

**CALIFORNIA COASTAL COMMISSION**

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July 30, 2013

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

**Re: July 30, 2013 Board of Supervisors' Hearing on the Marin County LCP Update**

Honorable Supervisors:

We wanted to take this opportunity to provide some brief comments on the Local Coastal Program (LCP) update that you are going to be considering on July 30<sup>th</sup>. As you are aware, we have been coordinating with your staff as the LCP Update has progressed through the County's process. Over the past four years, from the preliminary Issue Paper phase, to the Planning Commission phase, through the Board of Supervisors phase, Commission and County staff have collaborated through numerous in-person meetings, conference calls, memorandums, and emails to address the LCP Update's consistency with Coastal Act requirements. Over that time, Commission staff provided seven detailed comment letters for the Planning Commission hearings, and, during the Board of Supervisors phase, met with County staff in person in five separate meetings, while also holding weekly conference calls this summer. We have done our best to work with County staff to provide feedback on proposed policy language and Coastal Act consistency issues, and have lent expertise from our technical staff on issues such as land use, biology, water quality, and hazards. We consider this coordination effort to have been both effective and productive, and we want to thank County staff, as well as the Planning Commission and the Board, for all of the hard work that has gone into the LCP update effort.

At the same time, although much progress has been made, we simply ran out of time to work through all of the Coastal Act consistency issues that we had identified with your staff prior to your hearing on July 30<sup>th</sup>. We want to assure you, however, that we will continue to coordinate with County staff after the Board acts on the update on July 30<sup>th</sup>. Our goal will continue to be to work out as many issues as possible before the Update is considered by the Coastal Commission in a public hearing. We are hopeful that we can reach agreement on the majority of the remaining issues – and ideally all of them – prior to the time this is taken up by the Commission, and we are committed to a collaborative process to try to make that so.

In the meantime, and as your staff is aware, in our view the primary remaining issues concern how best to protect coastal agriculture and habitats and respond to coastal hazards; and what County policies, ordinances, and programs should be included as part

of the LCP. There are other remaining issues (e.g., certain public access standards, allowed uses in visitor serving zones, etc.), but these seem to be less complicated. In terms of agricultural protection, we continue to believe that the LCP needs to be structured around a more traditional definition of agriculture that is tied to working of the land (including crop production, cultivation, and grazing), so that standards and criteria can be made clearer in terms of allowing, siting, and designing other uses and development that might be appropriate on agricultural lands (e.g. farmhouses, farmworker housing, intergenerational housing, agricultural processing structures, etc.). There are many sub-issues related to agricultural protection, but many of our remaining concerns stem from the Update's proposed definition of agriculture.

In terms of habitat protection, the main issues relate to ensuring that habitats can be appropriately identified and protected during the coastal development permit (CDP) review process, including in terms of the degree to which more or less discretion is allowed (e.g., in terms of defined setbacks versus setbacks that can be adjusted based on a biologist's opinion). We remain committed to a series of policies that can ensure that all habitats will be identified, including in terms of sensitive habitats specifically, and appropriate setbacks and related development standards applied, including flexibility in varying standards where appropriate. The issues here seem more readily resolvable as they are more discrete than the questions surrounding agricultural protection.

With regard to coastal hazards, we would like to have further discussion with the County on issues related to shoreline hazards and hazard response. Development and redevelopment along eroding shorelines with rising sea levels create a very particular set of LCP questions regarding how best to address development pressure while still protecting coastal resources. We are concerned that the Update has yet to fully take on this issue, and is instead proposing what appears to be fairly general guidance. Recent Commission actions and other LCP updates that are currently being developed provide some sense of what more detailed LCP language might look like, and this has been provided to your staff. We recognize a full LCP update addressing coastal adaptation issues for the County's entire coastline may not be feasible at this time, but we would like to discuss how to provide more attention to this issue at this opportunity.

Finally, in terms of what could or should be included in the LCP, there has been much confusion. Some of this centers around cross-references in the LCP (which, in our view, makes the cross-referenced item part of the LCP), but mostly this centers around which code sections the County intends to submit to the Commission as part of the Update. Neither of these issues have to date been clarified. On both issues, it will be important that the County is very clear about what is submitted to the Commission to be certified. On this point, we continue to believe that if the County intends to use a policy, code or ordinance or any other document to make CDP decisions, then that policy, code, ordinance, or other document needs to be part of the LCP. The County cannot legally base CDP decisions on non-LCP policies, codes, ordinances, or other documents. We encourage the County to be thorough in terms of ensuring that the LCP Update includes all of the items with which the County intends to apply in CDP decisions.

Thank you for all of the time your staff has spent with us over the time the Update has been proceeding through the County's process, and, should the Board adopt the Update on July 30<sup>th</sup>, we look forward to ongoing collaboration as we prepare the Update for Coastal Commission consideration. If you have any questions or would like additional detail on these points, please don't hesitate to contact me at (415) 904-5260 or by email at [kevin.kahn@coastal.ca.gov](mailto:kevin.kahn@coastal.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Kahn". The signature is fluid and cursive, with the first name "Kevin" being more prominent than the last name "Kahn".

Kevin Kahn  
Coastal Planner  
North Central Coast District  
California Coastal Commission