

MARIN COUNTY RANCHER/FARMER IONE CONLAN COMMENTS ON LOCAL COASTAL PLAN HEARING FEBRUARY 26, 2013

President Judy Arnold and the Marin County Board of Supervisors
Via e-mail c/o Kristin Drumm: kdrumm@marincounty.org

Re: **Local Coastal Planning Outstanding Issues**

Dear President Arnold and Honorable Supervisors,

My word of gratitude here to our Board President, Past President, and Members of the Marin County Board of Supervisors, Planning Director Brian Crawford and his hard working staff, for all the hours, days, months of work product and attempts to understand the farmer/rancher's dilemma in providing food and fiber in this wonderful place in the Universe known as Marin County.....

All the while these farmers/ranchers are working at trying to make a living above the poverty level, for their families. And as noted by the American Farm Bureau, each farmer feeds his own family plus about 150 others.

Some of you may be aware, consumer proteins, produced locally such as beef, lamb, poultry & eggs, do not receive a cost price support as do other agricultural pursuits such as our local dairy farms.

Dairy operations, by Federal and State complex laws guarantee that when the price falls below a certain profit margin, the government steps in and pays out price support to keep our dairies viable.

Therefore, for our dairies, when the price is below a certain norm, the USDA & CDFA, in a complex set of rules, calculate government support subsidies which kick in, thus keeping the dairy industry alive.

So you could say "*We the people support our dairies across America*"

There is no such price support for the balance of our local protein producer farmers, who produce meats, such as beef, lamb, pork, and poultry & eggs.

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Yet the costs of their feed is the same as their dairy brothers, perhaps not of the superb alfalfa hay quality, but none the less, the cost of feed today is astronomical for dairy as well as beef, lamb, pork & poultry, but only the dairies have price subsidy.

Also notable, for our local Marin cattle ranchers, there is no government Bureau of Land Management (BLM) lands presently available for beef producers.

However most counties in most states throughout USA, have such land available and cattle ranchers enjoy BLM government leases extending for what is now proposed to be twenty years, and usually for a nominal amount, as the cattle grazing reduces fire hazards and enhances the growth of natural grasses.

As a Marin beef producer we do not have BLM land advantage available to us.

Those of us producing beef cattle meat protein in Marin County, marketing our products, compete with every other rancher throughout USA producing the same commodities. But alas, the playing field is not equitable. .

On my lands, the beautiful grass fed animal welfare cared for animals, are anti biotic, & hormone free beef, which competes for buyers, in markets, auction and harvesting plants with culled dairy cows.

Or as a Cargill acquaintance of mine notes, “we buy cull cows, happy cows for our McDonalds happy cows meals”

Yes cull cows, not grass fed, not hormone free, not antibiotic free, but good old fashioned worn out cows. Hence you saw the down dairy cow which made the news all over America, as cull dairy cows make up a great portion of hamburger meat for consumers, along with imported beef from Mexico, Canada, Central and South America.

My goal here is not to demean dairies or cull cows, or beef producers elsewhere, my goal is to share with you information about the inequities that exist right here in our own county, and to share with you what the Marin County beef producer has to compete with in the market place

Therefore, for a beef producer to survive, the Marin cattle ranch has to have the ability to have diversity.

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That means hunting lodge facilities if appropriate, duck blinds and skeet shooting, (such as we saw recently our President Obama regularly practicing), Farm Stays, Farm Stands, Farm Tours, and Bed and Breakfast Buildings.

How can a producer on the Coast in Marin County California, operating under the aegis of the California Coastal Commission (CCC), Marin County environmental rules, possibly compete with producers in other areas of California and United States who have the advantage of nominal cost BLM pasture & no expensive permit costs and prohibitions against using their lands to its highest and best use?

Other private *inland ranches in California*, are allowed to ranch, unfettered with rules of intergenerational housing, merging parcels, trails, extracted easements for permit allowance, clustering of buildings, limitations on processing facilities, and farm stands micromanaged with “no picnic tables allowed”, costly permits and restrictions & prohibitions against, duck blinds, skeet shooting, hunting lodges, veterinary clinics, farm stays and Bed & Breakfasts.

Seems unfair doesn't it? Especially since most of these Marin farms and ranches were in existence some about 100 years, before powerful *appointed* Planning Commissioners, and CA Coastal Commission and staff came into existence.

Interesting how that took place isn't it? Like the colonization of old. The new Settlers, brilliant in their superior wisdom arriving at virgin lands to “colonize” the land and rule the existing natives.

Yes, most of these new Settlers, came to California & Marin County, because of the pristine rolling hills, miles to hike and cycle, clean air, beautiful coastal waters, huge expanses of land and quiet peace, observing those pastoral scenes with cows slowly grazing green pastures.

Yet we find inequity here and there in the County, we find homeless, some crime areas, confined of course; and we tout the finest “Certified Farmer's Market” in California.

However there are aberrations, we find our Certified Local Grown Marin County Farmer's Market's allows beef, lamb & pork, million dollar producers selling product produced on 30,000 acre operations in Oregon and Northern California

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Counties hundreds of miles away, allowed to trump local producers in local markets, because the out of county producers “*showed up when we first started*”

Then we have Coastal homes with private docks on the Bay which are exempt from Coastal Commission jurisdiction by what some have called, “Gerrymandering machinations” and exclusionary provisions provided by mysterious calculations.

I have no knowledge of that, however it is seemingly questionable. When we have mansions with docks and intrusions into the waters all over Marin, Tiburon, Belvedere, San Rafael, et al., which seemingly are not under the jurisdiction of the CCC., which docks and beautifully appointed boat houses are remodeled at whim and will, (I was a guest in one recently) with overlaying jurisdictions that exclude them from the CA Coastal Commission.

However the estuary which fronts my farm land has an unobtrusive insignificant simple lot line land adjustment to align a fence line, which permit, I and my Surveyor applied for, has been pending for almost ten years before our CA Coastal Commission Staff.....

Out here in West Marin, we have the elite Oceana Marin Development, with an open air community sewer pit evaporation pond, with migrating bird flocking therein & traveling over, in and resting on my organic closed herd cattle pastures,

.....all the building activity on the skyline ridgeline, within viewshed of my lands, building new homes, seemingly exempt and unfettered by all the rules and regulations that would be imposed on farmer Jones, who is just trying to survive on the farm,,,

... without cell service, and winter power lines, out of service annually whose *family were engaged in agriculture on the ranches preceding the development of Oceana Marin by at least a 100 years!*

Discreet and unintelligible Maps and Exclusionary Provisions, tucked obscurely in maps with fine print, and euphemistic language

Do I understand that this area of Coastline called Oceania Marin has its own exclusionary clauses sandwiched in unintelligible language that we common farmer folk find hard to follow?

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Whoa, those lands so finely excluded are within slingshot of my farms, so whatever exclusion they are allowed, I should be entitled to the same or else we must call these special privileged “Exclusionary Provisions” “illegal discrimination”

Their homes sit on the ridge line overlooking the ocean, but I cannot have a home on the ridgeline overlooking my farm, when they are within a stone’s throw of that ocean, visible from the County Road and from all public viewshed?

Let us ask our Marin planning staff to include all the rest of us nearby, adjacent & contiguous landowners the same privileges as Oceania Marin, and other agricultural lands that are provided accommodating “exclusionary” privileges.

Recently a ranch visitor, an erudite old college buddy of mine came upon me studying with great intensity the new volume of LCP amendments,

(I have seven Bankers Boxes of LCP materials and comments) all the while trying to get my satellite service to access the LCP website to ferret out the new map exclusions for Oceania Marin et al, a stone’s throw from my back 40, which lands apparently have negotiated a special dispensation, which I, and my neighbors should be allowed to enjoy equally.

(You see, those of us up here at the tip of our county have no cell service, and difficulty in satellite connection stability. Perhaps Oceania Marin does not have that issue?...

In wind and storm, we lose power, telephone land lines, so in emergency, we are back in the eighteenth century, just to share with you a bit of our inconveniences.)

Well my dear old college buddy made a startling comment, he noted that those of us in Marin County under the aegis of the CCC, in the meat protein business need a long overdue *Deus Ex Machina*

Having forgotten most of what little Latin I learned many years ago, I had to look that one up. Yes, a kind of divine intervention, now I remembered my Greek & Roman plays, where a “*God out of a machine*”: was introduced into the play to save the day. “*Only God can save us*” noted the German philosopher Martin Heidegger. *Exactly what many of us out here in West Marin exclaim daily.*

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WHAT TO EXPECT IN THE FUTURE

A new report from California Climate and Agricultural Network, CalCAN, Triple *Harvest*, reports that 50,000 acres of California farmland each year for the past 30 years has been lost to development.

There is even threat from farmland being devoted to solar panels and other ostensible energy green concepts, which in fact reduces viable farm land.

And in certain areas of California, the state's new "fracking" boom means oil and gas companies are quietly going around purchasing subsurface mineral rights from cash strapped owners of farms, putting agricultural land and water at risk.

Notwithstanding local Marin County regulations to the contrary, Florida Light and Power sent out ambassadors, for which I and my ranch was approached to sign easements for future development for power, *if and when the regulations might be changed*.

I read these lopsided contracts carefully, and discouraged all neighbors and landowners I could influence.

Several Marin County landowners signed such contracts, which though jettisoned by County adjudication for now, those existing contracts remain viable, as most were 30 year contracts, which contracts encumbers the landowner & successor in interest for many years into the future.

In the San Joaquin Valley, 45 large scale-solar projects were approved to cover about 17,570 acres of the valley's most productive farming and grazing land, and an additional 59 acres under consideration (see Cal Can report *Triple Harvest Feb 2013*)

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These examples point out my fear and apprehension, of how today's cash strapped landowners, may be accepting payments, encumbering their lands for the future, as these contracts are executed customarily without notification or knowledge of planning commission and county planners.

These contracts will emerge years from now, long after those who seek to rule from the grave are no longer county planning rule makers.

For all of the above shared reasons, we landowners ask the Marin County Board of Supervisors to revisit the regulations in place for Farm Income Diversification and postpone the final approval until such time as staff has had an opportunity to address these pressing issues

All stakeholders must have an opportunity to be heard which cannot be accomplished in 3 minute capsules, presently allowed.

Please revisit the restriction and prohibitions re Tours, Farm Stands, Farm Stays, Bed & Breakfasts, and Farm Plants-processing facilities for milk, cheese, sausages, meats, eggs and other protein production small plants

I support the issues discussed in the Marin County Farm Bureau's latest letter to this Board, as well as subsequent submittals, however I notice the paucity of any comments or proposals for modification to Farm Production Facilities, Farm Stays, Farm Stands, Farm Tours, and the unreasonable reversal of the long standing "principally permitted use" of Bed & Breakfast Facilities.

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BED & BREAKFASTS

Bed & Breakfasts have been allowed in the CA Coastal Jurisdiction area as a *principally permitted* use for many years, negotiated and allowed since the mid 1980's.

There is no reasonable credible reason to wipe this out, except for uninformed or personal basic bias and prejudice against farmers surviving in Marin County.

So, spearheaded by one or two *appointed Planning Commissioners*, who such as I, may not be around in twenty or thirty years, they have turned the clock back, and destroyed this B&B opportunity for our succeeding generations and jettison this presently "*principally permitted*" use,

This unfair and irrational deletion further diminishes the value of our Marin County lands, depriving landowner's of opportunities that are available to our contiguous county landowners and those throughout USA.

These *unelected appointed* Planning Commissioners, well meaning as we may believe, should not have the rule of a monarch, to destroy this existing viable opportunity for our successors in interest to have an opportunity to share the beauty of our West Marin by building and operating a Country Bed & Breakfast.

Now, by attaching an impossible expensive hurdle, these Commissioners will be assured that no Bed & Breakfast application will come forward, without the prohibitively expensive permit process of the CA Coastal Commission.

Why has this been allowed?

Local planning rules in place are onerous enough, without the superfluous additional CCC permit process. We question the motives of removing Bed & Breakfasts from the existing CCC & local planning "*principally permitted use*"

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We landowners, stakeholder, perhaps prospective B&B innkeepers, request this Board revisit this issue and allow the Bed & Breakfast provision, presently allowed as a principally permitted use to remain intact as it has been for over ten years.

FARM STANDS LIMITED TO 500 SQ FT DO NOT ALLOW FOR STORAGE OF REFRIGERATION,

PROPER DISPLAY AND STORAGE OF PRODUCT AND SHELTER DURING INCLEMENT WEATHER.

Agritourism, with Farm Stand Facility, has been the subject of a full term course at UC Davis, with a price tag of over one thousand dollars tuition.

Farm Stands, are a source of income for the local farmer. If proper off road parking is provided on the farm, the building should be large enough and adequate to place refrigeration for perishable product, store product, and handling boxes, sinks for washing product, hygiene and cleanliness

Bathroom facilities for travelers, a picnic table and rest spot in shelter, especially with the unpredictable coastal winds in West Marin should be allowed. Local planning regulations take care of the details, so this should be a “principally permitted use” without the added layer of a CCC permit.

PLANT FACILITIES SHOULD BE PROPERLY ALLOWED TO PROVIDE ADEQUATE SPACE TO PRODUCE THE PRODUCT, GOVERNED BY THE LOCAL PLANNING DEPARTMENT, AND NOT BE A SUBJECT OF COASTAL COMMISSION STAFF, WHO HAVE NO KNOWLEDGE OF FARMING PRODUCTION

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Let us remind this wise Board, that we on our farmlands, have survived, bankruptcy, drought, predators human and animal, and still persist, in spite of inheritance taxes, causing us to buy our lands over and over again, to keep them in agriculture, and keep the family heritage intact.

We ask this Board to postpone the approval of this LCP, and request that the Planning staff revisit the following areas:

1. **Bed & Breakfast** to continue as a “principally permitted use”
2. **Farms Tours** allowed a “principally permitted use”
3. **Farm Stays** allowed as a “principally permitted use” without restrictions & micro management of time limitations on when & how breakfast & supper is served
4. **Farm production facilities** a “principally permitted use” placed under the control land permit process of the local planning department which decides Sq Ft limitations
5. **Farm stands** a “principally permitted use” with maximum of 1,000 Sq Ft with picnic tables allowed, along with adequate off road parking

Thank you for this opportunity to comment on the LCP of Marin County.

CONLAN RANCHES CALIFORNIA

Ione Conlan

Director, California Beef Cattle Improvement Association (CBCIA); *Advisor* to California Secretary of Agriculture Karen Ross, on Organic Production (COPAC); *Director*, Marin County Farm Bureau; *Director* California Wagyu Breeders Assoc *Advisor*, North American Meat Assoc (NAMA); *Pres & CEO* CRC, Inc; *Active Member* of California Cattlemen’s Association; American Society of Farm Managers & Rural Appraisers (ASFMRA); North Bay Woolgrowers Assoc; Redwood Empire Holstein Assoc; American Wagyu Assoc; California Cattlemen’s Association, Marin Organics, Animal Welfare Approved Assoc; American Grass Fed Assoc; Jesuit USF University of San Francisco Alumni Association.

Conlan Ranches California was inducted into the prestigious California Agricultural Heritage Club in 2007 as a family continuously in agriculture in the same location for over 125 years.