

Proposed Topics for Discussion – With Citations:

I. David Lewis – Most important topics for discussion:

(a) “[The following] was not in the document submitted by the County of Marin on July 30, 2013, and has been added by the California Coastal Commission [CCC] in the draft we are reviewing”:

“Agricultural Activities, Ongoing (Coastal). Existing legally established agricultural uses which have not been expanded and have not been discontinued for more than 10 years. Conversion of grazing to crop production or any other new activity involving grading or a change in the intensity of use of land or water is not an ongoing agricultural activity but rather constitutes new development requiring a coastal permit unless such development is categorically excluded by a Coastal Commission approved Categorical Exclusion Order.” [See page. 176.]

But see Liebster’s “(g)” below.

(b) CCC inserted phrase “**accessory and incidental to, in support of, compatible with, and necessary for agricultural production . . .**” throughout the document. E.g., Section 22.32.026, the third paragraph on page 7:

Agricultural processing shall be accessory and incidental to, in support of, compatible with, and necessary for agricultural production. Agricultural processing is allowed as a Principal Permitted Use in the C-APZ zoning district provided it meets all of the standards set forth in Section 22.65.040, including the following standards: (1) the building(s) or structure(s) used for processing activities do not exceed an aggregate floor area of 5,000 square feet; (2) with the exception of incidental additives or ingredients, agricultural products to be processed are produced on the same site, or on other agricultural properties located in Marin County that are owned or leased by the processing facility is actively and directly involved engaged in the agricultural production on the property on which the processing facility is located; and (4) sufficient parking, ingress, and egress is provided. In addition, conditions as to the time, place, and manner of use of the processing facility may be applied as necessary through the Coastal Permit process to ensure consistency with provisions of the LCP.

[For entire Section 22.32.026, see below, p. 10.]

(c) CCC revisions that change all “Agricultural Uses” references to “Agricultural Production.” E.g., Section 22.65.040 C 1 d, on p.127:

In order to retain the maximum amount of land in agricultural production or available for future agricultural uses production, all infrastructure and structural development (e.g. agricultural accessory structures, other agricultural uses, and roads) farmhouses, intergenerational homes, and agricultural homestay facilities shall be placed within a clustered development area ~~placed in one or more groups along with any nonagricultural development on of~~ a total of no more than five percent of the gross acreage of the parcel, to the extent feasible, with the remaining acreage retained in or available for agricultural production or open space. . . .

For more about this proposed change, see Liebster, II (a).

II. Jack Liebster: “[here are] some of the CCC changes we are trying to understand and untangle” [emphasis added. Topics below in bold so easier to identify.]:

(a) “. . . the change to ‘agricultural production’ from what the Coastal Act specifies (agricultural ‘use’) and the ambiguity and potential conflicts that might cause.”

NOTE: re use of “agricultural use” in the Coastal Act, for e.g., see Public Resource Code Section 30242:

All other lands suitable for *agricultural use* shall not be converted to *nonagricultural uses* unless (1) continued or renewed *agricultural use* is not feasible, or (2) 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. [Emphasis added.]

(b) “**Section 22.62.060 – Coastal Agricultural and Resource-Related Districts and the specific use tables esp. Table 5-1-a.”** [pp. 52 – 57.] [NOTE: *This provision is highlighted by Amy Trainer as well. See copy below.*]

(c) “**Section 22.64.040 – C-APZ Zoning District Standards, esp “C Development standard.”** generally and particularly (and these are just part of the major problems) [pp 51-52]

(d) “**Section 22.65.040 – C.1.e – limiting development to 7000 sq ft (or 7000 + 500 +540: there seems to be an inconsistency based on the characteristics of the owner (everything they own) rather than the land itself.”** [NOTE: *This provision is highlighted by Amy Trainer as well. See copy below.*]

(e) “**Section 22.65.040.C.1.f – lumping product sales and processing together.”** [NOTE: *This provision is highlighted by Amy Trainer as well. See copy below.*]

(f) “Section 22.65.40.C.4 – Agricultural Dwelling Unit Impacts and Agricultural Use.” [NOTE: *This provision is highlighted by Amy Trainer as well. See copy below.*]

(g) “The definitions of ‘development’ (p.143 and 189):

For the purposes of this Chapter, Development, is defined in Article VIII of this Development Code, means:

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

(g) [Continued . . .] “Grading (p. 199):

Grading (coastal) – Any excavation, stripping, cutting, filling, or stockpiling of soil material, or any combination thereof ~~that exceeds 150 cubic yards of material~~. As used in this Development Code, grading does not include plowing, tilling, harrowing, aerating, disk ing, planting, seeding, weeding, fertilizing or other similar routine agricultural cultivation practices for ongoing agricultural [BOS app. 1/15/2013]

(g) [Continued . . .] . . . the deletion of “Agricultural Activities, Ongoing (Coastal)” (p. 176 – I haven’t found yet where they moved it or what replaced it.)”

III. Amy Trainer’s List of “key sections that can inform our discussion on Monday:”

22.32.021 Ag Accessory Activities

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

(Coastal) In the C-APZ, C-ARP and C-OA zones agricultural accessory activities shall be accessory ~~and~~ incidental to, in support of, and compatible with, *and necessary for* agricultural production, and may be allowed as a Principal Permitted Use, ~~or~~ Where applicable under Chapter 22.68 (Coastal Permit Requirements), *agricultural accessory activities* may be exempt from coastal permit requirements.

22.32.022 Agricultural Accessory Structures (Coastal)

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

(Coastal) In the C-APZ, C-ARP and C-OA zones agricultural accessory activities shall be accessory and incidental to, in support of, ~~and~~ compatible with, *and necessary for* agricultural production, and may be allowed as a Principal Permitted Use, ~~or~~ Where applicable under Chapter 22.68 (Coastal Permit Requirements), agricultural accessory activities may be exempt from coastal permit requirements.

22.32.024 Inter-generational Housing (Coastal)

The standards of this Section shall apply to agricultural intergenerational homes defied in Section 22.130.030.

(Coastal) Intergenerational Housing in the Coastal Zone is subject to the requirements of this Section. *Intergenerational Homes shall be accessory and incidental to, in support of, compatible with, and necessary for agricultural production.* The intent of these provisions is to allow intergenerational *home* using units in order to support agricultural operations, ensure the viability of agriculture in the Coastal Zone and facilitate multi-generational family farm operation and succession. Intergenerational housing is considered a ~~component type of the agricultural activities of the property~~ *dwelling unit.*

A. Permitted use, zoning districts. Up to two intergenerational homes in addition to the farmhouse may be permitted in the C-APZ, *consistent with Chapter 22.62 for members of the farm operator's or owner's immediate family.* An equivalent density of 60 acres per unit shall be required for each, including any existing homes (i.e., a minimum of 120 acres for a Farmhouse plus one intergenerational home and a minimum of 180 acres for a Farmhouse plus two intergenerational homes).

B. Limitations on use. Intergenerational homes shall not be subdivided or sold separately from the primary agricultural legal lot. Occupants must be members of the farm operator or owner's immediate family. Occupants shall not be required to be actively and directly engaged in the agricultural use of the land. In cases

~~where an intergenerational home is no longer needed for a family member, the unit may also be occupied by agricultural workers or used as an agricultural homestay.~~

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

~~D. One Intergenerational Home: One intergenerational home on a qualifying lot is a principal permitted use in the C APZ.~~

~~E. Second Intergenerational Home: A second intergenerational home occupying a lot is a conditional use, subject to Use Permit approval in compliance with Chapter 22.48 (Use Permits).~~

F. Restrictive Covenant. Intergenerational housing requires the preparation and recordation of a restrictive covenant running with the land for the benefit of the County ensuring that ~~intergenerational housing will continuously be occupied by the owner or operator's family~~. The covenant must include, at a minimum, the following:

1. A detailed description of the intergenerational home or homes.
2. Assurance that any change in use will be ~~in compliance with 22.32.024.B~~ and in conformance with applicable zoning, building and other ordinances and noting that all appropriate permits must be issued and completed prior to any change in use.
3. Assurance that the intergenerational housing will not be subdivided or sold separately ~~from the primary agricultural legal lot~~ *rest of the agriculturally zoned legal lot.*
- 4. Terms or conditions, if any, under which the deed may be modified or removed.*
- 5. Language demonstrating that the restriction shall run with the land and shall be binding on all heirs, successors and assigns to the property, and its provisions shall be enforced by the County of Marin.*

~~G. Exceptions: Intergenerational homes shall not be subject to the requirements for a Master Plan, Agricultural Production and Stewardship Plan or a permanent agricultural conservation easement.~~

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

22.32.026 Agricultural Processing Uses

The standards of this Section shall apply to agricultural processing defined in Section 22.130.030 (“Agricultural Processing”).

For Agricultural and Resource-Related Districts outside the Coastal Zone, see Section 22.08.040.E.

[NOTE: NO SUBSECTION “A”] Agricultural processing *shall be accessory and incidental to, in support of, compatible with, and necessary for agricultural production*. Agricultural processing is allowed as a Principal Permitted Use in the C-APZ zoning district provided it meets all of the standards set forth in Section 22.65.040, including the following standards: (1) the building(s) or structure(s) used for processing activities do not exceed an aggregate floor area of 5,000 square feet; (2) with the exception of incidental additives or ingredients, agricultural products to be processed are produced on the same site, or on other agricultural properties located in Marin County that are owned or leased by the processing facility owner or operator; (3) the operator of the processing facility is actively and directly *involved engaged* in the agricultural production on the property on which the processing facility is located; and (4) sufficient parking, ingress, and egress is provided. In addition, conditions as to the time, place, and manner of use of the processing facility may be applied as necessary through the Coastal Permit process to ensure consistency with provisions of the LCP.

Use Permit approval is required for an agricultural processing use which exceeds an aggregate floor area of 5,000 square feet or for an agricultural processing use of any size that does not comply with one or more of the four standards listed above.

B. Coastal Permit and Design Review for a processing facility.

1. Any processing facility, regardless of size, shall require a Coastal Permit.
2. ~~Any processing facility shall require Design Review, unless it satisfies all the following conditions:~~
 - (a) ~~It qualifies as a Principal Permitted Use;~~
 - (b) ~~It will be developed and operated wholly within an existing permitted, nonconforming, or categorically excluded structure; and~~
 - (c) ~~Its development will not include any significant alteration of the the existing structure.~~

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

2.32.027 Agricultural Retail Sales/ and Facilities (Coastal)

(Coastal) The standards of this Section shall apply to the sale of agricultural products as defined in Section 22.130.030 (“Sale of Agricultural Products”). For Agricultural and Resource-Related Districts outside the Coastal Zone, see Section 22.08.040.F

The sale of agricultural products is allowed as a Principal Permitted Use in the C-APZ zoning district provided it meets all of the ~~following standards~~*development standards set forth in Section 22.65.040, including the following:* (1) the building(s) or structure(s), or outdoor areas used for retail sales do not exceed an aggregate floor area of 500 square feet; (2) agricultural products to be sold are produced on the same site, or on other agricultural properties located in Marin County that are owned or leased by the processing facility owner or operator; (3) the operator of the sales facility *is actively and* directly involved *engaged* in the agricultural production on the property on which the sales facility is located; and (4) sufficient parking, ingress, and egress is provided. In addition, conditions as to the time, place, and manner of use of the sales facility may be applied as necessary through the Coastal Permit process to ensure consistency with provisions of the LCP.

Use Permit approval is required for agricultural retail sales which exceeds an aggregate floor area of 500 square feet or for an agricultural retail sales facility of any size which does not comply with one or more of the four standards listed above.

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

22.62.060 Coastal Agricultural and Resource-Related Districts

See pages 52 – 55, copy below. Also, see Liebster (b).

22.65.040 C-APZ Zoning District Standards

See pages 127-139, copy below.