



MARIN COUNTY FARM BUREAU

P.O. Box 219, Pt. Reyes, CA 94956

April 12, 2013

President Judy Arnold and the Marin County Board of Supervisors
Via e-mail c/o Kristin Drumm: kdrumm@marincounty.org

Re: **1) Agricultural Exclusions: Extending Categorical Exclusion Orders to all agricultural lands in the Coastal Zone;**
2) Error in, and modifications needed, of Maps 27g and 27j
3) Allow Cottage Industries along with Cottage Food Operations
4) Land Uses that should be Permitted

Dear President Arnold and Honorable Supervisors,

We appreciate the positive direction in which your board moved at the February 26, 2013 hearing, and offer the following four suggestions to get you where we think you intend to go to help keep agriculture sustainable in the Coastal Zone.

Item #1 Agricultural Exclusions: Extending Categorical Exclusion Orders to all agricultural lands in the Coastal Zone

Regarding the Categorical Exclusion areas, where agricultural activities and projects shall not be subjected to Coastal Permit requirements, Staff's recommendations (Exhibit #1 Staff Recommendations, page 5) do not incorporate for you the pertinent additional information contained in the two letters submitted subsequent to the February 26 hearing. These letters provide further support for the County's legal ability, through the LCP Amendment process, to expand the areas covered by Agricultural Categorical Exclusions to include *all* the agricultural lands in the Coastal Zone.

You will note that Staff's discussion cites *Coastal Act Section 30610.5 Urban land areas; exclusion from permit provisions; conditions...* without pointing out that this section applies to *Urban* land areas, and further proposes that the only option is legislative change.

We understand that the staff reports likely only reflect information up through and including the last hearing date. Please consider all new and relevant information contained in our letter [3/12/2013](#) and the latest one from Pacific Legal Foundation and California Cattlemen's Association [3/18/2013](#), which point out that Marin County's existing Categorical Exclusion

Orders may be based on a misapplication of Coastal Act Section 30610.5(b). We are hopeful that the arguments in these letters will empower you, through this LCP Amendment process, to expand Agricultural Exclusions to all the agricultural lands in the Coastal Zone.

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Item #2 Error in, and modifications needed, of Maps 27g and 27j

There remains at least one error in Revised MAPs 27G and 27J, which show East Shore/Marshall and Northwest Marin respectively, in that the Legends indicate that the Excludable Areas (Agriculturally Related Development) relate to Categorical Exclusion Order E-81-2, which applies to LCP Unit I, having a program boundary of *Southern* Marin. This error may also reflect a misapplication of the Coastal Act as above. These maps should be revised once again to correct this error as well as to reflect the expanded Agricultural Exclusions Areas, should your board decide to use its legal authority to expand them now.

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Item #3 Allow Cottage Industries along with Cottage Food Operations

The inclusion of "Cottage Food Operations (CFO), Coastal" in the Home Occupations definition (Exhibit #1 Staff Recommendations, page 4) is welcomed. Staff also recommends,

"In addition, since a home occupation with no employees is an intrinsic part of the underlying residential use, staff recommends that "home occupations" without employees be designated as a "principal permitted" use wherever the residence itself (or "farmhouse" in agricultural zones) is principally permitted. This would also serve to support the position that a home occupation with no employees is considered a customary and incidental part of the residential use and does not represent an increased intensity of use on a given property. Accordingly, the establishment of a home occupation with no employees within an existing dwelling unit is not considered to be "development" subject to Coastal Permit review. Since home occupations with an outside employee are conditionally permitted, they would continue to require Coastal Permit approval."

We argue that a "Cottage Industry" (sewing, weaving, photography, jewelry making, other handcrafts, etc., etc.) in a farmhouse should also be a Principally Permitted Use in the C-APZ, just like a "Home Occupation" such as a CFO.

We know there are a lot of farmers and ranchers who adamantly believe that they should be permitted to undertake in-home enterprises to supplement their farm income, including all those listed in the definition of Cottage Industries, in addition to baking and food preparation. Please modify Table 5-1-b to allow Cottage Industries as a Principally Permitted Use when the primary use of the property is for agriculture.

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Item #4 Land Uses that should be Permitted

Although it is not addressed in the latest Staff Report, we remain dismayed that a number of Land Uses listed in the Tables 5-1 are not considered Permitted Uses in the C-APZ, but rather require Use Permits. Those that would help provide flexibility and sustainability for farmers and ranchers include:

- Equestrian facilities for animals used in agriculture activities
- Horses, donkeys, mules, ponies used in agricultural activities
- Water conservation dams and ponds

Would you kindly consider making each of these Permitted Uses in the C-APZ prior to adopting the Amendments?

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Thank you once again for your careful consideration of issues that will impact coastal agriculture in Marin County, and will have precedent-setting effects for other coastal counties.

Respectfully submitted,

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