

Land Use & Transportation Committee Meeting
Marin Conservation League
Wednesday, March 4, 2015 – 9:00 am
175 N. Redwood Dr., San Rafael

Agenda

- 1. Announcements:**
- 2. Draft minutes:** February 4, 2015
- 3. Approval of Agenda**
- 4. Action Items:**
 - a.** Approval of a Proposed Policy Statement Re MCL's Support for Marin's Farms and Ranches – draft attached
 - b.** Approval of a Proposed Letter to California Coastal Commission Executive Director re Commission staff edits to Update of Marin LCP – draft proposal attached (Commission staff hasn't provided any written updates to their edits in response to comments made at MCL's-hosted January 30th work session. Dilemma with timing will be discussed.)
- 5. Countywide planning issues:**
- 6. Brief Updates:**
 - c.** Greenbrae N/S Greenway meeting at TAM – Randy
 - d.** Marin General Hospital expansion – Ann
 - e.** Water updates – Ann
 - f.** Whistlestop proposed housing – Nona
 - g.** SMART/wetlands issues – Kate, Ann
 - h.** Priority Conservation Areas – Kate
 - i.** Novato General Plan Update – Rick
 - j.** Pt. Reyes Natl. Seashore ranch management plan – Judy
 - k.** Community Marin – Priscilla, Rick
- 7. Back Burner issues:**
Easton Point
Stream Conservation Areas
Canalways
Highway 101 projects
SMART or NCRA (rail projects)
Hetzfield project, Lucas Valley
Golden Gate Baptist Seminary
Hamilton Sports Facility
- 8. Next meeting April 1, 2015**

Agricultural Land Use Committee
Planning Subcommittee
March 4, 2015 - 11 a.m.

1. Follow-up Work Session on response to CCC Staff Proposed Edits to Marin LCP – Development Code
2. Point Reyes Ranch Management Plan and Planning Process: Update
3. Discuss steps to Develop Updated MCL Agricultural Land Use policies – See draft for discussion.
- 4.

MARIN CONSERVATION LEAGUE

Land Use and Transportation Committee Meeting Notes: February 4, 2015

Present: Susan Stompe, chair; also Priscilla Bull, Nona Dennis, Don Dickenson, Rick Fraites, Sally Gale, Randy Greenberg, Jana Haehl, Bob Johnston, Pat Nelson, Kate Powers, Judy Teichman, Ann Thomas. Met 9 to 11:45.

Agenda: Canalways moved to “back burner”.

January 7, 2015 Meeting Notes. Approved with one edit: David Lewis was not present.

Marin Local Coastal Plan/Policy Statements. Following a January 23 workshop for MCL members and other interested parties, and a January 30 quarterly Agricultural Land Use meeting, Judy and Sally prepared a draft list of recommendations/comments on the Coastal Conservancy’s revision of the County-approved Local Coastal Plan (LCP) development code. Their initial intent was that the comments would be in a letter to Coastal Commission ED Charles Lester, but committee discussion considered that this was premature until the issues had been discussed by the MCL board. Further, comments to the Commission are not due until April.

The LCP is a required document to guide development and protect resources in the state’s 1,100 mile coastal zone, an area that varies in width from several hundred feet to up to five miles inland, and extends three miles offshore. Marin’s Coastal zone includes more than 82 thousand acres, including about 34 thousand acres owned and managed by the National Park Service. About a third of Marin’s coastal zone is in agriculture, some of these lands being in the Park.

Randy reminded committee that as the Commission has already approved the LCP’s land use plan they are currently concerned only with refining the development code to be consistent with, and clarify as needed, the land use plan. It is too late to modify the land use plan. Nona noted that the recent MCL meetings, including people actively engaged in ranching or farming, has been helpful in identifying issues that need to be clarified.

Most of this Land Use Committee meeting was devoted to discussing and editing the draft letter into a statement of positions that could be reviewed by the MCL board and then used as the basis for a letter to the Commission. Judy took notes and was to incorporate changes and circulate the edited draft to today’s participants over the weekend.

M/S (Sally/Rick) and approved that a document based on the revisions agreed upon at today’s Land Use meeting will be prepared for MCL board approval.

Pt Reyes National Seashore Ranch Mgmt Plan Update. Judy stated that Park Superintendent Cicely Muldoon emailed her that the testing of elk in the pastoral zone for Johne’s disease is proceeding well. Park staff collected elk fecal samples for several months, from both D Ranch and Limantour herds, for testing at the University of Wisconsin and all 137 samples tested negative for the disease. Seashore staff, Ms. Muldoon reported, are in discussions with California Department of Fish and Wildlife regarding next steps.

EAC Request/Housing Size. Susan reported having received an email from Amy Trainer regarding her organization’s interest in suggesting adding language to the already-certified LCP land use plan, limiting all new development in the coastal zone, except for the C-APZ district, to the overall size of 3,500 square feet plus up to 500 square feet for a garage.

Transportation. Bob said the Transportation Authority of Marin certified the Measure A oversight committee’s report.

Novato General Plan Update. Susan reviewed comments that the North Marin Unit have made to Novato staff regarding the City's general plan revision. The Unit comments included the following: urged improved stream/creek definition including acknowledgement that human-made ditches are often creeks that have been relocated but continue to serve their original functions; create a creek baseline; urge extension of the Baylands Corridor; continue to apply CEQA review for any major repurposing of land or raw land development; check with other cities for tree replacement policies; retain non-residential development fees for Park and Recreation; consider ephemerals as streams. There was general approval of the Unit's approach.

Gallinas Creek. Kate reported that some area residents are concerned about unpermitted work done by the Sonoma Marin Area Rail Transit (SMART) district near Gallinas Creek, so SMART halted work in order to obtain permits. In recent rains sediment washed into the creek near the area where SMART is working and a group of Rafael Meadows neighbors has asked SMART for copies of permits and construction documents.

Stream Conservation Area (SCA) Ordinance Update. Ann reported that the courts are about to issue a final writ requiring the County to do a supplemental EIR on the 2007 CWP focused on cumulative impacts on salmonids in the San Geronimo Valley. The court action leading to this order was filed by Salmon Protection and Watershed Network (SPAWN) following the County's adoption of an SCA ordinance in 2013 which SPAWN did not support. Since the suit was filed the 2007 CWP has continued to apply in all unincorporated areas except the San Geronimo Valley, where the 1994 CWP policies regarding creeks and streams applies on an interim basis. This will continue to be the case until a supplemental EIR is completed. The County Community Development Agency is considering steps to implement the court order and whatever is decided will be made public in the context of the FY budget where the department's work plan for the coming year will be described. In the meantime the County is continuing the mapping of ephemeral streams, which will be an important component of any subsequent SCA ordinance.

Agricultural Land Use Committee.

Present: Judy Teichman, chairing; also Nona Dennis, Sally Gale, Jana Haehl, Bob Johnston, Kate Powers, Susan Stompe, Ann Thomas.

LCP Comments and Preparation. The group briefly discussed the LCP and Ranch Management Planning activities.

Program Ideas. Some suggestions were made for possible future field trips to West Marin, with the intent of engaging residents of eastern Marin in the agricultural part of the county. Some ideas were: climate change activities, Tomales Bay, ranching in the Park, tours of the Mendoza or Spoletta ranches, elk situation, and organic farming operations.

The dual committee meetings (Land Use and Ag Land Use) adjourned at 12:15.

Notes: AT

M E M O R A N D U M
February 27, 2015

From: Sally Gale, Co-Chair, Agricultural Land Use Committee

To: Agricultural Land Use Planning Subcommittee, and
Land Use and Transportation Committee

Subject: Proposed MCL Agricultural Land Use Policy

Below is a draft background and statement of policies prepared in response to concerns raised at the February 18 Board meeting in connection with a proposed letter to the California Coastal Commission regarding Commission staff edits to the proposed Marin LCP Update as it relates to agriculture. It is a “work-in-progress” in that it incorporates some edits suggested by Nona and others too late for a final editorial review.

Since we'd like to be able to leave the meetings on Wednesday with a policy ready for Board consideration, we'd appreciate it if committee members will send any concerns with this draft to either Judy Teichman or me in advance of the meeting. We will take comments received by the end of the day on Monday into account in preparing an updated version for discussion Wednesday morning.

**MCL SUPPORTS MARIN'S FARMS' AND RANCHES'
CONSERVATION AND STEWARDSHIP PRACTICES**

Preamble: To put this Policy into context it is important to review Marin Conservation League's mission and programmatic goals, as expressed in the MCL Strategic Plan 2012-2014. The mission of MCL, adopted many decades ago, is to “preserve, protect, and enhance the natural assets of Marin County.” The mission embraces a wide range of “assets” that fall into two broad programmatic areas: (a) protection of Marin's sensitive lands and ecological diversity, e.g., endangered species; and (b) natural resource use and conservation. The latter area includes seven goals that address issues of supply and consumption of natural resources, such as water and watersheds, energy, air quality, soils, and agriculture. Among them, Goal 7 “supports agriculture as an important contributor to Marin's economy, local food supply and open space character, and promote agricultural practices that are both productive and compatible with stream conservation areas, wetlands, and other sensitive wildlife habitats.” This should be the general basis for an agricultural policy.

MCL Commitment. The Marin Conservation League believes that Marin's ranches and farms play an important role in providing healthy food to the people of Marin and elsewhere; they preserve an important cultural heritage; they provide a healthy habitat for many of Marin's unique flora and fauna; and they can militate against climate change. The Marin Conservation League supports diversification of products and ranching activities, while providing maximum protection of agriculturally productive land and

waters, to allow Marin farmers and ranchers to remain economically viable and to continue agricultural use of the land. The Marin Conservation League recognizes the benefit of vertical integration (e.g., Straus Creamery, which receives milk from several sources) and direct sales of farm products as an efficient means to deliver products, ensure fresh quality, and reinforce consumer connection to the land. The Marin Conservation League understands that “value added” agricultural products from local ranches can mean fresher, better quality food for the consumer, as well as economic benefit for the farmer. The Marin Conservation League recognizes the benefit of programs that enable the next generation to stay on the land, thereby preserving both continuity and culture, at the same time limiting the number and size of residences on agriculturally productive land. Finally, the Marin Conservation League supports the efforts of those Marin’s ranching and farming families and supporting agencies that continue to enhance the environmental values of the land on which they live. Good management of the land insures clean water in our streams, beneficial habitat for native plants and animals, and a healthy overall ecosystem.”

History and Culture. Historically, Marin’s environmental organizations have supported sound agricultural practice as a means of preserving and protecting Marin’s agricultural landscape. Comprising about a third of the land mass of Marin, Marin’s farms and ranches have provided land and natural resource protection by their very existence. Supported by strong county policy and zoning, only limited housing and no industry development can occur on land devoted to agriculture. Principally small beef and dairy operations, Marin’s farms depend on healthy coastal prairie and other grasslands that make up the majority of Marin’s agriculturally productive land to succeed. Rolling grasslands dotted with grazing animals characterize the coastal hills of West Marin.

The preponderance of grass-based agriculture provides habitat for many wildlife and native plants. This continuous land area of 130,000 acres under private stewardship provides considerable public benefits.

Marin’s agricultural lands provide cultural benefits as well. While most of California is characterized by rapid change and increasingly crowded conditions, Marin’s ranches remain a model of continuity and stability. Multiple generations, in many cases up to six generations, have farmed the same land since the mid 1800s. Loyalty to family and to the land characterizes this community.

The Need for Innovation, Diversification and Vertical Integration. Nationwide, agricultural families have faced considerable challenges staying on the land. Less than 2 % of the farms existing at the turn of the 20th century remain in productive agriculture. Marin was at one time almost completely covered in working ranches, but has followed the national pattern of losing agricultural land to development. The post World War II housing boom covered over most of the Prime Agricultural Land in East Marin, particularly in and around Novato, where orchards and row crop farms once thrived. However, Marin has fared better than most of the United States in the preservation of agricultural lands and public open space due to an active and engaged environmental, political and agricultural partnership.

The success of Marin agriculture is due in part to a renaissance of both production and restoration activities beginning in the mid-1990s. The drivers of this movement were motivated by a need for continuity and economic viability, increased consumer demand for humanely raised animals and organic products, and the requirement for better management of water quality, soils, and other environmental conditions. To enhance economic viability, over the last 15 years, the University of California Cooperative Extension office has provided more than 56 workshops for approximately 2,700 participating farmers and ranchers on diversification and value added production. The intergenerational aspect of Marin agriculture meant that in order to keep the next generation on the farm, the farm had to offer something new and economically attractive to hold the interest of young farmers. More and different products and greater income were needed to make room for the new generation. The result was an escalation of endeavors benefitting consumers and producers, productive land, and domestic livestock.

Ranches began to diversify in order to provide niches for the next generation and for those consumers wanting more than traditional food systems provided at the time. One ranch produced grass fed beef sold directly to urban families, a U Pick Apple Orchard and an in-farmhouse Bed and Breakfast, while another gave on-farm educational tours of their organic vegetable farm, and yet another dairy went organic and made on-farm ice cream sold at the local Farmer's Market as well as continuing to sell milk traditionally.

Currently, more than 70% of Marin's 27 dairies are organic, including more than 40,000 acres of pastureland. This is more than 30 percent of the total private farming acreage in Marin, and three times the state and national rates for organic agriculture. The number of organic and/or grass fed beef ranches has increased substantially. The number of cheese making facilities, pastured free-range egg producers and the berry, vegetable, fruit tree, and cut flower operations continues to multiply. To give meaning to "diversification" and "value added," hard cider and bufalo mozzarella are some of the newer products in the offing.

Environmental Values and Carbon Sequestration. The vision and risk-taking involved in developing new products over the past 20 years was accompanied by a resurgence of protective and enhancing measures on the land, prompted (and also financially supported), in large part, by more stringent water quality standards for managing livestock and dairy operations. The Marin Resource Conservation District reports that during the past 10 years nine and one-half miles of stream were restored and protected, 155 best management practices were implemented, 7,125 native trees and shrubs were planted, and 28,000 acres of pasture were enhanced. To support both generational succession and long-term viability of ranches, since its inception in 1980, the Marin Agricultural Land Trust (MALT) has purchased protected easements for 75 family farms on more than 47,000 acres of farmland. Due to improved grassland management, the Marin Carbon project estimates that Marin's farms have the potential to sequester over 50,000 tons of CO₂e annually through both existing and future on-farm conservation efforts.

Government Oversight. Marin County government has a long history of both protecting and regulating agriculture and agricultural land through Countywide Plan policies, ordinances and zoning. The agricultural protection movement began in the 1970s when

the Marin County Board of Supervisors put A-60 zoning into place. In 1981, the first Local Coastal Program was established covering agriculture and other land uses in the Coastal Zone. Since then Marin County has continued to ensure that agricultural land remains open by instituting clustering requirements, a hilltop ordinance and house size restrictions. Planning, building, and environmental health permitting requirements enable County government, in concert with regional and state agencies, to keep track of most development.

Going Forward. Just as the farming and ranching community reinvented itself over the past 20 years while preserving its cultural values and unique identity, so too must the future provide fertile ground for the new generation, while preserving strong environmental values. The next generation must be able to develop new ideas and put them into practice with a reasonable amount of public support. The unique needs of a ranching operation must be recognized by the oversight agencies in terms of housing, labor, infrastructure and the need to maintain farming and ranching operations in an affordable as well as environmentally responsible manner. The needs of the land must be met with adequate assistance from government agencies in order to support good stewardship of this valuable natural and cultural resource that makes up a large part of what we call West Marin.

Definition of Terms (Definitions are sourced from Wikipedia, Merriam Webster Dictionary, California Department of Agriculture, and US Department of Agriculture)

Agricultural diversification: In the agricultural context, diversification can be regarded as the re-allocation of some of a farm's productive resources, such as land, capital, farm equipment and paid labor, into new activities. These can be new crops or livestock products, "value-adding" activities, and provision of services to other farmers and, particularly in richer countries, non-farming activities such as providing opportunities for "farm stays". Factors leading to decisions to diversify are many, but include; reducing risk, responding to changing consumer demands or changing government policy, responding to external shocks and, more recently, as a consequence of or in anticipation of climate change.

Carbon sequestration: The process of removing carbon from the atmosphere via plant photosynthesis and long-term storage of that carbon in soils and vegetation.

Cultural resource: Cultural resources are defined as the collective evidence of the past activities and accomplishments of people. Buildings, objects, features, locations, and structures with scientific, historic, and cultural value are all examples of cultural resources.

Direct sales: Direct selling is the marketing and selling of products directly to consumers away from a fixed retail location. Modern direct selling includes sales made through the Community Supported Agriculture (CSA), one-on-one transactions, and other personal contact arrangements as well as internet sales.

Intergenerational: Relating to, involving, or affecting several generations.

Prime agricultural land: Agricultural land is rated according to soil quality and irrigation status; the best quality land is called Prime Farmland. The majority of Marin's agricultural land is not prime. However, it is considered high quality rangeland.

Sustainable: Able to be used diminishing the potential for future use. Involving methods that do not completely use up or destroy natural resources. Able to last or continue for a long time. Resource management or use that does not foreclose options for future use or management of that resource.

Value added: A change in the physical state or form of a product (such as milling wheat into flour or making strawberries into jam) that enhances its value. The physical segregation of an agricultural commodity or product in a manner that results in the enhancement of the value to the seller of that commodity or product (such as organic certification or an identity-preserved marketing system).

Vertical integration: The combination in one company of two or more stages of production, which may be operated by separate companies.

Viability: The degree to which something is workable and likely to survive or to have real meaning, pertinence. Viability can refer to long-term economic survival, or it can refer to the viability (survival) of a wildlife or plant population over time, or the long-term survival of productive soil, or a water source, etc.

MARIN CONSERVATION LEAGUE

March 19, 2015

Dr. Charles Lester, Executive Director
California Coastal Commission
45 Fremont Street, #2000
San Francisco, CA 94105

Subject: Marin Local Coastal Program Update - Comments on Proposed
Commission Staff Edits

Dear Dr. Lester:

The Marin Conservation League was a leader in supporting creation of the California Coastal Commission and continues to respect the efforts of the Commission staff to assist, among other things, in safeguarding agriculture in Marin's coastal zone. In recent months, MCL has facilitated a dialogue in the environmental and agricultural communities regarding Commission staff proposed edits relating to provisions applicable to agriculture in an Update to Marin County's Local Coastal Program in what we called "work sessions."

We forwarded minutes of a January 23 work session to Kevin Kahn, District Supervisor, LCP Planning, and Nancy Cave, North Central Coast District Manager. We appreciated their participating fully in a combination Skype/conference call on January 30 with both MCL members and others who had participated in work sessions to discuss the issues described in the minutes.

By the time you receive this, Commission staff may have released an updated version of their proposed edits that take into account the January 30 discussions. However, to ensure the broadest participation, MCL works through "issues committees," which forward recommendations to the Board, and revised Commission staff edits were not received in time to be considered at the March 4 MCL issues committee meeting.

We are hopeful that the Commission staff edits that are proposed for Commission consideration at its April meeting will reflect the effort made by all parties both leading up to and during the January 30 discussions. The attached memorandum is offer to confirm MCL's concerns with the earlier proposed edits.

Although the Commission is scheduled to act on the Marin LCP at its April meeting, the participants in the work sessions and the meeting on January 30 remain interested in providing input on issues that will impact agriculture in Marin's coastal zone if that would be helpful.

Best regards,

Jon Elam, President

M E M O R A N D U M

March 4, 2014

To: MCL Board of Directors

From: Land Use and Transportation and Agricultural Land Use
Planning Subcommittee

Subject: Comments on Proposed Coastal Commission Staff Edits to
Marin's Proposed LCP Update

The Agricultural Land Use Committee has organized “work sessions” bringing members of the environmental and agricultural communities together to discuss the California Coastal Commission staff’s proposed edits to the Marin draft LCP Update. Minutes of these sessions, as well as audio recordings of these sessions, are available. They confirm that the following issues were concerns for virtually all, and in many instances all, of the participants in these sessions:

- a) The Coastal Commission staff’s definition of agriculture as development is inconsistent with Marin County’s definition of “agriculture” that applies to the remainder of Marin County. We also believe that it is inconsistent with the Coastal Act, which does not define “agriculture,” but does define “prime agricultural land,” of which there is little in Marin. The County’s treatment of “value- added” opportunities in the draft Update, such as production and sales facilities, is consistent with the intent of the Coastal Act’s provisions regarding “all other lands suitable for agriculture.” See Public Resources Code Section 30242.
- b) The “Agricultural Activities, Ongoing (Coastal)” definition that Coastal Commission staff added, and the “Grading (coastal)” definition that was modified, are unnecessarily restrictive for agricultural landowners and are based on a false impression of what it takes to maintain agricultural land in an environmentally sensitive manner.
- c) The words “necessary to” in the oft-repeated phrase in the Coastal Commission’s staff edits be dropped. The preferred phrase is as follows: “Agricultural [here insert “accessory activities”, “accessory structures”, “farmhouses”, “intergenerational housing”] shall be accessory to, incidental to, in support of, and compatible with, ~~and necessary to~~ agricultural production.” Some of the permitted activities allowable and not necessary to agricultural production, such as farm stays, may be beneficial to the agricultural viability of a farm or ranch and contribute to public understanding of local sustainable agriculture; however, they cannot be said to be “necessary to agricultural production.”

- d) Both small-scale on-farm processing and retail sales should be principally permitted uses, and should not be appealable to the Coastal Commission. If permits for these uses are appealable to the Coastal Commission, the very ranchers who are seeking ways of making their operation more economically viable will be discouraged from pursuing these opportunities because of the potentially costly burden of fighting an appeal.
- e) Ranchers should be allowed to build intergenerational homes on each legal lot they own rather than being limited to one set of intergenerational homes per landowner. MCL is concerned that making the limitation applicable to all agricultural land owned by a rancher would push ranchers to split their ranches into non-viable lots just to be able to allow their children to build. It would also discourage ranchers from purchasing adjacent land. There is also the question of constitutionality.
- f) The provision for farm tours should be revised to allow farm owners and operators to charge for these tours without obtaining a permit.

More generally, the Land Use and Agricultural Land Use Planning Subcommittee recommend that MCL recommend that the Coastal Commission adopt Marin County's version of the LCP Update as it relates to agriculture in the coastal zone to the greatest extent possible.