

Coastal Commission Staff Suggested Modifications

to the
LCP Amendments adopted by the Marin Board of Supervisors,
with CDA Preliminary Response

This version of IP incorporates all Modifications recommended by CCC Staff in their Staff Report dated 4/2/15 and Addendum dated 4/15/15. These are shown in black underline/crossout format.

CDA has suggested acceptance of all modification except those changes shown with additions in blue double underline and deletions in ~~single, italic cross out~~.

Shaded portions of the document pertain to Policies adopted by the Board on August 25, 2015, which are not part of the April 19, 2016 hearing.

MARIN COUNTY LOCAL COASTAL PROGRAM Development Code Amendments

Board of Supervisors Adopted ~~Draft~~
July 30, 2013

Important Note:
~~These amendments are not yet certified by the
California Coastal Commission~~

Marin County Board of Supervisors

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Chapter 22.32 – Standards for Specific Land Uses

NOTE: This version of Development Code Chapter 22.32 combines the current land use standards that apply countywide (last amended 1/24/2012) with the ~~proposed~~-LCPA land use standards specific to the Coastal Zone. The section titles for the coastal-specific provisions are denoted with “(Coastal)” and highlighted in green. All standards listed below are applicable in the coastal zone, except that the standards denoted with (Coastal) do not apply outside the coastal zone, and those standards denoted with (non-Coastal) do not apply in the coastal zone. In addition, this Chapter specifies permitting requirements that may be applicable for particular land uses, including Design Review, Sign Permits, and Second Unit Permits. In all cases, these permit requirements apply independent of and in addition to the Coastal Permit requirements identified in Chapter 22.68 for development (coastal), as defined in Chapter 22.130 of Article VIII, proposed to be undertaken within the Coastal Zone.

Sections:

- 22.32.010 – Purpose of Chapter
- 22.32.020 – Accessory Retail Uses
- 22.32.021 – Agricultural Accessory Activities (Coastal)
- 22.32.022 – Agricultural Accessory Structures (Coastal)
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- 22.32.180 – Wind Energy Conversion Systems (WECS) (non-Coastal)

22.32.010 – Purpose of Chapter

This Chapter provides site planning and development standards for land uses that are allowed by Article II (Zoning Districts and Allowable Land Uses) and Article V (Coastal Zone Development and Resource Management Standards) in individual or multiple zoning districts (e.g., in residential, commercial, and industrial districts and in residential and commercial, and/or in commercial and industrial districts).

22.32.020 – Accessory Retail Uses

The retail sales of food and other products may be allowed in a restaurant, store, or similar facility within a health care, hotel, office, or industrial complex for the purpose of serving employees or customers in compliance with this Section.

- A. Limitation on use.** Accessory retail uses shall be limited to serving employees and customers in pharmacies, gift shops, and food service establishments within institutional uses (e.g., hospitals and schools); convenience stores, gift shops, and restaurants/bars within hotels and resort complexes; restaurants within office and industrial complexes; and/or other uses determined to be similar by the Director.
- B. External appearance.** There shall be no external evidence (e.g., signs, windows with merchandise visible from streets or sidewalks external to the site, etc.) of any commercial activity other than the primary use of the site (except in the case of a restaurant/bar within a hotel).

22.32.021 – Agricultural Accessory Activities (Coastal)

The standards of this Section shall apply to agricultural accessory activities defined in Section

22.130.030

.

(Coastal) In the C-APZ, C-ARP and C-OA zones agricultural accessory activities shall be accessory and incidental to, in support of, ~~and~~ and-compatible with, ~~and within the C-APZ zone, 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~~ and-compatible with, ~~and within the C-APZ zone, 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 b~~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.

Comment [jl-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 [jl-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 [jl-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."

H. Transient Occupancy Tax. Agricultural Homestays shall be subject to the Transient Occupancy Tax, in compliance with Chapter 3.05 (Uniform Transient Occupancy Tax) of the County Code.

I. Signs. Signs shall be limited to one on-site sign not to exceed four square feet in area and shall

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.

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

J. Fire safety. The Agricultural Homestay shall meet all of the requirements of the County Fire Department or local Fire Protection District, as applicable.

K. Parking. On-site parking shall be provided in compliance with 24.04.330 through .400 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]

22.32.023 (see below) 22.32.028-Agricultural Worker Housing (non-Coastal)

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.

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

A. ~~Only one~~ An Agricultural Dwelling Cluster ~~At~~ 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~~

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

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 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 by 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.

J. ~~(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, and compatible with, ~~and necessary for~~ agricultural production. The intent of these provisions is to allow intergenerational homes ~~using 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.

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

~~**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 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

Comment [j3021]: Renumber-ed for consistent format

~~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– Airparks

Airparks may be located where allowed by Article II (Zoning Districts and Allowable Land Uses) and Article V (Coastal Zoning Districts and Allowable Uses) of this Development Code, for business or emergency purposes, subject to the following standards:

- A. **State permit required.** ~~A Use P~~ permit or exemption shall be obtained from the California Department of Transportation, Division of Aeronautics, and evidence of the permit or exemption shall be presented to the Agency, prior to establishing any airpark.
- B. **Nuisance mitigation.** A proposed airpark shall be located so that neither air or related surface traffic constitute a nuisance to neighboring uses. The applicant shall demonstrate that adequate controls or measures will be taken to mitigate offensive bright lights, dust, noise, or vibration.

Airparks shall not constitute a nuisance resulting from frequency and timing of flights, location of landing area, or departure and approach patterns that conflict with surrounding land uses.

22.32.025 – Farmhouse (Coastal)

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), t~~he 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.

Comment [jl-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?

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.

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.

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.

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]: from 22.65.040.C.1.e.1

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.

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.

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.

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 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

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

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:

2a. 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.

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.

~~{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 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~~ 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.

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

(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 ~~p~~Property, and its provisions shall be enforced by the County of Marin.

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

22.32.030 – Animal Keeping

The standards of this Section shall apply to the keeping of animals in specified zoning districts and their Coastal Zone counterparts, in addition to the standards in Chapter 8.04 (Animal Control) of the County Code.

A. General standards. The following general standards shall apply:	<p>1. Requirements. All animal keeping activities shall comply with the general requirements in Tables 3-6 and 3-7; and</p> <p>2 Household pets. Household pets are allowed in all zoning districts.</p>
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TABLE 3-6

GENERAL REQUIREMENTS FOR THE KEEPING OF SMALL ANIMALS
(Chickens, Ducks, Exotics, Geese, Guinea Fowl, Pea-fowl, Rabbits, Roosters, and Similar Animals)

Zoning Districts	Applicable Standards	Standards
A2, A3 to A60 ARP, APZ	All animals allowed subject to Standard 4	1. Maximum 12 animals, unless approved by a Use Permit.
RSP, RMP, RMPC	All standards apply	

RA and RE RR, R1, R2, R3	All standards apply	2. In R zoning districts, the keeping of small animals shall be an accessory use to the primary residential use of the parcel.
		3. Roosters, quacking ducks, geese, guinea fowl, and pea fowl are not permitted
		4. A Use Permit is required for the keeping of exotic animals outdoors in all zoning districts where permitted.

TABLE 3-7
GENERAL REQUIREMENTS FOR THE KEEPING OF LARGE ANIMALS, HORSES,
DONKEYS, MULES, AND PONIES
(Cows, Exotics, Goats, Pigs, Sheep, Llamas & Similar Animals)

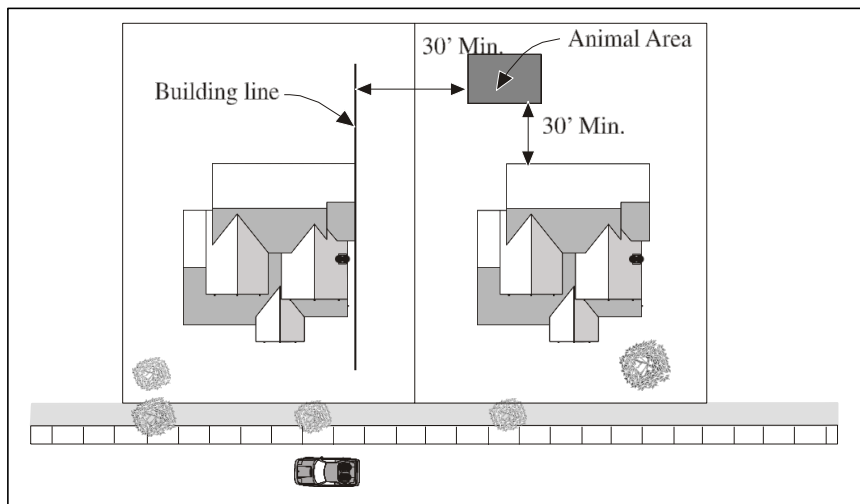
Zoning Districts	Allowed Animals and Applicable Standards	Standards
A3 to A60 and APZ to ARP	All animals allowed subject to standards 1, 4, and 5	1. Livestock sales/feed lots and stockyards require a Use Permit in all zoning districts where permitted.
A2, RSP, RMP, RMPC	All animals allowed and all standards apply.	2. Livestock operations for grazing and large animals are allowed in the RSP, RMP, and RMPC zoning districts only where the site is three acres or more, and only with a Use Permit. 3. The keeping of livestock and large animals is allowed in compliance with Section 22.32.030.B. 4. A Use Permit is required for the keeping of exotic animals outdoors in all zoning districts where permitted. 5. A Use Permit is required for keeping more than five horses, donkeys, mules, or ponies within the APZ zoning district where these are the primary or only animals raised.
RA	All animals allowed and all standards apply.	1. Maximum: Three animals unless approved by a Use Permit. 2. Large dairy animals for a dairy operation allowed in RA zoning district only on parcels of five acres or more. 3. Equestrian facilities require a Use Permit. 4. The keeping of livestock and large animals is allowed in compliance with Section 22.32.030.B. 5. A Use Permit is required for the keeping of exotic animals outdoors in all zoning districts where permitted.
RR, R1, R2, R3, RE	Allowed animals limited to donkeys, horses, mules and ponies, subject to all standards.	1. Only donkeys, horses, mules and ponies allowed in compliance with Section 22.32.030.B. 2. In R zoning districts, the keeping of animals shall be an accessory use to the primary residential use of the parcel.
OA	All animals allowed and all standards apply.	1. Large animals allowed in conjunction with dairies and grazing. Horses, donkeys, mules, and ponies allowed in compliance with Section 22.32.030.B. 2. A Use Permit is required for the keeping of exotic animals outdoors in all zoning districts where permitted

B. Standards for livestock, horses, donkeys, mules, and ponies The following standards, which do not apply in the A-3 to A-60, ARP or APZ zoning districts, shall apply to the

keeping of livestock, horses, donkeys, mules, and ponies in addition to those in 22.32.030.A (General Standards), above:

1. **Location of animals and structures.** No animal or any structure for animals shall be located closer than 30 feet to:
 - a. The public right-of-way upon which the parcel faces;
 - b. Any dwelling;
 - c. Any building line on an adjoining parcel (the boundary extended from the nearest edge of a primary or accessory structure or the required setback line on the adjoining parcel, whichever is closer to the property line). (See Figure 3-13); and
 - d. Additionally, no animal or any structure for animals shall be located in a required setback area, or closer than 10 feet to a property line.

FIGURE 3-13
LOCATION OF ANIMALS AND ANIMAL STRUCTURES



2. **Minimum area and slope standards.** The keeping of livestock, horses, donkeys, mules, and ponies shall comply with the following standards:
 - a. The minimum lot area for the keeping of one animal shall be 15,000 square feet for properties with one percent through 15 percent slope. For each percent of slope over 15 percent, the minimum lot area shall be increased by 1,000 square feet.
 - b. For each additional animal, an additional 5,000 square feet of lot area shall be provided.
 - c. No animals shall be allowed on slopes exceeding 50 percent.

3. **Erosion and drainage control plan required.** An erosion and drainage control plan shall be submitted and approved by the County Department of Public Works for the keeping of animals on sites over 25 percent in slope.
4. **Site maintenance.** The property owner shall submit a manure management plan that should require periodic manure collection and composting or removal of manure from the premises, subject to the approval of the County Health Officer.
5. **Water supply.** An adequate supply of fresh water shall be available to animals at all times, subject to the approval of the County Health Officer.
6. **Exceptions by Use Permit.** The keeping of horses, donkeys, mules, or ponies may be allowed with Use Permit approval, in compliance with Chapter 22.48 (Use Permits), in any zoning district not listed in this Section or for an exception from any of the standards.
7. **Existing uses conforming.** Any residential property where horses, donkeys, mules, or ponies are legally kept as of the effective date of this Development Code shall be deemed to be conforming. Any expansion of use shall be subject to the provisions of this Section.

22.32.040 – Bed and Breakfast Inns

Bed and breakfast inns (B&Bs) are subject to the requirements of this Section. The intent of these provisions is to ensure that compatibility between the B&B and any adjoining zoning district or use is maintained or enhanced.

- A. **Permit requirement.** B&Bs are allowable in the zoning districts and with the permit requirements determined by Articles II (Zoning Districts and Allowable Land Uses), and V (Coastal Zone Development and Resource Management Standards).
- B. **Site requirements.** Except for minimum lot size requirements, the proposed site shall conform to all standards of the applicable Residential, Commercial, Coastal, or Agricultural zoning district.
- C. **Appearance.** The exterior appearance of the structure used for the B&B shall maintain single-family residential or, in the case of B&Bs on agricultural land, rural farm, characteristics.
- D. **Limitation on services provided.** The services provided guests by the B&B shall be limited to the rental of bedrooms and the provision of breakfast and light snacks for registered guests. There shall be no separate/additional food preparation facilities for guests.

No receptions, private parties, retreats, or similar activities, for which a fee is paid shall be allowed.

- E. **Business license required.** A current business license shall be obtained/posted, in compliance with Title 5, Chapter 5.54 (Business Licenses) of the County Code.
- F. **Occupancy by permanent resident required.** All B&Bs shall have one household in permanent residence.

G. Transient Occupancy Tax. B&Bs shall be subject to the Transient Occupancy Tax, in

compliance with Chapter 3.05 (Uniform Transient Occupancy Tax) of the County Code.

- H. Signs.** Signs shall be limited to one on-site sign not to exceed four square feet in area and shall be installed/maintained in compliance with Chapter 22.64.100(A)(5) (Signs) Signs shall also be installed/maintained in compliance with Chapter 22.28 in addition to and independent of Coastal Permit requirements..
- I. Fire safety.** The B&B shall meet all of the requirements of the County Fire Department.
- J. Parking.** On-site parking shall be provided in compliance with 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.
- K. 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.

22.32.050 – Child Day-Care Facilities

This Section establishes standards for the County review of child day-care facilities, in conformance with State law (Health and Safety Code Section 1596.78), including the limitations on the County's authority to regulate these facilities.

These standards apply in addition to all other applicable provisions of this Development Code and any requirements imposed by the California Department of Social Services through its facility licensing procedures. Licensing by the Department of Social Services is required for all child day-care facilities.

- A. Applicability.** Where allowed by Article II (Zoning Districts and Allowable Land Uses) and Article V (Coastal Zoning Districts and Allowable Land Uses) child day-care facilities shall comply with the standards of this Section. As provided by State law (Health and Safety Code Sections 1596.78, et seq.), small and large family day-care homes are allowed within any single-family residence located in an agricultural or residential zoning district. ~~In the coastal zone, small and large family day-care homes must be within otherwise allowable dwellings and not within additional separate structures.~~ Child day-care centers are allowed in the zoning districts determined by Article II (Zoning Districts and Allowable Land Uses), subject to Use Permit approval, in compliance with Chapter 22.48 (Use Permits), and all of the standards in Subsection D, below.

These standards apply in addition to all other applicable provisions of this Development Code and any requirements imposed by the California Department of Social Services. Licensing by the Department of Social Services is required for all child day-care facilities. A California Department of Social Services license for a child day-care facility shall be obtained and evidence of the license shall be presented to the Agency prior to establishing any child day-care facility.

- B. Definitions.** Definitions of the child day-care facilities regulated by this Section are in Article VIII (Development Code Definitions) under “Child Day-Care Facilities”.
- C. Large family day-care homes.**
 - 1. Permit requirement.** A large family day-care home shall require the approval of a

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Large Family Day-care Permit by the Director.

2. **Standards for large family day-care homes.** As allowed by Health and Safety Code Sections 1597.46 et seq., a large family day-care home shall be approved if it complies with the criteria for Large Family Day-care Permit in Chapter 22.58 of this Development Code.

D. Standards

In the coastal zone, small and large family day-care homes must be within otherwise allowable dwellings and not within additional separate structures.

DE. Child day-care centers.

1. **Permit requirement.** A child day-care center shall require approval of a Use Permit in compliance with Chapter 22.48 (Use Permits).
2. **Standards for child day-care centers.** The following standards apply to child day-care centers in addition to the standards in Subsection 22.32.050.C.2.
 - a. **Fencing.** A six-foot high fence or wall shall be constructed on all property lines or around the outdoor activity areas, except in the front yard or within a traffic safety visibility area ~~or where there would be significant impacts to coastal resources, including public views~~. All fences or walls shall provide for safety with controlled points of entry in compliance with 22.20.050 (Fencing and Screening Standards). In the coastal zone, all fences and walls shall also comply with Chapter 22.64.045(2) (Fencing and Similar Structure Standards).
 - b. **Outdoor lighting.** On-site exterior lighting shall be allowed for safety purposes only, shall consist of low wattage fixtures, and shall be directed downward and shielded, subject to the approval of the Director.
 - c. **Swimming pools/spas prohibited.** No swimming pool/spa shall be installed on the site after establishment of the child day-care center, due to the high risk and human safety considerations. Any pool/spa existing on the site prior to application for approval of a child day-care center shall be removed prior to establishment of the use, unless the Director determines that adequate, secure separation exists between the pool/spa and the facilities used by the children.

22.32.060 – Cottage Industries

- A. **Limitation on use.** Cottage industries shall be limited to activities involving the design, manufacture, and sale of the following products and services, or others determined by the Director to be similar. See 22.02.020.E (Rules of Interpretation—Allowable Uses of Land).
 1. Antique repair and refinishing;
 2. Baking and the preparation of food specialties for consumption at locations other than the place of preparation;
 3. Catering;
 4. Ceramics;

5. Cloth decorating by batik, dyeing, printing, silk screening, or other similar techniques;
6. Clothing production, including dressmaking, etc.;
7. Furniture and cabinet making and other woodworking;
8. Jewelry making;
9. Painting and sculpture;
10. Photography;
11. Sewing;
12. Weaving; and
13. Other handicrafts.

- B. Permit requirement.** Use Permit approval, in compliance with Chapter 22.48 (Use Permits), is required for a cottage industry. During review of the application, the Zoning Administrator shall consider the adequacy of on- and off-site parking, the degree and intensity of any proposed retail sales, and shall first find that the proposed cottage industry would not result in any adverse impacts on the neighborhood. In the coastal zone, cottage industries must be within otherwise allowable dwellings or accessory structures.
- C. Equipment, noise.** Approved cottage industries may use mechanical equipment or processes as necessary, provided that no noise shall be audible beyond the property line of its site.
- D. Employees.** A cottage industry established in a dwelling or a detached accessory structure may have employees as authorized by the review authority, provided the number of employees does not exceed limitations established in an adopted community or specific plan.
- E. Other codes.** Cottage industries shall comply with all applicable health, sanitary, and fire codes, and shall obtain a County Business License.

22.32.062 – Educational Tours (Coastal)

(Coastal) Limitations on use. As defined in Section 22.130.030, educational tours are interactive excursions for groups and organizations for the purpose of informing them of the unique aspects of a property, including agricultural operations and environmental resources. In the C-APZ, ~~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]

22.32.070 – Floating Home Marinas

This Section provides for the creation and protection of floating home marinas in pleasing and harmonious surroundings, through the control of water coverage, vessel spacing, and height of

structures, with emphasis on usable public access to the shoreline. Floating Home Marinas are not allowed in the Coastal Zone.

A. Allowed uses. In addition to floating homes, the following accessory uses may be allowed subject to appropriate conditions in floating home marinas.

1. Car washing facilities, for residents only;
2. Chapel;
3. Coin-operated laundry and dry cleaning facilities, for residents only;
4. Management office and maintenance equipment storage;
5. Non-commercial recreation, meeting halls, club houses, etc.;
6. Overnight accommodations, for guests of residents;
7. Storage facilities, for residents only;
8. Vending machines, for residents only; and
9. Any other use which is clearly incidental and subordinate to the primary use.

B. Allowed accessory uses – Large marinas. In floating home marinas of over 200 homes, the following accessory uses may be allowed in addition to the uses listed in Subsection A, above:

1. Convenience goods shopping and personal service establishments, primarily for residents only; and
2. One doctor's and one dentist's office.

C. Standards and criteria. The following standards shall apply to the location, development, and maintenance of floating home marinas.

1. **Open water.** At least 50 percent of the total water area proposed for the floating home marinas shall be open water. The balance of the water area shall be used exclusively for floating homes and ramps or exit ways.
2. **Spacing.** The minimum distance between adjoining floating homes shall be six feet. This distance shall be increased to 10 feet if either of the floating homes is in excess of one story. Each floating home shall abut a fairway with access to open water. The minimum width of the fairway shall be 35 feet.
3. **Type of unit.** Not more than one dwelling unit per vessel shall be allowed.
4. **Required findings.** Marina approval shall require findings that the area is of sufficient size, type, location and has special features (e.g., access to public transportation and shopping facilities), which makes it a desirable residential area.
5. **Appearance.** Particular emphasis shall be placed upon the view of the area from surrounding communities and protection of the water habitat.

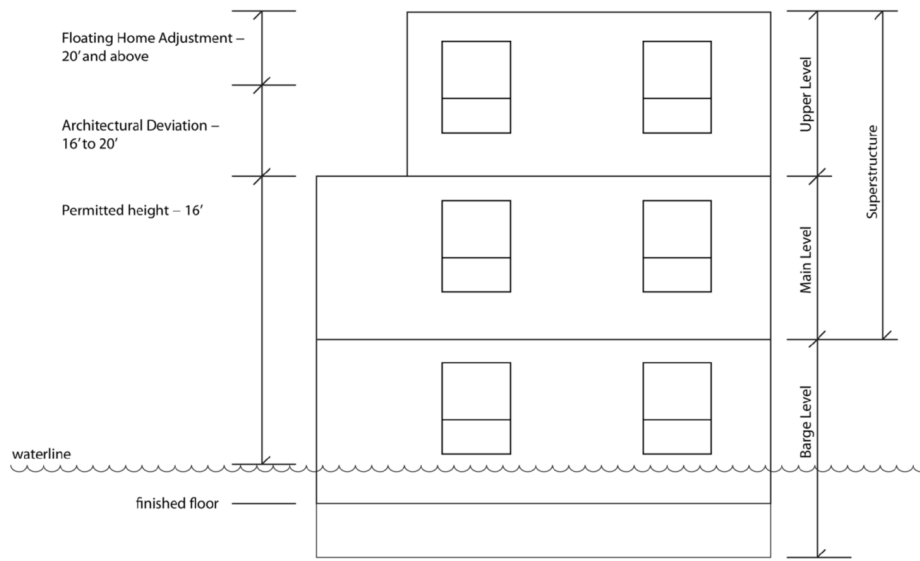
- 6. **Adverse impacts.** A floating home marina shall not be allowed if its presence creates adverse effects on surrounding communities or would be detrimental to water quality.
- 7. **Density.** No more than 10 vessels per acre shall be allowed.
- F. **Other regulations and ordinances.** All pertinent County, State, and Federal laws and regulations concerning the development and operation of floating home marinas shall be observed. Nothing in this Section shall be construed to abrogate, void or minimize other pertinent regulations.

22.32.075 – Floating Homes

This Section provides standards for the floating homes that may be located within floating home marinas. Floating Homes are not allowed in the Coastal Zone.

- A. **Permit requirement.** No person shall, without first securing a permit from the County, move, locate, relocate, transport, or dock a floating home within the unincorporated area of the County.
- B. **Standards and criteria.** The following standards apply to floating homes, in addition to those contained in Title 19 (Buildings) of the County Code.
 - 1. **Floating home size limitations.** Floating homes shall not exceed the following maximum dimensions, except where a Floating Home Architectural Deviation or Floating Home Adjustment Permit is approved in compliance with Chapter 22.46 (Floating Home Adjustments and Deviations). Maximum dimensions for length and width shall include the barge or other floatation structure.
 - a. **Floor area.** The floor area of any story above the lowest story of the superstructure shall not exceed 80 percent of the story immediately below the second story.
 - b. **Height:** 16 feet, measured from the water line at high tide or while the floating home is floating. (See Figure 3-14.)
 - a. **Length:** 46 feet.
 - b. **Width:** 20 feet.

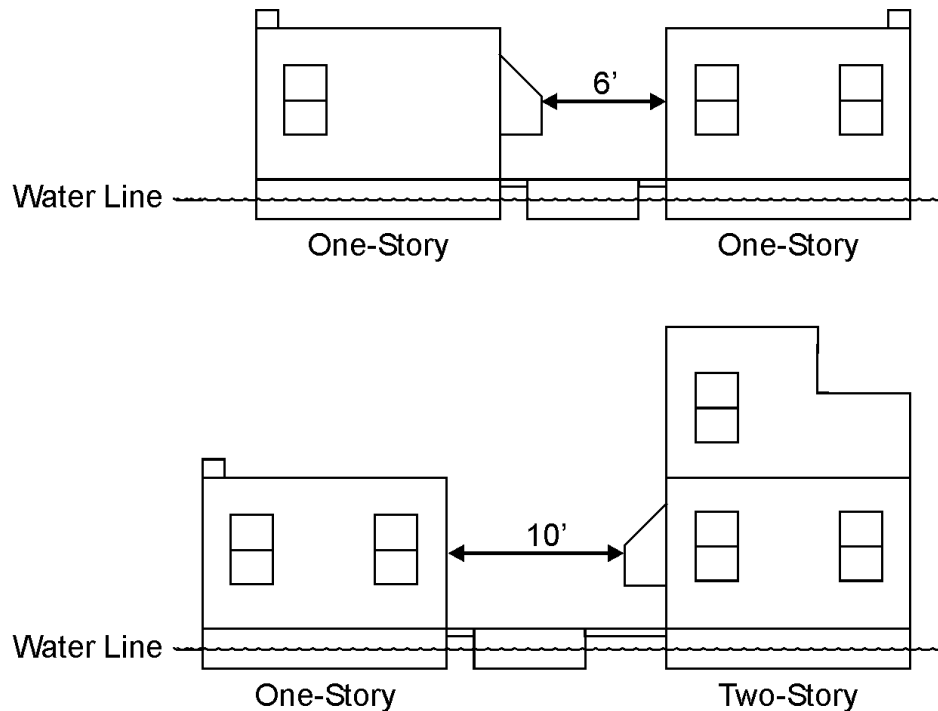
FIGURE 3-14
FLOATING HOME HEIGHT LIMITATIONS



2. **Mooring.** All vessels shall be securely and safely moored to ensure that the required space between floating homes is maintained at all times, in compliance with Section 22.32.070.C (Floating Home Marinas – Standards and Criteria). Vessels shall be moored to provide a clear waterway projection between adjoining boats or floating homes of at least six feet on all sides. A clearance of 10 feet shall be maintained when either floating home is in excess of one habitable story in height, as defined by the California Building Code. These requirements shall not apply between the vessel and the walkway or slip. See Figure 3-15.

Vessels shall be moored so as to allow landward vessels unlimited access. When used, mooring lines shall be of sufficient strength and be installed in a manner that will prevent the floating home from moving more than 12 inches in any lateral direction.

FIGURE 3-15
FLOATING HOME SETBACKS



22.32.080 – Group Homes and Residential Care Facilities

The standards of this Section shall apply to group homes and residential care facilities. Group homes and residential care facilities are dwellings licensed or supervised by any Federal, State, or local health or welfare agency that provide 24-hour non-medical care of unrelated persons, who are in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual in a family-like environment.

- A. Permitted use, zoning districts.** Group homes and residential care facilities are permitted in all zoning districts where dwellings are allowed by Articles II (Zoning Districts and Allowable Land Uses) and V (Coastal Zone Development and Resource Management Standards). In the coastal zone, group homes and residential care facilities must be within otherwise allowable dwellings.
- B. Limitations on use:**
 - 1. Group homes.** Group homes are for persons who are not disabled.
 - 2. Residential care facilities.** Residential care facilities are for persons who are disabled, as defined in Article VIII (Development Code Definitions).

C. Permit requirements:

- 1. Small group homes (six or fewer persons).** A small group home is a permitted use in all zoning districts where dwellings are allowed.
- 2. Large group home (seven or more persons).** A large group home is a permitted use in all zoning districts where dwellings are allowed, subject to Use Permit approval in compliance with Chapter 22.48 (Use Permits).
- 3. Residential care facilities.** A residential care facility is a permitted use in all zoning districts where dwellings are allowed.
- 4. Multiple group homes or residential care facilities.** Two or more group homes or residential care facilities occupying a lot are a permitted use, subject to:
 - a. Use Permit approval in compliance with Chapter 22.48 (Use Permits) and, where required, Master Plan approval in compliance with Chapter 22.44 (Master Plans and Precise Development Plans); and
 - b. Compliance with minimum lot area per unit and maximum density requirements of the zoning district where the dwellings are located.

22.32.090 – Guest Houses

A “guest house” is allowed to be located on the same lot as the primary residential structures, for use by occupants of the premises or guests without a payment of a fee. Only one guest house may be allowed on each legal lot. The guest house shall have no food preparation facilities and shall not be rented or otherwise used as a separate dwelling.

22.32.095 – Homeless Shelters

This section establishes standards for the County review of homeless shelters, in conformance with State law.

- A. Applicability.** Where allowed by Article II (Zoning Districts and Allowable Land Uses) and Article V (Coastal Zone Development and Resource Management Standards), homeless shelters shall comply with the standards of this Section. Homeless shelter means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. In the coastal zone, homeless shelters must be within otherwise allowable dwellings. No individual or household may be denied emergency shelter because of an inability to pay.
- B. Permit requirement.** The use of a homeless shelter shall require the ministerial approval of a Homeless Shelter Permit by the Director, in compliance with Chapter 22.59 (Homeless Shelters), if it complies with the standards of 22.32.095.C.
- C. Standards.**
- 1.** A homeless shelter shall not provide more than a maximum of 40 beds or serve 40 persons total.
 - 2.** The number of parking spaces required on-site for residents shall be based on 25% of the total beds and staff parking shall be the total number of beds divided by 10.
 - 3.** Shelters shall provide 5 square feet of interior waiting and client intake space per bed.

Waiting and intake areas may be used for other purposes as needed during operations of the shelter.

4. Management. On-site management must be provided during hours of operation.
5. Proximity to other emergency shelters. Emergency shelters shall be at least 300 feet apart.
6. Maximum length of stay. Maximum of 6 months.

22.32.100 – Home Occupations

The following provisions allow for home occupations that are secondary to a residential use, and compatible with surrounding uses. A “Home Occupation” is any use customarily conducted entirely on properties where residences are authorized and carried on only by its residents.

- A. **Permit requirement.** A business license shall be obtained/posted in compliance with Title 5, Chapter 5.54 (Business Licenses) of the County Code for home occupations, which are allowed as accessory uses in all residential zoning districts. Home occupations shall comply with all health, sanitary, and fire codes. In the coastal zone, home occupations must be within otherwise allowable dwellings or accessory structures.
- B. **Operating standards.** Home occupations shall comply with all of the following operating standards.
 1. **Accessory use.** The home occupation shall be clearly secondary to the full-time residential use of the property, and shall not cause noise, odors, and other activities not customarily associated with residential uses.
 2. **Visibility.** The use shall not require any modification not customarily found in a dwelling, nor shall the home occupation activity be visible from the adjoining public right-of-way or from neighboring properties.
 3. **Display, signs.** There shall be no window display or advertising sign(s), other than one name plate not exceeding one square foot in area. There shall be no display of merchandise or stock in trade or other identification of the home occupation activity on the premises.
 4. **Parking.** The use shall not impact the on-street parking in the neighborhood.
 5. **Safety.** Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises. The use shall not employ the storage of flammable, explosive, or hazardous materials unless specifically approved by the County Fire Department, in compliance with Title 16 (Fire) of the County Code.
 6. **Off-site effects.** No home occupation activity shall create dust, electrical interference, fumes, gas, glare, light, noise, odor, smoke, toxic/hazardous materials, vibration, or other hazards or nuisances as determined by the Director.
 7. **Employees.** A home occupation may be authorized to have a maximum of one nonresident employee with a Use Permit, in compliance with Chapter 22.48.
- C. **Prohibited home occupation uses.** The following are *examples* of uses that are not incidental to or compatible with residential activities, and are therefore *prohibited* as home

occupations:

1. Adult businesses;
2. Dance or night clubs;
3. Mini storage;
4. Storage of equipment, materials, and other accessories for the construction and service trades;
5. Vehicle repair (body or mechanical), upholstery, automobile detailing and painting;
6. Welding and machining;
7. Any use which generates more than one client appointment at a time; and
8. Any other use not incidental to or compatible with residential activities as determined by the Director.

22.32.105 – Mariculture (Coastal)

This Section applies to the culture and husbandry of aquatic organisms including shellfish, mollusks, crustaceans, kelp, and algae.

A. Support Mariculture. As applicable, ~~the coastal permitting authority~~ 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.

22.32.110 – Mobile Home Parks (non-Coastal)

This Section applies to areas set aside for mobile home parks in locations that are properly integrated with adjoining neighborhoods, in a way which will ensure the optimum benefit of residents of the mobile home park and of the larger community.

A. Allowable uses. Mobile home parks may include the primary uses normally associated with a mobile home park. The following accessory uses may be established in compliance with the applicable standards of this Development Code:

1. Car washing facilities, for residents, only;
2. Chapel;
3. Coin-operated laundry and dry cleaning facilities, for residents;
4. Home occupations;
5. Management office and maintenance equipment storage;
6. Non-commercial recreation, meeting halls, club houses, etc.;
7. Overnight accommodations, for guests of residents;
8. Storage facilities, for residents, only;
9. Vending machines, for residents, only; and
10. Any other use determined by the Director to be clearly incidental and subordinate to the primary use.

B. Large parks. The following additional accessory uses may be allowed in a mobile home park with over 200 mobile homes:

1. Convenience goods shopping and personal service establishments primarily for residents, only; and

2. One doctor's and one dentist's office.

C. Standards and criteria. Mobile home parks shall comply with the following standards.

1. **Minimum site area:** 10 contiguous acres.

2. **Maximum density.**

- a. The maximum density for a mobile home park in the RX zoning district shall be set by the Board as part of rezoning to the RX district and simultaneous Master Plan approval (see Section 22.32.110.D (Submission Requirements), below), but shall not exceed the density provided by Section 22.32.110.C.2.b below.

In determining the appropriate density, the Board shall consider any adopted Community Plan or the Countywide Plan, any Master Plan for the area in which the RX zoning district is to be established, existing zoning and development in the area, and any applicable parcel slope.

- b. Maximum density, determined by Master Plan approval, shall not exceed 10 mobile homes of 750 square feet or less in gross floor area per acre or eight mobile homes of more than 750 square feet in gross floor area per acre; or a combination of both.
3. **Completion of construction.** Prior to occupancy of the first mobile home, not less than 50 mobile home lots shall be prepared and available for occupancy.
 4. **Parking requirements.** The overall parking ratio shall be two parking spaces for each mobile home lot. At least one parking space shall be provided on, or immediately adjoining to, each mobile home lot, in compliance with Sections 24.04.330 through .400 (Parking and Loading) of the County Code.
 5. **Setbacks.** All structures and mobile homes shall be set back at least 25 feet from all property lines and streets or public rights-of-way. If a greater building line has been established by ordinance, it shall be observed. The setback area shall be landscaped and maintained as a buffer strip, in compliance with Chapter 22.26 (Landscaping).
 6. **County Health requirements.** A County Health Department permit shall be obtained in compliance with Chapter 7.44 (Mobile Home Parks) of the County Code.
 7. **Utilities.** All utilities shall be installed underground. Individual exposed antennae shall not be allowed.
 8. **Height limits.** The maximum height for:
 - a. Mobile homes shall be 15 feet;
 - b. Accessory **structures** shall be 15 feet; and
 - c. **Service** facilities shall be 30 feet.

Plan and Precise Development Plan approval, in compliance with Chapter 22.44 (Master Plans and Precise Development Plans), a petition for a zoning district change for an RX district and a Master Plan for the mobile home park shall be filed simultaneously with the Agency.

For the purpose of this Section, the rezoning and the Master Plan shall be considered as one application and shall be considered in compliance with Chapter 22.116 (Development Code, Zoning Map, Community Plan and Countywide Plan Amendments).

- E. **Other laws, regulations and ordinances.** All applicable County and State laws and regulations concerning the development and operation of mobile home parks shall be observed. Nothing contained in this Section shall be construed to abrogate, void, or minimize other pertinent requirements of law.

22.32.115 – Determination of Non-Agricultural Uses-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, and compatible with, and 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.~~

Comment [jl37]: clarity

Comment [jl38]: 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. **Acessory 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:~~

Comment [jl39]: per C-AG-6.

Comment [jl40]: Section below replaced consistent with C-AG-6, (preserving edit marks therein for review).

Comment [jl41]: Verbatim C-AG-6

- (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.

22.32.130 – Residential Accessory Uses and Structures

When allowed in the zoning district applicable to a site, see Section 22.10.030 (Residential District Land Uses and Permit Requirements) or Section 22.62 (Coastal Zoning Districts and Allowable Land Uses), ~~specific~~ residential accessory uses and structures are subject to the provisions of this Section. In the coastal zone, the standards in this section governing residential accessory uses and structures shall also apply to agricultural dwelling units. Residential accessory uses ~~and structures~~ include ~~any~~ uses and structures customarily related to a residence, including swimming pools, workshops, studios, storage sheds, small greenhouses, and garages.

- A. **General requirements.** All residential accessory uses and structures are subject to the following standards, ~~except and may also be subject to where~~ more restrictive requirements ~~are where~~ established by other provisions of this Section ~~for specific uses~~.
- 1. **Relationship of accessory use to primary use.** Residential accessory uses and structures shall be incidental to and not alter the character of the site from that created by the primary use. Accessory uses and structures shall not be allowed until a primary use or structure has been established on the site.
 - 2. **Attached structures.** A residential accessory structure that is attached to a primary structure shall comply with all requirements of this Development Code applicable to the primary structure, including setbacks, height, and floor area ratio.
 - 3. **Detached structures:**
 - a. **Height.** Residential accessory structures shall be in compliance with Section 22.20.060 (Height Measurement and Height Limit Exceptions). In the coastal zone, residential accessory structures shall be in compliance with Section 22.64.045(3) (Height Limits and Exceptions). A residential accessory structure shall not exceed a height of 15 feet; except that an accessory structure may be constructed to the maximum height allowed by the applicable zoning district for a primary structure, where the structure is located at least 40 feet from any property line and it meets any other applicable requirements (e.g., those protecting public views). Further, where floor area is developed beneath a detached parking structure in conformance with Section 22.32.130.A.3.b below, the maximum height of the detached structure shall be 30 feet ~~above grade~~.

- b. **Setback requirements:** Residential accessory structure(s) shall be in compliance with Section 22.20.090 (Setback Requirements and Exceptions). In the coastal zone, residential accessory structures shall be in compliance with Section 22.64.045(4) (Setback Requirements and Exceptions). Floor area directly beneath a parking structure that is built in reliance on Section 22.32.130.B.2 may be built to within three feet of the front property line that abuts the adjoining street from which vehicular access is taken, provided the floor area does not extend beyond the footprint of the parking structure.
 - c. **Coverage.** The total aggregate floor area of all detached accessory structures shall not exceed 30 percent of the area contained within the boundaries of the setback required in the rear yard except with Design Review approval, which shall be required in addition to and independent of Coastal Permit requirements. See Chapter 22.42 (Design Review).
 - d. **Floor Area Ratio (FAR).** A detached residential accessory structure shall be subject to the FAR requirements of the applicable zoning district, as FAR is defined in Article VIII (Development Code Definitions).
- B. **Parking structures.** The following additional requirements shall also apply to detached garages and other residential accessory parking structures ~~for parking~~.
 - 1. **Floor area ratio.** A parking structure shall be subject to the FAR requirements of the applicable zoning district, as FAR is defined in Article VIII (Development Code Definitions).
 - 2. **Front setback exception.** Where the slope of the one-half of the parcel beginning at the street-access side is 20 percent or more, or where the elevation of the parcel at the property line from which vehicular access is taken is five feet or more above or below the elevation of the adjoining street, a garage, carport, or cardeck may be built to within three feet of the front and side property lines that abut the adjoining street from which vehicular access is taken. All portions of the dwelling other than the parking structure shall maintain the setbacks applicable to the primary dwelling in the applicable zoning district. No portion of a residential parking structure, including eaves or roof overhangs, shall extend beyond a property line or into an access easement or street right-of-way.
- C. **Home occupations.** Home occupations are subject to Section 22.32.100 (Home Occupations).
- D. **Tennis and other recreational uses.** Private non-commercial outdoor tennis courts and courts for other sports (e.g., racquetball, etc.) accessory to a residential use may be established with Design Review approval in addition to and independent of Coastal Permit requirements, in compliance with Chapter 22.42, and are subject to the following requirements:
 - 1. **Fencing.** Court fencing shall be subject to the height limits of Section 22.20.050 (Fencing and Screening Standards). In the coastal zone, court fencing shall be subject to Section 22.64.045(2) (Fencing and Similar Structure Standards).
 - 2. **Lighting.** Court lighting may be prohibited, as a condition of the Design Review approval. If allowed, the court lighting may be installed with a height not exceeding 10 feet, measured from the court surface. The lighting shall be directed downward, shall only illuminate the court, and shall not illuminate adjacent property.

- E. Vehicle storage.** The storage of vehicles, including incidental restoration and repair, shall be in compliance with Section 22.20.090.F (Restrictions on the Use of Front Yard Setbacks in Residential Districts), and Chapter 7.56 (Abandoned Vehicles) of the County Code, in addition to and independent of Coastal Permit requirements.
- F. Workshops or studios.** A residential accessory structure intended for engaging in artwork, crafts, handcraft manufacturing, mechanical work, etc. may be constructed or used as a workshop or studio in a residential zoning district solely for: non-commercial hobbies or amusements; maintenance of the primary structure or yards; artistic endeavors (e.g., painting, photography or sculpture); maintenance or mechanical work on vehicles owned or operated by the occupants; or other similar purposes.

Any use of accessory workshops for a commercial activity shall comply with the requirements for Home Occupations in Section 22.32.100 (Home Occupations) or, where applicable Cottage Industries in Section 22.32.060 (Cottage Industries).

22.32.140 – Residential Second Units

- A. Purpose.** This Section is intended to accomplish the following:
1. Meet the County's projected housing needs and provide diverse housing opportunities;
 2. Provide needed income for homeowners;
 3. Provide second units which are safe and built to code;
 4. Provide second units which are compatible with the neighborhood and the environment; and
 5. Comply with provisions of State law, including those contained in Section 65852.2 of the California Government Code.
- B. Applicability.** The provisions of this Section shall apply to single-family and multi-family residential zoning districts, including the R1, R-2, RA, RR, RE, RSP, C-R1, C-R2, C-RA, C-RSP, C-RSPS, A, A2, ARP, C-ARP, RMP, and C-RMP districts in the unincorporated portions of the County.
- C. Design Characteristics.** A second residential unit shall be designed and constructed as a permanent residence with a minimum of 220 square feet of floor area, including: food preparation facilities which may include kitchen counters and cabinets, a stove, oven, hot plate, microwave, refrigerator, or sink, as determined by the Director; both a separate bathroom and separate entrance intended for the use of the occupants, as determined by the Director. A second unit may be established by:
1. The alteration of a single-family unit whereby food preparation facilities are not shared in common;
 2. The conversion of an attic, basement, garage, or other previously uninhabited portion of a single-family unit;
 3. The addition of a separate unit onto the existing single-family unit; or

4. The conversion or construction of a separate structure on the parcel in addition to the existing single-family unit.
5. ~~With the exception of density, all~~ Second units must shall be found consistent with all lot coverage and other site development standards per the applicable residential zoning district where such standards are considered on a cumulative basis that include accounting for any existing buildings on site. Second Units shall conform to all of the etc.) of the residential zoning district which governs the lot. A Second Unit attached to the principal residence shall be subject to the height, setback, and coverage regulations of the principal residence. ~~A Second Unit detached from the principal dwelling shall be treated as a residential accessory structure in regard to height, and setbacks.~~

- D. **Limitation on sale.** A second unit may be rented but shall not be sold separately from the single-family unit.
- E. **Second Unit Permitting Procedure.** Applications for Second Unit Permits that are not otherwise subject to a discretionary permit (e.g., Coastal Permit, Design Review, Variance) shall be approved ministerially without discretionary review or public hearing, pursuant to the Second Unit Permit requirements established in Chapter 22.56 (Second Unit Permits). ~~All second units in the coastal zone shall also require coastal permit approval consistent with the LCP (see additional standards in 22.64.130(A)(5)).~~
- F. **Recordation of Residential Second Unit Permits.** Any Residential Second Unit Permit granted in compliance with this Section may be recorded in the County Recorder's Office as an informational document in reference to the title of the subject property.
- G. **Periodic report.** The Agency shall periodically prepare a report to the Commission and Board on the status of this Section. The report shall include information about the number, size, type, and rent, as available, of each second unit by neighborhood. The report shall provide a basis for an evaluation of the effectiveness of this Section.

22.32.150 – Residential Uses in Commercial/Mixed Use Areas (Coastal)

This section applies to commercial development projects that include residential floor area in the C-VCR, C- H1, C-CP, C-RMPC, and C-RCR zoning districts.

A. Permit requirement. Any allowable dwellings shall be accessory to the primary commercial use, if any, and shall be designed and sited in a manner that does not conflict with the continuity of store frontages, while maintaining visual interest and a pedestrian orientation. Residential development within the C-VCR zone must also comply with the specific standards contained in 22.64.170(A)(3).

22.32.150 – Residential Uses in Commercial/Mixed Use Areas (non- Coastal)

This section applies to development projects that include new non-residential floor area in the C1, CP, AP, and H1 zoning districts.

- A. **Permit requirement.** Design Review approval, in compliance with Chapter 22.42 (Design Review), is required for residential uses in commercial areas subject to this Section. The following additional findings shall apply.

1. The site design is compatible with the adjacent community and incorporates design elements such as vertical mix of uses and usable common/open space areas, where appropriate.
2. The residential uses should be designed and sited in a manner that does not conflict with the continuity of store frontages, while maintaining visual interest and a pedestrian orientation.

B. Affordable Housing. The affordable housing requirements contained in Chapter 22.22 Affordable Housing Regulations may apply to the proposed development.

C. Exemptions.

1. For lots larger than 2 acres in size, renovations and additions not resulting in more than 1,000 square feet of new floor area shall be exempt from the requirements of this section.
2. For lots 2 acres and less in size, renovations and additions not resulting in more than 2,000 square feet of new floor area shall be exempt from the requirements of this section.
3. Projects developed under the Countywide Plan's Housing Overlay Designation program are subject to separate standards established in the Countywide Plan and are therefore exempt from the requirements of this section.

D. Waivers.

The review authority may grant a waiver to the development standards if one or more of the following criteria is met:

1. The applicant shows that the waiver is necessary to make the neighborhood serving retail development project economically viable, based upon appropriate financial analysis and documentation. The full cost of the county's review of any required pro forma data shall be borne by the applicant.
2. The applicant proposes to include either a greater number of affordable housing units than required per Chapter 22.22 or the same number of required units that are affordable at a lower income level.
3. Application of requirements of this Chapter would have an adverse impact on any real property that is listed in the California Register of Historic Resources.

E. Development standards.

1. The combined residential and commercial floor area ratio shall not exceed the floor area ratio that is established in the Countywide Plan land use designation. The floor area ratio limit does not apply to affordable housing projects.

For projects consisting of moderate income housing, the FAR may only be exceeded in areas that meet the County's vehicle level of service standard.

2. For lots larger than 2 acres in size, at least 50% of the new floor area shall be developed

for new housing.

For lots 2 acres and less in size, at least 25% of the new floor area shall be developed for new housing.

3. Required housing shall be provided at a minimum size of 220 square feet and a maximum size of 1,000 square feet per unit.
area (30 units per acre).
5. Projected afternoon (PM) peak-hour traffic impacts of the proposed development are no greater than such impacts for the maximum non-residential development permissible on the site under the Countywide Plan land use designation.
6. For properties within the area covered by the Tamalpais Area Community Plan, the residential units on sites developed pursuant to this section will not result in more than 100 residential units, excluding units with valid building permits issued prior to the date of adoption of the Countywide Plan update (November 6, 2007). The 100 unit cap includes any applicable density bonus.

22.32.160 – Service Stations/Mini-Markets

The retail sales of food and beverage products and other general merchandise in conjunction with a motor vehicle service station is allowed subject to Use Permit approval, in compliance with Chapter 22.48 (Use Permits), and the following standards.

- A. Sales area.** The maximum allowable floor area for retail sales shall be 175 square feet or 15 percent of the total floor area of the structure whichever is greater. These area limitations may be increased through Use Permit approval provided that the following findings are made:
 1. Retail sales shall be subordinate to the primary motor vehicle service station use(s);
 2. The proportion of retail sales to total floor area of the structure(s) shall be limited to an amount that is reasonable to allow sales of a limited number of items for the convenience of travelers as permitted by Subsection B, below.
 3. The size, extent and operation of retail sales shall not conflict with the predominant character of the area surrounding the service station.
 4. The size, extent, and operation of retail sales shall not cause a significant increase in traffic and noise in the area surrounding the service station.
- B. Allowed products.** Retail sales of non-automotive products shall be limited to items for the convenience of travelers, including film, personal care products, and packaged food and beverage items.
- C. Signs.** No exterior signs are allowed to advertise specific items for sale. All on-site signs shall be in compliance with Chapters 22.28 (Signs) and Title 5, Chapter 5.40 (Posting of Gasoline Prices) of the County Code, in addition to and independent of Coastal Permit requirements, including those specified in Chapter 22.64.100(A)(5).
- D. Parking.** On-site parking shall comply with Sections 24.04.330 through .400 (Parking and Loading) of the County Code, in addition to and independent of Coastal Permit

requirements, including those specified in 22.64.150, and shall include sufficient spaces for all employees on a single shift.

- E. **Restrooms.** Restrooms shall be provided and available to the public.
- F. **Self-service stations.** Establishment of self-service stations or the conversion of existing full-service stations to self-service stations shall require an additional finding by the Zoning Administrator, that the establishment of a self-service station will not adversely affect public health, safety, and welfare by either diminishing the availability of minor emergency help and safety services, including minor motor vehicle repair and public restrooms, or discriminating against individuals needing refueling assistance.

22.32.161 – Solar Energy Systems (Coastal)

The installation of any solar energy system, as defined in Section 22.130.030, must be sited and designed to be consistent with all required setbacks and height limits of the specific zoning district in which it is proposed. In addition, ground area coverage of the system shall have no significant impacts on environmental quality or wildlife habitats, and shall meet all other applicable policies and standards of the LCP.

A. Roof-Mounted Solar Energy System:

1. Allowed as a Principal Permitted Use in all coastal zoning districts.
2. May be ~~Exempt~~ from the Coastal Permit requirement, consistent with Section 22.68.050.
3. May exceed the required height limit of the zoning district in which the project is proposed by no more than two feet. If any part of the solar energy system structure exceeds the required height limit by greater than two feet, findings of consistency with the LCP, including Policies C-DES-1-3, shall be required, in addition to and independent of any required ~~then~~ Design Review ~~shall be required for~~ approval.

B. Free-Standing Solar Energy System:

1. Allowed as a Permitted Use in all coastal zoning districts.
2. Exempt from the minimum yard setback requirements of the zoning district in which the project is proposed if the structure does not exceed a height of eighteen inches above grade at any point.

22.32.165 – Telecommunications Facilities (Coastal)

This Section establishes permit requirements and standards for the development and operations of telecommunications facilities in compliance with State and Federal law, and the LCP.

- A. Permit requirements.** Telecommunications facilities are allowable in all zoning districts. All new telecommunications facilities shall require CDP approval, unless exempt pursuant to 22.68.050.
- B. Electromagnetic fields.** The electromagnetic field (EMF) strengths or equivalent plane-wave power densities generated by the approved facility, in combination with other existing ambient sources of EMF, shall not expose the general public to EMF levels which exceed the Maximum Permitted Exposure levels for electric and magnetic field strength and equivalent plane-wave power density in the EMF emission guidelines adopted by the Federal Communications Commission (FCC). In the event the FCC adopts a more restrictive

Maximum Permitted Exposure Level, or the County adopts a more restrictive EMF exposure standard if allowed by future changes in Federal law, the applicant shall demonstrate compliance with the more restrictive standard unless such a requirement is preempted by State or Federal law.

C. Development standards. In addition to all applicable required standards and findings, including those in the LCP's Community Design and Public Facilities and Services chapters, the following additional development standards shall apply for telecommunications facilities. All telecommunications facilities shall comply with all applicable LCP policies, including those specified below, except when denial would be inconsistent with the Federal Telecommunications Act (FTA) and the reviewing authority finds there is no feasible alternative location. Where denial would be inconsistent with FTA and the reviewing authority finds there is no feasible alternative, approval of the facilities is also subject to all of the following written findings: (1) There is no alternative facility configuration that would avoid impacts inconsistent with all other applicable standards of the certified LCP; (2) Impacts are avoided to the maximum extent feasible; (3) Unavoidable impacts are minimized and mitigated to the maximum extent feasible; and (4) The facility can be found consistent with all otherwise applicable LCP standards.

1. New telecommunication facilities shall not be permitted where co-location on existing facilities would provide equivalent coverage with less impact to coastal resources.
2. The placement of co-located facilities on an existing wireless telecommunication facility shall require a CDP, except that if a CDP was issued for the original wireless telecommunication facility and that CDP authorized the proposed new co-location facility, the terms and conditions of the underlying CDP shall remain in effect and no additional CDP shall be required.
3. New telecommunications facilities shall not be permitted in Ridge and Upland Greenbelt areas, unless no other technically feasible and available site exists; provided, wireless communications facilities should be permitted in ridge and upland greenbelt areas where they are co-located with existing structures and are consistent with the policies and programs of the LCP. Applications for new telecommunications facilities in Ridge and Upland Greenbelt areas shall include technical information prepared by qualified professionals that sufficiently demonstrates that no other technically feasible site is available to provide adequate coverage consistent with Federal law requirements. For the purposes of this section, any determination that no other technically feasible site is available shall be made in writing and supported by evidence.
4. New or expanded sites shall ensure co-location and other efficient use of facilities to minimize the need for new sites, particularly on ridgeline and/or visually sensitive locations. Site users and operators shall be encouraged to share and/or consolidate facilities to the greatest extent possible. Facilities that may be shared include buildings, access roads, parking areas, utilities, transmitters, towers and other structures, and antennas.
5. All telecommunication facilities shall be sited and designed to avoid, and where unavoidable, to minimize, visual impacts to the maximum extent feasible, including by visually blending with the predominant landscape, co-locating with existing facilities, landscaping consisting of non-invasive/native plants, coloring and materials to blend with the existing landscape, and shall be the minimum height necessary to provide adequate service coverage consistent with Federal law requirements. A visual analysis of the facility shall be submitted with the application materials to assess the proposed facility at design capacity. The visual analysis shall include a photo-montage or photo-simulation, and/or poles erected at the proposed site. The analysis shall address views of the proposed facility from public vantage points, including views from public roads, trails, lookouts, parks, and beaches. The analysis shall also depict cumulative

conditions by including information on existing, approved, and proposed telecommunications facilities that will or may eventually be approved at the proposed site.

6. Telecommunications support facilities such as vaults and equipment rooms, utilities and other support structures shall be placed underground, depressed, earth bermed, or sited below ridgelines or other significant public line of sight to the greatest extent feasible. All facilities shall visually blend with the surrounding built and natural environments.
7. New telecommunications facilities shall protect significant public views as required by Policy C-DES-2.
8. New telecommunications facilities proposed on parcels restricted by agricultural, open space, scenic or other public easement or restriction will only be permitted in accordance with the terms of such public easement or restriction.
9. Applications for new or expanded telecommunications facilities shall contain long range plans which project market demand and long-range facility expansion needs.
10. Development of telecommunications facilities shall be consistent with LCP policies requiring the protection of coastal resources, including ESHA and prime agricultural land. Such facilities shall be evaluated for the potential for significant adverse effects on plant and animal species, including the potential to interfere with the migratory flyway or flight path used by resident bird species, and where clearing native vegetation is required for facility construction or expansion. Where potential significant effects are identified, appropriate mitigation including siting, design, and monitoring shall be required to avoid, and/or offset if unavoidable, such effects.
11. All coastal permit approvals granted for telecommunications facilities shall include a condition that the permit be authorized and renewed via a new CDP at least every 10 years. When reviewing requests for permit renewal, the Applicant shall incorporate all feasible new or advanced technologies that will reduce previously unavoidable impacts to the maximum extent feasible **or the permit will not be renewed.**

22.32.165 – Telecommunications Facilities (non-Coastal)

This Section establishes permit requirements and standards for the development and operations of telecommunications facilities in compliance with the following policies of the Marin County Telecommunications Facility Policy Plan.

- A. Permit requirements.** Telecommunications facilities are allowable in all zoning districts, subject to the permit requirements described in Telecommunications Facilities Policy Plan Implementation Objectives RP-1 and RP-2.
- B. Permit waivers.** An applicant for a wireless telecommunications facility may file a formal written request for waiver of the permit requirements described in Telecommunications Facilities Policy Plan Implementation Objectives RP-1 and RP-2. Permit waivers are separate from the permit exemptions identified in the Telecommunications Facilities Policy Plan and it is the responsibility of the applicant to establish evidence in support of the waiver criteria required by this section. The Director shall waive the permit requirements for a facility that is co-located on or adjoining an existing telecommunications facility when the existing telecommunication facility has a certified environmental impact report or adopted negative declaration or mitigated negative declaration, and the existing facility has incorporated the required mitigation measures. The new equipment or structures do not constitute a substantial change in the project or new information as outlined in Public Resources Code Section 21166.
- C. Electromagnetic fields.** The electromagnetic field (EMF) strengths or equivalent plane-wave power densities generated by the approved facility, in combination with other existing

ambient sources of EMF, shall not expose the general public to EMF levels which exceed the Maximum Permitted Exposure levels for electric and magnetic field strength and equivalent plane-wave power density in the EMF emission guidelines adopted by the Federal Communications Commission (FCC). In the event the FCC adopts a more restrictive Maximum Permitted Exposure Level, or the County adopts a more restrictive EMF exposure standard if allowed by future changes in Federal law, the applicant shall demonstrate compliance with the more restrictive standard unless such a requirement is preempted by State or Federal law.

- D. Development standards.** The development standards for telecommunications facilities are identified in the policies and programs of the Marin County Telecommunications Facilities Policy Plan, as may be updated from time to time.

22.32.170 – Tobacco Retail Establishments

This Section establishes permit requirements and standards for the development and operation of tobacco retail establishments.

- A. Permit requirements.** Notwithstanding any provision of this title, a ~~significant~~ tobacco retailer may be established in the following zoning districts subject to securing a Use Permit or Master Plan where required: C1, CP, OP, H1, IP, C-H1, or C-CP.
- B. Development standards.** No significant tobacco retailer shall be located within 1,000 feet from a parcel occupied by the following uses:
1. Public or private kindergarten, elementary, middle, junior high or high schools;
 2. Licensed child day-care facility or preschool other than a small or large family day-care home;
 3. Public playground or playground area in a public park (e.g., a public park with equipment such as swings and seesaws, baseball diamonds or basketball courts);
 4. Youth or teen center;
 5. Public community center or recreation center;
 6. Arcade;
 7. Public park;
 8. Public library; or
 9. Houses of worship conducting youth programs or youth oriented activities.
- C. Exceptions.** Notwithstanding any other provisions of this code, nothing in this section shall prohibit the County from approving any of the uses specified above in Subsection B, if they are subsequently proposed to be located within 1,000 feet of an existing significant tobacco retailer, if the appropriate decision-making body finds that the establishment of such uses is necessary to protect the public, health, safety, and welfare, or other substantial governmental interest is thereby served.

22.32.180 – Wind Energy Conversion Systems (WECS) (non-Coastal)

This Section establishes permit requirements for planned zoning districts and non-planned zoning districts and standards for the development and operation of Wind Energy Conversion Systems

(WECS) in compliance with Marin County policies and State and Federal laws and allows and encourages the safe, effective, and efficient use of WECS in order to reduce consumption of utility supplied electricity. Wind Energy Conversion Systems (WECS) are not allowed in the Coastal Zone.

A. Permit requirements. Small and Medium Wind Energy Conversion Systems (WECS) are allowed in all zoning districts, except the RF (Floating Home Marina) zoning district, subject to the following general requirements. Large WECS are allowed only in agricultural zoning districts (A3-A60, ARP, APZ) with a minimum lot size of 20 acres, subject to the following general requirements.

1. Planned Zoning Districts.

- a. Small WECS in the APZ zoning district and Small Roof-Mounted and Small Non-Grid-Tied Agricultural WECS, located in parcels with a minimum lot size of one acre in the ARP zoning district and all other planned zoning districts that are not identified in Section 22.32.180.A.1.b are allowed as a ministerial permit subject to the development standards in Section 22.32.180.B.1 and Section 22.32.180.B.5 (Table 3-9).
- b. Small Roof-Mounted and Small Non-Grid-Tied Agricultural WECS located in parcels that are less than one acre in the ARP zoning district and all other Small WECS in planned zoning districts that are not identified herein or in Section 22.32.180.A.1.a shall require Design Review approval subject to the development standards in Section 22.32.180.B.2 and Section 22.32.180.B.5 (Table 3-9).
- c. Medium WECS, located in planned zoning districts, shall require Design Review approval, subject to the development standards in Section 22.32.180.B.3 and Section 22.32.180.B.5 (Table 3-9).
- d. Large WECS, located in planned zoning districts, shall require the approval of a Master Plan and Precise Development Plan subject to the development standards and requirements outlined in Section 22.32.180.B.4 and Section 22.32.180.B.5, unless the Master Plan and Precise Development Plan requirements are waived in compliance with Section 22.44.040 (Waiver of Master Plan/Precise Development Plan Review) and a Use Permit and Design Review are required instead.

2. Conventional Zoning Districts.

- a. Small WECS, located in conventional agricultural zoning districts and Small Roof-Mounted and Small Non-Grid Tied Agricultural WECS located in parcels with a minimum lot size of one acre in conventional non-agricultural zoning districts, are allowed as a ministerial permit subject to the development standards outlined in Section 22.32.180.B.1 and Section 22.32.180.B.5 (Table 3-9).
- b. Small WECS, located in parcels that are less than one acre in all other conventional non-agricultural zoning districts and Small Freestanding WECS in conventional agricultural zoning districts that are not identified herein or in Section

22.32.180.A.2.a shall require Design Review approval subject to the development standards outlined in Section 22.32.180.B.2 and Section 22.32.180.B.5 (Table 3-9).

- c. Medium WECS, located in conventional zoning districts, shall require Design Review approval subject to the development standards outlined in Section 22.32.180.B.3 and Section 22.32.180.B.5 (Table 3-9).
- d. Large WECS, located in conventional zoning districts, shall require Use Permit and Design Review approval subject to the development standards outlined in Section 22.32.180.B.4 and Section 22.32.180.B.5 (Table 3-9).

3. Summary of Permit Requirements.

T A B L E 3- 8 WECS PERMIT REQUIREMENTS

	Small					Medium	Large
	Roof-Mounted		Non-Grid-Tied Agricultural Uses			Freestanding	Freestanding
Parcel Size (Acres)	<1	≥1	<1	≥1 – <10	≥10	Not applicable	Not applicable
RF (Floating Home Marina) Zoning District	Not Allowed	Not Allowed	Not Allowed	Not Allowed	Not Allowed	Not Allowed	Not Allowed
A3-A60 Zoning Districts	Ministerial ¹	Ministerial ¹	Ministerial ¹	Ministerial ¹	Ministerial ¹	Ministerial ¹	Design Review ²
APZ Zoning District	Ministerial ¹	Ministerial ¹	Ministerial ¹	Ministerial ¹	Ministerial ¹	Ministerial ¹	Design Review ²
ARP Zoning District	Design Review ²	Ministerial ¹	Use Permit/Design Review ²	Design Review ²	Ministerial ¹	Design Review ²	Design Review ²
A2 and all Other Zoning Districts	Design Review ²	Ministerial ¹	Use Permit/Design Review ²	Design Review ²	Ministerial ¹	Design Review ²	Design Review ²
							Not Allowed

Notes:

- (1) Exceptions to standards in Table 3-9 shall be considered through the Design Review Process.
- (2) Exceptions to standards in Table 3-9 shall be considered through the Use Permit Process.
- (3) If Master/Precise Development Plan requirement is waived, Use Permit and Design Review will be required. (4) Exceptions to standards in Table 3-9 shall be considered through the permit process.

4. **Time limits.** The approval for a Large WECS shall be granted for a term of not less than 10 years, except that an approval shall lapse if a Large WECS becomes inoperative or abandoned for a period of more than one year. The approval for a Small or Medium WECS shall be for an indefinite period, except that an approval shall lapse if a Small or Medium WECS becomes inoperative or abandoned for a period of more than one year.

5. **Applicability.** In addition to the provisions of Section 22.32.180, all other applicable provisions of this Development Code shall apply to a new WECS land use. In the event there is any conflict between the provisions of this section and any other provision of this Development Code, the more restrictive provision shall apply.

6. **Meteorological towers (Met Towers).** For the purpose of the Wind Energy Conversion System Ordinance, meteorological towers are those towers which have been temporarily installed to measure wind speed and directions plus other data relevant to siting WECS. Installations of temporary (up to one year) meteorological towers shall be considered through the Temporary Use Permit process pursuant to Chapter 22.50 (Temporary Use Permits).

B. Development standards.

1. **Small WECS (Ministerial).** A Building Permit for a Small WECS located in an agricultural zoning district pursuant to this Section shall be issued by the Agency Director upon submission of a Building Permit application containing the information specified in applicable sections of this Development Code and a determination by the Agency Director that the proposed use and development meets the development standards in Section 22.32.180.F and Sections 22.32.180.G.1, G.2, G.5, G.6, G.7, and G.9.a. Before issuance of a building permit, the County shall record a notice of decision against the title of the property stipulating that the WECS must be dismantled and removed from the premises if it has been inoperative or abandoned for a period of more than one year.
2. **Small WECS (Discretionary).**
 - a. Small WECS shall be subject to the development standards in Section 22.32.180.B.5 (Table 3-9). Exceptions to the standards in Section 22.32.180.B.5 (Table 3-9) for Small WECS shall be considered through the Use Permit process pursuant to Chapter 22.48 (Use Permits).
 - b. Small WECS shall comply with the development standards and requirements contained in Section 22.32.180.C through Section 22.32.180.H.
3. **Medium WECS.**
 - a. Medium WECS shall be subject to the development standards in Section 22.32.180 B.5 (Table 3-9). Exceptions to the standards in Section 22.32.180 B.5 (Table 3-9) for Medium WECS shall be considered through the Use Permit process pursuant to Chapter 22.48 (Use Permits).
 - b. Medium WECS shall comply with the development standards and requirements contained in Section 22.32.180.C through Section 22.32.180.H.
4. **Large WECS.**
 - a. Large WECS shall be subject to the development standards in Section 22.32.180.B.5 (Table 3-9). Exceptions to the standards in Section 22.32.180 B.5 for Large WECS shall be considered through the Master Plan process pursuant to Chapter 22.44 (Master Plans and Precise Development Plans) or Use Permit process pursuant to Chapter 22.48 (Use Permits).

- b. Prior to approval, Large WECS are subject to submittal of a comprehensive WECS Environmental Assessment prepared by a qualified consultant approved by the Marin County Environmental Coordinator. The WECS Environmental Assessment shall be prepared in consultation with the County to determine the development capabilities and physical and policy constraints of the property. The WECS Environmental Assessment shall include a mapped inventory and data base of the biological and physical characteristics of the project area. The WECS Environmental Assessment shall include a mapped delineation of the project site's sensitive environmental areas including, but not necessarily limited to: earthquake fault zones, geological hazardous areas, wetlands, watercourses and water bodies, prime agricultural lands, special status species habitats, prominent ridgelines, view corridors, and wind zones. The WECS Environmental Assessment shall include a Bird and Bat Study, as defined in Section 22.32.180.G.9. Based upon the findings, constraints, conclusions and recommendations of the WECS Environmental Assessment, specific requirements for siting and design shall be identified.
- c. Large WECS shall comply with the development standards and requirements contained in Section 22.32.180.C through Section 22.32.180.H.
- d. The maximum number of Large WECS that is allowed per parcel shall be established through the permit process.

6. **Development Standards** are outlined in Table 3-9 below.

**TABLE 3-9
WECS DEVELOPMENT STANDARDS**

	Small				Medium			Large
	Roof-Mounted	Non-Grid-Tied Agricultural Uses		Freestanding	Freestanding			Freestanding
Total Height	≤ 10 feet (above roof line)	≤ 40 feet	> 40 – ≤ 100 feet	≤ 40 feet	> 40 – ≤ 100 feet	>100 – ≤ 150 feet	> 150 – ≤ 200 feet	> 200 feet
Min. Height of Lowest Position of Blade Above Grade	Not applicable	15 feet	15 feet	15 feet	15 feet	30 feet	30 feet	30 feet
Max. Rotor Blade Radius (HAWT)/ Max. Rotor Blade Diameter (VAWT)	7.5 feet/5 feet	0.5 x tower height/5 feet	0.5 x tower height/5 feet	0.5 x tower height/5 feet	0.5 x tower height	0.5 x tower height	0.5 x tower height	Project specific
Min. Setback from Tip of Blade to Property Line	0.5 x total height	0.5 x total height	0.5 x total height	0.5 x total height	1 x total height	1.5 x total height	2 x total height	2 x total height
Max. Units/Parcel	1	1	1	1	2	2	2	Project specific
Min. Unit Separation	Not applicable	Not applicable	Not applicable	Not applicable	1 x tower height	1 x tower height	1 x tower height	Project specific

Min. Setback from Habitable Structures	Not applicable	1 x total height	1 x total height	1 x total height	1 x total height	1 x total height	1 x total height	2 x total height
Min. Setback from Prominent Ridgeline	Not applicable	Not applicable	Minimum of 300 feet horizontally or 100 feet vertically	Not applicable	Minimum of 300 feet horizontally or 100 feet vertically	Minimum of 300 feet horizontally or 100 feet vertically	Minimum of 300 feet horizontally or 100 feet vertically	Minimum of 300 feet horizontally or 100 feet vertically

- C. **Public notice.** Where required, a Notice of the required application(s) shall be provided in compliance with Section 22.118.020 (Notice of Hearing or Administrative Action).

Notice of a discretionary permit application for any WECS within five miles of Federal, State, or regional park property shall be provided to the superintendent of the appropriate park.

D. **Site and design requirements:**

1. **General standards.** No Small, Medium, or Large WECS or supporting infrastructure shall be allowed:
 - a. Within five times the total height or 300 feet, whichever is greater, of a known nest or roost of a listed State or Federal threatened or endangered species or California Department of Fish and Game designated bird or bat 'species of special concern' (unless siting of the WECS preceded nest or roost establishment) based on the findings and conclusions of the required Bird and Bat Study as defined in Section 22.32.180 G.9 (Application submittal requirements).
 - b. Within five times the total height or 300 feet, whichever is greater, of a known or suspected avian migratory concentration point based on the findings and conclusions of the required Bird and Bat Study as defined in Section 22.32.180 G.9.
 - c. Within 1.5 times the total height or 100 feet, whichever is greater, of a Stream Conservation Area (SCA), a Wetlands Conservation Area (WCA), a State or Federal listed special status species habitat area, a designated archaeological or historical site, or a water course, wetland, pond, lake, bayfront area habitat island, or other significant water body with suitable avian habitat based on the findings and conclusions of Bird and Bat Study as defined in Section 22.32.180 G.9.
 - d. Where prohibited by any of the following:
 1. The Alquist-Priolo Earthquake Fault Zoning Act.
 2. The terms of any conservation easement or Williamson Act contract.
 3. The listing of the proposed site in the National Register of Historic Places or the California Register of Historical Resources.

E. **Appearance and visibility:**

In addition to any conditions which may be required by Master Plan and Precise Development Plan or Design Review and Use Permit approvals, Small, Medium, and Large WECS shall comply with the following design standards:

1. WECS shall be located downslope a minimum of 300 feet horizontally or 100 feet vertically, whichever is more restrictive, from a visually prominent ridgeline, unless it can be demonstrated through submittal of a County accepted Wind Measurement Study that no other suitable locations are available on the site. If this is the case, then the Wind Study will be one amongst all other standards that would be evaluated in considering whether and where the WECS application should be approved within the ridge setbacks.
2. WECS shall be designed and located to minimize adverse visual impacts from public viewing places, such as roads, trails, scenic vistas, or parklands and from adjacent properties.
3. No wind turbine, tower, or other component associated with a WECS may be used to advertise or promote any product or service. Brand names or advertising associated with any WECS installation shall not be visible from offsite locations. Only appropriate signs warning of the WECS installation are allowed.
4. Colors and surface treatments, materials and finishes of the WECS and supporting structures shall minimize visual disruption. Exterior materials, surfaces, and finishes shall be non-reflective to reduce visual impacts.
5. Exterior lighting on any WECS or associated structure shall not be allowed except that which is specifically required in accordance with Federal Aviation Administration (FAA) regulations. Wind tower and turbine lighting must comply with FAA requirements and be at the lowest intensity level allowed.
6. WECS shall be located in a manner which minimizes their visibility from any existing Federal parklands.
7. All new electrical wires and transmission lines associated with WECS shall be placed underground except for connection points to a public utility company infrastructure. This standard may be modified by the Director if the project area is determined to be unsuitable for undergrounding of infrastructure due to reasons of excessive grading, biological impacts, or similar factors.
8. Construction of on-site access routes, staging areas, excavation, and grading shall be minimized. Excluding the permanent access roadway, areas disturbed due to construction shall be re-graded and re-vegetated to as natural a condition as soon as feasibly possible after completion of installation.
9. All permanent WECS related equipment shall be weather-proof and tamper-proof.
10. If a climbing apparatus is present on a WECS tower, access control to the tower shall be provided by one of the following means:
 - a. Tower-climbing apparatus located no closer than 12 feet from the ground;
 - b. A locked anti-climb device installed on the tower; or

- c. A locked, protective fence at least six feet in height that encloses the tower.
11. WECS shall be equipped with manual and automatic over-speed controls. The conformance of rotor and over-speed control design and fabrication with good engineering practices shall be certified by the manufacturer.
 12. Latticed towers shall be designed to prevent birds from perching or nesting on the tower.
 13. The use of guy wires shall be avoided whenever feasible. If guy wires are necessary, they shall be marked with bird deterrent devices as recommended by the U S Fish and Wildlife Service or the California Department of Fish and Game.
- F. Noise.** Small, Medium, and Large WECS shall not result in a total noise level that exceeds 50 dBA during the daytime (7:00 AM to 10:00 PM) and 45 dBA during the nighttime (10:00 PM to 7:00 AM) as measured at any point along the common property lines of adjacent properties except during short-term events such as utility outages, severe weather events, and construction or maintenance operations, as verified by specifications provided by the manufacturer.
- G. Application submittal requirements.** Small, Medium, and Large WECS permit applications shall include, but may not be limited to, the following information:
1. A plot plan of the proposed development drawn to scale showing:
 - a. Acreage and boundaries of the property;
 - b. Location of all existing structures, their use and dimensions within five times the height of the proposed WECS;
 - c. Location within a distance of five times the total height of the proposed WECS of all wetlands, ponds, lakes, water bodies, watercourses, listed State or Federal special status species habitats, habitat islands, and designated archaeological or historical sites;
 - d. Location of all proposed WECS and associated structures, and their designated use, dimensions, and setback distances;
 - e. Location of all areas to be disturbed by the construction of the proposed WECS project including access routes, trenches, grading and staging areas; and
 - f. The locations and heights of all trees taller than 15 feet within five times the height of the proposed WECS and the locations, heights, and diameters (at breast height) of all trees to be removed.
 2. Elevations of the components of the proposed WECS.
 3. A description of the measures taken to minimize adverse noise, transmission interference, and visual and safety impacts to adjacent land uses including, but not limited to, over-speed protection devices and methods to prevent public access to the structure.

4. A post-installation erosion control, revegetation, and landscaping plan.
5. Standard drawings and an engineering analysis of the system's tower, showing compliance with the Uniform Building Code (UBC), the International Building Code (IBC) or the California Building Code and certification by a professional mechanical, structural, or civil engineer licensed by this state. However, a wet stamp shall not be required, provided that the application demonstrates that the system is designed to meet the UBC or IBC requirements for wind exposure D, the UBC or IBC requirements for Seismic Zone 4, and the requirements for a soil strength of not more than 1,000 pounds per square foot, or other relevant conditions normally required by a local agency.
6. A line drawing of the electrical components of the system in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code.
7. Written evidence that the electric utility service provider that serves the proposed site has been informed of the owner's intent to install an interconnected customer-owned electricity generator, unless the owner does not plan, and so states so in the application, to connect the system to the electricity grid.
8. Wind Measurement Study. A wind resource assessment study, prepared by a qualified consultant approved by the Marin County Environmental Coordinator, may be required. The study shall be performed for a minimum 6-month period during prime wind season, at the proposed site prior to the acceptance of an application. The study may require the installation of a meteorological tower, erected primarily to measure wind speed and directions plus other data relevant to appropriate siting. The study shall include any potential impacts on, or in conjunction with, existing WECS within a minimum of two miles of the proposed WECS site.
9. Bird and Bat Study. Before issuance of County building or planning permit approvals:
 - a. All WECS projects shall require the submittal of a Bird and Bat Study prepared by a qualified consultant approved by the Marin County Environmental Coordinator using the "California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development" (California Energy Commission and California Department of Fish and Game), or any superseding State or Federal Guidelines, the State Natural Diversity Data Base, Partners in Flight Data Base, the Migratory Bird Treaty Act, the Bald and Golden Eagle Protection Act, and field data and counts from local environmental groups. The Bird and Bat Study shall identify any listed State or Federal threatened or endangered species, California Department of Fish and Game designated bird or bat 'species of special concern', or raptors found to nest or roost in the area of the proposed WECS site. The study shall identify periods of migration and roosting and assess pre-construction site conditions and proposed tree removal of potential roosting sites. The Community Development Agency will maintain an inventory of all Bird and Bat Studies that are filed pursuant to the requirements of the WECS ordinance on the Agency's website. If the Bird and Bat Study for a proposed ministerial Small WECS project finds that there is a potential for impacts to any listed State or Federal threatened or endangered species or California Department of Fish and Game designated bird or bat 'species of special concern' found to nest or roost in the area of the proposed WECS site, the project will become discretionary and require a Resource Management and Contingency Plan as described in G.9.b. below.

- b. Small, Medium, and Large WECS projects shall require the Bird and Bat Study to include a Resource Management and Contingency Plan to: (1) provide for pre-approval and post-construction monitoring and reporting; and (2) provide mitigation to reduce bird and bat mortality rates, if necessary.
- 10. Visual Simulations. Visual simulations taken from off-site views, including from adjacent properties, as determined by the Community Development Agency shall be submitted showing the site location with the proposed WECS installed on the proposed site.
- 11. Project-Specific Acoustical Analysis. A project-specific acoustical analysis may be required that would simulate the proposed WECS installation to assure acceptable noise levels and, if necessary, provide measures to comply with applicable County noise standards.

H. Post approval requirements. Small, Medium, and Large WECS permit applications shall be subject to the following:

- 1. A post-construction avian and bat monitoring program may be required of the owner during periods of nesting, roosting, foraging, and migration. The application of this requirement shall be in accordance with criteria established by a governmental agency, such as the U. S. Fish and Wildlife Service (USFWS) or the California Department of Fish and Game (CDFG), or by PRBO Conservation Science. The required monitoring program shall be conducted by a professional biologist or an ornithologist approved by the Marin County Environmental Coordinator. Monitoring protocol shall be utilized as set forth in the “California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development” (California Energy Commission and California Department of Fish and Game). Operation of a WECS determined to be detrimental to avian or bat wildlife may be required to cease operation for a specific period of time or may be required to be decommissioned.
- 2. Before issuance of a building permit, the owner/operator of any discretionary WECS shall enter into a WECS Decommissioning and Reclamation Plan and Agreement with the County, outlining the anticipated means and cost of removing the WECS at the end of its serviceable life or upon becoming a discontinued use if it remains inoperable for a period of more than one year . The owner/operator shall post suitable financial security as determined by the County in order to guarantee removal of any WECS that is non-operational or abandoned. The plan must include in reasonable detail how the WECS will be dismantled and removed. The WECS must be dismantled and removed from the premises if it has been inoperative or abandoned for a period of more than one year. The WECS Decommissioning and Reclamation Plan (Plan) shall include removal of all equipment and may require removal of all foundations and other features such as fencing, security barriers, transmission lines, disposal of all solid and hazardous waste in accordance with local, State and Federal regulations, and access roads to the satisfaction of the Director. The Plan shall include restoration of the physical state as existed before the WECS was constructed, and stabilization and re-vegetation of the site as necessary to minimize erosion. The owner/operator, at his/her expense shall complete the removal within 90 days following the one-year period of non-operation, useful life, or abandonment, unless an extension for cause is granted by the Director or a plan is submitted outlining the steps and schedule for returning the WECS to service to the satisfaction of the Director. The WECS Decommissioning and Reclamation Plan Agreement shall be recorded by the Community Development Agency against the title

of the property.

3. Any encumbrances placed on a parcel or parcels due to the installation of a WECS system shall remain in effect for as long as the WECS is on the site, and these encumbrances shall hold equal weight and be cumulative with respect to other limitations on the development of the parcel or parcels. Such encumbrances may not be the basis for granting variances or any other exception to the Marin County Development Code or Marin Countywide Plan regardless of any other additional development constraints imposed on the parcel or parcels. It is the owner's due diligence responsibility to ensure the siting of the WECS will not impose future development restrictions that are unacceptable to the owner.
4. Construction monitoring of individual projects may be required to include, but not be limited to, surveys and/or inspections as needed, to ensure on-site compliance with all permit requirements, until implementation of requirements is complete.
5. Upon the completion of construction and before final inspection, solid and hazardous wastes, including, but not necessarily limited to, packaging materials, debris, oils and lubricants, shall be removed promptly from the site and disposed of in accordance with all applicable County, State and Federal regulations. No hazardous materials shall be stored on the WECS site.

Chapter 22.60 – Purpose and Applicability of Coastal Zone Regulations

Sections:

22.60.010 – Purpose of Article

22.60.020 – Applicability

22.60.030 – Consistency with Coastal Act

22.60.010 – Purpose of Article

This Article ~~provides-identifies~~ permit requirements and development standards for proposed development ~~and new land uses, as defined in Article VIII,~~ in the unincorporated areas of Marin County within the Coastal Zone established by the California Coastal Act of 1976. This Article implements applicable ~~policies-provisions~~ of the Coastal Act and the Marin County Local Coastal Program (LCP) Land Use Plan (LUP), which, among other things identify the location and density of development, provide for visitor-serving facilities, provide for public access to and along the coast, and protect significant public views and natural resources. Chapters 22.60 through 22.70 inclusive, along with portions of Chapters 22.32 (Standards for Specific Land Uses) and 22.130 (Definitions) that apply in the coastal zone, and zoning district maps together constitute the LCP's Implementation Plan.

22.60.020 – Applicability

The requirements of this Article apply to all proposed development ~~and new land uses, as defined in Article VIII,~~ within the Coastal Zone. These requirements apply in addition to all other applicable provisions of this Development Code. In the event of any perceived conflict between the requirements of ~~this Article-the LCP's Implementation Plan~~ and any other provisions of this Development Code, ~~the is Article Implementation Plan~~ shall control.

22.60.030 – Consistency with Coastal Act

All development in the Coastal Zone within the County's coastal permitting jurisdiction shall be consistent with the Marin County LCP and, where located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone, be supported by a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act. ~~– specifically the Public Access and Recreational Policies (Public Resources Code Chapter 6, Sections 30200, 30210, 30211, 30212, 30212.5, 30213, 30220, 30221, 30222, and 30223). The process of review and approval of any project shall also be consistent with the appeals section of the Coastal Act (Chapter 6, Section 30603, Paragraphs A and B).~~

Chapter 22.62 – Coastal Zoning Districts and Allowable Land Uses

Sections:

- 22.62.010 – Purpose of Chapter
- 22.62.020 – Applicability
- 22.62.030 – Coastal Zoning Districts Established
- 22.62.040 – Allowable Land Uses and Permit Requirements
- 22.62.050 – Coastal Zoning District Regulations
- 22.62.060 – Coastal Agricultural and Resource-Related Districts
- 22.62.070 – Coastal Residential Districts
- 22.62.080 – Coastal Commercial and Mixed-Use Districts
- 22.62.090 – Coastal Special Purpose and Combining Districts

22.62.010 – Purpose of Chapter

This Chapter establishes the zoning districts in areas of the County within the Coastal Zone as mapped on the certified maps for the Marin County Local Coastal Program, identifies allowable uses within those ~~determines how the zoning districts are applied on the official Zoning Maps,~~ and provides ~~identifies general permit requirements for development within those zoning districts.~~

22.62.020 – Applicability

The provisions of this Chapter apply to all property within the Coastal Zone, including county, state, school, and special district property, but not including federal property. ~~This Chapter shall not apply to Consistent with Coastal Act Section 30519(b), for development proposed or undertaken on any tidelands, submerged lands, or on public trust lands, whether filled or unfilled, development shall be reviewed against the Coastal Act by the Coastal Commission, and the County LCP in those cases may provide non-binding guidance where a Coastal Commission Permit is required pursuant to Public Resources Code Section 30519(b).~~

22.62.030 – Coastal Zoning Districts Established

The unincorporated areas of Marin County within the Coastal Zone shall be divided into zoning districts which consistently implement the Marin Countywide Plan and Marin County Local Coastal Program. The following coastal zoning districts are established, and shall be shown on the official Zoning Map (Section 22.06.030 (Zoning Map Adopted)).

A. Agricultural and Resource-Related Districts		Map Symbol
Coastal, Agricultural Production Zone		C-APZ
Coastal, Agricultural, Residential Planned		C-ARP
Coastal, Open Area		C-OA
B. Residential Zoning Districts		
Coastal, Residential, Agricultural		C-RA
Coastal, Residential, Single-Family		C-R1
Coastal, Residential, Single-Family Planned		C-RSP
Coastal, Residential, Single-Family Planned, Seadrift Subdivision		C-RSPS
Coastal, Residential, Two-Family		C-R2
Coastal, Residential, Multiple Planned		C-RMP
C. Commercial and Mixed-Use Zoning Districts		Map Symbol
Coastal, Village Commercial/Residential		C-VCR
Coastal, Limited Roadside Business		C-H1
Coastal, Planned Commercial		C-CP
Coastal, Residential/Commercial Multiple Planned		C-RMPC
Coastal, Resort and Commercial Recreation		C-RCR
D. Special Purpose and Combining Districts		
Coastal, Public Facilities		C-PF
Coastal, Minimum Lot Size		B

22.62.040 – Allowable Land Uses and Coastal Permit Requirements

- A. General requirements for allowed uses.** Proposed development, as defined in Article VIII, located within the Coastal Zone shall be consistent with ~~land use~~ definitions in Article VIII, and comply with Chapter 22.32 (Standards for Specific Land Uses) and other applicable provisions of this Article.
- B. Coastal zone permit requirements.** Unless exempted or Categorically Excluded, proposed development within the Coastal Zone shall require approval of a Coastal Permit in compliance with Chapter 22.68 (Coastal Permit Requirements), in addition to any non-coastal ~~land use~~ permits required by the Development Code and Section 22.62.040.B.

The uses of land allowed by this Chapter in each coastal zoning district are identified in Tables 5-1, 5-2, and 5-3 (Allowable Land Uses for the Coastal Agricultural and Resource Related Districts, Coastal Residential Districts, and Coastal Commercial and Mixed/Use Districts, respectively) as being:

1. Uses ~~allowed by right~~ for which no Coastal Permit is required are those as specified in applicable Categorical Exclusion Orders issued by the California Coastal Commission or determined exempt under Coastal Permit Requirements herein (Chapter 22.68). These uses are shown as “E” in the tables and are only exempt if they meet the conditions and limitations set forth in the applicable Exclusion Order and Chapter 22.68.
2. Principally permitted uses, subject to compliance with all applicable provisions of this Development Code, Coastal Permit approval where required, and subject to first obtaining

any Building Permit and other non-coastal permits required by the County Code. ~~The A~~ Coastal Permit decision for a principal permitted use is appealable to the Coastal Commission only if the project is located in a geographic appeals area as defined by Section 22.70.080(B)(1)(a) and (b), or if the project constitutes a major public works project or major energy facility. Any development that also requires the granting of a Coastal Zone Variance shall not be considered a principal permitted use. Land divisions are not the principally permitted use in any zoning district. Principal permitted uses are shown as "PP" uses in the tables.

3. Permitted uses, subject to compliance with all applicable provisions of this Development Code, Coastal Permit approval where required, and subject to first obtaining any Building Permit and other non-coastal permits required by the County Code. ~~The A~~ Coastal Permit decision for a permitted use is appealable to the Coastal Commission. Permitted uses are shown as "P" uses in the tables.
4. Conditional uses, subject to compliance with all applicable provisions of this Development Code, Coastal Permit approval where required, and subject to first obtaining any Building Permit and other non-coastal permits required by the County Code, including approval of a Use Permit (Chapters 22.48 and 22.50). The Use Permit is not part of the Coastal Permit and is not subject to appeal to the Coastal Commission; however, any Coastal Permit decision for a conditional use is appealable to the Coastal Commission. Conditional uses are shown as "U " uses in the tables. [See Section 22.70.080 for Appeal of Coastal Permit Decisions]
5. Land uses that are not listed in Tables 5-1, 5-2, and 5-3 or are not shown in a particular zoning district are not allowed, except where otherwise provided by Section 22.68.050 (Exempt Projects).

C. Master Plan and Other Non-Local Coastal Program Permit Requirements. In addition to and independent of permits required for conformance with the Marin County Local Coastal Program, a Master Plan and/or other local permit such as a Second Unit Permit may be required for certain uses. Please refer to Articles II-IV, VI, and VII for development standards that govern these uses. A Master Plan is required only for the following uses:

1. A subdivision which does not exhaust the potential for residential development based on the Countywide Plan and zoning district densities and floor area ratios.
2. Airparks
3. Cemeteries, columbariums, mausoleums
4. Marinas and harbors
5. Mineral resource extraction
6. Waste disposal sites

22.62.050 – Coastal Zoning District Regulations

A. Purpose. Sections 22.62.0460 through 22.62.080 and Chapter 22.64 determine which land uses are allowable in each zoning district, what land use permits are ~~is~~ required to establish each use, and the ~~basic~~ development standards that apply to allowed land uses in each of the zoning districts established by Section 22.62.030 (Coastal Zoning Districts Established).

- B. Single parcel in two zoning districts.** In the event two or more parcels are consolidated through the approval of a lot line adjustment, merger, parcel or Tentative Map, or reversion to acreage in compliance with Article VI (Subdivisions), where a single parcel is covered by two or more zoning districts, the consolidated parcel should be reviewed by the Director to determine whether the parcel should be rezoned to a single zoning district.
- C. Measurements, calculations.** Explanations of how height limits, site coverage requirements, and floor area ratios (FAR) apply to sites and projects are in Chapter 22.64 (Coastal Zone Development and Resource Management Standards).

22.62.060 – Coastal Agricultural and Resource-Related Districts

A. Purpose of Section. This Section provides regulations for development, 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)

Comment [CG42]: This section edited for consistency with C-AG-2; Numbering added

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:

Comment [CG43]: Typo corrected

~~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);~~

Comment [CG44]: Ag accessory structures and activities now listed in definitions

~~c. Agricultural dwelling units, consisting of~~

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

Comment [jl45]: "farm tract" replaces "legal lot" CCC approved in C-AG-2

~~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 to the operation of agriculture, limited to:

(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 consistent with Section 22.65.040 Policies C-AG 5, 6, 7, 8 and 9~~ Conditional residential development shall not exceed a maximum density of 1 residential unit per 60 acres. Densities specified in the zoning are maximums 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).

Comment [j146]: Land Use Tables referenced for clarity and precision.

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 ~~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.

(c) In no event shall a single family residence subject to these provisions exceed 7,000 square feet in size. Where one or two intergenerational residence units are allowed in the C-APZ zone, the aggregate residential development on the subject legal lot shall not exceed 7,000 square feet.

(d) The following shall be excluded from the 7,000 square foot limitation:

(1) Agricultural worker housing;

(2) Up to 540 square feet of garage space for each residence unit;

- (3) Agricultural accessory structures; and
 (4) Up to 500 square feet of office space in the farmhouse used in connection with the agricultural operation on the property.
 (e) The square footage limitations noted in the above criteria represent potential maximum residence unit sizes and do not establish a mandatory entitlement or guaranteed right to development.

[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), PP-E</u>	PP-E	22.32.021
Agricultural accessory structures	PP (68) , E	<u>PP(10),PP-E</u>	PP-E	22.32.022
Agricultural homestays, 3 or fewer guest rooms	PP U (6), (40)	PP(10)		22.32.023 22.32.115
Agricultural homestays, 4 or 5 guest rooms	U (6), (40)	U(10)		22.32.023 22.32.115
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)(1-9) and 22.32.024	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) on legal lots 180 acres or larger	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) PP</u>	 	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.) (≤5000sq.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.) (≥5000sq.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>	 	22.32.026
Agricultural production	PP (8) , E	<u>PP(10),PP-E</u>	P	22.32.130 03
<u>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)</u>	PP (8)	<u>PP(10),PPP</u>	<u>U</u>	22.32.027
<u>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>U(10),U</u>	<u>U</u>	22.32.027

Comment [JL47]: duplicate

Comment [Er48]: Corrected

Agricultural worker housing up to and including 12 units/36 beds <i>(for C-APZ parcels only: meeting all development standards set forth in 22.65.040(C)(1)(e)(1-9) and 22.32.023)</i>	PP (8)	PP(10) PP	U	22.32.028
Agricultural worker housing above 12 units/36 beds <i>(for C-APZ parcels only: meeting all development standards set forth in 22.65.040(C)(1)(e)(1-8) and 22.32.023)</i>	U	U	U	22.32.028
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
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.

~~(8) Only one single family dwelling per legal lot allowed (does not include intergenerational homes or agricultural worker housing). To create additional parcels and additional single family homes, see also 22.86 (Subdivisions). 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.

Comment [j3049]: SFDs no longer in this table.

Comment [j3050]:
Distinguishes Principally Permitted Uses for the two classes of C-ARP established by CCC Mod.

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-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	C-ARP	C-OA	
	Agricultural	Agricultural	Open Area	
	Production	Residential Planned		
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	
Off-road vehicle courses		U		
Private residential recreational facilities	U	U	U	
Public Parks and playgrounds	U	U	P	
Religious places of worship		U	U	
Rural recreation		U	U	
Schools		U	U	

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirements
E	Certain uses may be exempt or Categorically Excluded from permit requirements.
PP	Principal permitted use. (2)
P	Permitted use. (2)
U	Conditional use, Use Permit required. (2)
	Use not allowed. (See 22.02.020.E regarding uses not listed.)

Notes:

- (1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions).
- (2) ~~See Chapter 22.42 (Design Review) for separate, non coastal permit Design Review requirements for all uses. 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	C-ARP	C-OA	
	Agricultural Production	Agricultural Residential Planned	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), (10)	P	P(6)	22.32.100 22.32.115
Religious residential retreats		U		
Residential Agricultural Dwelling Unit accessory uses and structures	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		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.
- (10) Only allowed as a conditional 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 [j3051]: Distinguishes 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	C-ARP	C-OA	
	Agricultural Production	Agricultural Residential Planned	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 <u>harvesting</u> 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	C-ARP	C-OA	
	Agricultural Production	Agricultural Residential Planned	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.

22.62.070 – Coastal Residential Districts

A. Purpose of Section. This Section provides regulations for development ~~and new land uses, as defined in Article VIII,~~ in the coastal residential zoning districts established consistent with Marin County Local Coastal Program policies by Section 22.62.020 (Coastal Zoning Districts Established).

B. Purposes of zoning districts. The purposes of the individual zoning districts are as follows:

- 1. C-RA (Coastal, Residential, Agricultural) District.** The C-RA zoning district provides areas for residential use within the context of small-scale agricultural and agriculturally-related uses, subject to specific development standards. The C-RA zoning district is consistent with the Single-Family Residential 3, 4, 5, and 6 land use categories of the Marin County Land Use Plan ~~Local Coastal Program~~.
- 2. C-R1 (Coastal, Residential, Single-Family) District.** The C-R1 zoning district provides areas for detached single-family homes, similar and related compatible uses. The C-R1 zoning district is consistent with the Single-Family Residential 3, 4, 5, and 6 land use categories of the Marin County Land Use Plan ~~Local Coastal Program~~.
- 3. C-RSP (Coastal, Residential, Single-Family Planned) District.** The C-RSP zoning district provides areas for detached single-family homes, similar and related compatible uses, which are designed in compliance with Marin County Local Coastal Program policies. This Section establishes no specific setback requirements, so that development may be designed for maximum compatibility with sensitive site characteristics. The C-RSP zoning district is consistent with all Single-Family Residential land use categories of the Marin County Land Use Plan ~~Local Coastal Program~~.
- 4. C-RSPS (Coastal, Residential, Single-Family Planned) District (Seadrift Subdivision).** The C-RSPS zoning district is applied to areas within the Seadrift Subdivision intended for detached single-family homes, and similar and related compatible uses, which are designed in compliance with Marin County Local Coastal Program policies. This Section establishes no specific setback requirements, so that development may be designed for maximum compatibility with sensitive site characteristics unique to the Seadrift sandspit and lagoon, Bolinas lagoon, and the beaches adjacent to the Subdivision. The C-RSPS zoning district is consistent with all Single-Family Residential land use categories of the Marin County Land Use Plan ~~Local Coastal Program~~.
- 5. C-R2 (Coastal, Residential, Two-Family) District.** The C-R2 zoning district provides areas for attached two-family housing units, detached single-family homes consistent with Land Use Plan Policy C-CD-26, and similar and related compatible uses. The C-R2 zoning district is consistent with the Multi-Family Residential 2 land use category of the Marin County Land Use Plan ~~Local Coastal Program~~.
- 6. C-RMP (Coastal, Residential, Multiple Planned) District.** The C-RMP zoning district provides areas for varied types of residential development, and similar and related compatible uses, designed in compliance with Marin County Local Coastal Program policies. This Section establishes no specific setback requirements, so that development may be designed for maximum compatibility with sensitive site characteristics. The C-RMP zoning district is consistent with the Planned Residential and other Multi-Family Residential land use categories of the Marin County Land Use Plan ~~Local Coastal Program~~.

C. Allowable land uses and permit requirements in residential districts. Table 5-2 (Allowed Uses and Permit Requirements for Coastal Residential Districts) lists the land uses allowed in the residential zoning districts within the Coastal Zone, in compliance with Section 22.62.040 (Allowable Land Uses and Permit Requirements).

D. Development standards for residential districts. Proposed development ~~and new land uses,~~ as defined in Article VIII, shall be consistent with the land use definitions in Article VIII, and

shall comply with the provisions of Chapters 22.32 as applicable (Standards for Specific Land Uses) and all other applicable provisions of this Article.

TABLE 5-2-a - ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL RESIDENTIAL DISTRICTS

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT						See Standards in Section
	C-RA Residential Agri-cultural	C-R1 Single Family	C-R2 Two Family	C-RSPS Single Family Seadrift Sub-division	C-RSP Single Family Planned	C-RMP Multiple Planned	
AGRICULTURAL							
Agricultural accessory structures	PP	P	P		P	P	22.32.022
Agricultural processing	U						
Agricultural production	PP	P	P		P	P	
Agricultural worker housing	PP						22.32.028
Commercial gardening	PP	P	P		P	P	
Livestock operations, grazing					U(4,5)	U(4,5)	22.32.030
Livestock operations, large animals	P(5)						22.32.030
Livestock operations, small animals	P(5)	P(5)	P(5)		P(5)	P(5)	22.32.030
Mariculture/aquaculture	U				U	U	22.32.105
Plant nurseries, with on-site sales	U	U	U		U	U	
Plant nurseries, without on-site sales	P	P	P		P	P	
MANUFACTURING & PROCESSING USES							
Cottage industries	U	U	U	U	U	U	22.32.060

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirements	Procedure is in Section:
PP	Principal permitted use	
P	Permitted use. (2)	
U	Conditional use, Use Permit required. (2)	Chapter 22.48
	Use not allowed. (See 22.02.020.E regarding uses not listed.)	

Notes:

- (1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions).
- (2) ~~See Chapter 22.42 (Design Review) for Design Review requirements for all uses. 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) Allowed only where a maximum density of one unit per three acres or larger is required.
- (5) Permit requirement determined by Section 22.32.030 (Animal Keeping).

Development shall also be consistent, as applicable, with Chapters 22.130 (Definitions), 22.32 (Standards for Specific Land Uses), 22.64 (Coastal Zone Development and Resource Management Standards), 22.65 (Coastal Zone Planned District Development Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

**TABLE 5-2-b - ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL
RESIDENTIAL DISTRICTS (Continued)**

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT						See Standards n Section:
	C-RA Residential Agri- cultural	C-R1 Single Family	C-R2 Two Family	C-RSPS Single Family Seadrift Sub- division	C-RSP Single Family Planned	C-RMP Multiple Planned	
RESOURCE, OPEN SPACE USES							
Nature preserves	P	P	P	P	P	P	
Solar energy systems (coastal), roof-mounted	PP	PP	PP	PP	PP	PP	22.32.161 22.42.055 (2)
Solar energy systems (coastal), free-standing	P	P	P	P	P	P	22.32.161
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES							
Community centers	U	U	U	U	U	U	
Equestrian facilities	U				U	U	22.32.030
Horses, donkeys, mules, ponies	P(4)	P(4)	P(4)		U(4)	U(4)	22.32.030
Libraries and museums	U	U	U	U	U	U	
Private residential recreation facilities	U	U	U	U	U	U	
Public parks and playgrounds	U	U	U	U	U	P	
Public buildings	U	U	U	U	U	U	
Religious places of worship	U	U	U	U	U	U	
Schools	U	U	U	U	U	U	

[BOS app. 2/26/2013]

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirements	Procedure is in Section:
PP	Principal permitted use	
P	Permitted use. (2)	
U	Conditional use, Use Permit required. (2)	Chapter 22.48
	Use not allowed. (See 22.02.020.E regarding uses not listed.)	

Notes:

- (1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions).
~~(2) See Chapter 22.42 (Design Review) for separate, non-coastal permit Design Review requirements for all uses. 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) Permit requirement determined by Section 22.32.030 (Animal Keeping).

Development shall also be consistent, as applicable, with Chapters 22.130 (Definitions), 22.32 (Standards for Specific Land Uses), 22.64 (Coastal Zone Development and Resource Management Standards), 22.65 (Coastal Zone Planned District Development Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

TABLE 5-2-c - ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL RESIDENTIAL DISTRICTS (Continued)

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT						See Standards in Section:
	C-RA Residential Agri- cultural	C-R1 Single Family	C-R2 Two Family	C-RSPS Single Family Seadrift Sub- division	C-RSP Single Family Planned	C-RMP Multiple Planned	
RESIDENTIAL USES							
Affordable housing	PP	PP	PP	PP	PP	PP	22.32.080
Group homes, 6 or fewer residents	P	P	P	P	P	P	22.32.080
Group homes, 7 or more residents	U	U	U	U	U	U	22.32.080
Guest houses	P	P	P	P	P	P	22.32.090
Home occupations	P	P	P	P	P	P	22.32.100
Multi-family dwellings						PP	
Organizational houses	U	U	U	---	U	U	
Room rentals	PP	PP	PP	PP	PP	PP	
Residential accessory uses and structures	PP	PP	PP	PP	PP	PP	22.32.130
Residential care facility, 6 or fewer individuals	P	P	P	P	P	P	
Residential care facility, 7 or more individuals	U	U	U	U	U	U	
Residential second units	PP	PP	PP	PP	PP	PP	22.32.140
Single-family dwellings	PP	PP	PP	PP	PP	PP	
Two-family dwellings			PP			PP	

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirements	Procedure is in Section:
PP	Principal permitted use	
P	Permitted use. (2)	
U	Conditional use, Use Permit required. (2)	Chapter 22.48
	Use not allowed. (See 22.02.020.E regarding uses not listed.)	

Notes:

(1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions).

(2) ~~See Chapter 22.42 (Design Review) for separate, non-coastal permit Design Review requirements for all uses. 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.~~

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 5-2-d - ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL RESIDENTIAL DISTRICTS (Continued)

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT						See Standards in Section:
	C-RA Residential Agri- cultural	C-R1 Single Family	C-R2 Two Family	C-RSPS Single Family Seadrift Sub- division	C-RSP Single Family Planned	C-RMP Multiple Planned	
RETAIL TRADE USES							
Sale of agricultural products produced on site	U	U	U		U	U	22.32.027
SERVICE USES							
Bed and breakfast, 3 or fewer guest rooms	P	P	P	P	P	P	22.32.040
Bed and breakfast, 4 or 5 guest rooms	U	U	U	U	U	U	22.32.040
Child day-care centers	U	U	U	U	U	U	22.32.050
Child day-care, large family day-care homes	P	P	P	P	P	P	22.32.050
Child day-care, small family day-care homes	P	P	P	P	P	P	22.32.050
Kennels and animal boarding	U						
Public utility or safety facilities	U	U	U	U	U	U	
TRANSPORTATION & COMMUNICATIONS USES							
Pipelines and utility lines	U	U	U	U	U	U	
Telecommunications facilities	P/U	P/U	P/U	P/U	P/U	P/U	22.32.165

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirements	Procedure is in Section:
PP	Principal permitted use	
P	Permitted use. (2)	
U	Conditional use, Use Permit required. (2)	Chapter 22.48
	Use not allowed. (See 22.02.020.E regarding uses not listed.)	

Notes:

(1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions).

(2) ~~See Chapter 22.42 (Design Review) for separate, non-coastal permit Design Review requirements for all uses. 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.~~

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).

22.62.080 – Coastal Commercial and Mixed-Use Districts

- A. Purpose of Section.** This Section provides regulations for development, as defined in Article VII, in the coastal commercial and mixed-use zoning districts established ~~consistent with Marin County Local Coastal Program policies~~ by Section 22.62.030 (Coastal Zoning Districts Established).
- B. Purposes of zoning districts.** The purposes of the individual coastal commercial and mixed-use zoning districts are as follows:
- 1. C-VCR (Coastal, Village Commercial/Residential) District.** The C-VCR zoning district is intended to: maintain the established historical character of village commercial areas; promote village commercial self-sufficiency; foster opportunities for village commercial growth, including land uses that serve coastal visitors; maintain a balance between resident-serving and non-resident-serving commercial uses; protect established residential, commercial, and light industrial uses; and maintain community scale. The C-VCR zoning district is consistent with the Neighborhood Commercial land use category of the Marin County ~~Local Coastal Program~~ Land Use Plan.
 - 2. C-H1 (Coastal, Limited Roadside Business) District.** The C-H1 zoning district is intended for rural areas suitable for businesses that serve the motoring public. The C-H1 zoning district is consistent with the General Commercial/Mixed-Use land use category of the Marin County Land Use Plan ~~Local Coastal Program~~.
 - 3. C-CP (Coastal, Planned Commercial) District.** The C-CP zoning district is intended to create and protect areas suitable for a full range of commercial and institutional uses in compliance with the Marin County Local Coastal Program. The C-CP zoning district is consistent with the General Commercial/Mixed-Use land use category of the Marin County Land Use Plan ~~Local Coastal Program~~.
 - 4. C-RMPC (Coastal, Residential/Commercial Multiple Planned) District.** The C-RMPC zoning district is intended to create and protect areas suitable for a mixture of residential and commercial uses in compliance with the Marin County Local Coastal Program. The C-RMPC zoning district is consistent with the General Commercial/Mixed-Use land use category of the Marin County Land Use Plan ~~Local Coastal Program~~.
 - 5. C-RCR (Coastal, Resort and Commercial Recreation) District.** The C-RCR zoning district is intended to create and protect areas for resort facilities, with emphasis on public access to recreational areas within and adjacent to developed areas. The C-RCR zoning district is consistent with the Recreational Commercial land use category of the Marin County Land Use Plan ~~Local Coastal Program~~.
- C. Allowed land uses and permit requirements in commercial/mixed use districts.** Table 5-3 (Allowed Use and Permit Requirements for Coastal Commercial/Mixed-Use Districts) lists the land uses allowed in the commercial zoning districts within the Coastal Zone, in compliance with Section 22.62.040 (Allowable Land Uses and Permit Requirements).
- D. Development standards for Commercial/Mixed-use districts.** Proposed development, as defined and new land uses consistent with the definitions in Article VIII, shall comply with the LCP, including the provisions of Chapters 22.32 as applicable (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 5-3-a - ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL COMMERCIAL/MIXED-USE DISTRICTS

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT					See Standards in Section
	C-VCR Village Commercial Residential	C-H1 Limited Roadside Business	C-CP Planned Commercial	C-RMPC Residential Commercial Multiple Planned	C-RCR Resort and Commercial Recreation	
AGRICULTURAL, RESOURCE & OPEN SPACE						
Agricultural production	P	P	P	P		
Commercial gardening	P	P	P	P		
Mariculture/aquaculture	P	P	P	P		22.32.105
Plant nurseries, with or without on-site sales	P	P	P	P		
Solar energy systems (coastal), roof-mounted	PP	PP	PP	PP	PP	22.32.161 22.42.055(2)
Solar energy systems (coastal), free-standing	P	P	P	P	P	22.32.161
MANUFACTURING & PROCESSING USES						
Beverage production	U		U	U		
Boat manufacturing and sales	U		U	U		
Cottage Industries	U	—	—	U	—	22.32.060
Food products	U	U	U	U		
Furniture and fixtures	U		U	U		
Laundries and dry cleaning plants	U		U	U		
Recycling facilities	U	U	U	U	P	
Recycling – Reverse vending machines	P	P	P	P	P	
Seafood processing and sales	U		U	U		

[BOS app. 2/26/2013]

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirements	Procedure is in Section:
PP	Principal permitted use	
P	Permitted use. (2)	
U	Conditional use, Use Permit required. (2)	Chapter 22.48
	Use not allowed. (See 22.02.020.E regarding uses not listed.)	

Notes:

(1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions).

(2) ~~See Chapter 22.42 (Design Review) for separate, non-coastal permit Design Review requirements for all uses. 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.~~

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 5-3-b – ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL COMMERCIAL/MIXED USE DISTRICTS (Continued)

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT					See Standards in Section
	C-VCR Village Commercial Residential	C-H1 Limited Roadside Business	C-CP Planned Commercial	C-RMPC Residential Commercial Multiple Planned	C-RCR Resort and Commercial Recreation	
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES						
Community centers	U	P	U	U	U	
Golf courses/country clubs					U	
Health/fitness facilities	U		U	U	U	
Indoor recreation centers	U		U	U	U	
Libraries and museums	U	P	U	U	U	
Membership organization facilities	U	U	U	U		
Outdoor commercial recreation		U			U	
Public parks and playgrounds	U	U	U	U	U	
Religious places of worship	U	U	U	U	<u>U</u>	
Schools	U	U	U	U	<u>U</u>	
Sport facilities and outdoor public assembly	U	U	U	U	<u>U</u>	
Studios for dance, art, music, photography, etc.	U	U	U	U	U	
Theaters and meeting halls	U	U	U	U	U	

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirements	Procedure is in Section:
PP	Principal permitted use	
P	Permitted use. (2)	
U	Conditional use, Use Permit required. (2)	Chapter 22.48
	Use not allowed. (See 22.02.020.E regarding uses not listed.)	

Notes:

(1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions).

(2) ~~See Chapter 22.42 (Design Review) for separate, non-coastal permit Design Review requirements for all uses. 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.~~

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 5-3-c - ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL COMMERCIAL/MIXED USE DISTRICTS (Continued)

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT					See Standards in Section
	C-VCR Village Commercial Residential (4)	C-H1 Limited Roadside Business	C-CP Planned Commercial	C-RMPC Residential Commercial Multiple Planned	C-RCR Resort and Commercial Recreation	
RESIDENTIAL USES						
Affordable housing	PP	PPU	PPU	PP	PP (9)	Chapter 22.22
Group homes, 6 or fewer residents	P	U		P		22.32.080
Group homes, 7 or more residents	U	U		U		22.32.080
Guest houses	PP	U		PP		22.32.090
Home occupations	PP	U		PP		22.32.100
Multi-family dwellings	U	U	U(8)	PP	(9)	22.32.150
Organizational houses	U	U		U		
Residential accessory uses and structures	-P	-P	-P	-P		22.32.130
Residential Second Units	PP	PP	PP	PP		22.32.140
Room rentals	PP	U		PP		
Single-family dwellings	PP	U	U(8)	PP	(9)	22.32.150
Tennis and other recreational uses	U	U	U(8)	PP		22.32.130
Two-family dwellings	U	U	U(8)	PP	(9)	22.32.150

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirements	Procedure is in Section:
PP	Principal permitted use	
P	Permitted use. (2)	
U	Conditional use, Use Permit required. (2)	Chapter 22.48
	Use not allowed. (See 22.02.020.E regarding uses not listed.)	

Notes:

- (1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions).
- (2) ~~See Chapter 22.42 (Design Review) for separate, non-coastal permit Design Review requirements for all uses. 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) ~~Residential uses proposed on the ground floor of a new or existing structure on the road-facing side of the property per Development on parcels zoned C-VCR must also meet the requirements of Land Use Plan Policy C-PK-3.~~
- (8) ~~All dwellings in these zoning districts. Dwellings, except for affordable housing, shall be accessory to the primary commercial use. See 22.32.150 (Residential Uses in Commercial/Mixed Use Areas).~~
- (9) ~~Employee housing is permitted by with Design Review requirements independent of and in addition to Coastal Permit requirements. See Chapter 22.42 (Design Review). Such housing would be a Conditional Use.~~

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 5-3-d - ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL COMMERCIAL/MIXED USE DISTRICTS (Continued)

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT					See Standards in Section
	C-VCR Village Commercial Residential	C-H1 Limited Roadside Business	C-CP Planned Commercial	C-RMPC Residential Commercial Multiple Planned	C-RCR Resort and Commercial Recreation	
RETAIL TRADE USES						
Accessory retail uses	PP	U	PP	PP		22.32.020
Auto, mobile home, vehicle and parts sales, new	U		U	U		
Auto sales, used	U		U	U		
Bars and drinking places	U		U	U	U	
Building material stores	U	U	U	U		
Farmers' markets	U	U	U	U		
Fuel and ice dealers	U	U	U	U		
Furniture, furnishings, and equipment stores	PP	U	PP	PP		
Grocery stores	PP	U	PP	PP		
Liquor stores	PP	U	PP	PP		
Outdoor retail sales and activities	U	U	U	U		
Outdoor retail sales, temporary	U	U	U	U		
Restaurants, 40 patrons or less	PP	PP	PP	PP	U	
Restaurants, more than 40 patrons	U	U	U	U	U	
Restaurants, with liquor and/or entertainment	U	U	U	U	U	
Restaurants, take-out, fast food	U	U	U	U	U	
Retail stores, general merchandise	PP	U	PP	PP		
Retail stores, visitor/collector	U	U	U	U		
Second hand stores	U	U	U	U		
Shopping centers	U	U	U	U		
Tobacco retail establishments		U	U			22.32.170

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirements	Procedure is in Section:
PP	Principal permitted use	
P	Permitted use. (2)	
U	Conditional use, Use Permit required. (2)	Chapter 22.48
	Use not allowed. (See 22.02.020.E regarding uses not listed.)	

Notes:

(1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions).

(2) ~~See Chapter 22.42 (Design Review) for separate, non-coastal permit Design Review requirements for all uses. 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.~~

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 5-3-e - ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL COMMERCIAL/MIXED USE DISTRICTS (Continued)

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT					See Standards in Section
	C-VCR Village Commercial Residential	C-H1 Limited Roadside Business	C-CP Planned Commercial	C-RMPC Residential Commercial Multiple Planned	C-RCR Resort and Commercial Recreation	
SERVICE USES						
Automatic teller machine (ATM), not at bank	PP	P	PP	PP	P	
Banks and financial services (no drive-thru)	PP		PP	PP		
Bed and breakfast, 3 or fewer guest rooms	PP	U		PP		22.32.040
Bed and breakfast, 4 or 5 guest rooms	U	U		U		22.32.040
Business support services	P		P	P		
Cemeteries, columbariums and mortuaries	U	U	U	U	U	
Child day-care centers	U	U	U	U		22.32.050
Child day-care, large family day- care homes	P	P	P	P		22.32.050
Child day-care, small family day- care homes	P	P	P	P		22.32.050
Construction yards	U		U	U		
Homeless shelters			<u>P</u>			22.32.095
Hotels and motels	U	U	U	U	PP	
Medical services - Clinics and laboratories	U	U	<u>U</u>	U		
Medical services - Hospitals and extended care	U	U	<u>U</u>	U	U	
Offices	PP	U	<u>PP</u>	PP		
Personal services	PP		PP	PP		
Public utility or safety facilities	U	U	U	U	U	
Repair and maintenance – consumer products	P		P	P		
Repair and maintenance – vehicles	U	U	<u>U</u>	U		
Service stations	U	U	U	U	U	22.32.160
Storage, accessory	P	P	P	P	U	
Veterinary clinics and animal hospitals	U	U	U	U		
Warehousing	U		U	U		

[BOS app., 12/11/2012]

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirements	Procedure is in Section:
PP	Principal permitted use	
P	Permitted use. (2)	
U	Conditional use, Use Permit required. (2)	Chapter 22.48
	Use not allowed. (See 22.02.020.E regarding uses not listed.)	

Notes:

- (1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions).
(2) See Chapter 22.42 (Design Review) for separate, non-coastal permit Design Review requirements for all uses.

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.

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 5-3-f - ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL COMMERCIAL/MIXED USE DISTRICTS (Continued)

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT					See Standards in Section
	C-VCR Village Commercial Residential	C-H1 Limited Roadside Business	C-CP Planned Commercial	C-RMPC Residential Commercial Multiple Planned	C-RCR Resort and Commercial Recreation	
TRANSPORTATION & COMMUNICATIONS USES						
Commercial parking and vehicle storage	U		U	U		
Harbors	U		U	U	U	
Marinas	U		U	U	U	
Pipelines and utility lines	U	U	U	U	U	
Telecommunications facilities	P/U	P/U	P/U	P/U	P/U	22.32.165
Transit stations and terminals	U		U	U	U	
Transit stop shelters	PP	PP	PP	PP	PP	
Vehicle and freight terminals			P	U		

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirements	Procedure is in Section:
PP	Principal permitted use	
P	Permitted use. (2)	
U	Conditional use, Use Permit required. (2)	Chapter 22.48
	Use not allowed. (See 22.02.020.E regarding uses not listed.)	

Notes:

(1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions).

~~(2) See Chapter 22.42 (Design Review) for separate, non-coastal permit Design Review requirements for all uses.~~
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.

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).

22.62.090 – Coastal Special Purpose and Combining Districts

A. Purpose of Section. This Section provides regulations for development ~~and new land uses, as defined in Article VIII,~~ in the coastal special purpose and combining zoning districts established ~~consistent with Marin County Local Coastal Program policies~~ by Section 22.62.030 (Coastal Zoning Districts Established).

B. Purpose and applicability of zoning districts.

1. General Applicability.

- a. Special purpose districts.** Special purpose zoning districts are intended to identify sites suitable for types of land uses that are ~~substantially different from, or that may not be appropriate or cannot be readily~~ but that can be accommodated along with ~~most certain~~ land uses allowed within the other coastal agricultural, residential, and commercial zoning districts established by Section 22.62.030.
- b. Combining districts.** Combining districts are applied to property together with one of the other agricultural, residential, or commercial zoning districts, to highlight areas where important site, neighborhood, or area characteristics require particular attention in project planning.
 - (1) The combining districts established by this Chapter provide standards that apply to development ~~and new land uses, as defined in Article VIII,~~ in addition to those of zoning districts.
 - (2) The applicability of a combining district to property is shown by its map symbol established by Section 22.62.030 (Coastal Zoning Districts Established) being shown as a suffix to the symbol for the primary zoning district. A site designated within a combining district shall be subject to all applicable provisions of this Chapter, in addition to the requirements of the primary zoning district. If provisions of this Chapter conflict with any requirements of a primary zoning district, this Chapter shall control.

2. C-PF (Coastal, Public Facilities) Zoning/Combining District.

- a.** The Coastal Public Facilities “C-PF” zoning/combining district is applied to land in the Coastal Zone suitable for public facilities and public institutional uses, including where a governmental, educational, or other institutional facility is the primary use of the site, in compliance with the Marin County Local Coastal Program. The C-PF district is consistent with the Public Facility and Quasi-Public Facility land use categories of the Marin County ~~Local Coastal Program~~ Land Use Plan.
- b.** The C-PF district may be applied to property as a primary zoning district ~~where the permitting authority determines that the facility~~ if it is sufficiently different from surrounding land uses as to warrant a separate C-PF zoning district, and as a combining district where a publicly-owned site accommodates land uses that are similar in scale, character, and activities, to surrounding land uses.

- 3. B (Coastal, Minimum Lot Size) Combining District.** See Section 22.64.040 (Coastal Minimum Lot Size (-B) Combining District) for the purpose and applicability of this district.

C. Development standards for special purpose/combining districts. Proposed development ~~and new land uses, as defined in Article VIII, shall be consistent with the land use definitions in Article VIII, and shall~~ comply with the provisions of Chapter 22.32 (Standards for Specific Land Uses) as applicable and all other applicable provisions of this Article.

Chapter 22.64 – Coastal Zone Development and Resource

Management Standards

Sections:

22.64.010 – Purpose of Chapter
22.64.020 – Applicability
22.64.030 – General Site Development Standards
22.64.040 – Coastal Minimum Lot Size (-B) Combining District
22.64.050 – Biological Resources
22.64.060 – Environmental Hazards
22.64.080 – Water Resources
22.64.100 – Community Design
22.64.110 – Community Development
22.64.120 – Energy
22.64.130 – Housing
22.64.140 – Public Facilities and Services
22.64.150 – Transportation
22.64.160 – Historical and Archaeological Resources
22.64.170 – Parks and Recreation
22.64.180 – Public Coastal Access

22.64.010 – Purpose of Chapter

This Chapter provides general standards for proposed development, including site planning, and appropriate land use, for the following coastal zoning districts: C-APZ (Coastal, Agricultural Production Zone), C-ARP (Coastal, Agricultural, Residential Planned), C-OA (Coastal, Open Area), C-RA (Coastal, Residential, Agricultural), C-R1 (Coastal, Residential, Single-Family), C-RSP (Coastal, Residential, Single-Family Planned), C-RSPS (Coastal, Residential, Single-Family Planned, Seadrift Subdivision), C-R2 (Coastal, Residential, Two-Family), C-RMP (Coastal, Residential, Multiple Planned), C-VCR (Coastal, Village Commercial/ Residential), C-H1 (Coastal, Limited Roadside Business), C-CP (Coastal, Planned Commercial), ~~and C-RMPC (Coastal, Residential/Commercial Multiple Planned)~~ zoning districts, and the -B (Minimum Lot Size) combining district.

22.64.020 – Applicability

The provisions of this Chapter apply to proposed development, as defined in Article VIII, in all coastal zoning districts ~~to proposed development and new land uses~~ which require Coastal Permit approval in addition to the requirements of Chapters 22.62 (Coastal Zoning Districts and Allowable Land Uses), 22.65 (Coastal Zone Planned District Development Standards), 22.66 (Coastal Zone Community Standards), and all other applicable provisions of this Development Code. In addition to specific standards applicable to a particular land use, all other LCP standards requirements also apply.

22.64.030 –General Site Development Standards

Proposed development within the coastal zoning districts established by Section 22.62.030 (Coastal Zoning Districts Established) shall be sited, designed, and constructed, ~~and used~~ in compliance with the minimum lot area, density, setback requirements, height, and floor area ratio requirements shown in Table 5-4 (Coastal Zone Development Standards), as well as all other applicable LCP requirements.

TABLE 5-4-a – COASTAL ZONE DEVELOPMENT STANDARDS

Zoning District	Minimum Lot Area (1)	Maximum Residential Density (2,6)	Minimum Setback Requirements (1, 3)			Maximum Height Limit (4)		Maximum FAR (5,7)
			Front	Sides	Rear	Primary	Accessory	
C-RA	7,500 sq. ft.	Not applicable	25 ft.	6 ft., 10 ft. on street side	20% of lot depth to 25 ft. max.	.	.	0.30
C-R1								
C-R2								
C-VCR		1 unit per 2,000 sq. ft. of lot area	0 ft.	0 ft. for commercial use, 5 ft. for residential use	0 ft. for commercial use, 15 ft. for residential use	25 ft.	15 ft.	Not applicable See Note 7
C-H1		1 unit per 7,500 sq. ft. of lot area	30 ft.	6 ft. adjacent to residential district, none otherwise	12 ft. adjacent to residential district, none otherwise			

Notes:

- (1) Minimum lot area and setback standards may change, as follows:
 - a. Minimum lot area and setback standards may change when such district is combined with a “-B” district in compliance with the provisions of Section 22.64.040 (Coastal “-B” Combining District Development Standards).
 - b. Minimum lot area may change in areas of sloping terrain, including those districts combined with “-B” districts, in compliance with the provisions of Section 22.82.050 (Hillside Subdivision Design).
- (2) In C-RA, C-R1, C-R2, and C-H1 districts, maximum residential density is based on one unit per the minimum lot area required.
- (3) See (1) above. See Section ~~22.64.045(4)~~ ~~22.20.090~~ (Setback Requirements and Exceptions) for setback measurement, allowed projections into setbacks, and exceptions to required setbacks. Setback exceptions for ESHA and hazards are only allowed per the LCP’s Biological Resources and Environmental Hazards policies, respectively. (4) ~~See Section 22.20.060 (Height Measurement and Height Limit Exceptions) for height measurement and exceptions. Building height limits may change, as follows:~~
 - a. ~~In C-R1 districts of the Stinson Beach Highlands, the primary building height limit is 17 feet.~~
 - b. ~~Single family dwellings over 25 feet in height may require Design Review and Variance approval in compliance with Chapters 22.42 (Design Review) and 22.54 (Variances), in addition to a Coastal Permit.~~
- (4) ~~See Section 22.20.060 (Section 22.64.045(3) (Height Limits Exceptions) for height measurement and exceptions. Building height limits may~~

change, as follows:

- a. In C-R1 districts of the Stinson Beach Highlands, the primary building height limit is 17 feet.
- b. Single-family dwellings over 25 feet in height ~~may~~ shall require Design Review (in addition to and independent of Coastal Permit requirements) and Variance approval in compliance with Chapters 22.42 (Design Review) and 22.70.150 (Coastal Zone Variances), in addition to a Coastal Permit.
- ~~c. All height limit exceptions must be found consistent with Land Use Plan Policies C-DES-1, 2, and 3.~~
[BOS app. 12/11/2012]
c. Notwithstanding “a” and “b” above, where an increase in height in the coastal zone consists solely of raising an existing structure by the minimum amount necessary to meet the Base Flood Elevation (BFE) established by FEMA plus any additional elevation required by Policy C-EH-8, the maximum height limit allowable (without a variance) shall be increased by that height.

Comment [4.2]l-52: See Staff Recommendation for April 19, 2016 BOS Hearing.

- (5) See Chapter 22.42 (Design Review) for other conditions that may require Design Review—approval in addition to and independent of a Coastal Permit. In C-VCR and C-H1 districts, maximum floor area may be determined through the Design Review Process in compliance with Chapter 22.42 (Design Review) in addition to and independent of a Coastal Permit.
- (6) The maximum residential density for proposed ~~sub land~~ divisions of land for that portion or portions of properties with Environmentally Sensitive Habitat Areas and buffers, ~~hazardous areas and setbacks~~, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the density range as established by the governing Land Use Category, except for projects that provide significant public benefits, as determined by the Review Authority, or lots proposed for affordable housing, ~~or where~~ if it can be demonstrated that all resulting the development can will avoid and protect all ESHA and ESHA buffers, avoid all hazardous areas and hazard setbacks, and be served by on-site water and sewage disposal systems.
- (7) The maximum non-residential and non-agricultural floor area for that portion or portions of properties with Environmentally Sensitive Habitat Areas and buffers, ~~hazardous areas and setbacks~~, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the density FAR range as established by the governing Land Use Category, except for projects that provide significant public benefits, as determined by the Review Authority, ~~or where~~ it can be demonstrated that the development can will avoid and protect all ESHA and ESHA buffers, can avoid all hazardous areas and hazard setbacks, and can be served by on-site water and sewage disposal systems.

See Article VIII (Development Code Definitions) for definitions of the terms used above.

TABLE 5-4-b – COASTAL ZONE DEVELOPMENT STANDARDS (Continued)

Zoning District	Minimum Lot Area (1)	Maximum Residential Density (2, 6)	Minimum Setback Requirements (3)			Maximum Height Limit (4)		Maximum FAR (5,7)
			Front	Sides	Rear	Primary	Accessory	
C-OA	Not applicable See Note 1	Not applicable See Notes 2 and 6	Not applicable See Note 3			25 ft.	15 ft.	Not applicable See Notes 5 and 7
C-APZ		See Zoning Map						
C-ARP								
C-RMP								
C-RMPC								
C-RSP								
C-RSPS						See 22.66.070.D		

C-CP	Not permitted	25 ft.	15 ft.
C-RCR			

Notes:

- (1) Minimum lot area is determined through the Coastal Permit. The review authority will determine whether the lot area is adequate for a proposed land use. (2) Where dwellings are permitted, the following standards apply:
 - a. In C-OA districts, maximum residential density is determined through the Coastal Permit. b. In C-APZ, C-ARP, C-RMP, C-RMPC, C-RSP, and C-RSPS districts, when determining the maximum residential density allowed, any fraction of a dwelling unit of 0.90 or greater will be counted as a whole unit.
 - c. C-APZ districts shall have a maximum residential density of one unit per 60 acres.
 - d. In considering division of agricultural lands in the Coastal Zone, the County may approve fewer parcels than the maximum number of parcels allowed by this Code, based on site characteristics such as topography, soil, water availability, environmental constraints, and the capacity to sustain viable agricultural operations. {See also LUP Policy C-AG-6}
- (3) Setbacks are determined through the Coastal Permit. ~~Exceptions to Setback Requirements are not allowed for setbacks required for ESHA or hazards per the LCP's Biological Resources and Environmental Hazards policies, respectively.~~
- (4) See ~~Section 22.20.060~~ Section 22.64.045(3) (Height Limits and Exceptions) for height measurement and exceptions. Building height limits may change, as follows:
 - a. In C-RSP districts on the shoreline of Tomales Bay, building height limits shall comply with Section 22.65.060.C (C-RSP Zoning District Height Limit - Tomales Bay).
 - b. In C-RSPS districts, building height limits shall comply with Section 22.65.070.D (C- RSPS Zoning District Height Limit - Seadrift Subdivision).
 - ~~c. All height limit exceptions must be found consistent with Land Use Plan Policies C-DES-1, 2, and 3.~~
 - c. Notwithstanding "a" and "b" above, where an increase in height in the coastal zone consists solely of raising an existing structure by the minimum amount necessary to meet the Base Flood Elevation (BFE) established by FEMA plus any additional elevation required by Policy C-EH-8, the maximum height limit allowable (without a variance) shall be increased by that height.
- (5) Maximum floor area is determined through the Coastal Permit.
- (6) The maximum residential density for proposed subland divisions of land ~~for that portion or portions~~ of properties with Environmentally Sensitive Habitat Areas and buffers, ~~hazardous areas and setbacks,~~ and properties that lack public water or sewer systems, shall be calculated at the lowest end of the density range as established by the governing Land Use Category, except for projects that provide significant public benefits, as determined by the Review Authority, or-lots proposed for affordable housing, ~~or where if it can be demonstrated that the all resulting development can will avoid and protect all ESHA and ESHA buffers, avoid all hazardous areas and hazard setbacks, and can~~ be served by on-site water and sewage disposal systems.
- (7) The maximum non-residential and non-agricultural floor area for that portion or portions of properties with Environmentally Sensitive Habitat Areas and buffers, ~~hazardous areas and setbacks,~~ and properties that lack public water or sewer systems, shall be calculated at the lowest end of the density FAR-range as established by the governing Land Use Category, except for projects that provide significant public benefits, as determined by the Review Authority, ~~or and~~ where it can be demonstrated that the development can will avoid and protect all ESHA and

Comment [SFS53]: The hazards policies do not apply "setbacks" as such, so this term may be inappropriate.

Comment [4.2]l-54]: See Staff Recommendation for April 19, 2016 BOS Hearing.

~~ESHA buffers, avoid all hazardous areas and hazard setbacks, and~~ be served by on-site water and sewage disposal systems.

See Article VIII (Development Code Definitions) for definitions of the terms used above.

22.64.040 – Coastal Minimum Lot Size (-B) Combining District

A. Purpose. The Coastal Minimum Lot Size “-B” combining district is intended to establish lot size, area, and setback requirements for ~~new subland~~ divisions of land that are different from those normally applied by the primary zoning district applicable to a site; and to configure ~~new~~ development on existing lots, where desirable, because of specific characteristics of the area.

B. Development standards. Where the -B combining district is applied, the minimum lot area, average lot width, and depths of front, side, and rear yards in Table 5-5 shall be required, instead of those that are normally required by the primary zoning district. The maximum residential density for proposed ~~subland~~ division of land for that portion or portions of properties with Environmentally Sensitive Habitat Areas and buffers, ~~hazardous areas and setbacks~~, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the density range as established by the governing Land Use Category, except for projects that provide significant public benefits, as determined by the Review Authority, or lots proposed for affordable housing, ~~or~~ and where it can be demonstrated that the development can avoid and protect all ESHA and ESHA buffers, ~~can avoid all hazardous areas and hazard setbacks~~, and can be served by on-site water and sewage disposal systems.

TABLE 5-5 – COASTAL -B COMBINING DISTRICT DEVELOPMENT STANDARDS

Zoning District	Minimum Lot Area (1)	Minimum Setback Requirements (2)			Maximum Height Limit (3)		Maximum FAR (4, 5)
		Front	Sides	Rear	Primary	Accessory	
B1	6,000 sq.ft.	25 ft.	5 ft., 10 ft. on street side	20% of lot depth to 25 ft. max.	25ft.	15 ft.	0.30
B2	10,000 sq.ft.		10 ft.				
B3	20,000 sq.ft.	15 ft.					
B4	1 acre	30 ft.	20 ft.	30 ft.			
B5	2 acres		20 ft., 30 ft. on street side				
B6	3 acres						
BD	See Section 22.66.110						

Notes:

- (1) Minimum lot area shown applies except where Section 22.82.050 (Hillside Subdivision Design) establishes a ~~different~~ lower minimum lot area standard.
- (2) See ~~Section 22.20.090~~ (Setback Requirements and Exceptions) for setback measurement, allowed projections into setbacks, and exceptions to required setbacks. ~~Setback exceptions for ESHA and hazards are only allowed per the LCP's Biological Resources and Environmental Hazards policies, respectively.~~
- (3) See ~~Section 22.20.060~~ (Section 22.64.045(3)) (Height Limits and Exceptions) for height

measurement and exceptions. Primary building height limit in the Stinson Beach Highlands is 17 feet, not 25 feet. Single-family dwellings over 25 feet in height ~~may shall~~ require Design Review (in addition to and independent of Coastal Permit requirements) and Variance approval in compliance with Chapters 22.42 (Design Review) and approval in compliance with 22.70.150 (Coastal Zone Variances), in addition to a Coastal Permit. All height limit exceptions must be found consistent with Land Use Plan Policies C-DES 1, 2, and 3. [BOS app., 12/11/2012]

(4) ~~See Chapter (Design Review) for other conditions that may require Design Review approval in addition to a Coastal Permit.~~ 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) The maximum residential density for proposed ~~land~~ divisions of land for that portion or portions of properties with Environmentally Sensitive Habitat Areas and buffers, ~~hazardous areas and setbacks~~, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the density range as established by the governing Land Use Category, except for projects that provide significant public benefits, as determined by the Review Authority, or lots proposed for affordable housing, if it can be demonstrated that ~~all resulting the development will can avoid and protect all ESHA and ESHA buffers, can avoid all hazardous areas and hazard setbacks, and can~~ be served by on-site water and sewage disposal systems.

Comment [SF555]: These provisions should be restored to the form originally proposed by the County as shown. This requirement is not in the LUP.

See Article VIII (Development Code Definitions) for definitions of the terms used above.

22.64.045--Property Development and Use Standards

1. Applicability—General Standards.

A. All proposed development, including new land uses, shall conform with all of the standards of this Chapter and all applicable LCP provisions unless exempted from coastal permit requirements by Chapter 22.68.

2. Fencing and Similar Structure Standards

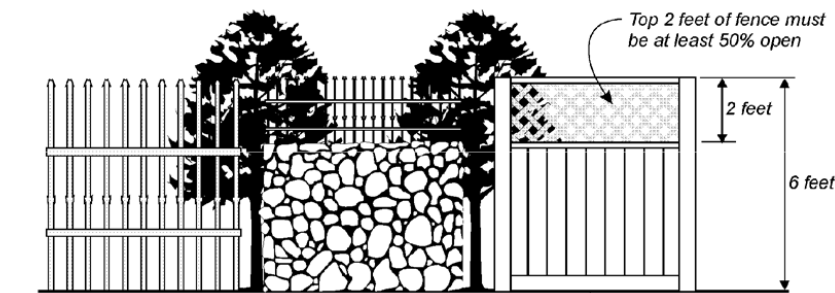
In addition to other applicable LCP provisions, the following standards shall apply to the installation of all fences, walls, trellises, ~~planted hedges and vegetated screens~~, and similar structures: ~~Text deleted by CCC staff 4/15/15 Addendum]~~

A. **Height limitations.** Fences, walls, trellises, and similar structures are subject to the following height limitations.

1. **General height limit.** A fence or wall having a maximum height of four feet or less above grade may be located within a required setback for a front yard or side yard that abuts a street. A fence or wall having a maximum height exceeding four feet but no more than six feet above grade may be located within a required setback for a front yard or side yard that abuts a street if the entire section or portion of the fence or wall above four feet in height above grade has a surface area that is at least 50%

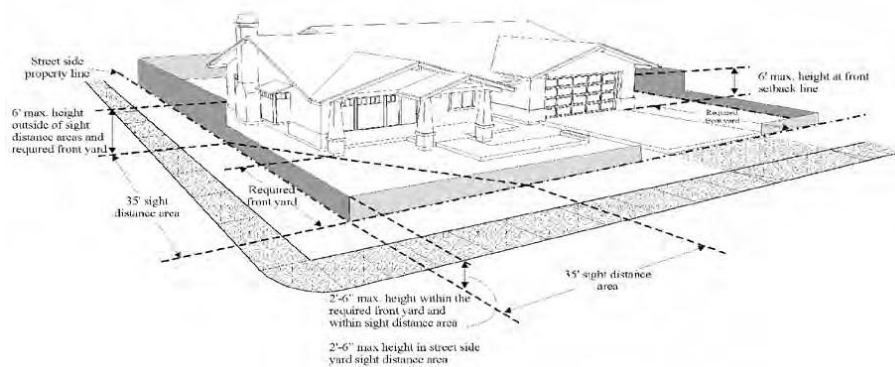
open and unobstructed by structural elements. (See Figure 3-1.) A solid fence or wall having a maximum height of six feet above grade may be located within a required interior yard setback, a rear yard setback, a rear yard setback of a through lot, or on the property line defining such yards. A trellis above a gate or opening along the line of a fence, not exceeding a maximum height of eight feet above grade and a width of six feet, is permitted within a required setback for a front, side, or rear yard that abuts a street. ~~In all cases, such fences, walls, trellises, or other similar structures shall only be allowed so long as such structures protect significant public views, including views both to and along the ocean and scenic coastal areas as seen from public viewing areas.~~

FIGURE 3-1
EXAMPLES OF FENCE, WALL, TRELLIS, AND SIMILAR STRUCTURES WITH
THE AREA
ABOVE FOUR FEET AT LEAST 50% OPEN



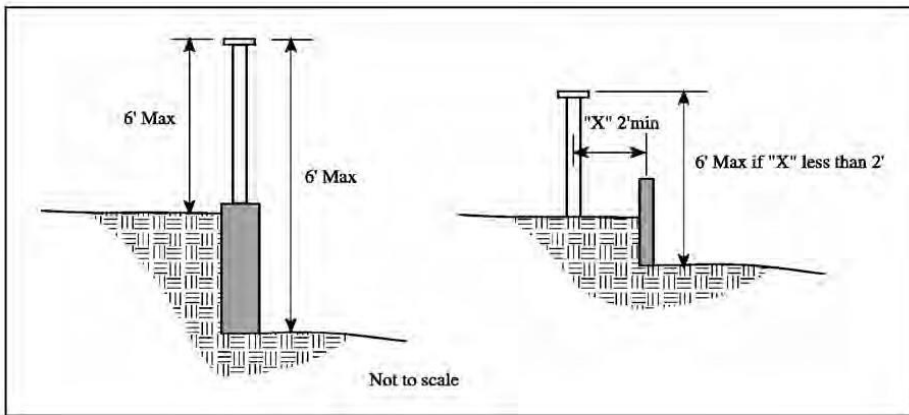
2. **Corner lots.** In addition to the general provisions described above, fences within the front and/or street side setbacks of a corner lot shall not exceed a height of two feet, six inches above the street level of an adjacent intersection, within the area between the property lines and a diagonal line joining points on the property lines which are 35 feet from their intersection. See Figure 3-2.

FIGURE 3-2
HEIGHT LIMITATIONS FOR FENCES, WALL, TRELLIS, AND SIMILAR
STRUCTURES ON CORNER LOTS



3. **Lots with grade differential.** In addition to the general provisions described above, where there is a difference in the ground level between two adjoining lots, the height of the fence, wall, trellis, or other similar structure shall not exceed six feet as measured from grade on either side of the structure. See Figure 3-3 (Fence Height Limits).
 4. **Parallel fences and walls.** In addition to the general provisions described above, two approximately parallel fences, walls, trellises, or other similar structures shall maintain a separation of at least two feet to encourage landscaping between the separation, or the height of both structures shall be computed as one structure, subject to the six foot height limitation. See Figure 3-3 (Fence Height Limits).
- B. **Setback requirements.** Fences, walls, trellises, or other similar structures up to four feet in height or six feet in height above grade may be located within a required setback or on property lines in compliance with the height limits of Subsection A., above. Fences, walls, trellises, or other similar detached structures exceeding the height limits specified in Subsection A, shall be subject to the same setback requirements of this Implementation Plan applicable to the primary structure. ~~Fences, walls, trellises, or other similar structures shall be sited and designed to protect significant public views.~~
- C. ~~Planted Hedges and Vegetated Screens.~~ ~~Planted hedges and vegetated screens shall be subject to the same height limitations and setback requirements specified above, and shall only be allowed so long as such hedges and screens protect significant public views, including views both to and along the ocean and scenic coastal areas as seen from public viewing areas. [Text deleted by CCC staff 4/15/15 Addendum]~~

FIGURE 3-3
FENCING AND SIMILAR STRUCTURES HEIGHT LIMITS

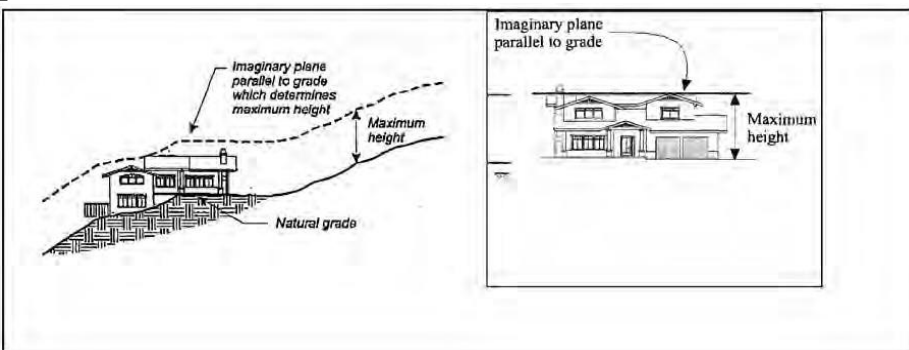


3. Height Limits and Exceptions.

In addition to other applicable LCP provisions, all structures shall meet the following standards relating to height, except for fences, walls, trellises, ~~planted hedges and vegetated screens~~, and similar structures, which shall comply with Fencing and Similar Structure Standards, above. ~~All maximum heights are maximums and not entitlements to that height, and may be adjusted downwards in order to meet LCP provisions, including those related to protecting public views.~~ Text deleted by CCC staff 4/15/15 Addendum]

- A. **Maximum height.** The height of any structure shall not exceed the maximum height standard established by the applicable zoning district in the LCP. Maximum height shall be measured as the vertical distance from grade to an imaginary plane located the maximum number of feet above and parallel to the grade. See Figure 3-4 (Measurement of Maximum Height) and definition of “Grade” in Article VIII (Definitions).

FIGURE 3-4
MEASUREMENT OF MAXIMUM HEIGHT



B. **Detached accessory structures.** A detached accessory structure shall not exceed 15 feet in height above grade. However, a detached accessory structure may be constructed to the height allowed for primary structures by the applicable zoning district if the accessory structure is located at least 40 feet from all property lines.

C. **Structures for parking.** A detached parking structure is subject to the same maximum height limit as detached accessory structures, above.

D. Height Exceptions:

1. **Spires, towers, water tanks, etc.** Chimneys, cupolas, flag poles, gables, monuments, spires, towers (e.g., transmission, utility, etc.), water tanks, necessary mechanical appurtenances, and similar structures may be allowed to exceed the height limit established for the applicable zoning district, subject to all of the following standards:

- a. The structure shall not cover more than 15 percent of the lot area at any level.
- b. The area of the base of the structure shall not exceed 1,600 square feet.
- c. No gable, spire, tower or similar structure shall be used for sleeping or eating quarters or for any commercial purpose other than that which is incidental to the allowed uses of the primary structure.
- d. No structure shall exceed a maximum height of 150 feet above grade.

~~e. Such height shall be found consistent with all other applicable LCP policies, including policies C-DES-1, 2, and 3.~~

2. **Roof-mounted Solar Energy Systems.** Roof-mounted solar energy systems may exceed the required height limit by no more than two feet.

3. **Flood Hazard and Sea Level Rise Safety.** Where an increase in height in the coastal zone consists solely of raising an existing structure by the minimum amount necessary to meet the Base Flood Elevation (BFE) established by FEMA plus any additional elevation required by Policy C-EH-8, the maximum height limit allowable (without a variance) shall be increased by that height.

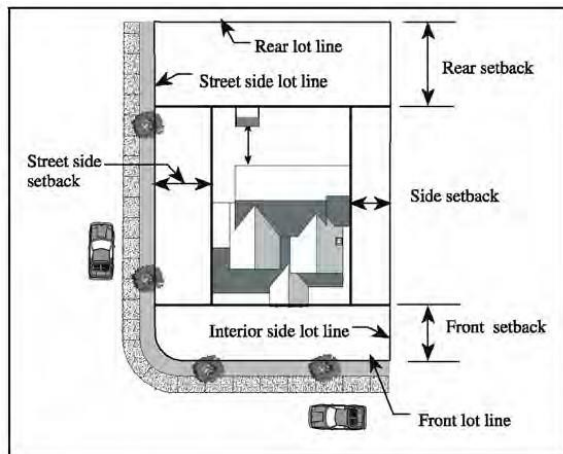
Comment [SFS56]: Inserted for consistency with Sec. 22.32.161

Comment [4.2]l-57]: See Staff Recommendation for April 19, 2019 BOS Hearing

4. Setback Requirements and Exceptions.

A. In addition to other applicable LCP provisions, this section establishes setback standards, including those related to allowed uses in setbacks, minimum sizes for setbacks, and exceptions to setback standards (Additional setbacks may be required by the Hillside Ordinance). These standards are intended to provide for open areas around structures, including but not limited for: visibility and traffic safety; access to and around structures; access to natural light, ventilation and direct sunlight; separation of incompatible land uses; space for privacy, landscaping, and recreation; water quality protection; space to account for fire safety; and protection of significant public views, including views both to and along the ocean and scenic coastal areas as seen from public viewing areas. All setbacks are minimums and may be increased in order to meet LCP provisions, including those related to water quality and community character. Setback requirements and exceptions for coastal permits involving ESHA and coastal hazards are listed in 22.64.050 and 22.64.060, respectively.

FIGURE 3-5
LOCATION AND MEASUREMENT OF SETBACKS



- B. **Measurement of Setbacks.** Setbacks shall be measured from property lines, as shown by Figure 3-5 (Location and Measurement of Setbacks), and as follows; however, if an access easement or street right-of-way line extends into or through a yard setback, the measurement shall be taken from the nearest point of the easement or right-of-way line, not the more distant property line. See Figure 3-6 (Front and Side Setbacks with Easements).
1. **Front yard setbacks.** The front yard setback shall be measured at right angles in from the front property line of the lot, establishing a setback line parallel to the front property line.
 - a. **Flag lots.** For a lot with a fee ownership strip extending from a street or right-of-way to the building area of the parcel, the measurement shall be taken in from the point where the access strip meets the bulk of the lot along a continuous line, establishing a setback line parallel to it. See Figure 3-7 (Flag Lot Setbacks).

FIGURE 3-6
FRONT AND SIDE SETBACKS WITH EASEMENTS

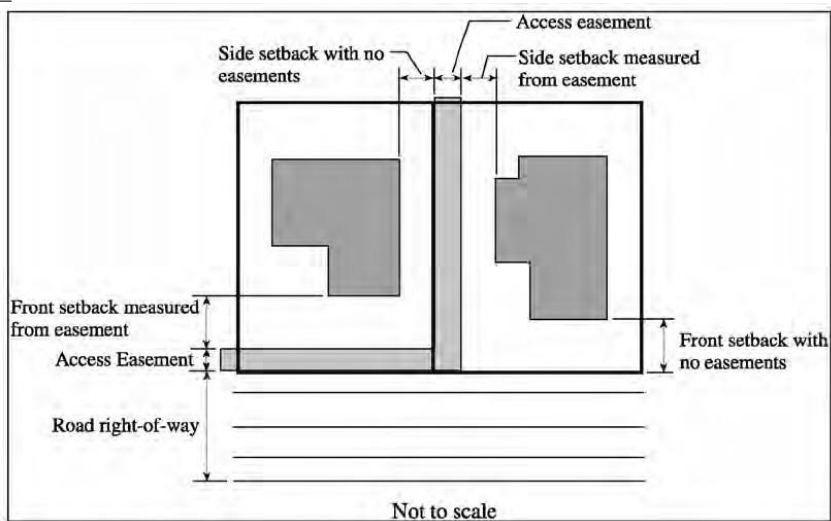
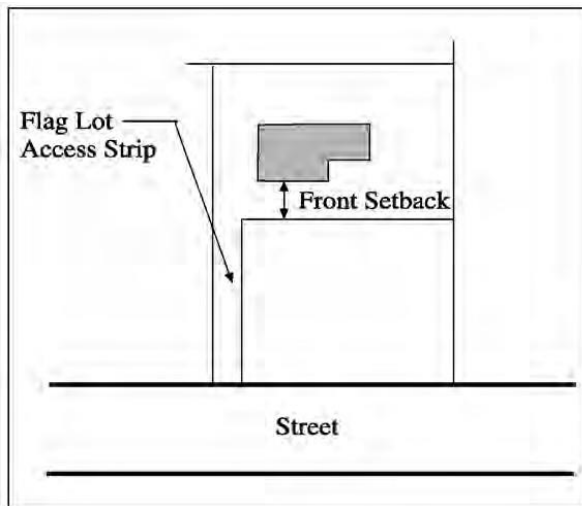
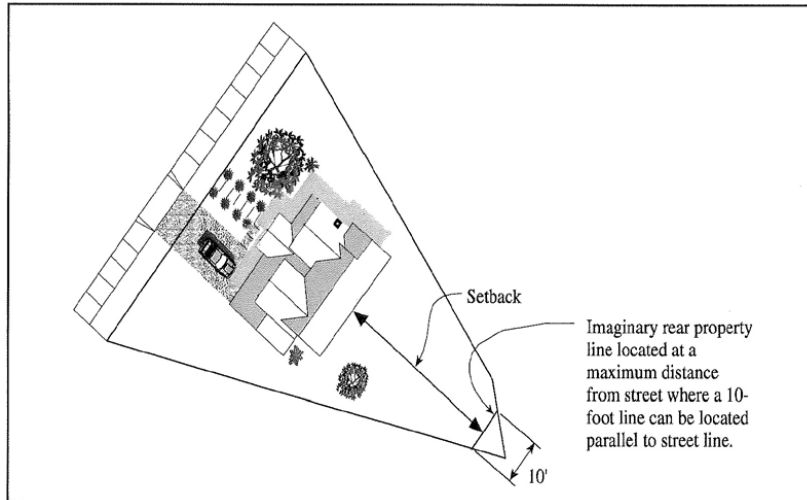


FIGURE 3-7
FLAG LOT SETBACKS



- b. **Corner lots.** The measurement shall be taken in from the property line adjoining the street to which the property is addressed and the street from which access to the property is taken.
2. **Side yard setbacks.** The side yard setback shall be measured at right angles in from the nearest point on the side property line of the lot; establishing a setback line parallel to the side property line which extends between the front and rear yards.
3. **Street side yard setbacks.** The side yard on the street side of a corner lot shall be measured at right angles in from the nearest point of the side property line adjoining the street, establishing a setback line parallel to the side property line which extends between the front and rear yards.
4. **Rear yard setbacks.** The rear yard shall be measured at right angles in from the nearest point on the rear property line, establishing a setback line parallel to the rear property line.
5. **Rear yard setbacks for irregular shaped lots.** On an irregular, triangular, or gore-shaped lot, where it is difficult to identify a rear lot line, the rear yard shall be measured at right angles from a line ten feet in length within the lot, parallel to and at a maximum distance from the front property line. See Figure 3-8 (Rear Setback in Irregular Parcels).

FIGURE 3-8
REAR SETBACK IN IRREGULAR PARCELS



- C. **Setback requirements.** Unless exempted in compliance with Subsections D and E, below, all structures shall conform with the setback requirements established for each zoning district by Article V (Coastal Zone Development and Resource Management Standards), and with any special setbacks established for specific uses by this Development Code, except as otherwise provided by this Section.
1. **General requirements.** In no case shall any portion of a structure, including eaves or roof overhangs, extend beyond a property line, or into an access easement or street right-of-way.

2. **Accessory structures.** Detached accessory structures shall comply with the same setback requirements established by the applicable zoning district for primary structures, except as follows:

a. The minimum rear yard setback for a detached accessory structure shall equal the minimum side setback, and no less than ten feet; except that the rear setback on a through lot shall be 20 percent of the lot depth to a maximum of 25 feet.

b. The total aggregate floor area of all detached accessory structures shall not exceed 30 percent of the area contained within the boundaries of the setback required in the rear yard.

3. **Detached site elements.** Detached decks, swimming pools and spas, steps, terraces, and other site design elements that are placed at or below grade, and which exceed a height of 18 inches above grade at any point, shall conform with the setback requirements of this Chapter for detached accessory structures. Hand railings and other safety features required by the Uniform Building Code and attached directly to a detached site element shall not be included in the measurement of the maximum height of the detached site element.

4. Site design elements less than 18 inches above grade are exempt from setback requirements in compliance with Subsection D (Exemptions from setback requirements), below. Examples of site design elements less than 18 inches above grade include ponds, shuffleboard courts, and water elements (e.g., fountains, sprays, etc.).

D. **Exceptions from setback requirements.** The minimum setback requirements of this Development Code shall apply to all development except the following.

1. Fences, walls, trellises, ~~planted hedges and vegetated screens~~. *[New text proposed by CCC staff in 4/15/15 Addendum]* and similar structures that comply with the height limits specified in Fencing and Similar Structure Standards;

2. Detached energy efficiency devices located within required rear yard and side yards that do not exceed a height of four feet in height above grade;

3. Decks, freestanding solar devices, swimming pools and spas, steps, terraces, and other site design elements which are placed at or below grade and do not exceed a height of 18 inches above grade at any point. Hand railings and other safety features required by the Uniform Building Code and attached directly to a detached site element which meets the criteria herein are exempt from the minimum setback requirements;

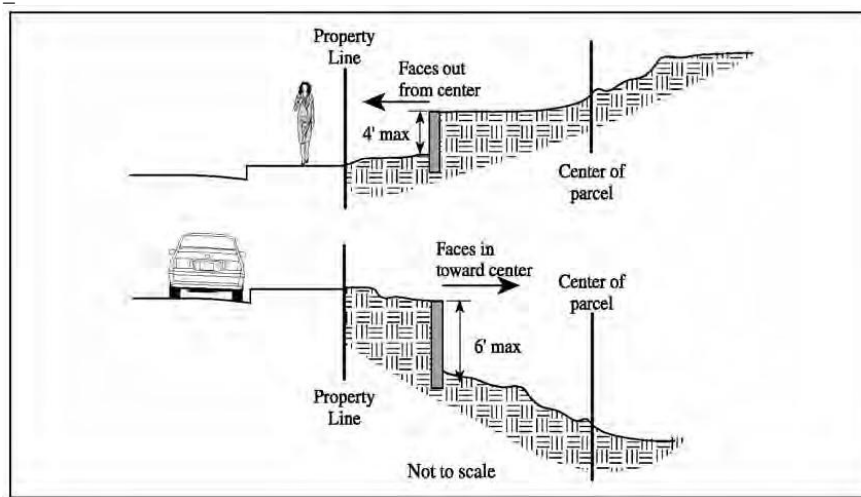
4. Flag poles that do not exceed a height of 30 feet above grade; and

5. Retaining walls. The following standards shall apply to all retaining walls. See Figure 3-9 (Maximum Height for Retaining Walls Exempt from Setbacks):

a. Retaining walls greater than six feet in height above grade shall be subject to the same setback requirements as the primary structure if the exposed face of the retaining wall faces into the center of the property.

b. Retaining walls greater than four feet in height above grade shall be subject to the same setback requirements as the primary structure if the exposed face of the retaining wall faces outward from the center of the property.

FIGURE 3-9
MAXIMUM HEIGHT FOR RETAINING WALLS EXEMPT FROM SETBACKS



E. **Allowed projections into setbacks.** Attached architectural features and certain detached structures may project into or be placed within a required setback in compliance with the following requirements:

1. **Architectural features.** Architectural features attached to the primary structure may extend beyond the wall of the structure and into the front, side and rear yard setbacks, in compliance with Table 3-1 (Allowed Projections into Setbacks). See also Figure 3-10 (Examples of Allowed Projections into Required Setbacks).

TABLE 3-1
ALLOWED PROJECTIONS INTO SETBACKS

Feature	Allowed Projection into Specified Setback		
	Front Setback	Side Setback	Rear Setback
Chimney (1)	30 in.	30 in.	30 in.
Cantilevered architectural features (2)	30 in.	30 in.	30 in.
Deck (3)	6 ft.	3 ft. (1)	6 ft.
Porch (4)	6 ft.	3 ft. (1)	6 ft.
Solar devices and tankless water heaters	30 in.	30 in.	30 in.
Stairway (5)	6 ft.	3 ft. (1)	6 ft.

Notes:

- (1) Feature may project no closer than three feet to the property line.
- (2) Cantilevered architectural features including balconies, bay windows, cornices,

eaves and roof overhangs may project into setbacks as shown.

(3) Decks less than 18 inches above grade are exempt, in compliance with Exceptions from Setback Requirements, above.

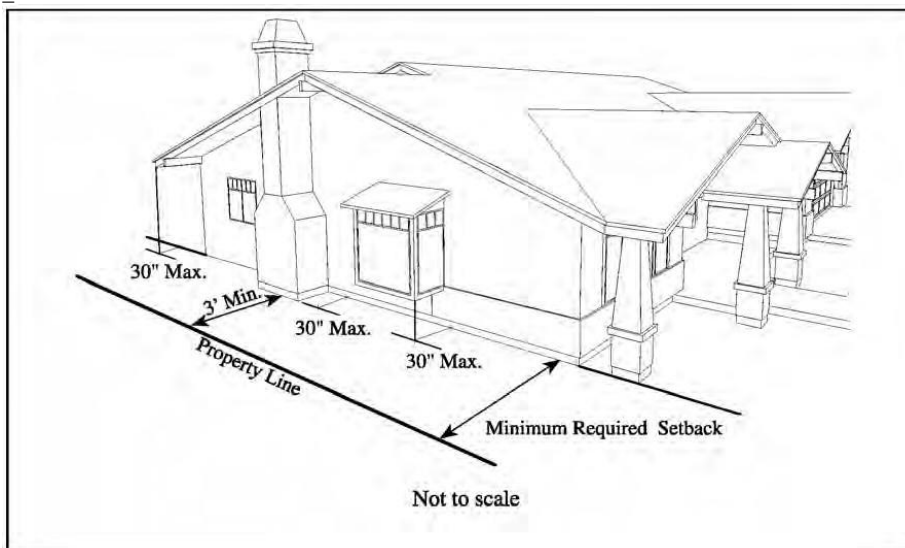
~~(4) A porch may project into a setback, provided it is enclosed only by a railing and is located at the same level as the entrance floor of the structure. An additional projection into the front yard setback may be allowed, provided it does not exceed 40% of the required porch setback permitted by Table 3-1. (For example, in a R-1 zoning district, Table 3-1 would allow the porch to maintain a 19-foot front yard setback. An additional 7.6-foot encroachment (representing 40% of the 19-foot setback) resulting in an 11.4-foot front yard setback may be permitted.)~~

(5) A stairway may project into a setback, provided it is not roofed or enclosed above the steps.

2. **Parking structures on steep lots.** In any zoning district allowing residential uses, where the slope of the one-half of the parcel beginning at the street-access side is 20 percent or more, or where the elevation of the parcel at the property line from which vehicular access is taken is five feet or more above or below the elevation of the adjoining street, a parking structure may be built to within three feet of the front and side property lines that abut the adjoining street from which vehicular access is taken.

3. **Trellises.** See Fencing and Similar Structure Standards - Height Limitations.

FIGURE 3-10 **EXAMPLES OF ALLOWED PROJECTIONS INTO REQUIRED SETBACKS**



- F. **Restrictions on the use of front yard setbacks in residential districts.** No junk or scrap shall be allowed in the front yard on any lot in any residential zoning district. This restriction includes the storage of operable or inoperable vehicles in other than improved parking or driveway areas.

G. [Additional setbacks may be required by the Hillside Ordinance](#)

22.64.050 – Biological Resources

A. Submittal requirements.

1. Biological studies.

- a. **Initial Site Assessment Screening.** The Marin County Community Development Agency (CDA) shall conduct an initial site assessment screening of all development proposals to determine the potential presence of Environmentally Sensitive Habitat Area (ESHA). The initial site assessment screening shall include a review of reports, resource maps, aerial photographs, site inspection and additional resources as necessary to determine the presence of ESHA.
- b. **Site Assessment.** A site assessment shall be submitted for those Coastal Permit applications where the initial site assessment screening reveals the potential presence of an Environmentally Sensitive Habitat Area (ESHA) within 100 feet of any portion of the proposed development. The permit will be ~~and~~ subject to a level of review that is commensurate with the nature and scope of the development project. A site assessment shall be prepared by a qualified biologist ~~hired by the County and paid for by the applicant,~~ and shall confirm the extent of the ESHA, document any site constraints and the presence of other sensitive resources, recommend buffers, and development timing, and mitigation measures, ~~or including~~ required setbacks, and provide other information, analysis and potential modifications necessary to protect the resource. The site assessment shall thoroughly discuss alternatives and mitigation measures to avoid impacts to ESHA, and any finding that there is no feasible alternative to avoid ESHA impacts shall be supported by such analysis. If the site assessment identifies significant impacts, then the report shall identify appropriate mitigation measures. Where habitat restoration or creation is required to eliminate or offset potential impacts to an ESHA, a detailed Restoration and Monitoring Plan shall be required, as provided in this section.
- c. **Buffer Areas.** Buffers shall be provided for ESHAs in accordance with the policies of C-BIO-3 (ESHA Buffers), C-BIO-19 (Wetland Buffers), or C-BIO-24 (Coastal Streams and Riparian Vegetation), in combination with the findings of a site assessment, as necessary to ensure the biological integrity and preservation of the habitat they are designed to protect. Maintain ESHA buffers in their natural condition, except as provided in C-BIO-20 (Wetland Buffer Adjustments), C-BIO-25 (Stream Buffer Adjustments) or C-BIO-4 (Protect Major Vegetation).

Determination of ESHA buffer requirements ~~shall~~ shall consider the following:

- 1) Habitat requirements of the ESHA, including the migratory patterns of affected species and tendency to return each season to the same nest site or breeding colony;
- 2) Sensitivity of the ESHA to disturbance;
- 3) Topography of the site;
- 4) Movement of stormwater;
- 5) Permeability of the soils and depth to water table;
- 6) Vegetation present;
- 7) Unique site conditions;
- 8) Whether vegetative, natural topographic, or built features (e.g.,

roads, structures) provide a physical barrier between the proposed development and the ESHA; and

- 9) The likelihood of increased human activity and disturbance resulting from the project relative to existing development.

- 10) ~~For buffer reductions, the applicant has provided clear and convincing findings of the need for the reduction, the reduction allowed is absolute minimum necessary, and the reduction will prevent impacts that degrade the ESHA and will be compatible with the continuance of the ESHA.~~ A buffer reduction shall be considered only when supported by evidence that the reduction is necessary, is the minimum necessary, and will prevent impacts that degrade the ESHA.

- d. **Habitat Mitigation.** ~~The only allowed development within ESHA, wetlands, and streams shall be those uses specifically identified in Land Use Plan Policies C-BIO-2, 14, 15, and 24, respectively.~~ New development shall be sited and designed to avoid impacts to ESHA. If proposed development is a permissible use but there is no feasible alternative, including the no project alternative, that can ~~eliminate~~ avoid significant impacts to ESHA, then the alternative that would result in the fewest or least significant impacts shall be selected. Residual adverse impacts to ESHA shall be fully mitigated, with priority given to on-site habitat mitigation. Off-site or fee-in-lieu habitat mitigation measures shall only be approved when it is not feasible to fully mitigate impacts on-site or where off-site habitat mitigation is more protective in the context of a biological analysis prepared by a qualified scientist and approved by the County of Marin. Any determination that it is infeasible to mitigate impacts onsite shall be supported by written findings. Mitigation shall not substitute for implementation of the project alternative that would avoid impacts to ESHA.

Allowable hHabitat mitigation shall occur in accordance with the provisions of C-BIO-21 (Wetland Impact Mitigation) for wetlands or the findings of a site assessment, and shall be provided at a minimum ratio of 2:1 for on-site mitigation; 3:1 for off-site mitigation or 4:1 for an in-lieu fee where applicable. In determining required mitigation, the acreage of habitat impacted shall be determined based on the size of the approved development area, road/driveway area, required fuel modification on the project site, and required vegetation clearance, if any, on adjacent properties. Habitat mitigation may be required at an adjusted ratio or through other appropriate techniques as commensurate with the extent of habitat disruption, based on the specific requirements of the ESHA as determined through the site assessment.

2. **Site map.** Coastal Permit applications shall contain a detailed site plan showing existing and proposed construction, with major vegetation, water courses, natural features, and other probable wildlife areas.
3. **Restoration and Monitoring Plan.** Restoration and Monitoring Plans shall include the following:
- A clear statement of the ESHA habitat restoration goals. Characterization of the desired habitat, including an actual habitat, that can act both as a model for the restoration and as a reference site for developing success criteria.
 - Sampling of reference habitat using the methods that will be applied to the restoration site with reporting of resultant data.
 - Quantitative description of the chosen restoration site.
 - Requirements for designation of a qualified restoration biologist as the restoration

- manager who will be ~~personally~~ responsible for all phases of the restoration. Phases of the restoration shall not be assigned to different contractors without onsite supervision by the restoration manager.
- e. A specific Grading Plan if the topography must be altered.
 - f. A specific Erosion Control plan if soil or other substrate will be significantly disturbed during the course of the restoration.
 - g. A Weed Eradication Plan designed to eradicate existing weeds and to control future invasion by exotic species that is carried out by hand weeding and supervised by a restoration biologist.
 - h. A Planting Plan that specifies a detailed plant palette based on the natural habitat type that is the model for the restoration, using local native and non-invasive stock and requiring that if plants, cuttings, or seed are obtained from a nursery, the nursery must certify that they are of local origin and are not cultivars. The Planting Plan should provide specifications for preparation of nursery stock and include technical details of planting methods (e.g., spacing, mycorrhizal inoculation, etc.)
 - i. An Irrigation Plan that describes the method and timing of watering and ensures removal of watering infrastructure by the end of the monitoring period.
 - j. An Interim Monitoring Plan that includes maintenance and remediation activities, interim performance goals, assessment methods, and schedule.
 - k. A Final Monitoring Plan to determine whether the restoration has been successful that specifies:
 - 1) A basis for selection of the performance criteria,
 - 2) Types of performance criteria,
 - 3) Procedure for judging success,
 - 4) Formal sampling design,
 - 5) Sample size,
 - 6) Approval of a final report, and
 - 7) Provision for possible further action if monitoring indicates that initial restoration has failed.

4. Additional information. Based on review of the provided information, the County may request additional information to address site-specific conditions and/or as part of the environmental review process.

B. Biological Resource standards. Development shall be consistent with the Biological Resources Policies of the LUP, including, but not limited to:

- 1. Environmentally Sensitive Habitat Areas (ESHAs).** The resource values of ESHAs shall be protected by limiting development per Land Use Plan Policies C-BIO-1, C-BIO-2, and C-BIO-3.
- 2. Habitats of rare or endangered species and unique plant communities.** Habitats of rare and endangered species and unique plant communities shall be protected by limiting development in those areas and providing adequate buffers surrounding those areas per Land Use Plan Policy C-BIO-3.
- 3. Ecological restoration.** Encourage restoration of degraded ESHAs per Land Use Plan Policy C-BIO-5.
- 4. Invasive plants.** Where feasible, require the removal of non-native, invasive plant species, revegetation of denuded areas with native and non-invasive plants, and provision of primarily native, drought-tolerant plant species for areas of new or replacement planting, per Land Use Plan Policy C-BIO-6.

5. **Coastal dunes and beaches.** Coastal dunes and beaches shall be preserved by limiting development in those areas per Land Use Plan Policies C-BIO-7, C-BIO-8, and C-BIO-9.
6. **Roosting and nesting habitat.** Roosting and nesting habitat and the grassy shorebird feeding areas adjacent to Bolinas Lagoon shall be protected by limiting development per Land Use Plan Policies C-BIO-10, and C-BIO-11, ~~and C-BIO-12~~.
7. **Biological productivity.** The biological productivity and quality of coastal waters, coastal streams, coastal wetlands, coastal estuaries and coastal lakes shall be maintained, and where feasible, enhanced ~~per Land Use Plan Policy C-BIO-13~~.
8. **Coastal wetlands.** Coastal wetlands shall be preserved and maintained as productive wildlife habitats, water filtering and storage areas, and, as appropriate, recreational open space, by limiting diking, dredging, and draining per Land Use Plan Policies C-BIO-14, C-BIO-15, C-BIO-16, and C-BIO-17, disposing of dredged materials per Land Use Plan Policy C-BIO-18 and mitigating wetland impacts per Land Use Plan Policy C-BIO-21.
9. **Coastal wetland buffers.** Adequate buffers shall be maintained surrounding coastal wetlands per Land Use Policy C-BIO-19 unless an adjustment to standard buffers is granted per Land Use Plan Policy C-BIO-20.
10. **Marine resources.** Marine resources shall be maintained, enhanced, and where feasible, restored and special protection shall be provided to areas and species of special biological or economic significance per Land Use Plan Policy C-BIO-23.
11. **Coastal streams, riparian vegetation, and buffers.** Alterations to coastal streams and riparian vegetation shall be limited to the uses specified in Land Use Plan Policy C-BIO-24, and adequate buffers shall be provided surrounding those resources per Land Use Plan Policy C-BIO-~~"TBD"~~24, unless an adjustment to the standard buffers is granted per Land Use Plan Policy C-BIO-25. Any alteration of riparian vegetation which is allowed under these policies shall require an erosion control plan and re-vegetation plan that incorporates native species to the maximum extent feasible.

[BOS app. 10/2/2012]

22.64.060 – Environmental Hazards

A. Application requirements.

1. Environmental ~~H~~azards ~~E~~valuation~~report~~.

a. Initial Site Assessment. The reviewing authority shall conduct an initial site assessment screening of all Coastal Permit applications to determine whether the site is or will be subject to geologic or other hazards over a timeframe of a minimum of ~~100~~ 50 years. Geological or other hazards are defined to include Alquist-Priolo earthquake hazards zones; ~~areas subject to tsunami runup~~; landslides, liquefaction, ~~episodic and long term~~ shoreline retreat ~~(including beach or bluff erosion)~~, ~~high seas, ocean waves, storms, tidal scour, flooding~~; steep slopes averaging greater than 35 percent; unstable slopes

regardless of steepness; and flood hazard areas, including those areas potentially inundated by future sea level rise. The screening shall include **as applicable** a review of **available** reports, resource maps, aerial photographs, site inspection, and the County's **adopted** hazards maps. ~~The County's hazard mapping program can be used as a resource for identification of hazard areas; however, absence of mapping cannot alone be considered absence of hazard, and local site conditions must be examined at the time of permit application using the best available science. Best available science with respect to sea level rise means peer reviewed and well documented climate science using empirical and evidence based data that establishes a range of locally relevant future sea level rise projections. At the time of this LCP certification (2015), the best available science on sea level rise in California is the 2012 National Research Council (NRC) Report, Sea Level Rise for the Coasts of California, Oregon, and Washington: Past, Present, and Future (NRC, 2012). However, any other document that meets the above definition may be used for planning purposes in Marin's coastal zone.~~

b. **Environmental Hazards Reports.** Where the initial site assessment reveals that the proposed development is ~~is located on a blufftop~~ "Blufftop Development" (as defined in subsection (2)(b) below, ~~near the shoreline (i.e., at or near the ocean-sand interface and/or at very low lying elevations in areas near the shoreline).~~ "Shoreline Development" (as defined in subsection (2)(c) below), ~~or within 100 feet of~~ **in** an area potentially subject to geologic, **sea level rise, flooding, blufftop and shoreline erosion** or other hazards over the ~~100 50~~ year assessment time frame, the project shall include **applicable reports prepared by a qualified professional** ~~an Environmental Hazards Report prepared by an architect qualified registered civil or structural engineer or licensed geologist or engineering geologist.~~ The reports shall describe the extent of potential environmental hazards ~~on the site over the minimum 100 50 year timeframe,~~ and recommend **best available** construction, siting and other techniques to avoid and minimize **risks to life and property in areas of high** environmental hazards. **Where applicable, the following shall apply:**

1) FEMA Flood Zones: On properties within mapped on Federal Emergency Management Agency (FEMA) "Flood Insurance Rate Maps" (FIRM) and "Flood Boundary Water Maps" for Marin County which have been determined to be subject to flooding from a flood which has a one percent chance of occurrence in any one year (further designated as Zone A, AO, A1-30, AE, A99, AH, VO, V1-V30, VE, or V); and 2) the report shall identify the extent to which:

- a. Development will comply with construction standards contained in Chapter 23.09 (Floodplain Management) including the requirement to add up to a maximum of three feet to the Base Flood Elevation (BFE) to accommodate identified sea level rise as depicted on "Potential Sea Level Rise Maps" prepared and adopted by the County of Marin when establishing the minimum elevation required for proposed construction; and
- b. Development will not create a hazard or diminish the stability of the area.
- c. For additional requirements for shoreline development (properties within VO, V1-V30, VE, and V zones), see Section 22.64.060.A.2.b below.

2) Sea Level Rise: On properties outside mapped FEMA flood zones but within areas potentially inundated by sea level rise as shown on adopted "Potential Sea Level Rise Maps", the report shall describe the extent to which:

- a. Development will be constructed such that the lowest finished floor of development exceeds the highest natural elevation of the ground surface next to the proposed walls of the structure prior to construction (i.e. "highest adjacent grade") by an amount equal to or greater than the projected sea level rise as depicted on "Potential Sea Level Rise Maps".

b). Development will not create a hazard or diminish the stability of the area.

3) Reliance on Best Available Science. To minimize risks to life and property, and assure stability and structural integrity of existing structures, in recognition of the scientific information represented by FEMA and Potential Sea Level Rise data, modifications of structures consistent with this Policy shall be facilitated by application of Coastal Permit Exemptions, Categorical Exclusions, and Coastal Permits. Raising structures as provided in Policies C-EH-5, 8 and 9 and limiting the height to that required to provide for BFE and/or sea level rise elevation shall be deemed sufficient to comply with coastal hazard, public view, community character and related provisions of the LCP

4) Geologic Hazards: On properties in potential geologic hazards areas (which include Alquist-Priolo earthquake hazard zones, and areas subject to landslides, liquefaction, steep slopes averaging greater than 35% and unstable slopes regardless of steepness), the report shall describe the extent to which:

a). Development shall comply with the seismic safety standards of the Alquist-Priolo Act (Calif. Public Resources Code Section 2621, et seq.) and all applicable seismic provisions and criteria contained in the most recent version of State and County codes;

b). Development shall incorporate construction and siting techniques to mitigate the applicable geologic hazard; and

c). Development shall not create a hazard or diminish the stability of the area.

d). For additional requirements for blufftop development, see Section 22.64.060.A.2.a below.

~~Reports addressing tsunami runup, beach or bluff erosion, wave impacts and flood hazards shall include evaluation of potential changes to the hazard due to sea level rise that might occur over the life of the development and the 100 year assessment time frame. Existing shoreline protective devices shall not be factored into the required analyses. The Report shall be required to demonstrate that, subject to the Report's recommended measures, all of the following findings can be made: (1) that the development will be sited and designed to assure stability and structural integrity for the development's lifetime and a minimum of 100 years, (2) that the development will be set back a sufficient distance from identified hazard areas so as to not create a hazard or diminish the stability of the area, and (3) that the development will not require the construction of shoreline protective devices during its lifetime, including at the time of the initial development proposal. All development located within hazardous areas, including all "Blufftop Development" and Shoreline Development" development located on bluffs and near the shoreline, shall also comply with the requirements of Section 22.64.060.B.8. In addition to the Environmental Hazards Report requirement of this subsection A(1), "Blufftop Development" and Shoreline Development" development on bluffs or near the shoreline must also meet the requirements of subsections A(2) and A(3), below, including requiring supplementary analyses within the Environmental Hazards Report. (Land Use Plan Policy C-EH 2) Text deleted by CCC staff 4/15/15 Addendum]~~

~~Coastal permit applications for development in areas potentially subject to geologic or other hazards as mapped by the County at the time of Coastal Permit application, including Alquist-Priolo earthquake hazards zones, areas subject to tsunami runup, landslides, liquefaction, beach or bluff erosion, steep slopes averaging greater than 35 percent, unstable slopes regardless of steepness, flood hazard areas, or areas potentially inundated by accelerated sea level rise, shall include a report by a qualified registered civil or~~

structural engineer describing the extent of potential environmental hazards on the site and recommended construction, siting and other techniques to minimize possible environmental hazards. The report shall demonstrate that, subject to the recommended measures, the area of construction is stable for development that the development will not create a hazard or diminish the stability of the area, and that the development will not require the construction of shoreline protective devices during its economic life (100 years). (Portion of Land Use Plan Policy C-EH-2)

2. **Additional Coastal Hazards Analysis for Blufftop and Shoreline Development.**

~~a. Additional Application Requirements. All Coastal Permit applications for alterations to existing structures (including additions, exterior and/or interior renovations, repair and maintenance, and demolition) shall clearly identify: (1) all major structural components that are being altered; and (2) the cost of the alteration project and the market value of the existing structure being altered before construction. Major structural components are defined and identified in the definition of "Redevelopment, Coastal (coastal)" in Article VIII. The application must also identify any previous changes to such major structural components since February 1973, including identifying all associated Coastal Permits.~~

~~a.b. Blufftop Development. In addition to the requirements for the Environmental Hazards Report identified in subsection A(1) above, Coastal Permit applications for development, including coastal redevelopment and additions to existing structures proposed: 1) on a blufftop; or 2) on a site located in stability zone 2, 3, or 4 as indicated on the Slope Stability of the Bolinas Peninsula Study Area map which accompanies Wagner's 1977 report, "Geology for Planning, Western Marin County" (hereby incorporated by reference as part of this Development Code), shall be required to supplement the Environmental Hazards Report with an analysis that evaluates the effect of geologic and other hazards at the site to ensure the proposed development's stability and structural integrity, and to ensure that the blufftop development is safe from bluff retreat, without the need for shoreline protective devices for the development's lifetime and a minimum of 100 50 years. The supplementary analysis shall include an evaluation of the long-term average annual bluff erosion rate, and shall include a quantitative slope stability analysis demonstrating a minimum factor of safety against sliding of 1.5 (static) or 1.2 (pseudostatic, $k = 0.15$ or determined through analysis by the geotechnical engineer). The erosion rate and slope stability shall be determined using the best available science, including being based upon an examination of the historic and projected rates of bluff retreat associated with wave, wind and/or surface runoff erosion, continued and future sea level rise estimates adopted by the County and, to the maximum extent feasible, to take into account the effect of strong seismic shaking. Existing shoreline protective devices shall not be factored into the required analyses. The erosion rate and slope stability information shall be used to determine the appropriate blufftop setback as specified in Section 22.64.060.B.2 below. The supplementary analysis shall also list the required Coastal Permit conditions necessary to ensure that the structure is relocated and/or removed (and the site restored) whenever if the development is deemed hazardous and unsafe for human occupancy, as specified in subsection (d), below. (Policy C-EH-5)~~

~~b.e. Shoreline Development. In addition to the requirements for the Environmental Hazards Report identified in subsection A(1) above, Coastal Permit applications for shoreline development (defined as development located in a VO, V1-V30, VE, or V zone as mapped by the Federal Emergency Management Agency) (defined as development located at or near the ocean sand interface, and/or at very low lying elevations along the intersection of the ocean or sea with land, that may be inundated by environmental hazards in the 100-year evaluation time frame) [New text added by CCC staff in 4/15/15 Addendum], including new development on vacant/undeveloped lots, additions to existing structures, and coastal redevelopment shall be required to supplement the Environmental Hazards Report with an~~

analysis that demonstrates that the proposed development will be safe from shoreline erosion for setback a sufficient distance from the shoreline to ensure stability and structural integrity for the development's lifetime and a minimum of 100 50 years without the need for shoreline protective devices. and such analysis shall not factor in the presence of any existing shoreline protective devices. For coastal redevelopment, if there is insufficient space on a property to feasibly meet the setback requirements, then such development may meet the minimum 100-year stability and structural integrity requirement through setting back as far as feasible in tandem with the

Allow the use of caisson/pier foundations and elevation (including if elevation of the structure is necessary to meet Federal Emergency Management Agency (FEMA) flood requirements) but no other type of shoreline protective device is allowed. The supplementary analysis shall also evaluate the effect of the project over time (including in response to sea level rise) on coastal resources (including protection of public access, shoreline dynamics, natural landforms, and public views). The analysis shall consider not only the primary structure, but also the effects of related development, such as required ingress/egress to structures and the provision of services (e.g., water, wastewater, etc.). The supplementary analysis shall also list the required Coastal Permit conditions necessary to ensure that the structure is relocated and/or removed (and the site restored) whenever the development is deemed hazardous and unsafe for human occupancy, as specified in subsection (d), below. The provisions of this subsection allowing the use of caisson/pier foundations and elevation for shoreline redevelopment in certain circumstances shall apply until April 30, 2017 or until this subsection is amended, whichever occurs first. If a complete LCP amendment to amend this subsection is not submitted as of April 30, 2017 (including where subsequent withdrawal of such LCP amendment will deem it to have not been submitted), then shoreline redevelopment will no longer be allowed to meet minimum 100-year stability and structural integrity requirements through the use of caisson/pier foundations and elevation. The April 30, 2017 deadline may be extended for good cause by the Executive Director of the Coastal Commission.

c.d. Removal and Restoration. Development located on bluffs and/or near the shoreline shall be sited, designed, and built in a manner that facilitates removal and/or relocation of the development (including its foundation, and all other related development (e.g., utilities and driveways)) before a shoreline protective device is needed. In addition to the requirements for the Environmental Hazards Report identified in subsection A(1) above, Coastal Permit applications for development located on bluffs and/or near the shoreline shall identify all measures to be taken to facilitate such future removal and/or relocation. All Coastal Permits shall be conditioned to require the approved development to be relocated and/or removed outside of the area subject to coastal hazards if an appropriate government agency determines that any portion of the approved development is not to be occupied or used due to any coastal hazards, and such hazard concerns cannot be abated by ordinary repair and/or maintenance. The Coastal Permit conditions shall require that, prior to removal/relocation, the Applicant shall prepare a Removal and Restoration Plan for review and approval by the Reviewing Authority. If the Reviewing Authority determines that an amendment to the Coastal Permit or a separate Coastal Permit is legally required, the Applicant shall immediately submit the required application, including all necessary supporting information to ensure it is complete. The Removal and Restoration Plan shall clearly describe the manner in which such development is to be relocated and/or removed and the affected area restored so as to best protect coastal resources, and shall be implemented immediately upon Reviewing Authority approval, or approval of the Coastal Permit or amendment application, if necessary.

Geotechnical investigation for blufftop development. Coastal permit applications for development proposed: 1) on a blufftop parcel; or 2) on a site located in stability zone 2, 3, or 4 as indicated on the Slope Stability of the Bolinas Peninsula Study Area map which accompanies Wagner's 1977 report, "Geology for Planning, Western Marin County" (hereby incorporated by reference as part of this Development Code), shall include a complete geotechnical investigation which determines the retreat rate (or long term annual

average erosion rate) for the property on which development is proposed. The retreat rate shall be determined based upon an examination of the historic and projected rates of bluff retreat attributable to wave, wind and/or surface runoff erosion and to the extent feasible, take into account the hazards associated with strong seismic shaking and the risk of continued and accelerated sea level rise. The retreat rate shall be used to determine the appropriate blufftop setback as specified in Section 22.64.060.B.2 below. (Policy C-EH-5)

3. **Drainage plan for blufftop development.** Coastal Permit applications for development proposed on a blufftop parcel shall include a drainage plan prepared by a civil engineer, which indicates how rainwater and irrigation runoff will be directed away from the top of the bluff or handled in a manner which prevents damage to the bluff by surface and percolating water. Blufftop landscaping shall be required to use drought tolerant native species with minimal irrigation.
4. **Engineering report for shoreline protective devices.** Coastal Permit applications for the construction or reconstruction of any shoreline protective device, including revetments, breakwaters, groins, seawalls, bluff retention devices, deep piers/caissons that are designed for erosion protection or to prevent beach retreat rather than as architectural foundations or to elevate structures above flooding, or other artificial structures for coastal erosion control and hazards protection shall include a report from a professional civil engineer or certified engineering geologist experienced with coastal processes and structures verifying that the device is necessary ~~for coastal erosion control~~ and explaining how the device ~~it~~ will perform its intended function and the extent to which it will meet the criteria and standards contained in Section 22.64.060.BC.75 below. The report shall include information on the existing structure/public beach that is being threatened by erosion; likely time period when the structure/public beach will be in danger from erosion; and an analysis of alternatives to a shoreline protective device that are capable of protecting existing threatened structures/beaches from erosion including: no action, involvement in regional beach nourishment, a different type of shore protection, options for bioengineering and groundwater controls, and modification to, resizing or relocation of the threatened structure. In addition, the report shall include the following information:
 - (a) For the shoreline in question: long term and seasonal erosion trends, the effects of ~~accelerated future~~ sea level rise ~~due to climate change~~ on future erosion rates, and the potential effects of infrequent storm events, such as a 100-year storm;
 - (b) The amount of beach that will be covered by the shoreline protective device;
 - (c) The amount of beach that will be lost through passive erosion over the life of the shoreline protective device;
 - (d) The amount of sand generating materials that will be contained and not allowed into the shoreline system over the life of the shoreline protective device;
 - (e) Total linear feet of shoreline protective devices within the littoral zone where the device is proposed;
 - (f) The cumulative impact of added shoreline protective devices ~~from~~ to the littoral cell within which the proposed device will be located; ~~and~~
 - (g) Measures to reduce or minimize visual impacts for the shoreline protective device;

- (h) Measures to modify or adapt the shoreline protective device in the event it is not adequate to provide protection in the future due to changes in sea level or storm conditions;
 - (i) Impacts to beach access, recreation, beach habitat, and shoreline ecosystems from the shoreline protective device; and
 - (j) Provision for future maintenance of the shoreline protective device, for future removal of the shoreline protective device if and when it reaches the end of its economic or functional life, and for changes in the shoreline protective device if needed to respond to alterations in the development for which the device was installed.
5. **New development and fire safety.** Coastal Permit applications shall demonstrate that the new development meets all applicable fire safety standards, including accounting for all necessary defensible space within the developable area of a site.
- B. Environmental Hazard standards.** Development shall be consistent with the Environmental Hazard Policies of the LUP, including but not limited to:
- 1. **Blufftop setbacks.** Proposed structures, including accessory structures, shall be set back a sufficient distance from coastal blufftop edges to ensure that they will not be threatened by bluff retreat within their expected ~~economic~~-lifetime (the evaluation timeframe shall be a minimum of 400 50 years) and will not require shoreline protection ~~improvements~~ per Land Use Plan Policy C-EH-5.
 - 2. **Determination of blufftop setbacks.** The geologic setback, as measured from the bluff edge, shall be sufficient to maintain a minimum factor of safety against sliding of at least 1.5 for the expected life of the development, or a minimum of 400 50 years. Thus the distance from the bluff edge where a minimum factor of safety of 1.5 is achieved today shall be added to the expected bluff retreat over the next 400 50 years. Adequate bluff setback distances will be determined based on the information provided in the geologic report required pursuant to Section 22.64.060.A.2 and the following setback formula (where 100 years represents the economic life of a structure and 1.5 represents a minimum safety factor):

$$\text{Setback (meters)} = 100 \text{ (years)} \times \text{Retreat Rate (meters/year)} \\ + \text{setback to achieve a slope stability Factor of} \\ \text{Safety of at least 1.5 (minimum factor of safety)}$$
 - 3. **Shoreline access facilities on blufftop parcels.** Shoreline access facilities, such as stairways and ramps, may only be permitted per Land Use Plan Policy C-EH-7 and C-EH-16.
 - 4. ~~**Bolinas Bluff Erosion Zone setback exceptions and waivers.** Within established Bluff Erosion Zones on the Bolinas Mesa, no new construction shall be permitted on vacant lots. Residential additions no greater than 10 percent of the existing floor area or 120 square feet (whichever is greater) may be permitted on a one time basis so long as such additions conform with all applicable LCP policies.~~
 - 4. **Shoreline Development.** New shoreline development (including new development on vacant/undeveloped lots, additions to existing structures, and coastal redevelopment) shall be consistent with Land Use Policy C-EH-5 including being set back a sufficient distance

~~from the shoreline to ensure stability and structural integrity for the development's lifetime and a minimum of 100 years without the need for shoreline protective devices.~~

5. Drainage on Blufftop Parcels. Surface and subsurface drainage associated with development of any kind shall not contribute to the erosion of the bluff face or the stability of the bluff itself consistent with Land Use Policy C-EH-6.

6. Criteria and design standards for shoreline protective devices. Shoreline protective devices in the Coastal Zone are discouraged due to their visual impacts, obstruction of public access, interference with natural shoreline processes and water circulation, and effects on marine habitats and water quality. The construction or reconstruction of shoreline protective devices shall only be allowed subject to the criteria contained in Land Use Plan Policies C-EH-13, ~~and the design standards contained in Land Use Plan Policy C-EH-14, and C-EH-18.~~ Emergency Coastal Permit applications for shoreline protective devices may be considered in compliance with Section 22.70.130 (Emergency Coastal Permits) consistent with the Land Use Plan Policy C-EH-21.

7. Accessory structures in hazardous areas. Accessory structures on blufftop/shoreline parcels shall be designed and constructed in conformance with Land Use Plan Policy C-EH-15.

~~**7. Seismic safety standards.** Proposed structures/development shall meet the seismic safety standards of the Alquist Priolo Act (Land Use Plan Policy C-EH-4).~~

8. Applicant's assumption of risk. ~~The Applicants-owner of property proposed for development in hazardous areas shall be required~~ as a condition to the issuance of a Coastal Permit to record a Deed Restriction and Liability Waiver and Acknowledgement exempting the County from liability for any personal or property damage caused by geologic or other hazards per Land Use Plan Policy C-EH-32 on behalf of the permittee and any co-owners, co-developers, assigns, purchasers, and successors in interest, which acknowledges and agrees to the following: ~~In addition, for blufftop and shoreline development, the owner shall be required to record a deed restriction acknowledging that future shoreline protective devices to protect structures authorized by such Coastal Permit are prohibited per Land Use Plan Policy C-EH-3 and waiving any right that may exist to construct such devices.~~

- a) **Coastal Hazards:** The property is subject to coastal hazards which may include coastal erosion, shoreline retreat, flooding, and other geologic hazards;
- b) **No Future Shoreline Projective Devices:** No additional protective structures shall be constructed to protect the development approved pursuant to the subject Coastal Permit in the event that the approved development is threatened with damage or destruction from waves, erosion, bluff retreat, ground subsidence, or other natural hazards in the future;
- c) **Public Services:** Public funds may be insufficient or unavailable to remedy damage to public roadways, infrastructure, and other facilities resulting from natural events such as sea level rise and bluff erosion;
- d) **Health and Safety Codes:** California State Health and Safety Codes prohibit the occupancy of habitable buildings where sewage disposal or water systems are rendered inoperable;
- e) **Assumption of Risk:** The permittee assumes all risks of injury and damage from coastal hazards; and

- f) **Waiver of Liability:** The permittee unconditionally waives any claim of damage or liability against the County, its officers, agents, and employees for injury or property damage resulting from such coastal hazards;

The recorded document shall also disclose potential vulnerability of the development site to long term sea level rise by incorporating the County's 100 year time frame sea level rise hazard map for the subject property and surrounding area, where applicable.

9. **Prohibition on Creation of new parcels abutting coastal waters.** Creation of new parcels on lands abutting the ~~ocean, bays, lagoons, or other coastal water bodies~~ shoreline shall be prohibited unless the new parcel can be developed ~~with structures that will consistent with all applicable LCP provisions, including that development on the created parcel will~~ not require a shoreline protective device during ~~their~~ its economic lifetime.
10. **Major Vegetation Management.** Coastal Permit applications for the ~~management or~~ removal of major vegetation must meet criterion (a) below, and at least one of criteria (b) through (k) for removal. Major vegetation removal around existing development for fire safety purposes shall comply with Land Use Plan Policy C-EH-25.
- (a) The major vegetation removal shall ~~does not~~: 1) not adversely affect any environmentally sensitive habitat areas; 2) not adversely impact coastal waters; 3) ~~adversely impact~~ protect significant public views, including views both to and along the ocean and scenic coastal areas as seen from public viewing areas; and 4) not conflict with conditions of approval of a prior coastal permit.
- (b) The general health of the major vegetation is so poor due to disease, damage, or age that efforts to ensure its long-term health and survival are unlikely to be successful, or removal of the major vegetation is necessary to ensure the health and survival of surrounding vegetation native to the locale;
- (c) The major vegetation is infected by a pathogen or attacked by insects that threaten surrounding major vegetation as determined by an arborist report or other qualified professional;
- (d) The major vegetation is a potential public health and safety hazard due to risk of falling and its structural instability cannot be remedied;
- (e) The major vegetation is a public nuisance by causing damage to improvements, such as building foundations, retaining walls, roadways/driveways, patios, sidewalks and decks, or interfering with the operation, repair or maintenance of public utilities;
- (f) The major vegetation has been identified by a Fire Inspector as a fire hazard that requires removal;
- (g) The major vegetation was planted for a commercial enterprise, such as a Christmas tree farm or orchard;
- ~~(h) Prohibiting the removal of the major vegetation will conflict with CC&R's which existed at the time this Chapter was adopted;~~
- (i) The major vegetation is located on land which is zoned for agriculture (C-ARP or C- APZ) and is being used for commercial agricultural purposes;
- (j) The major vegetation removal is proposed by a public agency to provide for the

routine management and maintenance of public land or to construct a fuel break;.

- (k) The major vegetation is non-native and is not defined as a “protected and heritage tree” in Article VIII (Definitions).

11. Seadrift. The Environmental Hazard standards listed above are not intended to override or otherwise preclude compliance with any entitlements that may exist under the Seadrift Settlement Agreement and Coastal Commission Coastal Permit A-1-MAR-87-235 as amended (through and including Coastal Permit Amendment A-1-MAR-87-235-A).

22.64.080 – Water Resources

A. Application requirements.

~~1. Water Quality Impairment Assessment. The Reviewing Authority shall conduct a water quality assessment of all development proposals, including for both new development and modifications to existing development, to identify potential water quality impacts. Where the assessment reveals the potential for water quality impairment, the project shall be required to have a plan which addresses both temporary (during construction) and permanent (post construction) measures to control erosion and sedimentation, to reduce or prevent pollutants from entering storm drains, drainage systems and watercourses, and to minimize increases in stormwater runoff volume and rate.~~

~~21.~~ **Drainage plans.** Coastal permit applications for development that would add or create a total of 10,000 square feet or more of impervious surface (collectively over the entire project site) or would alter drainage patterns, shall be accompanied by a preliminary drainage plan. The plan shall include existing and proposed drainage patterns and storm drain improvements for the site, all structures and impervious areas, and any other improvements. The plan must indicate the direction of surface runoff and method of on-site runoff dispersal for existing and proposed drainage channels or facilities. Draining to existing watercourses or detention basins may be allowed if negative impacts to biological resources, water quality, channel stability or flooding of surrounding properties can be avoided or if existing soil conditions do not allow infiltration. Hydrologic calculations ~~may~~ shall be required to determine whether there would be any additional surface run-off resulting from the development.

~~32.~~ **Structural and/or treatment control facilities: monitoring and maintenance plans.** If structural and/or treatment control facilities are incorporated in a project, the applicant shall submit a monitoring and maintenance plan indicating how such facilities will be adequately maintained by the applicant and any subsequent property owner after construction is complete. (Policy C-WR-12)

~~43.~~ **Site Plan – Post Construction Element.** At the discretion of the County based on the scale or potential water quality impacts of a proposed project, the applicant shall submit a site plan containing a Post-Construction Element. This plan shall detail how stormwater and polluted runoff will be managed or mitigated following project construction, utilizing both source control and treatment control measures, and both structural and non-structural measures. (Policy C-WR-13)

~~54.~~ **Grading plans.** Coastal permit applications for any cut, fill, or grading shall be accompanied by a preliminary grading plan that indicates existing and proposed contours across the building site and existing and proposed average lot slope.

65. Geotechnical reports. A geotechnical report may be required if the Department of Public Works determines that ~~at the discretion of the Department of Public Works~~ ~~if~~ proposed cut and fill slopes ~~are determined to~~ would be steeper than is safe for the subject material or determines that the report is necessary for the intended use. The geotechnical report shall be subject to review and approval by the Department of Public Works (Policy C-WR-5)

76. Erosion and sedimentation control plans. An erosion and sedimentation control plan, subject to approval by the Department of Public Works, shall be required for development of any site of 1 acre or more in size or, at the discretion of the Department of Public Works, for any site of less than 1 acre because of a high risk of erosion and sedimentation. Such plan is also required for all projects listed under Policy C-WR-14 that involve grading. (Policy C-WR-6)

87. Site Plan Contents – Construction Phase. All projects that would add or create a total of 10,000 square feet or more of impervious surface (collectively over the entire project site), projects that may impact environmentally sensitive habitat (i.e. projects within, directly adjacent to or discharging directly to an environmentally sensitive habitat area), county-defined high-impact projects or other projects that the county staff finds to be a threat to coastal water quality, shall require a Construction-Phase element shown on the site plan. The Construction-Phase element shall specify which interim Best Management Practices (BMPs) will be implemented to minimize erosion and sedimentation during construction and address potential construction runoff contamination with fuels, lubricants, cleaning agents and/or other potential construction-related pollutants or chemicals.

In the application and initial planning process, the applicant shall submit for review and approval a Construction-Phase element that shall include, at a minimum, a narrative report describing all interim erosion, sedimentation, and polluted runoff control BMPs to be implemented during construction, including the following where applicable:

- (a) Controls to be implemented on the amount and timing of grading;
- (b) BMPs to be implemented for staging, storage, and disposal of excavated materials;
- (c) Design specifications for treatment control BMPs, such as sedimentation basins;
- (d) Revegetation or landscaping plans for graded or disturbed areas;
- (e) Methods to manage affected onsite soils;
- (f) Other soil stabilization BMPs to be implemented;
- (g) Methods to infiltrate or treat stormwater prior to conveyance off-site during construction;
- (h) Methods to eliminate or reduce the discharge of other stormwater pollutants resulting from construction activities (e.g., paints, solvents, vehicle fluids, asphalt and cement compounds, and debris) into stormwater runoff;
- (i) Plans for the clean-up of spills and leaks;
- (j) BMPs to be implemented for staging, storage, and disposal of construction chemicals and materials;

(k) Proposed methods for minimizing land disturbance activities, soil compaction, and disturbance of natural vegetation;

(l) A site plan showing the location of all temporary erosion control measures; and

(m) A schedule for installation and removal of the temporary erosion control measures.

B. Water quality standards. Development shall be consistent with the Water Quality Policies of the LUP, including, but not limited to:

1. **Water quality protection.** The quality of coastal waters shall be monitored, protected, and enhanced for the benefit of natural communities, human health, recreational users, and the local economy (Land Use Plan Policy C-WR-1).
2. **Site design and source control measures.** Development shall meet the standards contained in Land Use Plan Policy C-WR-2.
3. **Drainage standards.** Development shall meet the standards contained in Land Use Plan Policy C-WR-3.
4. **Structural and/or treatment control facilities: proper maintenance.** Structural and/or treatment control facilities shall meet the requirements of Land Use Plan Policy C-WR-12.
5. **High impact projects: design standards.** Development that has a high potential for generating pollutants (High Impact Projects) shall incorporate treatment control Best Management Practices (BMPs) or ensure that the requirements of the current NPDES Municipal Stormwater permit are met, whichever is stricter, to address the particular pollutants of concern, including the requirements of Land Use Plan Policy C-WR-14.
6. **Construction Non-sediment Pollution.** Construction site practices shall be carried out consistent with Land Use Plan Policy C-WR-16.
7. **Construction Phase Pollution.** The construction site shall be managed to prevent contact between runoff and chemicals, fuel and lubricants, cleansers, and other potentially harmful materials.

C. Grading and excavation standards.

1. **Site planning.** Development shall meet the standards contained in Land Use Plan Policy C-WR-4.
2. **Preservation of landforms and native vegetation.** Development shall meet the standards contained in Land Use Plan Policies C-WR-4 and C-WR-5. Grading shall not take place on slopes greater than 35%, to the extent feasible.
3. **Extent and timing of grading.** Development shall meet the standards contained in Land Use Plan Policies C-WR-6 and C-WR-7.
4. **Erosion and sedimentation control.** Development shall meet the standards contained in Land Use Plan Policies C-WR-10 and C-WR-8.
5. **Impervious surfaces, runoff control.** Development shall meet the standards contained in Land Use Plan Policy C-WR-2.

6. **Sediment basins during construction.** Development shall meet the requirements of Land Use Plan Policy C-WR-10.
7. **Pollutants.** Pollutants, including chemicals, fuels and other harmful materials shall be collected and disposed of in an approved manner.
8. **Topsoil.** Development shall meet the requirements of Land Use Plan Policy C-WR-9.
9. **Removal of construction debris.** All debris shall be removed from the site upon the completion of the project.
10. **Erosion and Flood Control Facilities.** Consider placement of sediments collected by erosion and flood control facilities at appropriate points on the shoreline, consistent with Land Use Plan Policy C-WR-17.

22.64.100 – Community Design

A. **Community Design standards.** Development shall be consistent with the Community Design policies of the LUP, including, but not limited to:

1. **Compatible Design.** The height, scale, and design of new structures shall be compatible with the character of the surrounding natural or built environment per Land use Policy C-DES-1.
2. **Protection of visual resources.** Development shall be sited and designed to protect visual resources per Land Use Policy C-DES-2.
3. **Protection of ridgeline views.** New development proposed on or near visually prominent ridgelines shall be sited and designed per Land Use Policy C-DES-3.
4. **Height limits.** Structures in the Coastal Zone shall be limited ~~to a maximum height of 25 feet, unless a lower maximum height is required for other LCP reason (e.g., for specific zoning districts or types of development, etc.),~~ as provided in Tables 5-4-a, 5-4-b, and 5-5, with the exceptions provided for by Land Use Policy C-DES-4 and by this Code.
5. **New Signs.** New Signs shall be of a size, location, and appearance so as not to detract from scenic areas or views from public roads and other viewing points (Land Use Policy C-DES-5). A Coastal Permit is required for any sign that could impact public recreational access, including parking opportunities near beach access points or parklands, such as any changes in parking cost, timing or availability, and any signage prohibiting public parking, trespassing, and/or public coastal access. Coastal Permits for signs shall be consistent with all applicable LCP provisions, including the following additional objectives and standards:

A. Objective: Signs shall be sited and designed to:

- ☐ Protect public safety within the County and the visual quality of its communities;
- ☐ Protect uses, which are adequately and appropriately identified and advertised, from the installation of too many and too large signs;
- ☐ Protect commercial districts from visual chaos and economic detriment;
- ☐ Protect the public's ability to identify uses and premises without confusion;

- Eliminate unnecessary distractions that may diminish driving and pedestrian safety;
- Enhance and improve properties and their neighborhoods by encouraging signs that are compatible with and complementary to related structures and uses and harmonious with their surroundings; and
- Protect and enhance coastal resources, including, but not limited to, significant public views and community character.

B. Standards:

1. **Freestanding signs.** Freestanding signs shall be designed and located to be viewed primarily from the immediately surrounding public streets.

2. Prohibited Signs. The following types of signs, including in terms of illumination, sound, materials, and forms are prohibited:

A. Prohibited types of signs.

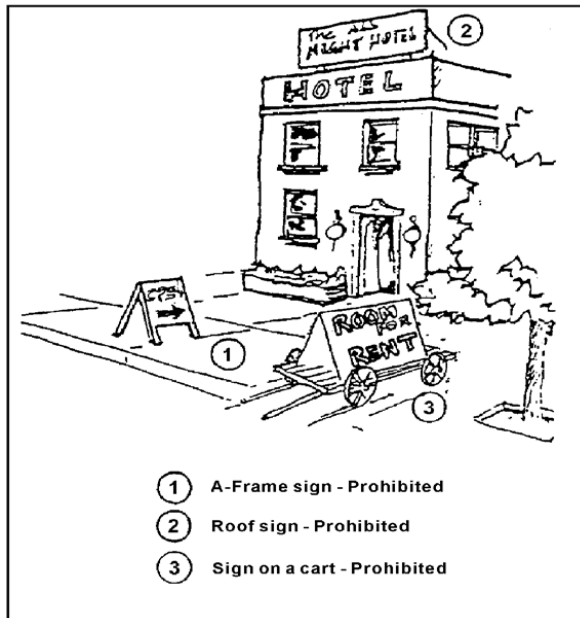
1. Private use signs located on public land or in a public right-of-way;
2. Signs cut, burned or otherwise marked on a cliff, hillside or tree;
3. Signs in storage or in the process of assemblage or repair, that are located outside of the premises other than that advertised in the sign, and are visible from a public right-of-way;
4. Billboards;
5. Digital commercial displays that can distract drivers;
6. Signs advertising a use no longer in operation; and
7. Roof top signs.

B. Prohibited types of illumination and sound. No electrical sign shall blink, flash or emit a varying intensity of color or light which would cause glare, momentary blindness or other annoyance, disability or discomfort to persons on surrounding properties or passing by.

C. Prohibited types of material and form.

1. Sign with reflective material;
2. Banners, pennants, streamers except in conjunction with an athletic event, carnival, circus, fair, or during the first 30 days of occupancy of a new structure or operation of a new business;
3. Signs, other than clocks or meteorological devices, having moving parts or parts so devised that the sign appears to move or to be animated; and
4. Portable signs including "A" frame sign, or a sign on a balloon, boat, float, vehicle, or other movable object designed primarily for the purpose of advertising.

**FIGURE 3-11
PROHIBITED TYPES OF SIGNS**



4. Removal of Dangerous Signs:

Notwithstanding any other provisions of this Chapter, the Director or any authorized County employee may, without notice, remove any sign which:

- A. _____ Is a physical danger to the public health and safety;
- B. _____ Is located within public lands or the public rights of way; or
- C. _____ Obstructs traffic signals or otherwise constitutes a hazard to roadside traffic.

6. **Underground Utilities.** Utility lines should be undergrounded per Land Use Policy C-DES-6.
7. **Minimized exterior lighting.** Exterior lighting shall be the minimum consistent with safety and shall be low wattage, hooded, and downcast to prevent glare and shall limit visibility from public viewing places as much as possible (Land Use Policy C-DES-7).
8. **Protection of trees.** Structures and roads ~~should~~ shall be sited to avoid tree removal per Land Use Policy C-DES-8.
9. **Landscaping.** Required landscaping shall ~~predominantly~~ use native species of trees

and plants and shall avoid using non-native, invasive trees and plants (Land Use Policy C- DES-9).

10. Prohibition of Gated Communities. The establishment of gated communities shall be prohibited (Land Use Policy C-DES-10).

11. Minimization of fuel modification. New development ~~should~~ shall be sited and designed to ~~minimize~~ avoid the need for fuel modification per Land Use Policy C-DES-11.

22.64.110 – Community Development

A. Community development standards. Development, as defined in Article VIII, shall be consistent with all Community Design Policies of the LUP, including, but not limited to:

- 1. Location of new development.** New development ~~should~~ shall be located within, next to, or in close proximity to developed areas with adequate public services and where it will not have significant adverse impacts, either individually or cumulatively, on environmental and natural resources, including coastal resources (Land Use Policy C-CD-2).
- 2. Appropriate new development.** The type and intensity of new development, including land divisions, shall conform to the land use categories and density provisions of the LCP Land Use Maps. Allowable densities are stated as maximums and do not establish an entitlement to buildout potential, ~~including because such maximums may need to be reduced to address site constraints, including coastal resource protection~~ (Land Use Policy C-CD-3).
- 3. Non-conforming structures and uses.** Allow lawfully established non-conforming structures and uses to be maintained or continued in conformance with the requirements of ~~Section 22.70.165~~ Chapter 22.112.
- 4. Development standards for Tomales Bay shoreline.** New construction along the shoreline of Tomales Bay shall be limited in height to 15 feet above grade except as provided for per Land Use Policy C-CD-6.
- 5. Structures on public trust lands.** The construction of new residential dwellings shall not be permitted on public trust lands. Along the shoreline of Tomales Bay, existing structures on public trust lands may be rebuilt if ~~damaged or~~ destroyed by natural disaster per Land Use Policy C-CD-7.
- 6. Shoreline Structures and Piers.** The location of piers and other recreational or commercial shoreline structures shall be limited per Land Use Policy C-CD-8 and public access to such structures shall be required per Land Use Policy C-CD-9.
- 7. ~~Sub~~Division of beachfront lots.** The ~~sub~~division of beachfront lots shall be restricted per Land Use Policy C-CD-10.
- 8. Maintenance of village limit boundaries.** Village limit boundaries shall be set and maintained per Land Use Policies ~~C-CD-11 and C-CD-12~~.
- 9. Chain store operations.** Discourage the establishment of chain store operations that are not consistent with the existing character and scale of the surrounding community (Land Use Policy C-CD-13).

10. **Limit conversion of overnight visitor-serving enterprises.** Visitor-serving uses ~~shall~~ remain available to the public on a space available basis; conversion of overnight accommodations into a more limited type of occupancy shall be discouraged (Land Use Policy C-CD-14).

11. Residential character in villages. Consistent with the limitations to the village core commercial area outlined in C-PK-3, discourage the conversion of residential to commercial uses in coastal villages per Land Use Policy C-CD-15.

12. **Rural character of roadways.** Roadways, accessways and bridges shall reflect the character of coastal communities and shall be context and location ~~specific~~ sensitive. The ~~primary only~~ areas to be considered for sidewalks, curbs, and similar roadway improvements shall be within designated village limit boundaries ~~the downtown areas of Point Reyes Station, Stinson Beach, and Tomales~~ (Land Use Policy C-CD-16).

13. **Windbreaks.** Discourage new wind breaks along Highway One to preserve ~~coastal~~ public views. Consider the effects of proposed wind breaks at initial planting as well as at maturity on sunlight, ~~coastal~~ public views, and traffic safety related to visibility (Land Use Policy C-CD-19).

14. **Lighting for recreational use.** Prohibit night lighting for privately-owned recreational facilities per Land Use Policy C-CD-20.

22.64.120 – Energy

- A. **Energy efficiency standards.** Development, as defined in Article VIII, shall be consistent with all Energy Policies of the LUP, including, but not limited to:

1. **Energy efficiency standards.** Complement coastal permit requirements with the application of Marin County Energy Efficiency Ordinance 3494 and Green Building Requirements to integrate energy efficiency and conservation, and renewable energy requirements into the development review and building permit process per Land Use Policy C-EN-1.
2. **Renewable energy resource priority.** Utilize renewable energy resources and support appropriate renewable energy technologies per Land Use Policy C-EN-4.
3. **Energy production facility impacts.** Energy production facilities shall be designed and constructed to minimize impacts to public health and coastal resources per Land Use Policy C-EN-5.
4. **Energy and Industrial Development.** Major energy or industrial development, both on and offshore, shall not be permitted per Land Use Policy C-EN-6.

22.64.130 – Housing

- A. **Affordable housing standards.** Development, as defined in Article VIII, shall be consistent with all Housing Policies of the LUP, including, but not limited to:

1. **Protection of existing affordable housing.** Protect and provide affordable housing opportunities for very low, low, and moderate income households. The demolition of existing deed restricted very low, low, and moderate income housing is prohibited

except as provided for per Land Use Policy C-HS-1.

2. **Density for affordable housing.** Allow the maximum range of density for deed-restricted housing developments that are affordable to extremely low, very low or low income households and that have access to adequate water and sewer services, provided that such density will not result in adverse coastal resource impacts and is consistent with all applicable LCP policies (Land Use Policy C-HS-2). Density bonuses for affordable housing consistent with Coastal Act Section 30604(f) and Government Code Section 65915 ~~mandated by state law shall~~ may be provided to the extent that such increases in density are consistent with the provisions of the LCP per Land Use Policy C- HS-9. The reviewing authority may approve a density greater than that allowed by the underlying land use and zone district designations for affordable residential projects only if the following criteria are met:

(a) The housing development is located in a residential or commercial/mixed-use land use and zone district designation, ~~and~~

~~(b) The project is found to be in conformity with the Local Coastal Program (including but not limited to sensitive habitat, agriculture, public viewshed, public services, public recreational access and open space protections), with the exception of the density provisions.~~

3. **Affordable housing requirement.** Residential developments in the Coastal Zone consisting of 2 or more units shall be required to provide 20 percent of the total number of units to be affordable by households of very low or low income or a proportional “in-lieu” fee to increase affordable housing construction, ~~consistent with the County’s inclusionary housing policy~~ (Land Use Policy C-HS-3)
4. **Retention of small lot zoning.** Preserve small lot zoning (6,000 to 10,000 square feet) in Tomales, Point Reyes Station, and Olema for the purposes of providing housing opportunities at less expense than available in large-lot zones (Land Use Policy C-HS-4).
5. **Second units.** Enable the construction of well-designed second units in single-family and multifamily residential zoning districts consistent with Land Use Policy C-HS-5 and the standards below. ~~With the exception of density, all~~ Second units must shall be found consistent with all lot coverage and other site development standards per the applicable residential zoning district where such standards are considered on a cumulative basis that include accounting for any existing buildings on site. Second Units shall conform to all of the zoning and development standards (lot coverage, height, setbacks, design, floor area ratio, etc.) of the residential zoning district which governs the lot. A Second Unit attached to the principal residence shall be subject to the height, setback, and coverage regulations of the principal residence. ~~A Second Unit detached from the principal dwelling shall be treated as a residential accessory structure in regard to height, and setbacks.~~

22.64.140 – Public Facilities and Services

Program 22.64.140 Reservation of Capacity for Priority Land Uses. Coordinate with water service and wastewater service providers to develop standards to allocate and reserve capacity for Coastal Act priority land uses.

A. **Public facility and service standards.** Development, as defined in Article VIII, shall be consistent with all Public Facilities and Services Policies of the LUP, including, but not limited to:

Comment [SFS58]: Changes to the paragraph are made consistent with those made in sec. 22.32.140 – Residential Second Units.

Second units are not counted for density calculation purposes; text deleted for clarity.

Re the last line, Residential accessory structures, as specified in sec. 22.32.130 (above) and 22.130 (Definitions) are structures related to a residence, including swimming pools, workshops, studios, storage sheds, small greenhouses, and garages. Second units are residences to which residential standards apply.

Comment [CDA59]: See Staff Recommendation for April 19, 2019 BOS Hearing for discussion of revisions to 22.64.140.

1. Adequate public services. Adequate public services (that is, water supply, on-site sewage disposal or sewer systems, and transportation, including public transit as well as road access and capacity if appropriate) shall be available prior to approving new development per Land Use Policy C-PFS-1.

No permit for development may be approved unless it can be demonstrated, in writing and supported by substantial evidence, that it will be served with adequate water supplies and wastewater treatment facilities, consistent with the subsections below:

a. Development receiving water from a water system operator and/or wastewater treatment from a public/community sewer system shall only be approved if there is: (i) sufficient water and wastewater public works capacity within the system to serve the development given the outstanding commitments by the service provider; or, (ii) evidence that the entity providing the service can provide such service for the development. ~~Such evidence may include a~~ will-serve letter from the service provider shall constitute substantial evidence that adequate service capacity is available.

b. ~~The An~~ application for new or increased well production to increase development receiving water from a public water supply well shall include a report prepared by ~~a State Licensed Well Drilling Contractors, General (Class A License) Engineering Contractors, Civil Engineers, or Geologists. California Registered Geologist or Registered Civil Engineer~~ which demonstrates, to the satisfaction of the Director, that:

1) The sustainable yield of the well meets the LCP-required sustained pumping rate (minimum of 1.5 gallons per minute) and must be equal to or exceed the project's estimated water demand.

2) The water quality meets safe drinking water standards.

3) The extraction will not adversely impact other wells located within 300 feet of the proposed well; adversely impact adjacent biological resources including streams, riparian habitats, and wetlands; and will not adversely impact water supply available for existing and continued agricultural production or for other priority land uses (i.e. coastal-dependent uses, public recreation, essential public services basic industries vital to economic health of the region, state, or nation, and, within village limit boundaries only, visitor-serving uses and commercial recreation uses).

c. The application for a development receiving water from a private well shall include a report prepared by State Licensed Well Drilling Contractors, General (Class A License) Engineering Contractors, Civil Engineers, or Geologists. The report shall demonstrate, to the satisfaction of the Director, all standards in Marin County Code Chapter 7.28, are met. The sustainable yield of private wells shall also meet the LCP-required sustained pumping rate (minimum of 1.5 gallons per minute).

ed. The application for development utilizing a private sewage disposal system shall only be approved if the disposal system:

1) Is approved by the Environmental Health Services Division of the Community Development Agency or other applicable authorities.

2) Complies with all applicable requirements for individual septic disposal systems by the Regional Water Quality Control Board.

ed.. Limited Public Service Capacity. Limited service capacity shall be defined as follows:

1) For water system operators, when projected demand for service based upon both outstanding water commitments to existing development and projected development exceeds available supply.

2) For public/community sewer systems, when projected demand for service based upon both outstanding sewer commitments to existing development and projected development exceeds available capacity.

In areas with limited water service capacity, when otherwise allowable, new development for a non-Coastal Act and LCP priority use (i.e., a use other than agricultural production, coastal-dependent uses, public recreation, essential public services, and, within village limit boundaries only, visitor-serving uses and commercial recreation uses) shall only be allowed if adequate capacity remains for the above-listed priority land uses. In such limited service capacity areas, in order to minimize the reduction in service for and reserve capacity to priority land uses, applications for non-priority uses shall be required to offset their anticipated water usage through the retrofit of existing water fixtures or other appropriate measures within the same service area of the water system operator or the public/community sewer system of the proposed development, whichever is applicable. All Coastal Permits authorizing development that results in increased water usage shall be conditioned to require applicants to provide to the Reviewing Authority for review and approval the following:

1) A list of all existing fixtures to be retrofitted and their present associated water flow (e.g. gallons/second);

2) A list of all proposed fixtures to be installed and their associated water flow; and;

3) The estimated annual water savings resulting from the proposed retrofit, showing all calculations and assumptions.

The County shall ~~require certification from water service providers that all measures to reduce existing water usage has been implemented~~ ~~inspect the water fixtures prior to and following the retrofit to confirm that the retrofit has reduced existing water use~~ in an amount equal or greater to the anticipated water use of the proposed project.—

2. Expansion of public services. Limit new or expanded roads, flood control projects, utility services, and other public service facilities, whether publicly owned or not, to the minimum necessary to adequately serve planned development per Land Use Policy C-PFS2.

a. Permit requirements: Every new major public works facility or capacity expansion shall be required to go through the Coastal Permit review process. ~~Any Coastal Permit for development of public works facilities shall require that the development be phased if necessary in order to ensure that permitted public works capacity is limited to serving needs generated by development that is consistent with the Land Use Plan policies.~~ Expansion of public works facilities, including but not limited to water supply and transmission, sewage treatment and transmission, and the regional transportation system, shall only be permitted after considering the availability of other public works facilities, and establishing whether capacity increases would overburden the existing and probable future capacity of those other public works facilities.

b. ~~Timing for New or Expanded Public Works Facilities. The amount of new or expanded capacity shall be determined by: (i) considering the availability of related public works to establish whether capacity increases would overburden the existing and probable future capacity of other public works; (ii) considering the availability of funding; and (iii) considering all applicable policies of the LUP.~~

3. Formation of special districts. Ensure that special districts are formed or expanded only where assessment for, and provision of, the service would not induce new development inconsistent with the policies of the LCP (Land Use Policy C-PFS-3).

4. High-priority visitor-serving and Coastal Act priority land uses. In acting on any coastal permit for the extension or enlargement of community water or community sewage treatment facilities, ~~determine that adequate treatment capacity is—shall be made~~ available

and reserved in the system to serve VCR- and RCR-zoned property, ~~and~~ other visitor-serving uses, and other Coastal Act priority land uses (i.e., coastal-dependent uses, agriculture, essential public services, public recreation, etc.) (Land Use Policy C-PFS-4).

Comment [jl60]: Check Policy C-PFS-4 in its latest version to see that this provision complies with it. Also, are individual wells required to reserve capacity for high-priority uses?

5. **Community sewer systems.** New development within a village limit boundary shall connect to a public sewer system within 400 feet of the parcel, unless such connection is prohibited, physically impossible, or otherwise infeasible (Land Use Policy C-PFS-5). Any determination that connection to the public sewer system is infeasible shall be made in writing.
6. **Sewage disposal systems and protection of water quality.** Require new and expanded sewage disposal systems to be designed, constructed, and maintained so as to protect the biological productivity and quality of coastal streams, wetlands, and other waters (Land Use Policy C-PFS-6).
7. **Adequately sized sewage disposal systems.** New and expanded sewage disposal systems shall be sized adequately to meet the needs of ~~proposed development that can be approved consistent with the certified LCP, including any changes to the intensity in use of an existing structure~~ (Land Use Policy C-PFS-7). ~~Any new or expanded sewage treatment and distribution capacity to serve new development shall only be permitted when existing capacity has been consumed or will be consumed within the time period required to construct additional sewage treatment capacity, and only when capacity increases would not overburden the existing and probable future capacity of other public works facilities.~~
8. **Sewage disposal system requirements for new lots.** All sewage disposal systems on newly created lots shall comply in all respects, without variance, with applicable County and state regulations (Land Use Policy C-PFS-8).
9. **Preference for on-site individual sewage disposal systems.** An individual sewage disposal system shall be located on the same parcel as the building or buildings it serves per Land Use Policy C-PFS-9.
10. **Adequate on-site sewage disposal systems for existing development.** Ensure that existing on-site sewage disposal systems function properly by complying with all rules and regulations of the Regional Water Quality Control Board, including any requirements adopted pursuant to AB885, so long as such requirements are consistent with the LCP. Where repairs to existing systems are necessary, corrective actions shall be taken per Land Use Policy C-PFS-10.
11. **Alternative on-site sewage disposal systems.** Alternative on-site sewage disposal systems shall be considered and approved per Land Use Policy C-PFS-11.

Comment [jl61]: Unworkable and unnecessary.

12. **Limited use of off-site septic systems.** Allow construction of off-site individual or community septic systems only in compliance with Land Use Policy C-PFS-12.
13. **New water sources serving five or more parcels.** Applicants for new water wells or other sources serving 5 or more parcels shall demonstrate that no adverse impacts on coastal resources shall result per Land Use Policy C-PFS-13.
14. **Adequacy of water supply within water system service areas.** Development of individual domestic water wells or other individual water sources to serve new development in areas served by public or private water systems is prohibited except in limited cases per Land Use Policy C-PFS-14.
15. **Development of water sources including wells, streams and springs.** Coastal Permit approval is required for wells and borings unless otherwise exempt or categorically excluded per Land Use Policy C-PFS-15.
16. **Standards for water supply wells and other water sources.** Water supply wells and other water sources shall comply with the standards contained in the LCP, including Land Use Policy C-PFS-16.
17. **Conservation of water.** To minimize the generation of wastewater and to encourage the conservation of coastal water resources, the use of water saving devices, including as prescribed by the local water provider, shall be required in all new development (Land Use Policy C-PFS-17).
18. **Desalination facilities.** Due to the Coastal Zone's unique natural resources and recreational opportunities of nationwide significance, development of desalination facilities shall be prohibited, consistent with the limitations of Public Resources Code sections 30260, 30262 and 30515, with the exception of treatment of existing surface or ground water supplies for purposes of maintaining water quality (Land Use Policy C-PFS-18).
19. **Telecommunications facilities.** Ensure through siting, co-location, "stealth" design, and other measures that telecommunications facilities are designed and constructed to protect coastal resources, including significant public views, consistent with all applicable LCP policies and development standards, including those specified in 22.32.165, ~~to minimize impacts on coastal views, community character, natural resources, wildlife, and public safety~~ (Land Use Policy C-PFS-19).

22.64.150 – Transportation

- A. **Transportation standards.** Development, as defined in Article VIII, shall be consistent with all Transportation Policies of the LUP, including, but not limited to:
 1. **Roads in the Coastal Zone.** The motorized vehicular capacity of roads in the Coastal Zone shall be limited per Land Use Policy C-TR-1.
 2. **Scenic quality of Highway One.** The scenic quality of Highway One shall be maintained consistent with LCP provisions, including per Land Use Policy C-TR-2.
 3. **New bicycle and pedestrian facilities.** New development shall be encouraged or required to provide new bicycle and pedestrian facilities per Land Use Policy C-TR-6. Where

appropriate, the installation of bike racks, lockers and other bike storage facilities shall be encouraged per Land Use Policy C-TR-7.

(a) Bikeway Design Guidelines. For bikeway planning and design requirements, refer to the Marin County Unincorporated Area Bicycle and Pedestrian Master Plan Supplemental Bikeway Design Guidelines, where otherwise LCP consistent.

4. **Expansion of the Countywide Trail System.** Acquire additional trails to complete the proposed countywide trail system, providing access to or between public lands and enhancing public trail use opportunities for all user groups, including multi-use trails, as appropriate (Land Use Policy C-TR-8).

5. **Complete Streets.** Consistent with the local implementation of the State of California's Complete Streets policy, at the outset of all projects, other than routine maintenance, an analysis shall be performed to ensure the inclusion of all necessary, appropriate and reasonable multi-modal facilities and improvements, including transit, bike and pedestrian access, disabled access, and traffic safety. (See also Department of Public Works Directive 2006-1, dated January 23, 2006)

~~6. Roads, Driveways, Parking, Sidewalks. Roads, driveways, parking, and sidewalks shall be provided in a manner that best protects coastal resources and is consistent with all applicable LCP provisions, including by meeting applicable agricultural, biological resources, environmental hazards, visual resources, transportation, and public facilities and services policies. Adequate parking and transportation facilities (including bicycle and pedestrian facilities) shall be provided. New development shall not adversely impact existing public parking facilities nor the ability to access existing development or existing coastal resource areas.~~

Comment [j162]: The suggested addition of paragraph 6. Is unreasonable and unworkable. For instance, it is not feasible to include parking, bicycle, and pedestrian facilities in every project, no matter how small.

22.64.160 – Historical and Archaeological Resources

A. Application requirements.

1. **Archaeological Resource Survey.** Coastal permit applications for development proposed within an area of known or likely archaeological or paleontological significance shall include a field survey by a state-qualified archaeologist recommended by the Sacred Sites Protection Committee of the Federated Indians of Graton Rancheria or by a qualified paleontologist which determines the extent of archaeological or paleontological resources on the site and evaluates the project's potential impacts to those resources. Where adverse impacts are possible, the report shall identify reasonable mitigation measures, including avoidance and permanent protection as open space, if feasible. (Land Use Plan Policy C-HAR-2)

B. **Historical and Archaeological Resource standards.** Development, as defined in Article VIII, shall be consistent with all Historical and Archaeological Resources Policies of the LUP, including, but not limited to:

1. **Implementation of mitigation measures.** Implement as-appropriate mitigation measures, including avoidance and permanent protection as open space, if feasible, as recommended in the field survey prepared per Land Use Plan Policy C-HAR-2.

2. **Monitoring of construction activities on archaeological sites.** New development on sites identified as archaeologically sensitive shall be monitored per Land Use Plan Policy C-HAR-3.

3. **Structures of special character and visitor appeal.** Preserve and restore structures with special character and visitor appeal in coastal communities (Land Use Plan Policy C-HAR-4).
4. **Development affecting structures and areas of special character and visitor appeal.** Coastal Permit applications for projects that involve pre-1930 buildings or are located in areas designated as having special character and visitor appeal, including historic areas, shall be evaluated per Land Use Plan Policy C-HAR-5.
5. **Alterations and additions to structures of special character and visitor appeal.** Applications for substantial alterations or additions to any structure built prior to 1930 shall be evaluated per Land Use Plan Policy C-HAR-6.
6. **Proposed demolition of structures of special character and visitor appeal.** Proposed demolition of any structure built prior to 1930 shall be evaluated and processed per Land Use Plan Policy C-HAR-7.
7. **Villages with special character and visitor appeal.** New construction in mapped areas having special character and visitor appeal, including historic areas, shall comply with Land Use Plan Policy C-HAR-8.

22.64.170 – Parks, Recreation, and Visitor-Serving Uses

- A. Parks and Recreation and Visitor-Serving Use standards.** Development, as defined in Article VIII, shall be consistent with all Parks, Recreation and Visitor Serving Use Policies of the LUP, including, but not limited to:
1. **Coastal recreation opportunities.** The development of visitor-serving and commercial recreation facilities shall have priority over residential or general commercial development per Land Use Plan Policy C-PK-1.
 2. **Compatible commercial recreation facilities.** New visitor-serving and commercial development shall be sited and designed per Land Use Plan Policy C-PK-2.
 3. **Mixed uses in coastal village commercial/residential zones.** A mixture of residential and commercial uses shall be permitted in the C-VCR zoning district per Land Use Plan Policy C-PK-3.
 4. **Balance of visitor-serving and local-serving facilities.** Support a level of local-serving facilities such that an adequate infrastructure can be maintained to ensure the health, vitality, and survival of the visitor-serving segment of the coastal economy (Land Use Plan Policy C-PK-4).
 5. **Small-scale tourist facilities.** Small-scale tourist-oriented businesses, rather than large tourist facilities, shall be permitted per Land Use Plan Policy C-PK-5.
 6. **Bed and breakfast inns.** Support bed and breakfast facilities in the Coastal Zone as a means of providing visitor accommodations per Land Use Plan Policy C-PK-6.
 7. **Lower-cost recreational facilities.** Lower cost visitor and recreational facilities shall be protected and encouraged per Land Use Plan Policy C-PK-7.

8. **Appropriate public recreation opportunities.** Public recreational development shall be undertaken in a manner which preserves the unique qualities of Marin's coast per Land Use Plan Policy C-PK-8.
9. **Appropriate uses of federal parks.** Uses and facilities within federal parklands should comply with Land Use Plan Policy C-PK-10.
10. **State parks.** Support management of Tomales Bay State Park and Mount Tamalpais State Park consistent with the adopted General Plan per Land Use Plan Policy **C-PK-11**.
11. **County parks in the Coastal Zone.** Continue to operate existing Marin County park facilities in the Coastal Zone per Land Use Plan Policy C-PK-12 and support future acquisition of park areas per Land Use Plan Policy C-PK-13.
12. **California Coastal Trail.** Support completion of the California Coastal Trail through Marin County per Land Use Plan Policy C-PK-14.
13. **Commercial fishing and recreational boating.** Support and protect commercial fishing and recreational boating on Tomales Bay per Land Use Plan Policy C-PK-15.
14. **Standards for new boating facilities.** The development of new boating facilities on Tomales Bay shall comply with the standards contained in Land Use Plan Policy C-PK-16.

Comment [jl63]: Changed?

22.64.180 – Public Coastal Access

A. Application requirements.

1. **Site Plan.** Coastal permit applications for development on property located between the shoreline and the first public road shall include a site plan showing the location of the property and proposed development in relation to the shoreline, tidelands, submerged lands or public trust lands. All easements and/or other similar restrictions associated with the property shall be mapped, and the associated legal document provided. Any evidence of historic public use should also be indicated.

B. Public Coastal Access standards. Development, as defined in Article VIII, shall be consistent with all Public Coastal Access Policies of the LUP, including, but not limited to:

1. **Public coastal access in new developments.** New development located between the shoreline and the first public road shall be evaluated for impacts on public access to the coast per Land Use Plan Policy C-PA-2. Where a ~~nexus exists~~ requirement to dedicate public access is related in nature and extent to the impacts of the proposed development, the dedication of a lateral, vertical and/or bluff top accessway shall be required per Land Use Plan Policy C-PA-9, unless Land Use Plan Policy C-PA-3 provides an exemption. A finding that an accessway can be located ten feet or more from an existing single-family residence or be separated by a landscape buffer or fencing if necessary shall be considered to provide adequately for the privacy of existing homes. All coastal development permits subject to conditions of approval pertaining to public access and open space or conservation easements shall be subject to the procedures specified in Section 13574 of the Coastal Commission's Administrative Regulations.

Comment [SFS64]: Check latest version of LUP policies for consistency

2. **Direct dedication of public coastal access.** If feasible, direct dedication of an easement or fee title interest for a required coastal accessway is preferred per Land Use Plan Policy C-PA-4.
3. **Acquisition of new public coastal accessways.** The acquisition of additional public coastal accessways shall be pursued through available means per Land Use Plan Policy C-PA-6.
4. **Protection of prescriptive rights.** New development shall be evaluated to ensure that it does not interfere with the public's right of access to the sea where acquired through historic use per Land Use Plan Policy C-PA-7.
5. **Bolinas Mesa.** Public use of the two access trails across Bolinas Mesa to the RCA beach and of the RCA beach area itself shall be protected per Land Use Plan Policy C-PA-8.
6. **Impacts of public coastal accessways on their surroundings.** Coastal accessways and their support facilities shall be sited and designed to avoid impacts to environmental resources, agriculture, and surrounding neighbors per Land Use Plan Policy C-PA-10 and C-PA-11.
7. **Public coastal accessway maintenance and liability agreements.** Maintenance and liability responsibilities for coastal accessways shall conform to Land Use Plan Policy C-PA-12.
8. **Accessibility of public coastal accessways.** New public coastal accessways shall comply with California Title 24 and be accessible to persons with disabilities to the maximum extent feasible (Land Use Plan Policy C-PA-13).
9. **Impacts of new development on public coastal accessways.** New development shall be sited and designed to avoid impacts to users of coastal access and recreation areas per Land Use Plan Policy C-PA-15.
10. **Parking, signage, and support facilities at public coastal accessways.** Where appropriate and feasible, parking, signage, and support facilities ~~shall~~ should be provided in conjunction with public coastal accessways per Land Use Policy C-PA-18 and C-PA-19. Proposals to restrict public parking near beach access points or parklands ~~should~~ shall be evaluated per Land Use Plan Policy C-PA-20.
11. **Shoreline protection structures near public coastal accessways.** The construction of shoreline protection structures ~~should~~ shall maintain existing shoreline access per Land Use Plan Policy C-PA-21.

Chapter 22.65 – Coastal Zone Planned District Development Standards

Sections:

- 22.65.010 – Purpose of Chapter
- 22.65.020 – Applicability of Planned District Standards
- 22.65.030 – Planned District General Development Standards
- 22.65.040 – C-APZ Zoning District Standards
- 22.65.050 – C-ARP Zoning District Standards
- 22.65.060 – C-RSP Zoning District Standards
- 22.65.070 – C-RSPS Zoning District Standards (Seadrift Subdivision)

22.65.010 – Purpose of Chapter

- A. This ~~e~~Chapter provides detailed site planning, development, and land use standards for the planned zoning districts within the Coastal Zone. These districts include C-APZ, C-ARP, C-RSP, C-RSPS, C-RMP, C-CP, C-RMPC, and C-RCR.
- B. These standards are intended to ensure that proposed development is designed and constructed in a manner compatible with, and sensitive to, the important environmental characteristics and visual features of lands designated within coastal planned zoning districts.

22.65.020 – Applicability of Planned District Standards

- A. **Compliance with standards required.** Proposed development, as defined in Article VIII, ~~and new land uses~~ shall be designed and constructed in conformity with:
 - 1. All standards and requirements established through the approval of a Coastal Permit;
 - 2. Any provisions of this Chapter applicable to a specific planned coastal zoning district;
 - 3. The provisions of Chapter 22.64 (Coastal Zone Development and Resource Management Standards); and
 - 4. ~~Any~~ All provisions of Sections 22.62.060 (Coastal Agricultural and Resource Related Districts), 22.62.070 (Coastal Residential Districts), or 22.62.080 (Coastal Commercial and Mixed-Use Districts).
 - 5. All applicable provisions of the Implementation Plan, as defined in 22.60.010 and Article VIII.

22.65.030 – Planned District General Development Standards

A. Access:

- 1. **Roads.** Road designs shall minimize road length and maximize the amount of undivided agricultural land, except that longer road extensions may be necessary in highly visible areas in order to avoid or minimize other impacts.

Roads shall be ~~generally~~ designed with not more than 18 feet pavement width, ~~depending on except when~~ safety requirements require otherwise. ~~If otherwise LCP consistent, A~~ a minimum of 16 feet may be permitted in certain very low use areas, as provided in the improvement standards established in compliance with Sections 24.04.020 et seq. of the County Code (Roads).

2. **Driveways.** Driveways shall be designed in compliance with Sections 24.04.240 et seq. of the County Code (Driveways), in addition to and independent of Coastal Permit requirements. Driveway length shall be minimized, consistent with the clustering requirements of Subsection D.1 below (Building Location - Clustering Requirement). Applicants are encouraged, to the extent permitted by applicable laws, to utilize pervious surface materials (e.g., turfblock, pavers, porous asphalt and gravel) for new or modified driveways to reduce the area of impervious surface and the extent of storm water runoff.

B. Fire protection. In areas without water systems, on-site water storage capacity may be required for each single-family dwelling, subject to the requirements of the County Fire Department or local Fire Protection District, as applicable. Where feasible, the design of planned or cluster developments should include provisions for common water storage facilities and distribution systems. Maintenance of these water storage facilities and distribution systems should be performed according to a plan prepared by the applicant and approved by the County Fire Department or local Fire Protection District, as applicable.

C. Building design:

1. Height limits for structures:

- (a) The height limit is 25 feet for primary structures and 15 feet for accessory structures. (See also height limit provisions for the Seadrift Subdivision in Section 22.65.070.D and the shoreline of Tomales Bay in Sections 22.66.080.D and 22.66.090.B).
- (b) The floor level of the first floor shall not exceed 10 feet above natural grade at the lowest corner, unless otherwise required by FEMA standards.
- (c) Structures located within the ridgeline areas pursuant to Subsection D.2 below shall be limited to a maximum height of 18 feet.

(d) The Director may adjust these requirements based on site characteristics, consistent with the intent of LUP policies.

~~(d) Where allowed, agricultural structures in an agricultural zone sited in compliance with the requirements of Subsection D.2 below may exceed the above height limits if determined to have no significant visual or resource impacts.~~

~~(e) These requirements may be waived by the Director in unusual circumstances resulting from an irregular site characteristic (e.g., location, lot shape/size, topography) where the waiver will not result in a structure that will impinge significantly on sun and light exposure, views, vistas, and privacy of adjacent properties and rights of way.~~

2. **Materials and colors.** Building materials and colors should ~~emphasize~~ incorporate earth tones ~~and natural materials~~, and be chosen to blend into the natural and built environment unobtrusively, to the greatest extent possible. Traditional colors for agricultural structures (natural wood, red, whitewash, etc.) are appropriate for these structures in agricultural zoning districts.

Comment [SFS65]: "Natural materials" is too limiting; it would require houses to be made only of wood and stone.

D. Building location:

1. **Clustering requirement.** Structures shall be clustered in a geologically stable, accessible location on the site where their visual prominence is minimized, consistent with ~~needs for privacy~~ the maximum protection of agricultural lands and other coastal resources. Clustering is especially important on open grassy hillsides; however, a greater scattering of buildings ~~may be preferred~~ on wooded hillsides may be approved preferable, if consistent with all other applicable provisions of the LCP, ~~to save trees~~. ~~The prominence of~~ Construction shall be minimized by placing buildings so that they will be screened by existing vegetation, rock outcroppings or depressions in topography.

Proposed development shall be located close to existing roads, and shall not require new road construction or improvements resulting in significant impacts on agriculture, significant vegetation, significant scenic resources, or natural topography of the site. Proposed development shall be sited to minimize impacts on scenic resources, wildlife habitat and streams, and adjacent agricultural operations.

2. **Development near ridgelines.** No construction shall occur on top of, or within 300 feet horizontally, or within 100 feet vertically, of visually prominent ridgelines, whichever is more restrictive, unless no other suitable locations are available on the site or the lot is located substantially within the ridgeline area as defined herein. If structures must be placed within this restricted area because of site constraints or because siting the development outside of the ridgeline area will result in greater visual or environmental impacts, they shall be in locations that are the least visible from public viewing areas.
3. **Energy conservation.** Solar access shall be considered in the location, design, height and setbacks of all structures. Generally, structures should be oriented in a north/south fashion with the majority of glazing on the south wall or walls of the buildings.
4. **Noise mitigation.** Noise impacts on residents in nearby areas shall be minimized through the placement of buildings, recreation areas, roads and landscaping.

- E. **Land Division of Agricultural Lands.** Permissible ~~Land~~ divisions of land affecting agricultural lands shall be designed consistent with the requirements of this Article and the LUP/LCP. In considering divisions of agricultural lands in the Coastal Zone, the County may approve fewer parcels than the maximum number of parcels allowed by both the Development Code and the LUP/LCP, based on site characteristics such as topography, soil, water availability, environmental constraints and the capacity to sustain viable agricultural operations, and coastal resource protection.

- F. **Landscaping.** Introduced landscaping shall be designed to minimally disturb natural areas, and shall be compatible with the native plant setting. Landscaping plans shall be prepared with consideration for fire protection, water quality protection, solar access, the use of native and drought tolerant species, and minimal water use. Planting should not block public views or scenic views from adjacent properties or disturb wildlife trails.

G. Open space areas:

1. **Dedication required.** Land to be preserved as open space may be dedicated by fee title to the County or an agency or organization designated by the County before issuance of any construction permit or may remain in private ownership with appropriate scenic and/or open space easements or other encumbrances acceptable to the County, and the County may require reasonable public access across lands remaining in private ownership,

Comment [SF566]: The suggested mod to this sentence does not quite make sense... "Construction shall be minimized"? Perhaps the intent is to minimize the impacts of construction?

consistent with federal and state law.

2. **Maintenance.** The County or other designated agency or organization ~~will~~ shall maintain all open space lands accepted in fee title, as well as public access and trail easements across private property. Where open space lands remain in private ownership with scenic easements, these lands shall be maintained in compliance with the adopted policies of the Marin County Open Space District and may require the creation of a homeowners' association or other organization to maintain private open space lands where appropriate.
3. **Open space uses.** Uses in open space areas shall be in compliance with policies of the Marin County Open Space District, in addition to complying with the LCP. ~~Generally, uses and shall have no or minimal significant impact on the natural environment and coastal resources.~~ Pedestrian and equestrian access shall be provided where possible and reasonable and LCP consistent. ~~The intent is to serve the people in adjacent communities, but not attract large numbers of visitors from other areas.~~

H. Site preparation:

1. **Grading.** Grading ~~is permitted shall occur~~ in compliance with Chapter 22.64.080(C) ~~23.08 of the County Code (Excavating, Grading and Filling), but and shall be held to a minimized.~~ Every reasonable effort shall be made to retain the natural features of the land: skylines and ridgetops, rolling land forms, knolls, native vegetation, trees, rock outcroppings, and watercourses. Where grading is required, it shall not create flat planes and sharp angles of intersection with natural terrain. Slopes shall be rounded and contoured to blend with existing topography.
 2. **Drainage.** The areas adjacent to creeks shall be kept as much as possible in their natural state. All construction shall ensure drainage into the natural watershed in a manner that will avoid significant erosion or damage to creeks and adjacent properties. Impervious surfaces shall be minimized. At ~~major~~ creek crossings, bridges ~~should~~ shall be utilized instead of culverts consistent with 22.64.050.B.11.
 3. **Trees and vegetation.** Every effort shall be made to avoid tree removal, and changes or construction that would cause the death of existing trees, rare plant communities, and wildlife habitats.
 4. **Fire hazards.** Development shall be permitted in areas subject to wildfire threat only where the review authority determines there are good access roads, and adequate water supply, and vegetation management plans are required and adopted.
 5. **Geologic hazards.** Construction shall not be permitted on identified seismic or geologic hazards, including slides, natural springs, identified fault zones, or on bay mud, without approval from the Department of Public Works, based on acceptable soils and geologic reports. Development subject to coastal hazards shall be sited and designed to avoid such hazards consistent with 22.64.060.
 6. **Watershed areas.** All projects within water district watershed areas shall be referred to the appropriate district for review and comment. Damaging impoundments of water shall be avoided.
- I. **Utilities.** In ridge land areas, street lights shall be of low level intensity and low in profile. In all areas, power and telephone lines shall be underground where feasible. Any determination that undergrounding of utilities is not feasible shall be made in writing.

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~~ ~~and~~ compatible with, ~~and 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.~~

Comment [JL67]: Consistent with C-AG-2 “...Ensure that the principal use of these lands is agricultural...” Added throughout.

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.~~

Comment [JL68]: Following revisions in section (a) made for consistency with C-AG-7.A.1

Comment [JL69]: “Permitted development” clarifies that “development” that is exempt or excluded must meet different standards.

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, agricultural homestay or bed and breakfast facilities, and 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~~

Comment [CG70]: Revisions in section (d) made for consistency with C-AG-2, C-AG-7.A.4

~~gross acreage of the parcel farm (as that term is defined in 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, however, that all agricultural uses and activities are consistent with applicable laws, including those of the Local Coastal Program.~~

Comment [CG71]: Note: 5% limit has been moved to new paragraph below

Comment [JL72]: As previously indicated, sections have been moved to appropriate sections in Chap. 22.32

Comment [j3073]: Moved to 22.32.024.A

Comment [j3074]: Deleted due to redundancy with previous sentence.

Comment [j3075]: Moved to 22.32.024.A. Definition of "Actively and directly engaged" has been added to 22.130.030

Comment [CG76]: Definition can be more specific than C-AG-2; see 22.130.030 for definition of agricultural use

Comment [Er77]: For Consistency, "Agriculture" is used, as defined in 22.130.

Comment [JL78]: Moved to definition of "Agricultural Production"

Comment [j179]: Processing and sales have different criteria; refer to 22.65.040 (C) (1) (f)... or where standards are placed in Chap. 22.32

Comment [CG80]: Deleted to eliminate unnecessary redundancy

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).~~
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~~

Comment [j181]: Paragraph moved to 22.32.024.B

Comment [j182]: Paragraph moved to 22.32.024.C

Comment [CG83]: Revisions made for consistency with 6/15/15 Draft Resubmittal Text

Comment [j184]: Paragraph moved to 22.32.024.A

Comment [JL85]: Moved to 22.32.024.J.3

Comment [JL86]: Moved to 22.32.024.F; 22.32.024.J.4

Comment [j187]: Paragraph moved to 22.32.024.G

Comment [JL88]: Moved to 22.32.024.J.5

Comment [j189]: Paragraph moved to 22.32.028.A

~~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.~~

Comment [CG90]: Clarifying edit

Comment [CG91]: Edit clarifying that needs assessment looks beyond subject property

~~9. In addition to the required standards specified in subsections 1 through 8 above, principally permitted agricultural dwelling units must meet the following standards:~~

Comment [JL92]: following standards, where they are not duplicative, incorporated in appropriate sections of Chap. 22.32 as individually shown

Comment [CG93]: See 22.32.024.A

Comment [JL94]: See 22.32.024.B

~~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.~~

Comment [j3095]: See 22.32.024.G

Comment [JL96]: See 22.32.028.A

~~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.~~

Comment [CDA97]: See 22.32.024.H

~~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.~~

Comment [CDA98]: See 22.32.024.H and J.3, and 22.65.040.C.1.d

~~e. The agricultural dwelling unit does not require any Coastal Zone Variance.~~

Comment [CDA99]: See 22.32.024.I

~~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:~~

Comment [CG100]: Revisions to section (f) made for consistency with 6/15/15 Draft Resubmittal Text. Moved to 22.32.026

~~Agricultural Processing Uses:~~

- ~~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.~~

Comment [JL101]: Revised per recent discussions and moved to 22.32.036

~~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.~~

Comment [jl-102]: 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 [JL103]: Revised per recent discussions and moved to 22.32.027

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 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. 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.

b. Agricultural Production and Stewardship Plans. The creation of a homeowners' association or other organization and/or the submission of an Agricultural Production and Stewardship Plan (APSP) may be required to provide for the proper use and management of agricultural lands, 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~~ other non-agricultural development of C-APZ lands is to ensure that long-term agricultural productivity will occur and will substantially contribute to Marin's agricultural industry. Such a plan shall clearly identify and describe existing and planned agricultural uses for the property, explain in detail their implementation, identify on-site resources and agricultural infrastructure, identify product markets and processing facilities (if appropriate), and demonstrate how the planned agricultural uses substantially contribute to Marin's agricultural industry. An APSP shall provide evidence that at least 95% of the land will remain in agricultural production or natural resource protection and shall identify stewardship activities to be undertaken to protect agriculture and natural resources. An APSP shall be prepared by qualified professionals with appropriate expertise in agriculture, land stewardship, range management, and natural resource protection. The approval of a development proposal that includes an APSP shall include conditions ensuring the proper, long-term implementation of the plan.

(2) The requirement for an Agricultural Production and Stewardship Plan shall not apply to 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 APSP 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

Comment [CG104]: This paragraph revised for consistency with C-AG-8

(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.
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.~~

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. Agricultural Dwelling Unit Impacts and Agricultural Use. Ensure that lands

Comment [CG105]: Edited for brevity.

Comment [CG106]: Not relevant to C-APZ and agricultural lands in general

Comment [CG107]: Edited to reduce redundancy...consistency with LCP already noted above in section heading on previous page (22.65.040.C.2.c)

Comment [CG108]: Edit to clarify that project is consistent with LCP

Comment [CG109]: Revisions in this section for consistency with C-AG-9

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. 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 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 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 dwellings 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 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 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.

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. 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. 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 resolve.~~

22.65.060 – C-RSP Zoning District Standards

- A. Purpose.** This Section provides development standards for the C-RSP zoning district that are intended to allow for site planning with careful consideration to sensitive site characteristics.
- B. Applicability.** Proposed development ~~and new land uses, as defined in Article VIII,~~ shall comply with the provisions of Section 22.65.030 (Planned District General Development Standards), and Chapter 22.64 (Coastal Zone Development and Resource Management Standards).
- C. C-RSP zoning district height limit - Tomales Bay.** New residential construction on the shoreline of Tomales Bay shall be limited in height to 15 feet. Additional height may be permitted where the Director determines, based on topography, vegetation or character of existing development, that a higher structure would not create additional interference with coastal views either to, along, or from the water.

22.65.070 – C-RSPS Zoning District Standards (Seadrift Subdivision)

- A. Purpose.** This Section provides development standards for the C-RSPS zoning district (Seadrift Subdivision) that provide for site planning with careful consideration of sensitive site characteristics.
- B. Applicability.** Proposed development ~~and new land uses, as defined in Article VIII,~~ shall comply with the provisions of Section 22.65.030 (Planned District General Development Standards) and Chapter 22.64 (Coastal Zone Development and Resource Management Standards).
- C. Ocean setbacks.** On those lots fronting the ocean and south of Seadrift Road, no development shall be located seaward of the building setback line as shown on the map of Seadrift Subdivision Number One, RM, Bk. 6, Pg. 92 and Seadrift Subdivision Number Two, RM, Bk. 9, Pg. 62, and as described in the Subdivision's covenants, conditions and restrictions in effect as of June 19, 1981 (Ordinance 2637).
- D. Height limit.** Development on all lots in Seadrift shall be limited to a maximum height as follows:
1. In Seadrift Subdivision One (with the exception of lots 01 through 03) and Two, and lots 01 and 02 of Parcel 1 in the Lands of Sidney J. Hendrick, finished floor elevations shall not exceed 19.14 feet above NAVD (North American Vertical Datum), except on those portions of lots or parcels where the Federal Emergency Management Agency (FEMA) requires minimum finished floor elevations to be set at a higher level. In the areas of lots or parcels where FEMA requires minimum finished floor elevations to be set at levels higher than 19.14 feet above NAVD, minimum floor elevations shall comply with FEMA requirements. The height of any structure shall not exceed 34.14 feet above NAVD, provided that in those portions of lots and parcels where FEMA requires minimum finished

floor elevations to be set at a level higher than 19.14 feet above NAVD, the height of any structure shall not be greater than 15 feet above the level of the minimum finished floor elevation required by FEMA. Maximum allowable heights identified above may be modified by the minimum amount necessary to meet the Base Flood Elevation (BFE) established by FEMA plus any additional elevation required by Policy C-EH-8 shall be reduced and/or limited as necessary to protect community character and scenic resources.

2. In Seadrift Lagoon Subdivisions One and Two, Seadrift Subdivision Three, Norman's Seadrift Subdivisions, and Lots 01 through 03 in Seadrift Subdivision One, finished floor elevation shall not exceed 14.14 feet above NAVD. Total height of a structure shall not exceed 29.14 feet above NAVD. Maximum allowable heights identified above may be modified by the minimum amount necessary to meet the Base Flood Elevation (BFE) established by FEMA plus any additional elevation required by Policy C-EH-8 shall be reduced and/or limited as necessary to protect community character and scenic resources.

E. Public access requirements. Public access within the Seadrift Subdivision and on the ocean beach adjacent to Seadrift shall comply with the provisions of the March 16, 1994 Settlement Agreement between the Seadrift Association and the County of Marin, et al., in Kelley et al. v. California Coastal Commission, Marin County Superior Court Case No. 152998, and as set forth in that certain Deed of Open Space and Limited Pedestrian Easement and Declaration of Restrictions dated November 1, 1985, and recorded March 26, 1986, Marin County Recorder's Office.

Chapter 22.66 – Coastal Zone Community Standards

Comment [jl110]: CHECK STEVE'S NOTES

Sections:

- 22.66.010 – Purpose of Chapter
- 22.66.020 – Applicability
- 22.66.030 – Muir Beach Community Standards
- 22.66.040 – Stinson Beach Community Standards
- 22.66.050 – Bolinas Community Standards
- 22.66.060 – Olema Community Standards
- 22.66.070 – Point Reyes Station Community Standards
- 22.66.080 – Inverness Community Standards
- 22.66.090 – East Shore Community Standards
- 22.66.100 – Tomales Community Standards
- 22.66.110 – Dillon Beach Community Standards

22.66.010 – Purpose of Chapter

This Chapter provides development standards for Coastal Permits in specific communities within the Coastal Zone designed for, where the preservation of unique community character requires standards for development that differ from the general coastal zoning district requirements of this Article.

22.66.020 – Applicability

The provisions of this Chapter apply to Coastal Permits for proposed development and new land uses, as defined in Article VIII, in addition to the general site planning standards for the coastal

zoning districts in Chapter 22.64 (Coastal Zone Development and Resource Management Standards) and all other applicable provisions of this Development Code and LCP. In the event of any perceived conflict between the requirements of this Chapter and any other provisions of this Development Code, this Chapter shall control.

22.66.030 – Muir Beach Community Standards

- A. Community character.** Maintain the small-scale character of Muir Beach as a primarily residential community with recreational, small-scale visitor-serving and limited agricultural use (Land Use Policy C-MB-1).

22.66.040 – Stinson Beach Community Standards

- A. Community character.** Maintain the existing character of residential, small-scale commercial and visitor-serving recreational development in Stinson Beach (Land Use Policy C-SB-1).
- B. Limited access in Seadrift.** Allow only limited public access across the open space area generally located north of Dipsea Road and adjacent to Bolinas Lagoon in the Seadrift Subdivision to protect wildlife habitat, subject to the Deed of an Open Space and Limited Pedestrian Easement and Declaration of Restrictions as recorded March 26, 1986 as Instrument No. 86-15531. This area includes parcels 195-070-35 and 36; 195-080-29; 195-090-44; 195-320-62 and 78; and 195-340-71, 72, and 73 (Land Use Plan Policy C-SB-2).
- C. Density and location of development in Seadrift.** Development within the Seadrift Subdivision shall be subject to the standards contained in Land Use Plan Policy C-SB-3.
- D. Easkoot Creek.** Easkoot Creek shall be restored, as feasible, to improve habitat and support natural processes (Land Use Plan Policy C-SB-4).

~~*E. Height limit in Highlands Subdivision. In the Highlands Subdivision of Stinson Beach, the maximum height shall be no more than seventeen (17) feet per Land Use Plan Policy C-DES-4.*~~

~~*F. Height measurement in Seadrift Subdivision. In FEMA special flood hazard (V) zones within the Seadrift Subdivision, the maximum building height of 15 feet shall be measured from the minimum floor elevation required by the flood hazard zone designation per Land Use Plan Policies C-DES-4 and C-EH-11.*~~

GE. Stinson Beach dune and beach areas. Development of shorefront lots within the Stinson Beach and Seadrift areas shall be limited per Land Use Plan Policy C-BIO-9.

HE. R-2 zoning. Existing R-2 zoning in Stinson Beach shall be maintained per Land Use Plan Policy C-SB-6.

IG. Repair or Replacement of Structures. The repair or replacement of existing duplex residential structures shall be permitted per Land Use Plan Policy C-SB-7.

22.66.050 – Bolinas Community Standards

- A. Community character.** Maintain the existing character of small-scale residential, commercial, and agricultural uses in Bolinas (Land Use Plan Policy C-BOL-1).
- B. New development on the Bolinas Gridded Mesa.** New construction and the redevelopment

and rehabilitation of existing structures on the Bolinas Mesa shall be permitted in accordance with the policies of the Bolinas Gridded Mesa Plan which has been certified by the California Coastal Commission (Land Use Plan Policy C-BOL-3).

22.66.060 – Olema Community Standards

- A. Community character.** Maintain Olema’s existing mix of residential, commercial, and open space land uses and the small-scale, historic community character. The impacts of future development on the hillside area of Olema shall be minimized through application of the design standards contained in Land Use Plan Policy C-OL-1.

22.66.070 – Point Reyes Station Community Standards

- A. Community character.** Maintain the existing mix of residential and small-scale commercial development and the small-scale, historic community character in Point Reyes Station (Land Use Plan Policy C-PRS-1).
- B. Commercial infill.** Commercial infill development should be promoted within and adjacent to existing commercial uses per Land Use Plan Policy C-PRS-2.
- C. Visitor-serving and commercial facilities.** The development of additional visitor-serving and commercial facilities, especially overnight accommodations, shall be encouraged per Land Use Plan Policy C-PRS-3.
- D. Junction of Highway One and Point Reyes Petaluma Road (APN 119-240-55).** The development of APN 119-240-55 shall comply with standards contained in Land Use Plan Policy C-PRS-4.
- E. New residential development in Point Reyes station.** New residential development in Point Reyes Station shall comply with the building height, building size, and landscaping criteria specified in Land Use Plan Policy C-PRS-5.
- F. Lighting.** Exterior lighting shall comply with Land Use Plan Policy C-PRS-6.
- G. Point Reyes Affordable Homes Project.** Development of the 18.59 acre property consisting of Assessor’s parcels 119-260-02 through -06 (formerly 119-240-45) and 119-240-02 through -13 (formerly 119-240-46, 57 and 58) shall conform to the provisions of Land Use Plan Policy C-PRS-7.

22.66.080 – Inverness Community Standards

- A. Community character.** Maintain the existing character of residential and small-scale commercial development in the Inverness Ridge communities (Land Use Plan Policy C-INV-1).
- B. Paradise Ranch Estates design guidelines.** Development in Paradise Ranch Estates should maintain the existing exclusively residential nature of the community and should consider the community’s unique factors such as substandard roads and the need to protect public viewsheds from adjacent parklands and other public areas. The guidelines contained in Land Use Plan Policy C-INV-3 regarding protection of visual resources, public services, and tree protection shall apply to development within Paradise Ranch Estates.
- C. Tomales Bay shoreline development standards.** New construction along the shoreline of

Tomales Bay shall be limited in height to 15 feet above grade except as provided for per Land Use Plan Policy C-CD-6.

- D. Road and Path Maintenance.** Existing residential streets and pathways shall be maintained consistent with Land Use Plan Policy C-INV-4.

22.66.090 – East Shore Community Standards

- A. Community character.** Maintain the existing character of low-density residential, agriculture, mariculture and fishing or boating-related uses. The expansion or modification of visitor-serving or commercial development on previously developed lots along the east shore of Tomales Bay should be allowed consistent with Land Use Plan Policy C-ES-1.
- B. Tomales Bay shoreline development standards.** New construction along the shoreline of Tomales Bay shall be limited in height to 15 feet above grade except as provided for per Land Use Plan Policy C-CD-6.
- C. Protection of trees.** Significant stands of trees should be identified and protected (Land Use Plan Policy C-ES-2).

- D. Prioritization of water-related uses.** Mariculture, boat repair, fishing, water-related public recreation and scenic resources shall have priority over other uses along the shoreline (Land Use Plan Policy C-ES-3).
- E. Commercial land use.** The development of commercial and public facilities should be limited to existing activity centers, such as Nick's Cove, historic Marshall or near the Post Office/Marshall Boatworks and Marconi area (Land Use Plan Policy C-ES-4).
- F. Local serving facilities.** Local serving facilities should be incorporated in new development, where appropriate (Land Use Plan Policy C-ES-5).
- G. New marina development.** New marina developments shall make provisions for the use of the facilities by local commercial and recreational boats (Land Use Plan Policy C-ES-6).

22.66.100 – Tomales Community Standards

- A. Community character.** Maintain the existing character of residential and small-scale commercial development in the community of Tomales consistent with the provisions of Land Use Plan Policy C-TOM-1.

22.66.110 – Dillon Beach Community Standards

- A. Community character.** Maintain the existing character of residential and small-scale commercial development in Dillon Beach and Oceana Marin consistent with the provisions of Land Use Plan Policy C-DB-1 and C-DB-3.
- B. C-R-1:B-D Zoning standards.** The following standards shall apply in those areas of Dillon Beach governed by the C-R-1:B-D zoning district.
 - 1. Minimum lot size.** Parcels proposed in new land divisions shall have a minimum area of 1,750 square feet for each single-family dwelling.
 - 2. Setback requirements.** Structures shall be located in compliance with the following minimum setbacks (See Section ~~22.64.045(4)~~20.090, Setback Requirements and Exceptions):
 - (a) Front.** The minimum front yard setback shall be 10 feet.
 - (b) Sides.** The minimum side yard setbacks shall be 5 feet; 10 feet for a street side setback on a corner lot.
 - (c) Rear.** The minimum rear yard setback shall be 10 feet.
 - 3. Height limits.** Structures shall not exceed a maximum height of 20 feet (See Section ~~22.64.045(3)~~20.060-Height Limits and Exceptions)
 - 4. Floor area ratio (FAR).** Parcels in this district are exempt from this limitation.
- C. Lawson's Landing.** Lawson's Landing shall be retained as an important lower cost visitor serving facility per Land Use Plan Policy C-DB-2.

D. Dillon Beach Community Plan. Refer to the Dillon Beach Community Plan, which has been certified by the California Coastal Commission, when reviewing Coastal Permits per Land Use Plan Policy C-DB-4.

[BOS app. 12/11/2012]

CHAPTER 22.68 – COASTAL PERMIT REQUIREMENTS

Sections:

- 22.68.010 – Purpose of Chapter
- 22.68.020 – Applicability
- 22.68.030 – Coastal Permit ~~Requirement for Development~~ Required
- 22.68.040 – Coastal Permit Not Required; Categorically Excluded Development Projects
- 22.68.050 – Coastal Permit Not Required; Exempt Projects Development
- 22.68.060 – Coastal Permit Required; Non-Exempt Development Projects
- 22.68.070 – De Minimis Waiver of Coastal Permit
- 22.68.080 – ~~Projects Development~~ Requiring a Coastal Commission Coastal Permit
- 22.68.090 – Consolidated Coastal Permit

22.68.010 – Purpose of Chapter

This Chapter ~~identifies, determines when a~~ Coastal Permit requirements ~~for shall be required to~~ authorize proposed development in the County's Coastal Zone.

22.68.020 – Applicability

The provisions of this Chapter apply to proposed development in the Coastal Zone as defined by Article VIII ~~Public Resources Code Section 30103.~~

22.68.030 – Coastal Permit Required

A Coastal Permit is required for development in the Coastal Zone ~~proposed that is undertaken by~~ any person, including a private entity or a state or local agency, unless the development is categorically excluded (per Section 22.68.040), exempt (per Section 22.68.050), or qualifies for a De Minimis Waiver (per Section 22.68.070).

Development (coastal), ~~is~~ defined in Article VIII of this Development Code, means:

On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511 of the Public Resources Code).

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

~~Development and is interpreted to include installation of water or sewage disposal systems, the closure of County managed public accessways, changes in public access to the water including parking availability, and the significant landform alteration of landforms. Significant landform alteration of land forms entails includes the removal or placement of vegetation on a beach, wetland, or sand dune, or within 100 feet of the edge of a coastal bluff, stream, or in areas of natural vegetation designated as environmentally sensitive habitat areas (ESHA).~~

~~On-going agricultural operations including cultivation, crop and animal management and grazing are not considered to be development or a change in the density or intensity of the use of land. For the purposes of this Chapter, "ongoing agricultural operations are those which exist presently or historically, and do not entail new encroachment within 100 feet of the edge of a wetland, stream, or riparian vegetation. For agricultural uses, a "change in the intensity of use of water, or access thereto" means includes the development of new water sources such as construction of a new or expanded well or expansion of a surface impoundment.~~

~~{BOS app. 10/2/12;
4/15/2013}~~

22.68.040 – Coastal Permit Not Required: Categorically Excluded Development Projects

~~A. A project Development specifically designated as categorically excluded from the requirement for a Coastal Permit by Public Resources Code Section 30610(e) and implementing regulations is not subject to Coastal Permit requirements if such development is consistent with all terms and conditions of the Categorical Exclusion Order. A Coastal Permit is not required for the categories of development identified in Categorical Exclusion Orders E-81-2, E-81-6, and E-82-6 (see Appendix 7), and are only excluded provided that the Exclusion Orders themselves remain valid, the development is proposed to be located within the approved categorical exclusion area, and provided that the terms and conditions of the Exclusion Orders are met. For those Categorical Exclusions that require development to be consistent with the zoning ordinances in effect at the time the Categorical Exclusion Order was adopted, all local zoning ordinances in effect at the time each Categorical Exclusion Order was adopted are provided within Appendix 7.~~

B. Categorical Exclusion Noticing. The County shall ~~provide notice of all categorical exclusion determinations within five working days of such determinations. The exclusion notice shall be provided post on the Community Development Agency's website and on the same day transmit~~ to the applicant, the Coastal Commission, and any known interested parties (including those who have specifically requested such notice ~~or have requested to be kept informed regarding the type of development subject to the categorical exclusion and/or development at the location and/or within the particular zoning district~~). In addition, ~~(The Director shall maintain, post on the Agency's website at least weekly, [New text proposed by CCC staff in 4/15/15 Addendum]~~

~~and regularly transmit to the Coastal Commission a list and summary a notice~~ of development projects determined to be categorically excluded from the requirements of ~~this Chapter for obtaining~~ a Coastal Permit. The ~~notice, list and summary shall be available for public inspection and~~ shall include the applicant's name, project description and location, the reasons supporting the categorical exclusion determination ~~(including evidentiary information and other materials (i.e., location maps, site plans, etc.)), and~~ the date of the ~~Director's~~ exclusion determination for each project, and the procedures for challenging the Director's determination.

C. Categorical Exclusion Challenge. The determination of whether a development is

categorically excluded from the requirements for a Coastal Permit can be challenged pursuant to Section 22.70.040.

[BOS app. 2/26/2013]

22.68.050 – Coastal Permit Not Required: Exempt ProjectsDevelopment

The following ~~projects development~~, as determined by the Director, shall be exempt from ~~the Coastal Permit~~ ~~the~~ requirements ~~of Section 22.68.030~~ ~~Coastal Permit Required~~, unless ~~it is identified listed~~ as non-exempt by Section 22.68.060. ~~The County shall maintain a list of all exemption determinations, which shall be updated at least weekly and provided for public review at the Community Development Agency's front counter and webpage, transmitted weekly to the Coastal Commission, and made available upon request otherwise. The list shall include the applicant's name, project description and location, the reason supporting the exemption determination (including evidentiary information and other materials (i.e., location maps, site plans, etc.)), the date of the Director's determination for each project, and the procedures for challenging the Director's determination. The list shall identify its posting date, which shall be the date from which challenges are allowed within the next 30 days. The Director's determination of whether a proposed development is exempt from Coastal Permit requirements can be challenged pursuant to Section 22.70.040.~~

- A. ~~Improvements, other than to a public works facility, on developed lots to existing single-family residences.~~ Improvements on developed lots to existing single-family residences are exempt from Coastal Permit requirements (see Sec. 22.68.060 for limitations). An existing single-family residence includes:
1. ~~Improvements to existing~~ All fixtures and other structures directly attached to ~~an existing structure, including improvements resulting in an increase of less than 10 percent of the floor area of the existing structure; and~~ a residence;
 2. ~~Improvements to existing~~ Structures on ~~a residential lot~~ the property normally associated with a single-family residence, such as garages, swimming pools, fences, and storage sheds; but not including guest houses ~~or~~, self-contained residential units ~~or 1,000 square feet or more of impermeable paving within an ESHA or its buffer; and~~
 3. ~~Improvements to existing~~ Landscaping on the lot.
- B. Improvements to existing structures other than a single-family residence or public works facility. Improvements to existing structures other than a single-family residence or public works facility are exempt from Coastal Permit requirements (see Sec. 22.68.060 for limitations). An existing structure includes:
1. All fixtures are other structures directly attached to the structure.
 2. Landscaping on the lot.
- B-C. Repair and maintenance. Repair and maintenance activities that do not result in ~~the an~~ addition ~~or change~~ [New text proposed by CCC staff in 4/15/15 Addendum] to, or enlargement or expansion of, the object of repair or maintenance. No coastal permit shall be required for ordinary maintenance of the Seadrift Revetment, which is defined to include removal from the beach of any rocks or other material which become dislodged from the revetment or moved seaward from the identified footprint, replacement of such materials on the revetment, minor placement of sand over the revetment from a source other than the Bolinas

Sandspit Beach, planting of dune grass on the revetment, and similar activities.

Unless destroyed by a natural disaster, the replacement of 50 percent or more of a single family residence, seawall, revetment, bluff retaining wall, breakwater, groin, or any other structure is not considered ~~solely~~ repair and maintenance, but instead constitutes a replacement structure requiring a Coastal Permit (see also “Redevelopment (coastal)” and “Redevelopment, Coastal (coastal)”).

CD. Replacement after disaster. The replacement of any legal structure, other than a public works facility destroyed by a disaster. The replacement structure shall:

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

As used in this section:

(A): “Disaster” means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner.

(B): “Bulk” means total interior cubic volume as measured from the exterior surface of the structure.

(C): “Structure” includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.

DE. Emergency work. Immediate emergency work necessary to protect life or property or immediate emergency repairs to public service facilities necessary to maintain service as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Calif. Government Code.

EF. Emergency highway repair. Emergency projects undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing highway, as defined in Section 360 of the Vehicle Code, except for a highway designated as an official state scenic highway pursuant to Section 262 of the Streets and Highways Code, within the existing right-of-way of the highway, damaged as a result of fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, within one year of the damage. This paragraph does not exempt any project undertaken, carried out, or approved by a public agency to expand or widen a highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide.

FG. Time-Share. Any activity that involves the conversion of any existing multiple-unit residential structure to a time-share project, estate, or use, as defined in Section ~~14003.5~~ 11212 of the Calif. Business and Professions Code.

GH. Maintenance dredging. Maintenance dredging of existing navigation channels or moving dredged material from those channels to a disposal area outside the coastal zone, pursuant to a

permit from the US Army Corps of Engineers.

HJ. **Utility connection.** The installation, testing, and placement in service or the replacement of any necessary utility connection between an existing service facility and any development for which a Coastal Permit has been approved; provided, however, that the Director may, where necessary, require reasonable conditions to mitigate any adverse impacts on coastal resources, including scenic resources.

HI. **Temporary event.** All temporary events, except those which meet all of the following criteria:

1. Are held between Memorial Day weekend and Labor Day. ~~Would have a duration of two consecutive days or less; and~~
2. Would ~~not~~ occupy all or a portion of a sandy beach in Muir Beach, Stinson Beach, Bolinas, or Dillon Beach; and
3. Would ~~not~~ involve a charge for general public admission or seating where no fee is currently charged for use of the same area (not including booth or entry fees).; ~~and~~
4. ~~Would not take place in any wetlands, streams and riparian vegetation, other ESHAs, or their buffers~~

The Planning Director (or the Coastal Commission's Executive Director if the Planning Director's determination is challenged) may determine that a temporary event, even an event that might otherwise not require a Coastal Permit per this section, shall require a Coastal Permit if he/she determines that the exercise of jurisdiction is necessary to implement the coastal resource protection policies of Chapter 3 of the Coastal Act, and/or that unique or changing circumstances exist relative to a particular temporary event that have the potential for significant adverse impacts on coastal resources. Such circumstances may include the following:

- a) The event, either individually or together with other temporary events scheduled before or after the particular event, precludes the general public from use of a public recreational area for a significant period of time;
- b) The event and its associated activities or access requirements will either directly or indirectly impact environmentally sensitive habitat areas, rare or endangered species, significant scenic resources, or other coastal resources as defined in Chapter 22.130.
- c) The event is scheduled between Memorial Day weekend and Labor Day and would restrict public use of roadways or parking areas or otherwise significantly impact public use or access to coastal waters;
- d) The event has historically required a Coastal Permit to address and monitor associated impacts to coastal resources.

JK. **Nuisance Abatement.** Nuisance abatement actions by the County that are necessary to protect public health and safety, when such abatement must occur more quickly than could occur if authorized by a Coastal Permit. If exempt from a Coastal Permit, a nuisance abatement action shall involve the minimum level of development activity necessary to successfully abate the nuisance. ~~Exempt nuisance abatement only applies to temporary development that is the minimum necessary to abate the nuisance, and only provided such development is removed if a regular Coastal Permit is not obtained that authorizes such development.~~

~~KL. Ongoing Agricultural Activities. See Chapter 22.130 for definition. Existing—legally established—agricultural—production activities, including all ongoing grading and routine agricultural cultivation practices (e.g., plowing, tilling, planting, harvesting and seeding), which have not been expanded into never before used areas and have not been discontinued for more than the previous 10 years. Agricultural production activities may include the conversion of grazing to crop production or other ongoing activity involving a change in the intensity of use of land or water (such as ongoing rotational grazing or crop farming) if the ongoing production activity has been part of a regular pattern of agricultural practices that has not been discontinued for more than the previous 10 years. If the ongoing production activity has been discontinued for more than the previous 10 years, the permit issuing authority may allow an Applicant to overcome the presumption that the agricultural production activity is no longer ongoing if the Applicant demonstrates his or her ongoing intention to reinstate the agricultural production activity based on the history of agricultural production on the property, the long-term investment in the agricultural production activity on the property and the existence of infrastructure to support the agricultural production activity.~~

~~Conversion of grazing to crop production or any other new or expanded activity involving grading or a change in the intensity of use of land or water that has not been part of a regular pattern of agricultural practices or has been discontinued for more than the period of time prescribed herein is not an ongoing agricultural production activity but rather 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.~~

[BOS app. 10/2/2012]

22.68.060 – Coastal Permit Required: Non-Exempt Projects Development

Notwithstanding the provisions of Section 22.68.050 – Exempt Projects Development, a Coastal Permit shall be required for all of the following types of projects development unless the specific type of development in the specific geographic area is otherwise categorically excluded by a Commission adopted categorical exclusion order or qualifies for a De Minimis Waiver:

A. **Improvements to an existing structures.** Improvements to an existing structure if the structure is located on a beach; in a wetland, stream, or lake; seaward of the mean high tide line; in an ESHA; or within 50 feet of the edge of a coastal bluff.

B. **Improvements to a Public Works Facility.**

~~**CB. Alterations—Improvements to an existing structure within geographically defined appealable specific areas not included in Paragraph A above.**~~ On property that is located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, an improvement that would result in an increase of 10 percent or more of floor area of an existing structure (or an additional improvement of 10 percent or less where an improvement to the structure had previously been exempt from Coastal Permit requirements), an increase in height by more than 10 percent of an existing structure and/or any significant non-attached structure such as garages, fences, shoreline protective works or docks.

~~**DC. Shoreline protective devices.** Those repair and maintenance activities which involve seawalls and similar shoreline structures.~~

~~**D. Seadrift Revetment.** Extraordinary maintenance of the rock revetment as permitted by Coastal Commission permit #A-1 MAR 87-235-A issued August 31, 1994. Extraordinary maintenance is defined to include placement of any material on or adjacent to the seaward face of the revetment (other than replacement of dislodged material) or which expands the height or length of the revetment.~~

ED. Changes in intensity of use. Improvements to a structure, other than a single-family residence or public works facility, which increase or decrease the intensity of use of the structure, as determined by the Director.

FE. Conversions. Improvements carried out in conjunction with the conversion of an existing structure from a multi-family residential rental or visitor-serving commercial use to a use involving a fee ownership or long-term leasehold, including a condominium conversion, stock cooperative conversion or motel/hotel conversion, ~~not including a time share project.~~

GF. Structures of special character and visitor appeal. Demolition of, or substantial alterations or additions to any structure built prior to 1930, except for maintenance or repair consistent with its original architectural character and maintenance or repair that includes replacement-in-kind of building components.

HG. Water wells and septic systems. The expansion or construction of water wells or septic systems.

HI. Landform alterations. Any significant alteration of land forms, including grading (as defined in Section 22.130.030) and the removal or placement of vegetation on a beach or sand dune; in a wetland or stream; or sand dune, or within 100 feet of the edge of a coastal bluff or stream; or in ~~areas of natural vegetation designated as~~ environmentally sensitive habitat areas (ESHA).

JI. Future Improvements. Any improvements to a single-family residence or other structure where the Coastal Permit issued for the original structure indicated that any future improvements would require a Coastal Permit.

KJ. Repair and maintenance activities. Repair and maintenance activities as follows:

1. Any method of repair or maintenance of a seawall, revetment ~~(other than ordinary maintenance of the Seadrift Revetment as provided by Section 22.68.050.B),~~ bluff retaining wall, breakwater, groin, culvert, outfall, or similar shoreline work that involves:
 - (a) Repair or maintenance involving substantial alteration of the foundation of the protective work including pilings and other surface or subsurface structures;
 - (b) The placement, whether temporary or permanent, of rip-rap, artificial berms of sand or other beach materials, or any other forms of solid materials, on a beach or in coastal waters, streams, wetlands, estuaries and lakes or on a shoreline protective work except for agricultural dikes within enclosed bays or estuaries;
 - (c) The replacement of 20 percent or more of the materials of an existing structure with materials of a different kind; or
 - (d) The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area, bluff, or ESHA, or within 20 feet of

coastal waters or streams.

2. Any method of routine maintenance dredging that involves:

(a) The dredging of 100,000 cubic yards or more within a twelve (12) month period;

(~~a~~b) The placement of dredged spoils of any quantity within an ESHA, on any sand area, within 50 feet of the edge of a coastal bluff or ESHA, or within 20 feet of coastal waters or streams; or

(~~b~~e) The removal, sale, or disposal of dredged spoils of any quantity that would be suitable for beach nourishment in an area the Coastal Commission has declared by resolution to have a critically short sand supply that must be maintained for protection of structures, coastal access or public recreational use.

3. Any repair or maintenance to facilities or structures or work located in an ESHA, any sand area, within 50 feet of the edge of a coastal bluff or ESHA, or within 20 feet of coastal waters or streams that includes:

(a) The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials; or

(b) The presence, whether temporary or permanent, of mechanized equipment or construction materials.

22.68.070 – De Minimis Waiver of Coastal Permit

The Director may waive the requirement for a Coastal Permit through a De Minimis Coastal Permit Waiver in compliance with this Section upon a written determination that the ~~project~~ development meets all of the criteria and procedural requirements set forth in A. through G. below:

- A. **No Adverse Coastal Resource Impacts.** The development has ~~Involves~~ no potential for adverse effects, either individually or cumulatively, on coastal resources,
- B. **LCP Consistency.** The development is ~~is~~ consistent with the certified Marin County Local Coastal Program,
- C. **Not Appealable to CCC.** The development is ~~Is~~ not of a type or in a location where an action on the project development would be subject to a Coastal Permit issued appealable by ~~to~~ the Coastal Commission.
- D. **Notice.** Public notice of the proposed De Minimis Waiver of Coastal Permit and opportunities for public comment ~~have been~~ shall be provided as required by Section 22.70.050, including provision of notice to the Coastal Commission.
- E. **Executive Director Determination.** The Director ~~shall not issue a waiver until the public comment period has expired.~~ shall provide a notice of determination to issue a De Minimis Waiver to the Executive Director of the Coastal Commission no later than 10 days prior to the required Board of Supervisors hearing. If the Executive Director ~~of the Coastal Commission requests~~ notifies the Director that a waiver should not be issued, the applicant shall be ~~advised that~~ required to obtain a Coastal Permit ~~is required~~ if the applicant wishes to proceed with the development.
- F. **Review and Concurrence.** The Director's determination to issue a De Minimis Waiver

shall be subject to review and concurrence by the Board of Supervisors. The Director shall not issue a De Minimis Waiver until the public comment period, including at a minimum through and including the required Board of Supervisor hearing, has expired. No De Minimis Waiver may be issued unless it has been reported to the Board of Supervisors at a regularly scheduled meeting where the public shall have the opportunity to testify and otherwise participate in a hearing on the De Minimis Waiver. If two or more Supervisors so request at this hearing, the De Minimis Waiver shall not be issued and, instead, an application for a Coastal Permit shall

be required and processed in accordance with the provisions of this chapter. Otherwise, the Waiver shall be deemed approved, effective, and issued the day of the Board of Supervisor hearing. In addition to the noticing requirements above, wWithin seven (7) calendar days of effective date of a De Minimis Waiver of Coastal Permit, the Director shall notify the Coastal Commission and any persons who specifically requested notice of such action via first class mail, a Notice of Final Action describing the issuance and effectiveness of the De Minimis Waiver.

- G. **Waiver Expiration.** A De Minimis Waiver shall expire and be of no further force and effect if the authorized development is not completed within ~~two~~ three years of the effective date of the waiver. In this event, a Coastal Permit shall be required for the development.

22.68.080 – Projects Development Requiring a Coastal Commission Coastal Permit

- A. **Coastal Commission approval required.** Development ~~and new land uses, as defined in Article VIII,~~ proposed on tidelands, submerged lands, or public trust lands, ~~or otherwise located seaward of the line of within the California Coastal Commission's retained coastal permitting jurisdiction,~~ shall require a Coastal Permit from the Coastal Commission in compliance with Public Resources Code Section 30519(b). Also under the Coastal Commission's continuing jurisdiction are amendments or extensions to Coastal Permits issued by the Coastal Commission; thermal power plants of 50 megawatts or greater along with the transmission lines, fuel supply lines, and related facilities to serve them; state university or college projects; and both federal and non-federal projects on federal land.

- B. **Determination of jurisdiction.** The determination of jurisdiction shall be made by the Coastal Commission based upon maps and other descriptive information that the Applicant, the County, Coastal Commission and/or State Lands Commission may supply.

- ~~C. **Referral.** Before issuing a Coastal Permit, the Coastal Commission will refer the application to the State Lands Commission for a determination whether a State Lands Commission permit or lease is required for the proposed development, and whether the State Lands Commission finds it appropriate to exercise the easement over that property. The Coastal Commission shall also refer the application to the County for review and comment.~~

- DC.** **County land use designations and zoning districts.** County land use designations and zoning districts on ~~public trust lands and federal lands~~ lands defined above in (A) shall be advisory only for purposes of the Coastal Commission's review of a coastal permit application.

- ED.** **County Approvals.** For Coastal Commission Coastal Permit applications, the Applicant shall still be required to obtain all other non-Coastal Permit approvals necessary for a proposed development, and any required non-ministerial approvals must be obtained and submitted as part of the Coastal Permit application to the Commission.

22.68.090 – Consolidated Coastal Permit

~~Consolidated County Coastal Commission~~ **Coastal Permit.** If a proposed development requires two separate Coastal Permits, one from the County and one from the Coastal Commission, a consolidated Coastal Permit application may be considered by the Coastal Commission according to the following procedure:

- A. The Director, with agreement of the applicant, may request the Coastal Commission, through its executive director, to process a consolidated Coastal Permit. The standard of review for a consolidated Coastal Permit application shall follow Chapter 3 of the Coastal Act (commencing with Public Resources Code Section 30200), with the Marin County Local Coastal Program used as guidance. The application fee for a consolidated Coastal Permit shall be determined by reference to the Coastal Commission's permit fee schedule.
- B. Prior to making a request for a consolidated Coastal Permit, the Director shall first determine that public participation would not be substantially impaired by that review process.

CHAPTER 22.70 – COASTAL PERMIT ADMINISTRATION

Sections :

- 22.70.010 – Purpose of Chapter
- 22.70.020 – Applicability
- 22.70.030 – Coastal Permit Filing, Initial Processing
- 22.70.040 – ~~Appeal of Permit~~ [Challenges to Processing](#) Category Determination
- 22.70.050 – Public Notice
- 22.70.060 – Decision on Coastal Permit
- 22.70.070 – Required Findings
- 22.70.080 – Appeal of Coastal Permit Decision
- 22.70.090 – Notice of Final Action
- 22.70.100 – Notice of Failure to Act
- 22.70.110 – Effective Date of Final Action
- 22.70.120 – Expiration Date and Time Extensions
- 22.70.130 – Amendments to Coastal Permits
- 22.70.140 – Emergency Coastal

Permits

22.70.150 – Coastal Zone

Variances

22.70.160 – ~~Coastal Zone Variance Exemptions~~ Non-Conforming Uses and Structures

~~22.70.170 – Decision and~~

~~Findings~~

22.70.175 – Violations of Coastal Zone Regulations and Enforcement of LCP Provisions and Penalties (Coastal)

22.70.180 – Potential Takings Economic

Evaluation

22.70.190 – Property Modifications

22.70.010 – Purpose of Chapter

This Chapter provides procedures for ~~the filing, processing, and action on~~ Coastal Permits, ~~De Minimis Waivers and Categorical Exclusions~~ applications, including Coastal Permit Exclusions, ~~Exemptions~~, and De Minimis Waivers as described in Chapter 22.68.

22.70.020 – Applicability

The provisions of this Chapter apply to the preparation, filing, review, and approval or denial of all ~~Coastal Permit, De Minimis Waiver, and Categorical Exclusion~~ applications for development in Marin County, whether such approval or denial occurs through a Coastal Permit, De Minimis Waiver, ~~Exemption~~, or Categorical Exclusion.

22.70.030 – Coastal Permit Filing, Initial Processing

A. **Application and filing.** Coastal Permit application submittals shall include all information and other materials required by the Coastal Permit application forms, provided by the Agency, including any information identified as necessary for specific categories of development or for development proposed in specific geographic areas. The application and accompanying materials shall be filed with the Agency before or concurrent with an application for any land use permit required by this Article. The Coastal Permit application shall include:

1. Project plans and supporting materials sufficient to determine whether the project complies with all relevant policies of the Local Coastal Program;
2. Documentation of the applicant's legal interest in all the property upon which work is proposed to be performed, and all contiguous properties under the same ownership. The area subject to the Coastal Permit may include such contiguous properties where the Director finds that necessary to achieve the requirements of the Local Coastal Program. The reviewing authority shall consider all contiguous properties under the same ownership when reviewing development in the C-APZ zoning district. The area covered by a proposed project may also include multiple ownerships.
3. A dated signature by or on behalf of each of the applicants, attesting to the truth, completeness and accuracy of the contents of the application and, if the signer of the application is not the applicant, written evidence that the signer is authorized to act as the applicant's representative and to bind the applicant in all matters concerning the application; and

~~4. Any additional information deemed by the Director to be required for specific categories of development or for development proposed from specific geographic areas.~~

B. **Determination of processing category.** The Director shall determine if the proposed ~~project development~~ is categorically excluded, ~~exempt~~, qualifies for a De Minimis Waiver, is or is not appealable to the Coastal Commission and/or requires a Coastal Permit that does or does not require a public hearing as set forth below. ~~follows. With the exception of~~

categorical exclusions, ~~Notice of processing category determination shall be sent in compliance with the requirements specified for the particular permit category (i.e. within 5 working days of such determination for exclusions; at least 10 days prior to a hearing or action for de minimis waivers, non-public hearing applications, and public hearing applications; and at least 15 working days before the required Planning Commission hearing for public hearing waiver applications), and for exemptions shall be posted (and challenges shall be allowed within 30 days of such posting date).~~ All such determinations regarding permit category may be appealed challenged in compliance with Section 22.70.040 – Appeal of permit Category Determination.

1. **Categorical exclusion.** A determination that ~~a project~~ development is categorically excluded shall comply with Section 22.68.040 – Coastal Permit Not Required; Categorically Excluded Development Projects.

~~2. **Exemption.** A determination that development is exempt from the requirement to obtain a Coastal Permit shall comply with Section 22.68.050 – Coastal Permit Not Required; Exempt Development and with Section 22.68.060 – Coastal Permit Required; Non-Exempt Development.~~

~~3.~~ **De Minimis Waiver.** A determination that a project qualifies for a De Minimis Waiver shall comply with 22.68.070 – De Minimis Waiver of Coastal Permit.

~~4.~~ **Administrative– Non-public hearing applications.** A public hearing shall not be required when an application is not ~~defined as~~ appealable to the Coastal Commission by 22.70.080 - Appeal of Coastal Permit Decision, unless a public hearing is required for another discretionary planning permit for the same project ~~or as determined by the Director.~~ Such applications shall be accompanied by a statement of why County decisions on the proposed development would not be appealable to the Coastal Commission, and the reasons supporting such a determination.

~~5.~~ **Public hearing applications.** A public hearing shall be required when a project is defined as appealable to the Coastal Commission by 22.70.080 - Appeal of Coastal Permit Decision, unless the proposed project only entails the approval of a second unit ~~use in a residential zone or if it qualifies for a public hearing waiver. If a public hearing is held for another type of discretionary permit, the same review authority shall issue the decision on the Coastal Permit.~~ Such applications shall be accompanied by a statement of whether County decisions on the proposed development would be appealable to the Coastal Commission, and the reasons supporting such a determination.

~~6.~~ **Public hearing waiver for minor development including development appealable to the Commission.** A public hearing that would otherwise be required for ~~at the below identified minor development including development appealable to the Commission under 22.70.080(B)~~ including development appealable to the Commission under 22.70.080(B) shall be waived if both the following occur: [New text proposed by CCC staff in 4/15/15 Addendum]

(a) Notice is provided as required by Section 22.70.050 – “Public Notice” that a public hearing shall be held upon request by any person ~~is provided~~, and

(b) No written request for a public hearing is received within 15 working days from the date of sending the notice required by Section 22.70.050.

In addition to the requirements of Section 22.70.050, the notice shall include a statement that the hearing will be cancelled if no person submits a written request for a public hearing as provided above, and a statement that failure by a person to request a

public hearing may result in the loss of that person's ability to appeal to the Coastal Commission any action taken by the County of Marin on the Coastal Permit application.

For purposes of this Section, "minor development" means a development that the Director determines satisfies all of the following requirements:

- (1) ~~As proposed, it~~ is consistent with the certified Local Coastal Program,
- (2) Requires no discretionary approvals other than a Coastal Permit, and
- (3) ~~As proposed, it~~ has no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast.

Notwithstanding the waiver of a public hearing, any written comments submitted regarding a coastal permit application shall be made part of the permit application record. ~~Such applications shall be accompanied by a statement of whether County decisions on the proposed development would be appealable to the Coastal Commission, and the reasons supporting such a determination.~~

- C. **Initial processing.** A Coastal Permit shall be processed concurrently with other permit applications required for the project, and shall be evaluated as provided by Chapter 22.40 (Application Filing and Processing, Fees).

[BOS app. 10/2/2012, 12/11/2012, 2/26/2013]

22.70.040 – ~~Appeal of Challenges to Permit Processing~~ Category Determination

Where an applicant or interested person disputes the Director's ~~permit processing~~ category determination ~~of Coastal Permit category~~ (Section 22.70.030.B – Determination of ~~Permit Processing~~ Category), the determination may be ~~challenged~~ appealed as follows:

- A. **Challenges to Processing Category Determination.** The Director's determination that a proposed development is to be processed as a categorical exclusion, ~~exemption, de minimis waiver, non-public hearing application, or public hearing application, or public hearing waiver application~~ may be challenged ~~General County appeal procedure.~~ Appeals to the Planning Commission or Board shall be filed and processed in compliance with 22.114 (Appeals).
- B. **Timing of Challenge County appeal.** A determination regarding ~~permit processing~~ category by the Director may be ~~appealed~~ challenged to the ~~Planning Coastal Commission, and subsequently to the Board,~~ within 10 ~~business~~ working days of the determination ~~date of sending public notice as required by this Chapter~~ the notice of determination for exclusions, within 10 days of the date of sending the notice for de minimis waivers, non-public hearing applications, and public hearing applications; within 15 working days of the date of sending the notice for public hearing waiver applications; and within 30 days of its posting date for exemptions.
- C. **Procedures for appeals of to permit category determination to the Coastal Commission Challenge Procedures.** Appeals of permit category determinations to the Coastal Commission shall follow the procedures contained in California Code of Regulations, Title 14, section 13569 (Determination of applicable Notice and Hearing Procedures). Where an

applicant, interested person, the County, or the Coastal Commission's Executive Director has a question as to any processing category determination under Section 22.70.030 for a proposed development, the following procedures shall provide an administrative resolution process for determining the appropriate permit category:

- (1) The County shall make its determination as to the processing category for the proposed development in accordance with the procedure set forth in Section 22.70.030.
- (2) If the County's processing category determination is challenged by the applicant, an interested person, or the Coastal Commission's Executive Director, or if the County wishes to have a Coastal Commission determination as to the appropriate processing category, the County shall notify the Commission of the dispute/question and shall request an Executive Director's opinion. County processing of the permit application shall cease if a challenge is received by the County and/or the Coastal Commission.
- (3) The Executive Director shall provide his or her opinion to the County, the applicant and any other known interested parties ~~as soon as possible within 10 working days of the County's request unless the applicant and the County agree to an extension. There are three possible outcomes of a challenge:~~
 - (a) If the Executive Director agrees with the County's determination, then the determination shall be final and shall apply to the proposed development;
 - (b) If the Executive Director disagrees with the County's determination, and the County then agrees with the Executive Director's opinion, then the review and permit procedures associated with the Executive Director's opinion shall apply to the proposed development; or
 - (c) If the Executive Director disagrees with the County's determination, and the County disagrees with the Executive Director's opinion, then the matter shall be set for public hearing for the Coastal Commission to make the final determination of applicable review and permit procedures, and the Coastal Commission's determination shall apply to the proposed development.
- (4) The challenge period shall be deemed concluded if no challenge is received within the time periods specified in 22.70.040(B), or when the Executive Director provides his or her opinion to the County in outcomes (a) or (b) above, or when the Executive Director provides the Coastal Commission's determination to the County in outcome (c) above.

The operation and effect of any application shall be stayed until the challenge period is concluded.

22.70.050 – Public Notice

Notice to the public of a pending action on a Coastal Permit or De Minimis Waiver or on a public hearing waiver for minor development shall be given as follows:

- A. Form of notice.** Permit applications shall be noticed at least 10 days prior (15 working days for public hearing waiver applications) to a hearing or action on the proposed project by posting notice in at least one location that is conspicuously visible to the general public (and as many locations as necessary to ensure that the public is appropriately provided notice) on or adjacent to the property which is the subject of the permit (where

~~the contents of the notice shall at a minimum be consistent with the Content of Notice section below)~~ and by mailing notice to:

1. The owner(s) or owner's agent of ~~the all properties~~ for which development is proposed ~~being considered, and, the applicant, and any applicant representatives;~~
2. Each local agency expected to provide essential facilities or services to the project; ~~whose ability to provide the facilities and services may be significantly affected by the proposed project;~~
3. Any person who has filed a written request for notice for a specific project geographic area (e.g., for the site, for the particular development, for the type of development, development in general) with the Director ~~and has paid the fee set by the most current County Fee Ordinance for the notice;~~
4. All owners of real property within three hundred feet of the properties on which the development is proposed, as shown on the County's latest equalized assessment roll, if the zoning for such property requires a minimum lot area of less than twenty thousand square feet or a maximum density higher than two units per acre, or all owners of real property within six hundred feet of the properties on which development is proposed, as shown on the County's latest equalized assessment roll, if the zoning for such property requires a minimum lot area of twenty thousand square feet or greater, or a maximum density of two units per acre or lower, but at a minimum all owners of real property adjacent to the properties on which the development is proposed shall be provided with notice;
5. ~~All owners and Where home mail delivery is available,~~ all occupants ~~of parcels~~ of real property located within 100 feet (not including roads) of the perimeter of the real properties on which the development is proposed.
6. All agencies for which an approval for the proposed development may be required.

~~7. The Supervisor for the District.~~

~~8. All known interested parties.~~

~~597.~~ The Coastal Commission.

Notices to the above recipients ~~listed in 1 through 5 above~~ shall be provided whether or not a public hearing is required on the permit. If a public hearing is required, notice shall also be published at least once in a local newspaper of general circulation in the County.

The Director may also require additional means of notice that is reasonably determined necessary to provide adequate public notice of the ~~potential decision on~~ application for the proposed project.

B. Content of notice. The required notice may be combined with other required project permit notice(s), shall be mailed by First Class mail and shall include the following information:

1. A statement that the project is within the Coastal Zone, and that the project decision will include a determination on a Coastal Permit;
2. The date of filing of the application;

3. The name of the applicant;
4. The number assigned to the application;
5. A description of the proposed project and its location;
6. A determination of whether the project is appealable to the Coastal Commission under Section 30603(a) of the Public Resources Code;
7. The date, time and place of the hearing and/or decision on the application;
8. A brief description of the procedures for public comment and decision on the application, including listing ~~what~~ which review authority is to decide on the Coastal Permit application, as well as including the system of challenge and appeal if applicable;
9. If no public hearing is held, a description of the applicable public comment period sufficient to allow for the submission of comments by mail prior to the local decision; and
10. If a public hearing is proposed to be waived, a description of the public hearing waiver process as provided in Section 22.70.030.B.5.

~~11. All procedures for challenge and appeal associated with the type of application being considered.~~

- C. **Renoticing required.** If a decision on a Coastal Permit is continued by the review authority to a date or time not specific, the item shall be renoticed in the same manner and within the same time limits established by this Section. If a decision on a Coastal Permit is continued to a specific date and time, then no renoticing is required.
- D. **State Lands Commission notification.** Notice shall be provided to the State Lands Commission when an application for a Coastal Permit is submitted to the County on property identified as potentially subject to the public trust.

22.70.060 – Decision on Coastal Permit

- A. **Review authority.** A decision to approve, conditionally approve, or deny a Coastal Permit shall be by the applicable review authority.
1. The Director shall take action on a non-hearing Coastal Permit application.
 2. Where the decision required for the permit by this Development Code or other County Code provision is to be by the Zoning Administrator, Planning Commission, or Board, that review authority shall conduct a public hearing and take action on the Coastal Permit application.
 3. Where the decision required for the permit by this Development Code or other County Code provision is to be by the Director or other County officer, and a public hearing is required, the Zoning Administrator shall hold a public hearing and approve or deny the Coastal Permit application.
 4. For projects requiring multiple approvals under various provisions of the County Code,

and where at least one approval is required by the Zoning Administrator or Planning Commission, the Zoning Administrator or Planning Commission may hold the public hearing and approve or deny the Coastal Permit application at the same time as taking action on the other applications.

5. For appealable projects or other public hearing coastal projects for which the County permit requirements do not identify a review authority, the Coastal Permit application shall be heard, and approved or denied by the Zoning Administrator.

22.70.070 – Required Findings

Findings. The applicable review authority shall approve a Coastal Permit only when it first makes the findings below in addition to any findings required by this Article. Findings of fact establishing that the project conforms to ~~the all~~ requirements ~~and objectives~~ of the Marin County Local Coastal Program shall be made and shall include all of the findings enumerated below. The findings shall reference applicable policies of the Marin County Local Coastal Program where necessary or appropriate including those identified below.

- A. **Coastal Access.** The proposed project, as conditioned, is consistent with the applicable policies contained in the Public Coastal Access section of the Marin County Land Use Plan ~~Local Coastal Program~~ and the applicable ~~specific~~ standards contained in Section 22.64.180 (Public Coastal Access). Where the project is located between the nearest public road and the sea, a specific finding must be made that the proposed project, as conditioned, is in conformity ~~findings shall include a determination of the project's conformity~~ with the public access and recreation policies of Chapter 3 of the California Coastal Act (commencing with Section 30200 of the Public Resources Code).
- B. **Biological Resources.** The proposed project, as conditioned, is consistent with the applicable policies contained in the Biological Resources section of the Marin County Land Use Plan ~~Local Coastal Program~~ and the applicable ~~specific~~ standards contained in Section 22.64.050 (Biological Resources).
- C. **Environmental Hazards.** The proposed project, as conditioned, is consistent with the applicable policies contained in the Environmental Hazards section of the Marin County Land Use Plan ~~Local Coastal Program~~, ~~including that new development during its economic life (100 years) is safe from and does not contribute to geologic or other hazards,~~ and the applicable ~~specific~~ standards contained in Section 22.64.060 (Environmental Hazards).
- D. **Agriculture and Mariculture.** The proposed project, as conditioned, is consistent with the applicable policies contained in the Agriculture and Mariculture sections of the Marin County Land Use Plan ~~Local Coastal Program~~ and the applicable ~~specific~~ agricultural and maricultural standards contained in Chapter 22.32.
- E. **Water Resources.** The proposed project, as conditioned, is consistent with the applicable policies contained in the Water Resources section of the Marin County Land Use Plan ~~Local Coastal Program~~ and the applicable ~~specific~~ standards contained in Section 22.64.080 (Water Resources).
- F. **Community Design.** The proposed project, as conditioned, is consistent with the applicable policies contained in the Community Design section of the Marin County Land Use Plan ~~Local Coastal Program~~ and the applicable ~~specific~~ standards contained in Section 22.64.100 (Community Design).
- G. **Community Development.** The proposed project, as conditioned, is consistent with the applicable policies contained in the Community Development section of the Marin County Land Use Plan ~~Local Coastal Program~~ and the applicable ~~specific~~ standards contained in Section 22.64.110 (Community Development).
- H. **Energy.** The proposed project, as conditioned, is consistent with the applicable policies contained in the Energy section of the Marin County Land Use Plan ~~Local Coastal Program~~ and the applicable ~~specific~~ standards contained in Section 22.64.120 (Energy).

- I. **Housing.** The proposed project, as conditioned, is consistent with the applicable policies contained in the Housing section of the Marin County Land Use Plan ~~Local Coastal Program~~ and the applicable specific standards contained in Section 22.64.130 (Housing).
- J. **Public Facilities and Services.** The proposed project, as conditioned, is consistent with the applicable policies contained in the Public Facilities and Services section of the Marin County Land Use Plan ~~Local Coastal Program~~ and the applicable specific standards contained in Section 22.64.140 (Public Facilities and Services).
- K. **Transportation.** The proposed project, as conditioned, is consistent with the applicable policies contained in the Transportation section of the Marin County Land Use Plan ~~Local Coastal Program~~ and the applicable specific standards contained in Section 22.64.150 (Transportation).
- L. **Historical and Archaeological Resources.** The proposed project, as conditioned, is consistent with the applicable policies contained in the Historical and Archaeological Resources section of the Marin County Land Use Plan ~~Local Coastal Program~~ and the applicable specific standards contained in Section 22.64.160 (Historical and Archaeological Resources).
- M. **Parks, Recreation, and Visitor-Serving Uses.** The proposed project, as conditioned, is consistent with the applicable policies contained in the Parks, Recreation, and Visitor-Serving Uses section of the Marin County Land Use Plan ~~Local Coastal Program~~ and the applicable specific standards contained in Section 22.64.170 (Parks, Recreation, and Visitor-Serving Uses).

~~N. **LCP Consistency.** The proposed project, as conditioned, is consistent with all applicable provisions of the Marin County LCP.~~

22.70.080 – Appeal of Coastal Permit Decision

- A. **County appeal procedure.** Decisions of the County on a Coastal Permit (Section 22.70.060 – Decision on Coastal Permit) may be appealed to the Planning Commission and Board as follows: provided by Chapter 22.144.
 - 1. Decisions made by the Director or Zoning Administrator may be appealed to the Planning Commission, and decisions made by the Planning Commission may be appealed to the Board of Supervisors. However, the Director may refer an appeal directly to the Board of Supervisors.
 - 2. An appeal may be filed by any **aggrieved** person.
 - 3. All appeals for Coastal Permit decisions per 22.70.060 shall be filed with the Agency, in writing on a County appeal application form, prior to close of the Planning Division's public information counter on the tenth **business working** day after the decision that is the subject of the appeal, and shall specifically state the pertinent facts of the case and the basis for the appeal.
 - 4. When an appeal is filed, the Director shall prepare a staff report on the matter, and schedule the matter for a public hearing by the appropriate appeal authority. At the public hearing, the appeal authority may consider any issue involving the matter that is the subject of the appeal, in addition to the specific grounds for the appeal.

a. The appeal authority may affirm, affirm in part, or reverse the decision or determination that is the subject of the appeal, based upon findings of fact about the particular case. The findings shall identify the reasons for the action on the appeal, and verify the compliance or noncompliance of the subject of the appeal with the provisions of the LCP.

b. When reviewing a decision on a Coastal Permit application, the appeal authority may adopt additional conditions of approval that may address other issues or concerns than the basis of the appeal.

c. The action from which an appeal is taken may be reversed or modified only by the affirmative vote of a majority of the full membership of the Planning Commission (i.e. four affirmative votes). The action or appellate determination from which an appeal is taken may be reversed or modified by the affirmative vote of a majority of the membership of the Board.

5. No such appeals shall require a fee.

B. Appeals to the Coastal Commission. An action on a Coastal Permits may be appealed to the Coastal Commission by an aggrieved person, including the applicant, or two members of the Coastal Commission, as follows:

1. Appealable Development. For purposes of appeal to the Coastal Commission, appealable development includes the following:

(a) Development approved between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance;

(b) Development approved, not included in paragraph (a) above, that is located on tidelands, submerged lands, public trust lands, within 100 feet of any coastal wetland, estuary, or coastal stream, or within 300 feet of the top of the seaward face of any coastal bluff;

(c) Development approved that is not designated as the Principal Permitted Use (PP) by Tables 5-1, 5-2, or 5-3 in Chapter 22.62 – Coastal Zoning Districts and Allowable Land Uses (any use that also requires the granting of a Coastal Zone Variance shall not be considered a principal permitted use; land divisions are not the principally permitted use in any zoning district); and

(d) ~~Any development approved or denied that~~ constitutes a major public works project (including a publicly financed recreational facility and/or a special district development) or a major energy facility.

2. Filing. Appeals must be filed in the office of the Coastal Commission prior to the close of business on the 10th working day after receipt by the Coastal Commission of the notice of final County action on the Coastal Permit that is the subject of the appeal. In the case of an appeal by an applicant or other aggrieved person, the appellant must exhaust all appeals to the County in compliance with Subsection A above (County Appeal Procedure) ~~to be considered an aggrieved person, unless; the County charges an appeal fee.~~

~~(1)(a)~~ The County requires an appellant to appeal to more local appellate bodies than have been certified recognized by the Local Coastal Program as appellate bodies for permits in the coastal zone.

~~(2)(b)~~ An appellant was denied the right of the initial local appeal by a local ordinance which restricts the class of person who may appeal a local decision.

~~(3)(c)~~ An appellant was denied the right of local appeal because local notice and hearing procedures for the development did not comply with the provisions of this Chapter.

~~(4)(d)~~ The County charges an appeal fee for the filing or processing of appeals.

3. **Appeal by Coastal Commissioners.** When two Coastal Commissioners ~~bring-file~~ an appeal against a project that was approved of a County action by other than the Board of Supervisors, the Board of Supervisors may elect to consider the appeal before any action by the Coastal Commission. The Board of Supervisors shall notify the Coastal Commission of its decision to consider such an appeal within 12 days of the County's receipt of notice of an appeal by two Coastal Commissioners. County action on an appealable project shall not be deemed final if the Board elects to consider the appeal. Notice and hearing on these appeals by the Board of Supervisors shall comply with Chapter ~~22.70.080~~~~22.114~~ Appeals. After action by the Board of Supervisors (or failure or refusal to act within sixty days of the County's receipt of the appeal), notice of final action shall be provided to the Coastal Commission pursuant to Section 22.70.090, which shall trigger a new Coastal Commission appeal period. If the decision of the Board modifies or reverses the previous County decision, the Commissioners may be required to file a new appeal.

- C. **Stay of Approval.** The operation and effect of an approved Coastal Permit shall be stayed until all applicable appeal periods expire or, if appealed, until all appeals, including any appeals to the Coastal Commission, have been exhausted.

22.70.090 – Notice of Final Action

~~Within 7 calendar days of a decision on an application for a Coastal Permit, the Director shall provide for public review a list of all decisions at the Community Development Agency's front counter and webpage. The list shall include a project description, the reviewing authority's decision, and procedures for appeal. After all local appeals have been exhausted,~~ Within 7 ~~calendar~~ days of a final County decision on an application for a Coastal Permit, the Director shall provide notice of the action by First Class mail to the Coastal Commission, and to any persons who specifically requested notice and provided a self-addressed stamped envelope or other designated fee covering mailing costs, ~~and provided for public review at the Community Development Agency's front counter and webpage,~~ and shall provide additional public notice via the Community Development Agency's webpage. ~~The~~ Both mailed and webpage notice shall include conditions of approval, written findings and the procedures for appeal of the County decision to the Coastal Commission, shall be in two parts: (1) a cover sheet or memo summarizing the relevant action information and (2) materials that further explain and define the action taken. The cover sheet/memo shall be sent to all recipients of the notice, and the cover sheet/memo shall be sent in hard copy to the Coastal Commission, with supporting materials sent either via hard copy or electronically (see below).

A. Cover Sheet/Memo: The cover sheet/memo shall be dated and shall clearly identify the following information:

- ~~1. All project applicants and project representatives and their address and other contact information.~~
- ~~2. Project description and location.~~
- ~~3. County decision making body, County decision, and date of decision.~~
- ~~4. All local appeal periods and disposition of any local appeals filed.~~
- ~~5. Whether the County decision is appealable to the Coastal Commission, the reason why the development is or is not appealable to the Coastal Commission, and procedures for appeal to the Coastal Commission.~~
- ~~6. A list of all supporting materials provided to the Coastal Commission as part of the final local action notice (see Subsection (B) below).~~
- ~~7. All recipients of the notice.~~

~~B. Supporting Materials: The supporting materials shall include the following information:~~

- ~~1. Final adopted findings and final adopted conditions (must be provided hard copy).~~
- ~~2. Final staff report (must be provided hard copy).~~
- ~~3. Approved project plans (may be provided in hard copy and/or electronic format).~~
- ~~4. All other substantive documents cited and/or relied upon in the decision including any environmental review documents prepared in accordance with the California Environmental Quality Act, technical reports (geologic reports, biological reports, etc.), correspondence, etc. (may be provided in hard copy and/or electronic format).~~

A 10 working day appeal period to the Commission shall commence the day following receipt by the Commission of a valid Notice of Final Local Action that meets all requirements of this Chapter.

22.70.100 – Notice of Failure to Act

- A. Notification by applicant.** If the County has failed to act on an application within the time limits set forth in Government Code Sections 65950 et seq. ~~(Approval of Development Permits), thereby approving the development by operation of law, the any~~ person claiming a right to proceed in compliance with Government Code Section 65950 et seq. (i.e., the ~~an~~ Applicant), shall notify the County and the Coastal Commission in writing of the claim that the development has been approved by operation of law. The notice shall specify the application which is claimed to be approved. Even if deemed approved in compliance with Government Code Section 65950, the ~~project shall development must~~ still comply with all applicable standards of the LCP and this Development Code.
- B. Notification by County.** Upon a determination that the time limits established in compliance with Government Code Section 65950 et seq. have expired, and the notice required by Government Code Section 65950 et seq. has been provided by the Applicant, the Director shall, within five days of the determination, notify persons entitled to receive notice in compliance with Section 22.70.050 (Public Notice) that it has taken final action by operation of law in compliance with Government Code Section 65956. The Coastal Commission appeal period for ~~projects development~~ approved by operation of law shall begin only upon receipt of the County's final action notice (which notice shall comply with all requirements of Section 22.70.090) in the office of the Coastal Commission.

[BOS app. 12/11/2012]

22.70.110 – Effective Date of Final Action

A final decision by the applicable review authority on an application for an appealable development shall become effective after the 10 working day appeal period to the Coastal Commission has expired ~~or after the 21st calendar day following the final County action if no appeal to the Coastal Commission is filed,~~ unless any either of the following occur ~~in which case the County action shall not be considered effective:~~

- A. An appeal is filed in compliance with Section 22.70.080 – Appeal of Coastal Permit Decision.
- B. The notice of final Coastal Permit approval does not meet the requirements of Section 22.70.090 (Notice of Final Action) or Section 22.70.100 (Notice of Failure to Act).
- C. ~~The notice of final action is not received in the Coastal Commission office and/or distributed to interested parties in time to allow for the 10 working day appeal period within the 21 days after the County decision.~~

Where any of the above circumstances occur, the Coastal Commission shall, within five days of receiving notice of that circumstance, notify the County and the applicant that the effective date of the County action has been suspended.

22.70.120 – Expiration Date and Time Extensions

- A. **Time limits, vesting, extensions.** Coastal permit time limits, vesting requirements, and extension provisions shall comply with the following: ~~with Section 22.70.050 – Time Limits and Extensions.~~

1. Time limits, vesting. Coastal permits not vested within three years of the date of approval shall expire and become void. The permit shall not be deemed vested until the permit holder has actually obtained a Building Permit or other construction permit and has substantially completed improvements in accordance with the approved permits, or has actually commenced the allowed use on the subject property, in compliance with the conditions of approval, or has recorded a Parcel or Final Map.

2. Extensions of time. Upon request by the applicant, the Director may extend the time for an approved permit to be vested.

a. Filing. The applicant shall file a written request for an extension of time with the Agency, at least ten days prior to the expiration of the permit, together with the filing fee required by the County Fee Ordinance.

b. Review of extension request. The Director shall determine whether the permit holder has attempted to comply with the conditions of the permit. The burden of proof is on the permittee to establish, with substantial evidence, that the permit should not expire. The Director may instead refer the extension request to the Commission for review.

3. Action on extension.

a. If the Director (or the Coastal Commission if the request is referred) determines that the applicant has proceeded in good faith and has exercised due diligence in

complying with the conditions in a timely manner, the Director (or Coastal Commission) may extend the permit for a maximum period of three years following the original expiration date. If the approval was granted concurrently with a Tentative Map, the maximum amount of time extensions would be determined by Section 22.84.140 (Extensions of Time for Tentative Maps).

4. Hearing on extension. If the Director finds that significant policy questions are at issue, including changed circumstances that may affect the consistency of the development with the policies of the LCP, the Director may refer the application to the Commission for a public hearing in compliance with Section 22.70.060 and noticing requirements of 22.70.050.

52. Coordination of expiration date among multiple permits. If a Building Permit, or other permit or entitlement, is issued during the time the Coastal Permit remains in effect, the expiration date of the Building Permit or other permit or entitlement shall be automatically extended to coincide with the expiration date of the Coastal Permit.

B. Findings. In addition to the requirements of Section 22.70.050120.A, Coastal Permit extensions may be granted by the Director upon a finding that the project continues to be in conformance with the requirements and objectives of the Marin County Local Coastal Program and Coastal Act as applicable.

C. Appeal. Coastal Permit extensions must be noticed (Section 22.70.090) and may be appealed in compliance with Section 22.70.080 (Appeal of Coastal Permit Decision).

[BOS app. 12/11/2012]

22.70.130 – Amendments to Coastal Permits

A Coastal Permit may be amended in the same manner required for initial approval. Amendment requests shall be subject to the appeal provisions of Section 22.70.080 (Appeal of Coastal Permit Decision).

22.70.140 – Emergency Coastal Permits

In the event of an emergency, the Director may issue an eEmergency Coastal Permit to authorize eEmergency work in compliance with this Section, ~~and~~ Section 30624 of the Coastal Act and Section 13329 of Title 14 of the California Code of Regulations. The Director shall not issue an emergency Coastal Permit permit for any work to be conducted on any tidelands, submerged lands, ~~or~~ on public trust lands, whether filled or unfilled, or any other area within the Coastal Commission's retained coastal permit jurisdiction; requests for emergency work in these areas shall be referred to the Coastal Commission. The emergency approval shall conform to the objectives of this chapter and the Local Coastal Program. The emergency permit process is intended to allow for emergency situations to be abated through use of the minimum measures necessary to address the emergency in the least environmentally damaging, short- and long-term manner. The Director may request, at the applicant's expense, verification by a qualified professional of the nature of the emergency and the range of potential solutions to the emergency situation, including the ways such solutions meet these criteria.

A. **Application.** An application for an eEmergency Coastal Permit permit shall be filed with the Director in writing if time allows, or in person or by telephone if time does not allow.

B. **Required information.** The applicant shall report to the Director the following

information, either during or as soon after the emergency as possible (and in all cases before the eEmergency Coastal Permit expires):

1. The nature and location of the emergency;
2. The cause of the emergency, insofar as this can be established;
3. The remedial, protective, or preventive work required to deal with the emergency; and
4. The circumstances during the emergency that appeared to justify the course(s) of action taken, including the probable consequences of failing to take action.
5. An application for an emergency shoreline protective device shall be accompanied by an engineering report as described in Section 22.64.060.A.4. If the applicant is unable to provide all such information due to the nature of the emergency, then the applicant shall provide at a minimum: (a) a description of what measures, if any, were taken in advance in order to mitigate the hazard and (b) an analysis of alternatives, including the “no action” alternative.

6. All required technical reports and project plans.

The Director shall verify the facts, including the existence and nature of the emergency, as time allows.

- C. Notice.** The Director shall provide public notice of the proposed emergency work, and determine the extent and type of notice based on the nature of the emergency. The Director shall notify the Executive Director of the Coastal Commission as soon as possible about potential emergency coastal permits, and shall report, in writing, to the Executive Director after the emergency coastal permit has been issued, the nature of the emergency, and the work involved.
- D. Emergency permit approval.** The Director may grant an emergency permit upon reasonable terms and conditions, including an expiration date and the necessity for a Coastal Permit application later, if the Director finds that:
1. An emergency (i.e., defined as a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential services) exists that requires action more quickly than permitted by the procedures of this Article for a Coastal Permit, and the work can and will be completed within 30 days unless otherwise specified by the emergency permit;
 2. Public comment on the proposed emergency action has been reviewed, if time allows; and
 3. The proposed work is consistent with applicable Marin County Local Coastal Program policies.
- ~~4. The proposed work is the minimum amount of temporary development necessary to abate the emergency in the least environmentally damaging short- and long-term manner.~~

The decision to issue an eEmergency Coastal pPermit is at the sole discretion of the Director, provided that subsequent Coastal Permits required for the project shall comply with all applicable provisions of this Development Code.

- E. Coastal Permit required. ~~All emergency Coastal Permits shall expire ninety (90) days after issuance, unless extended for good cause by the Planning Director, such extension is limited as much as possible in duration, and such extension is subject to challenge provisions per Section 22.70.040.~~ All emergency development pursuant to this section is considered temporary and must be removed and the affected area restored if it is not recognized by a regular Coastal Permit within 6 (six) months of the date of permit issuance, unless the Director authorizes an extension of time for good cause, ~~where such extension of time may be challenged according to Section 22.70.040.~~ Within 30 days of issuance of the Emergency Coastal Permit the notification required in Subsection A. (Application), the applicant shall apply for a regular Coastal Permit. Failure to file the applications and obtain the required permits shall result in enforcement action in compliance with Chapter 22.122 22.70.175 (Enforcement)

22.70.150 – Coastal Zone Variances

A. This Section provides procedures for the adjustment from the development standards of Article V of this Development Code only when, because of special circumstances applicable to the property, including location, shape, size, surroundings, or topography, the strict application of this Article denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts. Any Coastal Zone Variance granted shall be subject to conditions that will ensure that the Variance does not constitute a granting of special privilege(s) inconsistent with the limitations upon other properties in the vicinity and zoning district in which the property is situated.

Coastal Zone Variances provide relief from standards relating to height, floor area ratio, and yard setbacks. Coastal Zone Variances ~~shall not~~ ~~cannot~~ be granted for relief from Land-Use Plan Policies, use limitations or minimum lot size and density requirements.

1A. Filing. An application for a Coastal Zone Variance shall be submitted, filed, and processed in compliance with and in the manner described in Chapter 22.70.030 (Coastal Permit Filing, Initial Processing) 22.40 (Application Filing and Processing, Fees). It is the responsibility of the applicant to establish evidence in support of the findings required by Section 22.70.070 – Required Findings.

2B. Project review procedure. Each application shall be analyzed by the Agency to ensure that the application is consistent with the purpose and intent of this Section.

3C. Action on Variances. Decisions on Coastal Zone Variances shall be issued by the Director or the same review authority that issues the decision on the Coastal Permit for the project.

4D. Notice of action and/or hearing date. Administrative decisions and public hearings on a proposed Coastal Zone Variance application shall be noticed in compliance with Chapter 22.70.050 22.118 (Notices, Public Hearings, and Administrative Actions).

22.70.160 – Coastal Zone Variance Exemptions

In situations where development is proposed within the footprint of an existing structure the Director may ministerially find a project exempt from Coastal Zone Variance requirement subject to the following:

~~A. The cubical contents of the structure shall not be increased with the exception of minor dormers and bay windows which provide headroom or circulation or projects that are addressed in Section 22.54.040.C, but do not add to the bulk and mass of the structure.~~

~~B. The floor area ratio may increase, not to exceed 35 percent maximum, or 300-square feet, whichever is more restrictive, except that such area limitations do not apply to circumstances in flood zones that are addressed in Section 22.54.040.C.~~

~~C. The floor area ratio may increase above 30 percent if the increase in floor area is due to a federal or County requirement that an existing structure be raised above the base flood elevation. In this instance, the finished floor of the first level above the base flood elevation shall not be more than 18 inches above the base flood elevation. Floor area beneath proposed additions does not qualify for this exemption.~~

~~D. Existing legal non-conforming setbacks may be maintained if a structure is being raised to conform to a federal or County requirement that an existing structure be raised above the base flood elevation. In this instance, the finished floor of the first level above the base flood elevation shall not be more than 18 inches above the base flood elevation. Development beneath proposed additions does not qualify for this exemption.~~

~~E. The height of a roof of an existing structure that encroaches into a required setback is being lowered by any height or is being raised by not more than three feet in height above the existing roof, or to a maximum of 25 feet above grade, whichever is more restrictive.~~

~~F. The project shall be subject to Coastal Permit, in compliance with this Article.~~

22.70.170—Decision and Findings B. Decision and Findings on Coastal Zone Variance:

Following notice for an administrative Coastal Zone Variance, or a public hearing for a Public Hearing Coastal Zone Variance, the Review Authority shall issue a notice of decision in writing with the findings upon which the decision is based, in compliance with state law (Government Code Section 65906). The Review Authority may approve an application, with or without conditions, only if all of the following findings are made:

~~1A.~~ There are special circumstances unique to the property (e.g., location, shape, size, surroundings, or topography), so that the strict application of this Development Code denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts.

~~2B.~~ Granting the Variance does not ~~allow a use or activity which is not otherwise expressly authorized by the regulations—grant relief from the~~ Land Use Plan Policies, use limitations or minimum lot size and density requirements governing the subject parcel.

~~3C.~~ Granting the Variance does not result in special privileges inconsistent with the limitations upon other properties in the vicinity and zoning district in which the real property is located.

~~4D.~~ Granting the Variance will not be detrimental to the public interest, health, safety, convenience, or welfare of the County, or injurious to the property or improvements in the vicinity and zoning district in which the real property is located.

~~C. Appeal of Coastal Permit For Development Requiring a Coastal Zone Variance. Any development that also requires granting of a Variance shall not be considered a Principally Permitted Use per 22.70.080(B)(1)(c) and approval of any coastal permits for development that also requires a coastal zone variance shall be appealable in compliance with Section 22.70.080.~~

22.70.160. Nonconforming Uses and Structures.

- A. **Application.** This section shall apply to: (1) any existing and lawfully established and authorized use of land; or (2) any existing and lawfully established and authorized structures, that do not conform to the policies and development standards of the certified LCP. ~~Development that occurred after the effective date of the Coastal Act or its predecessor, the Coastal Zone Conservation Act, if applicable, that was not authorized in a coastal permit or otherwise authorized under the Coastal Act, is not lawfully established or lawfully authorized development, is not subject to the provisions of Section 22.70.160, but is subject to the provisions of Section 22.70.030 (Coastal Permit Filing- Initial Processing).~~
- B. **Burden to Establish Legal Status on Owner.** Nonconforming uses and structures may be continued only in conformity with the provisions of this Section. The owner of property on which a nonconforming use or structure is claimed shall have the burden of proof in establishing to the satisfaction of the Director the legal nonconforming status claimed. The Director may charge a fee, as established in the County Fee Schedule, for the review of evidence submitted to meet the owner's burden of proof.
- C. **Nonconforming Uses.** A nonconforming use means a use of a structure or land that was legally established and maintained prior to the adoption, revision, or amendment of the ~~current~~ certified LCP, but does not conform to the ~~current~~ certified LCP use and/or density standards. A nonconforming use is not a nonconforming structure. Nonconforming uses shall not be expanded nor intensified. For nonresidential uses, intensification shall include, but not be limited to, any change or expansion which is determined by the Director likely to result in a significant new or increased impact due to potential traffic generation, noise, smoke, glare, odors, hazardous materials, water use, and/or sewage generation. ~~For residential uses, intensification shall be defined as an increase in the number of bedrooms.~~ If any nonconforming use is abandoned for a continuous period of 12 months or longer, the use shall relinquish its legal nonconforming status and any subsequent use of such land shall be in conformity with the regulations specified by the LCP.
- D. **Nonconforming Structures.** A nonconforming structure means a structure that was lawfully erected prior to the adoption, revision, or amendment of the ~~current~~ certified LCP, but that does not conform with standards for lot coverage, setbacks, height, ~~number of stories,~~ distance between structures, or floor area ratio prescribed in the ~~current~~ certified LCP. Nonconforming structures may be repaired and maintained. However, repair and maintenance involving demolition and/or replacement of 50 percent or more of the nonconforming structure, ~~or that constitutes "Redevelopment (coastal)" as defined in Chapter 22.130,~~ is not permitted unless the entire structure is brought into conformance with the policies and standards of the LCP. ~~The 50 percent calculation shall be cumulative, so that any repair and maintenance of a structure after the effective date of this ordinance shall be counted towards the total calculation figure.~~ For blufftop and shoreline structures, see Subsection F, below.

E. Additions and Improvements. Improvements which enlarge and/or expand a nonconforming structure, including additions, may be authorized, provided that the additions and/or improvements themselves comply with the current policies and standards of the LCP. However, improvements involving demolition and/or replacement of 50 percent or more of the existing structure, ~~or that constitute "Redevelopment (coastal)" as defined in Chapter 22.130,~~ are not permitted unless the entire structure is brought into conformance with all applicable LCP policies. ~~The 50 percent calculation shall be cumulative over time from the date of certification of this ordinance.~~ For blufftop and shoreline structures, see Subsection F, below.

- F. **Blufftop and Shoreline Development.** For nonconforming structures located on a blufftop or along the shoreline, including such structures that are nonconforming with respect to required blufftop and shoreline setbacks, such structures may be repaired, maintained, and improved consistent with Subsections D and E, above. ~~However, when the repair, maintenance, and/or improvement constitutes "Redevelopment, Coastal (coastal)," as defined in Chapter 22.130, the repair, maintenance, and/or improvement is not permitted unless the entire structure is brought into conformance with all applicable LCP policies.~~
- G. **Natural Disasters.** If a nonconforming use or structure is destroyed by natural disaster, replacement shall be subject to provisions of 22.68.050(C) in accordance with LUP Policy C-EH-24 (Permit Exemption for Replacement of Structures Destroyed by Disaster).

22.70.175---Violations of Coastal Zone Regulations and Enforcement of LCP Provisions and Penalties (Coastal)

- A. Any person who performs or undertakes development in violation of the LCP or inconsistent with any coastal permit previously issued may, in addition to any other penalties, be civilly liable in accordance with the provisions of Public Resources Code section 30820.
- B. In addition to all other available remedies, the County may seek to enforce the provisions of the LCP and the Coastal Act pursuant to the provisions of Public Resources Code section 30800-30822.
- C. Development may only be undertaken on a legal lot.
- ~~D. No coastal development permit application (including all coastal permits, coastal permit exclusions and exemptions, and de minimis waivers) shall be approved unless all unpermitted development on the property affected by the application also is proposed to be removed or retained consistent with the requirements of the certified LCP, and the approval includes full resolution of violations associated with the property affected by the application.~~

22.70.180 – Potential Takings ~~Economic~~ Evaluation

If the application of the policies, standards or provisions of the Local Coastal Program regarding use of property designated as Environmentally Sensitive Habitat Area (ESHA to proposed development would likely—potentially constitute a taking of private property, then a use/development that is not consistent with the ESHA provisions of the LCP ~~shall~~ may be allowed on the property to avoid a taking, provided such use/development is as consistent as possible with all other applicable policies and is the minimum amount of development necessary to avoid a taking as determined through a takings evaluation, including an ~~economic~~ evaluation of the materials required to be provided by the applicant as set forth below. The applicant shall supplement their application materials to provide the required

information and analysis as specified below.

A. Filing. The ~~economic~~ evaluation shall, at a minimum, include the entirety of all parcels that are geographically contiguous and held by the applicant in common ownership at the time of the application. All other nearby property owned by the Applicant may also be considered. Before any decision on a coastal development permit, the applicant shall provide the following information, unless the Director determines that one or more of the particular categories of information is not relevant to the analysis:

1. The date the applicant purchased or otherwise acquired the ~~properties~~, and from whom.
2. The purchase price paid by the applicant for the ~~properties~~.
3. The fair market value of the ~~properties~~ at the time the applicant acquired ~~it-them~~, describing the basis upon which the fair market value is derived, including any appraisals done at the time.
4. The general plan, zoning or similar land use designations applicable to the ~~properties~~ at the time the applicant acquired ~~it-them~~, as well as any changes to these designations that occurred after acquisition.
5. Any development restrictions or other restrictions on use, other than government regulatory restrictions described in subsection (4) ~~d~~ above, that applied to the ~~properties~~ at the time the applicant acquired ~~it-them~~, or which have been imposed after acquisition.
6. Any change in the size of the ~~properties~~ since the time the applicant acquired ~~it-them~~, including a discussion of the nature of the change, the circumstances and the relevant dates.
7. A discussion of whether the applicant has sold or leased a portion of, or interest in, the ~~properties~~ since the time of purchase, indicating the relevant dates, sales prices, rents, and nature of the portion or interests in the ~~properties~~ that were sold or leased.
8. Any title reports, litigation guarantees or similar documents in connection with all or a portion of the ~~properties~~ of which the applicant is aware.
9. Any offers to buy all or a portion of the ~~properties~~ which the applicant solicited or received, including the approximate date of the offers and offered price.
10. The applicant's costs associated with the ownership of the ~~properties~~, annualized for each of the last five (5) calendar years, including property taxes, property assessments, debt service costs (such as mortgage and interest costs), and operation and management costs.
11. Apart from any rents received from the leasing of all or a portion of the ~~properties~~, any income generated by the use of all or a portion of the ~~properties~~ over the last five (5) calendar years. If there is any such income to report it should be listed on an annualized basis along with a description of the uses that generate or has generated such income.
12. Any additional information that the County requires to make the determination.

B. Evaluation. To evaluate whether application of the LCP a restriction would potentially result in a taking ~~not provide an economically viable use of property as a result of the application of the policies and standards contained in the LCP regarding use of property designated as ESHA~~, an applicant shall provide information about coastal resources present on

the properties and/or affected by the application sufficient to determine whether all of the properties, or which specific area of the properties, is subject to the restriction on development, so that the scope and nature of development that could be allowed on any portions of the properties that are not subject to the restriction can be determined.

Based upon this analysis, the least environmentally damaging feasible alternative shall be identified. Impacts to ~~ESHA~~ coastal resources that cannot be avoided through the implementation of siting and design alternatives shall be mitigated to the maximum extent feasible with priority given to on-site mitigation. Off-site mitigation measures shall only be approved when it is not feasible to mitigate impacts on-site. Mitigation shall not substitute for implementation of the feasible project alternative that would avoid LCP inconsistencies, including adverse coastal resource impacts to ~~ESHA~~.

C. Supplemental Findings for Approval of Coastal Development Permit. A Coastal Permit that allows a deviation from a policy or standard of the LCP to avoid a taking provide a reasonable economic use of the parcel as a whole may be approved or conditionally approved only if the appropriate governing body, either the Planning Commission or Board of Supervisors, makes the following supplemental findings in addition to the findings required in Section 22.70.070 (Required Findings):

1. Based on the economic information provided by the applicant, as well as any other relevant evidence, there is no potential use development consistent ~~allowed by~~ with the LCP policies, standards ~~or and~~ provisions that would ~~provide an economically viable use~~ avoid a taking of the applicant's property.
2. The use proposed by the applicant is consistent with the applicable zoning.
3. The use and project design, siting, and size are the minimum necessary to avoid a taking.
4. The project is the least environmentally damaging alternative and is consistent with all provisions of the certified LCP other than the provisions for which the exception(s) ~~is(are) requested~~ necessary to avoid a taking.
5. The development will not ~~be~~ result in a public nuisance. If it would be a public nuisance, the development shall be denied.

[BOS app. 10/2/2012]

22.70.190 – Land Divisions Property Modifications

This section shall provide standards for the issuance of coastal permits for development as a result of property modifications such as land divisions. Land division is a type of development, defined to include subdivisions (through parcel map, tract map, grant deed), resubdivisions, lot line adjustments, ~~redvisions, mergers,~~ and conditional certificates of compliance.

A. Certificates of Compliance:

A conditional certificate of compliance issued pursuant to Government Code section 66499.35 shall require a Coastal Permit.

1) For issuance of a certificate of compliance pursuant to Government Code section 66499.35 for a land division that occurred prior to the coastal permits being required (i.e., prior to February 1, 1973 for certain properties pursuant to the Coastal Initiative

~~(Proposition 20) of 1972, and prior to January 1, 1977 otherwise under the Coastal Act of 1976), where the parcel was created in compliance with the law in effect at the time of its creation and the parcel has not been subsequently merged or otherwise altered, no coastal development permit is required.~~

~~2) For issuance of a certificate of compliance pursuant to Government Code section 66499.35 for a land division that occurred prior to coastal permits being required (i.e., prior to February 1, 1973 for certain properties pursuant to the Coastal Initiative (Proposition 20) of 1972, and prior to January 1, 1977 otherwise under the Coastal Act of 1976), where the parcel was not created in compliance with the law in effect at the time of its creation, or the parcel has subsequently been merged or altered, a coastal development permit that complies with the certified LCP (or the Coastal Act if located in the Coastal Commission's permitting jurisdiction) is required to legalize the parcel.~~

~~3) For issuance of a certificate of compliance pursuant to Government Code section 66499.35 for a land division that occurred after the effective date of the Coastal Act, a coastal development permit that complies with the certified LCP (or the Coastal Act if located in the Coastal Commission's permitting jurisdiction) is required to legalize the parcel.~~

B. Criteria for Land Divisions of Land

~~1) Land divisions shall be prohibited if located outside of designated village limit boundaries and within an area found to have limited public service capacities (as specified by Section 22.64.140).~~

~~2) Land divisions of land shall be designed to minimize impacts on coastal resources. Except for environmental subdivisions pursuant to Section 66418.2 of the Subdivision Map Act, A land division of land shall not be approved if it creates a parcel that would not contain an identified building site that can be developed consistent with all policies of the certified LCP.~~

~~3) The minimum lot size in all land use designations shall not allow land divisions, except mergers and lot line adjustments, where the created parcel would be smaller than the average size of surrounding legal parcels.~~

~~4) Land divisions of land outside existing developed areas shall be permitted only in areas with adequate public services, and where they will not have a significant adverse effect, either individually or cumulatively, on coastal resources. In addition, land divisions outside village limit boundaries shall only be permitted where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding legal 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.~~

~~5) Land divisions of land shall be designed to cluster development in order to minimize site disturbance, landform alteration, and fuel modification.~~

~~6) Lot line adjustments are limited to four or fewer parcels. A lot line adjustment shall not be approved or conditionally approved unless the existing parcels are legal and~~

~~the new parcels resulting from the lot line adjustment will conform to the Local Coastal Program. In addition to all applicable LCP standards, a lot line adjustment shall only be approved with a finding that the resulting parcels protect coastal resources in a manner equal to or better than their existing configuration.~~

~~7) The reviewing authority shall not approve a land division if any parcel being created would not be consistent with the certified LCP, including the maximum density designated by the Land Use Plan.~~

84) Land divisions are not the principally permitted use in any zoning district.

Article VIII

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...

A. Definitions, "A."

Accessory Retail Uses (land use). This land use consists of the retail sale of various products (including food) in a store or similar facility that is located within a health care, hotel, office, or industrial complex, for the purpose of serving employees or customers, and is not visible from a public street. These uses include pharmacies, gift shops, food service establishments within hospitals, convenience stores and food service establishments within hotels, and office and industrial complexes.

Accessory Structure. A structure that is physically detached from, secondary and incidental to, and commonly associated with the primary structure or use. Physically detached means independent of any type of substantial connection with the primary structure. A substantial connection means having a continuous foundation and a connecting roof.

Acres, Gross and Net. See "Lot Area."

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 or maintaining a lease to a bona fide commercial agricultural producer.

Adult Entertainment Establishment (land use). This land use consists of any adult bookstore, adult hotel or motel, adult motion picture arcade, adult motion picture theater, cabaret, sexual encounter center, or any other business or establishment that offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," but not including those uses or activities, the regulation of which is preempted by state law.

Affordable Housing. Dwelling units that are income restricted and rented or sold at rates that are affordable to households with income qualifying as low, very low or extremely low income, as described in Chapter 22.22 (Affordable Housing Regulations) or Chapter 22.24 (Affordable Housing Incentives) and defined by Health and Safety Code Sections 50052.5 and 50053. Affordable Housing includes Transitional and Supportive housing consistent with qualifying income requirements.

Affordable Ownership Cost. Figure at which affordable housing must be provided for purchase, which is calculated as annual housing costs, during the first calendar year of a household's occupancy, including mortgage payments, property taxes, homeowners insurance, and homeowners association dues, if any, which do not exceed the following:

1. For inclusionary units required by Chapter 22.22, annual housing costs cannot exceed 30 percent of 60 percent of area median income, adjusted for household size.
2. For affordable housing that qualifies a project for a state density bonus, annual housing costs cannot exceed the following:
 - (a) for moderate income households: 35 percent of 110 percent of area median income, adjusted for household size.
 - (b) for low income households: 30 percent of 70 percent of area median income, adjusted for household size.
 - (c) for very low income households: 30 percent of 50 percent of area median income, adjusted for household size.

Affordable Rent. Annual rent, including utilities and all fees for housing services, which does not exceed the following:

1. For inclusionary units required by Chapter 22.22, annual rent cannot exceed 30 percent of 50 percent of median area income, adjusted for household size.
2. For affordable housing that qualifies a project for a state density bonus, annual rent cannot exceed the following:

- (a) for low income households: 30 percent of 60 percent of area median income, adjusted for household size.
- (b) for very low income households: 30 percent of 50 percent of area median income, adjusted for household size.

Agency. The Marin County Community Development Agency.

Agent. A person authorized in writing by the property owner to represent and act for a property owner in contacts with County employees, committees, Commissions, and the Board, regarding matters regulated by this Development Code.

Aggrieved Person (coastal). Any person who, in person or through a representative, appeared at a public hearing of the Coastal Commission or County of Marin in connection with a decision or action appealed, or who, by other appropriate means prior to a hearing, informed the Coastal Commission or County of Marin of the nature of his concerns or who for good cause was unable to do either. "Aggrieved person" includes the applicant for a permit.

Agricultural Accessory Activities (land use) (coastal). ~~This land use consists of accessory activities customarily accessory and incidental to, in support of, compatible with, and, within the C-APZ zone, necessary for agricultural operations production, and which involve agricultural products produced predominantly on site or elsewhere in Marin County, including:~~

- corn shelling
- custom milling of flour, feed and grain
- drying of corn, rice, hay, fruits, and vegetables
- sorting and packaging of fruits and vegetables
- grain cleaning and grinding
- hay baling and cubing
- pre-cooling and packaging of fresh or farm dried fruits and vegetables
- tree nut hulling and shelling
- preparation and packaging of animal byproduct
- (such as eggs and wool) produced on site

Any of the above activities performed in the field with mobile equipment not involving permanent structures are included under the definition of "Crop Production".

Agricultural Accessory Structures (land use) (coastal). ~~This land use consists of an uninhabited structures that are customarily accessory and incidental to, in support of, compatible with, and, within the C-APZ zone, necessary for agricultural production, and that are for the storage of farm animals, implements, supplies or products, and that contains no residential use, is are not accessory to a residential use, and is are not open to the public, including:~~

- barns
- coops
- corrals
- grain elevators
- facilities for milking
- fences
- pens
- silos

- stables
- facilities for cleaning, drying, pre-cooling, and packaging of fruits and vegetables produced on site
- greenhouses
- utility facilities
- other similar structures

~~Does~~ Agricultural accessory structures do not include commercial greenhouses (which are under "Plant Nurseries") or structures for agricultural processing activities (which are under "Agricultural Processing") or retail sales of agricultural products.

~~[BOS app. 2/26/2013]~~

Agricultural District or Zone. Any of the agricultural zoning districts established by Chapter 22.08 (Agricultural and Resource-Related Districts), or Coastal Zoning Districts established by Article V (Coastal Zones – Permit Requirements and Development Standards), including A (Agriculture and Conservation), A2 (Limited Agriculture), ARP (Agricultural, Residential Planned), C-APZ (Coastal, Agricultural Production Zone), and C-ARP (Coastal, Agricultural, Residential Planned).

Agricultural 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 [rev111]: Cross-reference added

Agricultural Dwelling Unit (coastal). A farmhouse, intergenerational house, or agricultural worker housing located in the C-APZ district.

Agricultural Homestays Facility—(coastal). An agriculturally oriented overnight accommodation operation ~~facility~~ that meets all of the following requirements: (a) Has not more than five guest rooms and accommodates not more than 15 guests; (b) Provides overnight transient accommodations; ~~and~~ (c) Serves food only to its registered guests and serves meals at any time, and includes the price of food in the price of the overnight transient occupancy accommodation; ~~and (d) occurs only within otherwise allowable agricultural dwelling units and not within additional separate structures.~~

Agricultural Processing (land use). Agricultural Processing ~~This land use~~ consists of the processing of harvested crops and other agricultural products, including the following:

- production of butter, cheese, and other dairy products
- food oil production, including olive oil
- processing of milk
- shellfish processing
- milling
- wine production
- processing of fruit products
- processing of honey

Agricultural processing also includes structures used in connection with the above activities.

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:

Comment [JL112]: Consistent with C-AG-2 and modifications.

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 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 constitute 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 [JL113]: Removed to expand coverage to "new" surface impoundment.

~~**Agricultural Production Activities, Ongoing (Coastal).** Existing legally established agricultural production activities, including all ongoing grading and routine agricultural cultivation practices (e.g. plowing, tilling, planting, harvesting, and seeding), which have not been expanded into never before used areas and have not been discontinued for more than the previous 10 years. Agricultural production activities may include the conversion of grazing to crop production or other ongoing activity involving a change in the intensity of use of land or water (such as for ongoing rotational~~

~~grazing and crop farming) if the ongoing production activity has been part of a regular pattern of agricultural practices that has not been discontinued for more than the previous 10 years. If the ongoing production activity has been discontinued for more than the previous 10 years, the permit issuing authority may allow an Applicant to overcome the presumption that the agricultural production activity is no longer ongoing if the Applicant demonstrates his or her ongoing intention to reinstate the agricultural production activity based on the history of agricultural production on the property, the long-term investment in the agricultural production activity on the property, and the existence of infrastructure to support the agricultural production activity.~~

~~Conversion of grazing to crop production or any other new or expanded activity involving grading or a change in the intensity of use of land or water that has not been part of a regular pattern of agricultural practices or has been discontinued for more than the period of time prescribed herein is not an ongoing agricultural production activity but rather 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.~~

Agricultural Production and Stewardship Plan (coastal). A plan that identifies existing and proposed agricultural uses and resources for a property. The intent of these plans is to demonstrate the following: (1) the long-term agricultural use of the property will be preserved; (2) agricultural infrastructure has been established or will be enhanced; (3) the proposed development triggering plan preparation is compatible with protection and/or enhancement of agricultural uses~~proposed in connection with the residence are appropriate to the site~~; (4) sound land stewardship has been implemented or will be enacted; and (5) at least 95% of the ~~usable land of the~~ property will be engaged in agricultural production.

Agricultural Retail Sales Facility/Farm Stand (coastal). A temporary or permanent structure used for the display and sale of agricultural products.

Agricultural 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.

Agricultural Worker. An employee who is engaged in services associated with an agricultural use, including: cultivation and tillage of soil; dairying; the production, cultivation, growing, and harvesting of any agricultural or horticultural commodity; and the preparation, delivery, or storage of any agricultural or horticultural commodity for market.

Agricultural Worker Housing. Any attached or detached dwelling unit ~~used~~required to house agricultural workers and their family members, including temporary mobile homes. For the purpose of calculating density, no more than one food preparation area shall be provided for each agricultural worker housing unit.

Agriculture (coastal). This land use consists of 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 are~~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

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 or maintaining a lease to a bona fide commercial agricultural producer.

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

Airpark (land use). This land use consists of airfields, landing strips, and/or heliports, in compliance with the regulations of the Federal Aviation Administration (FAA), and California Division of Aeronautics.

Alley. A public or private roadway, not intended for general vehicle traffic circulation, that provides secondary vehicle access to the rear or side of lots having other public street frontage.

Alteration. Any construction or physical change in the internal arrangement of rooms or the supporting members of a structure, or a change in the external appearance of any structure, not including painting. For the purposes of Coastal Redevelopment, "alteration" includes additions, exterior and/or interior renovations, repair and maintenance, and demolition associated with existing structures.

Animal Sales Lot. See "Livestock Operations, Sales Lots, Feedlots, Stockyards."

Antennas. See "Telecommunications Facilities."

Antiquated Subdivision. ~~(Definition under Planning Commission review)~~

Apartment. See "Multi-Family Housing."

Appealable Area. The areas described by Public Resources Code Sections ~~30519.b and~~ 30603, a.1 and a.2, within which a County decision to approve a Coastal Permit for development may be appealed to the California Coastal Commission.

Appealable Development (coastal): ~~Any local action on~~ Approval by the County of a Coastal Permit application for development that is located (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance; (2) within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff; and/or (3) on tidelands, submerged lands, ~~and or~~ public trust lands. In addition, ~~any local action a County decision~~ on a CDP Coastal Permit application for the following types of development ~~are~~ is also appealable: (1) approval of Coastal Permits for any ~~type of~~ development that is not designated as the principal permitted use under the zoning ordinance; and (2) approval or denial of ~~any a~~ Coastal Permits for any development which constitutes a major public works project ~~(including a publicly financed recreational facility)~~ or a major energy facility.

Appeals Area Maps. For geographically-based appeals, ~~The~~ official Coastal Commission certified maps on file with the Community Development Agency which identify areas within the Coastal Zone where County decisions on Coastal Permit applications may be appealed to the Coastal Commission. Maps are illustrative but not determinative and Title 14 CCR Section 13577 is also utilized to determine the boundaries of appeal areas.

Applicant. Any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities, which seeks County permits and approvals.

Applicant (coastal). Any "person" applying for a coastal permit as required by Public Resources Code Section 30600 in order to undertake development. See definition of person.

Approval. An official sanction that includes both approval and approval with conditions.

Aquaculture (land use). ~~This land use consists of the raising and harvesting of aquatic organisms, including shellfish, mollusks, crustaceans, kelp, and algae. A form of agriculture as defined in Section 17 of the Fish and Game Code. Aquaculture products are agricultural products, and aquaculture facilities and land uses shall be treated as agricultural facilities and land uses in all planning and permit-issuing decisions.~~

Arborist. An arborist is 1) a person currently certified by the Western Chapter of the International Society of Arboriculture as an expert on the care of trees; 2) a consulting arborist who satisfies the requirements of the American Society of Consulting Arborists; or 3) such other qualified professionals who the Director determines has gained through experience the qualifications to evaluate (a) tree health and necessary steps to protect same, and/or (b) safety issues with tree health and configuration, including to identify when hazardous tree removal may be necessary, including developing recommendations on when and how to remove or replace trees.

Architectural Deviation (non-coastal). A discretionary land use permit established by Chapter 22.46 (Floating Home Adjustments and Deviations) to evaluate floating homes that are between 16 and 20 feet in height. The review considers the appropriateness of project design as it relates to the aesthetics and scale of neighboring floating homes, as well as views within and to the marina.

Area Median Income. Median income for Marin County as published by the U.S. Department of Housing and Urban Development (HUD) or the California Department of Housing and Community Development (HCD) with adjustments for household size. Applicable schedule to be applied at the discretion of the Director.

Ark. Any vessel, boat, craft, or structure originally designed to float that is now permanently grounded or supported by a foundation or piling.

Armoring Project (Coastal). ~~See “Shoreline Protective Device” The placement of natural rock or rock-like structures or the construction of a wall to fortify a topographical feature to protect it from erosion.~~
[BOS app. 7/30/2013]

Assessor’s Parcel. A unit of real property recognized by the Marin County Assessor’s Office for tax purposes, mapped and assigned an Assessor’s Parcel Number by the Assessor’s Office.

Auto, Mobile Home, Vehicle, Parts Sales (land use). This land use consists of the retail sale and/or rental of the following (vehicles may be new or used):

- | | |
|----------------------------|-------------------------------------|
| - automobiles | - recreational and utility trailers |
| - boats | - repair shops with new car |
| - campers | - snowmobiles |
| - dealerships | - tires |
| - golf carts | - trucks |
| - jet skis | - vans |
| - mobile homes | - vehicle accessories |
| - motorcycles | - vehicle parts |
| - motorized farm equipment | |

Does not include: bicycle and moped sales (see "Retail Stores, General Merchandise"); tire recapping establishments (see "Repair and Maintenance - Vehicle"); businesses dealing exclusively in used parts, (see "Recycling, Scrap and Dismantling Yards"); or "Service Stations," which are separately defined.

Automatic Teller Machine (ATM) (land use). This land use consists of machines used by bank and financial service patrons for conducting transactions, including deposits, withdrawals and fund transfers, without contact with financial institution personnel. The machines may be located at or within banks, or in other locations, in compliance with this Development Code.

Automobile Dismantling Yard. See "Recycling Facilities, #6, Scrap, and Dismantling Yards."

Automobile Repair. See "Repair and Maintenance, Vehicle."

Avian Migratory Concentration Point. Avian migratory concentration point refers to both the place of departure and the destination of birds from one region to another, especially as a result of seasonal or periodic movement in order to breed, seek food, or to avoid unsuitable weather conditions.

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.

Comment [j1114]: Used in definition of "Agriculture, Ongoing"

B. Definitions, "B."

Banks and Financial Services (land use). This land use consists of financial institutions including:

- banks and trust companies
- credit agencies
- holding (but not primarily operating) companies
- lending and thrift institutions
- other investment companies
- securities/commodity contract brokers and dealers
- security and commodity exchanges
- vehicle finance (equity) leasing agencies

See also, "Automatic Teller Machine," above.

Bars and Drinking Places (land use). This land use consists of the sale of alcoholic beverages for on- site consumption, not as part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May include entertainment (e.g., live music and/or dancing). May also include beer brewing as part of a microbrewery, and other beverage tasting facilities.

Base Density. This definition applies only to projects that seek a density bonus. The base density is either 1) the number of units/lots that are calculated using the minimum lot area or maximum density associated with the zoning district after taking into consideration all building constraints (e.g. including LCP requirements for steep slopes, buffers for wetlands and sensitive habitats, and setbacks for geologic hazards); or, outside the coastal zone, 2) the maximum density allowed by the Built Environment Element of the Countywide Plan including provisions applicable to sites with sensitive habitat, or located within the Ridge and Upland Greenbelt, or lacking public water or sewer systems, or if the project will result in an exceedance to the Level of Service Standards. Where the density allowed outside the coastal zone under the zoning ordinance is inconsistent with the density allowed under the Built Environment Element, the Built Environment Element density shall prevail.

Basement. A story which is partly or completely below grade.

Bay Window. A window enclosure that projects from an exterior wall and is at least 18 inches above the adjoining finished floor as measured to the lowest horizontal plane of the projection. To be considered a bay window for the purposes of allowed exemptions and floor area, the windowed enclosure shall not occupy an area greater than 25 percent of any individual wall element of the building for each story or extend more than 30 inches from the exterior wall.

Beach (coastal). The expanse of sand, gravel, cobble or other loose material that extends landward from the low water line to the place where there is distinguishable change in physiographic form, or to the line of permanent vegetation. The seaward limit of a beach (unless specified otherwise) is the mean low water line.

Bed and Breakfast Inns (land use). This land use consists of providing up to five guest bedrooms for overnight lodging, where the use is clearly secondary and incidental to the use of the property as a single-family residence, or, in agricultural zoning districts and agricultural dwelling units, clearly secondary and incidental to the use of the property for agricultural production. County requirements applicable to Bed and Breakfast Inns are in Section 22.32.040 (Bed and Breakfast Inns), and applicable Health Department regulations, and the LCP. A Bed and Breakfast Inn with more than five guest rooms is considered a hotel or motel, and is not permitted in a residential or agricultural zoning district. Refer to the definition of "Room Rental" to distinguish between a Bed and Breakfast Inn and room rental in a "boarding house" situation.

Below Market Rate. Housing that is sold or rented at a price which is below the prevailing rate for equivalent housing units within the same community.

Beneficial Use of Water (coastal). Use of waters of the state including domestic, municipal, agricultural and industrial supply; power generation; recreation; aesthetic enjoyment; navigation; and preservation and enhancement of fish, wildlife, and other aquatic resources or preserves.

Best Management Practices (BMPs) (coastal). Methods that have been determined to be the most effective, practical means of preventing, ~~or~~ reducing, and treating pollutants found in runoff from non-point sources, such as pollutants carried by urban stormwater and irrigation runoff.

Beverage Production (land use). This land use consists of manufacturing facilities including bottling plants, breweries, coffee roasting, soft drink production, and wineries. Does not include milk

processing; see "Food Products." May include tasting and accessory retail sales of beverages produced on site. A tasting facility separate from the manufacturing facility is included under the definition of "Bars and Drinking Places" if alcoholic beverages are tasted, and under "Restaurant" if beverages are non-alcoholic.

Billboard. Any sign advertising, indicating, or identifying a use, activity, or other entity not on the same premises as the sign.

Block. A group of lots surrounded by streets or roads, or streets or roads and railroad right-of-way, mean high tide line or unsubdivided acreage.

Blue Line Stream. A watercourse shown as a blue line (perennial or intermittent) on the most recent appropriate USGS data.

Bluff (coastal). ~~A high bank or bold headland with a broad, precipitous, sometimes rounded cliff face overlooking a plain or body of water. A bluff may consist of a steep cliff face below and a more sloping upper bluff above. Those bluffs, the toe of which is now or was historically (generally within the last 200 years) subject to marine erosion; and those bluffs the toe of which is not now or was not historically subject to marine erosion, but the toe of which lies within an area otherwise identified in Public Resources Code Section 30603(a)(1) or (2).~~ A high bank or bold headland with a broad, precipitous, sometimes rounded cliff face overlooking a plain or body of water. A bluff may consist of a steep cliff face below and a more sloping upper bluff above.

Bluff Edge (coastal). The upper termination of a bluff, cliff, or seacliff. In cases where the top edge of the bluff is rounded away from the face of the bluff as a result of erosional processes related to the presence of the steep bluff face, the bluff line or edge shall be defined as that point nearest the bluff beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the bluff. In a case where there is a steplike feature at the top of the bluff face, the landward edge of the topmost riser shall be taken to be the bluff edge. Bluff edges typically retreat landward due to coastal erosion, landslides, development of gullies, or by grading (cut). In areas where the bluff top or bluff face has been cut or notched by grading, the bluff edge shall be the landwardmost position of either the current or historic bluff edge. In areas where fill has been placed near or over the historic bluff edge, the original natural bluff edge, even if buried beneath fill, shall be taken to be the bluff edge.

Blufftop (coastal). The upper surface of a bluff extending 150 feet inland from the bluff edge.

Blufftop Parcel (coastal). A parcel located wholly or partially on a blufftop.

Board, Board of Supervisors. The Board of Supervisors of the County of Marin, State of California.

Board, Board of Commissioners of the Housing Authority. The Board of Commissioners of the Housing Authority of the County of Marin, State of California.

Broadcasting Studios (land use). This land use consists of commercial and public communications facilities entirely within buildings, including radio and television broadcasting and receiving stations and studios. Transmission and receiving apparatus, including antennas and towers, are included under the definition of "Telecommunications Facilities."

Buffer Zone. An area which separates ~~one land use from another, or~~ development from some identified constraint and/or resource ~~(e.g. coastal hazard buffers, ESHA buffers, etc.)~~ for purposes of safety, environmental protection or compatibility.

Building. Any structure, having a roof supported by columns or walls and usable for shelter, housing, or enclosure of any person, animal, equipment or material.

Building Area. The sum of the floor area of all floors in all buildings on a site. Unlike "Floor Area", building area includes garages, carports, storage buildings, and other attached or detached accessory structures.

Building Envelope. An area of real property identified for the construction of buildings ~~and related development.~~

Building, Main. See "Structure, primary."

Building Material Stores (land use). This land use consists of the retail sale of lumber and other large building materials, where most display and sales activities occur indoors. Products sold may include paint, wallpaper, glass, fixtures, nursery stock, and lawn and garden supplies. Includes stores selling to the general public, even if contractor sales account for a major proportion of total sales. Includes incidental retail ready-mix concrete operations, except where excluded by a specific zoning district. Establishments primarily selling electrical, plumbing, heating, and air conditioning equipment and supplies are classified in "Wholesaling and Distribution." Hardware stores are listed in the definition of "Retail Stores, General Merchandise," even if they sell some building materials.

Building Site. ~~That portion of a~~ lot or parcel that is recognized by the Community Development Agency as having been created in compliance with the governing zoning and development standards ~~that includes an area where LCP-consistent development can occur.~~

Bulk. When quantified, ~~the~~ total interior cubic volume as measured from the exterior surfaces of the structure.

Business Support Services (land use). This land use consists of establishments located primarily within buildings, providing other businesses with services including maintenance, repair and service, testing, rental, etc. Examples of these services include:

- | | |
|--|---|
| - blueprinting | - janitorial services |
| - business equipment repair services (except vehicle repair, see "Repair and Maintenance - Vehicle") | - mail advertising services (reproduction and shipping) |
| - commercial art and design (production) | - outdoor advertising services |
| - computer-related services (rental, repair) | - photocopying |
| - copying, quick printing, and blueprinting services | - photofinishing |
| - equipment rental businesses within buildings (rental yards are "Storage Yards and Sales Lots") | - secretarial and personnel services |
| - equipment repair services where repair occurs on the client site | - security services |
| - film processing laboratories | - soils and materials testing laboratories |
| - graphic design | - window cleaning |

C. Definitions, "C."

Cabinet Shop. See "Furniture and Fixtures" (land use).

California Environmental Quality Act (CEQA). ~~A state law originally enacted in 1970, which requires public agencies to document and consider the environmental effects of a proposed action, before a decision is issued.~~ See California Public Resources Code Sections 21000 et seq.

Campground (land use). This land use consists of land that is used or intended for use by camping parties, which may include individual campsites, but where utility hookups for recreational vehicles are typically not provided at campsites. See also "Recreational Vehicle Parks."

Car Deck. See "Parking Structure."

Cargo Container. A portable, rectangular metal storage container, generally with a height greater than five feet and with doors on one end, designed to be transported on trucks, rail cars, or ships, individually or stacked.

Carport. See "Parking Structure."

Categorical Exclusion. Any category of development, or any category of development within a specifically defined geographic area, that the Coastal Commission, after public hearing, and by two-thirds vote of its appointed members, has described or identified and with respect to which the Coastal Commission has found that there is no potential for any significant adverse effect, either individually or cumulatively, on coastal resources including public access to or along the coast, subject to the terms and conditions of the adopted exclusion.

Cemeteries, Columbariums and Mortuaries (land use). This land use consists of internment establishments engaged in subdividing property into cemetery lots and offering burial plots or air space for sale. Includes animal cemeteries; cemetery, mausoleum, crematorium and columbarium operations, and full-service funeral parlors, whether accessory to or separate from a cemetery or columbarium.

CEQA. See California Environmental Quality Act (CEQA).

Certificate of Compliance. A Certificate of Compliance is a document recorded by the County Recorder, which acknowledges that the subject parcel, ~~which was typically created prior to current subdivision map requirements,~~ is considered by the County to be a legal lot of record pursuant to the Subdivision Map Act. A Conditional Certificate of Compliance is a document recorded by the County Recorder, which acknowledges that used instead of a Certificate of Compliance to validate a parcel was not legally subdivided pursuant to the Subdivision Map Act. Procedures for Certificates of Compliance may be found in Chapter 22.96 (Certificates of Compliance) of this Development Code. ~~In the coastal zone, approval of a certificate of compliance does not alter the need for any required coastal permit. (See definitions of illegal lot and land division.)~~

Chemical Products (land use). This land use consists of the manufacture of chemicals and other products created predominantly by chemical processes. This definition includes the manufacture of three general classes of products: (1) basic chemicals, such as acids, alkalies, salts, and organic chemicals; (2) chemical products to be used in further manufacture, such as synthetic fibers, plastic materials, dry colors, and pigments; and (3) finished chemical products to be used for ultimate consumption, such as drugs and cosmetics, or to be used as materials or supplies in other industries such as paints, fertilizers, and explosives. Also includes sales and transportation establishments handling the chemicals described above in other than one of the uses included in the Retail Trade Group on the land use and permit tables.

Child Day-Care Facilities (land use). This land use consists of the provision of nonmedical care and supervision of minor children for periods of less than 24 hours. This land use includes the following types of facilities, all of which are required to be licensed by the California State Department of Social Services:

1. **Child Day-Care Center (land use).** This land use consists of commercial or non-profit child day-care facilities designed and approved to accommodate 15 or more children. Includes infant centers, preschools, sick-child centers, and school-age day-care facilities. These may be operated in conjunction with other approved land uses, or as an independent land use.
2. **Large Family Day-Care Home (land use).** This land use consists of a day-care facility located in a single-family residence where an occupant of the residence provides care and supervision for eight to 14 children. Children under the age of 10 years who reside in the home count as children served by the day-care facility.
3. **Small Family Day-Care Home (land use).** This land use consists of a day-care facility located in a single-family residence where an occupant of the residence provides care and supervision for either six or fewer children, or eight or fewer children provided that no more than two of the children are under the age of two and at least two of the children are over the age of six. Children under the age of 10 years who reside in the home count as children served by the day-care facility.

Churches. See "Religious Places of Worship."

Clothing Products (land use). This land use consists of the manufacture of clothing, and the fabrication of products by cutting and sewing purchased textile fabrics, and related materials such as leather, rubberized fabrics, plastics and furs. Custom tailors and dressmakers not operating as a factory and not located on the site of a clothing store ("Retail Stores, General Merchandise") are instead included under "Personal Services." See also, "Textile and Leather Products."

Coastal Act. The California Coastal Act of 1976, enacted by the legislature in response to the 1972 ballot initiative known as Proposition 20. See Public Resources Code Section 30000 et seq. ~~The Coastal Act requires local jurisdictions to adopt and maintain Local Coastal Programs (LCPs) and implementing ordinances consistent with its provisions. Article V (Coastal Zones – Permit Requirements and Development Standards) of this Development Code comprises the implementing ordinances of the Marin County LCP.~~

Coastal Commission. The California Coastal Commission as established by the California Coastal Act of 1976.

Coastal Dependent Use. Any development or use that requires a site on, or adjacent to the ocean to function.

Coastal Permit. A discretionary land use permit, ~~that~~ required pursuant to Public Resources Code Section 30600(a), that may be granted in compliance with Article V (Coastal Zones – Permit Requirements and Development Standards), and which authorizes a specific use of land development on a specific site, subject to compliance with any conditions of approval imposed on the permit.

Coastal-Related Development (coastal). Any use that is dependent on a coastal-dependent development or use.

Coastal Resources (coastal): Include, but are not limited to: public access and public access facilities and opportunities, recreation areas and recreational facilities and opportunities (including for recreational water-oriented activities), public views, natural landforms, marine resources, watercourses (e.g., rivers, streams, creeks, etc.) and their related corridors, waterbodies (e.g., wetlands, estuaries, lakes, etc.) and their related uplands, groundwater resources, biological resources, environmentally sensitive habitat areas, agricultural lands, and archaeological or paleontological resources.

Coastal Stream (coastal). See “Stream (coastal)”

Coastal Zone (coastal). That land and water area, which includes parts of the County of Marin, specified on the maps identified and set forth in Section 17 of that chapter of the Statutes of the 1975-76 Regular Session enacting the California Coastal Act of 1976, extending seaward to the state's outer limit of jurisdiction, including all offshore islands, and extending inland generally 1,000 yards from the mean high tide line of the sea. In significant coastal estuarine, habitat, and recreational areas it extends inland to the first major ridgeline paralleling the sea or five miles from the mean high tide line of the sea, whichever is less, and in developed urban areas the zone generally extends inland less than 1,000 yards. The coastal zone does not include the area of jurisdiction of the San Francisco Bay Conservation and Development Commission, established pursuant to Title 7.2 (commencing with Section 66600) of the Government Code, nor any area contiguous thereto, including any river, stream, tributary, creek, or flood control or drainage channel flowing into such area.

Coastal Zoning Districts. Any of the coastal zoning districts established by Article V (Coastal Zones – Permit Requirements and Development Standards), including:

C-ARP (Coastal, Agricultural Residential Planned)	C-CP (Coastal, Planned Commercial)
C-APZ (Coastal, Agricultural Production Zone)	C-H1 (Coastal, Limited Roadside Business)
C-RA (Coastal, Residential Agricultural)	C-VCR (Coastal, Village Commercial Residential)
C-R1 (Coastal, Single-Family Residence)	C-OA (Coastal, Open Area)
C-R2 (Coastal, Two-Family Residence)	C-RMPC (Coastal, Residential Multiple Planned Commercial)
C-RMP (Coastal, Residential Multiple Planned)	C-RCR (Coastal, Resort Commercial Recreation)
C-RSP (Coastal, Residential Single-Family Planned)	
C-RSPS (Coastal, Residential Single-Family Planned, Seadrift Subdivision)	

Co-Located. A telecommunications facility ~~site~~ where ~~the facility accommodates more than one provider, such as~~ a structure contains antennas for more than one telecommunications service or service providers.

Combining District. A combining district is a supplementary zoning designation that is applied to property in addition to a primary zoning district to highlight special regulations that apply to properties within the combining district. The combining districts established by Section 22.06.020 (Zoning Districts Established), include -B (Minimum Lot Size), and -BFC (Bayfront Conservation). In the coastal zone, combining districts are specified in 22.62.090 – Coastal Special Purpose and Combining Districts.

Commercial District or Zone. Any of the commercial zoning districts established by Sections 22.06.020 (Zoning Districts Established), or Article V (Coastal Zones – Permit Requirements and Development Standards) including:

VCR (Village Commercial/Residential)	C-VCR (Coastal, Village Commercial/Residential)
RMPC (Residential/Commercial Multiple Planned)	C-RMPC (Coastal, Residential/Commercial Multiple Planned)
C1 (Retail Business)	C-H1 (Coastal, Limited Roadside Business)
CP (Planned Commercial)	C-CP (Coastal, Planned Commercial)
AP (Administrative and Professional)	C-RCR (Coastal, Resort and Commercial)
OP (Planned Office)	

H1 (Limited Roadside Business) Recreation)
RCR (Resort and Commercial Recreation)

Commercial Gardening (land use). This land use consists of small-scale truck gardening, tree farming, and other similar agricultural production activities, where products are sold off-site.

Commercial Parking and Vehicle Storage (land use). This land use consists of service establishments in the business of storing operative cars, buses, recreational vehicles, and other motor vehicles for clients. Includes both day use and long-term public and commercial garages, parking lots and structures, except when accessory to a principal use. Includes sites where vehicles are stored for rental or leasing. All principal uses are considered to include any customer or public use off-street parking required by this Development Code. Does not include dismantling yards; see "Recycling, Scrap and Dismantling Yards."

Commercial Recreational Facilities (coastal). Facilities such as riding stables, chartered fishing boats, amusement or marine parks, operated for private profit.

Commission. See "Planning Commission."

Common Interest Development. A condominium, community apartment project, planned development or stock cooperative, as provided by California Civil Code Section 1351, where individually-owned housing units are located together on a parcel or within a building that is owned in common by all owners of individual units.

Community Apartment Project. A development in which an undivided interest in land is coupled with the right of exclusive occupancy of any apartment located thereon; as defined in Business and Professions Code Section 11004 and Civil Code Section 1351(d).

Community Centers (land use). This land use consists of multi-purpose meeting and recreational facilities that are designed to enhance public recreational access and visitor-serving opportunities, and typically consist of one or more meeting or multi-purpose rooms, kitchen and/or outdoor barbecue facilities, that are available for use by various groups for such activities as meetings, parties, receptions, dances, etc.

Community Garden (land use). This land use consists of public or private gardening for non-commercial neighborhood or community use where there is usually a formal or informal sharing of cultivation and maintenance responsibilities. Unlike parks and playgrounds, where plantings are often ornamental and ecological, community gardens emphasize planting of vegetables and agricultural crops.

Community Plan. A planning document which sets forth goals, objectives, policies, and programs to address specific issues related to a particular unincorporated community. Community Plans are considered part of the Marin Countywide Plan.

Completeness Determination. The review of a land use permit application and all supporting materials to determine whether the submittal includes all information and materials required by the Agency to analyze a proposed development's compliance with the relevant standard of review.

Concrete, Gypsum, and Plaster Products (land use). This land use consists of the manufacture of bulk concrete, concrete building block, brick and all types of precast and prefab concrete products. Also includes ready-mix concrete batch plants, lime manufacturing, and the manufacture of gypsum products, such as plasterboard. A retail ready-mix concrete operation as an incidental use in conjunction with a building materials outlet is defined under "Building Material Stores."

Conditional Use (coastal). A land use allowed in the applicable zoning district by Article 5 (Zoning Districts and Allowable Land uses) which is not otherwise permitted in that district, but which may be permitted by the County through a Use Permit under conditions set forth in the Development Code.

County decisions on Coastal Permits allowing such uses are appealable to the California Coastal Commission. [See Section 22.70.080.B.1 for Appeal of Coastal Permit Decisions]

Conditions, Covenants, and Restrictions (CC&Rs). A declaration recorded with the title to a parcel that may establish private provisions governing how a property shall be held, conveyed, encumbered, leased, rented, used, occupied, and/or improved. Private CC&Rs are not administered or enforced by the County, but CC&Rs emanating from permitting terms and conditions may be.

Condominium. As defined by Civil Code Section 1351.f, a development where undivided interest in common in a portion of real property is coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded final map, parcel map, or condominium plan. The area within the boundaries may be filled with air, earth, or water, or any combination, and need not be physically attached to any land except by easements for access and, if necessary, support.

Construction Equipment Sales (land use). This land use consists of the retail sale or rental of heavy construction equipment, including cranes, earth moving equipment, heavy trucks, etc.

Construction Yard (land use). This land use consists of the outdoor storage of vehicles and large equipment, or other materials commonly used in the construction business; storage of scrap materials used for repair and maintenance of construction equipment; and buildings or structures for uses including offices and repair facilities.

Contiguous Properties. For the purposes of Chapter 22.92 (Merger of Parcels) and for all Coastal Permit purposes, all adjoining land owned or controlled by the applicant, the property lines of which touch or join at more than one point, or the property lines of which are separated only by a public or private street, road or other public or private right-of-way, or separated only by other land owned by the applicant.

Conventional District. Any zoning district established by Sections 22.06.020 (Zoning Districts Established), and Article V (Coastal Zones – Permit Requirements and Development Standards), that is not included under the definition of "Planned District" provided by this Chapter. The conventional districts include:

A (Agriculture and Conservation)	C-R2 (Coastal, Residential, Two-Family)
A2 (Limited Agriculture)	VCR (Village Commercial/Residential)
RA (Residential, Agricultural)	C1 (Retail Business)
C-RA (Coastal, Residential, Agricultural)	AP (Administrative and Professional)
RR (Residential, Restricted)	H1 (Limited Roadside Business)
RE (Residential, Estate)	C-VCR (Coastal, Village Commercial/Residential)
R1 (Residential, Single-Family)	C-H1 (Coastal, Limited Roadside Business)
C-R1 (Coastal, Residential, Single-Family)	OA (Open Area)
R2 (Residential, Two-Family)	C-OA (Coastal, Open Area)
	PF (Public Facilities)

Cottage Industry (land use). This land use consists of the design, light manufacturing or product assembly, and the sale of products and services inside a dwelling or within an accessory building located on the same site as the dwelling, by the inhabitants of the dwelling. This land use involves the design, manufacture, and sale of the following products and services, or other uses determined by the Director to be similar in nature including: See Section 22.32.060 (Cottage Industries).

- antique repair and refinishing

- jewelry making

- baking & food preparation for off-site consumption
- batik and tie dyeing
- catering
- ceramics
- dress making, cloth decoration, etc.
- furniture and cabinet making, other woodworking
- painting and sculpture
- photography
- sewing
- weaving
- other handcrafts

County. The County of Marin, State of California, referred to in this Development Code as "the County."

County Boundary. The boundary of the unincorporated limits of the County of Marin.

County Code. The Marin County Code.

Countywide Plan. The Marin Countywide Plan, including all of its elements and amendments, and all Community Plans, as adopted by the Board of Supervisors under the provisions of the Government Code (Sections 65300 et seq.), and referred to in this Development Code as the "Countywide Plan." The Countywide Plan is not a part of the LCP.

Coverage. See "Site Coverage."

Crop Production (land use). This land use consists of commercial agricultural field and orchard uses, including production of:

- field crops
- flowers and seeds
- fruits
- grains
- melons
- ornamental crops
- tree nuts
- trees and sod
- vegetables

Also includes associated crop preparation services and harvesting activities, such as mechanical soil preparation, irrigation system construction, spraying, and crop harvesting, ~~and sales in the field not involving a permanent structure.~~

Cumulative Effects~~ly~~ (coastal). The incremental effects of an individual project ~~reviewed when considered in tandem~~ in connection with the effects of past projects, the effects of other current projects, and the effects of planned or probable future projects.

D. Definitions, "D."

DBH. See "Diameter at breast height"

Dairy Operations (land use). This land use consists of specialized and intensive commercial animal facilities for the raising and keeping of dairy animals, including facilities for milking.

Demolition. The act of tearing down, removing, or replacing an existing building, structure, or other physical improvement.

Density. The number of dwellings per acre of lot area, unless otherwise stated, for residential uses.

Density Bonus. An increase in the number of dwelling units over the base density.

Design Review. See Chapter 22.42 (Design Review). 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.

Development (coastal). On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511 of the Public Resources Code).

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

Any activity meeting the definition of development within the Coastal Zone requires a Coastal Permit, consistent with Chapter 22.68, unless exempt, categorically excluded, or qualifies for a de minimis waiver.

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

Development Code. The Marin County Coastal Development Code, Title 22 of the Marin County Code, referred to herein as "this Development Code." The Development Code Sections 22.60 through 22.70, the portions of 22.32 and 22.130 that apply in the coastal zone, and all associated zoning maps, constitutes the LCP Implementation Plan.

Development Permit. See "Land Use Permit."

Development Project (non-coastal). "Development project" includes a project involving the issuance of a permit for construction or reconstruction but not a permit to operate. "Development project" does not include any ministerial projects proposed to be carried out or approved by public agencies.

Diameter at Breast Height (DBH). DBH means the diameter of a tree trunk measured in inches at a height of 4.5 feet above ground while standing on level ground or from the uphill side of the tree. If a tree splits into multiple trunks below 4.5 feet, the trunk is measured at its most narrow point beneath the split.

Director. The Director of the Marin County Community Development Agency or designee of the Director, referred to throughout this Development Code as "Director."

Disabled. A person with: (1) a physical or mental impairment which substantially limits one or more of a person's major life activities; (2) a record of having such an impairment; or (3) being regarded as having such an impairment.

Disaster (coastal). Any situation in which the force or forces which destroy a structure were beyond the control of its owner. (Adapted from Public Resources Code Section 30610(g)(2)(A)).

Discretionary Permit. A permit granted by a review authority in response to a land use permit application after applying the exercise of judgment or deliberation prior to making a decision. Includes any of the following entitlements/approvals established by Article IV (Land Use and Development Permits): Coastal Permits, Design Review, Floating Home Adjustment Permits, Floating Home Architectural Deviations, Master Plans and Precise Development Plans, Use Permits, Sign Review, Temporary Use Permits, Tentative Maps, Tidelands Permits, and Variances. See also "Ministerial Permit."

Discretionary Project. A development project which requires the exercise of judgment or deliberation when the public agency or body decides to approve or disapprove a particular activity project, as distinguished from situations where the public agency or body merely determines whether there has been conformity with applicable statutes, ordinances, or regulations. A timber harvesting plan submitted to the State Forester for approval under the requirements of the Z'berg-Nejedly Forest Practice Act of 1973 (Pub. Res. Code Sections 4511 et seq.) constitutes a discretionary project within the meaning of the California Environmental Quality Act Section 21065(c).

Disruption of habitat values (coastal). Disruption of habitat values may occurs when the physical habitat is significantly altered or when species diversity or the abundance or viability of species populations is reduced. The type of the proposed development, the particulars of its design, and location in relation to the habitat area, will affect the determination of disruption.

Division of Land (coastal). Creation of one or more lots including subdivision (through parcel map, tract map, grant deed), lot line adjustments, redivisions, mergers and certificates of compliance.

Domestic Water Use (coastal). Domestic water use is approved, potable water used for indoor and outdoor household and other non-residential purposes including drinking, cooking, personal hygiene, irrigation and the general operation of plumbing fixtures.

Dripline. A vertical line extending from the outermost edge of the tree canopy to the ground.

Drive-in and Drive-thru Sales (land use). This land use consists of the retail sale of food or other products to motorists who do not leave their vehicles to complete their purchases. Examples of facilities included under this land use are fast-food restaurants, drive-through photo processing facilities, coffee sales, dairy product stores, pharmacies, etc.

Drive-in and Drive-thru Services (land use). This land use consists of services provided to motorists who do not leave their vehicles to obtain the services. Examples of facilities included under this land use are drive-up bank teller windows, dry cleaners, etc. Does not include: automatic teller machines (ATMs) or automobile service stations, which are separately defined; or car washes (see "Repair and Maintenance - Vehicle").

Driveway. A vehicular access ~~across private property~~, extending from an improved street to a building site.

Dune (coastal). Ridges or mounds of loose, wind-blown material, usually sand. A dune structure often has a back and foredune area. Stable dunes are often colonized by vegetation.

Dwelling, or Dwelling Unit. A room or group of internally connected rooms that have sleeping, food preparation, eating, and sanitation facilities, but typically not more than one kitchen, which constitute

an independent housekeeping unit, occupied by or intended for one household on a long-term basis. Types of dwellings include single-family dwellings, two-family dwellings, multi-family dwellings,

mobile homes, condominiums and townhouses, floating homes, and independent living units for the elderly.

E. Definitions, "E."

Easement, Conservation or Scenic. A grant of partial title from a landowner to a public or nonprofit agency for the purpose of protecting on-site environmental resources or scenic features by limiting the future development of the property.

Economic Life (coastal). ~~A period of at least 100 years.~~

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

Effective Date of the Coastal Act (Coastal). February 1, 1973 for areas subject to the Coastal Zone Conservation Act and January 1, 1977 for areas identified as the Coastal Zone and subject to the Coastal Act.

Electrical and Electronic Equipment, Instruments (land use). This land use consists of the manufacture of manufacturing machinery, apparatus, and supplies for the generation, storage, transmission, transformation and use of electrical energy. Examples of these products include:

- appliances including stoves/ovens, refrigerators, freezers, laundry equipment, fans, vacuum cleaners, sewing machines
- aviation instruments
- computers, computer components, peripherals
- electrical transmission and distribution equipment
- electronic components and accessories, semiconductors, integrated circuits, related devices
- electrical welding apparatus
- lighting and wiring equipment such as lamps and fixtures, wiring devices, vehicle lighting
- industrial controls, instruments for measurement, testing, analysis and control, associated sensors and accessories, miscellaneous electrical machinery, equipment and supplies such as batteries, X-ray apparatus and tubes, electromedical and electrotherapeutic apparatus, electrical equipment for internal combustion engines
- motors and generators
- optical instruments and lenses
- photographic equipment and supplies
- radio and television receiving equipment
- surgical, medical and dental instruments, equipment, and supplies
- storage media, blank and pre-recorded, including magnetic, magneto-optical, and optical products such as compact disks (CDs), computer diskettes and hard drives, digital versatile disks (DVDs), magnetic tape products, phonograph records, etc.
- surveying and drafting instruments
- telephone and telegraph apparatus
- transformers, switch gear and switchboards
- watches and clocks

Does not include testing laboratories (soils, materials testing, etc.) (see "Business Support Services"), or research and development facilities separate from manufacturing (see "Research and Development").

Emergency. A sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss of, or damage to life, health, property, or essential public services.

Employee Housing. An accessory residential dwelling unit located in a commercial building on a parcel having a primary commercial land use and occupied by an employee of the commercial use on the same property or a family member who is actively engaged in such commercial use.

Endangered Species. An Endangered Species is an animal or plant species in danger of extinction throughout all or a significant portion of its range, as determined by the U.S. Fish and Wildlife Service or National Oceanic and Atmospheric Administration consistent with the Endangered Species Act of 1973, or as designated by the California Department of Fish and ~~Game~~ Wildlife consistent with the California Endangered Species Act.

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

Energy Production Facility (coastal). Any public or private processing, producing, generating, storing, transmitting, or recovering facility for renewable or non-renewable energy resources, electricity, natural gas, petroleum, coals, solar or wind conversion, wave and tidal energy, biogas, or other source of energy.

Environmental Impact Report (EIR). An informational document ~~in compliance with prepared pursuant to~~ the California Environmental Quality Act (CEQA). Please refer to CEQA Section 21061 for a complete definition of an EIR.

Environmental Impact Statement (EIS). An informational document that analyzes a project's significant environmental effects and identifies mitigation measures and reasonable alternatives, ~~in compliance with prepared pursuant to~~ the National Environmental Policy Act (NEPA).

Environmentally Sensitive Habitat Area (ESHA) (coastal). Areas in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. ESHAs include wetlands, coastal streams and riparian vegetation, and terrestrial ESHA.

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

Environmentally Sensitive Habitat Area (ESHA), Terrestrial (coastal). Includes non-aquatic ESHA, including habitats of plant and animal species listed under the Federal or California Endangered Species Act and existing populations of the plants listed as 1b or 2 by the California Native Plant Society; coastal dunes; groves of trees that provide colonial nesting and roosting habitat for butterflies or other wildlife; and riparian vegetation that is not associated with an ~~ephemeral~~ watercourse. Does not include "Stream (coastal)" or "Wetland (coastal)". See also, "Environmentally Sensitive Habitat Area (ESHA)(coastal)" and "Riparian Vegetation (coastal)".

~~{BOS app. 1/15/2013}~~

Equestrian Facilities (land use). This land use consists of the commercial keeping of horses, donkeys, and mules in facilities, including:

- horse ranches
- boarding stables
- riding schools and academies
- horse exhibition facilities
- pack stations

This land use includes barns, stables, corrals, and paddocks accessory and incidental to the above uses. Noncommercial facilities of this type are included in the definition of "Agricultural Accessory Structures." This land use does not include the boarding of up to five horses on property in the ARP, C-ARP and C-APZ zones as indicated in Standard 5 of Table 3-7 (General Requirements for the Keeping of Large Animals).

ESHA (coastal) – See “Environmentally Sensitive Habitat Area.”

Estuarine Habitats. A habitat made up of a mixture of fresh and salt waters.

Estuary (coastal). A coastal water body, usually semi-enclosed by land, having open, partially obstructed, or intermittent exchange with the open ocean, and in which ocean water is at least occasionally diluted by freshwater from the land. The salinity level may be periodically increased to above that of the open ocean due to evaporation. The mean high tide line shall be defined as the statistical mean of all the high tides over the cyclical period of 18.6 years, and shall be determined by reference to the records and elevations of tidal benchmarks established by the National Ocean Survey. In areas where observations covering a period of 18.6 years are not available, a determination may be made based on observations covering a shorter period, provided they are corrected to a mean value by comparison with observations made at some suitably located control tide station.

Existing (coastal). Extant at the time that a particular Coastal Permit application is accepted for filing.

Existing Residential Second Unit. A ~~legally constructed and established~~ second unit existing prior to March 27, 1987, or the effective dates of resolutions establishing Second Unit Use Permit standards in specific communities (September 29, 1983 in Bolinas, January 10, 1984 in the Tamalpais Area, and June 25, 1985 in Stinson Beach). Also, see Residential Second Unit.

Existing Structure (coastal). A structure that is legal or legal non-conforming. For the purpose of implementing LCP policies regarding shoreline protective devices, a structure in existence since May 13, 1982.

Exotic Animals. Non-domesticated animals that are carnivorous, poisonous, or not native to North America, commonly displayed in zoos as per Chapter 8.04 of the Marin County Code.

F. Definitions, "F."

Factor of Safety (coastal). The quotient of the forces tending to resist a potential landslide divided by the forces tending to drive a potential landslide.

Family. One or more persons occupying a dwelling and living as a single, domestic housekeeping unit, as distinguished from a group occupying a hotel or motel, club, fraternity or sorority house.

Farm (coastal). A place of agricultural production for commercial purposes which has annual sales of agricultural products of one thousand dollars (\$1,000) or more. For the C-APZ zoning district, the farm shall consist of all parcels owned (in either total or partial fee ownership) by the same owner of the property upon which a farmhouse is located. A farm shall consist of no less than all contiguous properties under common ownership. 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 farming operations and infrastructure (such as fencing, processing facilities, marketing mechanisms, and agricultural worker housing).

Farm Equipment and Supplies Sales (land use). This land use consists of the retail sale, rental, or repair of agricultural machinery, equipment, and supplies for use in soil preparation and maintenance, the planting and harvesting of crops, and other operations and processes pertaining to farming and ranching.

Farm Operator (Coastal). The farm operator is the property owner or lessee who makes the day to day management decisions for the agricultural operation and is directly engaged in the production of agricultural commodities on the property.

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

Farm Worker Housing. See "Agricultural Worker Housing."

Farmer's Markets (land use). This land use consists of the temporary and/or occasional outdoor retail sale of farm produce from vehicles or temporary stands, located within a parking lot, or a public right-of-way (where authorized by encroachment permit).

Farmhouse (coastal). A farmhouse consists of a building owned by the farm owner or operator actively and directly engaged in agricultural use of 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. ~~This land use consists of a single family dwelling that is the residence of the owner or operator of the agriculturally zoned property upon which it is located.~~

Feasible. That which is capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

Fill (coastal). Earth or any other substance or material, including pilings placed for the purpose of placing structures thereon, placed in a submerged area. Also, a deposit of earth material placed by artificial means; any act by which earth, sand, gravel, rock, or any other material is placed, pushed, dumped, pulled, transported, or moved to a new location above the natural surface of the ground, on top of the stripped surface, or in a submerged area.

Final Map. A subdivision map prepared in compliance with Subdivision Map Act, Article 2, Chapter 2, and approved in compliance with Subdivision Map Act, Article 4, Chapter 3.

Fire Inspector. A person empowered by the chief of a fire department to inspect property for fire safe landscape, wildland management or fire protection.

Fish Hatcheries and Game Reserves (land use). This land use consists of commercial fish hatcheries, rearing ponds, aquaculture, fish and game preserves, and game propagation. (See "Mariculture" for shellfish, kelp, algae, etc.)

Flag lot. See "Lot or Parcel."

Floating Home (land use). This land use consists of any boat, craft, living accommodation, or structure supported by means of flotation, designed to be used without a permanent foundation, that is used or intended for human habitation.

Floating Home Adjustment Permit. See Chapter 22.46 (Floating Home Adjustments and Deviations).

Floating Home Architectural Deviation. See Chapter 22.46 (Floating Home Adjustments and Deviations).

Floating Home Fairway. An area of water within a floating home marina that is used exclusively for access to other waters for vessels permanently moored in the floating home marina. A fairway shall not be used for the permanent mooring of any vessel or for piers, docks, ramps, walkways or other exit ways.

Floating Home Marina (land use). This land use consists of a facility that contains one or more berthing spaces for floating homes.

Flood Hazard Zone (coastal). Geographic areas defined by the Federal Emergency Management Agency according to varying levels of flood risk which are depicted on a community's Flood Insurance Rate Map (FIRM). Flood Hazard Zones with a "V" designation are located in coastal areas which have a one percent or greater chance of annual flooding and an additional hazard associated with storm waves (also referred to as the "V Zone").

Flood Velocity Zone (coastal). See "Flood Hazard Zone."

Floor Area. Except as specified by the Tamalpais Area Community Plan for development in that Plan area, the sum of the gross area of all floors in all buildings on a site, measured from the exterior faces of the exterior walls, including enclosed understory, basement, and attic space that can be easily converted to living area, but excluding:

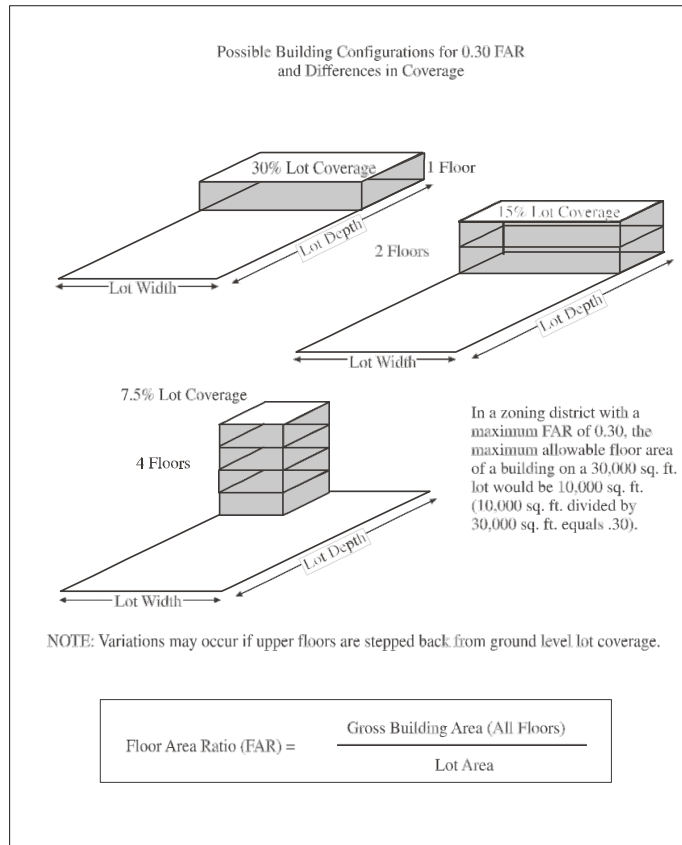
1. All unenclosed horizontal surfaces, including balconies, courts, decks, porches, terraces;
2. For single-family residential structures, the first 250 square feet of floor area of all detached accessory structures not designed for and/or used for habitable space;
3. For single-family residential structures, the first 540 square feet of garage areas permanently allocated for vehicle parking;
4. For two-family, multi-family, and non-residential structures, all floor area that is required to meet minimum parking standards under Title 24;
5. Exterior wall thickness of greater than 6 inches, where the additional wall thickness results in greater energy efficiency (e.g. straw bale construction or earthen wall construction), as demonstrated by the applicant and subject to the approval of the Director; and
6. Bay windows.

The floor area of stairways, elevators, and other vertical accesses, is included in the total floor area only as to the "footprint" (area at the base) of the vertical access, and is not counted at each floor of a building. In order to qualify as an unenclosed horizontal surface, at least one of the longest wall planes of the space shall be kept open with the exception that railings with a surface area that is at least 50% open and unobstructed by structural elements and that are necessary for safety or convenience purposes may be allowed within the open wall plane. As defined herein, understory, basement, and attic space that can be easily converted to living area include: (1) unconditioned and unimproved spaces that yield a minimum clear room area of 7 feet by 7 feet and a minimum ceiling height of 7 ½ feet or higher; and

(2) all attic areas with a minimum ceiling height of 5 feet or higher.

Floor Area Ratio (FAR). The total floor area of all buildings on a lot, divided by the area of that lot. For example, a building with 3,000 square feet of floor area on a 10,000 square foot lot has a FAR of 0.30. See Figure 8-1 (Floor Area Ratio).

**FIGURE 8-1
FLOOR AREA RATIO**



Food Preparation Facilities. Food preparation facilities may include, but are not limited to, a stove, oven, microwave, hot plate, refrigerator, sink, counters, or cabinets. Wet bars and snack bars are not considered food preparation facilities.

Food Products (land use). This land use consists of the manufacture of or processing foods for human consumption, and certain other related products. Examples of the products included in this land use are:

- bakery products
- candy, sugar and confectionery products
- catering services separate from stores or restaurants
- dairy products
- fats and oil products
- fruit and vegetable canning, preserving, related processing
- grain mill products and by-products
- meat, poultry, and seafood canning, curing, byproduct processing
- miscellaneous food item preparation from raw products

Does not include: bakeries which sell all products on site (see "Retail Stores, General Merchandise"); beer brewing as part of a brew pub, bar or restaurant (see "Bars and Drinking Places"); beverage production other than dairy products (see "Beverage Production"); slaughterhouses and rendering plants (see "Slaughterhouses and Rendering Plants"); or operations on crops after harvest (see "Agricultural Processing Uses").

Footprint. The horizontal surface area covered by a structure.

Forestry (coastal). The practice of cultivating, managing, using, and conserving forests.

Front Wall. The wall of the building or other structure nearest the street upon which the building faces.

Front Wall (Signs). For the purposes of Chapter 22.28 (Signs), the front wall is the wall of a structure that contains the primary entrance or entrances to the premises. If there are entrances in more than one wall, the longest of the walls in which primary entrances are located shall be the front wall. The front wall includes not only the wall itself, but all doors, windows, and other openings and projections. See Figure 8-2.

Frontage. See "Lot Frontage."

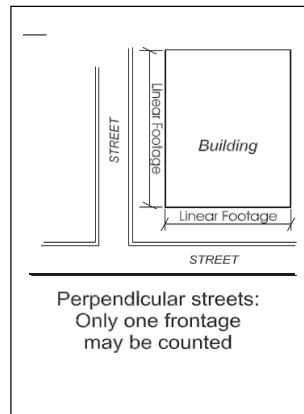
Fuel and Ice Dealers (land use). This land use consists of the retail sale to consumers of ice, bottled water, fuel oil, butane, propane and liquefied petroleum gas (LPG), bottled or in bulk, as a principal use.

Fully Protected Species. Fully Protected species is a classification of fish, amphibians, reptiles, birds and mammals established by the California Department of Fish and ~~Game-Wildlife~~ prior to the Federal Endangered Species Act of 1973, to identify and provide additional protection to those animals that were rare or faced possible extinction at the time. Fully Protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except for collecting these species for necessary scientific research and relocation of the bird species for the protection of livestock. Species provided this classification are listed under the California Fish and ~~Game-Wildlife~~ Code Sections 3511, 4700, 5050, and 5515, however some of the listed species names are no longer consistent with current scientific nomenclature.

Functional Capacity, Self-Sustaining Habitat (coastal). The ability of a habitat to be self-sustaining and to maintain natural species diversity or special-status species.

Furniture and Fixtures Manufacturing (land use). This land use consists of the manufacture of products including:

- | | |
|-----------------------------|--------------------------------------|
| - bedsprings and mattresses | - shades |
| - drapery hardware | - shelving |
| - household appliances | - store furniture |
| - lockers | - window blinds |
| - office furniture | - wood and metal household furniture |
| - partitions | |



Includes wood and cabinet shops, but not sawmills or planing mills, which are instead included under "Lumber and Wood Products."

Furniture, Furnishings and Equipment Stores (land use). This land use consists of the retail sale of products including:

- | | |
|-----------------------------|---|
| - draperies | - movable spas and hot tubs |
| - floor coverings | - office furniture |
| - furniture | - other household electrical and gas appliances |
| - glass and chinaware | - outdoor furniture |
| - home furnishings | - refrigerators |
| - home sound systems | - stoves |
| - large musical instruments | - televisions |
| - lawn furniture | |

G. Definitions, "G."

Garage, Carport, or Car Deck. See "Parking Structure."

General Plan. See "Marin Countywide Plan."

Glass Products (land use). This land use consists of the manufacture of flat glass and other glass products that are pressed, blown, or shaped from glass produced in the same establishment. Does not include artisan and craftsman type operations of a larger scale than home occupations; see "Handcraft Industries and Small Scale Manufacturing."

Golf Courses/Country Clubs (land use). This land use consists of golf courses, and accessory facilities and uses including: clubhouses with bar and restaurant, locker and shower facilities; driving ranges; "pro shops" for on-site sales of golfing equipment and clothing; and golf cart storage and sales facilities.

Grade. The ground elevation used as the basis for measurement of allowed structure height. Grade shall be the elevation of the natural or finished grade at the exterior surface of the structure, whichever is more restrictive, and the elevation of the natural grade within the footprint of the structure, using a topographic map prepared by a licensed Civil Engineer or Land Surveyor. Retaining walls cannot be used to raise the "Grade" and increase the allowable height of a structure.

Grading (coastal) – Any excavation, stripping, cutting, filling, or stockpiling of soil material, or any combination thereof ~~that exceeds 150 cubic yards of material.~~ As used in this Development Code, grading does not include plowing, tilling, harrowing, aerating, disking, planting, seeding, weeding, fertilizing or other similar routine agricultural cultivation practices for ongoing agricultural operations (see "Agricultural Production Activities, Ongoing").
{BOS app. 1/15/2013}

Grantee/Grantor Index. The index to real property transfer transactions maintained by the Marin County Recorder.

Group Homes (land use). This land use consists of a dwelling unit licensed or supervised by any federal, state, or local health/welfare agency which provides 24-hour nonmedical care of unrelated persons who are not disabled but are in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual in a family-like environment. Includes: children's homes; rehabilitation centers; self-help group homes. Medical care may be provided in conjunction with group homes that provide alcoholism or drug abuse recovery or treatment services. Convalescent homes, nursing homes and similar facilities providing medical care are included under the definition of "Medical Services - Extended Care."

Guest House (land use). This land use consists of a detached structure that has a bathroom and that contains more than 400 square feet of floor area that is subject to building permit requirements under the residential occupancy code. To be a guest house, the structure cannot contain food preparation facilities and shall not be rented or otherwise used as a separate dwelling.

H. Definitions, "H."

Handcraft Industries, Small-Scale Manufacturing (land use). This land use consists of the manufacture of products not classified in another major manufacturing group, including: jewelry; musical instruments; toys; sporting and athletic goods; pens, pencils, and other office and artists' materials; buttons, costume novelties, miscellaneous notions; brooms and brushes; and other miscellaneous manufacturing industries.

Harbors (land use). This land use consists of facilities providing a full range of services related to: commercial and recreational fishing; fisheries and hatcheries; seafood processing; ship and boat building and repair; marine hardware sales and service; petroleum storage and handling; boat storage and miscellaneous storage activities. Facilities primarily oriented toward recreational activities are included under the definition of "Marinas."

Hazardous Waste Facility. A state-licensed facility for the temporary storage and/or processing of hazardous waste.

Health/Fitness Facilities (land use). This land use consists of fitness centers, gymnasiums, health and athletic clubs including sauna, spa or hot tub facilities; tennis, handball, racquetball, archery and shooting ranges and other sports activities.

Health Officer. The Marin County Health Officer.

Height, Structure (coastal). The vertical distance from grade, as defined herein, to the highest point of a structure. Maximum height shall be measured as the vertical distance from grade to an imaginary plane located the allowed number of feet above and parallel to the grade. The maximum height of buildings located in areas subject to tidal action shall be measured from MSL. ~~Any structure built prior to April 8, 1980 shall be exempt from becoming nonconforming with respect to height.~~ The height measurement for structures within Seadrift Subdivision in the special Flood Hazard (V-zone) shall be measured according to the requirements of LCP Policy C-EH-11.

Highway. State Route 1, State Route 101, and Panoramic Highway.

Historic Area. Areas mapped and described as historic areas in the Marin County Local Coastal Program, including those within Bolinas, Inverness, Marshall, Olema, Point Reyes Station, Stinson Beach, and Tomales.

Historic Lot. A unit of real property that was formerly a legal lot of record.

Historic Public Use (coastal). Use of private land as if it were public land in a manner that is substantial (rather than minimal) and continual, although not necessarily continuous, over a long period of time.

Historic Structure. As determined by the Marin County Local Coastal Program, any building constructed prior to 1930, including any accessory structures on a site.

Holiday Product Sales. See "Outdoor Retail Sales, Temporary."

Home Occupation (land use). This land use consists of the conduct of a business within a dwelling, or, where allowable, within an accessory building located on the same site as the dwelling, employing the occupant of the dwelling, with the business activity being subordinate to the residential use of the property. See Section 22.32.100 (Home Occupations).

Homeless Shelter. Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. In order for a facility to be a homeless shelter, no person may be denied emergency shelter because of an inability to pay, per Health and Safety Code Section 50801(e).

Homestay (coastal). See “Agricultural Homestay Facility.”

Horses, Donkeys, Mules, Ponies (land use). This land use consists of the raising or keeping of horses, donkeys, mules, and/or ponies for domestic/recreational or agricultural purposes.

Hotel or Motel (land use). This land use consists of facilities with guest rooms and/or suites, provided with or without meals or kitchen facilities, rented to the general public for overnight or other temporary lodging (less than 30 days). Hotels provide access to most guest rooms from an interior walkway. Motels provide access to most guest rooms from an exterior walkway. Also includes accessory guest facilities such as swimming pools, tennis courts, indoor athletic facilities, accessory retail uses, etc.

Household Income. The gross annual household income considering household size, income of all wage earners, elderly or disabled family members, and all other sources of household income.

Household Pets (land use). This land use consists of the keeping of cats, dogs, and other domesticated animals, determined by the Director to be comparable based on factors including size, sanitation requirements, odor, noise, etc., accessory and incidental to a residential use.

Housing Authority. The Marin County Housing Authority, a nonprofit public corporation.

Housing Costs. The monthly mortgage principal and interest, property taxes, homeowners insurance, and condominium fees, where applicable, for ownership units; and the monthly rent for rental units.

Housing Director. The Executive Director of the Marin County Housing Authority.

Housing Project. A development of housing units at one location, including all units for which permits have been applied for or approved within a 12-month period.

HUD. The United States Department of Housing and Urban Development, or its successor.

Hunting and Fishing Clubs - Private (land use). This land use consists of hunting of wildlife, fishing, and accessory structures where such activities are undertaken by the property owner(s) and their guests without a fee being charged.

Hunting and Fishing Clubs - Public (land use). This land use consists of hunting of wildlife, fishing, and accessory structures where such activities are undertaken by guests or members of the public for a fee.

I. Definitions, "I."

~~Illegal Lot, Use or Structure (Coastal). A lot, use or structure that did not receive a required coastal permit or did not lawfully exist on the effective date of the Coastal Act.~~

Immediate Family ~~(coastal)~~. A person's spouse, registered domestic partner, child, stepchild, parent, stepparent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse, child, stepchild or guardian of any of those persons.

Implementation Plan (coastal). Development Code Sections 22.60 through 22.70, the portions of 22.32 and 22.130 that apply in the coastal zone, and all associated zoning maps, constitutes the LCP Implementation Plan.

Impoundments and Diversions. Impoundments and diversions refers to alterations in stream flows through holding or diverting water supply.

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

Inclusionary Unit/Lot. A housing unit or lot that is required by Chapter 22.22 (Affordable Housing Regulations) to be affordable to extremely low, very low or low income households, as specified or that has been proposed by an applicant and approved by the County to meet the requirements of Chapter 22.22.

Income Qualifying Household. Household whose income is defined as extremely low, very low, low or moderate-income for Marin County as published by the U.S. Department of Housing and Urban Development (HUD) or the California Department of Housing and Community Development (HCD) with adjustments for household size. Current or applicable schedule to be applied is at the discretion of the Director.

- a. Moderate income, 80 to 120 percent of area median income.
- b. Low income, 50 to 60 percent of area median income.
- c. Very low income, 30 to 50 percent of area median income.
- d. Extremely low income, 30 percent and less of area median income.

Income Restricted Housing. Dwelling units with long-term income restriction which restrict occupancy to households at or below a specific income.

Individual Sewage Disposal System (Coastal). The term "individual sewage disposal system" means and includes any system of piping, treatment devices or other facilities (excluding chemical toilets) that store, convey, treat or dispose of sewage onsite, which is discharged anywhere other than into a public sewer system.

- A. **Standard Individual Sewage Disposal System (Coastal)**. Any individual sewage disposal system which includes a septic tank (with or without the use of sump chamber and pump) by which method subsurface effluent is disposed of through leach lines.
- B. **Alternative Individual Sewage Disposal System (Coastal)**. Any individual sewage disposal system which may or may not include a standard septic tank for treatment, or does not include standard leaching trenches for effluent disposal, which has been demonstrated to function in such a manner as to protect water quality and preclude health hazards and nuisance conditions.

Indoor Recreation Centers (land use). This land use consists of facilities providing indoor amusement/entertainment services for a fee or admission charge, such as:

- bowling alleys
- card rooms
- coin-operated amusement arcades
- dance halls, clubs and ballrooms
- electronic game arcades

- ice skating and roller skating rinks
- pool and billiard rooms

Five or more electronic games or coin-operated amusements in any establishment is considered an electronic game arcade as described above. Four or less machines are not considered a land use separate from the primary use of the site.

Infant. An infant is a child less than 12 months of age.

Initial Study. A preliminary analysis to determine whether an Environmental Impact Report (EIR), Mitigated Negative Declaration or a Negative Declaration must be prepared, and to identify any potentially significant environmental effects that are to either be mitigated or further analyzed.

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 re-planting

Comment [j1115]: Used in definition of "Agriculture, Ongoing"

In-Lieu Fee. A fee paid to the County by developers in lieu of providing required on-site inclusionary units or lots, or a fee paid to the County by developers in lieu of dedicating parkland, or a fee paid to the County to comply with other Code requirements.

Institutional Structure, or Use. A publicly-owned structure accommodating a public facility; or a private structure designed and operated as a church, hospital, school, or similar facility

Intergenerational Home (coastal). In the C-APZ land use designation and zoning district, a type of agricultural dwelling unit allowed subject to certain criteria and which may only be occupied by occupants authorized by the farm owner or operator actively and directly engaged in agricultural use of the property, in addition to otherwise permitted development for residence exclusively by members of the farm operator's or owner's immediate family, where this home is not subdivided from the primary agricultural parcel.

J. Definitions, "J."

Junk. Materials that characterize junk typically include automotive parts, vehicle body parts, inoperable vehicles, household furniture, appliances, household trash, building materials, scrap wood, scrap metal, and machine parts.

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

K. Definitions, "K."

Kennels and Animal Boarding (land use). This land use consists of the keeping, boarding or maintaining of six or more household pets at least four months of age or older, except for household pets in pet shops or animal hospitals. "Kennel" does not mean and does not include any lot or premises on which a person has been issued a dog hobbyist or ranch dog permit in compliance with the provisions of Sections 8.04.245 or 8.04.246 of the Marin County Code.

Kitchen. See "Food Preparation Facilities."

L. Definitions, "L."

Lagoon (coastal). A shallow body of water, such as a pond, ~~or lake~~ or seasonally closed river mouth, usually located near or connected to the sea.

Lake (coastal). A relatively large and deep confined perennial water body that is mapped by the USGS.

Land Division (coastal): See "Division of Land (coastal)". ~~A type of development requiring a coastal permit and Creation of one or more lots including subdivision (through parcel map, tract map, grant deed), lot line adjustments, redivisions, mergers and certificates of compliance.~~

Land Use. The purpose for which land or a building or other development thereon is occupied.

Land Use Permit. Any of the entitlements/approvals described by Article IV (Land Use and Development Permits), including Design Review, Floating Home Adjustment Permits, Use Permits, Temporary Use Permits, Tidelands Permits, Variances, Master Plans, or Precise Development Plans.

Landscaped Area. The entire planting area within a parcel affected by new plantings and supporting irrigation, excluding building footprints, paved driveways, parking areas, decks, patios, walkways and undisturbed natural areas. Water features ~~are~~ may be included in the landscaped area.

Large Family Day Care Home (land use). See "Child Day Care Facilities."

Laundries and Dry Cleaning Plants (land use). This land use consists of service facilities engaged primarily in high volume laundry and garment services, including: power laundries (family and commercial); garment pressing and dry cleaning; linen supply; diaper service; industrial laundries; and carpet and upholstery cleaners. Does not include coin-operated laundries or dry cleaning pick-up stores without dry cleaning equipment; see "Personal Services."

LCP. See "Local Coastal Program."

Lead Agency. The public agency which has the principal responsibility for carrying out or approving a project which may have a significant effect upon the environment.

Legal Lot (coastal). ~~A lot that was lawfully created under both the Subdivision Map Act and the Coastal Act and has received the necessary Map Act approval and a Coastal Permit. (See Land Divisions (Coastal).) See "Legal Lot of Record"~~

Legal Lot of Record. A parcel is considered to be a legal lot of record under the Subdivision Map Act if it was created in conformance with any of the following criteria:

- A. Recorded subdivision. The lot was created through a subdivision Final map or Parcel map recorded on or after January 1, 1930. Antiquated subdivisions ~~may~~ shall not be deemed to have created lots. A lot ~~depicted~~ created on a subdivision Final map or Parcel map recorded before January 1, 1930 may be considered a legal lot only if it has been ~~reconveyed~~ conveyed subsequently to January 1, 1930 with references made to the original subdivision Final map or Parcel map.
- B. Individual lot legally created by deed. The lot was legally created by deed conveyance into separate ownership and was in compliance with the zoning and subdivision requirements that applied at the time of creation.

C. Government conveyance. The lot was created by conveyance to governmental entity.

When historic lots were merged by agency action or pursuant to applicable state law, the merged historic lots comprise a single legal lot of record.

Libraries and Museums (land use). This land use consists of public or quasi-public facilities including aquariums, arboretums, art exhibitions, botanical gardens, historic sites and exhibits, libraries, museums, and planetariums, which are generally non-commercial in nature.

Liquor Store (land use). A retail store offering beer, wine, and/or distilled spirits for off-premise consumption which either devotes 20% or more of the floor area or display area to, or derives 75% or more of gross sales receipts from, the sale of these products.

Livestock Operations, Grazing (land use). This land use consists of the raising or keeping of cattle, or other animals of similar size, where feed is provided primarily by grazing when on-site resources are available. Does not include the keeping of horses, donkeys, mules, or ponies, (see "Horses, Donkeys, Mules and Ponies").

Livestock Operations, Large Animals (land use). This land use consists of the raising or keeping of cattle, goats, ostriches, sheep, hogs, or other farm or exotic animals of similar size, in corrals or other similar enclosures. Does not include the keeping of horses, donkeys, mules, or ponies, (see "Horses, Donkeys, Mules and Ponies") or the grazing or pasturing of large animals on open rangeland (see "Livestock Operations, Grazing"). See also, "Dairy Operations."

Livestock Operations, Sales/Feed Lots, Stockyards (land use). This land use consists of specialized and intensive commercial animal facilities including animal sales yards, stockyards, and cattle feedlots. Feedlots are any site where cattle are held and maintained for the purposes of feeding/fattening, for market, and where at least 60 percent of the feed is imported or purchased. Does not include slaughterhouses or rendering plants; see "Slaughterhouses and Rendering Plants." See also, "Dairy Operations."

{BOS app. 1/15/2013}

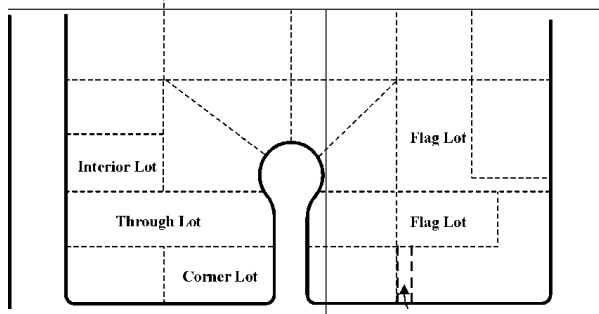
Livestock Operations, Small Animals (land use). This land use consists of the raising or keeping of up to 12 fowl and/or 12 rabbits or similar animals. Does not include hog raising, dairying or the raising or keeping for commercial purposes of cattle, horses, or similar livestock, as determined by the Director; see "Livestock Operations, Large Animals."

Local Coastal Program (LCP). A document that consists of a Land Use Plan and Implementing actions consisting of relevant portions of the County's Development Code, zoning Ordinances and Zoning District maps prepared and adopted by the County and certified by the Coastal Commission in compliance with the California Coastal Act of 1976 (Division 20 of the Public Resources Code).

Lot, A legal lot of record. Types of lots include the following. See Figure 8-3 (Lot Types).

1. **Corner Lot.** A lot located at the intersection of two or more streets, bounded on two or more sides by street lines.
2. **Flag Lot.** A lot having access from the building site to a public street by means of private right-of-way strip that is owned in fee or by means of an access easement.
3. **Interior Lot.** A lot abutting only one street.
4. **Through Lot.** A lot with frontage on two generally parallel streets.

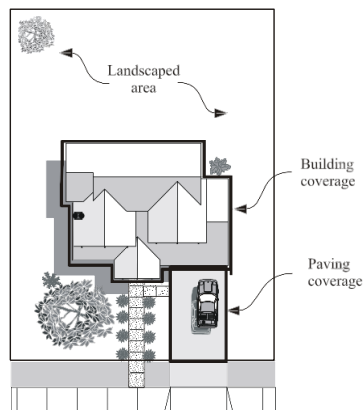
**FIGURE 8-3
LOT TYPES**



Lot Area. Lot area is the total area included within the lot lines of a lot, exclusive of adjacent street rights of way and any portion of the property located below mean high tide that is subject to tidal action.

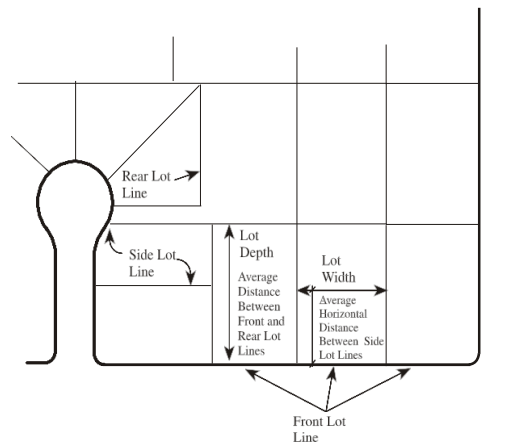
Lot Coverage. Lot coverage is the percentage of total site area occupied by structures, and paving for vehicle and pedestrian use. Structure/building coverage includes the primary structure, all accessory structures (e.g., carports, garages, patio covers, storage sheds, trash dumpster enclosures, etc.) and architectural features (e.g., chimneys, balconies, decks, porches, stairs, etc.). Structure/building coverage is measured from exterior wall to exterior wall. Pavement coverage includes areas necessary for the ingress, egress, outdoor parking, and circulation of motor vehicles and pedestrians. See Figure 8-4 (Lot Coverage).

**FIGURE 8-4
LOT COVERAGE**



Lot Depth. The average linear distance between the front and the rear lot lines or the intersection of the two side lot lines if there is no rear line. See Figure 8-5 (Lot Lines and Lot Features). The Director shall determine lot depth for parcels of irregular configuration.

FIGURE 8-5
LOT LINES AND LOT FEATURES



Lot Frontage. The boundary of a lot adjacent to a public or private street right-of-way.

Lot Line, or Property Line. Any recorded boundary of a lot. Types of lot lines are as follows (see Figure 8-5 (Lot Lines and Lot Features)):

1. **Front Lot Line.** On an interior lot, the property line separating the parcel from the street. The front lot line on a corner lot is the property line bounding the street to which the property is addressed and the street from which access is taken. On a through lot, both lot lines are front lot lines and the lot is considered to have no rear lot line.
2. **Interior Lot Line.** Any lot line not abutting a street.
3. **Rear Lot Line.** A property line that does not intersect the front lot line, which is most distant from and most closely parallel to the front lot line.
4. **Side Lot Line.** Any lot line that is not a front or rear lot line.

Lot Width. The average horizontal distance between the side lot lines. See Figure 8-5 (Lot Lines and Lot Features). The Director shall determine lot width for parcels of irregular shape.

Low Impact Development (LID): A development site-design strategy with a goal of maintaining or reproducing the site's pre-development hydrologic functions of storage, infiltration, and groundwater recharge, as well as maintaining the volume and rate of stormwater discharges and protecting water quality. Low Impact Development strategies use small-scale integrated and distributed management practices, including minimizing impervious surfaces, infiltrating stormwater close to its source, and preserving permeable soils and native vegetation.

Low Income. See "Income Qualifying Household"

Lumber and Wood Products (land use). This land use consists of the manufacture, processing, and sale of milled forest products, including rough and finished lumber and other wood materials for use in other manufacturing, craft, or construction processes. Includes the following processes and products:

- containers, pallets and skids
- milling operations
- trusses and structural beams
- turning and shaping of wood products
- wholesaling of basic wood products
- wood product assembly

Craft-type shops are included in "Handcraft Industries and Small-Scale Manufacturing." Other wood and cabinet shops are included under "Furniture and Fixture Manufacturing." The indoor retail sale of building materials, construction tools and equipment is included under "Building Material Stores."

M. Definitions, "M."

Machinery Manufacturing (land use). This land use consists of the manufacture of machinery and equipment for purposes and products including the following:

- | | |
|--|-----------------------------------|
| - bulldozers | - industrial furnaces and ovens |
| - carburetors | - industrial molds |
| - construction | - laundry and dry cleaning |
| - conveyors | - materials handling |
| - cranes | - mining |
| - die casting | - oil field equipment |
| - dies | - paper manufacturing |
| - dredging | - passenger and freight elevators |
| - engines and turbines | - pistons |
| - farm and garden | - printing |
| - food products manufacturing | - pumps |
| - gear cutting | - refrigeration equipment |
| - heating, ventilation, air conditioning | - textile manufacturing |
| - industrial trucks and tractors | |

Major Energy Facility (coastal). Any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy that costs more than one hundred thousand dollars (\$100,000) with an automatic annual increase in accordance with the Engineering News Record Construction Cost Index, except for those governed by the provisions of Public Resources Code Section 30610, 30610.5, 30611 or 30624.

Major Public Works ~~Project~~ (coastal). ~~This land use consists of:~~ (1) Publicly financed recreational facilities that serve, affect, or otherwise impact regional or statewide use of the coast by increasing or decreasing public recreational opportunities or facilities; and (2) Public Works Facilities (see definition of "Public Works (coastal)") that cost more than one hundred thousand dollars (\$100,000) with an automatic annual increase in accordance with the Engineering News Record Construction Cost Index, except for those governed by the provisions of Public Resources Code Section 30610, 30610.5, 30611 or 30624, ~~and that fall within one of the following categories:~~

~~a) Production, storage, transmission, and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the California Public Utilities Commission, except for energy facilities;~~

~~b) Public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires, and other related facilities;~~

~~e) Projects of the State Coastal Conservancy and any development by a special district;~~

~~d) Community college facilities.~~

Major Vegetation (coastal). Any vegetation that is ~~a sensitive species, or is located in an ESHA~~, on a beach or sand dune, within fifty feet of the edge of a coastal bluff, in an environmentally sensitive habitat area (ESHA) or its buffer, or heritage trees ~~and or~~ vegetation that is visually prominent and/or a significant part of the public viewshed. Agricultural croplands and pastures, and nonnative ornamental vegetation ~~not meeting the above criteria~~, are not considered to be major vegetation. ~~The removal of vegetation for defensible space, including the pruning and maintenance of understory vegetation within 100 feet of a building or structure, the maintenance of trees and removal of trees less than 6 inches in DBH (diameter at breast height) within 100 feet of a building or structure, and the removal of vegetation within 100 feet of a power pole and/or transmission line by a public agency or their representative do not constitute removal or harvesting of major vegetation.~~

Map Act. See "Subdivision Map Act."

Mariculture (land use). This land use consists of agricultural activities dedicated to the culture and husbandry of aquatic organisms including shellfish, mollusks, crustaceans, kelp, and algae. (See "Fish Hatcheries and Game Reserves," for activities related to fish.)

Marin Countywide Plan. The Marin Countywide Plan, including all its elements and all amendments, adopted as the General Plan by the Board of Supervisors under the provisions of Government Code Sections 65300 et seq.

Marinas (land use). This land use consists of recreationally-oriented small craft harbors that may include mooring and launching facilities and accessory facilities for boat servicing. Mooring, launching, and service facilities oriented primarily toward the needs of commercial fishing are included under the definition of "Harbors." Marinas accommodating floating homes are defined as "Floating Home Marinas."

Marine Environment (coastal). The marine environment consists of the ocean, the high-energy coastline, and bays, inlets, lagoons, and estuaries subject to the tides. Marine habitats are affected by the waves and currents of the open ocean and the water regimes are determined primarily by the ebb and flow of oceanic tides.

Master Plan. See Chapter 22.44 (Master Plans and Precise Development Plans).

Medical Services - Clinics and Laboratories (land use). This land use consists of businesses primarily engaged in furnishing outpatient medical, mental health, surgical and other personal health services, but which are separate from hospitals, including:

- health management organizations (HMOs)
- medical and dental laboratories
- medical, dental and psychiatric offices
- out-patient care facilities
- other allied health services

Counseling services by other than medical doctors or psychiatrists are included under "Offices."

Medical Services – Extended Care (land use). This land use consists of the provision of nursing and health-related care as a principal use, with in-patient beds. This land use includes: board and care homes; convalescent and rest homes; extended care facilities; and skilled nursing facilities that are licensed or supervised by any federal, state, or local health/welfare agency. Long-term personal care facilities that do not emphasize medical treatment are included under "Residential Care Facilities," and "Group Homes."

Medical Services - Hospitals (land use). This land use consists of the provision of diagnostic services and extensive medical treatment, including surgical and other related services. These establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care services. May include on-site accessory clinics and laboratories, accessory retail uses and emergency heliports (see the separate definition of "Accessory Retail Uses").

Membership Organization Facilities (land use). This land use consists of permanent headquarters and meeting facilities for organizations operating on a membership basis for the promotion of the interests of the members, including facilities for:

- business associations
- civic, social and fraternal organizations
- country clubs (golf courses separately defined)
- labor unions and similar organizations
- political organizations
- professional membership organizations
- other membership organizations

Metal Fabrication, Machine and Welding Shops (land use). This land use consists of the assembly of metal parts, including the following uses that produce metal duct work, tanks, towers, cabinets and enclosures, metal doors and gates, and similar products.

- blacksmith and welding shops
- sheet metal shops
- machine shops and boiler shops

Mezzanine. An intermediate floor placed within any story or room. If the total floor area of a mezzanine is more than one-third of the total floor area of the room, it shall be considered an additional story.

Mineral Resource Extraction (land use). This land use consists of the extraction from the ground of

hydrocarbons, gravel, or sand resources, or other commercial surface mining or underground mining and processing activity. Oil and gas well drilling, geothermal wells, production operations and related facilities are not permitted.

Mini Mart. A convenience retail store on the site of a service station, which typically sells food products and other products serving the needs of travelers.

Ministerial Permit. A permit granted for a development after applying fixed, objective standards with little or no subjective evaluation as to the wisdom or manner of carrying out the development project. Examples are Sign Permit, Large Family Day-care Permit, Homeless Shelter Permit, Certificate of Compliance, Second Unit Permit, Final Map approval, and Building Permits. See also "Discretionary Permit."

Minor. Any person under 18 years of age.

Mixed Use. An existing or proposed development that includes more than one type of land use.

Mobile Home. A trailer, transportable in one or more sections, that is certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, which is over eight feet in width and 40 feet in length, with or without a permanent foundation and not including recreational vehicle, commercial coach or factory-built housing. A mobile home on a permanent foundation is included under the definition of "Single-Family Dwellings."

Mobile Home Park (land use). This land use consists of any site that is planned and improved to accommodate two or more mobile homes used for residential purposes, or on which two or more mobile home lots are rented, leased, or held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate mobile homes used for residential purposes.

Moor. The fixing of a vessel in one location, temporarily or permanently, by mooring, anchoring, grounding, or any other means.

Motel. See "Hotel or Motel."

Multi-Family Dwellings (land use). This land use consists of multiple detached dwellings on the same lot, or a building or a portion of a building used and/or designed as residences for two or more families living independently of each other. Includes: duplexes, triplexes, fourplexes and apartments (five or more units under one ownership in a single building); and townhouse development (three or more attached single-family dwellings where no unit is located over another unit. Second units and farm worker housing are not considered in the calculation of the number of units for this definition and do not convert a single-family development into a multi-family development.

Mutual Water Company. A state-licensed water purveyor providing domestic water to multiple residences, where the owners of property being served are shareholders in the company.

N. Definitions, "N."

NAVD (North American Vertical Datum). A vertical elevation control datum used in height measurements.

Native Tree. Any tree in the list "Trees Native to Marin County," maintained and provided by the Marin County Community Development Agency, or any other tree native to the State of California and the Marin County area.

Native Tree Removal (~~non-coastal~~). Generally means the destruction of any protected tree or the alteration of any protected tree which may adversely affect the health and survival of the tree. Includes "removal of a tree." Routine trimming and pruning is not considered tree removal for the purpose of this Chapter.

Natural Disaster. Any situation in which the natural force or forces which destroyed a structure were

beyond the control of the owner, including fire, flood, storm, explosion, landslide, earthquake, or other similar conditions.

Nature Preserves (land use). This land use consists of sites with environmental resources intended to be preserved in their natural state.

Negative Declaration. A written statement describing the reasons that a proposed project that is not otherwise exempt from the California Environmental Quality Act (CEQA) will not have a significant adverse effect on the environment and, therefore, does not require the preparation of an Environmental Impact Report (EIR). Please refer to CEQA Guidelines Section 15369.5 for a complete definition of a Negative Declaration.

New Development (coastal). For purposes of applying Section 30212 of the Coastal Act only, new development consists of any development other than the following:

- (1) Replacement of any structure pursuant to the provisions of subdivision (g) of Coastal Act Section 30610
- (2) The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.
- (3) Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.
- (4) The reconstruction or repair of any seawall; provided, however, that the reconstructed or repaired seawall is not seaward of the location of the former structure.
- (5) Any repair or maintenance activity for which the Coastal Commission has determined by regulation, pursuant to Coastal Act Section 30610, that a coastal development permit will be required unless the Coastal Commission determines that the activity will have an adverse impact on lateral public access along the beach.

As used here in this definition "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

Nonconforming Lot. A lot of record that was legally created, but does not conform with this Development Code because the lot is of a size, shape, or configuration no longer allowed in the zoning district that applies to the site, as a result of the adoption of, or amendments to this Development Code.

Nonconforming Structure. A structure that was legally constructed, but does not conform with this Development Code because amendments to this Development Code or the previous Marin County Zoning Ordinance made the structure nonconforming in its size, location on its site, separation from other structures, number of parking spaces provided, or other features.

Nonconforming Use A use of land, and/or within a structure, that was legally established, but does not conform with this Development Code because the use is no longer allowed in the zoning district that applies to the site, as a result of amendments to this Development Code or the previous Marin County Zoning Ordinance.

O. Definitions, "O."

Oak Woodland Management Guidelines. The Oak Woodland Management Guidelines adopted by the Board and on file with the Agency.

Occupancy. The use or operation of a site or structure for an approved land use.

Off-Road Vehicle Courses (land use). This land use consists of areas set aside for the use of off-road vehicles, including dirt bikes, motorcycles, and four-wheel drive vehicles. Does not include sports assembly facilities (see "Sports Facilities and Outdoor Public Assembly"), or simple access roads that are usable only by four-wheel or two-wheel drive vehicles in conjunction with a permitted land use.

Off-Site Product. A product that is produced on property other than the site where it is offered for sale.

Offices, Business (land use). This land use consists of the provision of direct services to consumers.

This land use includes establishments such as insurance agencies, real estate offices, and post offices (not including bulk mailing distribution centers, which are included under "Vehicle and Freight Terminals").

Does not include: medical offices (see "Medical Services - Clinics and Laboratories"); or offices that are incidental and accessory to another business or sales activity that is the principal use. Incidental offices that are customarily accessory to another use are allowed as part of an approved principal use.

Offices, Professional (land use). This land use consists of professional or government offices including:

- | | |
|---|--|
| - accounting, auditing and bookkeeping services | - educational, scientific and research organizations |
| - advertising agencies | - employment, stenographic, secretarial and word processing services |
| - architectural, engineering, planning and surveying services | - government offices including agency and administrative office facilities |
| - attorneys | - management, public relations and consulting services |
| - counseling services | - photography and commercial art studios |
| - court reporting services | - writers and artists offices outside the home |
| - data processing and computer services | |
| - detective agencies and similar services | |

Does not include: medical offices (see "Medical Services - Clinics and Laboratories") or offices that are incidental and accessory to another business or sales activity that is the principal use. Incidental offices that are customarily accessory to another use are allowed as part of an approved principal use.

Offices, Property Management (land use). This land use consists of accessory offices on the site of an apartment complex, mobile home park, or commercial facility, for the purpose of providing tenant services.

Offices, Temporary (land use). This land use consists of a mobile home, recreational vehicle or modular unit used as a temporary office facility. Temporary Offices may include: construction supervision offices on a construction site or off-site construction yard; a temporary on-site real estate office for a development project; or a temporary business office in advance of permanent facility construction.

Offices, Temporary Real Estate (land use). This land use consists of the temporary use of a dwelling unit within a residential development project as a sales office for the units on the same site, which is converted to residential use at the conclusion of its office use.

On-Site Product. A product that is produced on the same property where it is offered for sale.

Open Coastal Waters (coastal). The marine environment in the Coastal Zone.

Open Water. In conjunction with a Floating Home Marina, a privately owned or controlled water area, which is devoid of any structure or appurtenances including mooring facilities for any vessels or piers, docks, ramps, walkways or other exit ways.

Organizational Houses (land use). This land use consists of residential lodging houses operated by membership organizations for their members and not open to the general public. Includes fraternity and sorority houses.

Original Lot. A contiguous area of real property under one ownership, which is proposed for division in compliance with Article VI (Subdivisions) of this Development Code.

Outdoor Commercial Recreation (land use). This land use consists of facilities for various outdoor participant sports and types of recreation where a fee is charged for use, including:

- amusement and theme parks
- drive-in theaters
- go-cart and miniature auto race tracks
- golf driving ranges separate from golf courses
- health and athletic club outdoor facilities
- miniature golf courses
- skateboard parks
- swim and tennis clubs
- tennis courts
- water slides
- zoos

May also include commercial facilities customarily associated with the above outdoor commercial recreational uses, including bars and restaurants, fast-food restaurants, video game arcades, etc. Spectator facilities are included in the definition of "Sport Facilities and Outdoor Public Assembly."

Outdoor Retail Sales and Activities (land use). This land use consists of the outdoor retail sale or rental of autos and other vehicles and equipment, lumber, and other uses where the business is not conducted entirely within a structure.

Outdoor Retail Sales, Temporary (land use). This land use consists of the temporary outdoor retail sales activities, examples of which include:

- Christmas trees, pumpkins or the sale of other seasonal items
- semi-annual sales of art/handcrafted items in conjunction with community festivals or art shows
- sidewalk or parking lot sales longer than one weekend
- retail sales in temporary locations outside the public right-of-way

Farmer's markets are separately defined.

P. Definitions, "P."

Paper Products (land use). This land use consists of the manufacture of paper and paperboard, from both raw and recycled materials, and their conversion into products such as paper bags, boxes, envelopes, wallpaper, etc.

Paper Street. Any street, road, or public vehicular access, or portion thereof, shown on a subdivision map recorded prior to April 3, 1953, which is undeveloped and/or unimproved, excluding "driveways", as previously defined.

Parcel. A unit of real property.

Parcel (coastal). See ~~"Legal Lot (coastal) of Record"~~ [A unit of real property](#).

Parcel Map. The subdivision map described by the Subdivision Map Act, Article 3, Chapter 2, which is required by Article VI (Subdivisions) of this Development Code to complete a subdivision of four or fewer lots.

Parking Structure. Parking space or shelter for automobiles or other vehicles.

1. A garage is an attached or detached accessory structure, which is enclosed on at least three sides;
2. A carport is an attached or detached accessory structure, which is enclosed on no more than two sides;
3. A car deck is an unenclosed and uncovered platform providing off-street parking spaces, normally constructed at the street level of a sloping lot.

Parks and Playgrounds (land use). This land use consists of public parks, play lots, playgrounds, and athletic fields for non-commercial neighborhood or community use, including tennis courts. If privately-owned, the same facilities are included under the definition of "Private Residential Recreation Facilities." See also "Golf Courses/Country Clubs," "Outdoor Commercial Recreation," and "Sport Facilities and Outdoor Public Assembly."

Paving and Roofing Materials (land use). This land use consists of the manufacture of various common paving and petroleum-based roofing materials, including bulk asphalt, paving blocks made of asphalt, creosote wood and various compositions of asphalt and tar. The manufacture of wood roofing materials (shingles, shakes, etc.) is included under "Lumber and Wood Products."

Permitted Use. A land use allowed by Article II (Zoning Districts and Allowable Land Uses) subject to compliance with all applicable provisions of this Development Code, and subject to first obtaining any building permit or any other permit required by the County Code.

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

~~**Person.** Any natural person, partnership, cooperative association, private corporation, public corporation, personal representative, receiver, trustee, assignee, or any other legal entity.~~

Person (coastal): Any individual, organization, partnership, limited liability company, or other business association or corporation, including any utility, and any federal, state, local government, or special district or an agency thereof.

Personal Services (land use). This land use consists of the provision of non-medically related services. Examples of facilities included in this land use include: beauty and barber shops; clothing rental; dry cleaning pick-up stores; laundromats (self-service laundries); psychic readers; shoe repair shops; tanning salons. These uses may also include accessory retail sales of products related to the services provided.

Pipelines and Utility Lines (land use). This land use consists of transportation facilities for the conveyance of water or commodities other than petroleum. Also includes pipeline surface and terminal facilities, including pump stations, bulk stations, surge and storage tanks. Utility lines include facilities for the transmission of electrical energy for sale, including transmission lines for a public utility company. Also includes telephone, telegraph, cable television and other communications transmission facilities utilizing direct physical conduits. Does not include offices or service centers (see "Offices"), or distribution substations (see "Public Utility Facilities").

Planned District. Any zoning district established by Sections 22.06.020 (Zoning Districts Established), and Article V (Coastal Zones – Permit Requirements and Development Standards), that is not included under the definition of "Conventional District" provided by this Chapter. The planned districts include:

C-APZ (Coastal, Agricultural Production Zone)	RX (Residential, Mobile Home Park)RF
ARP (Agricultural, Residential Planned)	(Residential, Floating Home Marina)
C-ARP (Coastal, Agricultural, Residential Planned)	RMPC (Residential/Commercial Multiple Planned)
RSP (Residential, Single-Family Planned)	CP (Planned Commercial)
C-RSP (Coastal, Residential, Single-Family Planned)	OP (Planned Office)
C-RSPS (Coastal, Residential, Single-Family Planned, Seadrift Subdivision)	RCR (Resort and Commercial Recreation)
RMP (Residential, Multiple Planned)	C-RCR (Coastal, Resort and Commercial Recreational)
C-RMP (Coastal, Residential, Multiple Planned)	C-RMPC (Coastal, Residential/Commercial Multiple Planned)
	C-CP (Coastal, Planned Commercial)
	I-P (Industrial, Planned)
	RF (Floating Home Marina)

Planning Commission. The Marin County Planning Commission, appointed by the Board of Supervisors as provided by Government Code Section 65101, and Title 2 of the Marin County Code, referred to throughout this Development Code as the "Commission."

Plant Nurseries (land use). This land use consists of the commercial production of ornamental plants and other nursery products, grown under cover or outdoors. May include establishments engaged in the sale of such products, and commercial scale greenhouses. The sale of house plants or other nursery products is also included under "Retail Stores, General Merchandise." Home greenhouses are included under "Residential Accessory Uses and Structures."

Plastics and Rubber Products (land use). This land use consists of the manufacture of rubber products such as: tires; rubber footwear; mechanical rubber goods; heels and soles; flooring; and other rubber products from natural, synthetic or reclaimed rubber. Also includes establishments engaged primarily in manufacturing tires. Also includes: establishments engaged in molding primary plastics for other manufacturers, and manufacturing miscellaneous finished plastics products; fiberglass manufacturing, and fiberglass application services. Establishments engaged primarily in recapping and retreading automobile tires are classified in "Auto, Mobile home, Vehicle and Supplies Sales."

Playground. See "Parks and Playgrounds."

Poster Board. A sign consisting of a framed or unframed surface, freestanding or attached to a wall or fence or other structure, designed and located only for the display of announcements of coming performances of cultural, educational, and athletic events.

Precise Development Plan. See Chapter 22.44 (Master Plans and Precise Development Plans).

Premise(s). The site of a land use or activity subject to the requirements of this Development Code.

Prescriptive Rights (coastal). Public rights that are acquired over private lands through use as defined by California law.

Primary Structure. See "Structure, primary."

Primary Zoning District. One of the agricultural, residential, commercial, or special purpose zoning districts established by Sections 22.06.020 (Zoning Districts Established) and Article V (Coastal Zones – Permit Requirements and Development Standards), that is applied to a site by the Zoning Map in addition to one or more of the combining districts established by Section 22.06.020.

Principal Permitted Use (coastal). ~~A~~The principal land use allowed by Article V (Zoning Districts and Allowable Land Uses)~~—and as used in the Land Use Tables including activities which are functionally related to one another so as to be viewed as effectively one use type or group.~~ Such uses are subject to compliance with all applicable provisions of this Development Code, and subject to first obtaining any building permit or any other permit required by the County Code. ~~Any use that requires a Coastal Zone Variance shall not be considered a principal permitted use.~~ [See Section 22.70.080.B.1 for Appeal of Coastal Permit Decisions]

Principal Structure (coastal). The primary ~~use or~~ structure on the property.

Printing and Publishing (land use). This land use consists of printing by letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying, and other "quick printing" services; and other establishments serving the printing trade such as bookbinding, typesetting, engraving, photoengraving and electrotyping. This use also includes establishments that publish newspapers, books and periodicals; and establishments manufacturing business forms and binding devices.

Private Residential Recreation Facilities (land use). This land use consists of privately-owned, non-commercial outdoor recreation facilities provided for members or project/neighborhood residents, including swim and tennis clubs, park and sport court facilities. Does not include golf courses/country clubs, which are separately defined.

Private Road. A street or right-of-way owned and maintained by a private person(s) or entity(ies).

Project. See "Development, or Project."

Property Line. See "Lot Line or Property Line."

Proposed Parcel(s). Each separate parcel shown on a tentative map or lot line adjustment, as proposed by an applicant.

Protected Tree and Heritage Tree. Any one of the following as indicated in the table below:

Common Name	Botanical Name	Protected Size	Heritage Size
		Diameter at Breast Height	Diameter at Breast Height
Arroyo willow	<i>S. lasiolepis</i>	6 inches	18 inches
Big-leaf maple	<i>Acer macrophyllum</i>	10 inches	30 inches
Bishop pine	<i>Pinus muricata</i>	10 inches	30 inches
Blue oak	<i>Q. douglasii</i>	6 inches	18 inches

Box elder *A. negundo* var. *californicum*
California bay *Umbellularia californica*

10 inches 30 inches
10 inches 30 inches

California black oak	<i>Q. kelloggii</i>	6 inches	18 inches
California buckeye	<i>Aesculus californica</i>	10 inches	30 inches
California nutmeg	<i>Torreya californica</i>	10 inches	30 inches
Canyon live oak	<i>Q. chrysolepis</i>	6 inches	18 inches
Chaparral oak	<i>Q. wislizeni</i>	6 inches	18 inches
Coast live oak	<i>Quercus agrifolia</i>	6 inches	18 inches
Coast redwood	<i>Sequoia sempervirens</i>	10 inches	30 inches
Douglas-fir	<i>Pseudotsuga menziesii</i>	10 inches	30 inches
Giant Chinquapin	<i>Castanopsis chrysophylla</i>	10 inches	30 inches
Hawthorn	<i>Crataegus douglasii</i>	10 inches	30 inches
Mountain-mahogany	<i>Cercocarpus betuloides</i>	10 inches	30 inches
Narrow leaved willow	<i>Salix exigua</i>	6 inches	18 inches
Oak	<i>Q. parvula</i> var. <i>shrevei</i>	6 inches	18 inches
Oregon ash	<i>Fraxinus latifolia</i>	10 inches	30 inches
Oregon oak	<i>Q. garryana</i>	6 inches	18 inches
Pacific madrone	<i>Arbutus menziesii</i>	6 inches	
Pacific yew	<i>Taxus brevifolia</i>	10 inches	30 inches
Red alder	<i>A. rubra</i>	10 inches	30 inches
Red elderberry	<i>Sambucus callicarpa</i>	10 inches	30 inches
Red willow	<i>S. laevigata</i>	6 inches	18 inches
Sargent cypress	<i>Cupressus sargentii</i>	6 inches	18 inches
Scouler's willow	<i>S. scouleriana</i>	6 inches	18 inches
Service-berry	<i>Amelanchier alnifolia</i>	10 inches	30 inches
Shining willow	<i>S. lucida</i> ssp. <i>lasiandra</i>	6 inches	18 inches
Silk tassel	<i>Garrya elliptica</i>	10 inches	30 inches
Sitka willow	<i>S. sitchensis</i>	6 inches	18 inches
Tanbark oak	<i>Lithocarpus densiflorus</i>	10 inches	30 inches
Valley oak	<i>Q. lobata</i>	6 inches	18 inches
Wax myrtle	<i>Myrica californica</i>	10 inches	30 inches
White alder	<i>Alnus rhombifolia</i>	10 inches	30 inches

Public Access Deed Restriction (coastal). A legal document that places responsibilities upon the landowner relative to public use within a specifically defined area of the property, in order to allow for a public accessway.

Public Access Offer to Dedicate (OTD) (coastal). A legal document that offers an easement across private land for a future public accessway. In order to effectuate the OTD and open the accessway or stairway for public use, it must be accepted for management by a responsible agency and then improved, if necessary, and opened. ~~No offer of dedication shall be used or construed to allow anyone, prior to acceptance of the Offer, to interfere with any rights of public access acquired through use that may exist on the Property or use the property in a manner that would prevent effectuation of the Offer to Dedicate.~~

Public Road. A street or highway owned and maintained by the County, a City, the State, or the

federal government.

Public Safety/Service Facilities (land use). This land use consists of facilities operated by public agencies including fire stations, other fire prevention and firefighting facilities, police and sheriff substations and headquarters, including interim incarceration facilities, and civic buildings.

Public Utility Facilities (land use). This land use consists of fixed-base structures and facilities serving as junction points for transferring utility services from one transmission voltage to another or to local distribution and service voltages. These uses include any of the following facilities that are not exempted from land use permit requirements by Government Code Section 53091:

- corporation and maintenance yards
- electrical substations and switching stations
- natural gas regulating and distribution facilities
- public water system wells, treatment plants and storage
- telephone switching facilities
- wastewater treatment plants, settling ponds and disposal fields

These uses do not include office or customer service centers (classified in "Offices").

Public Works (Coastal).

(a) All production, storage, transmission, and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission, except for energy facilities.

(b) All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires, and other related facilities.

(c) All publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by a special district.

(d) All community college facilities.

See also "Major Public Works (coastal)".

Q. Definitions, "Q."

Quarry. See "Surface Mining."

R. Definitions, "R."

Recreational Vehicle (RV). A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, originally designed for human habitation for recreational, emergency, or other occupancy, which is not used for other than transient use, and which meets all of the following criteria:

1. It contains less than 320 square feet of internal living room area, excluding built-in equipment, including wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms;
2. It contains 400 square feet or less of gross area measured at maximum horizontal projections;
3. It is built on a single chassis; and
4. It is either self-propelled, truck-mounted, or permanently towable on the highways without a towing permit.

Recreational Vehicle Park (land use). This land use consists of a site where one or more lots are used, or are intended to be used, by campers with recreational vehicles or tents on a transient basis. Recreational vehicle parks may include public restrooms, water, sewer, and electric hookups to each lot and are intended as a higher density, more intensively developed use than campgrounds. May include accessory retail uses where they are clearly incidental and intended to serve RV park patrons only.

Recycling Facilities (land use). This land use type includes a variety of facilities involved with the collection, sorting and processing of recyclable materials.

1. **Mobile Recycling Unit.** An automobile, truck, trailer, or van used for the collection of recyclable materials, and carrying bins, boxes, or other containers for such materials.
2. **Processing Facility.** A structure or enclosed space used for the collection and processing of recyclable materials for shipment, or to an end-user's specifications, by such means as baling, briquetting, cleaning, compacting, crushing, flattening, grinding, mechanical sorting, remanufacturing and shredding. Processing facilities include the following types, both of which are included under the definition of "Scrap and Dismantling Yards:"
 - a. Light processing facility occupies an area of under 45,000 square feet of collection, processing and storage area, and averages two outbound truck shipments each day. Light processing facilities are limited to baling, briquetting, compacting, crushing, grinding, shredding and sorting of source separated recyclable materials sufficient to qualify as a certified processing facility. A light processing facility shall not shred, compact, or bale ferrous metals other than food and beverage containers; and
 - b. A heavy processing facility is any processing facility other than a light processing facility.
3. **Recycling Facility.** A center for the collection and/or processing of recyclable materials. A "certified" recycling or processing facility is certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986. A recycling facility does not include storage containers located on a residentially, commercially or industrially designated site used solely for the recycling of material generated on the site. See "Collection Facility" above.
4. **Recycling or Recyclable Material.** Reusable domestic containers and other materials which can be reconstituted, remanufactured, or reused in an altered form, including glass, metals, paper and plastic. Recyclable material does not include refuse or hazardous materials.
5. **Reverse Vending Machine.** An automated mechanical device which accepts at least one or more types of empty beverage containers and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value, as determined by state law. These vending machines may accept aluminum cans, glass and plastic bottles, and other containers.

A bulk reverse vending machine is a reverse vending machine that is larger than 50 square feet, is designed to accept more than one container at a time, and issues a cash refund based on total weight instead of by container.
6. **Scrap and Dismantling Yards.** See "Junk Yard."

~~Redevelopment (coastal): Development that is located outside of blufftop or shoreline areas that meet criteria A or B below:~~

~~A. Development that consists of alterations including (1) additions to an existing structure, (2) exterior and/or interior renovations, and/or (3) demolition of an existing bluff home or other principal structure, or portions thereof, which results in:~~

~~(1) Alteration of 50% or more of major structural components including exterior walls, floor and roof structure, and foundation, or a 50% increase in floor area. Alterations are not additive between individual major structural components; however, changes to individual major structural components are cumulative over time from the date of certification of the LUP.~~

~~(2) Demolition, renovation or replacement of less than 50% of a major structural component where the proposed alteration would result in cumulative alterations exceeding 50% or more of a major structural component, taking into consideration previous alterations approved on or after the date of certification of the LUP; or an alteration that constitutes less than 50% increase in floor area where the proposed alteration would result in a cumulative addition of greater than 50% of the floor area, taking into consideration previous additions approved on or after the date of certification of the LUP.~~

~~B. Development that consists of any alteration of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction, as per National Flood Insurance Program (NFIP) requirements administered by the Federal Emergency Management Agency (FEMA).~~

~~For the purposes of this definition:~~

~~An exterior wall is considered to be altered 50% or more when any of the following occur either above or below grade:~~

~~(a) Exterior cladding and/or framing systems are altered in a manner that requires removal and/or replacement of 50% or more of the elements of those cladding and framing systems, normally considered as linear length of wall.~~

~~(b) Reinforcement is needed for any remaining portions of the wall to provide structural support in excess of 50% of existing support elements (e.g., addition of 50% or more of beams, shear walls, or studs whether alone or alongside the existing/retained elements).~~

~~A floor or roof structure is considered to be altered 50% or more when any of the following occur:~~

~~(a) The roof or floor framing is altered in a manner that requires removal and/or replacement of structural elements (e.g., trusses, joists, rafters) supporting 50% or more of the square footage of the roof or floor.~~

~~(b) The roof or floor structural framing system requires additional reinforcement to any remaining portions of the roof or floor system to provide structural support (e.g., addition of 50% or more of beams, joists, and/or rafters, etc., whether alone or alongside existing/retained system elements).~~

~~A foundation is considered to be altered 50% or more when any work is done on any of the following:~~

~~(a) 50% or more of the horizontal surface area of a slab foundation.~~

~~(b) 50% or more of the floor area of a structure supported by a pier/post and/or caisson/grade beam foundation.~~

~~(c) 50% or more of a perimeter foundation.~~

~~Major structural component alterations generally do not include changes to roof coverings; replacement of glass or doors in existing window or door openings; replacement of window or door framing when the size and location of the window/door remains unchanged; repair of roofs or foundations without any change to structural supporting elements; changes to exterior siding; repair, maintenance, and replacement of chimneys; and interior changes to non-structural interior walls and sheetrock, insulation, fixtures, and mechanical, electrical and plumbing elements.~~

~~Redevelopment, Coastal (coastal). Development that is located on bluffslops or at or near the ocean-sand interface and/or at very low lying elevations along the shoreline that meet criteria A or B below:~~

~~A. Development that consists of alterations including (1) additions to an existing structure, (2) exterior and/or interior renovations, and/or (3) demolition of an existing bluff home or other principal structure, or portions thereof, which results in:~~

~~(1) Alteration of 50% or more of major structural components including exterior walls, floor and roof structure, and foundation, or a 50% increase in floor area. Alterations are not additive between individual major structural components; however, changes to individual major structural components are cumulative over time from the date of certification of the LUP.~~

~~(2) Demolition, renovation or replacement of less than 50% of a major structural component where the proposed alteration would result in cumulative alterations exceeding 50% or more of a major structural component, taking into consideration previous alterations approved on or after the date of certification of the LUP; or an alteration that constitutes less than 50% increase in floor area where the proposed alteration would result in a cumulative addition of greater than 50% of the floor area, taking into consideration previous additions approved on or after the date of certification of the LUP.~~

~~B. Development that consists of any alteration of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction, as per National Flood Insurance Program (NFIP) requirements administered by the Federal Emergency Management Agency (FEMA).~~

~~For the purposes of this definition:~~

~~An exterior wall is considered to be altered 50% or more when any of the following occur either above or below grade:~~

~~(a) Exterior cladding and/or framing systems are altered in a manner that requires removal and/or replacement of 50% or more of the elements of those cladding and framing systems, normally considered as linear length of wall.~~

~~(b) Reinforcement is needed for any remaining portions of the wall to provide structural support in excess of 50% of existing support elements (e.g. addition of 50% or more of beams, shear walls, or studs whether alone or alongside the existing/retained elements).~~

~~A floor or roof structure is considered to be altered 50% or more when any of the following occur:~~

~~(a) The roof or floor framing is altered in a manner that requires removal and/or replacement of structural elements (e.g. trusses, joists, rafters) supporting 50% or more of the square footage of the roof or floor.~~

~~(b) The roof or floor structural framing system requires additional reinforcement to any remaining portions of the roof or floor system to provide structural support (e.g. addition of 50% or more of beams, joists, and/or rafters, etc., whether alone or alongside existing/retained system elements).~~

~~A foundation is considered to be altered 50% or more when any work is done on any of the following:~~

~~(a) 50% or more of the horizontal surface area of a slab foundation.~~

~~(b) 50% or more of the floor area of a structure supported by a pier/post and/or caisson/grade beam foundation.~~

~~(c) 50% or more of a perimeter foundation.~~

~~Major structural component alterations generally do not include changes to roof coverings; replacement of glass or doors in existing window or door openings; replacement of window or door framing when the size and location of the window/door remains unchanged; repair of roofs or foundations without any change to structural supporting elements; changes to exterior siding; repair, maintenance, and replacement of chimneys; and interior changes to non structural interior walls and sheetrock, insulation, fixtures, and mechanical, electrical and plumbing elements.~~

Referral. Any transmittal, notification, posting, consultation, request for or distribution of information, initiated by the Agency to communicate with other agencies, organizations, groups or the public that pertains to a proposed project.

Religious Places of Worship (land use). This land use consists of religious facilities operated by organizations for worship, or the promotion of religious activities, including:

- churches
- synagogues
- mosques
- religious schools

Includes accessory uses on the same site, such as living quarters for ministers and staff, and child day care facilities where authorized by the same type of land use permit required for the religious facility itself. Does not include other establishments maintained by religious organizations, such as full-time educational institutions, hospitals and other potentially related operations (such as a recreational camp), which are defined under their respective activities.

Religious Residential Retreat (land use). This land use consists of convents, monasteries, and other facilities where members of religious organizations set themselves apart from the external community for short- or long-term periods to participate in worship and other religious activities.

Repair and Maintenance (coastal). Development which does not result in an addition to, enlargement or expansion of the object of the repair and maintenance. Unless destroyed by natural disaster, the replacement of 50 percent or more of a single family residence, seawall, revetment, bluff retaining wall, breakwater, groin or any other structure is not repair and maintenance but instead constitutes a replacement structure (see also "Redevelopment (coastal)" and "Redevelopment, Coastal (coastal)").

Repair and Maintenance - Consumer Products (land use). This land use consists of the repair of consumer products as the principal business activity. Examples of establishments included in this land use are: electrical repair shops; television and radio and other appliance repair; watch, clock and jewelry repair; re-upholstery and furniture repair. Does not include shoe repair (see "Personal Services"), or businesses serving the repair needs of heavy equipment (see "Business Support Services").

Repair and Maintenance - Vehicle (land use). This land use generally consists of the repair, alteration, restoration, towing, painting, cleaning (including self-service and attended car washes), or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a principal use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This use includes major and minor facilities. Major vehicle repair facilities deal with entire vehicles. Minor facilities specialize in limited aspects of repair and maintenance (i.e., muffler and radiator shops, quick-lube, etc.).

Includes tire recapping establishments. Does not include automobile parking (see "Commercial Parking and Vehicle Storage"), repair shops that are part of a vehicle dealership on the same site (see "Auto, Mobile home, Vehicle and Parts Sales"); automobile service stations, which are separately defined; or automobile dismantling yards, which are included under "Recycling, Scrap and Dismantling Yards."

Resale Controls. Legal restrictions by which the price of affordable housing units will be controlled to ensure that the units remain affordable to extremely low, very low, low or moderate-income County households, as applicable, over a specified period of time.

Research and Development (land use). This land use consists of scientific research, and the design, development and testing of computer software, and electrical, electronic, magnetic, optical and mechanical components in advance of product manufacturing, not associated with a manufacturing facility on the same site. Includes chemical and biotechnology research and development. Does not include soils and other materials testing laboratories (see "Business Support Services"), or medical laboratories (see "Medical Services - Clinics and Labs").

Residence. See "Dwelling, or Dwelling Unit."

Residential Accessory Uses and Structures (land use). This land use consists of and includes any use that is customarily a part of, and clearly incidental and secondary to, a residence and does not change the character of the residential use. These uses include the following accessory structures, and other similar structures and uses normally associated with a residential use of property:

- garages
- storage sheds
- gazebos
- studios
- greenhouses
- swimming pools
- spas and hot tubs
- workshops
- ~~roof-mounted WECS~~
- solar collectors
- rainwater cisterns and collectors

Also includes community gardens and the indoor storage of owner or occupant owned automobiles (including their incidental restoration and repair), personal recreational vehicles and other personal property, accessory to a residential use. Does not include home satellite dish and other receiving antennas for earth-based TV and radio broadcasts; see "Telecommunications Facilities."

Residential Care Facilities (land use). This land use consists of a dwelling unit licensed or supervised by any federal, state, or local health/welfare agency which provides 24-hour nonmedical care of

unrelated persons who are disabled and in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual in a family-like environment. This land use includes licensed senior care facilities. For purposes of calculating residential densities, a unit that contains a food preparation area is not counted as a separate residential unit if meal service is provided at least twice a day as part of the residential care component.

Residential District or Zone. This designation includes any of the residential zoning districts established by Sections 22.06.020 (Zoning Districts Established) and Article V (Coastal Zones – Permit Requirements and Development Standards), including:

RA (Residential, Agricultural)	C-RA (Coastal, Residential, Agricultural)
RR (Residential, Restricted)	C-R1 (Coastal, Residential, Single-Family)
RE (Residential, Estate)	C-RSP (Coastal, Residential, Single-Family Planned)
R1 (Residential, Single-Family)	C-RSPS (Coastal, Residential, Single-Family Planned, Seadrift Subdivision)
RSP (Residential, Single-Family Planned)	C-R2 (Coastal, Residential, Two-Family)
R2 (Residential, Two-Family)	C-RMP (Coastal, Residential, Multiple Planned)
RMP (Residential, Multiple Planned)	
RX (Residential, Mobile Home Park)	
RF (Residential, Floating Home Marina)	

Residential Second Unit (land use). This land use consists of a second permanent dwelling that is accessory to a primary dwelling on the same site. A residential second unit provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, food preparation, sanitation, and parking. The primary criterion for defining a second unit shall be the existence of separate food preparation facilities which may include but are not limited to stove, oven, hot plate, refrigerator or sink. Also see Existing Residential Second Units.

Restaurant (land use). This land use consists of the retail sale of prepared food and beverages for on-site consumption. This Development Code distinguishes between restaurants (including cafes and coffee shops) designed to accommodate 40 or fewer patrons, more than 40 patrons, and restaurants that serve alcohol and/or provide live entertainment.

Restaurant, Fast Food (land use). This land use consists of restaurants where customers are served prepared food from a walk-up ordering counter, or drive-through window, for either on- or off-site consumption.

Resubdivision. Changing the street alignment, lot configuration, or drainage of an existing subdivision, except through the Lot Line Adjustment process described in Chapter 22.90 (Lot Line Adjustments). Resubdivision constitutes development for the purposes of this LCP.

Retail Stores, General Merchandise (land use). This land use consists the retail sale of many lines of merchandise. Examples of the types of merchandise, and stores included within this land use are:

- artists' supplies
- auto parts (not repair or machine shops)
- bakeries (retail only)
- bicycles
- books
- cameras and photographic supplies
- clothing and accessories
- department stores
- drug and discount stores

- hobby materials
- jewelry
- luggage and leather goods
- musical instruments, parts and accessories
- newsstands
- orthopedic supplies
- pet stores
- religious goods
- shoe stores

- | | |
|---|--------------------------------|
| - dry goods | - small wares |
| - fabrics and sewing supplies | - specialty shops |
| - florists and houseplant stores | - sporting goods and equipment |
| - garden supply stores and sale of houseplants and nursery products | - stationery |
| - general stores | - toys and games |
| - grocery stores | - variety stores |
| - hardware | |

Retail Stores, Visitor/Collector (land use). This land use consists of the retail sale of products oriented primarily toward visitors to Marin County and/or collectors other than local resident populations. Examples of the stores and products included under this land uses are antiques, art galleries, gift, souvenir, and curio shops, and handcraft sales (stores may include crafting subordinate to sales).

Retreat Rate. The rate at which wave action and other coastal hazard and erosion processes will cause a coastal bluff or shoreline to erode and/or retreat.

Review Authority. The Board of Supervisors, Health Officer, Planning Commission, Zoning Administrator, ~~or~~ Community Development Director, and, in cases of Coastal Permit appeals, the Coastal Commission, where designated by this Development Code as having the responsibility and authority to review, approve, or deny land use and development applications in compliance with this Development Code.

Ridge and Upland Greenbelts. The uppermost portions of hills, and the wooded hillsides identified in the Built Environment Element of the Marin Countywide Plan.

Right-to-Farm Ordinance. An ordinance that was adopted in compliance with the Marin Countywide Plan for the purpose of protecting existing or future agricultural uses.

Riparian Vegetation (coastal). Vegetation associated with a watercourse and relying on the higher level of water provided by the watercourse. Riparian vegetation can include trees, shrubs, and/or herbaceous plants. Woody riparian vegetation includes plants that have tough, fibrous stems and branches covered with bark and composed largely of cellulose and lignin. Herbacious riparian vegetation includes grasses, sedges, rushes and forbs – broad-leaved plants that lack a woody skeleton.

Room Rental (land use). This land use consists of the rental of bedrooms within a dwelling or accessory structure, excluding a guest house, ~~whether or not~~ where meals are not provided. This use is subordinate to the primary residential use of the property.

Rural Recreation (land use). This land use consists of facilities for outdoor recreational activities including: outdoor archery, pistol, rifle, and skeet shooting ranges and clubs; rodeo facilities; guest ranches; and health resorts including outdoor hot springs or hot tub facilities. Hunting and fishing clubs are separately defined.

S. Definitions, "S."

Sale of Agricultural Products (land use). This land use consists of retail sales of agricultural products. Includes seasonal structures, such as roadside stands, which are open structures for retail sales, and permanent structures for year-round sales. Does not include hay, grain and feed sales (see "Farm Equipment and Supplies").

SCA. See "Stream Conservation Area."

Schools (land use). This land use consists of public and private educational institutions, including:

- | | |
|---|---|
| - boarding schools | - high schools |
| - business, secretarial, and vocational schools | - military academies |
| - community colleges, colleges and universities | - professional schools (law, medicine, etc.) |
| - elementary, middle, and junior high schools | - seminaries/religious ministry training facilities |
| - establishments providing courses by mail | - pre-schools |

Also includes specialized non-degree granting schools offering instruction in:

- art
- ballet and other dance
- computers and electronics
- drama
- driver education
- language
- music

Also includes facilities, institutions and conference centers that offer specialized programs in personal growth and development, such as fitness, environmental awareness, arts, communications, and management. Includes child day-care facilities where authorized by the same type of land use permit required for the school itself.

Scrap. See
"Junk."

Sea (coastal). The Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through any connection with the Pacific Ocean, excluding non-estuarine rivers, streams, tributaries, creeks, and flood control and drainage channels. "Sea" does not include the area of jurisdiction of the San Francisco Bay Conservation and Development Commission, established pursuant to Title 7.2 (commencing with Section 66600) of the Government Code, including any river, stream, tributary, creek, or flood control or drainage channel flowing directly or indirectly into such area.

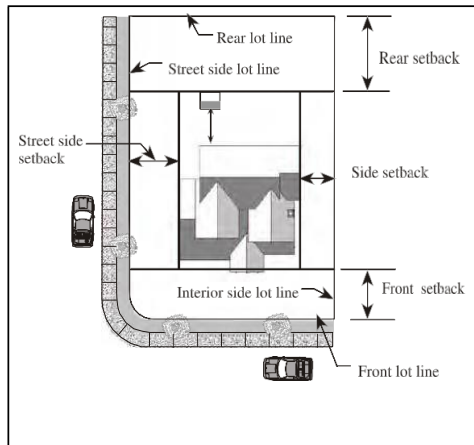
Second Hand Stores (land use). This land use consists of the purchase and retail sale of used products, including books, clothing, furniture and household goods. The sale of antiques is included under "Retail Stores, Visitor/Collector." The sale of cars and other used vehicles is included under "Auto, Mobile Home, Vehicle and Parts Sales."

Second Unit (coastal). See "Residential Second Unit"

Septic System. An on-site sewage disposal system consisting of a septic tank, and a soil infiltration leach field, evapotranspiration mound, or other approved disposal facility. See also "Individual Sewage Disposal System (Coastal)."

Setback (front, side and rear). The distance by which a structure is required to be separated from a lot line, measured perpendicular to the lot line. Setbacks from private streets and driveways are measured from the edge of the easement. See also "Yard." Figure 8-6 (Setbacks) shows the location of front, side, street side, and rear setbacks.

**FIGURE 8-6
SETBACKS**



Service Station (land use). This land use consists of the retail sale of gasoline or other motor vehicle fuels, which may also include services incidental to fuel sales. These incidental services may include vehicle engine maintenance and repair, towing and trailer rental services. Does not include the storage or repair of wrecked or abandoned vehicles, vehicle painting, body or fender work, or the rental of vehicle storage or parking spaces.

Sewage Disposal System (coastal). See “Individual Sewage Disposal System (Coastal)”

Shopping Center (land use). This land use consists of structures with six or more independently operated retail uses whose combined gross floor area totals at least 20,000 square feet, and which are located on a site where any underlying separate lots are tied together by a binding legal agreement providing rights of reciprocal parking and access.

Shore (coastal). ~~A narrow strip of land in immediate contact with the sea, including the zone between high and low water. A shore of unconsolidated material is usually called a beach.~~

Shoreline (coastal). The intersection of the ocean or sea with land; the line delineating the shoreline on National Ocean Service nautical charts and surveys approximates the mean low water line from the time the chart was prepared.

Shoreline Parcel (coastal). A parcel located wholly or partially along the shoreline.

Shoreline Protective Device (coastal). ~~A structure device (such as a seawall, revetment, riprap, or bulkhead, deep piers/caissons, bluff retention device, etc.) built parallel to the shoreline for the purpose of serving a coastal-dependent use, or protecting an existing structure, coastal dependent use, or public beach in danger or other upland property from erosion.~~

Sign. Any display or device which is intended to or may, in the judgment of the Director, communicate an advertisement, announcement, direction, identity, or other message to attract, and/or distract, hold, direct, or focus the attention of, persons on public property or on private property generally open to members of the public. A sign ~~shall~~ includes any moving part, lighting, sound equipment, framework, background material, structural support, or any other part. (See, Sign Area). A display or device need not contain any lettering to be considered a sign.

Sign Area. Sign area consists of the message, background and any frame or outline and does not include any material used exclusively for structural support. Where a sign message has no background material or where the background is an undifferentiated wall, the area shall consist of the smallest convex shape which encompasses the total message. The area of a conic, cylindrical, spheric or multifaced sign shall be its maximum projection on the vertical plane (e.g., for a two-faced sign, only one side shall be measured).

Significant Tobacco Retailer. Any tobacco retailer engaged in the sale and/or distribution of tobacco products or paraphernalia to the general public, excluding wholesale businesses, that either devotes 20% or more of floor area or display area to, or derives 75% or more of gross sales receipts from, the sale or exchange of tobacco products and/or tobacco paraphernalia.

Single-Family Dwellings (land use). This land use consists of a building designed for and/or occupied exclusively by one family. Also includes factory-built, modular housing units, constructed in compliance with the California Building Code (CBC), and mobile homes/manufactured housing on permanent foundations.

Single-Family Residential Zoning District. A zoning district listed in Articles II (Zoning Districts and Allowable Land Uses) and V (Coastal Zones - Permit Requirements and Allowable Land Uses) which allows single-family dwellings, but not two-family or multi-family dwellings. These zoning districts include:

RA (Residential, Agricultural)	C-RA (Coastal, Residential, Agricultural)
RR (Residential, Restricted)	C-R1 (Coastal, Residential, Single Family)
RE (Residential, Estate)	C-RSP (Coastal, Residential, Single-Family Planned)
R1 (Residential, Single-Family)	
RSP (Residential, Single-Family Planned)	C-RSPS (Coastal, Residential, Single-Family Planned, Seadrift Subdivision)
RX (Residential, Mobile Home Park)	
RF (Residential, Floating Home Marina)	A2B (Agriculture, Limited)

Districts zoned A for agricultural uses, other than those listed above, are not included in this definition.

Site. A lot or parcel, or adjoining lots or parcels under single ownership or single control, which is considered a unit for the purposes of development or other use.

Site Coverage. See "Lot Coverage."

Skilled Nursing Facility. A medical care facility providing care for physically or mentally disabled persons, where care is less than that provided by a hospital or other acute care facility. See "Medical Services - Extended Care."

Slaughterhouses and Rendering Plants. Slaughterhouses are establishments primarily engaged in slaughtering cattle, hogs, sheep, lambs, calves, rabbits and fowl for meat to be sold or to be used on the same site in canning, curing and freezing, and in the making of sausage, lard, and other products. Rendering plants are engaged in the rendering of inedible stearin, grease, and tallow from animal fat, bones, and meat scraps.

Slope. The average slope of a lot, or portion thereof, expressed as a percent, which is calculated as follows:

$$S = (L \times I \times 100) / A$$

Where:

- S = The average slope of natural ground expressed as a percent
- I = The topographic contour interval in feet (i.e., 2-foot contour intervals, 5-foot contour intervals, etc.)
- L = The sum of the length of the contour lines expressed in feet
- A = The area of the lot, or portion thereof, expressed in square feet

This definition assumes that slope calculations are based on accurate topographic survey maps drawn to a scale of not less than one inch equals 100 feet, with contour lines at maximum 10-foot intervals for ground slope over 15 percent, and at five-foot intervals for ground slope of 15 percent or less.

Slope Ordinance. Minimum lot area requirements established based on slope. See Section 22.82.050 (Hillside Subdivision Design).

Small Family Day-Care Homes (land use). See "Child Day-Care Facilities."

Snack Bar. An area within a residence that accommodates small food preparation appliances, such as a toaster, microwave, and refrigerator and may include a small wetbar-type sink, but not a full-sized refrigerator, stove, or food preparation area. A snack bar is accessory to the primary food preparation facility within the residential unit and is not treated as a separate food preparation facility for purposes of calculating the residential density on the lot.

Solar Energy System (coastal). As used in the Marin County Local Coastal Program, "solar energy system" means either of the following:

- (1) Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electricity generation, or water heating.
- (2) Any structural design feature of a building, whose primary purpose is to provide for the collection, storage and distribution of solar energy for electricity generation, space heating or cooling, or water heating.

Solid Waste. Unwanted materials discarded by the occupants of homes and businesses, which may include recyclable materials.

Special Purpose District or Zone. Any of the special purpose zoning districts established by Section 22.06.020 (Zoning Districts Established), including PF (Public Facilities) and OA (Open Area); and by Section 22.62.030 (Coastal Zoning Districts Established), including the C-PF (Coastal, Public Facilities) zone as defined in Section 22.62.090 (Coastal Special Purpose and Combining Districts).

Species of Special Concern. As determined by the California Department of Fish and ~~Game~~ Wildlife, a Species of Special Concern (SSC) is a species, subspecies, or distinct population of fish, amphibian, reptile, bird, or mammal native to California that currently satisfies one or more of the following (not necessarily mutually exclusive) criteria, as determined by the California Department of Fish and Wildlife:

- a. is extirpated from the state or, in the case of birds, in its primary seasonal or breeding role;
- b. is listed as federally-, but not state-, threatened or endangered;
- c. meets the state definitions of threatened or endangered but has not formally been listed;
- d. is experiencing, or formerly experienced, serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for state threatened or endangered status;
- e. has naturally small populations exhibiting high susceptibility to risk from any factor(s), that if realized, could lead to declines that would qualify it for state threatened or endangered status.

Specific Plan. A detailed plan for the systematic implementation of the general plan, for all or part of the area covered by the general plan, as authorized by Government Code Sections 65450 et seq.

Sport Facilities and Outdoor Public Assembly (land use). This land use consists of indoor and outdoor facilities for spectator-oriented sports and other outdoor public assembly facilities for such activities as outdoor theater productions and concerts. These facilities include: amphitheaters; stadiums and coliseums; arenas and field houses; race tracks; motorcycle racing and drag strips; and other sports facilities that are considered commercial.

State. The State of California.

Stealth Design. A telecommunications facility that is designed or located in such a way that the facility is not readily recognizable as telecommunications equipment, and so that it blends into the existing built and natural environment in such a way as to avoid significant public view and community character impacts.

Stock Cooperative. A development defined by the Business and Professions Code, Section 11003.2 and the Civil Code, Section 1351.m, where a corporation is formed to hold title to improved real property and the shareholders of the corporation receive a right of exclusive occupancy in a portion of the real property.

Stone and Cut Stone Products (land use). This land use consists of the cutting, shaping, and finishing of marble, granite, slate, and other stone for building and miscellaneous uses. Also includes establishments engaged primarily in buying or selling partly finished monuments and tombstones.

Stop Work Order. A notice issued by the Building Official, or other designated official, that directs the property owner to cease work that was undertaken without proper permits.

Storage, Accessory (land use). This land use consists of the storage of various materials in support of a residential, commercial, or industrial land use on the same site, where the primary use of the site is not a storage facility.

Storage, Personal Storage Facility (land use). This land use consists of a structure or group of structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces and characterized by low parking demand.

Story. That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

Story (floating home). That portion of the superstructure located between the upper surface of any deck and the upper surface of the deck or ceiling next above.

Stream (coastal). Streams in the Coastal Zone, perennial or intermittent, which are mapped by the United States Geological Survey (USGS) in the National Hydrographic Dataset.
~~{BOS app. 10/2/2012}~~

Stream Bank (coastal). The bank of a stream shall be defined as the watershed and relatively permanent elevation or acclivity at the outer line of the stream channel which separates the bed from the adjacent upland, whether valley or hill, and serves to confine the water within the bed and to preserve the course of the stream. In areas where a stream has no discernible bank, the boundary shall be measured from the line closest to the stream where riparian vegetation is permanently established. In areas where a stream has no discernible bank or riparian vegetation, the stream boundary shall be considered the stream's thalweg-ordinary high water mark.

Street, public. A public right-of-way or access normally used for vehicular traffic, excluding vehicular driveways serving a single lot or parcel and trails or paths used for pedestrian access purposes only.

Structural Alterations. Any change in the supporting members of a building, including bearing walls, columns, beams or girders.

Structural Clay and Pottery Products (land use). This land use consists of the manufacture of brick and structural clay products, including pipe, china plumbing fixtures, and vitreous china articles, fine earthenware and porcelain products. Artist/craftsman uses are included in "Cottage Industries," "Handcraft Industries and Small Scale Manufacturing," "Home Occupations."

Structure. Anything constructed or erected, the use of which requires attachment to the ground or attachment to something located on the ground. For the purposes of this Development Code, the term "structure" includes "buildings." Examples of structures include, but are not limited to:

- residence/guest house
- garage/carport/car deck
- swimming pool/spa
- barn
- arbor/gazebo
- retaining wall
- fence/trellis

(Coastal) In the Coastal Zone, ~~the following additional improvements are considered to meet the definition of a "structure:"~~ examples of structures also include a road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

Structure, Accessory. See "Accessory Structures."

Structure, Primary. A structure in which the principal use of the site is conducted. On sites with multiple structures, the Director shall determine which is the primary structure based on zoning, use, floor area, owner occupancy, etc.

Studios for Art, Dance, Music, Photography, etc. (land use). This land use consists of the provision of individual and group instruction and training in: the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; and martial arts training studios.

Subdivider. A person, firm, corporation, partnership or association, a governmental agency, public entity or public utility, or the grantor to any such agency, entity, utility or subsidiary, who proposes to subdivide real property for themselves or for others, except employees and consultants or these persons or entities acting in this capacity.

Subdivision. The division, by any subdivider, of any unit or portion of land shown on the latest equalized Marin County assessment roll as a unit or contiguous units, for the purpose of sale, lease or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement or railroad rights-of-way. Subdivision includes a condominium project, as defined in Section 1351.f of the Civil Code, and a community apartment project, as defined in Section 1351.d of the Civil Code. ~~(In the coastal zone, See definition of land division, (coastal).)~~

Subdivision Map. A Tentative, Parcel or Final Map, as described in Article VI (Subdivisions).

Subdivision Map Act. Division 2, Title 7 of the California Government Code, commencing with Section 66410 as presently constituted, and any amendments to those provisions.

Substantial Evidence (coastal). Enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Argument, speculation, unsubstantiated opinion or narrative, or evidence which is clearly erroneous or inaccurate, does not constitute substantial evidence.

Superstructure (floating home). The portion of a floating home or ark above the lowest deck or the level of floatation.

Supportive Housing. Housing with no limit on length of stay, that is occupied by the target population as defined in subdivision (d) of Health and Safety Code section 53260, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community per Health and Safety Code section 50675.14(b).

Surface Mining. All or any part of the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine.

T. Definitions, "T."

Telecommunications Facilities (land use). This land use consists of public, commercial and private electromagnetic and photoelectrical transmission, broadcast, repeater and receiving stations and equipment, including:

- cellular telephone and personal communications services (PCS) facilities, and enhanced specialized mobile radio facilities
- commercial earth stations for satellite-based communications
- data network communications facilities
- radio and television broadcast facilities, including ham radio facilities
- telephone and telegraph microwave facilities

Includes antennas, microwave dishes or horns, structures or towers to support receiving and/or transmitting devices, accessory development and structures, and the land on which they are situated. Does not include telephone, telegraph and cable television transmission facilities utilizing hard-wired or direct cable connections (see "Pipelines and Utility Lines").

Temporary Construction Yard. A site for the storage of construction materials other than the construction site.

Temporary Event (coastal): An activity or use that constitutes development of limited duration that involves the placement of non-permanent structures, and/or an activity or use that involves exclusive use of a sandy beach, parkland, filled tideland, water area, street, or parking area otherwise open and available for general public use.

Temporary Mobile Home (land use). This land use consists of a mobile home used as a temporary residence during the construction of a permanent residence on the same site.

Temporary Use Permit. A discretionary land use permit that may be granted in compliance with Chapter 22.50 (Temporary Use Permits), which authorizes a specific use of land on a specific site for a limited time, subject to compliance with any conditions of approval imposed on the permit.

Tennis and Other Recreational Uses (land use). Non-commercial facilities constructed for private use on properties developed with homes or other residences. See also "Hotel/Motel", "Outdoor Commercial Recreation", Private Recreational Facility, and "Sports Facilities and Outdoor Public Assembly".

Tentative Map. A map made for the purpose of showing the design and improvement of a proposed subdivision and the existing conditions in and around it.

Textile and Leather Products (land use). This land use consists of any of the following manufacturing activities:

- coating, waterproofing, or otherwise treating fabric

- dyeing and finishing fiber, yarn, fabric, and knit apparel
- manufacture of knit apparel and other finished products from yarn
- manufacture of felt goods, lace goods, non-woven fabrics and miscellaneous textiles
- manufacturing of woven fabric, carpets and rugs from yarn
- preparation of fiber and subsequent manufacturing of yarn, threads, braids, and twine cordage
- upholstery manufacturing

Thalweg (coastal). A line connecting the lowest or deepest points along a stream bed or valley bottom.

Theaters and Meeting Halls (land use). This land use consists of indoor facilities for public assembly and group entertainment, other than sporting events, including:

- civic theaters, meeting halls and facilities for "live" theater and concerts
- exhibition and convention halls
- meeting halls for rent
- motion picture theaters
- public and semi-public auditoriums
- similar public assembly uses

Does not include outdoor theaters, concert and similar entertainment facilities, and indoor and outdoor facilities for sporting events; see "Sport Facilities and Outdoor Public Assembly."

Threatened Species. A Threatened Species is an animal or plant species likely to become endangered within the foreseeable future throughout all or a significant portion of its range, as determined by the U.S. Fish and Wildlife Service or National Oceanic and Atmospheric Administration consistent with the Federal Endangered Species Act of 1973, or as designated by the California Department of Fish and Wildlife consistent with the California Endangered Species Act.
{BOS app. 10/2/2012, 11/13/2012}

Tidelands. ~~All land and water areas that are below, or were at any time within a preceding 12-month period below the Mean High Tide line, and to contiguous land between that line, and either a point 100 feet inland or the nearest publicly maintained road, whichever is closer. Lands which are located between the lines of mean high tide and mean low tide.~~

Tidelands Permit. A discretionary permit that may be granted in compliance with Chapter 22.52 (Tidelands Permits) of this Development Code, which may authorize fill, excavation, or structures within the tidelands of the County, subject to compliance with any conditions of approval imposed on the permit.

Timber Harvesting. The cutting of timber and/or removal of forest products for commercial purposes, together with all the work incidental to those operations, including road building, tree marking, hazard reduction, etc.

Tobacco Paraphernalia. Cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette-rolling machines, and any other item designed for the smoking, use or ingestion of tobacco products.

Tobacco Products. Any substance containing any tobacco leaf, including cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, and smokeless tobacco.

Tobacco Retailer. Any person who sells, offers for sale, or offers to exchange for any form of consideration, tobacco, tobacco products, and/or tobacco paraphernalia.

Transfer of Development Rights (TDR). The process established by Chapter 22.34 (Transfer of Development Rights), which allows some or all of the number of dwelling units potentially allowed by the zoning applicable to a "donor" site, to be transferred and built on another "receiving" site, in addition to the number of units potentially allowed by the zoning of the receiving site.

Transit Stations and Terminals (land use). This land use consists of passenger stations for vehicular, ferry, and rail mass transit systems; also terminal facilities providing maintenance and service for the vehicles operated in the transit system.

Includes buses, taxis, railway, etc.

Transit Stop Shelter (land use). This land use consists of a small-scale covered waiting area for busses, taxis, and rail/mass transit stops.

Transitional Housing. Buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months per Health and Safety Code section 50675.2(h).

Two-Family Dwelling (land use). This land use consists of detached residential structures under single ownership containing two dwellings. This land use does not include residential second units, which are separately defined.

U. Definitions, "U."

Unincorporated Community. A concentration of structures and population within the unincorporated areas of the County identified by the Countywide Plan as a community.

Use. The purpose for which land or a building thereon is designed, or for which it may be occupied. Each business, administrative, professional, industrial, or other establishment, which is separate from another establishment, both in fact and in the appearance presented to the public, shall be considered a separate use.

Use Permit. A discretionary land use permit that may be granted by the review authority in compliance with Chapter 22.48 (Use Permits), which authorizes a specific use of land on a specific site, subject to compliance with any conditions of approval imposed on the permit.

V. Definitions, "V."

Vacant Lot (non-coastal). A lot which is not developed with a primary structure, or is developed only with one or more accessory structures. As used in this Code, development of a lot which entails demolition exceeding 75 percent of the linear sum of the primary structure's exterior walls for each story shall be subject to the regulations for developing a vacant lot.

Variance. See Chapter 22.54 (Variances).

Vehicle and Freight Terminals (land use). This land use consists of the provision of services incidental to air, motor freight, and rail transportation. Examples of these services and related facilities include:

- freight forwarding services
- freight terminal facilities
- joint terminal and service facilities
- packing, crating, inspection and weighing services
- postal service bulk mailing distribution centers
- transportation arrangement services
- trucking facilities, including transfer and storage

Vermiculture (coastal). The raising and production of earthworms and their by-products.

Vessel. Any watercraft of any type or size, including barges, ferry boats, yachts, houseboats, floating homes, and rafts.

Vest. To obtain a right by completing an action required by ~~this Development Code~~ law.

Vesting Tentative Map. A map that is filed and processed in the same manner as a Tentative Map except as otherwise provided by Section 22.84.110 (Tentative Map Time Limits), or the Subdivision Map Act. A Vesting Tentative Map shall have the words "Vesting Tentative Map" printed conspicuously on its face at the time it is filed with the Agency.

Veterinary Clinics and Animal Hospitals (land use). This land use consists of office and entirely indoor medical

treatment facilities used by veterinarians, including large and small animal veterinary clinics, and animal hospitals. See also, "Kennels and Animal Boarding."

Visitor-Serving Facility. Facilities that cater to visitors, including stores, shops, businesses, bed and breakfast inns, public and private recreational facilities that provide accommodations, food and service facilities. Includes hotels and motels, campgrounds, parks, nature preserves, restaurants, and commercial recreational development such as shopping, eating and amusement areas which are geared toward and used by the traveling public.

Visually Prominent Ridgeline. A line connecting the topographic highpoints within the Countywide Plan's Ridge and Upland Greenbelt along a ridge that separates watersheds and is visible from public viewpoints from open space areas, parks, trailheads, highways, arterial roads, the bay and other water bodies.

Visually Prominent Ridgeline (coastal). A line connecting the topographic highpoints along a ridge that separates watersheds and is visible from public viewpoints (e.g., from open space areas, parks, trailheads, highways, arterial roads, the bay and other water bodies).

Viticulture (coastal). The cultivation of grapes.

V-Zone (coastal). See "Flood Hazard Zone."

W. Definitions, "W."

Warehouse Retail Stores (land use). This land use consists of the retail stores that emphasize the packaging and sale of products in large quantities or volumes, some at discounted prices, where products are typically displayed in their original shipping containers. Sites and buildings are usually large and industrial in character. Patrons may or may not be required to pay membership fees.

Warehousing (land use). This land use consists of facilities for the storage of farm products, furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include: warehouse, storage or mini-storage facilities offered for rent or lease to the general public (see "Storage, Personal Storage Facilities"); warehouse facilities in which the primary purpose of storage is for wholesaling and distribution (see "Wholesaling and Distribution"); or terminal facilities for handling freight (see "Vehicle and Freight Terminals").

Waste Disposal Sites (land use). This land use consists of County-approved or operated refuse dumps, sanitary landfills and other solid waste terminal disposal facilities, not including facilities for hazardous materials.

Water Conservation Dams and Ponds (land use). This land use consists of water impoundment reservoirs constructed for watering stock, groundwater recharge, and other conservation purposes.

Watershed (coastal). The geographical area drained by a river and its connecting tributaries into a common source. A watershed may, and often does, cover a very large geographical region.

WECS (land use). See "Wind Energy Conversion Systems (WECS)."

Wet Bar. An area that includes a bar sink not exceeding a maximum dimension of 12-inches by 12-inches and adjoining cabinets and counters not exceeding an aggregate length of six feet. Electrical service in a wet bar area shall be limited to general purpose receptacles. The maximum size of the trap arm and drain for the bar sink shall not exceed 1.5 inches. Dedicated electrical circuits, gas lines, gas stubouts, and additional plumbing stubouts are prohibited as part of the wet bar area. Wet bars are not considered food preparation facilities.

Wetland (coastal). Lands within the Coastal Zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens. "Wetland" shall be defined as:

- A. Land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their

location within, or adjacent to, vegetated wetlands or deep-water habitats. For purposes of this section, the upland limit of a wetland shall be defined as:

1. The boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover;
 2. The boundary between soil that is predominantly hydric and soil that is predominantly nonhydric; or
 3. In the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation, and land that is not.
- B. The term "wetland" shall not include wetland habitat created by the presence of and associated with agricultural ponds and reservoirs or by drainage ditches where:
1. The pond or reservoir was in fact constructed by a farmer or rancher for agricultural purposes; and
 2. There is no evidence (e.g., aerial photographs, historical survey, etc.) showing that wetland habitat pre-dated the existence of the pond or reservoir. Areas with drained hydric soils that are no longer capable of supporting hydrophytes shall not be considered wetlands; or
 3. The drainage ditch is a narrow (usually less than 5-feet wide), constructed nontidal ditch excavated from dry land, which is not a replacement for a natural drainage feature.

Wholesaling and Distribution (land use). This land use consists of establishments engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Includes such establishments as:

- agents, merchandise or commodity brokers, and commission merchants
- assemblers, buyers and associations engaged in the cooperative marketing of farm products
- merchant wholesalers
- stores primarily selling electrical, plumbing, heating and air conditioning supplies and equipment

Wild Animal Ranches (land use). This land use consists of the keeping or raising of wild animals for commercial agricultural purposes.

Williamson Act. Formally the California Land Conservation Act of 1965, this Act was designed as an incentive to retain prime agricultural land and open space in agricultural use, thereby slowing its conversion to urban and suburban development. The program entails a 10-year contract between the County and an owner of land whereby the land is taxed on the basis of its agricultural use rather than the market value. The land becomes subject to certain enforceable restrictions, and certain conditions need to be met prior to approval of an agreement.

Wind Energy Conversion System (WECS) (land use). This land use consists of a wind turbine, windmill, or similar machine, which converts the kinetic energy in the wind into a usable form. The WECS consists of all parts of the system, including the wind turbine tower and the transmission equipment.

Wind Testing Facility (coastal). Wind testing facilities are those facilities or structures that have been temporarily installed to measure wind speed and directions and collect other data relevant to siting WECS.

X. Definitions, "X." No definitions beginning with the letter "X" are used at this time.

Y. Definitions, "Y."

Yard. An area between a lot line and a setback, unobstructed and unoccupied from the ground upward, except for projections permitted by this Development Code. See Section 22.20.100 (Setback Requirements and Exceptions) and Figure 8-7 (Setbacks).

1. **Front Yard.** An area extending across the full width of the lot between the front lot line and the nearest line of the building.
2. **Rear Yard.** An area extending the full width of the lot between a rear lot line and the nearest line of the building.
3. **Side Yard.** An area extending from the front yard to the rear yard between the nearest side lot line and the nearest line of the building.

4. Interior Yard. An area between a lot line and the nearest line of the building that does not abut a street or right-of-way.

Z. Definitions, "Z."

Zoning Administrator. The employee of the Marin County Community Development Agency appointed by the Board of Supervisors as Zoning Administrator, with duties and authority as described in Section 22.110.040 (Zoning Administrator).

Zoning Code. Articles I through V, and VII through VIII of this Development Code.

Zoning District. An area identified on the County Zoning Map within which certain uses of land and structures are permitted, and regulations are specified by this Development Code. The zoning districts established by this Development Code are described in Sections 22.06.020 (Zoning Districts Established), and Article V (Coastal Zones – Permit Requirements and Development Standards).

Zoning Map. The official map or maps of Marin County that identify the specific zoning districts located in the unincorporated areas of the County. The Zoning Map is on file with the Marin County Community Development Agency.