



COMMUNITY DEVELOPMENT AGENCY

MEMORANDUM

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TO: Jeannine Manna, Sara Pfeifer, California Coastal Commission

FROM: Jack Liebster, Planning Manager

DATE: December 23, 2018

RE: Response to Public Comments

Provided below is a summary of responses to compiled public correspondence received on the Marin County Local Coastal Program Amendments since they were last considered by the Board of Supervisors in May 2017.

Marin County Farm Bureau, 12/11/18

The Marin County Farm Bureau recommended specific revisions to agricultural provisions in the IP to clarify definitions and permit requirements for agricultural structures, activities and other permitted uses within the C-APZ zoning district. The Farm Bureau also opposes clustering provisions and requirements related to conservation easements and the concept of “farm tracts”.

Staff Response: Revisions to the definition of ‘Ongoing Agriculture’ were proposed by staff (and further modified by the Board of Supervisors) to clarify the full range of exempt ongoing agricultural activities (including activities related to carbon sequestration and other activities determined by the CDA Director to be of similar nature and intensity of use to those already listed) as well as to clarify the type of irrigation system modifications that would also be considered part of ongoing agricultural use. IP provisions related to clustering requirements, conservation easements and the concept of “farm tracts” reflect Land Use Plan policies related to agriculture which were accepted by the Board of Supervisors on March 20, 2018 and certified by the Coastal Commission on June 6, 2018 and are no longer under consideration for further modifications.

Pacific Legal Foundation, 12/7/18 and 10/1/18

The Pacific Legal Foundation has raised concerns regarding provisions contained in Amendments 3 and 7 related to:

- Farm Tracts
- Affirmative Agricultural Easements and Restrictive Covenants on the Division of Land
- Definition of “Ongoing Agriculture”
- Definition of “Existing Structure”
- Limitation of Development Rights

Staff Response: The issues raised in correspondence from the Pacific Legal Foundation were addressed in detail in a staff memorandum to the Planning Commission dated October 9, 2018, which is provided as Attachment 1 to this document.

Sierra Club, 12/3/18 and 4/24/18

The Sierra Club contends that the County did not conduct adequate environmental review for the LCP Amendments or provide adequate outreach and notice to the public during the LCP Amendment process. Regarding agricultural issues, the Sierra Club is concerned that provisions related to agricultural dwelling units, including agricultural worker housing, would result in excessive residential density on agricultural lands. Finally, they contend that permit streamlining provisions would reduce existing protections of sensitive coastal areas.

Staff Response: The County conducted extensive outreach and noticing for the LCPA process, including over 60 public meetings and hearing over a ten year. Pursuant to CEQA Sections 15250 and 15251(f), the preparation, approval, and certification of a Local Coastal Program Amendment is exempt from the requirement for preparation of an Environmental Impact Report (EIR) because the California Coastal Commission's review and approval process has been certified by the Secretary of Resources as being the functional equivalent of the EIR process. Finally, the cited agricultural and coastal permit streamlining provisions contained in LCP Amendment 6 have been determined by both the Board of Supervisors and the Coastal Commission (in its certification action on June 6, 2018) as being consistent with the Coastal Act and protective of coastal resources.

Environmental Action Committee of West Marin, 11/30/18, 3/14/18, and 5/23/17

In their most recent November 30th letter, the EAC supports approval of the LCP Amendments so that the process can move forward to consideration of Environmental Hazards. In previous correspondence on October 10 and March 14, 2018 and May 23, 2017, the EAC raised concerns regarding issues including:

- Definition of “Ongoing Agriculture”
- “And necessary for” operation of agriculture
- Service capacity for private wells
- Land Use Policy C-PK-3
- Objections to “interpretive findings” regarding Land Use Policy C-PFS-4, ESHA buffers, and requirements for “major vegetation” removal related to fire safety

Staff Response: The issues raised in previous EAC letters have been the subject of extensive analysis and discussion by County and Commission staff and hearings before the Board of Supervisors. During the BOS hearing on December 4, 2018, Coastal Commission staff confirmed that County and Commission staff have been working together since April to resolve remaining issues and that Commission staff supported the County’s most recent recommendations including those related to ongoing agriculture, service capacity for private wells, and implementation of Land Use Policy C-PK-3. As noted above, the EAC also supported approval of the LCP Amendments at the December 11th hearing so that the LCPA process move to consideration of important environmental hazards issues.

Marin Agricultural Land Trust, 11/29/18

In their correspondence, MALT supports staff’s proposed revisions to the definition of “ongoing agriculture” but suggests additional changes to clarify the intent of the exception related to “installation or extension of irrigation systems.”

Staff Response: During the December 11, 2018 hearing, the BOS added findings for the record to clarify that, for purposes of determining regarding ongoing agriculture, the irrigation system exception is not intended to apply to watering of livestock or temporary/moveable irrigation systems from existing water sources used in connection with crop rotation.

Marin Conservation League, 10/10/18, 4/6/18, 10/20/16

In their earlier correspondence, the MCL expressed concerns regarding revisions to various agricultural provisions approved by the CCC in 2016 and the subsequent findings of July 2017 and supported the County's efforts to incorporate input from the agricultural and environmental communities in developing updated provisions. With revisions agreed to as a result of further discussion between CCC and County, MCL ultimately endorsed the modifications considered and approved by the BOS on December 11th.

Staff Response: Staff acknowledges MCL's involvement, in particular MCL's facilitating community meetings engaging the full diversity of stakeholders in developing the "ongoing agriculture" protocol.

East Shore Planning Group, 10/4/18, 4/19/18

In the past, the East Shore Planning Group submitted correspondence opposing acceptance of CCC modifications to Amendments 1, 2, 3, 6, and 7 and urging the County to stop further work on the LCP update process. However, in their most recent letter, the Planning Group expressed support for proposed mapping of the East Shore area "commercial core" as well as staff's proposed modifications related to "ongoing agriculture".

Staff Response: Staff acknowledges the East Shore Planning Group's support.

Inverness Public Utilities District, 4/12/18 and North Marin Water District, 4/9/18

The Inverness PUD and North Marin Water District submitted similar letters requesting a streamlined permitting process for water tank replacement and similar water infrastructure work in the coastal zone.

Staff Response: Pursuant to IPA Section 22.68.050.A.3, repair and maintenance of existing facilities are generally exempt from Coastal Permit requirements. In addition, the LCPA includes new provisions allowing the CDA Director to waive Coastal Permit requirements through a De Minimis Coastal Permit Waiver for minor projects which are consistent with the LCP and have no potential for adverse effects on coastal resources.

Bolinas Community Public Utilities District, 4/23/18

In April 2018, the Bolinas Community PUD submitted correspondence supporting staff's recommendation that the BOS not accept LCP Amendments 3 and 7 as modified by the CCC.

Staff Response: Since the previous Board action in April, staff has continued to work with CCC staff to resolve remaining issues in Amendments 3 and 7. Therefore, this correspondence is no longer relevant.

Bob Johnston, 4/21/18

In his correspondence, Bob Johnston criticizes the County's LCP update process, staff's working relationship with the CCC, and the substance of a variety of LCP provisions, particularly related to agriculture.

Staff Response: The County conducted extensive public outreach as part of the LCP update process, including over 60 public workshops, meetings and hearing over a ten year period and worked extensively with Coastal Commission staff to resolve remaining areas of disagreement, as evidenced by Coastal Commission staff's testimony before the Board of Supervisors on December 4, 2018 supporting County staff's recommendation, including support of the agriculture-related provisions cited by Mr. Johnston.

Correspondence related to April 24, 2018 Board of Supervisor's Hearing

The following individuals submitted correspondence urging the Board of Supervisors to accept Coastal Commission modifications to Amendments 3 and 7:

Carolyn Longstreth, 4/20/18

Gail Altschuler, 4/18/18

Todd Steiner, 4/18/18

Jane Kriss, 4/18/18

Luanna Helfman, 4/18/18

Katherine Mitchell, 4/18/18

Arianne Dar, 4/17/18

The following individuals submitted correspondence urging the Board of Supervisors not to accept Coastal Commission modifications to Amendments 3 and 7:

Josie Plaister, 4/24/18

Jaume Pons, 4/24/18

Lokelani Devone, 4/24/18

Nancy Sur, 4/24/18

Paula da Silva, 4/24/18

Paul Reffell, 4/24/18

Kirk Marckwald, 4/24/18

Tom Flynn, 4/24/18

Stephen and Annie Bowman, 4/23/18

Annette Brands, 4/23/18

Rick Gordon, 4/23/18

Jeff Greenberg, 4/23/18

Jack and Dev Sylvan, 4/23/18

Katharina Sandizell and Barry Smith, 4/23/18

Anne Boswell Bertrand, 4/23/18

Pat Dickens, 4/23/18

Arianne Dar, 4/23/18
Don Marzetta and Cynthia Hester, 4/23/18
Dana Cappiello, 4/23/18
Penny Livingston, 4/23/18
Rozalynd Roos Merrill, 4/23/18
Jeff Saarman, 4/22/18
Eleanor Lyman, 4/22/18
Joanna French, 4/22/18
Linda and Lee Meier, 4/21/18
Harriet Moss, 4/21/18
Richard Shupack, 4/21/18
Bob and Cailean Sherman, 4/21/18
Barbara Fram, 4/21/18
Don Smith, 4/20/18
Seadrift Association, 4/20/18
George McLaird, 4/20/18
Rodger Jacobsen, 4/20/18
David Karner, 4/19/18
Robin Furner, 4/19/18
James Mott, 4/19/18
Hannah Kellogg, 4/18/18
James Hagan, 4/18/18
Clark French, 4/17/18
Cheryl Kurz, 4/17/18
Elizabeth Pedley, 4/17/18
Dean Pedley, 4/17/18
Murry Waldman, 4/16/18
Jennifer Griffith, 4/16/18
Sterling Speirn, 4/16/18
Judy Aptekar, 4/15/18
Vicki Sebastiani, 4/15/18
Bill Falik, 4/15/18
Angela Rubin, 4/15/18
Tim Corriero, 4/14/18
Mary Cooper, 4/14/18
Eli Botvinick, 4/14/18

Gary Stolzoff, 4/14/18
Jamie Sutton, 4/14/18
Mary Anne Cook, 4/14/18
Gordon Ritter, 4/13/18
Nicole Lederer, 4/13/18
Joseph Niehaus, 4/13/18
Mary Garrison, 4/13/18
Lisa Corning, 4/13/18
Elizabeth Sutherland, 4/13/18
Alan Johnston, 4/13/18
Steve and Sharon Edelman, 4/13/18
Kevin Shanahan, 4/13/18
Daggett H. Howard, Jr. 4/13/18
David Bernstein, 4/12/18
Denise Weinstein, 4/12/18
Noelle Montgomery, 4/12/18
Lori Kayko, 4/12/18
Ying Chang, 4/12/18
Terry Houlihan, 4/12/18
Kimball Hamilton, 4/12/18
Ed Cluss, 4/12/18
Julie Munro, 4/12/18
Jason Freedman, 4/12/18
Lynn Douglas, 4/12/18
Scott Jordan, 4/12/18
Frank Riley & Lore Ledding, 4/12/18
Kenny Werner, 4/12/18
Mark Moore, 4/12/18
Katie Beacock, 4/12/18

Attachments:

1. Marin County Community Development Agency, October 9, 2018 Response to Pacific Legal Foundation letter dated October 1, 2018