



W11a

LCP-2-MAR-19-0003-1

Environmental Action Committee of West Marin

Support Agenda Item W11a

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February 1, 2019

California Coastal Commissioners
Jack Ainsworth, Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Via Electronic Mail: NorthCentralCoast@coastal.ca.gov

Re: Comments re: Marin County Local Coastal Program Amendment
Number LCP-2-MAR-19-0003-1, Support Agenda Item W11a

Dear Mr. Ainsworth and Commissioners,

The Environmental Action Committee of West Marin ("EAC") respectfully submits the following comments on Marin County Local Coastal Program ("LCP") Amendment Number LCP-2-MAR-19-0003-1 (Marin IP Partial Update), Agenda Item W11a. With a few revisions, EAC fully supports the California Coastal Commission ("Commission") staff's recommendation regarding Agenda Item W11a, as we are in favor of moving the LCP update forward as soon as possible so that Marin County ("County") can benefit from an LCP that addresses environmental hazards.

We begin this letter by thanking the Commission staff for their efforts to diligently, persistently, and collaboratively work with EAC and with

County staff to come to this point. We also want to thank County staff for their hardworking, untiring, and collaborative work with the Commission staff. In particular, we want to thank Marin County Supervisor Dennis Rodoni for moving the LCP update process forward. Since 2008, EAC has been actively involved in the County's LCP amendment process, and we are gratified that for the first time in the Marin LCP update's long history, the Commission staff has recommended approval as submitted.

Suggested Revisions to the Staff Report

We do have a few minor suggested revisions to the *Staff Report re: Marin County Local Coastal Program Amendment Number LCP-2-MAR-19-0003-1 (Marin Implementation Plan Partial Update)* ("Staff Report") including some substantive changes, as well as corrections to a few typographical errors.

Minor Substantive Revision & Typographical Error to *Other Agricultural Uses*

As the Commission's Staff Report states, "[t]he standard of review for the IP amendments is that they must conform [to] with and be adequate to carry out the policies of the 2016 certified LUP (and any changes to it approved by the Commission here)...."¹ Taking this into consideration, it is important for the proposed Implementation Plan ("IP") amendment to be consistent with the already adopted sections of the Land Use Plan ("LUP"). In pages 30-31 of the Commission's Staff Report, *Other Agricultural Uses* are addressed under the Consistency Analysis. We suggest the following revisions (shown in underline) to the bottom of the first paragraph on page 31:

LCP Policy C-AG-2 ensures that the principal use on C-APZ land is agriculture and that any development on such lands shall be "accessory and incidental to, in support of, and compatible with agricultural production" on the same site to even be considered such agricultural use under the LCP. In the case of agricultural processing facilities and agricultural retail sales, these facilities must also be appurtenant and necessary to the operation of agriculture per definition. Thus, the proposed language will ensure that such facilities are directly connected to the production activities occurring on site.

The additional language "on the same site" will make it clear that in order to be a principally permitted use, development shall be "accessory and incidental to, in support of, and compatible with agricultural production" on that particular farm or ranch, not just "accessory and incidental to, in support of, and compatible with agricultural production" generally. As is pointed out in the Staff Report, the added language will further clarify that the IP language is

¹ California Coastal Commission, *Staff Report re: Marin County Local Coastal Program Amendment Number LCP-2-MAR-19- 0003-1 (Marin Implementation Plan Partial Update)* ("Staff Report"), January 25, 2019, page 17.

consistent with LUP Policy C-AG-2(A)(5), already certified by the Commission and accepted by Marin County, as well as with the Commission's July 2017 Revised Findings,² which are incorporated by reference into the current Staff Report.³ The changes from "principle uses" to "principal use" and from "production" to "processing" are needed to correct apparent typographical errors.

Typographical Errors in Exhibit 1

EAC notes below typographical errors found in Exhibit 1 to the Staff Report ("Exhibit 1") (the Proposed LCP Amendment: Implementation Program Update).

- IP Section 22.62.040.B.2., page 36 of Exhibit 1, there are two periods after the number 2.
- IP Section 22.62.060.B.1.d., pages 37-38 of Exhibit 1, there is has a colon separating items (1) and (2). We believe this should be a semi-colon.
- IP Section 22.64.140.A.1., page 87 of Exhibit 1, (c) appears to be missing. A reordering appears to be needed.
- Tables 5-3-c, 5-3-d, 5-3-e, and 5-3-f, pages 52-57, footnote (4) lacks the final words: "and Commercial shall be a permitted use." This is an important revision. *See also* page 93 of Exhibit 1, IP Section 22.64.170.A.3. and Exhibit 4 of the Staff Report at page 7.
- IP Section 22.64.170.A.3. page 92. Note the word "and" looks all distorted in the second paragraph.

Advance the LCP Update for Sea Level Rise Planning

The County undertook an enormous task in 2008 when it decided to revise the entire LCP rather than specific LCP sections. With such a comprehensive overhaul, there will undoubtedly be imperfections that might require future amendments. This would be a natural progression to

² See California Coastal Commission, *Staff Report re: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15- 0029-1 Revised Findings (Marin LCP Update Revised Findings)*, June 23, 2017, page 25: "In order to classify development other than agricultural production itself as a principally permitted use of agricultural land, development must in fact be supporting agricultural production. Further, suggested modifications in the proposed LCP's Implementation Plan (IP) definitions section (discussed below) ensure that these permitted agricultural uses must meet all the following criteria 'accessory and incidental to, in support of, compatible with agricultural production' to even be considered such agricultural uses under the LCP. *These suggested modifications together will ensure that a cattle rancher, for example, cannot lease a portion of their land to a wine producer who could then turn an existing barn on the property into a wine processing facility because that use is not accessory and incidental to, in support of, compatible with the cattle ranching operation.*" (emphasis added)

³ Staff Report, page 17.

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ensure the LCP continues to fit within the local vision of, and planning for, our coastal communities.

The LCP amendments do not satisfy each individual or each group in every respect. In short, the LCP amendments are not perfect for the agricultural community, the environmental community, the residential community, or many of the other community sub-sets; but they are the result of a decade of work balancing the needs for community development and land-use with the protection of our coastal resources, as mandated by the California Coastal Act. As a result of this decade-long public process, many compromises have been made by all interested parties and agencies.

Overall, the LCP Update provides critical updates to our 1981 planning policies and implementation measures, and most importantly – once the environmental hazards sections are completed – critical planning tools for our communities to adapt to the impending threats of sea-level rise. There is an urgent need to complete the amendments to the environmental hazards sections of the LCP. The County's coastal communities cannot adequately plan for sea-level rise without the environmental hazards amendments. For this reason, we support the the LCP Update moving forward so that we can turn again to the challenging and contentious task of updating the environmental hazards sections.

We again thank the Coastal Commission and Marin County staffs for their hard work to arrive at this juncture and for your consideration of our comments.

Sincerely,



Morgan Patton
Executive Director



Ashley Eagle-Gibbs
Conservation Director

cc: Jeannine Manna, California Coastal Commission
Dan Carl, California Coastal Commission
Brian Crawford, Marin County
Dennis Rodoni, Marin County

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