

APPROVED MINUTES

MCL Agricultural Land Use Committee
Friday, October 24, 2014,
Marin County Farm Bureau Board Room
Point Reyes Station

Judy Teichman and Sally Gale co-chaired the meeting, held from 9 to 11 AM at the Marin County Farm Bureau Board Room in Pt. Reyes Station. For a list of some 20 + attendees, go to the bottom of the minutes.

1. Agenda: PRNS Ranch Management Process Update canceled, as Melanie Gunn was unable to attend. Approval of the minutes of July 15, 2014 moved to item 5.

2. Local Coastal Plan (LCP) Update (Jack Leibster). Marin County planner Jack Leibster gave an update on the current status of the Local Coastal Plan. He noted that there are several steps ahead before the LCP is finally adopted by the County.

The Local Coastal Plan consists of the land use plan, which sets out the policies, and the Development Code, which contains the implementing ordinances. Marin County submitted its updated LCP to the California Coastal Commission [CCC] for a hearing in May 2014. The CCC adopted a set of recommended modifications to the County Plan. The County will not act on the recommended modifications until it has the entire Plan. The Commission staff has now circulated a draft of proposed edits to the Development Code. If the Commission adopts the recommendations in December, at a meeting in Monterey, it will send them to the County for hearings in February. The ambitious schedule calls for the land use plan and ordinances to go back to the Commission for adoption at a meeting, which should be held in this area, in April. Jack cautioned that this is an ambitious schedule considering the gap between what the Board adopted and the Commission adopted as recommended modifications.

Jack explained that the California Coastal Act established agriculture as a resource to be protected in the coastal zone, and this is what the County has tried to do. He said, "Our ag is pretty unique compared to what you see in the Central Valley and the rest of the country. The 'culture' in our agriculture is also unique. Family farms are few and far between, increasingly so in the rest of the country. The rootedness of our agriculture and agricultural families is evident and valued in Marin. In developing the coastal plan, we heard from farmers and ranchers that they are currently so constrained they are not able to continue the historical practice of working with a new generation while caring for the elder generation. Those were the underlying principles that lead to most of our proposals.

Changes to the LCP include provisions for intergenerational housing, processing facilities, on-site sale of products, and limitations on the ability to rotate crops. The Countywide Plan was amended in 2007 to allow for retail sales and processing facilities on site. Sally pointed out that experience under the Countywide Plan is an indication of what can be expected with similar provisions under the LCP.

Intergenerational Housing: The Coastal Commission staff did pages of changes, some of which Jack said the County staff didn't see until the night before the Commission meeting. He said that one of the big changes made the 7000 square foot limit applicable to each owner or operator rather than the parcel, which is a profound and unprecedented difference. The way the provision is written, it's possible that what Commission staff wrote is not what then intended. However, it was approved by the Commission so it's now the law. Jack said the County staff was told to keep the proposed draft Commission edits "in house." However, Amy Trainer had a copy. She said that the Commission staff is looking for input and agreed to send a copy to Judy to circulate.

In developing the plan, County staff looked at parcels – ownership -- rather than "lots." The proposed LCP update puts a 7000 square foot cap on intergenerational homes. Because of the historical development of agriculture and the lack of pipelines when the land was settled, there is a lot of old and existing farm infrastructure located near water. The proposed LCP update sets a priority for locating structures on non-arable land away from water resources.

The biggest threat to agriculture could be suburban residential/rural mansions. Although agricultural land is zoned A-60, the County generally does not allow owners of larger parcels to subdivide. However, Jack pointed out, it's just a matter of time before someone sues to challenge this practice. Sam Dolcini added that it will be the person who buys the property who can afford to challenge the County's practice, not a rancher or farmer because they can't afford to sue. The County proposes allowing what they call intergenerational housing with a cap on the size of habitable space on a single parcel to encourage a stable, open space "culture" to continue.

In designing the provisions governing intergenerational housing the County began by looking at the tremendous efforts done by others to preserve agricultural land. Forty-six percent of coastal agricultural lands are under MALT easements. Additional agricultural land is protected under Williamson Act contracts. "Worst case," that leaves just 27 agricultural parcels in the coastal zone where development might be sought under the new LCP. This is what led the County to allow up to 27 intergenerational housing developments. Each parcel would be limited to maximum of 7,000 square feet of additional habitable floor area, 540 square feet for a garage and 500 square feet for office use. The average of existing habitable space in agricultural areas is 1901 square feet.

Sam Dolcini suggested that the public should "dance with the one who brought you to the dance. We don't have time or money to build a monster house. We need to have more options so we can continue on the land." Sally said, "if you can just maintain a ranch you are doing well. There are so many challenges, drought being just one. The County is saying 'you have some breathing room. We support it'. We like that kind of feeling from the county."

Retail Sales on Site. Discussion included the following comments and exchanges:

Defining what is meant by local farm product appropriate for sale at a Marin County farm stand is difficult. How broad does this reach? The LCP describes it as “anything grown within the farmshed” but there does not appear to be a clear understanding of what the terms “locally produced” and “farmshed” means.

- David Lewis pointed out some of the complexities in determining what is appropriately sold as an “on farm” product. Using cheese as an example, he pointed out that there may be multiple sources for ingredient in a single product, such a multiple species cheese made by local farmers in partnership, one raising cow, one raising goats. Another example was Mrs. X’s pie using sugar, which is obviously not produced on a Marin farm.
- Gordon Bennett noted that the definition of an “agricultural product” is unresolved. We all understand the basic component, but if cheese if related to milk can you sell vodka if you raise potatoes. Jack said, “That’s an excellent question to ask the CCC. We had an elaborate scheme to address that, but it was changed by Commission. They say you can sell anything grown in the farmshed, but didn’t define the farmshed.
- Sally said she believed there are very few ranches on which difficulties over defining what is and is not permitted for sale at a roadside farm stand would be an issue. She described the allowance of farm sales as a “progressive move by the County to allow farms to survive.”
- Should farm stand sales only be done by the owner or is an off-site operator or clerk permitted? What if someone from San Francisco leases a small portion of the property and is, therefore, an operator. Should that person be allowed to sell at a farm side? Jack pointed out that those are those are the challenge you have to deal with when you get to specifics of the development code.
- What threshold size should trigger a full review by County staff rather than simply filling in a permit for a small farm stand.

Where do we go from here? Work Session:

Amy offered to circulate a copy of the Coastal Commission draft of proposed edits to the LCP and proposed that the group carve out a work session in a few weeks, when all have had an opportunity to review the Coastal Commission draft edits. She said, “If we come together and go to the Coastal Commission, there’s no way the Commission will say ‘no’ to our suggestions.” November 7 was set as a tentative date for the meeting subject to using a doodle poll if that date proved difficult.

3. Update: Marin Climate Action Plan as it relates to agriculture: Dana Armanino, Community Development Agency. Draft Plan released in August. Went to Planning Commission in October. Scope is unincorporated sections of Marin only. Each City has its own climate action plan. Dana began by clarifying some confusion over the percentages attributed to agriculture. She said that omissions from agricultural operations contribute 23% of the emissions in the unincorporated areas of Marin, but only 6 – 7% of the County-wide emissions, which is more in keeping with national averages. We are at 15% below 1990 emissions. For the update, the plan proposes setting a 30% reduction below 1990 levels by 2020.

Dana said that the reductions from the Marin Carbon Project, best management practices and the sale of local products are too difficult to quantify to take into account as mitigation measures. She said that the time for public comment has closed, but they will be setting up an agriculture-specific public meeting. The plan will eventually go to the Board of Supervisors.

Sally noted that while you can quantify the benefits from having forests and agricultural lands for informational purposes, they cannot be used to satisfy mitigation requirements. Sam pointed out that identifying mitigation measures may help with getting funding for improvements, but would be a problem if they become regulatory. Dana commented, “If emission reductions are due to a regulatory measure, you couldn’t sell the reductions under cap and trade rules.”

Pam Reaves asked, “How do we really reduce carbon? Are ranchland practices and carbon sequestration the way to do it rather than changing light bulbs?”

David responded, saying that we know a lot more now about on-farm energy use, etc., so we will start looking for opportunities to them to be accounted, and identifying resources to help implement them, e.g., methane digesters. Having this committee be supportive would be really good. Sam added, “I was very concerned when I saw report, but when I saw that it’s for identifying opportunities, I can live with the flaws.”

David said that in addition to the Marin Carbon Project, 32 other practices have been identified that local ranchers are doing, or considering doing, or could do as part of a farm carbon mitigation plan. Sally added that many of these practices are not new, the farmers and ranchers have been implementing them on their own with a cost share from the RCD in some instances.

4. Update: Thistle Control Plan: Stefan Panay, Deputy Agricultural Commissioner.

The idea of preparing a County-wide weed plan came out of the last ag summit. The Ag Commissioner’s office originally proposed asking for around \$100,000 to fund a position and to provide a cost-sharing program with ranchers and a staff. The plan became controversial because it included the use of herbicides, plus doing a plan would trigger CEQA. The costs and time delays render that not feasible. Rather, we will continue to focus on education regarding options available for dealing with thistles just as David is

doing through UCCE. Transparency seems to be the issue and the lack of someone on staff dedicated to dealing with invasive weed management. In the meantime, what we propose be done to deal with invasive weeds can already be done. The ranchers have the right to work their land.

5. Correction to Minutes: The last page of the draft refers to something “posted below,” which is not “posted below.” The minutes will be revised by inserting a link to the web.

6. Housekeeping.

Sally asked that people let her know if there are topics on which they would like to have presentations at a committee meeting.

Participants were reminded of a joint meeting with NPS on Ranch Management Plan.

The next regular meeting of this committee will be Friday, January 30, from 9 to 11 in the Farm Bureau Office in Point Reyes Station.

7. Meeting adjourned at 11:05 a.m.

Attendees:

Dana Armanino, Marin Community Development Agency
Gordon Bennett, Save Our Seashore
Priscilla Bull, MCL
De?? Cerrett [??]
Michelle Cooper, MALT
George Clyde, Resource Conservation District
Nona Dennis, MCL
Sam Dolcini, Marin County Farm Bureau
Sally Gale, MALT, RCD
Michael Greenberg, ALSA
Jana Haehl, MCL
Bob Johnston, MCL
David Lewis, UCCE, Farm Advisor
Jack Liebster, Marin Community Development Agency
Bridger Mitchell, EAC
Stefan Parnay, Deputy Agricultural Commissioner
Pam Reaves, MCL
Susan Stompe, MCL
Judy Teichman, MCL
Ann Thomas, MCL
Amy Trainer, EAC
Doug Wilson, MCL
Donna Yamagata, ALSA