

MEMORANDUM

TO: Marin County Board of Supervisors

FROM: Jack Liebster, Planning Manager

DATE: December 2, 2018

RE: Corrections to December 4, 2018 Board Letter and Attachments

1. Definition of Ongoing Agriculture

The definition of “Agriculture, Ongoing” shown in Board Letter Attachment 2, page 1 is out of date, as it does not include the changes made to the definition shown in the October 11, 2018 Planning Commission Staff Report Supplement. That Supplement shows the changes agreed to by the Coastal Commission and CDA staffs as of that date. An additional change regarding requirements for a coastal permit has been added since the Planning Commission meeting as shown below.

3.1 Definition of Ongoing Agriculture

The definition of “Agriculture, ongoing” is modified to delete the phrase “in the context of development” and add “the following types of activities are not considered ongoing agriculture” as follows:

Agriculture, ongoing

Agricultural production activities (including crop rotation, plowing, tilling, planting, harvesting, and seeding, grazing, and raising of animals,) which have not been expanded into areas never before used areas for agriculture. Determinations of such ongoing activities may be supported by Marin County Department of Agriculture, Weights and Measures information on such past activities. ~~Examples of activities that are NOT considered ongoing include but are not limited to:~~

The following types of activities are not considered ongoing agriculture:

- *Development of new water sources (such as construction of a new or expanded well or surface impoundment),*
- *Installation or extension of irrigation systems,*
- *Terracing of land for agricultural production,*
- *Preparation or planting of land for viticulture,*
- *Preparation or planting of land for cannabis,*
- *Preparation or planting of land with an average slope exceeding 15%*

- [Other agricultural production activities that the Director of CDA determines will have significant impacts to coastal resources.](#)

A Coastal Development Permit will not be required if the County determines the activity qualifies for a de minimis waiver pursuant to the requirements Section 22.68.070 or is categorically excluded pursuant to Categorical Exclusion Order 81-2 or 81-6.

2. “Redevelopment”

Staff has been asked why the deletion of the “Redevelopment” definition on page 158 of Attachment 8 is not among the items discussed in this Board letter. Coastal Commission and CDA staff had previously agreed that this definition would be taken up as part of the Environmental Hazards work. In addition, the Board has previously adopted a position that this definition should be changed.

3. Response to Pacific Legal Foundation

The Supplement for the Planning Commission also included a response to issues raised by the Pacific Legal Foundation at that time. A copy is provided for the Board’s information as Exhibit 2.

4. Revision to Table 5-1-a - Allowed Uses and Permit Requirements For Coastal Agricultural & Resource-Related District (Exhibit 3)

Footnote “6” applied to the “agriculture accessory activities” and “agriculture accessory structure” currently provides that these land uses are “(6) Only allowed where an agricultural dwelling is first approved” in the C-APZ. However, the primary purpose of the C-APZ is protect and continue agricultural use, so making such agricultural use dependent on the presence of an agricultural dwelling does not further that purpose. It is quite reasonable to expect, and encourage, agricultural uses on parcels that do not currently have a dwelling upon them. It would be counterproductive to make such agricultural use dependent on having a house, and could even create an incentive for an operator to seek construction of a house to meet the requirement.

This provision was likely carried over from the traditional requirements in residential zones, where the principal use is placing a home on the lot, and not having the lot developed with an accessory structure as an independent use. In the C-APZ the opposite is true – its purpose is agriculture, and agricultural uses should not be dependent on the construction of a house. This revision corrects that problem.

5. Cross-referencing “Agriculture, Ongoing” definition in Land Use Table

In order to add to clarify the relationship of C-APZ Land Use Table 5-1-a and ongoing agriculture, footnote “(11)” has been added to reference the definition of “Agriculture, Ongoing” and how it applies to the C-APZ land uses. (Exhibit 3)

6. Additional Public Correspondence

Enclosed are letters received from the Environmental Action Committee, Marin County Farm Bureau, Marin Agricultural Land Trust, and Sierra Club Marin.

Enclosed:

Exhibit 1: Staff Report Supplement to Planning Commission dated October 11, 2018

Exhibit 2: Response to the Pacific Legal Foundation dated October 9, 2018

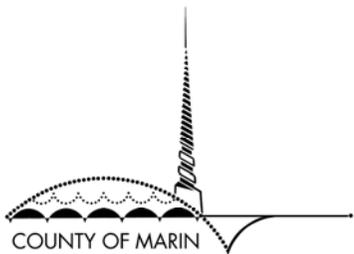
Exhibit 3: Revised Table 5-1-a – Allowed Uses and Permit Requirements for Coastal
Agricultural and Resource Related Districts

EAC letter dated Nov. 30, 2018

MCFB letter dated Nov. 30, 2018

Marin Agricultural Land Trust Letter dated Nov. 29, 2018

Sierra Club letter dated Dec. 3, 2018



MEMORANDUM

TO: Marin County Planning Commission

FROM: Kristin Drumm, Senior Planner, AICP

DATE: October 11, 2018

RE: Staff Report Supplement – Local Coastal Program Amendment

The following information is provided to supplement the staff report for the October 11, 2018 hearing on the Local Coastal Program Amendment.

3.1 Definition of Ongoing Agriculture

The definition of “Agriculture, ongoing” is modified to delete the phrase “in the context of development” as follows:

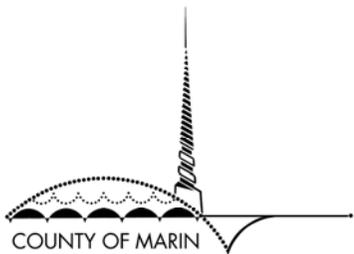
Agriculture, ongoing

Agricultural production activities (including crop rotation, plowing, tilling, planting, harvesting, ~~and~~ seeding, grazing, and raising of animals.) which have not been expanded into areas never before used areas for agriculture. Determinations of such ongoing activities may be supported by Marin County Department of Agriculture, Weights and Measures information on such past activities. Examples of activities that are NOT considered ongoing include but are not limited to:

In the context of development, tThe following types of activities are not considered ongoing agriculture.

Additional information is included in the following attachments:

1. Email from Jeannine Manna to Thomas Lai dated October 9, 2018
2. Response to the Pacific Legal Foundation letter dated October 9, 2018
3. Letter from the Pacific Legal Foundation dated October 1, 2018
4. Letter from the East Shore Planning Group dated October 4, 2018



COMMUNITY DEVELOPMENT AGENCY
PLANNING DIVISION

MEMORANDUM

TO: Marin County Planning Commission

**FROM: Kristin Drumm, Senior Planner
Jack Liebster, Planning Manager**

DATE: October 9, 2018

RE: Response to Pacific Legal Foundation letter dated October 1, 2018

Staff provides the following in response to the Pacific Legal Foundation letter addressing the Marin County Local Coastal Program Amendments.

Definition of Existing Structure

Staff proposes to delete the definition of “existing structure” from Amendment 7. However, this definition will be addressed as part of discussions regarding the Amendment to the Environmental Hazards section since it includes references to shoreline protective devices.

Farm Tract

Land Use Policy C-AG-2 was certified as part of Amendment 2 by the California Coastal Commission staff on June 6, 2018, and thus is not before the Planning Commission. This policy defines allowable land use within the Coastal Agricultural Production Zone (C-APZ) and provides for Agricultural Dwelling Units consisting of “one farmhouse or a combination of one farmhouse and one intergenerational home per farm tract, defined in this LCP as all contiguous legal lots under common ownership within a C-APZ zoning district.” Important to this policy is the implementing zoning provision in Development Code Section 22.32.024(D) (Agricultural Dwelling Units) of the proposed Implementation Plan, which allows the sale of any legal lot comprising the farm tract without the imposition of any restrictive covenants (other than a covenant for the legal lot upon which a farmhouse is permitted). Under this provision, contiguous legal lots within a farm tract may be sold and developed as separate farm tracts, of course subject to applicable LCP policies and standards. By removing regulatory barriers to the future sale and development of legal lots within a farm tract, this provision avoids de facto mergers and takings of property. Additionally, Land Use Policy C-AG-5 supports the preservation of family farms by facilitating multi-generational operation and succession through the development of agricultural dwelling units. Both policies are now certified and are not under discussion.

As mentioned by the Pacific Legal Foundation, Implementation Program Section 22.32.024(B) limits the number of agricultural dwelling units within an Agricultural Dwelling Cluster per “farm tract.” Both the current C-APZ standards and proposed LCP amendments allow one single family residence and agricultural worker housing subject to a restrictive covenant ensuring the

remainder of the land is preserved for agricultural production. However, the proposed LCP amendments include a new provision allowing for up to two additional intergeneration homes per farm tract that are primarily intended for family members (hence the term “intergenerational”) not necessarily involved in day-to-day agricultural production activities. The proposed amendments thus provide greater flexibility for farmers and ranchers both in terms of the number and types of dwelling units on their property. As pointed out above, Section 22.130.030 defines farm tract as “all contiguous legal lots under common ownership” while maintaining the ability of property owners to sell legal lots comprising the farm tract without covenants restricting future development subject to the land use regulations that would otherwise apply through the LCP and the Countywide Plan. The standards in these sections are consistent with the certified policy language in Amendment 2 and also subject to the provisions in Section 22.32.024 (D) noted above. Thus, no revisions are proposed for these sections.

Affirmative Agricultural Easements and Restrictive Covenants on the Division of Land

The certified Land Use Plan includes Program C-AG-2.b to evaluate the efficacy of permitting limited non-agricultural residential development within the C-APZ zone through permanent affirmative agricultural easements. The details of such a program would need to be fleshed out through a combination of additional community meetings and public hearings before the Planning Commission and Board of Supervisors and would have no effect until certified as an LCP Amendment by the Coastal Commission.

A permanent conservation easement is required per Land Use Policy C-AG-7 for permissible land divisions and other non-agricultural conditional uses, where consistent with state and federal laws. Only agricultural and compatible uses are allowed under the easement, and the policy requires 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.

PLF also contends that LCP Amendment provisions that “each ‘agricultural dwelling unit’ be ‘owned by a farmer or operator ’who is ‘actively and directly engaged in agricultural use on the property’” will force property owners to remain in a commercial agricultural market permanently, even if such agricultural use becomes impracticable. The County disagrees with PLF’s legal argument that the subject provisions represent “unconstitutional conditions.” PLF, representing the estate of Willie Benedetti, has a pending lawsuit against the County and the Coastal Commission advancing these arguments of unconstitutionality. If that lawsuit should move forward, the County and the Commission will more specifically address PLF’s legal arguments in the course of the litigation.

Definition of Ongoing Agriculture

PLF contends that the provision for the Director of the Community Development Agency to require a CDP for any activity that he determines “will have significant impacts to coastal resources” constitutes unlimited discretion that invites arbitrary enforcement and creates the potential for future abuse.

On the contrary, the LCP overall is committed to the protection of agriculture as required by the Coastal Act. The clear intent of the Ongoing Agriculture is to allow ranchers and farmers to undertake routine agricultural production activities and to respond to market

requirements in a timely manner without the delay and expense of obtaining a coastal permit. The Director of CDA will act consistent with that context and intent, and will only require a permit when truly unusual circumstances arise that will have *significant impacts* to coastal resources.

TABLE 5-1-a - ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL AGRICULTURAL & RESOURCE-RELATED DISTRICTS

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT			See Standards in Section:
	C-APZ Agricultural Production (11)	C-ARP Agricultural Residential Planned (11)	C-OA Open Area (11)	
AGRICULTURE, MARICULTURE				
Agricultural accessory activities	PP (6) -E	PP(10), P	PP	22.32.021
Agricultural accessory structures	PP (6) -E	PP(10), P	PP	22.32.022
Agricultural homestays, 3 or fewer guest rooms	U (6)	P(10)	□	22.32.023
Agricultural homestays, 4 or 5 guest rooms	U (6)	U(10)	□	22.32.023
Agricultural Intergenerational Home (first)	PP	--	□	22.32.024 22.32.024
Agricultural Intergenerational Home (second)	U	--	□	22.32.024 22.32.024
Farmhouse	PP	PP(10), P	□	22.32.024; 22. 32.025
Agricultural processing facilities uses (<5000sq.ft.)	PP, U	PP(10), U	□	22.32.026
Agricultural processing facilities uses (>5000sq.ft.)	U	U(10)	□	22.32.026
Agricultural production	PP, E	PP(10), P	P	22.130.030
Agricultural Retail Sales Facility/Farm Stand (<500 sq.ft.)	PP, U	PP(10), P	□	22.32.027
Agricultural Retail Sales Facility/Farm Stand (>500 sq.ft.)	U	U(10)	□	22.32.027
Agricultural worker housing up to and including 12 units/36 beds	PP	PP(10), P	U	22.32.024 22.32.028
Agricultural worker housing above 12 units/36 beds	U	U	U	22.32.024 22.32.028
Commercial gardening	PP, E	P	P	
Dairy operations	PP, E	P	P(4)	22.32.030
Educational tours (Not for profit) or by owner/e	PP	P	PP	22.32.062
Educational tours (For profit) (for profit by third party)	U	P	P	22.32.062
Fish hatcheries and game reserves	U	P	P	
Livestock operations, grazing	PP, E (5)	P(5)	P	22.32.030
Livestock operations, large animals	PP, E (5)	P(5)	□	22.32.030
Livestock operations, sales/feed lots, stockyards	P(5)	P(5)	□	22.32.030
Livestock operations, small animals	PP, E (5)	P(5)	□	22.32.030
Mariculture/aquaculture	PP	P	□	22.32.105

Plant nurseries	PP	P	<input type="checkbox"/>	
Raising of other food and fiber producing animals not listed under "agricultural production"	U	U	<input type="checkbox"/>	22.32.030

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirements
E	Certain uses may be exempt or Categorically Excluded from permit requirements.
PP	Principal permitted use. (2)
P	Permitted use. (2)
U	Conditional use, Use Permit required. (2)
<input type="checkbox"/>	Use not allowed. (See 22.02.020.E regarding uses not listed.)

Notes:

(1) Listed land uses must be consistent with definitions in Article VIII [Section 22.130.030](#) (Development Code Definitions). [\(2\)](#) Design review requirements are contained in Chapter 22.42 rather than in the LCP and such design review requirements apply independent of, and in addition to, coastal permit requirements.

(4) Dairy operations allowed only on a site of 50 acres or larger.

~~(5) Permit requirements are determined by Section 22.32.030 (Animal Keeping).~~

~~(6) Only allowed where an agricultural dwelling is first approved.~~

(10) Only allowed as a principally permitted use when the legal lot is zoned C-ARP-10 to C-ARP-60, which provide that the principally permitted use of the property shall be for agriculture.

[\(11\) Agricultural uses and activities that meet the definition of "Agriculture,Ongoing" in Chapter 22.130 and "Coastal Permit Not Required: Exempt Development" in Chapter 22.68.050.A.12](#)

Development shall also be consistent, as applicable, with Chapters 22.130 (Definitions), 22.32 (Standards for Specific Land Uses), 22.64 (Coastal Zone Development and Resource Management Standards), 22.65 (Coastal Zone Planned District Development Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).



November 30, 2018

Board of Directors

Bridger Mitchell, Ph.D.
President

Ken Drexler, Esq.
Vice-President

Terence Carroll
Treasurer

David Weinsoff, Esq.
Secretary

David Wimpfheimer
Director

Jerry Meral, Ph.D.
Director

Cynthia Lloyd, Ph.D.
Director

Staff and Consultants

Morgan Patton
Executive Director

Ashley Eagle-Gibbs, Esq.
Conservation Director

Jessica Taylor
Development Director

Catherine Caufield
Tomaes Dunes Consultant

Marin County Board of Supervisors
3501 Civic Center Drive, Suite 329
San Rafael, CA 94903
Via Electronic Mail: kdrumm@marincounty.org,
marinLCP@marincounty.org

Re: Marin County Local Coastal Program amendments

Dear Supervisors:

The Environmental Action Committee of West Marin (EAC) submits the following comments regarding the Marin County Board of Supervisors' consideration of revised Local Coastal Program (LCP) amendments 3 and 7, as well as map amendments.

Since 2008, we have been actively involved in the County's LCP amendment process, participating in both County and California Coastal Commission (Coastal Commission) public hearings. Our mission is to protect and sustain the unique lands, waters, and biodiversity of West Marin.

We presented written comments to the Planning Commission on October 10, 2018, which we incorporate by reference here, and testified at the Planning Commission hearing on October 11, 2018. We follow up with this very short letter to indicate that while we still have concerns with certain aspects of these LCP amendments, in the interest of moving the Marin County process along (and getting to Environmental Hazards), we will take these concerns up with the Coastal Commission directly. Our greatest focus is on the overriding

EAC Letter to Marin County BOS re. Marin LCPA
November 30, 2018

importance of Marin County working with the Coastal Commission and stakeholders on Environmental Hazards.

In conclusion, we know that your staff and Coastal Commission staff have worked very hard to get to this point and we thank you. We are almost to Environmental Hazards and for that reason, we support the LCP amendments moving forward so we can all get closer to reaping the benefits of an updated LCP, which will finally address climate change.

Thank you for considering our comments.

Respectfully,



Morgan Patton
Executive Director



Ashley Eagle-Gibbs
Conservation Director

cc: Brian Crawford, Marin County Community Development Agency Director
Dennis Rodoni, Marin County Supervisor
Jeannine Manna, California Coastal Commission



MARIN COUNTY FARM BUREAU

P.O. Box 219, Pt. Reyes Station, CA 94956 · 415-663-1231
manager@marincfb.com

11/30/2018

Marin County Board of Supervisors

Dear Supervisors,

At 1:30PM on Tuesday, December 4th, your board will be hearing public testimony for item number 18 on your agenda, "Hearing: Consideration of approving two separate Local Coastal Program Amendments ("LCPA") 3 and 7, with proposed revisions to a limited number of specific suggested modifications previously approved by the California Coastal Commission on November 2, 2016."

As you know, the MCFB has been deeply involved in this matter for over a decade. Unfortunately, many of our board members will not be able to participate on the 4th because it conflicts with the California Farm Bureau Federation's annual convention. Additionally, there was limited time allowed to review the staff report due to the Thanksgiving holiday. Given the circumstances, the MCFB Board of Directors respectfully requests that the discussion, deliberation and decision making on item 18 be continued for two weeks. This additional time will allow our organization to be more prepared to submit thoughtful and constructive comments on this very important issue.

MCFB looks forward to continuing our positive and productive working relationship with the Marin County Board of Supervisors and staff.

Sincerely,

Kevin Lunny
President, Marin County Farm Bureau



Post Office Box 809
Point Reyes Station
California 94956
T 415 663-1158
F 415 663-1099
www.malt.org

November 29, 2018

Marin County Board of Supervisors
3501 Civic Center Drive, Suite 329
San Rafael, CA 94903

Re: Local Coastal Program Amendments Concerning Agriculture in the Coastal Zone

Dear Supervisors:

On behalf of the Marin Agricultural Land Trust, I am writing to express both our appreciation and concern regarding the proposed revisions to sections of Amendment 3 of the proposed Local Coastal Program (LCP) Implementation Plan you will consider at your Board meeting on December 4, 2018. These revisions are intended to resolve a relatively small set of issues that caused your board to defer accepting Coastal Commission modifications to LCP Amendments 3 and 7 that were made when the Commission accepted its staff's findings in July 2017.

For years, our staff worked closely with county planning staff, California Coastal Commission (Commission) staff, and representatives from numerous local interest groups including Marin Conservation League, Environmental Action Committee of West Marin, Marin County Farm Bureau, and others to help craft compromise language approved by the Commission at its November 2016 hearing in Half Moon Bay. The compromise language struck a balance between protecting sensitive habitat areas and providing certainty to agricultural operators in the Coastal Zone. The language provided an exclusion from permitting for certain agricultural activities that would be considered "ongoing agriculture" and listed specific agricultural activities that would constitute "development" under the Coastal Act and would be subject to coastal permitting. These "development" activities included terracing of land for agricultural production, preparation or planting of land for viticulture and cannabis, and preparation of land for planting on slopes greater than 15 percent. These activities would have potential significant impact to the agricultural and natural resource values of Marin County's Coastal Zone and this approach directly addressed the concerns regarding environmental protection expressed by Coastal Commissioners, including former Commissioner Shallenberger, during earlier public hearings. Unfortunately, the Commission modified this compromise language through Revised Findings proposed by Commission staff and adopted by the Commission at its meeting in July 2017.

While we agree the current proposed language generally restores this provision, it has been brought to our attention that one of the activities on this list is vague and could benefit from some clarification. MALT believes the "Installation or extension of irrigation systems" should be clarified to make clear this pertains only to irrigation systems for the type of crops appearing later in the list that would institute intensification of agricultural use and **not** pertain to water systems related to grazing of livestock. New and extended livestock watering systems, including new water troughs, have very little impact to the





Post Office Box 809
Point Reyes Station
California 94956
T 415 663-1158
F 415 663-1099
www.malt.org

land and are beneficial to the protection of both agricultural and natural resources in the Coastal Zone as they allow improved grazing practices and help our producers keep livestock out of creeks and other waterbodies. MALT suggests the item read “Installation or extension of irrigation systems that support viticulture or cannabis production.”

MALT applauds the county’s efforts to include clarifying language in the amendment to exclude not for profit agricultural tours in the Coastal Zone from permitting requirements and to allow producers to be compensated for their time for education tours. MALT holds such tours periodically on our easement-protected properties in order to educate the public on the benefits of protecting agricultural land and to raise funds to support our successful conservation program. This support has been critical to helping MALT protect more than 52,500 acres of agricultural land in the county.

We appreciate your staff’s significant efforts to resolve the issues created by the Coastal Commission’s action in 2017 and appreciate your consideration of our suggested modification.

Respectfully Yours,

Jamison Watts
Executive Director

Cc: MALT Board of Directors



Drumm, Kristin

From: John Sharp <john@johnsharplaw.com>
Sent: Monday, December 03, 2018 12:27 PM
To: MarinLCP; BOS
Subject: PUBLIC HEARING - BOARD of SUPERVISORS: Date: 12/4/18 Subject: LCP Amendments
Attachments: Letter Sierra Club to Marin BOS re Marin LCP 4.24.2018.pdf

Dear President Connolly and Members of the Board:

This office represents Sierra Club, with reference to ongoing proceedings at the County and Coastal Commission, regarding proposed Local Coastal Plan amendments and implementation. I attach our prior correspondence, from earlier this year, for consideration as part of tomorrow's proceedings. Sierra Club's concerns have not been addressed.

We note that Environmental Action Committee of West Marin ("EAC"), wrote to the Planning Commission on October 10, 2018. Sierra Club shares many of EAC's concerns., and generally supports its proposed revisions. Rather than repeat said concerns and revisions. Sierra Club identifies them, in EAC's letter, as set forth at pages 4 through 7, in their Second, Third and Fourth concerns.

The references to expanded/amended definitions of Principal Permitted uses are shared by Sierra Club. As has been stated by Sierra Club since at least 2014, the relaxation of the requirements for application for, and public input regarding, expanded density, associated with agricultural use, portends land-use impacts which must be part of a public review process, given the sensitivity and limited nature of resources to be protected in the Coastal Zone.

Furthermore, as we have maintained from the outset of these proceedings, no meaningful functional equivalent for environmental review purpose, has ever been incorporated in the County's application, or in the November, 2017 approval by the coastal Commission.

Sierra Club will be represented at the hearing, to elaborate. Please include this correspondence in the administrative record.

John E. Sharp
Law Offices of John E. Sharp
24 Professional Center Parkway, Suite 110
San Rafael, CA 94903
(415) 479-1645 (phone)
(415) 295-7020 (fax)

Confidentiality Notice: The information contained in this message is protected by the attorney/client privilege and/or the attorney work product privilege. It is intended only for the use of the individual named above, and the privileges are not waived by virtue of this having been sent by e-mail. If the person actually receiving this message or any other reader of this message is not the named recipient, or the employee or agent responsible to deliver it to the named recipient, any use dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via the U.S. Postal Service. Thank you.

IRS Circular 230 Notice: Any U.S tax advice contained in this communication (or in any attachment) is not intended or written to be used, and cannot be used, for (a) the purpose of avoiding penalties under the Internal Revenue Code or (b)

promoting, marketing or recommending to another party any transaction or matter addressed in this communication (or in any attachment).

**Law Offices of
JOHN E. SHARP
24 Professional Center Parkway, Suite 100
San Rafael, CA 94903**

John E. Sharp
john@johnsharplaw.com

Telephone: (415) 479-1645
Facsimile: (415) 479-8444

April 24, 2018

VIA EMAIL ONLY

MarinLCP@marincounty.org

BOS@marincounty.org

Marin County Board of Supervisors
Marin County Civic Center
3501 Civic Center Drive
San Rafael, CA 94903

Re: *Local Coastal Plan Amendments*
Hearing Date: April 18, 2018; Agenda Item: 20

Dear Chair Connolly and Members of the Board:

This office represents Sierra Club with reference to the above-referenced hearing, which pertains to Local Coastal Plan Amendments, which are to be considered by the Board at its meeting today. Please provide the undersigned with copies of any and all agendas, staff reports, Resolutions, and other documents generated in conjunction with this item. Sierra Club reserves the right to submit such further comments, up to and including at the hearing, as may be appropriate. Please include this letter and any other documents submitted on behalf of Sierra Club in the administrative record of proceedings. Our prior correspondence is incorporated by reference.

1. The proposed 4/24/18 Resolution and attachments (“the Resolution”) gives lip service to the Functional Equivalent requirement for environmental review purposes (Draft Resolution, pg. 5 of 9), but the impacts of the County’s proposal are not consistent with meaningful environmental review under either CEQA or CCC standards. Thus, environmental protections have been ignored, as embodied in the comments below.

2. At page 7 of 9, the Resolution states that “all individuals, groups, etc. desiring to comment....were given adequate opportunity to submit oral and written comments on the LCP Amendments.” The proposed Resolution goes on to say that the County has met or exceeded noticing requirements. Whether or not this is technically true, the spirit of the referenced statutes has not been met in the sense that, in many instances, minimum notice was given, prior to

hearings, and the overwhelming public interest in the LCPA/IP/LUPA should have compelled more complete outreach and more notice to the interested parties. No one sought out Sierra Club, notwithstanding our consistent presence, in person and in writing.

3. Regarding Attachment 4 (Comparison between proposed LCPA and existing LCP, pg. 4, housing): the provisions of the Agricultural Worker Housing proposal, allowing for further subdivision for worker housing, and allowing said housing as a principal permitted use, creates potential for high levels of density, without identified mitigation, infrastructure, environmental review, public review (on a case-by-case basis), or County controls, via conditions of approval, over density-related impacts.

4. Similarly, the Agricultural Chapter of the LUPA, etc. (Attachment 4, pg. 6) with reference to LCPA, expands the potential for un-reviewed, increased density, by adding housing units on Agricultural land, providing for 7,000 sq. ft., plus 500 office sq. ft. and 540 garage sq. ft., of residential use on farms lands, and legalizing previously unbuildable land, under the rubric of “farm tracts”. Use permit approval is eliminated, thus, no meaningful public, planning or environmental review would be required on a structure-by-structure basis.

5. Attachment 4, pg. 7, adds Permit Streamlining in the LCPA. The proposed streamlining of permits in the Coastal Zone represents a complete departure from protections heretofore created, to avoid excessive development in the Coastal Zone. From top to bottom, beginning with reference to “minor development” the proposed Permit Streamlining waives review by both the County and the public, eliminates needed protections associated with current Height, Floor Area Ratio and Setback standards, and otherwise eliminates or abdicates responsibilities for assuring orderly development in this sensitive zone.

The County proposes important LCP/LCPA/LUPA changes. It has done so in such a chaotic way, due to a combination of last-minute noticing, exclusion of important environmental entities and constituencies, relaxation of Coastal Zone building requirements and elimination of police powers/local control provided under Article XI of the California Constitution, that the public trust is not served by the County’s proposed Amendments. The County has routinely ignored or insisted on important conditions, proposed by the Coastal Commission. Accordingly, the Amendments fail not only their face, but in the context of so-called “functional equivalency”.

Marin County Board of Supervisors
April 24, 2018
Page 3

For the above-stated reasons, Sierra Club requests that the proposed Amendments reflected in the April 24, 2018 Agenda materials be denied.

Very truly yours,
LAW OFFICES OF JOHN E. SHARP

John E. Sharp

JES/aea