

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. PC21-010

**A RESOLUTION RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT
AMENDMENTS TO MARIN COUNTY CODE TITLE 22 (DEVELOPMENT CODE) FOR THE
STREAM CONSERVATION AREA FOR THE SAN GERONIMO VALLEY**

SECTION I: FINDINGS

1. **WHEREAS**, the Marin County Community Development Agency proposes a set of amendments to the Marin County Development Code Title 22 (Development Code), which establishes zoning and subdivision regulations that govern the development and use of private and public land, buildings, and structures located within the unincorporated areas of Marin County. The proposed amendments (Exhibit A) would modify Title 22 (Development Code) for the stream conservation area for the San Geronimo Valley by: (1) establishing a new SGV combining district in Section 22.14.050, Table 2-11, B-Combining District Development Standards, to apply uniform standards for all zoning districts within the San Geronimo Valley; amending the text of Section 22.06.050 (Exemptions from Land Use Permit Requirements) regarding exemptions for various activities, uses of land, and other improvements; establishing new development standards in Section 22.30.045 (San Geronimo Valley Community Standards) for development located in the stream conservation area within the San Geronimo Valley; amending Chapter 22.52 (Site Plan Review) to require Site Plan Review for new development located within the stream conservation area; and incorporating select technical terms and phrases from the Countywide Plan in Chapter 22.130 (Definitions). The proposed amendments are applicable to all perennial and intermittent streams, and ephemeral streams that either: a) supports riparian vegetation for a length of 100 feet or more; and/or b) supports special-status species and/or sensitive natural community type regardless of the extent of riparian vegetation associated with the stream.
2. **WHEREAS**, the Marin County Community Development Agency proposes to rezone all lots within the boundaries of the San Geronimo Valley for the new SGV (San Geronimo Valley) combining district, as shown on Exhibits B and C, San Geronimo Valley Existing and Proposed Zoning, to establish consistent permit and site assessment requirements in planned and conventional zoning districts within the stream conservation area in the San Geronimo Valley.
3. **WHEREAS**, the Development Code implements the goals, policies and programs of the Marin Countywide Plan (CWP) which are necessary to protect the public health, safety, and welfare of residents and businesses in the unincorporated areas of Marin County.
4. **WHEREAS**, the 2007 Marin Countywide Plan ("CWP") establishes goals, policies and implementing programs for riparian protection. Pursuant to Goal BIO-4 Riparian Conservation, the CWP designates Stream Conservation Areas along perennial, intermittent, and ephemeral streams. Development setbacks are established from all streams based upon the location of the top of stream bank or presence of riparian vegetation. The policies of the CWP aim to protect natural stream channel function and water quality, control exotic vegetation, retain riparian vegetation, promote riparian protection, maintain channel stability and minimize runoff.

5. **WHEREAS**, the CWP provides that development applications shall not be permitted if a project adversely alters hydraulic capacity; causes a net loss in habitat acreage, value or function; or degrades water quality. Hydraulic capacity refers to the rate and timing of stream flows produced by rainfall and is a measure of the efficiency of draining an area that is affected by the level of imperviousness. Habitat function means the chemical, physical and biological processes that allow an ecosystem to exist and maintain its integrity (e.g., food, water, shelter, migration corridors, spawning, nesting or breeding sites; shade, and nutrients). Habitat value means the aspects of habitat valued by society but not necessary for the existence and function of the ecological unit (e.g., aesthetic, recreational, flood control, groundwater recharge). Water quality refers to the chemical, physical and biological characteristics of water within a stream which can be measured by indicators such as pH, temperature, suspended solids, dissolved solids, color, concentration of pollutants, and the prevalence of certain bacteria or insects.

6. **WHEREAS**, the proposed amendments to the Development Code will implement Program BIO-4.a (Adopt Expanded SCA Ordinance) of the Countywide Plan and will further the implementation of Programs BIO-4.d (Establish Functional Criteria for Land Uses in SCAs), BIO-4.e (Identify Proposals Within SCAs), BIO-4.f (Identify Potential Impacts to Riparian Systems), BIO-4.g (Require Site Assessment), BIO-4.h (Comply with SCA Criteria and Standards), BIO-4.i (Replace Vegetation in SCAs) and BIO-4.q (Develop Standards Promoting Use of Permeable Materials).

7. **WHEREAS**, the proposed amendments to the Development Code establish the purpose, applicability, standards, permit procedures and findings necessary to implement the policies of the CWP relating to riparian protection.

8. **WHEREAS**, the proposed amendments to the Development Code are exempt from the requirements of CEQA, pursuant to Sections 15307 and 15308, Classes 7 and 8 of the State CEQA Guidelines because the proposed amendments set the regulatory framework for permitting in accordance with the CWP and are intended to strengthen and ensure consistent application of standards for the maintenance, restoration, enhancement, and protection of natural resources and the environment.

9. **WHEREAS**, the Marin County Community Development Agency conducted a series of facilitated focus group meetings to informally engage known and interested stakeholder groups in a small group setting to discuss interests, concerns and suggestions relative to the preliminary draft of the Development Code Amendments for the stream conservation area on July 28, August 3, August 4, August 10, August 11, and August 12, 2021. Participants included representatives from the Environmental Action Committee of West Marin, Marin Audubon Society, Marin Conservation League, Salmon Protection and Watershed Network (SPAWN), San Geronimo Valley Stewards, San Geronimo Valley Planning Group, Sierra Club, and Watershed Alliance of Marin..

10. **WHEREAS**, on November 8, 2021 and December 13, 2021, the Marin County Planning Commission held a duly noticed public workshop and hearing, respectively, to take public testimony and consider the proposed Development Code amendments to establish the stream conservation area for the San Geronimo Valley.

11. WHEREAS, following the close of the December 13, 2021 public hearing, the Commission directed that Exhibit A be revised to reflect the initial recommendations of the Commission at that time.

SECTION II: ACTION

NOW THEREFORE, BE IT RESOLVED that the Marin County Planning Commission recommends that the Board of Supervisors adopt amendments to the Marin County Code Title 22 (Development Code) to establish the stream conservation area for the San Geronimo Valley.

SECTION VI: VOTE

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Marin held on this 13th day of December 2021 by the following vote:

AYES: MARGOT BIEHLE; MARGARETT CURRAN; CHRISTINA L. DESSER; DON DICKENSON; REBECCA LIND; DAVID PAOLI; PETER THERAN

NOES: NONE

ABSENT: NONE



CHRISTINA L. DESSER, CHAIR
MARIN COUNTY PLANNING COMMISSION

Attest:



ANA HILDA MOSHER
Planning Commission Recording Secretary

22.06.050 – Exemptions from Land Use Permit Requirements

The following activities, uses of land, and other improvements, are permitted in all zoning districts and do not require a land use permit; however, other permits may be required in compliance with Subsection G., below.

- A. **Sitework.** The installation of irrigation lines, decks, platforms, on-site paths, driveways, and other improvements that do not increase lot coverage, and are not over 18 inches above grade. Improvements located within a Stream Conservation Area in the San Geronimo Valley combining district are not exempt. Improvements that are necessary to meet accessibility requirements, regardless of whether they are subject to building or grading permits, are also exempt in all zoning districts.
- B. **Governmental activities.** Official activities and development of the County, the Marin Emergency Radio Authority, the State or an agency of the State, or the Federal Government on land owned or leased by a governmental agency are exempt from discretionary permits except Coastal Permits.
- C. **Interior remodeling.** Interior alterations that do not:
 - 1. Result in an increase in the gross floor area within the structure;
 - 2. Change the permitted use; and
 - 3. Change the exterior appearance of the structure.
- D. **Repairs and maintenance.** Ordinary repairs and maintenance of an existing improvement, provided that the repairs and maintenance work do not:
 - 1. Result in any change of the approved land use of the site or improvement; and
 - 2. Expand or enlarge the improvement.
- E. **Play structures.** Typical play structures and play equipment that are not required to have building or grading permits by Title 19 or Title 23 of the County Code and do not exceed 15 feet in height. Play structures located within a Stream Conservation Area in the San Geronimo Valley combining district are not exempt.
- F. **Accessory Dwelling Units.** Accessory Dwelling Units that comply with Development Code Section 22.32.120.A –(Residential Accessory Dwelling Units) and the tables in this article entitled Allowed Uses and Permit Requirements.
- G. **Utilities.** Public utility facilities shall be exempt from land use permit requirements of this Development Code only to the extent provided by Government Code -Section 53091, and the California Public Utilities Code.
- H. **Solar Energy Systems.** Solar energy systems that do not exceed the height limit of the governing zoning district for structures or the roof height of a building by more than two feet, whichever is less restrictive. Solar energy systems within a Stream Conservation Area in the San Geronimo Valley combining district are exempt unless the exemption is required by State law.

- I. Electronic Vehicle Charging Stations.** Electronic Vehicle Charging Stations are exempt from the land use permit requirements of this Development Code. Electronic Vehicle Charging Stations within the San Geronimo combining district are not exempt unless the exemption is required by State law.
- J. Other permits may still be required.** A permitted land use that is exempt from a land use permit or has been granted a land use permit may still be required to obtain Building Permits or other permits before the use is constructed or otherwise established and put into operation. Nothing in this Article shall eliminate the need to obtain any other permits or approvals required by:
1. Other provisions of this Development Code, including any subdivision approval required by Article VI (Subdivisions);
 2. Other provisions of the County Code, including but not limited to Building Permits, Grading Permits, or other construction permits if they are required by Title 19, or a business license if required by Title 5; or
 3. Any other permit required by a regional, State or Federal agency.
 4. All necessary permits shall be obtained before starting work or establishing new uses.

22.06.060 – Zoning District Regulations

- A. Purpose.** Chapters 22.08 through 22.16 determine which land uses are allowable in each zoning district, what land use permit is required to establish each use, and the basic development standards that apply to allowed land uses in each of the zoning districts established by Section 22.06.020 (Zoning Districts Established).
- B. Conflicts between provisions.** In the event of any conflict between the zoning district regulations of this Article and the provisions of Article III (Site Planning and General Development Standards), the provisions of Article III shall control, except as expressly provided in Chapter 22.16 (Planned District Development Standards).
- C. 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.
- D. Measurements, calculations.** Explanations of how height limits, site coverage requirements, and floor area ratios (FAR) apply to sites and projects are in Chapter 22.20 (General Property Development and Use Standards).

**TABLE 2-11
B COMBINING DISTRICT DEVELOPMENT STANDARDS**

Zoning District	Minimum Lot Area (1)	Minimum Setback Requirements (2)			Height Limit (3)		Maximum FAR (4, 5)
		Front	Sides	Rear	Primary	Accessory	
B1	6,000 sq.ft.	25 ft.	5 ft., 10 ft. on street side	20% of lot depth to 25 ft. max.	30 ft.	16 ft.	0.30
B2	10,000 sq.ft.		10 ft.				
B3	20,000 sq.ft.	30 ft.	15 ft.				
B4	1 acre		20 ft.				
B5	2 acres		20 ft., 30 ft. on street side	30 ft.			
B6	3 acres						
BD	See Section 22.30.050 (Sleepy Hollow Community Standards)						
BLV	See Section 22.30.040 (Lucas Valley Community Standards)						
SGV	See Section 22.30.045 (San Geronimo Valley Community Standards)						

Notes:

- (1) Minimum lot area shown applies except where Section 22.82.050 (Hillside Subdivision Design) establishes a different standard.
- (2) See Section 22.20.090 (Setback Requirements and Exceptions) for setback measurement, allowed projections into setbacks, and exceptions to required setbacks.
- (3) See Section 22.20.060 (Height Measurement and Height Limit Exceptions) for height measurement and exceptions. Single-family dwellings over 30 feet in height require Design Review approval in compliance with Chapter 22.42 (Design Review), and single-family dwellings over 35 feet in height require Design Review and Variance approval in compliance with Chapters 22.42 (Design Review) and 22.54 (Variances).
- (4) Single-family dwellings that contain over 3,500 square feet of floor area require Design Review approval in compliance with Chapter 22.42 (Design Review).
- (5) The maximum non-residential and non-agricultural floor area for that portion or portions of properties with sensitive habitat or within the Ridge and Upland Greenbelt or the Baylands Corridor, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the floor area ratio range as established by the governing Countywide Plan Land Use Designation. The floor area ratio restrictions do not apply to additions to non-residential and non-agricultural structures not exceeding 500 square feet. This restriction does not apply to lots governed by the Countywide Plan's PD-AERA (Planned Designation – Agricultural and Environmental Reserve Area) land use designation and to lots in the Baylands Corridor that are two acres or less in size that were legally created prior to January 1, 2007. Densities higher than the lowest end of the applicable density range may be considered on a case-by-case basis for new housing units affordable to very low and low income households that are capable of providing adequate water and sanitary services.

See Article VIII (Development Code Definitions) for development standard definitions.

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CHAPTER 22.30 – STANDARDS FOR SPECIFIC COMMUNITIES

Sections:

- 22.30.010 – Purpose of Chapter
- 22.30.020 – Applicability
- 22.30.030 – Communities within the Coastal Zone
- 22.30.040 – Lucas Valley Community Standards
- 22.30.045 – San Geronimo Valley Community Standards
- 22.30.050 – Sleepy Hollow Community Standards
- 22.30.060 – Tamalpais Planning Area Community Standards

22.30.010 – Purpose of Chapter

This Chapter provides development standards for specific unincorporated communities, where the preservation of unique community character requires standards for development that differ from the general requirements of this Article and Article II (Zoning Districts and Allowable Land Uses).

22.30.020 – Applicability

The provisions of this Chapter apply to proposed development and new land uses in addition to the general site planning standards of Article II (Zoning Districts and Allowable Land Uses), this Article, and all other applicable provisions of this Development Code. In the event of any conflict between the provisions of this Chapter and any other provision of this Development Code, this Chapter shall control.

22.30.030 – Communities within the Coastal Zone

Standards for specific communities within the Coastal Zone are located in Article V (Coastal Zone Development and Resource Management Standards).

22.30.040 – Lucas Valley Community Standards

- A. Applicability.** The standards of this Section apply to development and land uses within the area identified as Lucas Valley in the Countywide Plan (Lucas Valley Land Use Policy Map 2.2) and the governing R1:BLV (Single-family Residential Lucas Valley) zoning district.
- B. Purpose.** This Section provides development standards intended to: (1) preserve the unique architectural style of the Eichler-design residences that define the predominant character of the Lucas Valley community; and (2) preserve those design attributes that characterize the lots with Eichler-design structures and those lots with non-Eichler-design structures located on Mount Tallac Court, Mount Wittenburg Court, Mount Palomar Court and Mount Muir Court.
- C. Limitation on uses within the R1:BLV zoning district.** Allowable land uses shall be limited to the following on properties within the R1:BLV zoning district, instead of those normally allowed in the R1 zoning district by Section 22.10.030 (Residential District Land Uses and Permit Requirements):
 - 1. Single-family dwellings;

F. Exemptions from Design Review. The following developments and physical improvements are exempt from Design Review:

1. Skylights, flush-mounted solar panels that do not exceed two feet above the roof line, chimneys, satellite dishes, ground-mounted air conditioning units located within the interior side and rear yards behind a solid fence, wall-mounted air conditioning units on a building elevation that faces an interior side or rear yard, and pool equipment;
2. Replacement and repair of exterior siding, roofing, windows and doors;
3. Exterior painting;
4. Interior remodels;
5. Atrium enclosures which do not exceed the height of the existing roofline;
6. Wood fences which do not exceed six feet in height and located within the side and rear yards or on the property line defining such yards;
7. Decks and patios not exceeding 18 inches in height above grade;
8. Landscape improvements;
9. Ground-mounted solar panels that do not exceed four feet in height above grade and are located within the side and rear yards behind a solid fence; and
10. Other work that the Director determines to be minor and incidental in nature and which is in compliance with the purpose of the Chapter 22.42 (Design Review).

22.30.040 – San Geronimo Community Standards

A. Applicability. The standards of this Section apply to development and land use within the area identified as San Geronimo Valley in the Countywide Plan (San Geronimo Valley Land Use Policy Map 7.10.0) and the governing SGV (San Geronimo Valley) combining district.

B. General Stream Conservation Area Standards. The standards of this Section apply to development and land uses within Stream Conservation Areas in the governing SGV (San Geronimo Valley) combining district.

C. Site Assessment. A site assessment is required when development is proposed within the Stream Conservation Area or when full compliance with Subsection D, below, would not be met.

D. Limitations on Uses. Allowable land uses subject to the SGV combining district and located within the Stream Conservation Area shall be limited to the following:

1. Maintenance and repair of existing permitted structures;
2. Floor area additions to existing permitted structures that do not increase the footprint within the Stream Conservation Area by more than a cumulative total of 500 square feet and that does not increase the existing horizontal encroachment into the Stream

Conservation Area. The 500 square feet of cumulative floor area shall be calculated following the effective date of this section (March 8, 2022);

3. Projects to improve fish and wildlife habitat;
4. Driveway, road and utility crossings, if not other location is feasible;
5. Water-monitoring installations;
6. Passive recreation that does not significantly disturb native species;
7. Necessary water supply and flood control projects that minimize impacts to stream function and to fish and wildlife habitat; and
8. Agricultural uses that do not result in any of the following:
 - a) The removal of woody riparian vegetation;
 - b) The installation of fencing within the Stream Conservation Area that prevents wildlife access to the riparian habitat within the Stream Conservation Area;
 - c) Animal confinement within the Stream Conservation Area; and
 - d) A substantial increase in sedimentation.

The above listed uses shall comply with all other applicable requirements of this Development Code.

Land uses and improvements not listed above are prohibited, unless such improvements and land use meet the criteria for an exception in Subsection F, below.

E. Exceptions. Exceptions to full compliance with all Stream Conservation Area criteria and standards may be allowed only if the following is true:

- A. A lot falls entirely within the Stream Conservation Area; or
- B. Development on the parcel entirely outside the Stream Conservation Area either is infeasible or would have greater impacts on water quality, wildlife habitat, other sensitive biological resources, or other environmental constraints than development within the Stream Conservation Area.

F. Standard Management Practices. Development in the Stream Conservation Area subject to the SGV combining district shall incorporate appropriate Standard Management Practices identified in the Site Assessment, unless site specific measures identified through environmental review would result in equal or greater environmental benefit.

22.30.050 – Sleepy Hollow Community Standards

The following standards shall apply in the area identified by the Countywide Plan as Sleepy Hollow that is zoned R1:BD or A2:BD.

CHAPTER 22.52 – SITE PLAN REVIEW

Sections:

- 22.52.010 – Purpose of Chapter
- 22.52.020 – Applicability
- 22.52.030 – Site Plan Review Exemptions
- 22.52.040 – Application Filing, Processing, and Review
- 22.52.050 – Decision and Findings

22.52.010 – Purpose of Chapter

This Chapter provides procedures for Site Plan Review consisting of a review of site plans for the arrangement and design of physical improvements in order to implement the goals of the Countywide Plan and is intended to ensure that:

- A. Sound and creative design principles are used by applicants in designing proposed projects, which will result in high quality site planning;
- B. The natural heritage and beauty of the County will be preserved and adverse physical effects which might otherwise result from unplanned or inappropriate development, design, or placement are minimized or eliminated.

22.52.020 – Applicability

The provisions of this Chapter apply under any of the following circumstances:

- A. Proposed development would increase the lot coverage above 75 percent on a single family residential lot.
- B. Site Plan Review was required by a Master Plan, Design Review Waiver, or as a mitigation measure for a previous planning permit approval.
- C. The construction of any new driveway that exceeds a length of 250 feet in the A2, C1, H1, RA, RR, RE, R1, R2, and VCR zoning districts.
- D. All development and improvements on lots accessed by paper streets, without regard to the size of the lots or the applicable zoning district.
- E. In those instances where a vacant legal lot of record in the Countywide Plan's City-Centered, Baylands, or Inland Rural Corridor is proposed for development, except for those activities, uses of land, and other improvements subject to the SGV combining district in Subsection F, below, any proposed development within the Countywide Plan's Stream Conservation Area that adjoins a mapped anadromous fish stream and tributary shall be subject to Site Plan Review as provided by this chapter if the lot is zoned A, A-2, RA, H1, O-A, RR, RE, R1, R2, C-1, A-P, or VCR, including all combining zoning districts. Development includes all physical improvements, including buildings, structures, parking and loading areas, driveways, retaining walls, fences, and trash enclosures. The determination of the applicability of this requirement shall be based on the streams and tributaries shown on the map entitled "Marin County

Anadromous Fish Streams and Tributaries," which is maintained and periodically updated by the Community Development Agency.

F. In those instances where an activity, use of land, or other improvement would: a) entail grading or otherwise expose soil; b) increase lot coverage or surface runoff; c) remove vegetation or woody riparian vegetation; or d) alter the bed, bank, or channel of any stream within the Countywide Plan's Stream Conservation Area in the SGV combining district.

F-G Any development seaward of the mean higher high tide, any increase of lot coverage within a tidelands area, and all docks and piers.

22.52.030 – Site Plan Review Exemptions

The following types of development are exempt from Site Plan Review:

- A. Development outside of the SGV combining district that is subject to Design Review or Variance requirements.
- B. Floating homes.
- C. Accessory Dwelling Units that meet the applicable standards set forth in Section 22.32.120. A (category 1), B (category 2), and C (category 3).
- D. Signs.

E. The following types of development subject to the SGV combining district:

1. Removal of dead, invasive, or exotic vegetation, including leaf litter, except for woody debris located below the stream top of bank;
2. Removal or trimming of pyrophytic combustible live trees and/or vegetation consistent with Chapter 22.62 (Tree Removal Permits) and Title 16—Provision Section 16.16.040 (Amendments to the 2019 California Fire Code, 2018 International Fire Code and 2018 International Wildland-Urban Interface Code), including tanoak, California bay laurel, and Douglas fir tree species;
3. Planting of non-pyrophytic native vegetation;
4. Voluntary creek restoration projects consistent with and authorized under the Marin Resource Conservation District's Permit Coordination Program;
5. Repair and maintenance, including the replacement, of existing degraded septic systems that incorporate Marin County Stormwater Pollution Prevention Program (MCSTOPPP) minimum erosion and sediment controls and best management practices;
6. Subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; and
7. Development that is permitted pursuant to Chapter 11.08 (Watercourse Division or

Obstruction).**22.52.040 – Application Filing, Processing, and Review**

- A. Filing.** An application for a Site Plan Review shall be submitted, filed, and processed in compliance with and in the manner described in Chapter 22.40 (Application Filing and Processing, Fees).

Site Plan Review application forms are available online and at the Agency's public service counter.

- B. Site Plan Review Procedures.** The Director shall approve, conditionally approve, or deny all Site Plan Review applications in compliance with Section 22.42.060 (Decision and Findings), except as otherwise provide in Subsections D and E, below.
- C. Zoning Administrator review.** When the Site Plan Review application is associated with a permit application that requires a public hearing, the Site Plan Review action may be taken by the Zoning Administrator.
- D. Referral to Commission.** When the Director finds that significant policy issues are raised by the proposed project, the Director may refer the Design-Site Plan Review application to the Planning Commission for a final action.
- E. Notice of action and/or hearing date.** Administrative decisions and public hearings on a proposed Site Plan Review application shall be noticed in compliance with Chapter 22.118 (Notices, Public Hearings, and Administrative Actions).

22.52.050 – Decision and Findings

The Review Authority may only approve or conditionally approve an application if all of the following findings are made:

- A.** The development would be consistent with all the site development criteria established in the Discretionary Development Standards.
- B.** The development would be consistent with any applicable site development criteria for specific land uses provided in Section 22.30.045, Chapter 22.32 and special purpose combining districts provided in Chapter 22.14 of this Development Code.
- C.** The development would employ best management practices for drainage and storm water management.
- D.** The development would hold ground disturbance to a minimum and every reasonable effort would be made to retain the natural features of the area, such as skyline and ridge tops, rolling land forms, knolls, significant native vegetation, trees, rock outcroppings, shorelines, streambeds and watercourses.
- E.** If substantial ground disturbance is entailed in the development, the site would be adequately landscaped with existing or proposed vegetation at project completion.

- F. Development within the Stream Conservation Area in the SGV combining district would not:**

- 1 Adversely alter hydraulic capacity;
- 2 Result in a net loss in habitat acreage, value or function; and/or
- +3 Degrade water quality.

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 Processing (land use). This land use consists of the processing of harvested crops and other agricultural products, including the following:

- production of butter, cheese, and other dairy products
- food oil production, including olive oil
- processing of milk
- shellfish processing
- wine production

Also includes structures used in connection with the above activities.

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 and detached dwelling unit used to house agricultural workers and their family members, including temporary mobile homes. For the purpose of calculating density, no more than one food preparation area shall be provided for each agricultural worker housing unit.

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.

Anadromous Fish. Species of fish that mature in the ocean and migrate into streams to spawn.

Animal Sales Lot. See "Livestock Operations, Sales Lots, Feedlots, Stockyards."

Antennas. See "Telecommunications Facilities."

Antiquated Subdivision. A subdivision recorded before January 1, 1930.

Apartment. See "Multi-Family Housing."

Appealable Area. The areas described by Public Resources Code Sections 30519.b and 30603.a.1 and .a.2, within which a County decision to approve a development may be appealed to the California Coastal Commission.

Appeals Area Maps. The official maps on file with the Community Development Agency which identify areas within the Coastal Zone where County decisions on Coastal Permit applications may be appealed to the Coastal Commission.

Applicant. Any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities, which seeks County permits and approvals.

Approval. An official sanction that includes both approval and approval with conditions.

B. Definitions, "B."

Bankfull. Indicates the height (or stage) of a stream that just fills the stream channel.

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.

Basement. A story which is partly or completely below grade.

Bay Window. A windowed 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 a building for each story or extend more than 30 inches from the exterior wall.

Bed and Breakfast Inns (land use). This land use consists of providing up to five guest bedrooms for overnight lodging, where the use is clearly secondary and incidental to the use of the property as a single-family residence. County requirements applicable to Bed and Breakfast Inns are in Section 22.32.040 (Bed and Breakfast Inns), and applicable Health Department regulations. A Bed and Breakfast Inn with more than five guest rooms is considered a hotel or motel, and is not permitted in a residential zoning district. Refer to the definition of "Room Rental" to distinguish between a Bed and Breakfast Inn and room rental in a "boarding house" situation.

Below Market Rate. Housing that is sold or rented at a price which is below the prevailing rate for equivalent housing units within the same community.

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.

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 applicable USGS topographic quadrangle map.

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.

R. Definitions, "R."**Recreation, Passive. A type of recreation that does not require the use of organized play areas.**

Recreational Vehicle (RV). A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, originally designed for human habitation for recreational, emergency, or other occupancy, which meets all of the following criteria:

1. It contains less than 320 square feet of internal living room area, excluding built-in equipment, including wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms;
2. It contains 400 square feet or less of gross area measured at maximum horizontal projections;
3. It is built on a single chassis; and
4. It is either self-propelled, truck-mounted, or permanently towable on the highways without a towing permit.

Recreational Vehicle Park (land use). This land use consists of a privately owned site used, or intended to be used, by those inhabiting a recreational vehicle. 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.

designed to accommodate 40 or fewer patrons, more than 40 patrons, and restaurants that serve alcohol and/or provide live entertainment.

Restaurant, Fast Food (land use). This land use consists of restaurants where customers are served prepared food from a walk-up ordering counter, or drive-through window, for either on- or off-site consumption.

Resubdivision. Changing the street alignment, lot configuration, or drainage of an existing subdivision, except through the Lot Line Adjustment process described in Chapter 22.90 (Lot Line Adjustments).

Retail Stores, General Merchandise (land use). This land use consists the retail sale of many lines of merchandise. Examples of the types of merchandise, and stores included within this land use are:

- | | |
|---|--|
| - artists' supplies | - hardware |
| - auto parts (not repair or machine shops) | - hobby materials |
| - bakeries (retail only) | - jewelry |
| - bicycles | - luggage and leather goods |
| - books | - musical instruments, parts and accessories |
| - cameras and photographic supplies | - newsstands |
| - clothing and accessories | - orthopedic supplies |
| - department stores | - pet stores |
| - drug and discount stores | - religious goods |
| - dry goods | - shoe stores |
| - fabrics and sewing supplies | - small wares |
| - florists and houseplant stores | - specialty shops |
| - garden supply stores and sale of houseplants and nursery products | - sporting goods and equipment |
| - general stores | - stationery |
| - grocery stores | - toys and games |
| | - variety stores |

Retail Stores, Visitor/Collector (land use). This land use consists of the retail sale of products oriented primarily toward visitors to Marin County and/or collectors other than local resident populations. Examples of the stores and products included under this land uses are antiques, art galleries, gift, souvenir, and curio shops, and handcraft sales (stores may include crafting subordinate to sales).

Retreat Rate. The rate at which wave action and other erosion processes will cause a coastal bluff to erode.

Review Authority. The Board of Supervisors, Health Officer, Planning Commission, Zoning Administrator, or Community Development Director, where designated by this Development Code as having the responsibility and authority to review, approve, or deny land use and development applications in compliance with this Development Code.

Ridge and Upland Greenbelts. The uppermost portions of hills, and the wooded hillsides identified in the Environmental Quality 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. Associated with or dependent upon a river, stream, or other water body.

Riparian Habitat. Areas of riparian vegetation that are characterized by plant species that occur along and adjacent to fresh water courses, including perennial and intermittent streams, lakes, springs, and other water bodies of fresh water. Riparian habitats include transitional zones between land and water and are distinguished by characteristic woody trees and shrubs, a variety of important ecological functions, and generally high wildlife habitat values.

Riparian Vegetation. Vegetation associated with a watercourse and relying on the higher level of water provided by the watercourse. Riparian vegetation can include trees, shrubs, and/or herbaceous plants. *Woody riparian vegetation* includes plants that have tough, fibrous stems and branches covered with bark and composed largely of cellulose and lignin. *Herbaceous riparian vegetation* includes grasses, sedges, rushes and forbs – broad-leaved plants that lack a woody skeleton.

Room Rental (land use). This land use consists of the rental of individual bedrooms within a dwelling or accessory structure. This use is subordinate to the primary residential use of the property.

Rotor Blade. The part of a wind turbine that interacts with wind to produce energy. It consists of the turbine's blades and the hub to which the blades attach.

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.

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 (UBC), and mobile homes/manufactured housing on permanent foundations and agricultural worker housing.

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)	C-RSPS (Coastal, Residential, Single-Family Planned, Seadrift Subdivision)
RSP (Residential, Single-Family Planned)	A2B (Agriculture, Limited)
RX (Residential, Mobile Home Park)	
RF (Residential, Floating Home Marina)	

Districts zoned A for agricultural uses, other than those listed above, are not included in this definition.

Single Room Occupancy (SRO). A multiple-tenant residential building, in which four or more studio apartments that do not have kitchens are rented as affordable housing on at least a monthly basis. One common kitchen may be provided for an SRO.

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 Assessment. An analysis of the environmental setting of developed or undeveloped land, including but not limited to sensitive wildlife habitats and sensitive resources, such as baylands, wetlands, stream and riparian systems, and special-status species of concern. A site assessment may also include findings regarding potential environmental effects resulting from a development application, and recommendations for measures that may avoid or minimize such effects.

Site Coverage. See "Lot Coverage."

Skilled Nursing Facility. A medical care facility providing care for people with physical or mental disabilities, where care is less than that provided by a hospital or other acute care facility. See "Medical Services – Extended Care."

Slaughter Facilities, Mobile. A self-contained facility engaged in slaughter that can travel from site to site.

Slope. The average slope of a lot expressed as a percent, which is calculated as follows:

$$S = (L \times I \times 100) / A$$

Where:

S = The average slope of natural ground expressed as a percent

I = The topographic contour interval in feet (i.e., 2-foot contour intervals, 5-foot contour intervals, etc.)

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. A natural or once natural flowing open drainage channel with an established bed and bank. These consist of perennial, intermittent, and ephemeral streams, including open waterways that have been restored, modified, or channelized, but do not include ditches, culverts, or other above- or below ground conduits constructed specifically for storm drainage function. Perennial and intermittent streams, shown as solid or dashed blue lines (or purple lines) on the most recent appropriate USGS data, and ephemeral streams as defined below, are subject to Stream Conservation Area protection policies. See “Stream Conservation Area (SCA).”

Stream, Ephemeral. A watercourse that carries only surface runoff and flows during and immediately after periods of precipitation.

Stream, Intermittent. A watercourse that is temporarily intermittent or seasonal and that flows during the wet season, continues to flow after the period of precipitation, and ceases flow during at least part of the dry season. Intermittent streams are typically shown as a dashed blue line on USGS data.

Stream, Perennial. A watercourse that flows throughout the year (except for infrequent or extended periods of drought), although surface water flow may be temporarily discontinuous in some reaches of the channel, such as between pools. (Perennial streams can be spatially intermittent but flow throughout the year.)

Stream Conservation Area. An area designated by the Marin Countywide Plan along all natural watercourses shown as a solid or dashed blue line on the most recent appropriate USGS topographic quadrangle map, or along all watercourses supporting riparian vegetation for a length of 100 feet or more, and/or supports special-status species and/or a sensitive natural community type, such as native grasslands, regardless of the extent of riparian vegetation associated with the stream. See Marin Countywide Plan policy BIO-4.1.

The Stream Conservation Area is a buffer established to protect the active channel, water quality, and flood control functions, and associated fish and wildlife habitat values along streams. The Stream Conservation Area is designated along all perennial and intermittent streams. An ephemeral stream is subject to the Stream Conservation Area if:

1. the stream supports riparian vegetation for a length of 100 feet or more; and/or
2. supports special-status species and/or sensitive natural community type, such as native grasslands, regardless of the extent of riparian vegetation associated with the stream.

A minimum 20-foot buffer should be required for those ephemeral streams that do not meet these criteria.

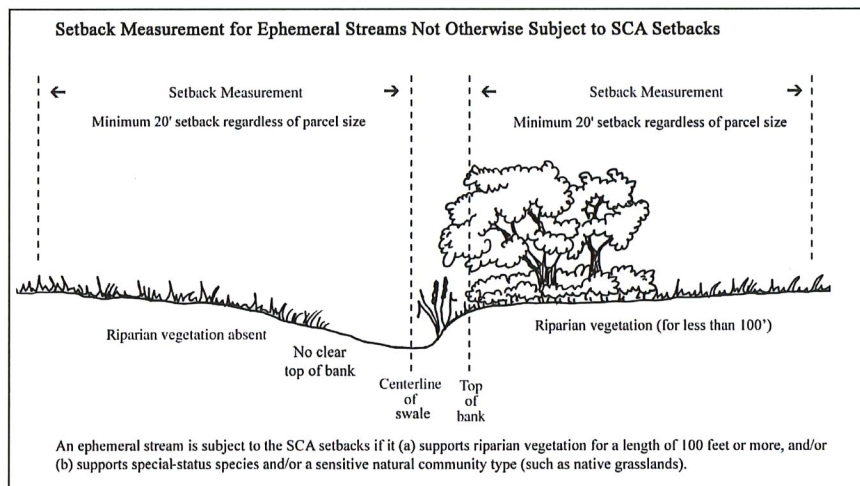
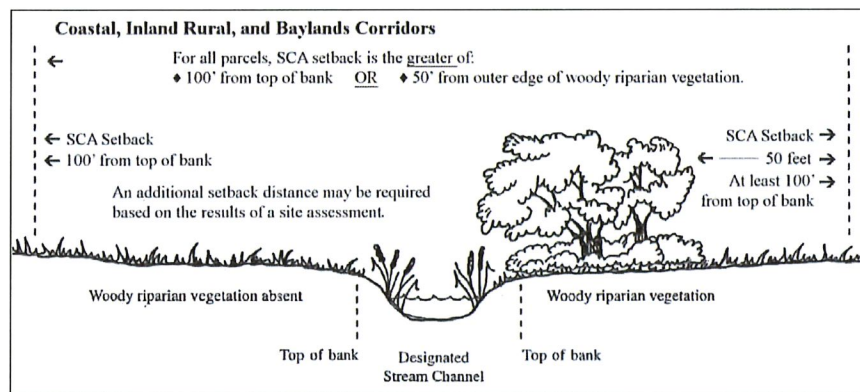
The Stream Conservation Area consists of the watercourse itself between the stream tops of banks and a strip of land extending laterally outward on each side from the top of bank that is the width greater of either:

1. 50 feet landward from the outer edge of woody riparian vegetation associated with the stream; and/or
2. 100 feet landward from the top of bank.

An additional buffer may be required based on the results of a site assessment to protect riparian habitat.

For ephemeral streams, the Stream Conservation Area applies if: a) the stream supports riparian vegetation for a length of 100 feet or more, and/or b) supports special-status species and/or sensitive natural community type, such as native grasslands, regardless of the extent of riparian vegetation associated with the stream. A minimum 20-foot buffer should be required for those ephemeral streams that do not meet these criteria.

The Stream Conservation Area encompasses any jurisdictional wetland or unvegetated other waters within the stream channel, together with the adjacent uplands, and supersedes buffer standards defined for Wetland Conservation Areas.



Street. A public right-of-way or access normally used for vehicular traffic, excluding vehicular driveways serving a single lot or parcel and trails or paths used for pedestrian access purposes only.

Structural Alterations. Any change in the supporting members of a building, including bearing walls, columns, beams or girders.

Areas behind secured dykes, which is normally not subject to tidal action by virtue of the dyke, are not considered tidelands.

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 leave, 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.

Top of Bank. The elevation at which flow spills out of a stream channel and onto the floodplain.

Total Height (System Height). The total WECS height is the height from natural grade to the fixed portion of the tower and includes the highest vertical length of any extensions above grade, such as the rotor blades when being operated.

Tower. The tower is the support structure, including guyed monopole and lattice types, upon which a wind turbine or other mechanical device is mounted as part of a wind energy system.

Tower Height (WECS). The tower height is the height from natural grade to the upper-most fixed portion of the tower excluding the length of any vertical axial-rotating turbine blade.

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).

Trash Full Capture System. Any device or series of devices that traps and retains all particles that are five millimeters or greater, and has a design treatment capacity of not less than the peak flow rate resulting from a one-year, one-hour, storm in the tributary drainage catchment area.

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 accessory dwelling units, which are separately defined.

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.

WECS (land use). See "Wind Energy Conversion Systems (WECS)."

Wetland, Jurisdictional. An area that meets the criteria established by the U.S. Army Corps of Engineers (Corps or COE) for Wetlands (as set forth in their Wetlands Delineation Manual). Such areas come under the jurisdiction of the Corps of Engineers for permitting certain actions such as dredge and fill permitting.

Wetland Conservation Area. An area designated by the Marin Countywide Plan that includes wetlands and associated buffer areas. See Marin Countywide Plan policy BIO-3.1.

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 is defined as any machine that converts and then stores or transfers the kinetic energy in the wind into a usable form of mechanical or electrical energy. The WECS consists of all parts of the system, including the base or foundation tower, wind turbine, generator, rotor, blades, supports, and transmission equipment. Additional WECS definitions include:

EXHIBIT B

San Geronimo Valley Existing Zoning

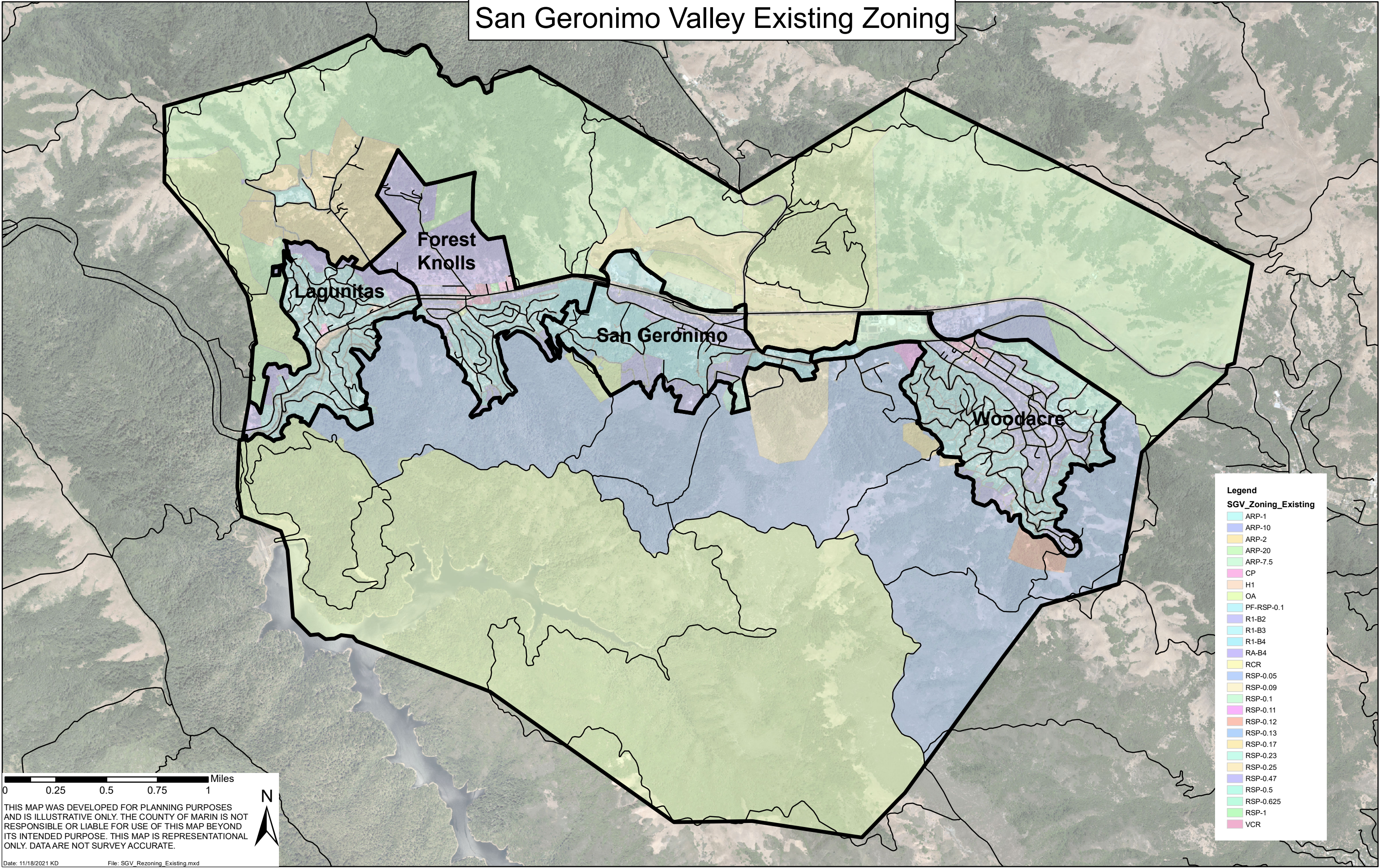


EXHIBIT C

San Geronimo Valley Proposed Zoning - SGV Combining District

