

Marin Conservation League | Land Use & Transportation Committee Meeting
Wednesday, July 1, 2015 – 9:00 am
175 N. Redwood Dr., San Rafael

Agenda Revised 6/29/2015

Announcements: MCL Picnic on the Patio, July 25, noon to 3

Approval of minutes: June 3, 2015 (attached)

Approval of Agenda

Action Items:

- a. Review draft IPM/Invasive Plant policy for recommendation to the MCL Board (see Attachment A)

County wide planning issues:

- a. Review request for comments on LCP issues (see Attachment B)
- b. Transportation updates - Bob Johnston
- c. Status of San Rafael/Richmond bridge retrofit
- d. Water updates – Ann
- e. Develop background for recommending a position on artificial turf- potential speakers
- f. BioMarin new construction proposal
- g. Whistlestop proposal in San Rafael
- h. Civic Center Drive coordination

Brief Updates:

- a. PRNS ranch planning - Judy
- b. Community Marin - Rick
- c. Novato General Plan Update – Rick
- d. Easton Point – Randy
- e. Hamilton Sports Facility
- f. Grady Ranch

Back Burner issues:

Canalways | Highway 101 projects | Greenbrae N/S greenway | SMART or NCRA | Hetfield project, Lucas Valley
Golden Gate Baptist Seminary | Marin General Hospital Retrofit | Bon Air Bridge impact on wetland

Next meeting: August 5, 2015

Agricultural Land Use Committee
Planning Subcommittee – July 1, 2015
Meeting Agenda

1. Report on meeting of June 29
2. Date and subject of next meeting
3. Update on NPS Ranch Management Plan and discussion.
4. Update on County's discussions with Coastal Commission re LCP
5. Report on Giacomini Ranch event.
6. Agenda for August 28 Ag Land Use Committee - topics
7. Elk at the Seashore – update and discussion

MARIN CONSERVATION LEAGUE

Land Use, Transportation, Water & Agricultural Land Use: June 3, 2015, 9 to 11:45

Present: Susan Stompe chair; Priscilla Bull, Nona Dennis, Don Dickenson, Randy Greenberg, Jana Haehl, Pat Nelson, Kate Powers, Judy Teichman, Ann Thomas, Doug Wilson. Guest: Fani Hansen.

Agenda. Added discussion on Civic Center Drive, and updates on CWP issues and Grady Ranch.

May 6, 2015 Meeting Notes. OK with one edit: add Judy's name to those who volunteered to track the Grady Ranch application.

Civic Center Drive Circulation Planning. Fani Hansen, an architect who had worked on Marin County civil building upgrades relayed her concern that roadway planning, particularly with regard to pedestrian movement, Gallinas Creek and public safety, is not being sufficiently coordinated among the various projects planned for the Civic Center Drive area. Projects in the works include the train station, a permanent farmer's market complex, and Civic Center Drive upgrades. She asked that MCL pursue this with county and city officials. Don noted that the Civic Center Drive changes have been approved and are to be coordinated with SMART, and that design of the farmers' market complex should be based on what the County has already approved for the SMART station.

It was M/S (Doug/Judy) and approved that Kate research the status of the various program components and draft a letter to Supervisor Connolly based on the situation, letter to be approved by the MCL board.

Plan Bay Area. Randy attended the May 28 Plan Bay Area 2040 workshop in San Rafael and reported that it included displays, and ABAG staff available to answer questions. She was struck by the fact that although a major reason for the PBA program is to reduce greenhouse gas emissions, the different agencies involved in the planning process have different reduction targets. At the workshop, visitors were invited to indicate, via placement of stickers, the strategies they supported. As different interest groups simply commented in support of their own goals she believes that this was not an effective planning strategy. PBA is a state-mandated project that is supposed to integrate long-range transportation, land-use and housing plans to provide more housing and transportation choices and reduce transportation-related pollution. It is guided by ABAG and MTC.

Priority Conservation Areas (PCAs). Susan reported that ABAG staff seem unfamiliar with this process, which was developed as part of their program to protect crucial natural lands. She learned from the County Parks staff that the list of designated Marin County PCAs is not being changed.

Transportation. 1) Marin Transit will conduct a meeting June 22 regarding their short range transit plan. 2) The Ross Valley's Sir Francis Drake Rehabilitation Project, from 101 to the Ross town line has begun with a study of ways to improve vehicle flow, pedestrian and bike circulation. Major changes are unlikely to result, given constraints of the roadway. 3) The TAM (Transportation Authority of Marin) has recommended allocating \$1,400,000 in transportation sales tax (also known as Measure A) funds to Mill Valley for the Miller Avenue Rehabilitation Project. The project aim is to create a continuous Class II bicycle lane, and improve pedestrian access on sidewalks and crosswalks.

Water Updates. 1) MMWD has prepared a cost of service study, relevant given the recent appellate court decision in the San Juan de Capistrano water rate case and subsequent class action water rate structure lawsuit against MMWD based on that case. 2) MMWD also is preparing a poll to learn about public opinion on water pricing, as they will eventually need to institute higher rates, especially for Tier 1 users who have not been paying for their full cost of service. 3) The EIR for MMWD's Water Storage Improvement Project is being expanded in

response new information on Spotted Owl habitat, and to more fully consider impacts on local roads. The \$23 million dollar project would replace the aging Ross Reservoir and Pine Mountain Tunnel

with three new tanks holding 8 million gallons, double the current capacity.

Point Reyes Ranch Plan. Judy noted that the Center for Biological Diversity publicity on elk mortality (35 percent decline in 2013) focused entirely on Tomales Point and did not include the whole seashore, thus not clarifying the issue. The group appears to be using information selectively to create support for letting elk roam free in the pastoral zone – threatening the viability of ranching.

Community Marin. Rick, who is chair, was not present but Priscilla reported that group is still inching along and nudging officials to support a coordinated SLR adaptation effort.

Novato General Plan. The City is reviewing the land use in the Northwest quadrant, north and west of Grant Avenue, and looking at future uses that could be incorporated into the general plan revision. Susan noted that, independent of City general plan activities, builders have been putting up cottage groupings rather than large apartment buildings in this area for some time.

Greenbrae Multi-Use Path along SMART ROW. Funding for this was not included in the latest SMART budget. San Rafael and SMART officials are reviewing how this pathway could be worked out. One pinch point identified is the need to cross over a drainage area along Anderson Drive.

Easton Point. There will be no new hearing for at least another three months. Meanwhile, the Tiburon Open Space Committee is working to demonstrate to owners that there would be legitimate buyers with the ability to generate funding.

IPM/County Vegetation Management Plan. Several people reported on an open time session at the June 2 Board of Supervisors meeting at which two to three dozen speakers, who had been called out by an email posted by an Environmental Forum member, called for discontinuance of herbicide use on county open space lands. A few number of speakers, including several with professional credentials and representatives of environmental groups, supported the district's continued use of system herbicides as a last resort – in keeping with county policy. Nona noted that she is reviewing the County Open Space District's draft Vegetation and Biodiversity Management Plan, comments due July 8. Ann, Judy, and Nona volunteered to work as a subcommittee to develop an expanded MCL position paper on IPM, a treatment strategy that MCL supports.

Agricultural Land Use.

Committee members attended: Priscilla Bull, Nona Dennis, Jana Haehl, Kate Powers, Judy Teichman, Susan Stompe, Ann Thomas.

MCL Ag Policy Working Group. This group had a productive first session on May 18 (minutes available) at Sally Gale's, hearing reports on existing MCL ag policies and history, and UCCE reports. A second meeting will be held June 29 at Susan's home and Sally hopes to have a speaker from the Regional Water Quality Control Board at that meeting, along with UCCE's David Lewis.

Quarterly MCL Ag Committee. Speakers for the August 28 at Pt Reyes will include Tory Estrada of the Carbon Institute, Jeff Creque, and David Lewis. Future meetings: October, January, and April.

Ranch Visits. A program is set for June 20 at the Giacomini Ranch.

LCP. Judy reported Jack Leibster has not yet heard back from Coastal Commission staff regarding the County's issues, and the CC's meeting on the Marin update of both the land use and implementation plans is set for November 4-5-6; agenda to be posted October 23. Judy is concerned that is a short time frame for MCL to get its comments together on issues, e.g. crop rotation, conversion of use, viticulture (there is a county ordinance), roadside sales, burgeoning new uses such as probable marijuana and/or hemp cultivation and boutique farming, etc.

Notes: AT

DRAFT #3
Invasive Plant Management Policy

June 26, 2015

Basic policy statement. Marin Conservation League supports the use of integrated pest management (IPM) as a science-based approach to reduce or eliminate invasive, non-native plant species that threaten the survival of native ecosystems and the productivity of rangelands and pastures in Marin.

Background and threat. Next to the direct loss or destruction of habitat, the second greatest threat to the biological diversity of Marin's native ecosystems, native wildlife habitat, and the productive health of agricultural rangelands is invasion by aggressive non-native plant species. Not all non-native plant species are bad. Those that are have three traits in common: they reproduce quickly; they have few to no predators; and they can out-compete native species for available resources essential for survival.

As examples, several non-native species are having irreversible negative effects on the biological and physical health of tidal wetland habitats in San Francisco Bay marshes. Negative impacts include: loss of nesting and foraging habitats affecting special status species across taxonomic groups; polluting water with silt, impairing natural sediment flow, facilitating habitat conversion and decreasing biodiversity; crowding out tidal marsh plants on which native animal species rely for habitat; filling in open waterways and reducing navigable channels, thus worsening upstream flooding potential. Quickly spreading invasive species, resistant to conventional controls, include non-native cordgrasses, Harding grass and broadleaved peppergrass.

Marin County's uplands – public parklands, watersheds, and open spaces – constitute a “hot spot” of biological diversity. They are home to dozens of species that are considered rare, threatened, or endangered. These plants are at constant risk of being outcompeted by aggressive invasive species that, over the years, have been introduced intentionally or by accident. Furthermore, Marin's uplands are covered with highly flammable vegetation, a substantial portion of which consists of non-native species that have successfully invaded ecosystems which they threaten to obliterate.

On Marin's agricultural rangelands and pastures, noxious weeds¹ interfere with productive rangeland and/or pose the risk of injury and/or illness to livestock due to their toxicity or physical traits (e.g., spines, burrs, etc.) They include Scotch and French broom, purple star thistle, and especially woolly distaff thistle, among others. They pose a particular threat to organic dairy and livestock ranching, which are highly dependent on healthy and productive rangeland.

IPM approach to managing invasive plant populations. IPM is a widely-practiced, science-based system of tiered decision-making among multiple options. Treatment depends on the purpose, which can be to eradicate weeds threatening native plant species; reduce fire risk; or restore agricultural lands rendered unproductive by distaff and thistle. Effective use of IPM relies on knowledge about the pest plants and

¹ California defines a noxious weed in Section 5004 of the Food and Agriculture Code.

California's list of designated noxious weeds may be found at: http://www.cdffa.ca.gov/plant/ipc/encycloweedia/weedinfor/winfo_table-sciname.html

the plants that may be threatened, the extent and location of infestations, and regulatory and environmental requirements.

In attempting to eliminate or reduce the occurrence of an invasive plant, IPM treatment selects from a “tool box” that can include mechanical, cultural, biological, and chemical control methods. Mechanical controls include use of hand-held pulling or excavation tools, wheeled or tracked mechanized equipment, as well as tarps, mulches, and sheet materials. Cultural controls involve manipulation of growing conditions so as to reduce pest plant establishment, reproduction, dispersal, and survival. Biological controls employ natural enemies such as predators, parasites, pathogens, and competitors, to eliminate or reduce pest plants. Chemical controls involve use of herbicides to control or eradicate invasive plants. An IPM strategy would select the least toxic chemical when other methods have failed, or when they are more environmentally harmful (e.g., mechanical pulling or excavation may be more disruptive to the soil environment and encourage germination), and/or when it is more cost-effective to use herbicide.

Implementing IPM involves the following steps: Early detection/rapid response is the ideal first approach. Where invasive plants are detected, tools selected are those that are the least disruptive to the environment, the safest for people and animals, and targeted solely at the invasive species. Once invasive plant populations have become established, steps include surveying for and correctly identifying the pest species; gathering data on its biology and environmental factors at the site of interest; establishing damage thresholds for taking control actions; developing and implementing a multi-faceted control strategy; and conducting monitoring and follow control activities as needed. Effective control of invasive and destructive pest plants requires highly individualized programs to reflect differing conditions.

MCL supports use of herbicides. MCL supports judicious use of herbicides, where invasive plants threaten the ecological integrity of natural communities, degrade recreational resources and values, render agricultural tracts unusable, or create the risk of wildfire in open space and watershed lands, and/or when all other corrective methods to address these situations have failed to be cost-effective. It follows that MCL supports the use of herbicides under the following conditions: to be applied by pesticide applicators licensed through the California Department of Pesticide Regulation and registered with the Marin County Department of Agriculture; narrowly targeted to address the specific situation at issue; and, used minimally and carefully to avoid contact with non-targeted vegetation, waterways, people, wildlife, and domestic animals.

NOTES (to be used or incorporated in Policy if desired)

Consistency with Other MCL Policies. Support for integrated pest management control methods is consistent with, and a component of, other MCL policies that support protection and preservation of the natural environment as a priority in the majority of land use critiques, and a thriving agricultural community that also protects environmental resources. It is consistent with Recommendation 1.40 in Community Marin, adopted by MCL.

Use of Herbicides by the general public. Marin County public agencies use very small quantities of chemicals to control invasive weeds and do so following strict protocols to protect the public and the

Attachment A

surrounding environment. The vast majority of herbicide use occurs in home gardens, where there is no oversight of its use nor training on proper handling. In addition, use of chemicals in private landscapes is not posted to alert the public of possible exposure. MCL supports the work of the Marin County Stormwater Pollution Prevention Program (MCSTOPPP), a program of Marin County Department of Public Works, which is most active in promoting a limit on use of all pesticides by the public.

Glyphosate. Current concern is centered on glyphosate, arguably the most widely used herbicide in industrial soy and corn cultivation, including crops that are genetically engineered to be resistant to the herbicide. In April, glyphosate was added to the 2A listing of substances that “probably cause cancer in humans” by the International Agency for Research on Cancer (IARC), based on a finding of “limited evidence of carcinogenicity in humans for non-Hodgkin lymphoma.” The listing is based on extrapolation from laboratory animal and cell research. The list also includes alcohol, wood dust, and solar radiation (sunshine) among other common materials that pose a cancer risk. Responses have been mixed: a number of countries have banned the use of glyphosate entirely. Other responses have been less comprehensive. MCL’s policy does not address use of glyphosate or any other herbicide in wide-scale agriculture applications, particularly on food crops. It is limited to the much smaller-scale and strategic applications on open spaces and range lands described in this policy.

MCL IPM Policy as expressed in a letter in 2009

On July 21, 2009, the Marin County Board of Supervisors adopted a revised Integrated Pest Management (IPM) Ordinance and Policy. MCL supported the adoption. Among other provisions, the Ordinance and Policy will require pesticide-free zones at all County public parks, playgrounds, and picnic areas; a list of pesticides allowed for use on County property; advance postings of planned pesticide applications by location; and a goal of 10% per year reduction of pesticide use based upon product, pest conditions, and funding.

MCL agreed that Integrated Pest Management is a systematic method for abating plant and animal pests. It involves understanding pest biology, diagnosing damage, and selecting the most appropriate management tools. An IPM program does not necessarily eliminate pesticide use altogether; rather, it mandates that the least toxic measure be used where other non-toxic measures prove to be ineffective and that if a pesticide is used, it be applied according to “best management practices.”

In approving the County Ordinance, MCL also recommended that the IPM Commission be reconstituted, with an executive committee capable of making decisions; the position of IPM Coordinator be shifted to a different location within the county administration; and buffer zones be flexible, that is, determined as part of site specific pest management plans. MCL believes it is impractical to adopt a single pesticide-free policy for multi-use trails and paths, which often pass through different jurisdictions, different habitat and geographic zones and will require a variety of treatments, such as to eliminate invasive and fire-prone vegetation. Finally, if the new revised IPM Ordinance and Policy are to be countywide, the Board of Supervisors, sitting as Boards for the Open Space District, Flood Control District, Community Service Areas, and the Marin Housing Authority, must also adopt a consistent Ordinance and Policy and adequately fund the program so that all site specific pest management plans can be established and regularly updated.

Issue: Regulating Ongoing Agricultural Activities

Coastal Commission Staff Proposal:

Agricultural Production Activities, Ongoing (Coastal). Existing legally established agricultural production activities, including all ongoing grading and routine agricultural cultivation practices (e.g. plowing, tilling, planting, harvesting, and seeding), which have not been expanded into never before used areas and have not been discontinued for more than the previous 10 years. Agricultural production activities may include the conversion of grazing to crop production or other ongoing activity involving a change in the intensity of use of land or water (such as for ongoing rotational grazing and crop farming) if the ongoing production activity has been part of a regular pattern of agricultural practices that has not been discontinued for more than the previous 10 years. If the ongoing production activity has been discontinued for more than the previous 10 years, the permit issuing authority may allow an Applicant to overcome the presumption that the agricultural production activity is no longer ongoing if the Applicant demonstrates his or her ongoing intention to reinstate the agricultural production activity based on the history of agricultural production on the property, the long-term investment in the agricultural production activity on the property, and the existence of infrastructure to support the agricultural production activity.

Conversion of grazing to crop production or any other new or expanded activity involving grading or a change in the intensity of use of land or water that has not been part of a regular pattern of agricultural practices or has been discontinued for more than the period of time prescribed herein is not an ongoing agricultural production activity but rather constitutes new development requiring a coastal permit consistent with Chapters 22.68 and 22.70, unless such development is categorically excluded by a Coastal Commission approved Categorical Exclusion Order.

County Staff Draft Proposal:

Option 1

Agricultural Production Activities, Ongoing Coastal. Existing agricultural production activities, including all ongoing grading and routine agricultural cultivation practices (e.g. plowing, tilling, planting, harvesting, and seeding) and new or renewed agricultural production activities which involve routine agricultural cultivation practices, including plowing, tilling, planting, harvesting and seeding, and do not expand into areas where Environmentally Sensitive Habitat Areas (ESHA) and ESHA buffers exist.

Option 2

Ongoing agricultural activities and the harvesting of major vegetation for agricultural purposes are not development, and therefore do not require a permit. The following activities shall require a coastal permit:

- a. Terracing of more than 1 acre of land for agricultural production;
- b. Preparation or planting of more than 5 acres of land for viticulture;
- c. Installation or extension of irrigation systems on more than 5 acres of land;
and
- d. Grading or removing natural vegetation designated as environmentally sensitive habitat areas (ESHA) for the purpose of expanding agricultural uses on land not previously used for agriculture.

Issue: Restrictions on number of farmhouses and intergenerational homes (*Section 22.65.040.C.1.e – C-APZ District Standards*)

Coastal Commission Staff Proposal:

3. An application for a farmhouse or intergenerational home shall identify the farm, which shall consist of all parcels owned (in either total or partial fee ownership) by the same owner of the property upon which the proposed farmhouse or intergenerational home is located. A farm shall consist of no less than all contiguous properties under common ownership. Non- contiguous property may constitute a separate farm when determined to be a wholly independent farming operation, as evidenced by such factors as independent types of bona fide commercial agricultural production, the history of such agricultural production on the property, and the long-term capital investment in independent agricultural operations and infrastructure (such as fencing, processing facilities, marketing mechanisms, and agricultural worker housing). The application shall identify all existing agricultural dwellings on the identified parcels that constitute the farm, and shall demonstrate that the proposed farmhouse or intergenerational house is located on a legal lot.
4. Only one farmhouse or a combination of one farmhouse and up to two intergenerational homes with the combined total of 7,000 square feet (plus the allowed 540 square feet of garage space and 500 square feet of office space in the farmhouse used in connection with the agricultural operation) is allowed for the farm identified in subsection (3) above, regardless of the number of legal lots the farm owner or operator owns that comprise the farm. Nothing in this subsection shall be construed to prohibit the sale of any legal lot comprising the farm nor require the imposition of any restrictive covenant on any legal lot comprising the farm other than the legal lot upon which development of one farmhouse and up to two intergenerational homes is approved. Future development of other legal lots comprising the farm shall be subject to the provisions of the LCP and Development Code including but not limited to Section 22.65.040.

County Staff Draft Proposal:

3. An application for a farmhouse or intergenerational home shall identify all parcels owned by the same owner of the property upon which the proposed farmhouse or intergenerational home is located, all contiguous *parcels* under common ownership (*the “farm tract”*). The application shall identify all existing

agricultural dwellings on the identified parcels—shall demonstrate that the proposed farmhouse or intergenerational house is located on a legal lot.

4. Only one *Agricultural Dwelling Cluster* (*a* farmhouse or a combination of one farmhouse and up to two intergenerational homes with the combined total of 7,000 square feet (plus the allowed 540 square feet of garage space and 500 square feet of office space in the farmhouse used in connection with the agricultural operation) is allowed for the farm *tract* identified in subsection (3) above. Nothing in this subsection shall be construed to prohibit the sale of any legal lot comprising the farm, nor require the imposition of any restrictive covenant on any legal lot comprising the farm other than the legal lot upon which development of one farmhouse and up to two intergenerational homes is approved. Future development of other legal lots comprising the farm shall be subject to the provisions of the LCP and Development Code, including but not limited to Section 22.65.040.

Issue: Standards for agricultural retail sales and production facilities

County Staff Draft Proposal:

Agricultural Processing Uses:

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 within the farmshed, defined as the same farm as the proposed processing facility or on other agricultural properties located in Marin County or Sonoma County.
3. The operator of the processing facility is directly involved in the agricultural production on the property on which the processing facility is located ~~and other properties located in the farmshed which provide agricultural products to the processing facility;~~
4. Sufficient parking, ingress, and egress are 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.