

March 24, 2015

Nancy Cave
District Manager, North Central Coast
California Coastal Commission
45 Fremont St #2000, San Francisco, CA 94105



Re: Suggested Revisions to Coastal Commission Staff Draft Edits of Marin's Proposed LCP Update

Dear Ms. Cave,

We appreciate your invitation for suggestions for revisions to the proposed Coastal Commission draft staff edits of Marin LCP Update. The suggestions that follow are based in part on the draft Jack Liebster circulated for discussion on March 8 and items discussed both in the November and January "work sessions" and the discussion during the January 30 conference call in which Coastal Commission staff participated, which were organized by our Agricultural Land Use Committee.

(1) Distinguish Between Development and Agriculture, Section 22.68.030:

We recommend distinguishing between "development," as that term is used generally in the Coastal Act, and activities relating to agriculture. Please consider stating where appropriate that "agricultural activities are not development for purposes of the [Coastal Act][Marin LCP Update]" e.g.: Section 22.68.030 A-3 - be revised to read as follows: "Ongoing agricultural activities and the harvesting of major vegetation for agricultural purposes *is do not constitute development*, and therefore does not require a permit"

(2) Agricultural Activities Ongoing, Section 22.68.030:

We suggest that the title in Jack Liebster's draft revision of Section 22.68.030 be revised as follows:

(a) "Coastal Permit Required ~~ment for Development~~; and that

(b) With regard to the requirement of a permit for installation or extension of irrigation systems, dairyman Albert Straus points out:

. . . this requirement . . . is unrealistic and would represent a huge change from existing requirements. . . . All dairies are required by Regional Water Quality Control Board to irrigate and spread the manure, solids and liquids, to the pastures. We are always trying to improve pastures and crops to extend and enhance the forages. . . .

Given that long-term drought conditions are predicted, and the desire not to have land never used for row crops converted to row crop production, we suggest instead limiting the permit requirement to the: "installation or extension of irrigation systems on more than one acre of land for the purpose of irrigating *new row* crops." [Emphasis added.]

PHONE: 415.485.6257
FAX: 415.485.6259

EMAIL: mcl@marinconservationleague.org
WEB: marinconservationleague.org

ADDRESS: 175 N. Redwood Dr., Ste. 135
San Rafael, CA 94903-1977



(c) In all other respects, we support Jack's revision of A-3. These comments are equally applicable to Jack's definition of "Agricultural Activities Ongoing" in the Definitions, Chapter 22.130.

(3) Definitions: "Agricultural Activities, Ongoing (Coastal)," Chapter 22.130.

(a) We aren't sufficiently familiar with the LCP to have an opinion on inclusion of "exempt development" in this definition of "agricultural activities."

(b) We offer this definition of "terracing" for purposes of the IP:

Terracing. For agricultural purposes, 'terracing' means making or forming sloping land into a number of level flat areas resembling a series of steps.

(4) Grading, definition, Chapter 22.130:

Generally we're fine with Jack's definition of "Grading," but we recognize that some reviewers may find a 150 cubic yard limit excessive. If you believe it excessive, we would support substituting "minor agricultural grading" for the 150 cubic yard limit and define it as suggested by Wade Holland:

Minor agricultural grading – Grading for purposes of maintaining ongoing agricultural operations that is not part of development otherwise requiring a Coastal development permit, that does not involve more than 2 acres of land for cut and/or fill, that does not exceed 150 cubic yards of material, that is not on a slope greater than ___%, and that is not in an area designated as an ESHA.

The use of "minor agricultural grading" would eliminate the problem with one-size fits all limit given the great variation in acreages and operations affected and the need to maintain ranch roads and heavily used livestock areas.

(5) Strike "Necessary for the" in Sections describing "Agricultural Uses:"

The use of "necessary for" in several sections describing what we would call "agricultural uses" muddles their role in contributing to the financial viability of agriculture in Marin:

- Section 22.32.021 Accessory Activities (Coastal)
- Section 22.32.022 Accessory Structures (Coastal)
- Section 22.32.023 Agricultural Homestays (Coastal)
- Section 22.32.024 Intergenerational Homes (Coastal)
- Section 22.32.025 Farmhouse (Coastal)
- Section 22.32.026 Agricultural Processing Uses (Coastal)
- Section 22.32.027 Agricultural Retail Sales (Coastal)
- Section 22.32.028 Agricultural Worker Housing (Coastal)
- Section 22.32.062 Educational Tours (Coastal)

As an example, we suggest revising Section 22.32.021 to read, in pertinent part:

(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. . .

(6) Foodshed for Processing or in On-Site Retail Sales, Chapter 22.130:

(a) We offer this definition to be added to Chapter 22.130:

“Foodshed” refers to Marin and Sonoma Counties.

(b) In the interest of encouraging farm/ranch operators to work with others in the foodshed in developing products unique to the area and minimizing the number of processing and on-site retail operations in the county, we recommend revising the standards for “Agricultural Processing Uses” and Agricultural Retail Sales to include the “foodshed” as a source of goods used both in processing and on-site retail sales. As an example, we suggest revising the definition of “Agricultural Processing Uses (Coastal),” Section 22.32.026, to read, in pertinent part, as follows:

. . . Agricultural processing . . . is allowed as a Principal Permitted Use . . . provided it meets all of the standards set forth in Section 22.65.040, including the following standards . . . (2) with the exception of incidental additives or ingredients, agricultural products to be processed ~~are produced on the same site in the foodshed or on other agricultural properties located in Marin County that are owned or leased by the processing facility owner or operator.~~ . . .

The same changes would be appropriate in Section 22.32.027, “Agricultural Retail Sales Facilities (Coastal).”

(7) Ranchers Should Be Able to Charge for Giving Educational Tours: Section 32.062 B 1.

Section 32.062 B 1 includes “non-profit educational tours” as a principal permitted use. A permit would be required for ranchers to charge for tours for school and other groups. The time spent giving tours is time away from managing the agricultural operation, and there may be additional insurance or even maintenance costs, depending on the nature and size of groups. Educating the public about agriculture is important, and ranchers and ranch operators who take the time to do give ranch tours should be able to charge for them. The concern with traffic and the number of buses on the highways is more directly and appropriately dealt with by regulating tour operators, whether for-profit or nonprofit.

(8) Intergenerational Housing Limits Applicable Only to Legal Lot/Parcels, Section 22.32.024:

We urge revision of Section 22.32.024 Intergenerational Homes (Coastal) to make it clear that the conditions and limitations applicable to land on which intergenerational homes are built apply solely to that individual “legal lot” on which the homes are built. To make the conditions and limitation applicable to all contiguous legal lots that may make up a farm or ranch is tantamount to a forced merger of the legal lots. As a rancher explained in our work sessions, to avoid losing the economic value of adjacent legal lots, a rancher would simply sell off the adjacent legal lots or put the title in a different name before building an intergenerational home. Either way, the result

would be the opposite of what is intended, that is, it would lead to the break up of farms and ranches. See Section 22.32.024 F3.

Best regards,

A handwritten signature in blue ink that reads "Jon Elam". The signature is written in a cursive, flowing style.

Jon Elam, President