

DRAFT: 1 – 26-15

MCL Agricultural Land Use Committee Work Session
Draft Coastal Commission Staff Revisions to
Proposed Marin Local Coastal Plan Update
Marin County Farm Bureau Board Room, Point Reyes Station
January 23, 2015

Sally Gale served as moderator for the MCL Agricultural Land Use Committee's Subcommittee on the Local Coastal Plan [LCP] Work Session held from 10 AM to 1:15 PM at the Marin County Farm Bureau Board Room in Point Reyes Station on January 23, 2015.

- 1. Proposed agenda:** Approved.
- 2. Introductions.** Attendees introduced themselves. Names of attendees appear below.
- 3. Goals of Meeting.** Sally reiterated the two major goals for the meeting: (1) To determine areas of agreement or disagreement on specific sections of the Coastal Commission (CC) staff's proposed revisions to the Local Coastal Plan adopted by the County Board of Supervisors; and (2) To develop a list of questions and recommendations to share with CC staff in advance of a conference call during the quarterly meeting of the MCL Agricultural Land Use Committee on Friday, January 30.
- 4. Coastal Zone Overlays.** MALT Director of Conservation Jeff Stump presented coastal zone mapping on Google Earth to show the several jurisdictional areas covering and overlapping in the coastal zone. These included MALT easements, Williamson Act properties, designated coastal zone area excluding federal lands, and West Marin agricultural lands. He noted that MALT:
 - Holds easements on 70 properties comprising about 47,000 acres, many in the coastal zone,
 - Parcels are locked into the zoning that in effect at the time MALT purchases the parcels;
 - Easement contracts today include constraints to protect continuance of agriculture beyond those that are imposed by county zoning and/or LCP regulations.

Although the State is starting to phase out the Williamson Act programs, Marin County is continuing to fund these contracts. It was noted that a legal parcel or lot is described in title documents. A legal lot or parcel may include several assessor parcels, which are units used for taxing purposes.

- 5. LCP Revisions & Discussion.** Attendees reviewed several definitions or provisions in the edits to Marin's proposed LCP Development Code revision that would have the

most impact on agriculture in the Coastal Zone, and then voted, through a show of hands, on specific issues that were discussed. These recommendations will be forwarded to Kevin Kahn, District Supervisor, LCP Planning, California Coastal Commission, North Central Coast District Office, so he and Nancy Cave, Manager of the North Central Coast District Office, can be prepared to participate via video conferencing in the MCL Agricultural Land Use Committee meeting on January 30. The CC is scheduled to vote on a final document in April.

Note: In all quotations that follow, CC proposed changes to Marin’s version are underlined (added) or crossed out (~~deleted~~). References in brackets are to pages in the CC staff proposed edits to the County Development Code. More details from the discussion at the Work Session are also referenced in bracket to sections in an appendix.

CC Development Code Proposed Definitions of Agriculture and Agricultural Activities. Discussion centered on provisions in 22.130.030 in the LCP staff draft. Two of the definitions that were most broadly discussed state as follows:

Agricultural Activities, Ongoing (Coastal). Existing legally established agricultural uses, which have not been expanded and have not been discontinued for more than 10 years. Conversion of grazing to crop production or any other new activity involving grading or a change in the intensity of use of land or water is not an ongoing agricultural activity but rather constitutes new development requiring a coastal permit unless such development is categorically excluded by a Coastal Commission approved Categorical Exclusion Order. [176]

Agriculture (coastal). This land use consists of agricultural production and the facilities that are accessory and incidental to ~~in necessary to~~ support of, and compatible with the property’s agricultural production, including accessory structures and agricultural accessory activities, one farmhouse per legal lot, intergenerational housing, agricultural worker housing, agricultural product sales and processing, non-profit and owner-operated conducted agricultural tours, and agricultural homestay facilities. [177]

Attendees noted concern about the addition of the word “necessary” to the definitions of “agriculture,” “agricultural accessory activities,” and “agricultural accessory structures,” [App.1] and the lack of clarity in what it means in this context; the apparent narrowing of what comprises agricultural activities to those that are ongoing and which have not been expanded; and requiring new activities that involve any amount of grading (definition of grading a concern), or change in intensity of land or water use, to require a coastal permit unless categorically excluded.

Note: CDA Planner Jack Liebster and Supervisor Aide Lisa Crosse, who were present, did not participate in voting on issues below.

Question. The question was: Are the definitions of the terms “agricultural use” and “agricultural production,” as used by the CC staff, inconsistent and in need of clarification? The “yes vote was unanimous.

Change of Use Provision in definition of “agricultural activities, ongoing.”

Comments on this section included the following:

- As perspective, Jeff commented that what is needed to protect the land and protect agriculture has changed with changing conditions, whether climate or economic or other. What has made MALT successful is a very clear definition of what constitutes “agriculture.” It is flexible but with an unwaivering commitment to protecting the core needs of soil and water quality and natural resource values.
- Jack Liebster: It would be helpful to look at the last MALT contract to see what it says regarding flexibility.
- Sam Dolcini: The LCP should not just protect, but should encourage agriculture. The language could discourage changes needed for agriculture to adapt and survive.
- Kevin Lunny: Agriculture is dynamic. To compete with big ag, we in Marin have to be able to adapt, and we see much longer than 10 year cycles. We may need to go to a cycle from 50 years ago. Clearly, protect natural resources, but don’t tie us up.
- Nona Dennis: There is unlikely to be a Napafication in Marin as soil and water conditions are not suited for viticulture, but that fear has driven a lot MCL’s concerns in the past.
- Susan Stompe: Unexpected drought conditions and market changes drive the need for a flexibility that was not foreseen earlier.
- Amy Trainer: EAC supports a broader brush definition of “agriculture” although with boundaries. She will draft some language for discussion at the January 30 meeting that takes into account the impact of grading, terracing and use of water. [App.2]

Question. Is the CC change of use provision too restrictive of agricultural practice?

This was broken into two sections:

- A. **Do you want to strike the paragraph regarding Agricultural Activities, Ongoing on p. 176 of the Development Code revisions? There were 9 votes in favor of deleting this section. The remaining votes cast were in favor of revising the paragraph.**
- B. **Do you want to revise the paragraph regarding Agricultural Activities, Ongoing on p. 176 of the Development Code revisions? The “yes” vote was unanimous.**

Grading, definition and as used in definition of Agricultural Activities, Ongoing.

The proposed revised definition in the CC edited version of the Marin Development Code reads:

Grading (coastal) – Any excavation, stripping, cutting, filling, or stockpiling of soil material, or any combination thereof ~~that exceeds 150 cubic yards of material.~~ As used in this Development Code, grading does not include plowing, tilling, harrowing, aerating, disking, planting, seeding, weeding, fertilizing or other similar routine

agricultural cultivation practices for ongoing agricultural operations (see “Agricultural Activities, Ongoing”). [199]

A number of concerns were raised about activities for which some form of grading would be needed, that would require a permit if this standard were used: e.g. repair of a road, and perhaps using gravel to prevent sediment sloughing into a stream. [App.3]

Wade Holland said he believed the County Planning Commission had approved a much smaller number than 150. Amy Trainer is concerned with “best management practices.” She said the EAC urged the use of 50 cubic yards.

Question. Is the grading requirement, definition on p. 199, too restrictive of agricultural practice? Unanimously approved with 14 yes votes. It was agreed that it was premature for the group to propose a numerical limit on what constitutes grading on agricultural land for agricultural purposes, and that the added phrase “for ongoing agricultural operations” should be deleted.

Processing and on-Site Retail Sales. Issues discussed included: whether a rancher/farmer should be able to incorporate products from another farm in his or her processing facility on his or her property; lack of clarity regarding meaning of terms such as “farmshed” and “milkshed”; and what restrictions, if any, should be placed on items that could be sold in an on-site salesroom based on the geographic origin of the products offered for sale. Comments included:

- On-farm processing and retail sales should be dealt with separately in the LCP.
- The word “farmshed” is not used consistently, and there is no definition of what it means. The “farmshed” could be defined as “Marin and Sonoma Counties” as this would provide clear geographic boundaries. Attendees indicated this would generally be agreeable but that other options should be considered in order to encourage ranchers to share rather than duplicate facilities as well as encourage value-added enterprises.
- Jeff pointed out that many efficiencies are captured with onsite production facilities. For example, onsite cheese production eliminates the need to chill the milk to transport it to a different facility where it has to be warmed to make cheese. He reminded that there are other protections, e.g., the production facilities aren’t allowed on ridge tops or near streams.
- Kevin pointed out that allowing a farmer to process for neighbors would lessen the need for multiple production facilities. [App.4]

Question. Regarding C-APZ Zoning District Development Standards (22.65.040), attendees voted 11-3 in favor of striking “necessary for the” in the “Purpose” statement.

Question. Should processing plants on one ranch be able to incorporate goods produced on another ranch within the farmshed. Unanimous approval.

Question. Should a retail sales outlet on a ranch or farm be able to sell items, of the same nature as those that are produced on that farm or ranch, that come from other farms in the farmshed, or whatever clarifying term is used. Consensus in support of this change.

Must educational tours be nonprofit? Section 32.062 B 1 includes as a principle permitted use “non-profit educational tours.” Consensus was that the income from tours on ranches should not be limited to non-profits. The real concern is increasing the number of large tour buses running up and down Highway One. Sam pointed out that they have large tour buses running past their ranch on the way to the County-owned Walker Creek Ranch all the time.

Question. Should ranchers be able to charge for tours as a PPU? Unanimous “yes”. The problem is buses. [App.5]

Imposing intergenerational housing limitations on owner rather than on the land.

- Under the LUP as amended by the CC, in order to gain a permit for an intergenerational house, a ranch owner would have to agree to a condition that would preclude building a house on any other agricultural land s/he owns, no matter where located.
- Jeff: I’m not an attorney, but this is in effect, a “taking” and it will never stand. Judy and Amy concurred. Jeff cautioned that this will lead to an incredibly heated debate that will divide the community when there are fewer than 20 properties that might be affected.
- Amy agreed that any restriction needs to run with the land and that a lot of clarifying language is needed. She would like to find a middle ground that doesn’t fully take away the development rights, but rather, something that can be recorded in the chain of title that could be lifted when MALT can buy the development rights.

Question. Should ranchers be allowed to build up to 7,000 square feet of housing per owner or operator, or per parcel? Attendees approved, by a 10 to 4 vote through show of hands, having the housing allotment apply per parcel. There was general agreement that language in the Land Use Plan and Development Code should be improved so that there would not be unintended consequences from the LCP.

The next regular meeting of the Ag Land Use Committee will be Friday, January 30, from 9 to 11 a.m. However, in order to have facilities that support video conferencing the meeting will be held in the Marin Conservation League Office at 175 N. Redwood Dr., Ste. 135, San Rafael CA.

Meeting adjourned at 1:15 p.m.

Attendees:

Lisa Bush, Marin County Agricultural Ombudsman
Liza Crosse, Administrative Aide, Marin County Supervisor Steve Kinsey
Nona Dennis, MCL Board – Chair, Park and Open Space Committee
Sam Dolcini, President, Marin County Farm Bureau
Sally Gale, MCL Board, Co-Chair, Agricultural Land Use Committee
Jana Haehl, MCL Board
Wade Holland – Marin County Planning Commissioner (representing himself)
Bob Johnston – MCL Board
David Lewis, Director, UC Cooperative Extension Services, Marin County
Jack Liebster – Planning Manager, Marin Community Development Agency
Kevin Lunny, Marin County Farm Bureau Board Members
Bridger Mitchell – President, Environmental Action Committee of West Marin
Kate Powers – MCL Board -
Susan Stompe – MCL Board – Chair, Land and Transportation Committee
Jeff Stump, MALT, Director of Conservation
Judy Teichman – MCL Board, Co-Chair, Agricultural Land Use Committee
Ann Thomas – MCL Board, Co-Chair, Water and Water Resources Committee
Amy Trainer – Director, Environmental Action Committee of West Marin
Donna Yamagata – Alliance for Local Sustainable Agriculture.