions consistent with the Agriculture Chapter of the certified Land Use Plan are adopted by the Marin County Board of Supervisors and certified as an LCP Amendment by the California Coastal Commission~~

~~**b. Conservation easements.** Consistent with state and federal laws, the approval of non-agricultural conditional development, uses, a sub-including land divisions, 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.~~

~~**c. 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, including and their availability for lease, and/or for the maintenance of community roads or mutual water systems. Submission of an APSP shall be required for approval of all land division and shall be required for all other non-agricultural development of C-APZ lands, except as provided for in (2) below. 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 ~~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

Comment [JL91]: Specific language added consistent with prior changes

Comment [CG92]: Edited for consistency with C-AG-8

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 the farmhouse, agricultural worker housing or to intergenerational homes ~~otherwise permissible agricultural dwellings~~ ~~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. The ASPSP may also be waived for non-agricultural land uses ~~It may also be waived for otherwise permissible non-agricultural land uses development other than land divisions~~ 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 ~~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~~ shall be referred to such individuals or groups with agricultural expertise as appropriate for analysis and a recommendation. Such individuals or groups ~~should~~ shall also be requested to periodically review and evaluate the effectiveness of the APSP program.

c. **Required findings.** Review and approval of ~~land use~~ Coastal ~~p~~ 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 written findings, in addition to others required by this ~~Article~~ LCP:

1. The proposed development is necessary because the agricultural use of the property is no longer feasible. Any determination that agricultural use of the property is no longer feasible shall be made in writing and be supported by evidence. 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 such development, on adjacent parcels, or on other agricultural parcels within one mile of the perimeter of the proposed development.

Comment [CG93]: This paragraph revised for consistency with C-AG-8

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.
4. ~~If a proposed land division, the land division will not~~ No land division shall result in any parcel less than 60 acres. Land divisions are prohibited unless the agricultural productivity of any resulting lots and on adjacent parcels is not reduced. Land divisions shall only be allowed upon demonstration that the long-term agricultural productivity, including on each parcel to be created, would be maintained and enhanced and that agricultural productivity on adjacent parcels would be maintained.
6. ~~Land divisions shall only be permitted where 50% of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels, except that lease of a legal parcel at a level of agricultural use that will sustain the agricultural capacity of the site is not prohibited.~~
7. ~~Land divisions shall be prohibited if the resulting lots cannot be developed consistent with the LCP.~~

Comment [CG94]: Edited for brevity.

Comment [CG95]: Not relevant to C-APZ and agricultural lands in general

Comment [CG96]: Edited to reduce redundancy...consistency with LCP already noted above in section heading on previous page (22.65.040.C.2.c)

Comment [CG97]: Edit to clarify that project is consistent with LCP

Comment [CG98]: Revisions in this section for consistency with C-AG-9

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), so long as ~~such a transfer is, provisions are~~ otherwise LCP consistent.

4. Residential Development and Agricultural Dwelling Unit 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, by the following means:

1. Residential development (defined as “Single-family dwellings, attached or detached” in Table 5-1-c, in contrast to Agricultural Dwelling Units) shall be consistent with Section 22.32.115 of this chapter and shall not be permitted in the C-APZ until specific provisions and standard conditions consistent with the Agriculture Chapter of the certified Land Use Plan are adopted by the Marin County Board of Supervisors and certified as an LCP Amendment by the California Coastal Commission. No residential development is permitted on the same legal lot where an Agricultural Dwelling or Dwelling Unit Cluster is located.
2. Residential development and agricultural dwelling units, other than principally permitted agricultural dwelling units, shall be reviewed to ensure they ~~serve to maintain and enhance agricultural production and~~ do not diminish current or future agricultural production on the property or convert it to primarily residential use.
2. Any proposed residential development, agricultural dwelling unit and related 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. All such development shall be clustered with existing structures and development on the farm, pursuant to Section 22.65.040(C)(1)(d), and shall be sited and designed to protect significant public views.

When considering proposed residential development and agricultural dwelling units, other than principally permitted agricultural dwelling units, the reviewing authority shall exercise its discretion in light of some or all of the following criteria for the purpose of ensuring that the land 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 investments 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.
 - 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 development will facilitate the ongoing viability of agriculture such as through the intergenerational transfer or lease of existing agricultural operations.
3. In no event shall an agricultural dwelling ~~or single family residence~~ subject to these provisions exceed 7,000 square feet in size. Where a farmhouse and one or two intergenerational dwellings are allowed in the C-APZ zone, the aggregate development of all homes ~~such agricultural dwellings~~ on the subject legal lot shall not exceed 7,000 square feet. However, agricultural worker housing, up to 540 square feet of garage space for each farmhouse, 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.
4. The square footage limitations noted in the above criteria represent maximum residence or agricultural dwelling unit sizes and do not establish a mandatory entitlement or guaranteed right to development; rather, site constraints and resource protection standards may require reduced size limits in any particular case.
5. Agricultural homestays, bed & breakfasts, home occupations, care facilities, group homes and similar permissible uses allowed in the C-APZ zone may only occur within otherwise allowable agricultural dwelling units and not within additional separate structures.

{BOS-app-10/2/2012}

22.65.050 – C-ARP Zoning District Standards

- A. Purpose.** This Section provides development standards for the C-ARP zoning district ~~that are~~ designed 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. Allowable land uses. Residential use shall be the principal permitted use in all parcels with the land use designation of C-AG3. Agriculture shall be the principal permitted use in all parcels with the C-AG1 and C-AG2 land use designations.

~~D.C.~~ Subland division requirements. Where otherwise consistent with the standards specified in Chapter 22.70.190, Subland divisions of small agricultural holdings within the C-ARP zoning district shall conform to the following standards:

1. ~~Subdivision~~ Land division 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.

~~E.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 to the maximum extent feasible. Agricultural land not presently in production ~~may~~ shall be preserved to the maximum extent feasible 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 across lands remaining in private ownership where consistent with adopted County and coastal plans, and where consistent with federal and state law, where not in conflict with agricultural uses, and where liability issues have been resolved.

Chapter 22.130 – Definitions

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, except for Article V, Chapters 22.60 – 22.70 in which case which any definition contained therein shall prevail, 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...

Agricultural Production (land use) (Coastal). ~~This land use consists of the Breeding, raising, pasturing, and grazing of animals used in farming or the planting, growing and/or producing and harvesting of food, fiber and 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. Plant nurseries and nursery products - nursery crops, cut plants.
5. Aquaculture and mariculture
6. Viticulture
7. Vermiculture

8. Forestry crops (not including Timber Harvesting)
9. Commercial gardening
10. Beekeeping

Agricultural Dwelling Cluster (Coastal). A farmhouse or a combination of one farmhouse and up to two intergenerational homes with the combined total of 7,000 square feet, plus up to ~~the~~ allowed 540 square feet of garage space and up to 500 square feet of office space in the farmhouse used in connection with the agricultural operation. ~~(see 22.32.024 for development standards)~~

Comment [JL99]: Consistent with C-AG-2 and modifications.

Comment [rev100]: Cross-reference added

Agriculture (Coastal). This land use consists of agricultural production for commercial purposes, and the facilities that are accessory and incidental to, in support of, ~~and compatible with or, and, within the C-APZ zone,~~ necessary for the property's agricultural production; ~~including~~ agricultural accessory structures and agricultural accessory activities, agricultural dwelling units ~~one farmhouse per legal lot, intergenerational housing, agricultural worker housing,~~ agricultural product sales and processing, non-profit and owner-operator conducted agricultural tours, and agricultural homestay facilities.

[BOS app. 10/2/2012]

Agricultural Production Activities, Ongoing (Coastal) means the following Existing agricultural production activities, including:

1. All ~~ongoing grading and~~ routine agricultural cultivation practices (e.g. plowing, tilling, planting, harvesting, and seeding), which ~~have are~~ not ~~been~~ expanded into Environmentally Sensitive Habitat Areas (ESHAs) and ESHA buffers, Oak woodlands or areas never before used areas for agriculture., and
2. Conservation practices required by a governmental agency including, but not limited to, the State Water Resources Control Board or Regional Water Quality Control Board, in order to meet requirements to protect and enhance water quality and soil resources.

The following activities shall not be considered ongoing agricultural activities for the purposes of the definition of "Development;" and constitutes new development requiring a coastal permit consistent with Chapters 22.68 and 22.70, unless such development is categorically excluded by a Coastal Commission approved Categorical Exclusion Order.

1. Development of new water sources such as construction of a new or expanded well or ~~expansion of a~~ surface impoundment.,
2. Installation or extension of irrigation systems
3. Terracing of land for agricultural production;
4. Preparation or planting of land for viticulture, including any initial vineyard planting work as defined in Chapter 22.130;
5. Preparation or planting of land for growing or cultivating the genus *cannabis* .
6. Routine agricultural cultivation practices on land with an average agricultural slope of more than 15%.

Comment [JL101]: Removed to expand coverage to "new" surface impoundment.

Agricultural Production Activities, Ongoing (Coastal) means the following Existing agricultural production activities, including:

Agriculture (coastal). This land use consists of the "Agriculture, Mariculture" category of Table 5-1-a, including agricultural production for commercial purposes, and the facilities that are accessory and incidental to, in support of, ~~and compatible with, and, within the C-APZ zone, or necessary~~ for the property's agricultural production; ~~including~~ agricultural accessory structures and agricultural accessory activities, agricultural dwelling units ~~one farmhouse per legal lot, intergenerational housing, agricultural worker housing,~~ agricultural product sales and processing, non-profit and owner-operator conducted agricultural tours, and agricultural homestay facilities.

[BOS app. 10/2/2012]

Add the following definitions to Chapter 22.130:

Actively and directly engaged. means making day-to-day management decisions for the agricultural operation and being directly engaged in production of agricultural commodities for commercial purposes on the property

Agricultural use. The breeding, raising, pasturing, and grazing livestock of every nature and description for the production of food and fiber; breeding and raising bees, fish, poultry, and other fowl; planting, raising, harvesting, and producing agricultural, aquacultural, horticultural, and forestry crops and products of every nature and description; and the processing, storage, and sale, including direct retail sale to the public, of crops and products harvested and produced principally on the farm; further provided, however, that all agricultural uses and activities are consistent with applicable laws, including those of the Local Coastal Program.

Average agricultural slope. The average percent slope of new or existing agricultural land prior to the commencement of any agricultural planting work. All average slopes shall be calculated using the most recent data from the United States Geological Survey (USGS), field-based documentation surveyed cross-sections, or computer generated topographic mapping.

Initial vineyard planting work. The removal of existing vegetation or agricultural plants, vines, or trees, grading, disking, ripping, soil chiseling, terracing, and other major soil conditioning and recontouring, vineyard field road construction, installation of underground drainage systems, grassed waterways, diversion ditches, and other drainage improvements, installation/development of vineyard water supply systems, installation of temporary and permanent erosion and sediment control measures and other activities undertaken as part of the initial land preparation phase of an authorized vineyard planting or replanting.

Farm tract (coastal). A collection of all contiguous ~~properties~~ legal lots under a common ownership within a C-APZ zoning district

Comment [j1102]: Used in definition of "Agriculture, Ongoing"

Comment [j1103]: Used in definition of "Agriculture, Ongoing"