

## 15.8.4\_LUP\_Agriculture Chapter Resubmittal\_Text

### Note:

1. The changes approved by the California Coastal Commission on May 15, 2014 are shown in black, with ~~strikeout~~ and (single) underline
2. CDA staff additions to the changes approved by the California Coastal Commission on May 15, 2014 are in blue, double-underlined
3. *CDA staff ~~deletions~~ to the changes approved by the California Coastal Commission on May 15, 2014 are in blue, italicized, and (single) ~~crossout~~ [also marked the same way are a handful of CDA staff deletions of County-proposed text]*
4. Comments in right margin show some key reasons for CDA changes.
5. Margin notes are explanatory.

MARIN COUNTY  
LOCAL COASTAL PROGRAM  
Land Use Plan Agriculture Chapter Amendments  
Resubmittal Text Incorporating Recommended Suggested Modifications  
to  
Board of Supervisors Adopted ~~Draft~~  
**July 30, 2013**  
Important Note:  
~~These amendments are not yet certified by the~~  
~~California Coastal Commission~~

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

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### Agriculture (AG)

#### Background

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

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

The Coastal Act protects coastal agriculture as a high priority coastal resource and ~~Toward this end, the Act~~ supports the renewal and continuation of agriculture on suitable lands in Sections 30241, 30241.5, and 30242. The conversion of land with prime agricultural soils to non-agricultural uses, such as residential or commercial development, is strictly limited by the Act; however, very little of the land in Marin County's Coastal Zone is classified as prime (see Map 4 - Agricultural Land). The Coastal Act mandates that all other lands suitable for agricultural use shall not be converted to make past ~~tensenon~~agricultural uses unless continued or renewed agricultural use is not feasible, or such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.



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

In an era of corporate, industrialized agriculture, the great majority of Marin farms and ranches are family owned and operated, with most of those the third or fourth generation working the land. Fluctuating commodity prices, the expense of investments needed to stay competitive, and the rising cost of farmland are only some of the challenges casting doubt over the future viability of coastal agriculture. One clear need is the ability to pass the reins to the younger generation, while providing for the retiring one. In 1997 the average age of Marin's principal agricultural operators was 55.7 years. By 2002 it had risen to 58.4, and in 2007, to 59.7. At the same time, the family unit itself is a critical part of maintaining agriculture. More than 85% of Marin farms had between one and four family members involved in their operation, and 71% had a family member interested in continuing ranching or farming. Providing policies that support current agriculture while responding to these important trends was ~~is~~ one of the key objectives of the 2015 Amendments ~~2014 revisions to the changes proposed to the~~ LCP, ~~especially including~~ the provisions for intergenerational homes (Policy C-AG-5).

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

Prices for commodities such as milk and beef are notoriously volatile and unreliable, often placing Marin's relatively small producers in jeopardy. Recently, one of Marin's historical dairies had to go out of business. Marin agriculture has responded with innovation and creativity to secure its future. Responding to a Cooperative Extension survey, 29% of Marin operations report having added new productions or enterprises to their farm or ranch over recent years, and 24% are making value-added products. ~~Proposed~~

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This LCP's policies would will help support such agricultural diversification, including making it easier for small scale direct to consumer sales (Program C-AG-2.e).

While strengthening the economic vitality and long-term protection of agriculture, LCP policies work equally hard to deter the incursion of non-agricultural uses that would convert agricultural land and ~~erode~~ ~~impair~~ agricultural productivity ~~on now and in the future~~. A key measure to continue the preservation of agriculture is the Agricultural Production Zone (C-APZ), which limits the use of land to agriculture, or uses that are accessory to, in support of, ~~and~~ compatible with, or and necessary for agricultural production. Additional LCP policies protect the land itself, by limiting land subdivisions and non-agricultural uses, providing for long-term agricultural and stewardship plans, and by controlling the size of ~~private residences~~ agricultural dwelling units. Together, the LCP agricultural policies shape a balanced strategy to assure the protection of agricultural lands and to continue agricultural uses throughout the Marin County Coastal Zone for generations into the future.

## Policies

**C-AG-1 Agricultural Lands and Resources.** Protect agricultural land, continued agricultural uses, family farming, and the agricultural economy by maintaining parcels large enough to sustain agricultural production, preventing conversion to non-agricultural uses, providing for diversity in agricultural development, facilitating multi-generational operation and succession, ~~and~~ prohibiting uses that are incompatible with long-term agricultural production or the rural character of the County's Coastal Zone, and other innovative means. Preserve important soils, agricultural water sources, and forage to allow continued agricultural production on agricultural lands.

[BOS app. 7/30/2013] (PC app. 10/10/11, 1/24/11)

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

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



**Comment [CDA1]:** Maintains amendment history and internal consistency for each policy. Reference restored throughout document.

**C-AG-2 Coastal Agricultural Production Zone (C-APZ).** Apply the Coastal Agricultural Production Zone (C-APZ) to preserve ~~privately owned~~ agricultural lands that are suitable for land-intensive or land-extensive agricultural productivity, that contain soils classified as Prime Farmland, Farmland of Statewide Importance, Farmland of Local Importance, or Grazing Land capable of supporting production agriculture, or that are currently zoned C-APZ. Ensure that the principal use of these lands is agricultural, and that any development shall be accessory and incidental to, in support of, ~~and~~ compatible with, or and necessary agricultural production.

A. In the C-APZ zone, the principal permitted use shall be agriculture, limited to the following as follows:

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### 1. ~~1~~ Agricultural Production:

- a. ~~1~~ Uses of land for the breeding, raising, pasturing, and grazing of livestock;
- b. ~~2~~ The production of food and fiber;
- c. ~~3~~ The breeding and raising of bees, fish, poultry, and other fowl;
- d. ~~4~~ The planting, raising, harvesting and producing of agriculture, aquaculture, mariculture, horticulture, viticulture, vermiculture, forestry crops, and plant nurseries;
- e. ~~5~~ ~~Substantially similar uses of an equivalent nature and intensity; and~~

### 2. ~~6~~ Agricultural Accessory Structures;

### 3. ~~3~~ Agricultural Accessory Activities; ~~or uses~~

### 4. Agricultural Dwelling Units, consisting of:

- a. ~~4~~ One farmhouse or a combination of one farmhouse and one intergenerational home per legal lot farm tract, consistent with C-AG-5, including combined total size limits;
- b. ~~5~~ Agricultural worker housing, providing accommodations consisting of no 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;

5. ~~6~~ Other Agricultural Uses, ~~if~~ appurtenant or necessary to the operation of agricultural uses, limited to: 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).

- a. Agricultural product sales and processing 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;
- b. ~~Not for profit~~ Educational tours.

B. Conditional uses in the C-APZ zone 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 per legal lot, and additional agricultural uses and non-agricultural uses including residential development potentially up to the zoning density, including residential development potentially up to the zoning density, consistent with Policies C-AG-5, 6, 7, 8 and 9.

Residential development (as opposed to Agricultural Dwelling Units) shall not be permitted in the C-APZ until specific provisions and standard conditions consistent with the Agriculture Chapter of the certified Land Use Plan are adopted by the Marin County Board of Supervisors and certified as an LCP Amendment by the California Coastal Commission. No residential development is permitted on the same legal lot where an Agricultural Dwelling or Dwelling Unit Cluster is located.

Development shall not exceed a maximum density of 1 agricultural dwelling or residential residential unit per 60 acres. Densities specified in the zoning are not entitlements but rather maximums that may not be

**Comment [CDA2]:** The CCC staff report did not delete "legal lot" in this instance, leaving "legal lot" in the Adopted Modifications. This was apparently an oversight inconsistent with other CCC Modifications, as in C-AG-5.A. Compromise language, agreed to by both staffs, limits farmhouse/intergenerational units to one newly-named "agricultural dwelling cluster" for all contiguous lots in common ownership (now defined as a "farm tract.")

**Comment [CDA3]:** As further detailed in IP Sec. 22.32.062, these tours include those operated by non-profit organizations or the owner/operator of the agricultural operation.

**Comment [CDA4]:** Tours operated by a 3<sup>rd</sup>-party are conditional and appealable to the CCC

**Comment [CDA5]:** "Residential development" is distinguished from "Agricultural Dwelling Units," and would only be potentially permitted if a separate LCP Amendment providing for it is certified by the CCC. The current certified LCP allows residential as conditional use as a means of restoring and ensuring agricultural viability. Residential dev cannot be located on legal lots where Ag dwellings exist, nor where an owner wishes to establish an Agricultural Dwelling Cluster. The program to be developed will create incentives promoting Ag dwellings (see proposed new Program C-AG-2.b). Consistent changes throughout.

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achieved when the standards of the Agriculture policies below and other relevant LCP policies are applied. The County (and the Coastal Commission on appeal) may include all contiguous properties under the same ownership when reviewing a Coastal Permit application.

{BOS app. 10/2/2012, 11/13/2012, 1/15/2013} (PC app. 10/10/11, 1/24/11)

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

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

**Program C-AG-2.a Allowed Uses: No permit required.** Seek to clarify for the agricultural community those agricultural uses for which no permit is required. These include the Agricultural Exclusions from the existing ~~CCC~~-adopted Categorical Exclusion Orders. Review aspects of agricultural operations that are not currently excluded from coastal permit requirements to determine if there are additional categories of agricultural developments, either in type or in specific geographic areas, that have no potential for any significant adverse effect, either individually or cumulatively, on coastal resources or on public access and, hence, could be eligible additions to the categorical exclusion. {BOS app. 10/2/2012, 7/30/2013} (PC app. 10/10/11, 1/24/11) [\[New program, not in Unit I or II\]](#)

**Program C-AG-2.b Option to Secure Affirmative Agricultural Easements Through Restricted Residences.** Evaluate the efficacy of permitting limited non-agricultural residential development within the C-APZ zone as a means of securing permanent affirmative agricultural easements over the balance of the legal lot. Characteristics of the program could include (a) prohibiting residential development on a legal lot where an Agricultural Dwelling or Dwelling Unit Cluster is located, (b) restricting the development envelope to the minimum feasible size (e.g. 10,000 sq. ft) (c) limiting house size to less than amount allowed for agricultural dwellings, but permitting transfer of development credits to increase allowable house size by securing affirmative agricultural easements on additional agricultural lands. The program and associated policies have no effect until certified as an LCP Amendment by the Coastal Commission.

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

Policies should be developed in the LCP's Community Development section, as appropriate, to address the concerns of specific communities with respect to retail sales (roadside especially). As necessary, greater constraints on these activities could be specified for individual communities or roadway segments than the general provisions in the LCP's Agriculture section (up to and including, for example, the possibility of specifying an outright prohibition of roadside agricultural sales in a particular area or along a particular stretch of roadway).

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

[\[New program, not in Unit I or III\]](#)



**Program C-AG-2.f Facilitate Agricultural Tourism.** Review agricultural policies and zoning provisions and consider seeking to add educational tours, homestays and minor facilities to support them as a Categorical Exclusion.  
(PC app. 10/10/11, 1/24/11)  
*[New program, not in Unit I or III]*



**C-AG-3 Coastal Agricultural Residential Planned Zone (C-ARP).**

Apply the Coastal Agricultural Residential Planned Zone (C-ARP) designation to lands adjacent to residential areas, ~~and at the edges of Agricultural Production Zones~~ in the Coastal Zone that have potential for agricultural production but do not otherwise qualify for protection under Policy C-AG-2. The intent of the C-ARP Zone is to provide flexibility in lot size and building locations in order to:

1. Promote the concentration of residential and accessory uses to maintain the maximum amount of land available for agricultural use, and
2. Maintain the visual, natural resource and wildlife habitat values of subject properties and surrounding areas. The C-ARP district requires proposed development to be clustered ~~in a group or groups~~ to avoid or minimize impacts to environmental and other coastal resources, such as natural topography, native vegetation and public views of the coast.

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.

~~[BOS app. 7/30/2013] (PC app. 10/10/11, 1/24/11)  
[Adapted from Interim County Code Section 22.57.040. This policy also carries forward the concept of Unit I Agriculture Policy 30, p. 35]  
[Adapted from Interim County Code Section 22.57.040. This policy also carries forward the concept of Unit I Agriculture Policy 30, p. 35]~~

**C-AG-4 C-R-A (Coastal, Residential, Agricultural) District.** Apply the C-R-A zoning district to provide areas for residential use within the context of small-scale agricultural and agriculturally-related uses, subject to specific development standards.  
(PC app. 10/10/11, 1/24/11)  
~~[Adapted from Interim County Code Section 22.57.020]  
[Adapted from Interim County Code Section 22.57.020]~~

**C-AG-5 Agricultural Dwelling Units (Farmhouses, Intergenerational Housing, and Agricultural Worker Housing).** Support the preservation of family farms by facilitating multi-generational operation and succession.

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A. Agricultural dwelling units may be permitted on C-APZ lands subject to the policies below, as well as any applicable requirement in C-AG-6, 7, 8, and 9, ~~and all other applicable requirements in the LCP.~~ Agricultural dwelling units must be owned by a farmer or operator actively and directly engaged in agricultural use of the property. No more than a combined total of 7,000 sq ft (plus 540 square feet of garage space and 500 square feet of office space in the farmhouse used in connection with the agricultural operation) may be permitted ~~used~~ as an agricultural dwelling per farm tract ~~by the farm owner or operator~~, whether in a single farmhouse or in a combination of a farmhouse and intergenerational homes(s). ~~Only a single farmhouse or a combination of a farmhouse and intergenerational home(s) with the combined total of 7,000 square feet may be allowed for each farm owner or operator actively and directly engaged in agriculture, regardless of the number of legal lots each farm owner or operator owns. In addition to the farmhouse, up to two additional dwelling units per legal lot may be permitted in the C-APZ designation~~ for members of the farm operator's or owner's immediate family. Such ~~intergenerational family farm homes~~ may only be occupied by persons authorized by the farm owner or operator

**Comment [CDA6]:** Replaced with concept of "farm tract" consistent with C-AG-2.

shall not be subdivided from the rest of the primary agricultural legal lot, and shall be consistent with the standards of LCP Policy C-AG-7 and the building size limitations of Policy C-AG-9. Such intergenerational homes shall not be subject to the requirement for an Agricultural Production and Stewardship Plan (C-AG-8), or permanent agricultural conservation easement (C-AG-7), ~~nor shall occupants be required to be actively and directly engaged in the agricultural use of the land. An equivalent density of 60 acres per unit shall be required for each home-farmhouse and intergenerational house (i.e. at least 60 acres for a farmhouse, 120 acres for a farmhouse and an intergenerational house, and 180 acres required for a farmhouse and two intergenerational homes), including any existing homes. The reviewing authority shall consider all contiguous properties under the same ownership to achieve the requirements of the LCP.~~ No Use Permit shall be required for the first intergenerational home on a qualifying lot, but a Use Permit shall be required for a second intergenerational home. No more than 27 intergenerational homes may be allowed in the County's coastal zone.

**Comment [CDA7]:** Redundant with last sentence of C-AG-2.

B. Agricultural worker housing providing accommodations consisting of no more than 36 beds in group living quarters per legal parcel or 12 units or spaces per legal parcel for agricultural workers and their households shall not be included in the calculation of density in the following zoning districts: C-ARP, C-APZ, C-RA, and C-OA. Additional agricultural worker housing above 36 beds or 12 units shall be subject to the density requirements applicable to the zoning district. An application for agricultural worker housing above 36 beds or 12 units shall include a worker housing needs assessment and plan, including evaluation of other available worker housing in the area. The amount of approved worker housing shall be commensurate with the demonstrated need. Approval of agricultural worker housing shall require 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.

(PC app. 2/13/12, 10/10/11, 1/24/11)  
~~[New policy, not in Unit I or II]~~

**C-AG-6 Non-Agricultural Development of Agricultural Lands.** Non-agricultural development is defined to include division of agricultural lands and any development not classified as Agriculture. 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.~~ In considering divisions of agricultural lands in the Coastal Zone, the County may approve

**Comment [CDA8]:** Awkward phrasing corrected

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fewer parcels than the maximum number of parcels allowed by the Development Code, based on site characteristics such as topography, soil, water availability, environmental constraints and the capacity to sustain viable agricultural operations.

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

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

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

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

Proposed development in the C-APZ zone shall be designed and constructed to preserve agricultural lands and to be consistent with all applicable standards and requirements of the LCP, and in particular the policies of the Natural Systems and Agriculture Element of the LUP. In addition to the requirements applicable to a specific land use ~~and all other applicable requirements specified in the LCP~~, the following requirements shall apply to development in the C-APZ:

**Comment [CDA9]:** Redundant with previous sentence.

#### A. Standards for Agricultural Uses ~~All Development in the C-APZ:~~

All of the following development standards apply:

1. Permitted development shall protect and maintain renewed and continued agricultural production use and ~~contribute to agricultural~~ viability on site and ~~shall not impact or~~ adjacent agricultural lands. Development of ~~agricultural facilities~~ shall be sited to avoid agricultural land (i.e., prime agricultural land or other land suitable for agriculture) whenever possible, consistent with the operational needs of agricultural production. If use of ~~agricultural~~ such land is necessary, prime agricultural land shall not be ~~converted~~ utilized if it is possible to utilize other lands suitable for agricultural use. In addition, as little agricultural land as possible shall be ~~converted~~ used for structural development.
2. Development shall be permitted only where adequate water supply, sewage disposal, road access and capacity and other services are available to support the proposed development after provision has been made for existing and continued agricultural ~~operations~~ 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.
3. Permitted development shall have no significant adverse impacts on environmental quality or natural habitats, and shall meet all other applicable policies, consistent with the LCP.
4. In order to retain the maximum amount of land in agricultural production or available for future agricultural uses production, ~~farmhouses, intergenerational homes, agricultural worker housing, permitted residential development, agricultural homestay or bed and breakfast facilities, farmhouses, intergenerational homes, and agricultural homestay facilities~~ all infrastructure and structural development (e.g. agricultural accessory structures, and agricultural product processing facilities other agricultural uses, and roads) shall be placed in one or more groups along with any non-agricultural development on within a clustered development area. ~~of a total of no more than five percent of the gross acreage, to the extent feasible, with the remaining acreage retained in or available for agricultural production or open space. All new structural development shall be clustered within existing developed areas~~ except when:

**Comment [CDA10]:** Inclusion of roads and other infrastructure in "clustered area" confuses "cluster" with overall limit of 5% of gross acreage. Unclear how roads (which do count against the 5%.) would fit within a "cluster". IP specifies types of farm facilities that could reasonably be outside a cluster, but would still be counted against the 5% limit.

**Comment [CDA11]:** Redundant with paragraph below.

(a) 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

(b) when placement inside such areas would be inconsistent with applicable LCP standards (e.g. when such placement would be within a required stream setback area). In ~~this the latter~~

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case, new development shall be placed as close as possible to the existing clustered development area in a way that also meet applicable LCP standards.

The clustered development area, in combination with roads, agricultural product sales facilities and all other structural development, shall total ~~of~~ no more than five percent of the gross acreage, to the extent feasible, with the remaining acreage retained in or available for agricultural production or open space.

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.

### **B. Standards for Non-Agricultural-Non-Principally Permitted Uses:**

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

~~1. In order to retain the maximum amount of land in agricultural production or available for future agricultural use, homes, roads, residential support facilities, and other non-agricultural development shall be placed in one or more groups on a total of no more than five percent of the gross acreage, to the extent feasible, with the remaining acreage retained in or available for agricultural production or open space. Proposed development shall be located close to existing roads, or shall not require new road construction or improvements resulting in significant impacts on agriculture, natural topography, major vegetation, or significant natural visual qualities of the site. Proposed development shall be sited to minimize impacts on scenic resources, wildlife habitat and streams, and adjacent agricultural operations and shall be designed and sited to avoid hazardous areas. Any new parcels created shall have building envelopes outside any designated scenic protection area.~~

1. Non-principally permitted uses shall only be allowed when such uses will serve to maintain and enhance agricultural production.
2. The creation of a homeowners' or other organization and/or the submission of an Agricultural Production and Stewardship Plan (APSP) may be required to provide for the proper utilization of agricultural lands, including and their availability on a lease basis or for the maintenance of the community's roads, septic or water systems.

### **C. Standards for Non-Agricultural Conditional Uses:**

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

31. Where consistent with state and federal laws, a permanent agricultural conservation easement over that portion of the property not used for physical development or services shall be required for proposed otherwise permissible land



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divisions, ~~residential development, and other non-agricultural development, and residential projects, other than a farmhouse, agricultural worker housing, or intergenerational housing,~~ to promote the long-term preservation of these lands. Only agricultural and compatible uses shall be allowed under the easement. In addition, the County shall require the execution of a covenant not to divide for the parcels created under this division so that each will be retained as a single unit and will not be further subdivided.

42. Proposed development shall only be approved after making the following findings:
- The development is necessary because agricultural use of the property would no longer be feasible. The purpose of this standard is to permit agricultural landowners who face economic hardship to demonstrate how development on a portion of their land would ease this hardship or enhance agricultural operations on the remainder of the property.
  - The proposed development will not conflict with the continuation or initiation of agricultural uses on that portion of the property that is not proposed for structural development, on adjacent parcels, or on other agricultural parcels within one mile of the perimeter of the proposed development.
  - Appropriate public agencies are able to provide necessary services (fire protection, police protection, schools, etc.) to serve the proposed development without extending urban services.

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

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

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

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

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

- Submission of an Agricultural Production and Stewardship Plan (APSP) shall be required for approval of land division or other non-agricultural development of Agricultural Production Zone (C-APZ) lands, except as provided for in (3) below.
- The purpose of an APSP prepared and submitted for land division or for residential ~~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.
- The requirement for an APSP shall not apply to the farmhouse, agricultural worker housing or to intergenerational homesusing units. ~~The APSP may be waived for residences and residential accessory buildings or structures to be occupied or used by the property owner(s) or lessee who is directly engaged in the production of agricultural commodities for commercial purposes on the property. If~~ The APSP may also be waived for non-agricultural land uses when the County finds that the proposal will enhance current or future agricultural use of the property and will not convert the

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property to primarily residential or other non-agricultural use, as evidenced by such factors as bona fide commercial agricultural production on the property, the applicant's history and experience in production agriculture, and the fact that agricultural infrastructure (such as fencing, processing facilities, marketing mechanisms, agricultural worker housing, or agricultural land leasing opportunities) has been established or will be enhanced.

4. Projects subject to the potential requirement of preparing an APSP ~~should~~ 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.

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

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

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

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

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

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

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

**C-AG-9 Residential Development and ~~Residential Development~~ Agricultural Dwelling Unit Impacts and Agricultural Use.** Ensure that lands designated for agricultural use are not de facto converted to residential use, thereby losing the long-term productivity of such lands, by the following means:-

1. ~~Residential development~~ Residential development ~~agricultural dwelling units, other than principally permitted agricultural dwelling units, shall be reviewed to ensure they do not be allowed to diminish current or future agricultural production on use of the property or convert it to primarily residential use.~~ agricultural dwelling units, other than principally permitted agricultural dwelling units, shall be reviewed to ensure they do not be allowed to diminish current or future agricultural production on use of the property or convert it to primarily residential use.
2. Any proposed residential development, agricultural dwelling unit and related 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. All such development shall be clustered with existing structures and development on the farm, pursuant to C-AG-7, and shall be sited and designed to protect significant public views.

When considering proposed residential development, and agricultural dwelling units, other than principally permitted agricultural dwelling units, the County reviewing authority shall exercise its discretion in light of some or all of the following criteria and for the purpose of ensuring that the parcel 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.

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- c. Whether long term capital investment in agriculture and related infrastructure, such as fencing, processing facilities, market mechanisms, agricultural worker housing or agricultural leasing opportunities have been established or are proposed to be established.
  - d. Whether sound land stewardship practices, such as organic certification, riparian habitat restoration, water recharge projects, fish-friendly farming practices, or erosion control measures, have been or will be implemented.
  - e. Whether the proposed ~~residence~~ development will facilitate the ongoing viability of agriculture such as through the intergenerational ~~intergenerational~~ transfer or lease of existing agricultural operations.
3. In no event shall a single-family residence or a single family residence agricultural dwelling, subject to these provisions exceed 7,000 square feet in size. Where a farmhouse and one or two intergenerational residence units are allowed in the C-APZ zone, the aggregate ~~residential~~ development of all homes on the subject legal lot shall not exceed 7,000 square feet.
  4. However, agricultural worker housing, up to 540 square feet of garage space for each farmhouse residence unit, agricultural accessory structures, and up to 500 square feet of office space in the farmhouse used in connection with the agricultural operation on the property shall be excluded from the 7,000 square foot limitation.
  5. The square footage limitations noted in the above criteria represent ~~potential~~ maximum residence or residence 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.
  6. Agricultural homestays, bed & breakfasts, home occupations, care facilities, group homes and similar uses allowed in the C-APZ zone may only occur within otherwise allowable agricultural dwelling units and not within additional separate structures.

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

[\[Adapted from CWP Program AG-1.a, pp.2-159 and 2-160\]](#)

~~[\[Adapted from CWP Program AG-1.a, pp.2-159 and 2-160\]](#)~~

**C-AG-10 Marin Agricultural Land Trust (MALT) and Other Methods of Preserving Agriculture.** Support the objectives of the Marin Agricultural Land Trust (MALT) to protect agricultural lands through the transfer, purchase, or donation of development rights or agricultural conservation easements on agricultural lands. Support and encourage action by MALT in the Coastal Zone to preserve agricultural land for productive uses. Support the use of the County's adopted model agricultural easement, implementation of Transfer of Development Rights (TDR) programs and similar innovative techniques to permanently preserve agricultural lands.

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

[\[Adapted from Unit II Agriculture Policy 7, p. 101\]](#)

~~[\[Adapted from Unit II Agriculture Policy 7, p. 101\]](#)~~

**Comment [CDA12]:** Term restored as this is a major criterion for allowing IG units.