

September 26, 2012

The Marin County Board of Supervisors
Via e-mail c/o Kristin Drumm: kdrumm@maincounty.org



Re: Local Coastal Program Amendments

Dear Supervisors,

UCCE, its partner organizations, and Marin farmers and ranchers have worked diligently over the past 20 years to increase opportunities for product and income diversification on Marin farms and ranches. Farm diversification has become increasingly important both globally and locally, especially for marginally profitable farms that might not otherwise be able to survive the price fluctuations and income seasonality typical to many farm enterprises. Agricultural diversification has been directly responsible for allowing many of the younger generation of Marin farmers and ranchers to stay on their family farms and keep them in business.

The County of Marin has strongly supported the diversification movement by providing permit assistance through the Marin County Agricultural Ombudsman, through Countywide Plan policies and programs, and through creative adaptations of Development Code regulations allowing small-scale agricultural processing and sales, and farm tours without use permits in A zoning districts. On-farm processing and retail sales provide an avenue for sustainable distribution of Marin County agricultural products. On-farm sales eliminate shipping and allow direct purchase by community members and out-of-town visitors.

Proposed language in the Marin County Local Coastal Program Land Use Plan and Development Code Proposed Amendments would unreasonably limit these same land uses within the Coastal Zone, putting coastal farmers and ranchers at a disadvantage and making agritourism, farmstead processing, and on-farm sales impossible for many farmers to afford. Small-scale sales and processing uses, and other agritourism uses should be allowed by Categorical exclusion so that permit costs do not consume potential profits needed to help support farm operations. At a combined cost of nearly \$16,000 for a Coastal Permit, a Use Permit and Design Review, the cost of permits for conditional uses may prevent families from undertaking agricultural product sales, processing and other agritourism uses or may make these uses marginal or unprofitable.

Please consider the following recommendations pertaining to the Proposed Land Use Plan Development Code Amendments in order to allow reasonable and affordable agricultural diversification and appropriate management for farmers and ranchers within the Coastal Zone. Recommendations are summarized at the end of this letter.

PROPOSED LAND USE PLAN AMENDMENTS

1. **"Program C-AG-2.e Community-Specific Retail Sales Policies.** Policies should be developed in the LCP's Community Development section, as appropriate, to address the concerns of specific communities with respect to retail sales (roadside especially). As necessary, greater constraints on these activities could be specified for individual communities or roadway segments than the general provisions in the LCP's Agriculture section (up to and including, for example, the possibility of specifying an outright

prohibition of roadside agricultural sales in a particular area or along a particular stretch of roadway).”

Response. Restrictions against retail sales in certain communities would create an uneven playing field for agricultural producers. Existing traffic and parking issues should be dealt with through appropriate governing agencies, rather than punishing local farmers based on fear of potential traffic increases. Residents of state highways and other major thoroughfares should reasonably expect significant traffic on these roads.

Recommendation. Eliminate this program from the draft Land Use Plan.

2. **“Program C-AG-2.f Facilitate Agricultural Tourism.** Review agricultural policies and zoning provisions and consider seeking to add educational tours, homestays and minor facilities to support them as a Categorical Exclusion.”

Response. This supports local agriculture.

Recommendation. Pursue with the Coastal Commission establishment of a Categorical Exclusion for educational tours, homestays, and minor facilities to support them.

3. **“C-ES-1 Community Character of the East Shore of Tomales Bay.** Maintain the existing character of low-density, residential, agriculture, mariculture, and fishing or boating-related uses. Allow expansion or modification of development for visitor serving or commercial development on previously developed lots along the east shore of Tomales Bay, provided that such expanded uses are compatible with the small scale and character of existing development along the Bay.”

Response. This seems to conflict with **C-AG-2.e Community-Specific Retail Sales Policies.** If the East Shore can accommodate “expansion or development of visitor serving or commercial development on previously developed lots along the east shore of Tomales Bay”, then there is similar ability to accommodate on-farm retail sales, processing, and tours.

Recommendation. As above, pursue with the Coastal Commission establishment of a Categorical Exclusion for on-farm retail sales, processing, and tours and address existing traffic and parking issues through appropriate agencies.

PROPOSED DEVELOPMENT CODE AMENDMENTS

Remove approximately 2 ½ pages of proposed language beginning with 22.32.026 – Agricultural Processing Uses on page 4, through 22.32.027 – Agricultural Retail Sales and Facilities (Coastal), ending on page 7 and replace it with parallel language in the existing Development Code. Pursue with the Coastal Commission establishment of a Categorical Exclusion for agricultural processing uses, including tours of processing facilities, and on-site retail sales of all farmstead products as provided for in the existing Development Code. Specific reasons are outlined below.

4. 22.32.026 – Agricultural Processing Uses.

...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.”

Response. What is the purpose of this? Why do tours of processing facilities require a Use Permit for over 24 tours, while Educational Tours do not have a cap? Making tours principally permitted or conditional is inconsistent with **Program C-AG-2.f Facilitate Agricultural Tourism.**

Recommendation. Remove this language.

5. **"22.32.027 – Agricultural Retail Sales and Facilities (Coastal).**

(Coastal) In Coastal agricultural Zoning Districts C-APZ and C-ARP, retail sales are allowed as a Principal Permitted Use provided they meet the following standards:

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 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 on-site consumption other than informal tastings at no charge of product offered for sale.

5. Sufficient parking is provided."

Response. 1(b) Existing buildings should not be limited to 15 feet tall. 2. Why must 75% or dollar volume of sales be of principally unprocessed products? This would exclude sales of local cheese, for example, unless the cheese maker also had a vegetable farm and sold mostly vegetables. 3. Local farmers do not "consign" produce. Consignment sales rarely, if ever, occur.

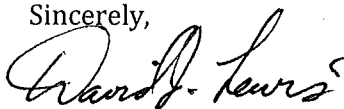
Recommendation. On-farm product sales uses should be allowed under a Categorical Exclusion consistent with the agricultural sales use for A zoning district in the Marin County Development Code, which has not generated an unmanageable number of retail sales facilities. The height limitation should be eliminated and sales of goods produced by other Marin County farmers should be allowed, regardless of consignment.

SUMMARY OF RECOMMENDATIONS

1. Eliminate **Program C-AG-2.e Community-Specific Retail Sales Policies** from the draft Land Use Plan.
2. Address existing traffic and parking issues in specific communities through appropriate agencies.
3. Remove approximately 2 ½ pages of proposed language beginning with **22.32.026 – Agricultural Processing Uses on page 4, through 22.32.027 – Agricultural Retail Sales and Facilities (Coastal)**, ending on page 7 and replace it with parallel language in the existing Development Code.
4. Pursue with the Coastal Commission establishment of a Categorical Exclusion for agricultural processing uses, including tours of processing facilities; on-site retail sales of all farmstead products; farmstays; and educational tours as provided for in the existing Development Code.

Thank you for your consideration,

Sincerely,



David J. Lewis
Director



Lisa Bush
Agricultural Ombudsman