

Marin County Board of Supervisors
Via email: BOS@marincounty.org

Re. Hearing on LCP Amendments, Attachment 3, Full Text of IPA Code, Policies on Intergenerational Housing, Ag Processing, and Ag Retail Principal Permitted Uses

Dear Board of Supervisors:

These comments concern only the LUP policies and IP code implementing them that allow more housing units and new light industrial activities and commercial activities on ranches in the C-APZ zones of coastal Marin County. My comments on other LCP amendments will come in separate letters.

Qualifications: I taught land use planning, land use law, environmental impact assessment, and environmental planning (local planning for land use, transportation, air quality, water quality, energy, and social equity in an integrated fashion) at UC Davis for 34 years. My classes on environmental planning were among the first in the world to combine these issues into one framework. I helped develop undergrad and grad teaching programs in environmental planning. I have published over 100 papers on these topics, been on national, state, regional, and local advisory committees and have been a local planning commissioner in two California towns. I taught several extension courses on these matters to local, regional, and state planners and to Caltrans managers. I was an expert in several NEPA and CEQA lawsuits concerning land use and transportation impacts. My undergrad students work in local and state land use and environmental agencies throughout California. My grad students work at and manage local and state environmental agencies. Re. this comment letter, I studied ag land protection policies in the U.S. and California in the 70s, working with several California counties on protection policies in general plans. I carried this work on for over 35 years, mapping all city and county general plans in GIS for state agencies and ag land protection NGOs, finally resulting in studies of strategic long-range land use alternatives for the San Joaquin Valley counties in the 2000s. My urban growth GIS model has been used by many California counties in general plan studies. I have a good understanding of land economics and rural and urban real estate markets and how they are affected by local zoning and related policies.

Background: The existing 1982 LCP has an appropriate overall policy for protecting ag lands, to keep land values as low as possible. This is fundamental to keeping the rural land market segmented from the suburban one. Ranching in Marin is healthy, as borne out by your annual ag production value reports. Ownership turnover of ranch properties is very low. The existing LCP has worked well and would continue to work well, if left in place. The proposed LCP amendments increasing allowable development on ranches will increase land values and the loss of lands to rural estate uses. LCP tourism spending is roughly ten times that for ag in Marin County and the Eastshore is a critical component of our world-famous open space scenery.

Threats to Ongoing Ag: The upper Martinelli ranch is for sale, just north of Point Reyes Station. The ad said it's a great place for a multi-family compound. No MALT easement. Three parcels totaling 1,040 acres, with an asking price of \$12 million. At about \$12,000 per acre, it's priced much higher than other agricultural lands, suggesting the seller is hoping for someone wishing to build a rural estate.

Under the current Local Coastal Program, an agricultural landowner in the coastal zone can build one dwelling per farm, with "farm" defined as all contiguous parcels under common ownership. There are no size limits on new dwellings. So the future buyer of this property could build a large estate home, such as are found in Napa County. Under current rules, about 10 new large farmhouses could be built on the Eastshore of Tomales Bay.

Unfortunately, the county is proposing amendments to the Local Coastal Program that would allow both a farmhouse and one "intergenerational" dwelling per "farm tract," or adjacent parcels under one ownership, along with one additional intergenerational dwelling per "legal lot," or parcel, the latter subject to Coastal Commission review. The farmhouse and all intergenerational dwellings together could not exceed 8,040 square feet, which could still be attractive to wealthy buyers seeking to build an estate residence. So although the proposal limits the collective size of all dwellings on a farm, it allows more of them to be built.

In the Eastshore area, the new LCP would allow about 20 new residential units. It would also allow one small industrial operation in an existing structure and one new small retail building per farm tract. The latter can apparently have parking and access roads along the coastal highway. These developments will increase the cost of acquiring easements for MALT and reduce the acreage it can protect.

Thus, the revised LCP would increase development on agricultural lands without serious consideration of other long-range policies needed to keep agriculture viable. The Board of Supervisors should suspend action on the amendments until the new District 4 supervisor is elected. The policies to allow additional dwellings and ag processing and retail should be dropped. In addition, the county should adopt into the LCP the weed management plan proposed in 2013 to stop the encroachment of invasive plants on agricultural lands and the County should also increase the minimum parcel size in the coastal zone to 640 acres.

Discussion: MALT was set up to help families finance land purchases from family members and so prevent land sales to non-farmers. About half of our coastal grazing lands are under permanent MALT easements; however, this approach will likely become less effective over time. As the percentage of MALTed parcels rises, the development value of the holdout parcels also increases, due both to their rarity and their protected views. This will increase sales to non-farmers. Increasing the parcel size zoning would reduce the attractiveness of these ranchlands for residential projects by reducing the number of housing units allowable. Napa, Sonoma and Yolo Counties have zoning minimums ranging from 160 to 640 acres; these seem more reasonable for grazing lands. Ranch operations in Marin average 500-600 acres.

Another worrisome trend is the invasion of thistles, coyote brush and other plants on grazing lands where owners will not or cannot afford to control them. In 2013, the county attempted to adopt a 10-year invasive weed management plan, saying these species have “rendered thousands of acres of pastureland, rangeland and natural areas unusable...” The Supervisors did not adopt this plan, despite the agricultural commissioner’s statement that “If nothing is done to slow and stop the spread of these invaders, it will become unfeasible to attempt to control and manage them.” If lands become useless for grazing, it becomes more difficult to prevent development of individual parcels for other uses, legally.

If Marin adopts the proposed LCP amendments and further residential, industrial and retail development is permitted, national and statewide environmental groups might push for greater federal control. (This is what happened in West Marin in the past.) For example, elected officials could expand the Golden Gate National Recreation Area or Point Reyes National Seashore boundaries to include the grazing lands on the east side of Tomales Bay. This could give the National Park Service authority to adopt policies to protect natural scenic qualities and the ability to condemn parcels proposed for development that violated these policies. This is taking place in other parts of the country, such as in Cape Cod National Seashore and the Sawtooth National Recreation Area. We could expect little or no condemnation to actually occur, as most landowners would decide to negotiate easements with MALT. I think Marin would rather solve this problem without further federal intervention.

Conclusions: Please do not increase allowable development in the C-APZ areas. Instead, amend the LCP to require larger parcel sizes and to require weed abatement by all ranchers.

Thank your for considering these comments.

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