



April 16, 2013

Marin County Board of Supervisors
Via Hand Delivery

Dear Supervisors,

For the past four years the Environmental Action Committee of West Marin (EAC) has participated in every public workshop and public hearing throughout the LCP Amendment process. We have spent hundreds of hours driving to and from hearings, sitting through hearings, and reviewing and commenting on the approximately 5,000 pages of draft policy and code language. EAC estimates that during this period the County has spent nearly \$1 million on the process. Unfortunately, the document before you today rolls back many environmental and agricultural protections that have been in place for over thirty years and that have achieved a high degree of protection for coastal resources. Therefore, despite the fact that it improves resource protections in some dimensions, EAC does not support the proposed LCP Amendment before you, and we strongly urge you to not to approve this document.

EAC has documented our concerns in detail both to your Board and the Planning Commission, yet many of our questions have gone unanswered. We have repeatedly requested that you and your staff respond to the numerous, detailed comments from the Coastal Commission staff, yet in many instances the public has been afforded no response. Last fall, EAC came to the table in a spirit of compromise regarding certain agricultural provisions, but in the end the county would not relax its position on revising the definition of "agriculture" despite five letters from the Coastal Commission stating such a position was untenable. EAC believes that there is a balance to be found to maintain a high level of marine and coastal resource protections while affording family farms the flexibility they need. However, this document does not achieve that balance.

We were not expecting to love every aspect of the LCP Amendment, but we also expected that our steady engagement would have yielded substantive consideration for more than a very small fraction of our concerns. Some of the many reasons that EAC does not support the LCP Amendment before you include that:

1. The certified LCP clearly lists a hierarchy of protection, beginning with Environmentally Sensitive Habitat Areas (ESHA), then agricultural lands, and then scenic resources. This hierarchy language has been removed.

2. Important biological information and informative text are eliminated completely from the LCP Amendment, leaving the public with a sterile, uninformed policy document lacking any context, and giving review authorities scant basis for assessing county-issued coastal permits.
3. Protections for ESHA and stream buffers would be opened up to discretionary reductions and modifications with insufficient standards to guide agency discretion, and would allow non-Principal Permitted Uses to receive buffer reductions. The effect of this change is that buffer widths would be *cut in half* of what is currently required.
4. Protections for visual and scenic resources are weakened.
5. Despite at least six letters from the Coastal Commission staff stating that the County's proposal is untenable, the LCP Amendment would expand the definition of "agriculture" to include inter-generational housing for family members that are not engaged in agricultural operations. This is non-agricultural development, not agriculture.
6. Clustering requirements on agricultural protection zone lands are weakened from mandatory clustering and would allow "one or more groups" of development without any standards to guide approval or siting of a new cluster.
7. Agricultural processing facilities up to 5,000 square feet would be a Principal Permitted Use when currently this is a Conditional Use. The 300-foot setback from property lines and the design review requirement are removed.
8. The existing master plan requirement to consider all contiguous properties under common ownership in the agricultural zone is removed and would only be a discretionary consideration in developing agricultural land.
9. Viticulture was arbitrarily placed back under the Principal Permitted Use category after both the Planning Commission and your Board had approved its designation as a Permitted Use. The LCPA lacks sufficient standards to protect coastal resources when grazing land is converted to viticulture; the county's weak viticulture ordinance is a poor model and should not be applied to the Coastal Zone.
10. Contrary to Coastal Act requirements, the LCPA largely excludes from the definition of development activities that constitute changes in the intensity of use of land and water, for example in the conversion of grazing land to row cropping, viticulture, or orchards.

If we must choose between the LCP Amendment before you and the existing certified LCP, there is no question that EAC would choose to keep Marin's certified LCP. We thank the staff for their hard work, but in our view the direction given to them has resulted in this impasse.

Thank you very much for your consideration of our comments.

Respectfully submitted,



Amy Trainer, Executive Director