



# CALIFORNIA FARM BUREAU FEDERATION

## OFFICE OF THE GENERAL COUNSEL

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May 12, 2014

*Via U.S. Mail, Facsimile (415-904-5400),  
and E-Mail (kevin.kahn@coastal.ca.gov)*

California Coastal Commission  
Kevin Kahn  
Supervising Coastal Planner, LCP Planning  
Central Coast District Office  
California Coastal Commission  
725 Front Street, Suite 300  
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Re: **Agenda Item No. Th 12a – May 15, 2014 Meeting**  
**Marin County LCP Amendment No. LCP-2-MAR-13-0224-1 Part A**  
**Marin LUP Update**

Dear Commissioners:

The California Farm Bureau Federation (“Farm Bureau”) appreciates the opportunity to comment upon the California Coastal Commission’s noticed public hearing on May 15 regarding the Marin County LCP Amendment/LUP Update.

Farm Bureau is a non-governmental, non-profit, voluntary membership California corporation whose purpose is to protect and promote agricultural interests throughout the state of California and to find solutions to the problems of the farm, the farm home and the rural community. Farm Bureau is California's largest farm organization, comprised of 53 county Farm Bureaus currently representing nearly 78,000 agricultural, associate and collegiate members in 56 counties. Farm Bureau strives to protect and improve the ability of farmers and ranchers engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of California's resources. On behalf of its membership, Farm Bureau has been consistently monitoring land use planning processes in the coastal zone which directly affect production agriculture.

We understand that the County of Marin has submitted to the Commission a comprehensive update of its Local Coastal Program’s (LCP’s) Land Use Plan (LUP), after a lengthy process in which Farm Bureau’s county and state organizations provided substantial input. At this point, Commission staff has now proposed certain modifications to the LUP, which we believe are unduly restrictive of agriculture in light

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of both the LUP's primary intent with respect to agriculture<sup>1</sup> and the policies set forth in the Coastal Act.<sup>2</sup> We offer several comments and requests in relation to your decisionmaking on this item on Thursday, both for Marin County's plan in particular, and as a matter of general precedent:

- **Policy C-AG-2. Coastal Agricultural Production Zone (C-APZ).** The strikeouts and language inserts in Policy C-AG-2 which were offered by staff should be rejected.
  - In particular, there is no principled reason under the Coastal Act for the Commission to modify the County's intent to preserve "privately-owned" agricultural land in striking the balance that it must between local desires and administration of the Coastal Act.
  - It is unduly restrictive and administratively workable to inject a standard of "and necessary for" into the policy language on development incidental to agricultural production. Farmers and ranchers must have some measure of operational discretion in determining what incidental ancillary development supports their operations.
  - The policy loses a measure of flexibility if staff's strikeout of "substantially similar uses of an equivalent nature and intensity" is accepted with respect to principal permitted uses. The staff report indicates that this is term "not specific enough" to remain, yet it is no less specific than staff's own addition of the "and necessary for" language referenced in the bullet immediately above. Farming and ranching is an evolving line of work in California, if anywhere, and the language must remain to allow for Marin County's farmers and ranchers to adapt to changing conditions.
- **Policy C-AG-9. Agricultural Dwelling Unit Impacts and Agricultural Use.** We request that the Commission remove the staff report's suggested additional requirement of siting "agricultural dwelling units" to protect "significant public views".
  - The requirement is internally consistent, calling for clustering with existing structures and development on the farm at the same time it requires protection of "significant public views".

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<sup>1</sup> Marin County LCP Policy C-AG-1.

<sup>2</sup> As the staff report notes, "Coastal Act policies require[e] the protection and maintenance of agricultural production and the agricultural economy." (Staff Report, p. 4.)

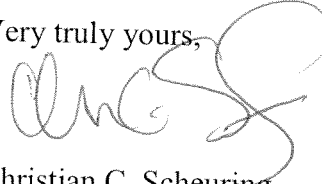
- For the same concern expressed by staff about language “not specific enough” in the context of principal permitted uses, the “significant public view” language is unduly vague and subject to administrative mischief.
- **Policy C-BIO-14. Wetlands.** Staff’s suggested strikeouts and additions in Policy C-BIO-14 should be rejected.
  - The term “ongoing agricultural activities” as a limitation on what may be excepted from the prohibition on agricultural or grazing activities in a wetland is too restrictive. The original language should be restored, as it reflects that many agricultural lands may lie fallow for a period of time, as may grazing lands.
  - The language exempting wetland features created by agricultural activities – tire ruts, for example – from the buffering requirements of C-BIO-19 is pretty sensible. Among other things, turning tire ruts into protected wetlands may have the unintended consequence of creating new tire ruts. Staff’s deletion of this sensible exemption should be rejected.
- **Policy C-PA-3. Exemptions to Public Coastal Access Requirements.** The staff report’s recommended strikeouts and additions in Policy C-PA-3 should be rejected.
  - The concerns about mitigation are adequately addressed in existing language.
  - Staff’s strikeouts completely eliminate any consideration of privacy from analyzing public access requirements, a legally questionable change.

We respectfully remind the Commission of the recent public workshop the Commission held on agriculture in the coastal zone. At that workshop, held on May 8, 2013 in Marin County, the Commission heard directly from a spectrum of farmers and ranchers who live and raise families in the coastal zone, as well as produce food and fiber on its working landscapes. We felt that the workshop, the first dedicated to comprehensively interface with agriculturalists in the coastal zone, was a valuable and productive exercise that would lead to an improved regulatory environment between the Commission and agriculture. We hope that it has, and hope that the Commission can bring some of the context developed at that workshop to bear in approaching the LUP in question here.

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As an alternative to adoption of this particular LUP's policies on agriculture and Commission staff's proposed changes to these policies, Farm Bureau urges the Commission to defer action on this agenda item at this time, and to instruct Commission staff to work with agricultural stakeholders to develop language with greater flexibility to accommodate agriculture in Marin County in a manner that is consistent with other resource values. We would be available to directly participate in this process.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Christian C. Scheuring', written over the closing 'yours,'.

Christian C. Scheuring  
Managing Counsel

CCS/pkh

cc: Marin County Board of Supervisors ([bos@co.marin.ca.us](mailto:bos@co.marin.ca.us))  
Marin County Farm Bureau