



MARIN COUNTY FARM BUREAU

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

January 11, 2013

President Judy Arnold and the Marin County Board of Supervisors

Via e-mail c/o Kristin Drumm: kdrumm@marincounty.org

Re: Local Coastal Program Amendments

Dear President Arnold and Honorable Supervisors,

Marin County Farm Bureau respectfully submits the following comments on the Local Coastal Program update. First we will discuss the current staff report followed by a list of our concerns that have not been addressed at all or not been addressed satisfactorily during this process yet.

Farm Bureau appreciates the additional language that helps to clarify “grading and agricultural operations”. We would like to see our supervisors support a minimum of 250 cubic yards in section **22.130.030 Definitions**. This is a very small amount of dirt on very large ranches and we should not be subjected to a permit process for anything less than that. We also appreciate the clarification in section **22.68.030 Coastal Permit Required:**

On-going agricultural operations including cultivation, crop and animal management and grazing are not considered to be development or a change in the density or intensity of the use of land. For the purposes of this Chapter, “on-going agricultural operations” are those which exist presently or historically, and do not entail new encroachment within 100 feet of the edge of a wetland, stream or riparian vegetation. For agricultural uses, a “change in the intensity of use of water, or access thereto” means the development of new water sources such as construction of a new well or the creation or expansion of a surface impoundment.

However we still have a concern about viticulture. Leaving it as a permitted use and not a principally permitted use is inappropriate. This is agriculturally zoned land and viticulture **is** agriculture! All other types of agriculture are principally permitted and so should be viticulture as it is in the current LCP. This sets a very bad precedent that you can separate out one crop and force it to become appealable to the Coastal Commission. What will be next; olives, vegetables, perhaps strawberry's. Our Board of Supervisors needs to recognize that there are already avenues to appeal viticulture if the farmer must create new water sources or do grading in excess of a certain number of yards. This avenue of appeal should be maintained at the local level and not through the Coastal Commission. Developing new water sources is also a very difficult and lengthy process as we have to deal with the California water board. Viticulture must remain principally permitted as it already is in the current LCP.

There has been very little discussion about the development code definitions, the tables in the development code, and much of the language in the development code. Below is a partial list of issues that must still be addressed, there are additional issues but many of these have not been discussed at all.

Please refer to Farm Bureaus March 25, 2012 letter to see a complete list of our concerns, granted some of those have been dealt with.

I. 22.32.026 – Agricultural Processing Uses

A. Limitations on use:

1. Processing of agricultural product is a Principal Permitted Use only if conducted in a facility not exceeding 5,000 square feet that is located at least 300 feet from any street or separate-ownership property line (and not within an Environmentally Sensitive Habitat Area [ESHA]) or its buffer.
2. To qualify as a Principal Permitted Use, the agricultural product that is processed must be grown principally in Marin County or at a site outside Marin County that is operated by the operator of the processing facility (“principally” shall mean at least 75% by dollar volume of the processor’s sales of the processed product). The operator of the processing facility must be directly involved in the agricultural production on the property on which the production facility is located.
3. “Agricultural product that is processed” does not apply to additives or ingredients that are incidental to the processing.
4. A Conditional Use Permit shall be required if the processing facility is open routinely to public visitation or if public tours are conducted of the processing facility more than 24 times per year.
5. Under these criteria, up to 25% by dollar sales volume of the agricultural product that is processed could be grown outside Marin County (on sites not operated by the operator of the processing facility).
6. ~~Any agricultural processing in a C-ARP zoning district is a Conditional Use requiring a Use Permit.~~

Discussion

Farm Bureau has concerns about the “75% by dollar volume”. The county has no way to enforce this without seeing every dollar made by the farmer, that is not the county’s business, the IRS doesn’t even ask us to separate out which goods sold are from where. We understand and support the notion that our products sold should be principally from Marin, but the definition given for “principally” is not an acceptable one. Please remove the definition in parentheses in number 2 above and remove number 5 in its entirety.

In addition we have a concern about number 4 above. The need for a conditional use permit for educational tours of our facility if it is “open routinely to public visitation or if public tours are conducted of the processing facility more than 24 times per year” makes no sense to us. We should be commended for opening our doors and educating the public about where their food comes from. This could prevent us from being able to have a tour for you the Supervisors because we scheduled 24 school visits already, do you want us to turn the children away! Please remove number 4.

II. 22.32.027 – Agricultural Retail Sales and Facilities (Coastal)

A. Limitations on use:

1. Retail sales must be conducted:
 - (a) Without a structure (e.g. using a card table, umbrella, tailgate, etc.); or
 - (b) From a structure or part of a structure that does not exceed 500 square feet in size and does not exceed 15 feet in height.

2. Items sold must be principally unprocessed produce grown in Marin County or at a site outside Marin County that is operated by the operator owner or lessee of the sales facility. For purposes of this section, “principally” shall mean at least 75% by dollar volume of sales. The operator of the sales facility must be directly involved in the agricultural production on the property on which the sales facility is located.
3. Sales of consigned produce grown in Marin County (or grown at a site outside of Marin County that is operated by a consignor whose principal agricultural activities are within Marin County) shall be allowed as part of the principal permitted use, provided that all produce being sold satisfies the criteria for the principal permitted use findings.
4. A Use Permit is required for picnic or recreational facilities. A Use Permit is also required for onsite consumption other than informal tastings at no charge of product offered for sale.
5. Sufficient parking is provided

Discussion

- 1b. Existing buildings should not have to be under 15 feet, most barns that may be used for sales are taller than 15 feet, this is extremely low.
2. Our same concern exists here about the 75% by dollar volume. Please at the very least remove the definition of “principally”. In addition, why must the product being sold be “unprocessed”. This would disallow all of our cheese makers from being able to sell their cheese. On farm sales should be categorically excluded consistent with the agricultural sales use for the A zoning district in the Marin County Development Code.

III. C-BIO-25 Stream and Riparian Buffer Adjustments and Exceptions

IV. C-BIO-20 Wetland Buffer Adjustments

Both of the aforementioned should allow adjustments below the 50 foot minimum threshold if a site assessment proves that a 50 foot buffer is unnecessary.

V. TABLE 5-1-b.

Cottage industries should be principally permitted in CAPZ-60.

VI. Livestock Operations, Sales/Feed Lots, Stockyards (land use). This land use consists of specialized and intensive commercial animal facilities including animal sales yards, stockyards, and cattle feedlots. Feedlots are any site where cattle are held or maintained for the purposes of feeding/fattening, for market ~~or milking~~, and where at least 60 percent of the feed is imported or purchased. Does not include slaughterhouses or rendering plants; see "Slaughterhouses and Rendering Plants." See also, "Dairy Operations."

Discussion:

Dairy operations are a distinct Land Use category in Table 5-1-a, so “milking” should not be included in this definition. This is an easy change and **very** important.

Farm Bureau still has several other legal concerns on such issues as the “aggregate cap” the lack of a true constitutionality clause, and the requirement for a conservation easement as discussed in **C-AG-7**

Development Standards for the Agricultural Production Zone (C-APZ) Lands.

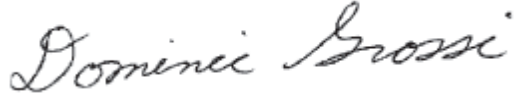
B. Standards for Non-Agricultural Uses:

3. Consistent with state and federal laws, a permanent agricultural conservation easement over that portion of the property not used for physical development or services shall be required...

A farmer's ability to diversify from crop to crop and to adapt their operations to include retail sales is extremely important. The way many of the policies are currently written are very problematic for this to happen. As farmers and ranchers we must be able to adapt or die.

These and several other issues that we have raised in our earlier letters should be discussed. We look forward to continuing to work with staff to try and resolve these issues.

Thank you for your time and consideration,

A handwritten signature in cursive script that reads "Dominic Grossi".

Dominic Grossi
President
Marin County Farm Bureau

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