



MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY

ALEX HINDS, DIRECTOR

March 12, 2007

Marin County Planning Commission
3501 Civic Center Drive
San Rafael, California 94903

SUBJECT: Public Hearing on Draft Marin Countywide Plan Update

Dear Planning Commission Members:

RECOMMENDATIONS:

1. Review the administrative record and conduct a public hearing
2. Recommend approval of technical corrections
3. Continue the public hearing to Monday, March 19, 2007 at 11:00 a.m.

Today's meeting is the fourth public hearing in 2007 on the Draft Marin Countywide Plan (CWP) Update. This hearing will focus on the Agriculture and Food and Trails sections in the *Natural Systems and Agriculture* Element. A subsequent meeting on March 19, 2007 will focus on the remaining topics in the *Natural Systems and Agriculture* Element. Dates for upcoming hearings for the *Built Environment* Element include:

| <u>Date</u> | <u>Topic</u> |
|----------------|---|
| March 19, 2007 | Remainder of Natural Systems |
| April 9, 2007 | Housing Overlay, Circulation and Buildout, and Water |
| April 16, 2007 | Other Built Environment topics |
| April 23, 2007 | Planning Areas (St. Vincent's, San Quentin, and the San Rafael Rock Quarry), Ridge and Upland Greenbelt, and other Built Environment topics |

Following today's public hearing, it will be necessary to continue the public hearing to a specific date and time. In order to keep to the schedule, staff is recommending that each topic area be reviewed as follows:

1. Staff presentation and introduction of topics for discussion;
2. Public testimony (limited to three minutes or less per individual or 6 minutes or less per organization);
3. Close public testimony and conduct Commission deliberations; and
4. Conduct straw votes. Straw votes are non binding motions of intent that will be taken on selected issues.

5. Summary of tentative recommendations (straw votes) from the March 5, 2007 hearing on the Baylands Corridor.

The purpose of this process is to obtain a tentative decision from the Commission as each topic is addressed in order to finalize the Commission's recommendation on the CWP and FEIR by July 23, 2007.

DISCUSSION

Overview

Several issues concerning the Agriculture and Food and Trails sections have been identified through public comments received by way of the Planning Commission public hearing process on the Draft Marin Countywide Plan. These issues are discussed following an overview of the Agriculture and Food and Trails topics below.

Goal AG-1 in the Countywide Plan addresses preserving agricultural lands and resources, while Goal AG-2 is to enhance the agricultural viability of Marin County farms, ranches and agricultural industries. These are important because preserving existing agricultural land and resources is vital to ensuring that agriculture remains an important contributor to a diverse and healthy economy in Marin. Furthermore, local agricultural production provides consumers with additional and often healthier food choices and strengthens the cultural heritage and sense of community that stem from a working landscape. Diversification and local processing contribute to the economic viability of Marin's agricultural industry by ensuring the continuation of the farming and ranching community.

The Agriculture and Food policies in the Plan addressing the goal of preserving agricultural lands and resources and improved agricultural viability include (see Attachment 1):

- AG-1.1: Limit Residential Use
- AG-1.2: Encourage Contractual Protection
- AG-1.3: Preserve Agricultural Zoning
- AG-1.4: Limit Non-Agricultural Zoning
- AG-1.5: Restrict Subdivision of Agricultural Lands within the Coastal, Inland Rural, and Baylands Corridor
- AG-1.6: Limit Non-Agricultural Development
- AG-1.7: Limit Ancillary Non-Agricultural Land Uses
- AG-1.8: Maintain the Agricultural Land Base
- AG-1.9: Continue Agricultural Uses on Federal Land
- AG-1.10: Protect Productive Agricultural Soils
- AG-1.11: Preserve Rangeland forage
- AG-1.12: Support Sustainable Water Supplies
- AG-1.13: Protect Water Quality to Keep Mariculture Viable
- AG-2.1: Promote Organic Certification
- AG-2.2: Support Local, Organic, and Grass-fed Agriculture
- AG-2.3: Support Small-Scale Diversification
- AG-2.4: Encourage Agricultural Processing

- AG-2.5: Market Local Products
- AG-2.6: Promote Small-Scale Crop Production
- AG-2.7: Preserve and Promote Mariculture
- AG-2.8: Avoid Introduction of Invasive Mariculture Species
- AG-2.9: Support livestock Production Programs
- AG-2.10: Increase Knowledge of Agriculture
- AG-2.11: Facilitate the Inter-Generational Transfer of Agricultural Land

The following policies in the Countywide Plan that address trail network preservation and expansion, and trail design location, management and maintenance include (see Attachment 2):

- TRL-1.1 Protect the Existing Countywide Trail System
- TRL-1.2 Expand the Countywide Trail System
- TRL-1.3 Facilitate Public Dedication of Trails
- TRL-1.4 Coordinate Trail Planning
- TRL-1.5 Preserve Paper Streets
- TRL-2.1 Preserve the Environment
- TRL-2.2 Respect the Rights of Private Landowners
- TRL-2.3 Ensure User Safety
- TRL-2.4 Consider Historic Use
- TRL-2.5 Provide Access for Persons with Disabilities
- TRL-2.6 Provide Multiple Access Points
- TRL-2.7 Ensure Sustainable Maintenance
- TRL-2.8 Provide Trail Information

Policies addressing Stream Conservation Area topics in Issues 4 and 9 in the Issues For Further Consideration section of this staff report include (see Attachment 3):

- BIO-4.1 Restrict Land Use in Stream Conservation Areas
- BIO-4.5 Restore and Stabilize Stream Channels
- BIO-4.11 Promote Riparian Protection
- BIO-4.12 Support and Provide Riparian Education Efforts

Agriculture and Food

Agriculture and Food is discussed in the *Natural Systems and Agriculture* Element of the Draft Marin Countywide Plan Update. According to the 2003 *Marin County Agricultural Economic Analysis* report prepared by Strong Associates, development pressures, particularly the conversion of productive agricultural lands to residential estate development, are putting an increased threat on Marin's agricultural lands, potentially reducing the economic viability of agricultural activities. Unless avoided or mitigated, residential estate development may erode the county's agricultural land base.

The Countywide Plan proposes four options to limit the size of residential buildings in agricultural areas and provides mitigations to help ensure the continued viability of productive

agriculture. Alternative 4 (Mitigated Alternative) recommends adoption of a modified version of Option 2. The four options are described as follows:

Option 1

- i. The total floor area of all dwelling units and non-agricultural accessory structures on a parcel shall not exceed an aggregate of 6,000 square feet; and
- ii. The total floor area for any single dwelling unit on a parcel shall not exceed 3,000 square feet;
- iii. Agricultural worker housing, up to 540 square feet of garage space for each dwelling unit, agricultural accessory structures, and up to a total of 500 square feet of office space used as a home occupation in connection with the agricultural operation on the property shall be excluded from the above residential floor area limits.
- iv. Residential development shall not be allowed to diminish current or future agricultural use of the property or convert it to primarily residential use.
- vi. Single dwelling units in excess of 3,000 square feet of floor area, but not more than 6,000 square feet of floor area, may be allowed if there is evidence of a bona fide commercial agricultural production operation on the property. In making this determination, the County may require an Agricultural Production and Stewardship Plan demonstrating that: (1) the long term agricultural use of the property will be preserved; (2) agricultural infrastructure, such as fencing, processing facilities, marketing mechanisms, agricultural worker housing or agricultural land leasing opportunities have been established or will be enhanced; agricultural uses proposed in connection with the residence are appropriate to the site and; (3) sound land stewardship, such as Marin Organic Certification, riparian habitat restoration, water recharge projects, and erosion control measures, have been implemented or will be enacted. Dedication or sale of perpetual agricultural conservation easements may be voluntarily offered to ensure continued agricultural production.

The square footage limitations noted in the above criteria represent *potential* maximum dwelling unit sizes and do not establish a mandatory entitlement or guaranteed right to development.

Option 2

- i. The total floor area for all dwelling units and accessory structures not used as the primary place of residence by the property owner(s), family members, and agricultural employees who are directly engaged in the production of agricultural commodities for commercial purposes shall not exceed 2,500 square feet unless affirmative findings are made consistent with the criteria set out in items (iii) and (iv) below, in addition to other applicable findings. Total floor area for these dwelling units shall not exceed 6,000 square feet.
- ii. The primary place of residence of the property owner(s), family members or lessee who are directly engaged in the production of agricultural commodities for commercial purposes on the property, buildings and structures accessory to such residences, and agricultural worker housing shall be excluded from the above floor area limits.

- iii. Residential development shall not be allowed to diminish current or future agricultural use of the property or convert it to primarily residential use.
- iv. Dwellings subject to criteria (i), above, that are in excess of 2,500 square feet of floor area, but not more than 6,000 square feet of floor area may be allowed if there is evidence of a bona fide commercial agricultural production on the property. In making this determination, the County may require an Agricultural Production and Stewardship Plan demonstrating that: (1) the long term agricultural use of the property will be preserved; (2) agricultural infrastructure, such as fencing, processing facilities, marketing mechanisms, agricultural worker housing or agricultural land leasing opportunities have been established or will be enhanced; agricultural uses proposed in connection with the residence are appropriate to the site; and, (3) sound land stewardship, such as Marin Organic Certification, riparian habitat restoration, water recharge projects, and erosion control measures, have been implemented or will be enacted. Dedication or sale of perpetual agricultural conservation easements may be voluntarily offered to ensure continued agricultural production.

The square footage limitations noted in the above criteria represent *potential* maximum dwelling unit sizes and do not establish a mandatory entitlement or guaranteed right to development.

Option 3

Amend the Development Code to establish limits for residential development on parcels subject to a Williamson Act or Farmland Security Contract according to the following criteria. For the purpose of applying these criteria, all contiguous parcels subject to the same Williamson Act Contract or Farmland Security Contract shall be considered a single development site.

- i. Up to three existing or new dwelling units per parcel(s) may be allowed subject to the standards set out below. These standards do not apply to agricultural worker housing as defined by State and County law.
 - a. The property is being used for the production of an agricultural commodity for commercial purposes.
 - b. The three dwelling units shall be either the primary place of residence for the owner(s) or family members of the parcel(s), the residence of a ranch manager for the parcel(s), or the residence of a person(s) employed in commercial agriculture.
 - c. The dwelling units comply with the density requirements of the Countywide Plan and the zoning district.
 - d. The total floor area for up to three dwelling units on a parcel(s) shall not exceed 6,000 square feet.
 - e. The total floor area for any single dwelling unit on a parcel shall not exceed 4,000 square feet.
 - f. The dwelling units comply with the County standards for clustering of non-agricultural buildings on agriculturally zoned lands.

- g. Existing dwelling units not previously authorized by the County may be legalized within a prescribed time period by an amnesty program establishing minimum requirements for public health and safety.
- h. New dwelling units may be exempt from Design Review if the total building area (habitable area in addition to garage and non-agricultural accessory structures) does not exceed 3,500 square feet and complies with the development standards of the governing zoning district. The Design Review exemption shall also be contingent upon the property owner(s) demonstrating that the project complies with the County's Single Family Residential Design Guidelines and policies and standards for Stream Conservation Areas, wetlands, visually prominent ridgelines, and protection of special status species.

An agricultural production and stewardship plan may be required to demonstrate that the property is being used for agricultural commodities for commercial purposes.

- ii. Agricultural worker housing may be permitted in addition to the dwelling units described in Item (i) above. An Agricultural Production and Stewardship Plan may be required prior to the approval of agricultural worker housing if the Community Development Agency determines it necessary to demonstrate the need for such housing.

Option 4

Convene a working group to prepare criteria and/or standards for the purpose of establishing limitations on the size of residential development on agriculturally zoned lands. Such limitations shall be considered for adoption through a future update of the Marin County Development Code.

Trails

Trails are discussed in the *Natural Systems and Agriculture* Element of the Draft Marin Countywide Plan Update. The goals of the Trails section include:

- **Goal TRL-1: Trail Network Preservation and Expansion.** Preserve existing trail routes designated for public use on the Marin Countywide Trails Plan maps, and expand the public trail network for all user groups, where appropriate.
- **Goal TRL-2: Trail Design, Location, Management and Maintenance.** Design, build, manage, and maintain trails, as appropriate, in a manner compatible with natural resource protection. Ensure safe trails, Ensure that trails are managed and maintained in a sustainable manner.

Trails enhance the quality of life in Marin and the health of the public by offering opportunities to enjoy the wealth of parks and open space in Marin County. Trails originated in Marin as links between Native American communities. The transportation needs of missions, logging enterprises, and ranches resulted in an expansion of this original trail system in the nineteenth and early twentieth centuries. Some of these old trails and roads have become part of Marin's road system while others have disappeared through disuse. Still others survive to this day on public parks and open space lands, ranches, and elsewhere. The current public trail network was

created over decades, segment by segment, mile by mile, as public agencies acquired land and made it accessible to the public. Some of these agencies have acquired public trail easements through private lands, expanding the public trail network beyond the boundaries of public lands and creating trail connections between public lands and between public lands and Marin's communities. Expanding the public trail network still further, some of Marin's public trails are – or could be - part of regional or statewide trail systems such as the State Coastal Trail, the Bay Area Ridge Trail, and the San Francisco Bay Trail

DISCUSSION OF ISSUES

This section focuses on the discussion of major issues identified for agriculture and trails. Each issue will include a discussion about key concerns, followed by impacts identified in the Environmental Impact Report, if any, and then staff recommendations. These issues are as follows:

ISSUE 1: Should Home Sizes Be Limited on Agricultural Land?

Discussion

Policy **AG-1.1** and Programs **AG-1.a** and **AG-1.b** would limit residential development and building size in order to maintain agricultural production as the principal use on agricultural lands. Program **AG-1.a** would consider four options, discussed below, to limit the size of dwelling unit and non-agricultural accessory structures in order to avoid the development of large residential estates that could increase land ownership costs beyond revenues that agricultural operations can generate, and/or have a negative impact over continued agricultural use.

Of the four options, Option 1 would likely result in the least amount of agricultural land being converted to non-agricultural uses. This option would place the most restrictive size limits on all new residential development for all agricultural lands. In contrast, Option 2 would exempt new primary residences from size limits and Option 3 would only apply to parcels under a Williamson Act or Farmland Security Contract. Option 4 would delay implementation of residential size limits, which proposes no immediate steps toward agricultural use protection.

Proposed size limitations for residential development on agricultural lands would help balance land ownership costs with revenues generated by agricultural operations. Additionally, policies and programs of the *Draft 2005 CWP Update* would continue to promote the economic viability of agriculture in Marin County. As a result, of this urban centered growth strategy and the policies described in the Built Environment and the Natural Systems and Agriculture Elements of the *Draft 2005 CWP Update*, substantial agricultural resource areas would be protected in unincorporated Marin County. However, conversion of agricultural land to non-agricultural uses would still occur.

EIR Consideration

Alternative 4 incorporates Option 2 of Policy **AG-1.a** regarding the residential building size in agricultural areas with the following revision:

- i. ~~The total floor area for all dwelling units and accessory structures not used as the primary place of residence by the property owner(s), family members, and agricultural employers who are directly engaged in the production of agricultural commodities for commercial purposes shall not exceed 2,500 square feet unless affirmative findings are made consistent with the criteria set out in items (iii) and (iv) below, in addition to other applicable findings. Total floor area for these dwelling units shall not exceed 6,000 square feet. The total floor area for all dwelling units and residential accessory structures on a parcel shall not exceed an aggregate of 6,000 square feet.~~
- ii. ~~The primarily place of residence of the property owner(s), family members or lessee who are directly engaged in the production of agricultural commodities for commercial purposes on the property, buildings and structures accessory to such residences, and agricultural worker housing shall be excluded from the above floor area limits.~~
- iii. Residential development shall not be allowed to diminish current or future agricultural use of the property or convert it to primarily residential use.
- iv. Dwellings subject to criteria (i), above, that are in excess of 2,500 square feet of floor area, but not more than 6,000 square feet of floor area may be allowed if there is evidence of a bona fide commercial agricultural production on the property. In making this determination, the County may require an Agricultural Production and Stewardship Plan demonstrating that: (1) the long term agricultural use of the property will be preserved; (2) agricultural infrastructure, such as fencing, processing facilities, marketing mechanisms, agricultural worker housing or agricultural land leasing opportunities have been established or will be enhanced; agricultural uses proposed in connection with the residence are appropriate to the site; and (3) sound land stewardship, such as Marin Organic Certification, riparian habitat restoration, water recharge projects, and erosion control measures, have been implemented or will be enacted. Dedication or sale of perpetual agricultural conservation easements may be voluntarily offered to ensure continued agricultural production.

The square footage limitations noted in the above criteria represent maximum potential dwelling unit sizes and do not establish a mandatory entitlement or guaranteed right to develop.

Recommendation

Accept as proposed.

ISSUE 2: Should Changes in Agricultural Activities, Such As Switching From Grazing To Row Cropping, Be Regulated?

Discussion

The issue has been raised whether the County should regulate changes in agricultural activities, in particular when land used for grazing is converted to row crops or viticulture on the premise the change represents a change in the intensity of use. Title 22 of the Marin County Development Code defines the grazing of livestock operations as a land use, consisting of the raising or keeping of cattle, or other animals of similar size, where feed is provided primarily by grazing when on-site resources are available. (This does not include the keeping of horses, donkeys, mules, or ponies). In addition, crop production is also defined as consisting of commercial agricultural field and orchard uses, including production of:

- Field crops
- Flowers and seeds
- Fruits
- Grains
- Melons
- Ornamental crops
- Tree nuts
- Trees and sod
- vegetables

While both grazing and crop production are to some degree regulated by the Development Code, except under extraordinary circumstances, requiring agriculturalists to secure land use permits for switching crops would typically be an unproductive burden on both agriculture and the Community Development Agency. Although in some cases animal grazing can be a less intensive use of the land, a variety of factors including site specific characteristics and stewardship practices can be equally or more important in determining impacts from agriculture.

Recommendation

Additional regulations to control changes in agricultural activities, such as from grazing to row cropping, are not recommended.

ISSUE 3: Are There Land Use Conflicts between Agricultural and Urban Uses?

Discussion

Impact 4.1-3 in Section 4.1 Land Use, Population, and Housing in the EIR (page 4.1-53) states the implementation of the CWP could result in the intrusion of residential uses into agricultural areas and result in the exposure of residents to noise, odors, dust, and other nuisances generated by agricultural operations. Such residential development may be incompatible with existing agricultural operations. However, the CWP and the Marin County Development Code contain policies and ordinances to reduce this impact to a less-than-significant level.

Land use conflicts between agricultural and urban uses can result when residential and other potentially incompatible uses become the primary use of lands adjacent to or surrounded by agricultural uses. Complaints and / or lawsuits from residents about noise, odors, flies, spraying and similar "nuisances" attendant to adjacent agricultural practices have discouraged and

sometimes prevented farmers and ranchers from managing their operations in an efficient and economically viable manner.

The two most typical complaints are odor and noise. In general, for grazing and dairy operations, the larger the livestock herd is, the greater the probability that odors may be a concern. However, the smell generated by a small number of horses, cows, goats, etc. may also be subject to objections. These odors are common by-products of agricultural production. Furthermore, farmers and ranchers have no control over wind, humidity, or weather conditions that may exacerbate odor. Producers follow standard or best farm management practices as well as governmental regulations in order to keep odor problems to a minimum.

Noise may sometimes be problematic. In some instances, noise and odor issues may occur such as in the case of dairy operations. For example, farm equipment makes noise and farm animals such as dairy cows generate odors. Organic farming, grass fed animal husbandry, dry farming, and similar ecologically sensitive practices have rapidly increased in Marin County. Wind drift from field spraying may also create concerns regarding the safety of the chemicals being used in agricultural areas. Another noise problem is the operation of farm equipment late at night and early in the morning when homeowners are trying to sleep. While some individuals may object to the time of day when agricultural equipment is being used, these noises are commonplace, and often necessary, especially during planting and harvesting times.

Not only do residents sometimes complain about aspects of farming operations, but residential areas often directly affect operations. For example, residential intrusion can lead to increased incidence of vandalism and theft as well as injury to farm animals or damage to crops from urban neighbors driving or walking through fields or from pests that migrate from residential areas.

Maintaining parcels in large, minimum sizes no longer protects agricultural resources as effectively as in the past as such parcels have become attractive places to live for an increasing number of people not engaged in agriculture. The development of high-value residential estates on agricultural lands is the most common way conversion takes place in Marin County, as this development often drives the cost of land ownership beyond the revenues that agricultural operations can generate and thus support. In addition, parcelization has occurred both on the urban fringe and in the midst of agricultural areas that has resulted in residential use being the primary use of the agriculturally zoned land. County zoning has permitted small residential lots to be clustered together, surrounded by large agricultural areas. This type of development withdraws some land from production, exposes a large perimeter area to conflicts, and threatens the interior areas. Along with the increased costs, land use conflicts can create a disincentive to continue agricultural operations.

Competition also occurs between urban and agricultural uses along the boundaries of Marin County's incorporated cities and towns as well as near unincorporated communities. Urban growth produces pressures on nearby agricultural lands that tend to discourage new agricultural investment and uses, raises the price of land making purchase for farming unrealistic and unprofitable, and increases the likelihood of conversion to a non-agricultural use.

Policy **AG-1.1** and Programs **AG-1.a** and **AG-1.b** would limit residential development and building size in order to maintain agricultural production as the principal use on agricultural lands. Program **AG-1.a** would encourage and consider four options to limit the size of dwelling units and non-agricultural accessory structures in order to avoid the development of large residential estates that could increase land ownership costs beyond revenues that agricultural operations can generate and support. These options are discussed in detail in *Impact 4.8-1 Conversion of Agricultural Lands to Non-Agricultural Uses*.

Policy **AG-1.3** would preserve agricultural zoning in order to maintain very low-density development in the Inland Rural and Coastal Corridors. Maintaining low densities in agricultural areas would support agricultural production and discourage conversion to non-agricultural uses.

Program **AG-1.g** would revise agricultural zoning districts to create a more uniform approach to preservation of agricultural lands by applying consistent development standards (e.g., clustering of structures) and limiting incompatible uses in agricultural areas. Implementation of this program would consolidate suitable agricultural lands in the Inland Rural Corridor into a strengthened agricultural zoning district similar to the Agricultural Production Zoning District and create compatible zoning districts to accommodate lands currently zoned for, but not suited for, agriculture as a principal use. This program would help ensure that land -intensive and -extensive agricultural production would continue to occur on State classified important farmlands by designating these lands as Agricultural Production Zoning. This program, in conjunction with Program **AG-1.h** would also provide for an Agricultural Residential Planned District Zoning (ARP), which would protect potential and historical agriculture activities, especially in green belt areas and in the City-Centered Corridor, but also allow residential and compatible commercial uses in areas that are transitional between residential and agricultural production uses.

Similarly, Policy **AG-1.4** would minimize intrusion of residential only uses into areas of agricultural production. This policy would apply zoning designations other than agricultural only in areas where conflict with agricultural uses would be limited and would ensure that development standards preserve and enhance nearby agricultural uses. Program **AG-1.c** would encourage merger of parcels on lands protected by agricultural conservation easements to create larger and more economically viable agricultural operations.

Policies **AG-1.6**, **AG-1.7**, and Program **AG-1.k** would limit non-agricultural development in the Agricultural Production Zone and agricultural lands to allow only residential and accessory uses ancillary to and compatible with agricultural production. This policy, in conjunction with Program **AG-1.a** described above would require dwellings and other non-agricultural development to be limited in size and clustered or grouped together in building envelopes covering up to approximately five percent of the property depending on the size of the property and agricultural and environmental constraints.

EIR Consideration

Development and population growth in the unincorporated areas consistent with the CWP may increase the number of complaints received by the Agricultural Commissioner's Office. However, policies of the CWP and the Right to Farm ordinance would adequately address

incompatibility issues between agricultural and urban / residential uses and continue to minimize the frequency at which nuisance complaints arise. Therefore, this would be a less-than-significant project impact and the project would make a less than cumulatively considerable contribution to a cumulative impact. No mitigation would be required.

Recommendation

Accept wording as originally proposed.

ISSUE 4: Should Agricultural Processing, Retail Sales, and Visitor-Serving Uses Be Allowed in Agricultural Designations?

Discussion

It is a goal of the CWP to enhance the viability of farms, ranches and agricultural industries in Marin County. The development of agricultural processing (e.g. cheese making) retail sales, and visitor-serving uses (e.g. tasting rooms) would be of substantial benefit in keeping agricultural operations economically viable as well as prevent the loss of these lands to expanded residential development or other land uses permitted by the CWP other than agriculture.

Exhibit 4.1-14 from the EIR lists recently approved agricultural processing facilities. Relatively few agricultural processing facilities and retail facilities have been approved in recent years. The McEvoy facility has been constructed, while the approved Strauss and Volpi projects have not broken ground. While these projects have taken relatively small amounts of land out of agricultural production, given the potential for development of these uses permitted by the Development Code, a substantial number of acres could be converted to agricultural processing, retail sales, or visitor-serving uses.

Exhibit 4.1-14

Recently Approved Agricultural Processing Facilities

| <i>Project</i> | <i>Description</i> | <i>Year of Approval</i> |
|---|---|-----------------------------------|
| Point Reyes Farmstead Cheese Company in Point Reyes Station | 1,600 square foot processing, storage, and refrigeration facility, and a 9,500 square foot “multi purpose” facility with a kitchen, offices, and a viewing room used for retail sales and marketing (by appointment only) | Initial approval received in 2004 |
| Volpi Cheese near Petaluma | 3,000-square foot barn for cheese processing | 2003 |
| Strauss Family Creamery in Marshall | 28,000 square feet, including two dry storage buildings of 4,300 and 6,500 square feet respectively | 2002 |
| McEvoy Ranch Processing Facility in Petaluma | Processing facility – 6,800 square feet Storage / maintenance facility – 3,400 square feet | 1999 |
| Point Reyes Vineyards in Point Reyes Station | 110 square foot wine tasting and sales room and a 680 square foot wine processing facility | 1999 |

Source: Marin Community Development Agency, November 2006.

EIR Consideration

Impact 4.1-4 in Section 4.1 Land Use, Population, and Housing in the EIR (page 4.1-58) states that implementation of the CWP could result in new or expanded agricultural processing, retail sales, or visitor-serving uses on agricultural lands. Such uses could result in land use conflicts with existing agricultural operations and residential areas as well as result in indirect impacts such as additional noise and traffic. This could be a significant impact. In order to reduce impacts associated with agricultural processing, retail sales, and visitor-serving uses, the EIR recommends revising Program AG-2.c *Prepare Criteria and Standards* and to obtain funding for this program as mitigation measures, as follows:

Mitigation Measure 4.1-4(a)

~~AG-2c Prepare Criteria and Standards. Prepare criteria and standards to identify compatible agricultural activities and applicable development code requirements. Amend the Development Code to include criteria and standards to encourage agricultural processing and strengthen Marin's agricultural industry, including limitations on uses that are not compatible with sustainable agriculture. Continue to support the efforts of the UC Cooperative Extension, Marin Resource Conservation District, the Marin County Farm Bureau, Marin Agricultural Land Trust, Marin Organic, Marin County Agriculture Commissioner, and the Marin County Farmer's Market to plan for agriculture in Marin and ensure that the new criteria and standards are consistent with the County's goals of improved agricultural viability and preservation and restoration of the natural environment.~~

Mitigation Measure 4.1-4(b)

The County shall obtain funding for Program **AG-2.c**.

Recommendation

The implementation of these mitigation measures would reduce project specific impacts and associated with agricultural processing, retail sales, and visitor-serving uses to a less-than-significant level. Staff recommends including Mitigation Measures 4.1-4 (a) and (b).

ISSUE 5: Should There Be Clustering Requirements For Agricultural Structures?

Discussion

While commentors have suggested the need to exempt clustering requirements for structures used for agricultural production and processing activities Policy AG-1.6 Limit Non-Agricultural Development proposes to require the clustering or grouping together of building envelopes for dwellings and other non-agricultural development covering up to 5 percent of property, or as determined through a site specific analysis of agricultural or environmental constraint and resources. However, as noted only dwelling units and non-agricultural development are required to be clustered. Furthermore, staff has interpreted the clustering request to not apply to agricultural processing facilities, barns, farm worker housing and other agricultural development. This policy includes a provision that clustering of residential development on very large parcels may be limited to less than five percent of the land area. Program AG-1.g Revise Agricultural Districts proposes to modify existing agricultural zoning districts to create a more uniform

approach to preservation of agricultural lands, mandatory clustering, development standards, allowance of ancillary and compatible non-agricultural uses, and to limit incompatible non-agricultural commercial uses.

Section 22.08.04 of the Marin County Development Code contains agricultural district development standards, including clustering requirements. Specifically, In A districts (A3 to A60) and in ARP districts, non-agricultural development shall be clustered to retain the maximum amount of land in agricultural production or available for future agricultural use. Homes, roads, residential support facilities, and other non-agricultural development, shall be clustered on no more than five percent of the gross acreage, to the extent feasible, with the remaining acreage retained in agricultural production and/or open space. Proposed development shall be located close to existing roads, or not require new road construction or improvements resulting in significant diminution of the existing or potential agricultural use of the land, grading that is inconsistent with the natural topography of the site, removal of significant vegetation, and degradation of the natural visual qualities of the site. Proposed development shall also be sited to minimize impacts on scenic resources, wildlife habitat and streams, and adjacent agricultural operations.

The purpose of the clustering requirements are to retain the maximum amount of land in agricultural production or available for future agricultural use. These regulations are consistent with Countywide Plan Goal AG-1 Preserve Agricultural Lands and Resources.

Recommendation

Approve as proposed.

ISSUE 6: Should All Agricultural Operations and Facilities Be Exempt From Development Standards?

Discussion

Similar to Issue 5 discussed above, whether agricultural operations and facilities should be exempt from development requirements has also been raised. Proponents cite onerous and burdensome regulations that impede agricultural investment and improvements, which therefore obstruct the goal of achieving agricultural viability. The CWP includes measures to protect agricultural operations through Program AG-1.1 Preserve Agricultural Lands and Uses. This program proposes to continue to use a combination of agricultural zoning, conservation easements, and agricultural preserve to sustain and encourage dairy and ranching issues. Further, policies such as AG-2.3 Support Small Scale Diversification, AG-2.4 Encourage Agricultural Processing, AG-2.6 Promote Small-Scale Crop Production, and programs AF-2.b Prepare Criteria and Standards and AG-2.d Expedite Permitting provide support and encourage agricultural producers in their operations to improve agricultural viability.

Chapter 22.08 Agriculture and Resource-Related Districts describes the allowable uses of land, land use requirements, and basic development standards for all the agricultural zoning districts.

These regulations are consistent with Countywide Plan Goals AG-1 Preserve Agricultural Lands

and Resources and AG-2 Improved Agricultural Viability. While most agricultural operators in Marin County are excellent stewards of the land, nevertheless some agricultural facilities such as the construction of large buildings or animal confinement structures clearly result in impacts that require mitigation, and have historically been regulated. In staff's opinion, all agricultural operations should not be exempt from development standards.

Recommendation

Accept as proposed.

ISSUE 7: Should Trails Be Allowed on Agricultural Lands?

Discussion

Marin County's trail system connects environmentally important areas (such as bayland, coastal and ridgeland areas), parks and open space, and greenbelts among urban areas. Preservation of existing trails, acquisition of new rights-of-way, minimization of environmental impacts, and balancing access and property-rights remain key issues in managing local trails.

Trespass is also a concern for some landowners. Trespass occasionally occurs when a trail user on public land or on a public right of way is separated from his or her destination by private land. The general public may lawfully access a trail on private land only when a public agency has acquired an easement, lease, or license allowing public use of the trail. Public agencies have yet to acquire many miles of proposed trails through or adjacent to private lands.. Compromised privacy, interference with agricultural operations, and liability are some of the major landowner concerns related to trespass.

Public agencies employ a variety of methods, including careful siting of trails, education, signage, enforcement, and coordination with local law enforcement agencies, to address these and other problems. In response to concerns raised by members of the agricultural community, the trails maps in the Draft 2005 Marin Countywide Plan were revised.

In some cases, existing and proposed trails go through agricultural lands, and proposed trails may appear on some maps near or adjacent to agricultural lands. Trail use has implications on farming and ranching – implications not always fully appreciated by trail developers and trail users. If well designed and managed, trails can achieve a high level of compatibility with the farms and ranches they pass through.

Trails in agricultural areas could provide an opportunity to ensure trail users have a fuller appreciation of the contributions made by the agricultural community. Many farms and ranches are located in remote or rural areas – others are closer to urban development. Regardless of their location, food production is no longer a part of the daily lives for many people. As a result, the connection between products from the supermarket and the farm/ranch has been lost. Trails have the potential to foster a reconnection to agriculture by raising public awareness of agricultural processes and encouraging appreciation of our farmers and ranchers. This can be enhanced with interpretive signage and brochures.

Several trails are proposed on or near agricultural lands as a result of the California Coastal Trail. Established through SB908 in 2001 and managed by the California Coastal Conservancy, the proposed California Coastal Trail extends 1,300 miles along the entire California coast. It traverses through Marin County along the coastline, adjacent to or across agricultural land. The California Coastal Trail is envisioned as a continuous public right-of-way along the California coastline; a trail designed to foster appreciation and stewardship of the scenic and natural resources of the coast through hiking and other complementary modes of nonmotorized transportation. The proposed California Coastal Trail provides linkages to other trail systems and increases accessibility to coastal resources while considering the protection of natural habitats, cultural and archeological features, private property rights and agricultural operations in the trail's design.

Policies and programs in the Countywide Plan address interagency collaboration and trail siting and design to avoid conflicts. Consequently, in many instances it is preferable to site trails within or adjacent to the public right of way or along already established fire roads or existing roads, rather than dissecting through active agricultural land. Policy TRL-1.4 promotes collaboration among public land management agencies, non-governmental organizations, and private landowners to implement the Marin Countywide Trails Plan and regional trail systems. Program TRL-1.d strives to complete regional trail systems, including the California Coastal Trail. Policy TRL-2.2 addresses the rights of private landowners by designing and managing trails to avoid trespass and trail construction impacts on adjacent private land. Program TRL-2.d says to design and locate trails to avoid trespassing and adverse impacts on adjacent private lands and sensitive land uses, such as agricultural operations. Furthermore, Program TRL-2.g promotes harmony among trail users.

Recommendation

Accept as proposed. When properly located, designed, and managed, trails on agricultural lands can become an integral part of the trail system.

ISSUE 8: Should Trails in Indian Valley Be Removed Due to Physical Constraints?

Discussion

The Indian Valley Associates has requested the removal of trails shown on Marin Countywide Trails Plan Maps 2-19d, 2-19g, and 2-19h because of physical constraints on adjacent properties. Map 2-19d shows proposed trails within the right-of-ways of Wilson Avenue and Indian Valley Road as well as proposed trails leading up to Burnt Ridge Fire Road. These trails are all clearly shown as proposed on the existing Countywide Trails Plan (1994) maps.

The Marin Countywide Trails Plan maps are planning documents. Only those trails shown on the maps as existing trails are available for public use. In regard to proposed trails, the public has no right to enter private property without the owner's permission. If and when the public acquires or is granted an easement for trail purposes in any area where a trail is proposed, the exact location of such proposed trail will be determined at that time.

Map 2-19g also shows various proposed trails, many of which are included for removal in the attached errata.

Map 2-19h overlaps with Map 2-19d and shows the area of Indian Valley, in addition to Bel Marin Keys, Hamilton, Pacheco Valley, Marinwood, and Lucas Valley. Changes to this map are included in the attached errata.

Recommendation

Retain proposed trails on Wilson Avenue and Indian Valley Road as shown on Maps 2-19d, 2-19g, and 2-19h. These trails would provide linkages to the proposed bikeway facilities in the draft City of Novato Bicycle Master Plan. Approve errata changes.

ISSUES FOR FURTHER CONSIDERATION

At the February 26, 2007 public hearing the Planning Commission requested staff bring back several issues for further discussion. These issues are as follows:

Issue 4: Require Fencing Around Creeks Where Down Stream Water Is Used For Row Cropping and Processing Activities.

Discussion

This issue was initially discussed at the Planning Commission hearing on February 26, 2007 and continued to today's hearing for further consideration.

Several SCA policies and programs are intended to address intensive and extensive agricultural practices. These include BIO-4.1, BIO-4.11, BIO-4.12, and BIO-4.j. Extensive agriculture presents challenges that may be best addressed through landowner education and coordination, as these uses are otherwise problematic as generally unregulated activities. Policy BIO-4.1 identifies allowable uses within an SCA, which includes "agricultural uses that do not require removal of woody riparian vegetation, result in installation of fencing within the SCA which prevents wildlife access to the riparian habitat within the SCA, and do not involve animal confinement within the SCA."

Recommendation

No change.

Issue 9: Should the impacts of agricultural uses, including dairy herds, on baylands and streams be further delineated?

Discussion

This issue was initially discussed at the Planning Commission hearing on February 26, 2007 and continued to today's hearing for further consideration. The purpose is to discuss agricultural uses as allowed in a stream conservation area where these uses do not require removal of "woody

riparian vegetation.” The impacts on baylands were discussed at the March 5, 2007 public hearing.

As defined in the glossary to the Marin Countywide Plan, riparian vegetation can include trees, shrubs, and/or herbaceous plants. Riparian habitats are considered transitional zones between land and water and are typically distinguished by characteristic woody trees and shrubs, a variety of important ecological functions, and generally high wildlife habitat values. Characterizing and delineating areas of riparian habitat from the surrounding upland cover can be problematic. Trees and shrubs with characteristic “woody” structure have been deliberately used as a minimum characteristic for riparian habitats that qualify as an SCA, as defined in Policy BIO-4.1. In many instances, the herbaceous cover along riparian corridors is indistinguishable from the surrounding grassland, scrub, or woodland vegetation. This is particularly true along ephemeral drainages where surface water is only present during and immediately after storm events and does not occur long enough into the growing season to typically support riparian vegetation. Attempting to use “herbaceous” plant species as a criterion in delineating SCAs along ephemeral drainages would be ineffective and confusing, given the tendency for there to be little difference in cover from the surrounding habitat, particularly where trees and shrubs are absent. Where the herbaceous cover consists of wetland indicator species, such as rushes and cattails, these areas would most likely qualify as wetlands and would be protected under the proposed WCA policies whether or not woody vegetation is present. Given these complications, no changes to the proposed language are recommended.

Extensive agriculture, dairy production and animal confinement and other agricultural activities can all contribute to degradation of surface water quality due to excess nitrogen and bacteria levels from animal waste, can cause increased stream sedimentation and erosion, and result in loss of vegetative cover due to trampling and heavy grazing. Opinions vary over the appropriateness of complete exclusion of cattle from riparian and other habitats, although intensive grazing and livestock congregation is recognized as damaging to the habitat conditions, can lead to damage and loss of even woody vegetation, and result in substantial changes in vegetative cover. Several policies in the CWP address landowner education, habitat protection, and riparian restoration, including Policies BIO-4.5 and BIO-4.12, and Program BIO-4.j. Policy BIO-4.1 states that agricultural is an allowable use in an SCA where they do not require removal of woody riparian vegetation, result in installation of fencing within the SCA which prevents wildlife access to the riparian habitat within the SCA, and do not involve animal confinement within the SCA. Please also refer to Issues 8 and 15, which discusses agricultural activities within an SCA and stream sedimentation and erosion on agricultural lands, respectively.

EIR Considerations

The EIR provides an assessment of the direct and indirect impacts of agricultural practices on water quality and habitat. Impact 4.5-1 Water Quality Standards is discussed in Section 4.5 Hydrology, Water Quality, and Flood Hazards in the EIR. The EIR states that land uses and development consistent with the CWP would introduce additional pollutants to downstream waters. Such pollutants would result in adverse changes to the water quality of Marin County's natural and artificial drainage ways and ultimately to Richardson, San Francisco, and San Pablo Bays. This would be a significant impact. The EIR also says that some agricultural practices and associated land uses have historically impaired water quality and, on occasion, contributed to the violation of water quality standards in Marin County. These practices and land use activities include hay farming, grazing, and dairies. Impact 4.6-1 Special-Status Species in Section 4.6 Biological Resources acknowledges the potential adverse effects of intensive and extensive agriculture on essential habitat for special-status species.

Such agricultural land uses consistent with the CWP could be a source of soil erosion and sedimentation of downstream waterways, especially when such land use activities occur on steep slopes. These land use activities, particularly when "conventional" agricultural practices are followed, could also be a source of nutrients from excess concentrations of chemicals used in agricultural operations (e.g., fertilizers) containing nitrogen and phosphorous in agricultural runoff.

Stormwater runoff from agricultural uses such as dairy operations and other areas of concentrated animal management activities could transmit pathogens from livestock feces to humans. These pathogens include E. coli (i.e., fecal coliform), cryptosporidium, and giardia. Pathogens are a concern in West Marin, especially during the rainy season. For example, in the Tomales Bay Watershed, streams flowing through agricultural lands drain into Tomales Bay and often carry pathogens from animal waste in stormwater runoff. During the rainy season, elevated levels of fecal coliform may contaminate shellfish beds and impair water quality. The California Department of Health Services prohibits commercial shellfish harvesting during rainfall periods to limit health risks to shellfish consumers.

Proposed policies WR-2.1, WR-2.2, WR-2.5, AG-1.13 and programs WR-1.a, WR-1.d, WR-2.j, and WR-2.k would serve to decrease flooding of stormwater from agricultural and other land uses, and provide essential landowner education and assistance to minimize potential adverse impacts on Stream Conservation Areas, wetlands, baylands and other sensitive resource areas.

Recommendation

Accept as proposed.

Technical Corrections

Technical corrections to the Introduction and *Natural Systems & Agriculture* Element of the Draft Countywide Plan were distributed and discussed at the March 5, 2007 Planning Commission public hearing. An errata sheet containing additional technical corrections to the *Natural Systems & Agriculture* Element is attached, which include technical corrections to Marin Countywide Trails Plan Maps 2-19a through 2-19j that do not raise any substantive, environmental or other issues. These changes are not scheduled to be reviewed during the course

of the public hearings. However, specific changes that the Commission believes warrant discussion may be called out for staff to address at the March 19, 2007 final hearing for the *Natural Systems & Agriculture* Element.

Respectfully Submitted,

Alex Hinds
Agency Director

Kristin Drumm
Planner

Attachments:

1. Draft Marin Countywide Plan Agriculture and Food Goals, Policies, and Programs
2. Draft Marin Countywide Plan Trails Goals, Policies, and Programs
3. Referenced Biological Resources and Water Resources Policies and Programs
4. Draft Marin Countywide Plan Trails Plan Map errata
5. Errata: Map 2-18 Coastal, Ridge and Bay Trails
6. Letter from James Hill, dated February 13, 2007
7. Letter from Indian Valley Associates, dated February 12, 2007
8. Letter from Peggy Hamann-Pogetto, dated February 19, 2007
9. Letters from Sally Gale, dated February 28, 2007
10. Letter from Manuel & Jody Brazil, dated March 2, 2007

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ATTACHMENT 1

Draft Marin Countywide Plan Agriculture and Food Policies and Programs

- AG-1.1** **Limit Residential Use.** Maintain agricultural production as the principal use on agricultural lands by limiting residential development to that which is reasonably related to agriculture.
- AG-1.2** **Encourage Contractual Protection.** Facilitate agricultural conservation easements, land conservation and farmland security zone contracts, and transfer of development rights when used to preserve agricultural lands and resources.
- AG-1.3** **Preserve Agricultural Zoning.** Maintain very low-density agricultural zoning in the Inland Rural and Coastal Corridors to support land-extensive agricultural production and discourage conversion to non-agricultural uses.
- AG-1.4** **Limit Non-Agricultural Zoning.** Apply non-agricultural zoning only in areas where conflict with agricultural uses will be minimized, and ensure that development standards preserve and enhance nearby agricultural uses.
- AG-1.5** **Restrict Subdivision of Agricultural Lands within the Coastal, Inland Rural, and Baylands Corridor.** Require that the subdivision of agricultural lands shall only be allowed upon demonstration that long-term productivity on each parcel created would be enhanced as a result of subdivision. In the City Centered Corridor, subdivision of agricultural lands shall only be allowed upon demonstration that the overall agricultural productivity of the subdivided parcel would not be reduced as a result of the subdivision. In considering subdivisions in all corridors, the County may approve fewer parcels than the maximum number of parcels allowed by applicable Countywide Plan land use designation and by the Development Code, based on site characteristics such as topography, soil, water availability, and the capacity to sustain viable agricultural operations,
- AG-1.6** **Limit Non-Agricultural Development.** Limit non-agricultural development in the Agricultural Production Zone to allowed residential and accessory uses ancillary to and compatible with agricultural production. Require dwellings and other non-agricultural development to be limited in size and clustered or grouped together in building envelopes covering up to than five percent of the property or as determined through a site specific analysis of agricultural and environmental constraints and resources, with the remainder preserved for agricultural production. Clustering of residential development on very large parcels may be limited to less than five percent of the land area.
- AG-1.7** **Limit Ancillary Non-Agricultural Land Uses.** Require non-agricultural land uses on agricultural lands to be ancillary to and compatible with agricultural land uses, agricultural production, and the rural character of the area, and to enhance the economic viability of agricultural operations.
- AG-1.8** **Maintain the Agricultural Land Base.** Encourage private and public owners of lands that have traditionally been used for agriculture to keep land in agricultural use by continuing existing agricultural uses, developing compatible new agricultural uses, and/or leasing lands to agricultural operators.

- AG-1.9** **Continue Agricultural Uses on Federal Land.** Encourage continuation of agricultural operations and uses in the pastoral zones of the Point Reyes National Seashore and the Golden Gate National Recreation Area through long-term tenure agreements (leases) with agricultural operators.
- AG-1.10** **Protect Productive Agricultural Soils.** Discourage or prohibit non-agricultural buildings, impermeable surfaces, or other non-agricultural uses on soils classified by the Natural Resources Conservation Service as Prime Farmland soils or Farmland soils of Statewide Importance.
- AG-1.11** **Preserve Rangeland Forage.** Discourage the conversion of rangeland to non-agricultural uses.
- AG-1.12** **Support Sustainable Water Supplies.** Explore opportunities to provide sustainable water supplies, such as water conservation, collection, treatment, and reuse to support small-scale agricultural diversification in a manner that does not adversely affect aquatic or other resources.
- AG-1.13** **Protect Water Quality to Keep Mariculture Viable.** Protect and enhance the quality of waters used for mariculture through cooperation with other stakeholders, and outreach and education.
- AG-1.a** *Limit Residential Building Size.* Limit residential development on agriculturally zoned property to reflect dwelling sizes typically accessory to agricultural production uses, while considering the need for landowner family housing. Limitations for residential development on a parcel shall be based upon the following criteria:

Option 1

- i. The total floor area of all dwelling units and non-agricultural accessory structures on a parcel shall not exceed an aggregate of 6,000 square feet; and
- ii. The total floor area for any single dwelling unit on a parcel shall not exceed 3,000 square feet;
- iii. Agricultural worker housing, up to 540 square feet of garage space for each dwelling unit, agricultural accessory structures, and up to a total of 500 square feet of office space used as a home occupation in connection with the agricultural operation on the property shall be excluded from the above residential floor area limits.
- iv. Residential development shall not be allowed to diminish current or future agricultural use of the property or convert it to primarily residential use.
- vi. Single dwelling units in excess of 3,000 square feet of floor area, but not more than 6,000 square feet of floor area, may be allowed if there is evidence of a bona fide commercial agricultural production operation on the property. In making this determination, the County may require an Agricultural Production and Stewardship Plan demonstrating that: (1) the long term agricultural use of the property will be preserved; (2) agricultural infrastructure, such as fencing, processing facilities, marketing mechanisms, agricultural worker housing or agricultural land leasing opportunities have been established or will be enhanced; agricultural uses proposed in

connection with the residence are appropriate to the site and; (3) sound land stewardship, such as Marin Organic Certification, riparian habitat restoration, water recharge projects, and erosion control measures, have been implemented or will be enacted. Dedication or sale of perpetual agricultural conservation easements may be voluntarily offered to ensure continued agricultural production.

The square footage limitations noted in the above criteria represent *potential* maximum dwelling unit sizes and do not establish a mandatory entitlement or guaranteed right to development.

Option 2

- i. The total floor area for all dwelling units and accessory structures not used as the primary place of residence by the property owner(s), family members, and agricultural employees who are directly engaged in the production of agricultural commodities for commercial purposes shall not exceed 2,500 square feet unless affirmative findings are made consistent with the criteria set out in items (iii) and (iv) below, in addition to other applicable findings. Total floor area for these dwelling units shall not exceed 6,000 square feet.
- ii. The primary place of residence of the property owner(s), family members or lessee who are directly engaged in the production of agricultural commodities for commercial purposes on the property, buildings and structures accessory to such residences, and agricultural worker housing shall be excluded from the above floor area limits.
- iii. Residential development shall not be allowed to diminish current or future agricultural use of the property or convert it to primarily residential use.
- iv. Dwellings subject to criteria (i), above, that are in excess of 2,500 square feet of floor area, but not more than 6,000 square feet of floor area may be allowed if there is evidence of a bona fide commercial agricultural production on the property. In making this determination, the County may require an Agricultural Production and Stewardship Plan demonstrating that: (1) the long term agricultural use of the property will be preserved; (2) agricultural infrastructure, such as fencing, processing facilities, marketing mechanisms, agricultural worker housing or agricultural land leasing opportunities have been established or will be enhanced; agricultural uses proposed in connection with the residence are appropriate to the site; and, (3) sound land stewardship, such as Marin Organic Certification, riparian habitat restoration, water recharge projects, and erosion control measures, have been implemented or will be enacted. Dedication or sale of perpetual agricultural conservation easements may be voluntarily offered to ensure continued agricultural production.

The square footage limitations noted in the above criteria represent *potential* maximum dwelling unit sizes and do not establish a mandatory entitlement or guaranteed right to development.

Option 3

Amend the Development Code to establish limits for residential development on parcels subject to a Williamson Act or Farmland Security Contract according to the following criteria. For the purpose of applying these criteria, all contiguous parcels subject to the

same Williamson Act Contract or Farmland Security Contract shall be considered a single development site.

- i. Up to three existing or new dwelling units per parcel(s) may be allowed subject to the standards set out below. These standards do not apply to agricultural worker housing as defined by State and County law.
 - a. The property is being used for the production of an agricultural commodity for commercial purposes.
 - b. The three dwelling units shall be either the primary place of residence for the owner(s) or family members of the parcel(s), the residence of a ranch manager for the parcel(s), or the residence of a person(s) employed in commercial agriculture.
 - c. The dwelling units comply with the density requirements of the Countywide Plan and the zoning district.
 - d. The total floor area for up to three dwelling units on a parcel(s) shall not exceed 6,000 square feet.
 - e. The total floor area for any single dwelling unit on a parcel shall not exceed 4,000 square feet.
 - f. The dwelling units comply with the County standards for clustering of non-agricultural buildings on agriculturally zoned lands.
 - g. Existing dwelling units not previously authorized by the County may be legalized within a prescribed time period by an amnesty program establishing minimum requirements for public health and safety.
 - h. New dwelling units may be exempt from Design Review if the total building area (habitable area in addition to garage and non-agricultural accessory structures) does not exceed 3,500 square feet and complies with the development standards of the governing zoning district. The Design Review exemption shall also be contingent upon the property owner(s) demonstrating that the project complies with the County's Single Family Residential Design Guidelines and policies and standards for Stream Conservation Areas, wetlands, visually prominent ridgelines, and protection of special status species.

An agricultural production and stewardship plan may be required to demonstrate that the property is being used for agricultural commodities for commercial purposes.
- ii. Agricultural worker housing may be permitted in addition to the dwelling units described in Item (i) above. An Agricultural Production and Stewardship Plan may be required prior to the approval of agricultural worker housing if the Community Development Agency determines it necessary to demonstrate the need for such housing.

Option 4

Convene a working group to prepare criteria and/or standards for the purpose of establishing limitations on the size of residential development on agriculturally zoned lands. Such limitations shall be considered for adoption through a future update of the Marin County Development Code.

AG-1.b *Require Production and Stewardship Plans.* Agricultural Production and Stewardship Plans shall be prepared and submitted for residential and other non-agricultural development as required by the Development Code. The purpose of these Plans is to ensure long-term agricultural productivity will occur and that they will substantially contribute to Marin’s agricultural industry. Such plans shall clearly identify and describe existing and planned agricultural uses for the property, explain in detail their implementation, identify on-site resources and agricultural infrastructure, identify product markets and processing facilities (if appropriate), and demonstrate how the planned agricultural uses substantially contribute to Marin’s agricultural industry. Agricultural Production and Stewardship Plans shall provide evidence that at least 90 percent of the useable land will remain in agricultural production and identify stewardship activities to be undertaken to protect agricultural and natural resources. Agricultural Production and Stewardship Plans shall be prepared by qualified professionals with appropriate expertise in range management and land stewardship. The approval of development proposals including Agricultural Production and Stewardship Plans shall include conditions ensuring the proper, long-term implementation of the plan.

The requirement for an Agricultural Production and Stewardship Plan may be waived for dwelling units and residential accessory buildings or structures occupied or used by the property owner(s) or lessee who are directly engaged in the production of agricultural commodities for commercial purposes on the property and agricultural worker housing. It may also be waived for non-agricultural land uses that are determined by the County to be ancillary to and compatible with agricultural production as the primary use of the land. Waivers may be granted when the Review Authority finds that the proposal will not diminish current or future agricultural use of the property or convert it to primarily residential use, as evidenced by bona fide commercial agricultural production on the property, and agricultural infrastructure, such as fencing, processing facilities, marketing mechanisms, agricultural worker housing or agricultural land leasing opportunities have been established or will be enhanced.

On parcels where Agricultural Production and Stewardship Plans are required, criteria and standards will be developed to define commercial agricultural production and differentiate between commercial agricultural production and agricultural uses accessory to residential or other non-agricultural uses.

AG-1.c *Encourage Merger of Parcels on Lands Protected by Agricultural Conservation Easements.* Agricultural conservation easements should include, but not be limited to, merger of contiguously owned agricultural lands where proper findings can be made.

AG-1.d *Standardize Conservation Easements.* Modify the format for agricultural conservation easements accepted and held by the County to match that of the Marin Agricultural Land Trust to ensure that County agricultural conservation easements meet current industry standards.

AG-1.e *Facilitate Land Conservation Contracts.* Encourage agricultural landowners to contract with the County on a voluntary basis through Williamson Act and farmland security zone procedures to restrict the use of their land in exchange for taxation of the land based on agricultural use. Strengthen future Williamson Act contracts by prohibiting subdivision of the land for the duration of these contracts.

AG-1.f *Review the TDR Program.* Evaluate the potential for the Transfer of Development Rights program to achieve effective protection of agricultural lands and the viability of existing agricultural operations.

AG-1.g *Revise Agricultural Zoning Districts.* Modify existing agricultural zoning districts to create a more uniform approach to preservation of agricultural lands, mandatory clustering, development standards, allowance of ancillary and compatible non-agricultural uses, and to limit incompatible non-agricultural commercial uses. The principal use of agriculturally zoned land shall be agricultural production, with non-agricultural uses limited to necessary residential uses and compatible ancillary uses that enhance farm income.

Consolidate suitable agricultural lands in the Inland Rural Corridor into a strengthened agricultural zoning district similar to the Agricultural Production Zoning District and create compatible zoning districts to accommodate lands currently zoned for, but not suited for, agriculture as a principal use.

Agricultural Production Zoning (APZ) shall apply to lands in the Inland Rural Corridor suitable for land-intensive or land-extensive agricultural productivity as well as on soils classified as Prime Farmland or Farmland of Statewide Importance capable of supporting production agriculture. The purpose of this zoning district shall be to preserve lands within the zone for agricultural use. The principal use of these lands shall be agricultural, and any development shall be accessory, incidental, or in support of agricultural production.

Agricultural Residential Planned District Zoning (ARP) shall apply to lands adjacent to residential areas, and at the edges of Agricultural Production Zones in the Inland Rural and Coastal Corridors that have potential for agricultural production. This district may also be applied to lands with historic or potential agricultural uses within the City-Centered Corridor and in locations that function as community separators or greenbelts. This district is intended to protect agriculture but also allows residential and compatible commercial uses in areas that are transitional between residential and agricultural production uses.

Residential Agricultural Zoning District (RAZ) shall apply in rural areas within the City-Centered, Inland Rural, Coastal , and Baylands Corridors to accommodate typical rural uses including small-scale row crop production, 4H projects and associated uses, along with residential uses and compatible commercial uses.

Woodland Conservation Zoning District (WCZ) shall apply to selected lands currently in agricultural zoning districts that have a very dense native tree cover. Aerial photography shall be utilized to determine the extent of canopy cover characterizing properties to be included in this zoning district.

AG-1.h *Assess ARP Zoning.* Conduct an assessment of lands within the ARP District to determine which are appropriate for agricultural production. Consider rezoning those that are not located near towns, villages, or the City-Centered corridor, and are physically and

geographically suited for agricultural production to an agricultural zoning district similar to the existing APZ District. (See Program AG-1.g, above.)

- AG-1.i** *Assess Density in Agricultural Districts.* Conduct an assessment of lands within A-20 or smaller zoning districts to determine which are appropriate for agricultural production. Consider rezoning those that are not suitable for agricultural production to the RAZ or ARP districts.
- AG-1.j** *Uphold Right-to-Farm Ordinance.* Continue to implement the right-to-farm ordinance that protects agricultural and mariculture operations from nuisance complaints by adjacent non-agricultural and non-mariculture property owners regarding allowable agricultural procedures and maricultural practices. The ordinance has established a grievance procedure to address the needs of all concerned.
- AG-1.k** *Define Non-Agricultural Ancillary Uses.* Develop criteria and standards to identify compatible ancillary and subordinate land uses, such as small-scale environmental and agricultural tourism, that enhance the economic viability of agricultural operations.
- AG-1.l** *Preserve Agricultural Lands and Uses.* Continue to use a combination of agricultural zoning, conservation easements, and agricultural preserve contracts with landowners to preserve open agricultural land and to sustain and encourage dairy and ranching issues.
- AG-1.m** *Encourage Agricultural Leasing.* Explore a mix of incentives and guidelines to non-farming landowners to encourage leasing of all or part of their land to farmers and ranchers, as appropriate.
- AG-1.n** *Standardize Sustainable Agricultural Indicators.* Establishing sustainable agriculture indicators such as an increase in organic farming will assist in determining farm activities that protect agricultural land, promote farm economic viability, and further social activities necessary to sustain agriculture.
- AG-1.o** *Map Important Soils.* Identify on digital soils maps the most suitable soils for row crop production. These include soils classified as Prime Farmland Soils and Farmland Soils of Statewide Importance and soils with similar physical and chemical characteristics within other soil map units. Use this mapping to identify these soils in relation to proposed construction of buildings, impermeable surfaces, or other uses that would prevent farming on these soils.
- AG-1.p** *Evaluate Small-Scale Water Development.* Explore means to encourage water conservation, collection, treatment and re-use and development of other potential small-scale water sources for agriculture that do not adversely affect aquatic or other environmental resources (see also Water Resources Program WR-3.a in this Element and programs under Goal CF-2 in the Public Facilities and Services Section of the Built Environment Element).
- AG-1.q** *Support Irrigation Alternatives.* Support the efforts of farmers and ranchers in developing water sources for agricultural diversification. Promote use of recycled water for irrigation and other non-potable uses. Promote investment in decentralized solutions such as small-scale waste treatment and rainwater catchments (on a community-scale). Assess and implement cost-effective use of recycled water to irrigate County-owned properties and

encourage its use at other public and private facilities. (See also Natural Systems and Agriculture Element, Agriculture and Food Policy AG-1.12 and, Program AG-1.n.)

- AG-1.r** *Provide Agricultural Industry Support.* Encourage agencies to provide on-line Irrigation Scheduling calculators, California Irrigation Management Information system (CIMIS) Hotline to provide current reference evapotranspiration data, pump and system efficiency test program to determine how efficiently the irrigation system is applying water to crops.
- AG-2.1** **Promote Organic Certification.** Support Marin Organic Certified Agriculture (MOCA) to perform local organic farm certification to comply with National Organic Program (NOP) standards.
- AG-2.2** **Support Local, Organic, and Grass-Fed Agriculture.** Encourage and protect local, organic, grass-fed, and other ecologically-sound agricultural practices, such as dry farming, including field crops and animal agriculture, as a means to increase on-farm income, diversify Marin agriculture, and provide healthy food for the local supply.
- AG-2.3** **Support Small-Scale Diversification.** Diversify agricultural uses and products on a small percentage of agricultural lands to complement existing traditional uses, help ensure the continued economic viability of the county agricultural industry, and provide increased food security.
- AG-2.4** **Encourage Agricultural Processing.** Encourage processing and distribution of locally produced foods to support local food security and strengthen Marin's agricultural industry.
- AG-2.5** **Market Local Products.** Support the efforts of local farmers and ranchers to develop more diverse and profitable markets, including a permanent public market, for Marin County agricultural products, including direct markets to local and regional restaurants.
- AG-2.6** **Promote Small-Scale Crop Production.** Encourage small-scale row crop production that contributes to local food security on appropriate sites throughout the County.
- AG-2.7** **Preserve and Promote Mariculture.** Support maricultural usage of tidelands and on-shore production areas. The need for mariculture sites in coastal waters should be aligned with the need to provide for other uses, such as commercial fishing, recreational clamming and boating, and the need to protect coastal native wildlife species, water, and visual resources.
- AG-2.8** **Avoid Introduction of Invasive Mariculture Species.** Encourage state and federal regulatory agencies that permit mariculture activities to prevent the introduction of invasive species.
- AG-2.9** **Support Livestock Production Programs.** Assist ranchers in protecting herd animals from predators using non-lethal methods.
- AG-2.10** **Increase Knowledge of Agriculture.** Raise the level of public awareness and understanding of Marin County agriculture, including its ecological, economic, open space, and cultural value; and its importance to local food security.
- AG-2.11** **Facilitate the Inter-generational Transfer of Agricultural Land.** Encourage and support transfer through inheritance, sale, or lease of agricultural properties to future generations of ranchers and farmers.

- AG-2.a** *Promote Organic Products.* Provide adequate staffing to serve all Marin producers and handlers that wish to obtain organic certification (and account for expected annual growth within this market niche), and develop incentives to encourage farmers and ranchers to transition from conventional farming practices to organic, grass-fed, or other ecologically-sound techniques such as dry farming, or “beyond organic.”
- AG-2.b** *Support Sustainable Agriculture.* Work with University of California Cooperative Extension and Marin County Agriculture Commissioner’s staff to assist producers with development, diversification and marketing of Marin’s sustainable agricultural products.
- AG-2.c** *Prepare Criteria and Standards.* Prepare criteria and standards to identify compatible agricultural activities and applicable development code requirements.
- AG-2.d** *Expedite Permitting.* Continue to simplify and expedite the permitting process for bona fide agricultural enterprises.
- AG-2.e** *Train Staff.* Educate County staff regarding the needs, benefits and operational aspects of production agriculture, and how these are affected by the County permitting process.
- AG-2.f** *Permit Special Signage.* Allow agricultural producers to use small, tasteful, on-site signage to advertise their products and services, and consider the establishment of a community based, discreet off-site sign program to direct the public to on-farm sales areas.
- AG-2.g** *Consider Mariculture Zoning.* Amend the Development Code to include mariculture as a conditional use in the C-RSP or other zoning districts as appropriate for lands located along the shoreline of Tomales Bay.
- AG-2.h** *Conduct a Cumulative Analysis of Mariculture Operations.* Encourage the California Department of Fish and Game, U.S. Department of Fish and Wildlife Services, or any other qualified entity to conduct a cumulative analysis of Mariculture Operations.
- AG-2.i** *Support County Livestock Protection Program.* Continue to support the Livestock Protection Program and provide livestock ranchers with technical assistance and funding to implement non-lethal predator control methods.
- AG-2.j** *Promote Local Foods.* Promote the distribution of local foods through the Community Food Bank. Continue to offer food coupons to farmers markets to welfare recipients but increase the individual allotment.
- AG-2.k** *Promote Agriculture Education in Schools.* Support sustainable agriculture education, such as the Food for Thought curricula, in local schools, including the College of Marin.
- AG-2.l** *Raise Agricultural Awareness.* Promote public appreciation of agriculture by supporting organizations and agencies that carry out educational programs.
- AG-2.m** *Draw Attention to Agricultural Areas.* Identify agricultural areas with placement of appropriate directional signs in an effort to inform residents and visitors of the importance of agriculture in Marin.
- AG-2.n** *Support Food and Agriculture Assessment Panel.* Assess the effects of local, state and federal policies on agriculture and determine future policy directions.

- AG-3.1** **Support Local Food Production.** Promote local food production in agricultural zoning districts, as well as on appropriate urban and suburban lands.
- AG-3.2** **Promote Local and Organic Food.** Increase consumer appreciation of, and access to, locally produced and organic food and agricultural products.
- AG-3.3** **Enhance Food Security Education.** Promote public awareness and education about the importance of locally produced food and food security.
- AG-3.a** *Encourage Community Gardens.* Allow community gardens on County property that is underutilized or where such use would complement current use, and amend the Development Code to require space for on-site community gardens in new residential developments of ten units or greater. Work with community based organizations to manage such gardens using ecologically sound techniques, and to provide on-site water if available (find more information at: <http://www.communitygarden.org/>).
- AG-3.b** *Provide Community Education.* Provide community education regarding organic and other ecologically sound techniques of farming and the benefits of its produce. Raise awareness of farmers' market dates and times.
- AG-3.c** *Promote Edible Landscaping.* Encourage fruit trees or other edible landscaping when possible in new development and when renewing planting on County property where appropriate. Include the replacement of irrigated ornamentals with drought-resistant edible plants, as appropriate.
- AG-3.d** *Use Locally Grown and/or Organic Foods in County Services.* Develop and adopt a food policy and procurement program that incorporates organic and locally grown foods into cafeteria services, the jail, and County-sponsored events.
- AG-3.e** *Promote Organic Food in Schools.* Support school programs, including on-site gardens, which incorporate organic foods into school meals.
- AG-3.f** *Support Local Groups.* Support the efforts of local groups such as the Marin Food Policy Council that make recommendations and support forums addressing sustainable food systems.

ATTACHMENT 2

Draft Marin Countywide Plan Trails Policies and Programs

- TRL-1.1** **Protect the Existing Countywide Trail System.** Maintain the existing countywide trail system and protect the public's right to access it.
- TRL-1.2** **Expand the Countywide Trail System.** Acquire additional trails to complete the proposed countywide trail system, providing access to or between public lands and enhancing public trail use opportunities for all user groups, as appropriate.
- TRL-1.3** **Facilitate Public Dedication of Trails.** Seek the dedication of trail easements and/or the improvement of trails in conjunction with developments proposed on lands traversed by trails shown on the Marin Countywide Trails Plan maps.
- TRL-1.4** **Coordinate Trail Planning** Promote collaboration among public land management agencies, non-governmental organizations, and private landowners to implement the Marin Countywide Trails Plan and regional trail systems.
- TRL-1.5** **Preserve Paper Streets.** Preserve undedicated or unaccepted (paper) streets where a paper street may provide access to trails or open space areas.
- TRL-1.a** *Maintain Marin County Trails Maps.* Periodically update maps that show existing and proposed public trails throughout the county. The maps should:
- ◆ use distinctive symbols to indicate whether the status of a trail is proposed, or currently open to the public.
 - ◆ be developed with state of the art technology.
 - ◆ Include trails owned or managed by local, State and Federal agencies.
- TRL-1.b** *Designate Trail Use Consistent with Agency Missions.* Develop criteria to determine public use of trails consistent with each agency's mission and policies.
- TRL-1.c** *Obtain Lawful Public Access Across Private Lands.* Strive to secure public access rights over proposed public trails crossing private land..
- TRL-1.d** *Establish Regional Trail Connections.* Strive to complete regional trail systems in Marin County, including the Bay Area Ridge Trail, the San Francisco Bay Trail and the California State Coastal Trail.
- TRL-1.e** *Explore Funding for Trail Acquisition . . .* Consider developing or supporting legislation to assist trail acquisition. Consider public and private funding sources, including private endowments and bequests.
- TRL-1.f** *Prioritize Trails for Acquisition.* Agencies should strive to identify their respective trail acquisition priorities and work collaboratively to acquire trails of mutual interest.
- TRL-1.g** *Evaluate Proposed Development for Trail Impacts.* Review development proposals for consistency with the Marin Countywide Trails Plan and/or local community plan(s). Encourage project sponsors to grant trail easements and/or improve trails on lands

traversed by proposed trail connections shown on the adopted Marin Countywide Trails Plan maps. Consider requiring dedication as conditions of development approval, as appropriate.

- TRL-1.h** *Encourage Voluntary Dedication.* Encourage project sponsors to grant trail easements and/or the improvement of trails in conjunction with development proposed on lands traversed by trail connections shown on the adopted Marin Countywide Trails Plan maps.
- TRL-1.i** *Avoid Motorized Vehicle Use in Trail Rights-of-Way.* Ensure that existing trails do not become access roads for new development. When such vehicle use is unavoidable, require that new public trails rights-of-way are provided separate from developed roads where possible.
- TRL-1.j** *Encourage Public-Private Trail Partnerships.* Encourage partnerships and cooperation between public land management agencies and trail interest groups to increase and improve trail use opportunities and minimize conflicts.
- TRL-1.k** *Monitor New Trail Construction and Right-of-Way Acquisition.* Report annually on progress of new trail construction and acquisition of public trail rights.
- TRL-2.1** **Preserve the Environment.** In locating and designing trails, take into account the protection of sensitive habitat and natural resources and avoid those areas.
- TRL-2.2** **Respect the Rights of Private Landowners.** Design and manage trails to avoid trespass and trail construction impacts on adjacent private land.
- TRL-2.3** **Ensure User Safety.** Plan and maintain trails to protect the safety of trail users.
- TRL-2.4** **Consider Historic Use.** In trail design and designation, consider historic and cultural uses that have occurred prior to public acquisition.
- TRL-2.5** **Provide Access for Persons with Disabilities.** Design and develop trails and trail programs to enhance accessibility by persons with disabilities.
- TRL-2.6** **Provide Multiple Access Points.** Design trails with multiple access points to maximize accessibility and minimize concentrating access.
- TRL-2.7** **Ensure Sustainable Maintenance.** Continue to assure that trails are responsibly maintained.
- TRL-2.8** **Provide Trail Information.** Strive to provide information to trail users that facilitates visitor orientation, nature interpretation, code compliance and trail etiquette.
- TRL-2.a** *Locate Trails to Protect Habitat.* Align or relocate trails to avoid sensitive habitats such as wetlands and areas where endangered species are present. Avoid aligning trails along the boundaries of sensitive habitats.
- TRL-2.b** *Design, Build, and Manage Trails in a Sustainable Manner.* Incorporate design measures that protect vegetation, protect habitats, and minimize erosion. Suggested measures include:

- ◆ Limit grading and vegetation removal;
- ◆ Discourage people and pets from entering sensitive habitats or disturbing wildlife through education, signage, enforcement and, as a last resort, fencing.
- ◆ Provide vegetative buffers between trails and wetlands or other sensitive habitats;
- ◆ Consider using existing roads or trails rather than building new ones when possible.
- ◆ Close trails seasonally when necessary to minimize erosion or resource impacts.

- TRL-2.c** *Eliminate Trail Redundancy.* Identify, abandon, and restore redundant or otherwise unnecessary trails or trail segments.
- TRL-2.d** *Protect Private Property.* Design and locate trails to avoid trespassing and adverse impacts on adjacent private lands sensitive land uses, such as agricultural operations.
- TRL-2.e** *Design Safe Trails.* Design trails - their surfaces, grades, cross gradients, sight distances, curve radii, vegetation clearance and other specifications—consistent with anticipated uses.
- TRL-2.f** *Acknowledge Historic Trail Users.* Consider trail use that occurred prior to public acquisition when determining public use.
- TRL-2.g** *Promote Harmony Among Trail Users.* Provide educational information and consider special programs and events to promote trail etiquette and cooperation among trail user groups.
- TRL-2.h** *Identify Opportunities for Disabled Access.* Review existing disabled access opportunities. Identify and pursue new opportunities.
- TRL-2.i** *Distribute Information about Trails and Trail Programs for People with Disabilities.* Distribute information concerning the availability of accessible trails and trail programs for disabled persons.
- TRL-2.j** *Address Trailhead Parking Issues.* Work with neighborhood groups, cities, and towns to encourage carpooling, explore parking alternatives, and enforce parking restrictions at trailheads.
- TRL-2.k** *Ensure Trail Maintenance.* Encourage public agencies to develop trail maintenance plans and enter into cooperative trail maintenance agreements. Encourage volunteer trail stewardship programs.
- TRL-2.l** *Ensure Trail Maintenance Funding.* Strive to identify and secure consistent sources of funding for trail maintenance.
- TRL-2.m** *Maintain Trails in a Sustainable Manner.* Consider and enact as appropriate:
- ◆ Using natural materials;
 - ◆ Using longer lasting materials
 - ◆ Using recycled materials
 - ◆ Reducing or avoiding use of chemicals;
 - ◆ Scheduling maintenance activities to avoid disturbing the nesting and breeding seasons of sensitive species

- ◆ Exploring alternatives to fossil fuels for maintenance vehicles and equipment
- ◆ Rebuilding and/or realigning trails with chronic maintenance problems.
- ◆ Seasonal trail closures.

TRL-2.n *Promote Interagency Cooperation.* Encourage information sharing and cooperation among public agencies concerning sustainable trail maintenance.

TRL-2.o *Distribute Trail Maps and Information.* Provide clear signs and maps. Provide code, natural resource, and directional information about the trail network in multiple formats and languages.

TRL-2.p *Improve Code Compliance.* Encourage trail managers to enforce codes, secure consistent funding for code enforcement, monitor the type and frequency of violations, and offer educational materials and programs to reduce code violations. Expand or create volunteer opportunities to monitor trail use..

ATTACHMENT 3

Referenced Biological Resources and Water Resources Policies and Programs

BIO-4.1 Restrict Land Use in Stream Conservation Areas. Limit land uses in a designated Stream Conservation Area to those that create minimal disturbance or alteration to water, soils, vegetation, and wildlife and that maintain or improve stream function or habitat values.

A *Stream Conservation Area* (SCA) is established to protect the active channel, water quality and flood control functions, and associated fish and wildlife habitat values along streams. Development shall also be set back to protect the stream and provide an upland buffer. Best management practices¹ shall be adhered to in all designated SCAs. Best management practices are also strongly encouraged in ephemeral streams not defined as SCAs.

SCAs are designated along perennial, intermittent, and ephemeral streams as defined in the Countywide Plan Glossary. An ephemeral stream is subject to the SCA policies if it: a) supports riparian vegetation for a length of 100 feet or more, and/or b) supports special status species and/or a sensitive natural community type, such as native grasslands, regardless of the extent of riparian vegetation associated with the stream.

SCAs consist of the watercourse itself between the tops of the banks and a strip of land extending laterally outward from the top of both banks to the widths defined below (See Figure 2-2). The SCA encompasses any jurisdictional wetland or unvegetated other waters within the stream channel, together with the adjacent uplands, and supercedes setback standards defined for WCAs. Human-made flood control channels under tidal influence are subject to the Bayland Conservation policies. The following criteria shall be used to evaluate proposed development projects that may impact riparian areas:

City-Centered Corridor:

- ◆ For parcels more than 2 acres in size, provide a minimum 100 foot development setback on each side of the top of bank.
- ◆ For parcels between 2 and 0.5 acres in size, provide a minimum 50 foot development setback on each side of the top of bank.
- ◆ For parcels less than 0.5 acres in size, provide an adequate setback from the top of bank based on a site assessment by a qualified professional, avoidance of woody riparian vegetation, presence of other sensitive biological resources, and options for alternative mitigation. The developed portion(s) of parcels (less than 0.5 acres in size) located behind an existing authorized flood control levee or dike are not subject to a development setback.
- ◆ This policy only applies to parcels within the City-Centered Corridor.

Coastal, Inland Rural, and Baylands Corridors:

- ◆ For all parcels, provide a minimum 100 foot development setback on each side of the top of bank. This shall be extended to include a buffer of 50 feet landward from the edge of riparian vegetation associated with the stream. SCAs shall be measured as shown in Figure 2-2.

- ◆ This policy only applies to parcels within the Coastal, Inland Rural, and Baylands Corridor.

Allowable uses consist of the following provided they conform to zoning and all relevant criteria and standards for SCAs:

- ◆ Currently existing permitted or legal non-conforming structures or improvements, their repair and retrofit within the existing footprint;
- ◆ Projects to improve fish and wildlife habitat;
- ◆ Road and utility crossings, if no other location is feasible;
- ◆ Water-monitoring installations;
- ◆ Passive recreation that does not significantly disturb native species;
- ◆ Necessary water supply and flood control projects that minimize impacts to stream function and to fish and wildlife habitat;
- ◆ Agricultural uses that do not require removal of woody riparian vegetation, result in installation of fencing within the SCA which prevents wildlife access to the riparian habitat within the SCA and do not involve animal confinement within the SCA.

Exceptions to full compliance with all SCA criteria and standards may only be allowed if:

- 1) A parcel falls entirely within the SCA; or
- 2) Development on any portion of the parcel outside the SCA is either infeasible or would have greater impacts on water quality, wildlife habitat, other sensitive biological resources, or other environmental constraints.

- BIO-4.5** **Restore and Stabilize Stream Channels.** Pursue stream restoration and appropriate channel redesign where sufficient right-of-way exists that includes: a hydraulic design, a channel plan form, a composite channel cross-section that incorporates low flow and bankfull channels, removal and control of invasive exotic plant species, and biotechnical bank stabilization methods to promote quick establishment of riparian trees and other native vegetation.
- BIO-4.11** **Promote Riparian Protection.** Support agencies, organizations, and programs in Marin County that protect, enhance, and restore riparian areas.
- BIO-4.12** **Support and Provide Riparian Education Efforts.** Educate the public and County staff about the values, functions, and importance of riparian areas. Landowner education regarding the sensitivity of riparian corridors will be provided as part of the Natural Resource Information Program called for in Program BIO-1.c. An emphasis will be placed on public outreach to owners of developed properties encompassing or adjacent to SCAs where minimum setback distances are not provided. Information on regulations protecting riparian corridors should be available, together with general methods to minimize disturbance and improve habitat values. An updated list of regulatory agencies and their contact information should be maintained as part of the Natural Resource Information Program.
- BIO-4.j** *Continue Funding Fencing of Sensitive Stream Areas.* Encourage continued funding in conjunction with the Resource Conservation District, the Natural Resource and Conservation Service, and other relevant agencies, to pay the cost of fencing sensitive

streamside areas (on both public lands and private property) that could be impacted by cattle grazing.

Water Resource Policies and Programs

- WR-2.1** **Reduce Toxic Runoff.** Reduce the volume of urban run-off from pollutants—such as pesticides from homes, golf courses, and other uses), cleaning agents, swimming pool chemicals, and road oil—and of excess sediments and nutrients from agricultural operations, and other toxic materials in runoff.
- WR-2.2** **Reduce Pathogen, Sediment, and Nutrient Levels.** Support programs to maintain pathogen and nutrient levels at or below target levels set by the Regional Water Quality Control Boards, including the efforts of ranchers, dairies, agencies, and community groups to address pathogen, sediment, and nutrient management in rural watersheds.
- WR-2.5** **Take Part in Water Quality Education.** Continue to support local storm water and community watershed group efforts to inform the public about practices and programs to minimize water pollution.
- WR-1.a** *Support Watershed Education and Outreach.* Continue to support and fund the Marin County Stormwater Pollution Prevention Program and local county stormwater program efforts to encourage residents to adopt practices that increase groundwater infiltration, and to educate them about how they can make a significant difference.
- WR-1.d** *Coordinate Watershed Efforts.* Work with land and water management agencies, community-based watershed restoration groups, and private property owners to explore methods and programs for maintaining and improving watershed health, including by carrying out the actions recommended in the *Marin County and Tomales Bay Watershed Plans*.
- WR-2.j** *Educate Homeowners. Continue Public Outreach Regarding Toxic Chemical Use.* Continue to educate homeowners, the public, and businesses, and agricultural operators about toxicity issues related to use of pesticides, cleaning agents, and other commonly used chemicals through the Marin County Stormwater Pollution Prevention Program.
- WR-2.k** *Establish Educational Partnerships.* Coordinate with the Regional Water Quality Control Boards, Marin Resource Conservation District, University of California Cooperative Extension, Natural Resources Conservation Service, Marin County Stormwater Pollution Prevention Program, watershed groups, the public, stakeholders and other interested parties to develop and implement public education programs and provide technical assistance to find alternatives and minimize erosion and sedimentation, pathogen and nutrient, and chemical sources of water pollution. Coordinate with local, State, and Federal recreation management agencies to educate boaters and other recreational groups regarding proper management and disposal of human waste.

ATTACHMENT 4

Draft Marin Countywide Plan Trails Plan Map Errata

MAP 2-19a

- 1) This part of the Coastal Trail should be shown as proposed rather than existing. The trail does not exist and is proposed as part of the Coastal Trail.

MAP 2-19c

- 2) Add a section of proposed trail along San Antonio Road that should be included.

MAP 2-19d

- 3) Remove the existing trail from the Grossi property, which is not a legitimate trail. It came from an earlier version of the proposed City of Novato Trails Plan. The landowners have objected to the designation and Parks staff agree that it should be removed.(see #4 below).
- 4) A short section of existing trail should be shown connecting the trails at Stafford Lake Park. This alleviates the pressure on landowners in # 3 above.
- 5) This section of trail on the Lucasfilm property should be shown as ‘proposed.’ Recent research has shown that there is no existing legitimate easement on this section of the route.
- 6) The ‘proposed’ trail designation is missing on this section of the Dickson Ridge Trail.
- 7) This is a section of trail proposed by the broker for the Johntz property and will help alleviate the concern with equestrians in Nicasio Valley not being able to access the Dickson Ridge Trail.
- 8) The existing easements and route on this end of the Dickson Ridge Trail and fire road are shown incorrectly and should be adjusted as shown.
- 9) This small section of the Dickson Ridge trail is ‘existing’ and not ‘proposed.’
“A” Delete the proposed trail shown in the City of Novato near McClay Road. This trail is a remnant from an earlier version of the Draft Novato Trails Plan, which has been eliminated from their final map. Further, it does not connect to anything practical and is not of countywide significance.

MAP 2-19e

- 10) This trail is in the existing Countywide Plan and should be retained but in the adjusted location. The southeasterly portion is ‘existing’ trail.
- 11) This route is the ‘existing’ Top-Flight trail currently under construction.
- 12)The ‘existing’ trail is not accurate and needs to be adjusted as shown on map.
- 13)The redundant ‘proposed’¹trail should be removed.
- 14)This section of the ‘proposed’ Anderson Trail should be connected to the Ridge Trail to the south.

- 15) This section of trail is now 'existing' and is not 'proposed.'
- 16) This section of trail is existing and not proposed.
- 17) This trail is not a legitimate public right of way and should be adjusted as shown.
- 18) This 'proposed' section should be added to connect the trails crossing the San Geronimo Golf Club.
- 19) The proposed route is infeasible and crosses through a number of developed lots, and should be adjusted as shown.

MAP 2-19g

- 20) This area on Mount Burdell has a number of 'proposed' trails which are redundant, particularly on the Buck Center property and Olompali Park, which should be removed. Designations of 'existing' and 'proposed' routes should be adjusted to reflect the true status of these trails.
- 21) Two 'proposed' trails should be adjusted on the plan and the route along Olive Avenue shown as 'existing.'
- 22) These levee trails shown on Fish and Game lands are levees which are currently in disrepair or flooded. The site will be restored to wetland by Fish and Game with Audubon Society assistance with no public access anticipated along these levees.

MAP 2-19h

- 23) This section of proposed trail across California Coastal Conservancy land should be shown and the section through the Bel Marin Keys pond removed.
- 24) This is an 'existing' trail around developed lands which is designated as a spur of the Bay Trail. A short section of 'proposed' trail as shown would require bridging a section of wetland to the railroad ROW trail.
- "B" Show the proposed trail connecting Miller Creek Road with a proposed trail as shown as D-16 in the draft Novato Trails Plan. This allows for trail connections between the eastern and western sides of Highway 101.

MAP 2-19i

- 25) These trail alignments on Mt. Tamalpais Cemetery, Sunny Hills and Cedars properties have been agreed to and the map should be adjusted accordingly. Parks staff can clarify the correct alignments.
- 26) This 'proposed' trail is redundant and passes through a sensitive raptor nesting area and should be eliminated.

MAP 2-19j

- 27) This section of trail on GGNRA land is 'existing' and the map should be adjusted accordingly. The proposed alignment adjacent should also be modified as well. Parks staff can assist in clarifying this.
- "C" The trails shown outside the existing city and county open space should be shown as proposed as there do not appear to be any existing public access easements in this area.

ATTACHMENT 5

Errata

Map 2-18 Coastal, Ridge and Bay Trails

Change portion of the Coastal Trail currently shown as “existing” to “proposed” for the segment from Dillon Beach to the Estero. This change corresponds to correction #1 included in Attachment 4 for Trails Map 2-19a, as shown below:

- 1) Map 2-19a. This part of the Coastal Trail should be shown as proposed rather than existing. The trail does not exist and is proposed as part of the Coastal Trail.