

**East Shore Planning Group
P. O. Box 827
Marshall, CA 94940
ESPG@eastshoreplanninggroup.org**

November 28, 2014

Kevin Kahn
Supervising Coastal Planner, LCP Planning
Central Coast District Office
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

RE: Marin County Local Coastal Program

Dear Mr. Kahn,

I write with regard to two sections of the draft revisions by the Coastal Commission Staff that were widely circulated last month: §22.32.026 and §22.32.027 which deal with smaller agricultural processing and retail sales operations.

By way of background, the East Shore Planning Group, a California not-for-profit corporation formed in 1984 (“ESPG”), has a membership of about 90 homeowners, tenants and owners of residential and commercial properties in the vicinity of Marshall and along the east shore of Tomales Bay, which is in the unincorporated area of Marin County and is in the Coastal Zone. The ESPG is the primary local organization involved with issues of development in the area, and we have been an active participant with Marin County in the process of amending the Local Coastal Program since it began.

The East Shore Planning Group supports local agriculture and the efforts to reduce the costs and uncertainties of burdensome permitting requirements for small agricultural processing and retail sales facilities. At the same time, ESPG has always been concerned about the effects of commercial activities that can create traffic, parking and safety issues and that could affect the character of our community and can ruin the coastal experience for visitors and residents alike.

The retail commercialization of Highway One in our area is also a threat to the future of our agricultural lands. Last month an existing shellfish farm-stand operation purchased a nearby APZ-60 agriculturally zoned parcel (AP 119-060-32), apparently to support its expanding retail sales operation. Along the east shore of Tomales Bay, retail commercialization and associated processing facilities on agriculturally zoned parcels may pose a greater threat to the future of agricultural lands than the pressures to construct “McMansions”.

The provisions in the proposed Development Code as adopted by the Board of Supervisors last year regarding processing and retail sales of agricultural products, §22.32.026 and §22.32.027, are the result of years of proceedings before the Marin County Planning

Commission and Board of Supervisors. East Shore Planning Group was an active participant, as were representatives of the agricultural community.

We support the provisions of §22.32.026 and §22.32.027 as approved by the Board of Supervisors. We also support the minor revisions in the draft proposed by the Coastal Commission staff. Either version will be satisfactory to our organization. (For convenient reference, a copy of the draft revisions is included at the end of this letter.)

But, we would strongly oppose any further liberalization of those provisions that could create loopholes whereby processing and retail sales facilities, unrelated to the primary agricultural activities on the land, could be allowed as Principal Permitted Uses, without the protections afforded by public hearings and possible appeal to the Coastal Commission.

That said, we note the Commission's change to the LUP as approved by the Board of Supervisors, adding the notion of the "farmshed" to Principal Permitted Uses for retail sales, Section C-AG-2(6), on C-APZ properties. In light of this unexpected development, and in response to other comments by the agricultural community, we would ask that the staff consider some additional revisions to the proposed provisions of the Development Code to address those concerns, without undercutting the limitations that had been previously agreed and approved by the Board of Supervisors.

Specifically, with respect to the language in both sections §22.32.026 and §22.32.027, we would suggest that the phrase "...or on other agricultural properties located in Marin County that are owned or leased by the ..." be amended to read "... or on other agricultural properties located in Marin County or Sonoma County that are owned or leased by the ...". This addresses the new "farmshed" provision in the LUP.

In addition, the processing facilities section §22.32.026 has an exception to the requirement that the agricultural products be produced on the same site for "... incidental additives or ingredients ...". In light of comments from the agricultural community, we believe it would be appropriate to add a similar exception to the retail sales section, so it would read:

"... (2) with the exception of incidental additives or ingredients, agricultural products to be sold are produced on the same site, ..."

Lastly, we believe there is a mistake in the retail sales §22.32.027 where it refers to the properties that "... are owned or leased by the processing facility owner or operator ...". We believe that the provision should refer to lands that are owned or leased by the retail sales facility owner or operator, not the processing facility owner or operator.

Thus, with those changes and those in the draft, the clause would read:

(2) with the exception of incidental additives or ingredients, agricultural products to be sold are produced on the same site, or on other agricultural properties located in Marin County or Sonoma County that are owned or leased by the ~~processing~~ retail sales facility owner or operator;

To conform, similar changes should be made to §22.65.040(C)(1)(f)(2) and (6) at p. 129 of the draft.

Thank you for considering these views.

Sincerely

Lori Kyle

Lori Kyle, President

CC: Jack Liebster
Charles Lester

Standard Note: This letter has been authorized by the ESPG Board of Directors, but has not been presented to or approved by our membership.

22.32.026 – Agricultural Processing Uses (Coastal)

The standards of this Section shall apply to agricultural processing defined in Section 22.130.030 (“Agricultural Processing”).

For Agricultural and Resource-Related Districts outside the Coastal Zone, see Section 22.08.040.E.

Agricultural processing shall be accessory and incidental to, in support of, compatible with, and necessary for agricultural production. Agricultural processing is allowed as a Principal Permitted Use in the C-APZ zoning district provided it meets all of the standards set forth in Section 22.65.040, including the following standards: (1) the building(s) or structure(s) used for processing activities do not exceed an aggregate floor area of 5,000 square feet; (2) with the exception of incidental additives or ingredients, agricultural products to be processed are produced on the same site, or on other agricultural properties located in Marin County that are owned or leased by the processing facility owner or operator; (3) the operator of the processing facility is actively and directly involved-engaged in the agricultural production on the property on which the processing facility is located; and (4) sufficient parking, ingress, and egress is provided. In addition, conditions as to the time, place, and manner of use of the processing facility may be applied as necessary through the Coastal Permit process to ensure consistency with provisions of the LCP.

Use Permit approval is required for an agricultural processing use which exceeds an aggregate floor area of 5,000 square feet or for an agricultural processing use of any size that does not comply with one or more of the four standards listed above.

B. Coastal Permit ~~and Design Review~~ for a processing facility.

1. Any processing facility, regardless of size, shall require a Coastal Permit.
- ~~2. Any processing facility shall require Design Review, unless it satisfies all the following conditions:~~
 - ~~(a) It qualifies as a Principal Permitted Use;~~
 - ~~(b) It will be developed and operated wholly within an existing permitted, legal nonconforming, or categorically excluded structure; and~~
 - ~~(c) Its development will not include any significant alteration of the exterior appearance of the existing structure.~~

[BOS app. 10/2/2012, 2/26/2013]

22.32.027 – Agricultural Retail Sales ~~and~~ Facilities (Coastal)

(Coastal) The standards of this Section shall apply to the sale of agricultural products as defined in Section 22.130.030 (“Sale of Agricultural Products”). For Agricultural and Resource-Related Districts outside the Coastal Zone, see Section 22.08.040.F.

The sale of agricultural products is allowed as a Principal Permitted Use in the C-APZ zoning district provided it meets all of the ~~following standards~~ development standards set forth in Section 22.65.040, including the following: (1) the building(s) or structure(s), or outdoor areas used for retail sales do not exceed an aggregate floor area of 500 square feet; (2) agricultural products to be sold are produced on the same site, or on other agricultural properties located in Marin County that are owned or leased by the processing facility owner or operator; (3) the operator of the sales facility is actively and directly involved-engaged in the agricultural production on the property on which the sales facility is located; and (4) sufficient parking, ingress, and egress is provided. In addition, conditions as to the time, place, and manner of use of the sales facility may be applied as necessary through the Coastal Permit process to ensure consistency with provisions of the LCP.

Use Permit approval is required for agricultural retail sales which exceeds an aggregate floor area of 500 square feet or for an agricultural retail sales facility of any size which does not comply with one or more of the four standards listed above.

[BOS app. 10/2/2012, 2/26/2013]