

April 8, 2004

The Commissioners
Marin County Planning Commission
Marin Civic Center
San Rafael, CA 94903

Re: Draft Countywide Plan

Dear Commissioners,

The Environmental Action Committee of West Marin has the following comments on the Draft Countywide Plan. Before giving our detailed comments, we would like to discuss in general the parts of the draft Plan that chiefly concern us.

Wetland Buffers: The draft plan calls for adoption of new criteria for wetland buffers and appears to open the door to replacement of the existing fixed-width buffer system with a flexible system in which buffer widths would vary from property to property (p.2-33 BIO-4.b). This is a bad idea. It would replace a consistent, clear, pragmatic, and scientifically defensible system with one in which each individual case must be argued, investigated, proved, and defended; in which, buffer zones will vary from property to property according to the will, influence, and pocketbook of the property owner; the quality of the scientific reviewers; and the planner to which each case is assigned. In addition, the criteria suggested focus on the hydrological functions of wetlands and underplay their biological and ecological values.

Stream Conservation Areas: We are alarmed to note that the draft Plan would weaken the existing SCA protections in three ways.

1. It calls for the "reevaluation" of the existing fixed-width stream buffers according to an inadequate set of criteria that focuses on a stream's hydrological and physical processes and gives short shrift to biological and ecological considerations (p.2-33 BIO-4.b). As with wetlands, the draft plan appears to open the door to reduction of buffer sizes and replacement of the existing fixed-width buffers with a flexible system in which buffer widths would vary from property to property.
2. It lifts restrictions on development within the SCA (p.2-27-8 BIO-4.2) by replacing an exhaustive list of permitted activities with an open-ended list of examples.
3. It allows development within SCAs for existing buildings (p.2-32 BIO-4.a), something which is now prohibited.

Native Species: The sections dealing with native species and invasive alien species are weak and inadequate to ensure protection of native species. We suggest a new Native Species Protection Ordinance, below.

Mineral Resources: The draft plan asserts that Marin County's sustainability goals will be supported if construction materials come from sites close to consumer markets. This is simplistic and ignores the fact that the transport of extracted minerals is not the only--nor even the greatest--impact caused by mining. The most effective way to move towards sustainability is to reduce our use of extracted minerals and the key question about mining is not whether mines are close to the markets they serve, but whether they are located in sensitive habitats.

Open Space Acquisition: The draft Plan does not include any West Marin sites for acquisition and preservation as Open Space. Below, we suggest some sites that merit protection.

Agricultural Issues: The draft Plan deals inadequately with agricultural diversification, agricultural water use, and protection of agricultural land from development.

1. The draft Plan refers often to agricultural diversification and calls for its promotion (p.2-132 AG-2.2-2.5), but does not define it. As we understand it, agricultural diversification refers to various activities that may improve the economic viability of an agricultural operation. Diversification refers to a wide range of activities from on-site processing to agro-tourism operations to the cultivation off vineyards. It is necessary to consider the environmental impacts of diversification so that we can do what is necessary to eliminate, reduce or mitigate any negative impacts they may have.
2. The plan encourages increased water use for agriculture (P.2-49 IP WR-1.b & B P.2-53 IP WR-3.a) without adequate reference to water conservation and the potential impact on wildlife.
3. The draft Plan contains mechanisms for protecting agricultural lands that range from easements to limitations on house size but they are not strong enough. We suggest ways of strengthening them.

PAGE BY PAGE COMMENTS

Quotes from the Plan are in italics; suggested additions are underlined; suggested deletions are struck through.

Introduction

p.1-7

Sustainability: The CWP uses several different models of sustainability. On p.1-7 there is a pyramid with natural resources at the base; elsewhere there are three overlapping circles. It should be made clear which of these models is the basis of the plan. We urge

that the inverted pyramid be chosen because we believe that of the two it more accurately represents the nature and relations of the three elements of this plan (natural resources, built environment, socioeconomic). In any case, the plan should use one model and make it clear which is used.

p. 1-9

Countywide Goals: *A Sustainable Agricultural Community. Marin working agricultural landscapes will be protected and the agricultural community will successfully diversify, produce and market healthy food products.*

As a means to producing healthy food products or to achieving economic viability; diversification may be a goal for individual farmers, but it is not, per se, a goal for the County.

Natural Systems Element

p.2-3

Key Trends: Mineral Resources

The County is required by the State to preserve mineral resource sites and ensure that nearby land uses are compatible with extraction. ~~The underlying rationale—that construction materials should come from sites close to consumer markets—supports the County’s sustainability goals, including reducing transportation impacts associated with imports.~~

The idea that County’s sustainability goals will be supported if construction materials come from sites close to consumer markets, is simplistic. It ignores the fact that the transport of extracted minerals is not the only—nor even the greatest—impact caused by mining. The most effective way to move towards sustainability is to reduce our use of extracted minerals and the key question about mining is not whether mines are close to the markets they serve, but whether they are located in sensitive habitats.

p.2-5

Vision: Mineral Resources

Mineral resource sites are regulated to ensure that mineral extraction operations are located away from sensitive habitats, that necessary mineral and construction commodities are located, reasonably close to their markets and that the environment, natural resources, native species, and public health and safety of local residents is are protected using the best available management practices. Permit conditions are rigorously enforced and reclamation of mined lands is required to prevent or minimize adverse effects on the environment and public health. Truck traffic and blasting associated with quarrying can create adverse local impacts.

This vision fails to incorporate the most basic element of sustainability, which is that mineral extraction not be allowed to damage sensitive habitats. Some damage caused by mineral extraction cannot be mitigated by reclamation.

p.2-6

Vision: Agriculture and Food

~~Expanded Agricultural uses will protect important biological resources.~~

If the meaning of this is that it is the intention of the CWP that in future agriculture will be practiced in such a way as to protect important biological resources, then the word “expanded” should be deleted to indicate that all agriculture should be practiced in a way that protects important biological resources

p.2-6

Public Open Space

~~Open lands are managed primarily for resource preservation, and secondarily for lower impact recreational uses such as, which may include hiking, horseback riding, and mountain biking if properly managed and conducted.~~ Whether biking, riding, and even hiking are low-impact activities depends on how they are managed and conducted.

Natural Systems Element: Biological Resources

p.2-10

Baylands Corridor

Throughout the plan, there is reference to “baylands” and “baylands ecosystems.” Though in many cases, the reference is to the proposed County Baylands Corridor along San Francisco and San Pablo Bay, the potential for confusion exists because these are not the only bays in Marin County. A clear distinction should be drawn between the San Francisco and San Pablo Baylands Corridor and baylands in general, which in Marin County includes Tomales Bay.

This paragraph and the two that follow it should be moved to p.2-11, as the first full paragraph on the page. Presently it breaks the Riparian Areas section in two. In its new location, it is followed by a section on Oak Woodlands which lacks a header.

p.2-10, last paragraph

~~Stream Conservation Area policies have been changed strengthened with the adoption of zoning regulations that expand and refine the applicability of stream buffer requirements for development projects that have the potential for harming riparian vegetation and water quality. Additional development review procedures and standards are expected in the area of stream conservation as an ongoing effort to create a well-balanced regulatory approach to protecting these important resources.~~

As explained below, with respect to p. 2-25 BIO-3.d, the nature and impact of the proposed changes are far from certain to strengthen SCA policies.

p.2-12 **Not all special-status species receive adequate protection.** The Department of Fish and Game Natural Diversity Data Base does not monitor at least 35 species

reported locally that meet special-status criteria. Moreover the NDDB does not identify all areas in which special status species are present and does not have a mechanism for alerting planners that the area they are investigating may be adjacent to a sensitive habitat. Regulatory standards are generally not available to define appropriate development setbacks necessary to protect sensitive resources, requiring site-specific protective measures.

The draft should be changed to reflect the full range of shortcomings of the Natural Diversity Data Base.

p.2-13 Policy BIO-1.1 ***Protect Wetlands, Essential Habitat for Special-Status Species, Sensitive Natural Communities and Important Habitat Corridors.***

Protect sensitive biological resources, wetlands, and habitat corridors through careful environmental review of proposed development applications, including cumulative impacts.

The intent is to ensure that cumulative impacts are considered in environmental review of all sensitive biological resources.

p.2-12 Policy BIO-1.2 ***Acquire Habitat***

Acquire and manage important natural habitat areas, such as baylands, coastal shorelines, ~~and riparian corridors,~~ and areas linking permanently protected open space lands.” Add words in italics, delete words underlined.

The intent is to clarify that not all habitat to be acquired need link permanently protected open space lands.

p.2-14 Policy Bio-1.6 ***Control Spread of Invasive Exotics.***

This section is inadequate to control the spread of invasive exotics. The following should be added:

1. A policy to prohibit sale or use of the plants listed in the State’s Noxious Weed List, the California Exotic Pest Plant Council’s list of Ecological Pest Plants, and other priority species identified by the Agricultural Commissioner and California Department of Agriculture.
2. Provision for requiring the removal listed invasive exotic species when a property is sold.
3. A policy of requiring public and private land managers, including ranchers and farmers, to promote native biodiversity and control the spread of invasive exotics through Best Management Practices.
4. A policy requiring the Agriculture Commissioner to make removal of invasive exotics and protection of native plant species a priority.

p.2-15 Policy BIO-1.8 ***Control Use of Herbicides, Insecticides and Similar Materials.***
Restrict the use of insecticides, herbicides, or any toxic chemical substance in sensitive

habitats, except in the following cases and then only as a last resort after all other approaches have been tried without success when an emergency has been declared, the habitat itself is threatened, a substantial risk to public health and safety exists, including maintenance for flood control, or when such use is authorized pursuant to a permit issued by the Agricultural Commissioner.

The intent is to further discourage the use of such chemical controls.

p.2-15 Add a new Policy BIO-1.9 **Control Invasive Exotic Animal Species.**

This policy and related implementing programs are needed to control introduced species which harm the environment and/or cause economic damage, such as wild turkeys, green crabs, and wild pigs.

p.2-16 Implementing Program BIO-1.b **Develop Habitat Monitoring Programs.**

~~If necessary, consider establishing~~ Establish cumulative thresholds for habitat loss for particularly vulnerable natural communities and use as a basis for modifying standards for mitigation.

p.2-17 IP BIO-1.e **Prepare Appropriate Landscape Lists.**

Lists of appropriate landscape plants should not include those with high water requirements.

p.2-17 Add a new Implementing Program IP BIO-1.g **Adopt a Native Plant Protection Ordinance.**

Such an ordinance would implement the policies we have called for in New Policy BIO-1.6, above.

p.2-19 Policy BIO-2.3 **Limit Development Impacts.**

Development projects shall preferably be modified to avoid impacts on sensitive resources, or to adequately mitigate impacts by providing on-site or (as a lowest priority) off-site replacement. Off-site mitigations shall be at a 3:1 ratio.

A 3:1 ratio is commonly employed for off-site mitigations.

p.2-20 Policy BIO-2.7 **Prohibit development in sensitive coastal habitat.**

~~Continue to~~ *Protect coastal dunes from development.*

p.2-21 IP BIO-2.a **Conduct Habitat Connectivity Assessment.**

~~If warranted,~~ *Develop recommendations for policies to protect essential habitat corridors and linkages.*

p.2-22 Policy BIO-3.1 **Protect Wetlands.**

This policy needs to be re-written on several counts. It appears to have no provision for

wetland buffers for large properties in the City Centered Corridor or for small properties in the Coastal Recreation and Inland Rural Corridors. It defines small properties in the City Centered Corridor as less than 5 acres, a size which includes virtually all properties in that corridor. The proposed reduction to 50 feet in the City Centered corridor would only be warranted if there were no sensitive species involved. In addition, it fails to acknowledge the importance of slope in determining whether a buffer is effective in minimizing impacts to wetlands. EAC and the Sierra Club—Marin Group propose the following wording.

Require development to avoid wetland areas so that the existing wetlands and buffers are preserved and opportunities for enhancement are retained. ~~Employ the following criteria when evaluating~~

~~*City Centered Corridor: a minimum 50 foot buffer on smaller infill properties (typically less than 5 acres) and a minimum 100 foot buffer on all other properties. Coastal Recreation and Inland Rural Corridors : a minimum 100 foot buffer on large properties that are proposed for development (typically larger than 5 acres). Wetland buffers should be measure from the edge of the existing riparian vegetation.*~~

The Development Code shall be amended to establish an ordinance that creates a Wetland Conservation Area (WCA) that consists of the wetland itself (using Coastal Commission criteria) plus:

- a) A 100-foot buffer projecting out from the wetland edge, except that*
- b) On smaller infill properties (typically less than 0.5 acres) in the City Centered Corridor, the width of this buffer may be decreased (but in no event less than 50-foot) when the wetland and its buffer do not contain sensitive species.*
- c) On all other properties, the width of this buffer shall be increased as the adjacent slope increases (see BIO-3.d).*

p.2-22 Policy BIO-3.2 **Require Thorough Mitigation.**

Where complete avoidance of wetlands and buffers is not possible.

What standards are to be used to determined when avoidance of wetlands and buffers is or is not possible? Strictly speaking, if avoidance is not possible, construction should not be possible.

p.2-23 IP BIO-3.b **Prioritize Wetland Avoidance.**

In those rare instances when on-site wetlands loss is unavoidable, for each acre of wetland lost, require that a minimum of ~~two~~ three acres be provided through mitigation.

Again, we question the idea that destruction of wetlands cannot be avoided. However, a 3:1 ratio is commonly employed for off-site mitigations.

p.2-24 IP BIO 3.c **Establish Clear Mitigation Criteria.**

This Implementing Program should include the following:

1. Off-site mitigations shall require a minimum 3:1 replacement ratio.

2. On-site mitigation *must* be implemented prior to and/or concurrently with the project activity.
3. If the goal of mitigation involves rare, threatened or endangered species, habitat replacement *and occupancy* by target species is required prior to wetland destruction.
4. Off-site mitigation *must* be implemented prior to the project activity.
5. An area of adjacent upland habitat *must* be protected.
6. Mitigation sites *must* be permanently protected.
7. Mitigation projects *must* minimize the need for on-going maintenance.
8. Performance bonds *shall* be required for all mitigation plans.

p.2-25 IP BIO-3.d ***Establish Criteria for Buffer Zones.***

This paragraph is unclear and could substantially weaken wetland protections if it is interpreted or implemented so as to replace the current system of fixed-width buffer zones with a case-by-case analysis that may result in smaller buffers.. Such an approach would be difficult to administrate and inconsistent with the County's own commitment to protect wetlands IN BI-3.1. We, along with the Sierra Club-Marin Group, propose amending the wording to provide both a method to decrease the buffer in the City Center from 100 to 50 feet and increase the buffer when the adjacent slope calls for additional protection.

Note: Sonoma County Ordinance 5172 Doubles cultivation setback requirements when the slope is over 15%; Napa County Code 18.108 requires a stepped increase in cultivation setbacks, roughly doubling at a 15% slope and tripling at a 45% slope.

Establish criteria to be used in determining when the standard 100 foot wetland buffer could be decreased in width (but in no event less than 50-feet) on smaller infill properties (typically less than 0.5 acres) in the City Centered Corridor when the wetland does not contain sensitive species. Establish criteria by which the standard 100 foot wetland buffer of Policy BIO-3.1 must be increased in width on larger properties in all corridors, when the adjacent slope increases in gradient. the review of individual development applications for determining an adequate setback distance in upland habitat to serve as a buffer zone between development and wetland areas. Setbacks should provide for minimum filtration functions to intercept sediments and prevent degradation of adjacent wetlands to be protected, with a minimum setback of 50 feet in the City Centered Corridor, and 100 feet in the Coastal Recreation, Inland Rural, and Baylands Corridors. Within the City Centered Corridor, flexibility should be included in the criteria based on site constraints and opportunities to ensure the avoidance of sensitive wetlands, and associated resources such as special status species, and the feasibility of alternative mitigation options for already developed properties.

p.2-26 Policy BIO-4.1 ***Restrict Land Use in Stream Conservation Areas.***

This policy should be amended to include a prohibition on development in Stream Conservation Areas in most circumstances.

Prohibit development within SCAs except when a parcel falls entirely within an SCA or when development outside the SCA would be more damaging to the environment than development within it, and limit land uses in SCAs to those that create minimal disturbance or alteration to water, soils, vegetation and wildlife and that maintain or improve stream function or habitat values.

In addition, we suggest the section dealing with the City-Centered Corridor and Coastal Recreation and Inland Rural Corridors with text similar to that of the wetland buffer text in BIO 3.1:

The Development Code shall be amended to establish an ordinance that provides the Stream Conservation area (SCA) that consist of the area between the upper banks of the 10- year floodplain, and

a 100-foot buffer extending outward from the edge of the upper bank of the 100-year floodplain plus an additional 50 feet from the edge of riparian vegetation associated with the stream (or 100 feet from the bankfull streambank, whichever is larger) except that:

- a) On smaller infill properties (typically less than 0.5 acres) in the City Centered Corridor, the width of this buffer may be decreased (but in no event less than 50 feet) when the stream and its buffer do not contain sensitive species; on the remainder of City Centered Parcels, the width of this buffer shall extend outward 100 feet from any point along the edge of the bankfull streambank but shall not include any addition extension based on riparian vegetation;
- b) On all other properties not in the City Center, the width of this buffer shall be increased as the adjacent slope increases (see BIO 4.b).

p.2-27-29 Policy BIO-4.2 **Require Compliance with SCA Regulations.**

This is a curious policy. It requires compliance with Stream Conservation Area regulations. Are we to assume that it is not the County's policy to require compliance with its other regulations?

This policy is also in need of amendment, as below, for numerous reasons, including the following:

- To replace the list of examples of permitted uses with an exhaustive list of all land uses allowed within an SCA, as does the current Marin Countywide Plan.
- To list all permitted agricultural uses.
- To clarify "animal confinement within an SCA. Are animals considered to be confined within an SCA if 25%, or 50% or 75% of the land within a fenced area is within the SCA? Or is confinement defined according to the length of the stream (50, 100, or 200 feet) that is within the fenced-in area?

Allowed uses (provided they conform to zoning and all relevant criteria and standards

for SCAs) ~~include are:~~

- *Currently existing legal or legally 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 unduly disturb wildlife;*
- *Necessary water supply and flood control projects that minimize impacts to stream function and to fish and wildlife habitat;*
- *The following named agricultural uses that do not require removal of woody riparian vegetation or degrade water quality 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) *An independent scientific review paid for by the applicant proves that development on any portion of the parcel outside the SCA would have greater impacts on water quality, wildlife habitat, and other environmental impacts.*

p.2-28 Figure 2-1, **Typical Cross-section of a Stream Conservation Zone.**

This graphic is misleading because

- a) It does not adequately show the 50 foot riparian vegetation extension;
- b) The design of the converging lines above the existing description “Stream Conservation Area in Coastal-Recreation...” can too easily be mis-read as implying that the SCA extends 100 feet out on both sides from the center of the creek, instead of the edge of the upper bank of the 100-year floodplain.
- c) The Stream description is inconsistent with both existing and proposed CWP
- d) The SCA in the City Centered Corridor is not consistent with either the existing or proposed CWP

Amend the graphic of Figure 2-1 to more clearly show the effect of the 50-foot riparian vegetation extension when it is added to the buffer (right side of stream) and when it is superseded by the 100 foot minimum (left side of the stream):

- a) The stream in the graphic should be titled: “Stream (shown as solid or dashed blue line on the USGS Quad Sheets qualifying for protection per the CWP)”
- b) The edge of riparian vegetation should be 25 feet from the right edge of the streambank on a flat slope.
- c) The edge of riparian vegetation should be 75 feet from the left edge of the streambank.
- d) There should be an indicated 100 foot distance between the two streambanks;
- e) The first resulting SCA, which should be titled the “SCA for all parcels outside the City Centered Corridor” then extends 100 feet from the right creek bank

(the minimum), 125 feet from the left creek bank (includes +50 from riparian) and includes the 100 feet between the banks, for a total of 325 feet.

- f) The second resulting SCA should be titled “SCA for large (>0.5 acre) City Center parcels” and should show a width of 100 feet from the edge of the upper bank of the 100-year floodplain on each side.
- g) The third resulting SCA should be titled “minimum SCA for small (≤0.5 acre) City Centered parcels not adjacent to protected species” and should extend 50 feet from the edge of the upper bank of the 100-year floodplain on each side.

p.2-29 BIO-4.4 **Promote Natural Stream Channel Function**

Amend last sentence to read “*In no cases shall alterations that create barriers to fish migration be allowed on streams mapped as supporting or historically supporting ...*”

p.2-32 New Policy BIO 4.17. **Amend the Zoning Code to ensure that no new parcels can be created that are entirely within the SCA or that would result in allowing development within the SCA.**

p.2-33 IP BIO-4.a **Adopt Expanded SCA Ordinance.**

There is no justification for allowing an enlargement of the footprint of an existing building within an SCA. Expansion should be only through the addition of a second-story. The only way not to “increase the existing encroachment into the SCA” is not to enlarge the footprint of the structure within the SCA.

Building or expansion of the second story of a building already within an SCA on a conventionally zoned parcel should also be allowed once only. That is to say, any expansion must be conditional on the recording of a deed restriction prohibiting all further development on that property. The restriction should be on all development on the property, not only within the SCA because if a suitable location outside the SCA could be found, the development should have been located there in the first place.

We would consider another approach to development within SCAs on conventionally zoned parcels. If an owner removes existing structures within the SCA and restores the riparian vegetation, then he or she could be permitted to construct new buildings (at a 1:2 ratio of new to demolished buildings) within the SCA if they are further away from the stream than the old buildings and if additional on-site mitigations are adopted.

p.2-33 IP BIO-4.b **Reevaluate SCA Boundaries.**

While additional scientific studies of the impacts of buffer zones on the health of streams and stream-dependent wildlife would be useful, the evidence gained should not be used either to reduce the size of buffer zones or to replace the existing Countywide consistent standards for a case-by-case approach.

Moreover, the criteria listed are inadequate.

- Each SCA should encompass all riparian vegetation, not merely all woody

riparian vegetation.

- SCAs should be considered not only in light of the physical and hydrological services they provide, but also in terms of their biological and ecological services.

p. 2-33 IP BIO-4.c **Prepare County Stream Map.**

We are pleased to see that the County intends to no longer base its assessment of streamflow and stream location on outdated USGS maps.

p.2-34 IP BIO-4.e **Establish Functional Criteria for Land Uses in SCAs.**

As argued above, identifying potential impacts to riparian systems should not mean that the County establishes stream buffers on a case by case basis.

p.2-34 IP BIO-4.g **Require Compliance with SCA Criteria and Standards.**

Again, though it is desirable to require compliance with County criteria and standards, one would hope that such compliance is required as a matter of course and not only where called for by a specific policy.

p.2-35 IP BIO-4.i **Continue Funding the Fencing of Sensitive Stream Areas.**

We support this policy, but this program should not be considered a mitigation for allowing grazing within SCAs.

p.2-35 IP BIO-4.k **Monitor Stream Conservation Areas.**

We suggest that this program (or IP BIO-4.c or 4.k) be expanded to include mapping fenced streams, or a new Implementing Program be added (IP BIO-4.l **Map Fenced Streams**).

p.2-35 Goal BIO-5 **Baylands Preservation and Enhancement.**

It should be made very clear that the following policies and implementing programs apply to the Baylands Corridor and not to Tomales Bay. However, we suggest that a bayfront setback or buffer of 100 or 300 feet be applied to Tomales Bay also.

Natural Systems Element: Water Resources

p.2-47 Key Trends

The assertion that “threatened fish are making a recovery” is not supported by the scientific evidence and should be removed. Much of the “recovery” may be due to temporary oceanic conditions.

p.2-48 Policy WR-1.1 Protect Watersheds and Aquifer Recharge.

We support this policy, but it is in conflict with IP AG-1.n, a fact we will address later in this letter.

p. 2-48 Add a new Policy WR 1.4 **Protect Upland Vegetation.**

Protect upland vegetation to promote infiltration and to reduce erosion. In the inland and coastal corridors, do not allow building and access driveway construction on slopes over 18% or on ridgelines beyond 100 feet from existing roads. Promote restoration and correction of erosion problems associated with agricultural roads and grazing on slopes over 18%.

p.2-49 IP WR-1.b **Establish Development Standards for Infiltration.**

This program lacks any reference to water conservation. It also appears to consider water impoundment as having a positive impact on filtration. In fact, cattle and evaporation reduce the infiltration value of impoundment. The program should call for the promotion of native vegetation on hillsides, which does have a positive impact on filtration.

p.2-51 IP WR-2.b **Research Alternative Waste Options.**

Alternative waste options should not be allowed to increase the development potential of existing parcels.

p.2-52 IP WR-2.d **Educate Homeowners Potential Users of Toxic Substances. Homeowners, Businesses, Agriculturalists, and all potential**

Continue to educate potential users of toxic substances, including homeowners, agriculturalists, and businesses about toxicity issues...

p.2-53 **Why is this important?**

The deleted sentences are not making any supportable or relevant points, and they ignore alternative points, such as the value and taste of non-irrigated crops.

~~Local agricultural operations have the best opportunity to bring healthy food to local residents in a sustainable manner. Efforts by agricultural landowners to cultivate and enhance water sources responsibly can increase the availability, and~~

~~reduce the cost, of locally grown fruits, vegetables, grain, dairy, and other products. Conservation efforts countywide can increase the amount of water left in natural~~

~~drainages to support wildlife and other important environmental resources. The sidebar diagram illustrates the relationship of policies to the environment, economy, and equity.~~

p.2-53 New Policy WR-3.2 **Protect the Russian River.**

It should be Marin County's policy to use its leverage to ensure that the Russian River has adequate water for healthy functioning and the survival of salmonids and other native species.

p.2-53 IP WR-3.a **Support Agricultural Efforts.**

Support the efforts of farmers and ranchers in developing water sources such as

springs to supplement existing supplies, through a variety of methods, including conservation, provided it does not degrade aquatic habitats .

Developing springs as sources of agricultural water sources will have an environmental impact, which could be reduced if water conservation and maintaining adequate water for wildlife were made priorities.

p. 2-53 New Implementing Program WR-3.b ***Promote Recovery Of Usable Water***
Promote recovery of usable water from roofs with storage in cisterns for use in irrigation, livestock watering, and other agricultural uses.

p.2-54 **Targets**

The proposed non-binding targets of “no decrease” in water quality are too low.

Natural Systems Element: Mineral Resources

p.2-59 New Policy MIN-1.6 ***Prohibit Mining in Sensitive Habitats.***

Prohibit mineral extraction in sensitive habitats and “de-list” existing mineral resource sites that are in sensitive habitats.

The County’s Goal of Properly Conducted Mining requires a policy that recognizes that some sites are not suitable for mineral extraction because mitigation and reclamation are not adequate to protect their ecological values. Such a policy should ban mineral extraction from sensitive habitats. Although mining permits undergo CEQA review intended to ensure that mining does not cause irreparable damage, it is important to indicate at a policy level our commitment to protection of sensitive habitats.

p.2-61 IP MIN-1.b ***Create a Mineral Resource Overlay for County Permitted Sites. Amend the Development Code and County Zoning Map to incorporate a “Designated Mineral Resource” overlay zoning district for all mineral resource sites with County-approved operating permits that are in compliance with all conditions and reclamation plans in unincorporated Marin County. These sites shall include all or portions of the following properties identified by Assessor’s Parcel Numbers: 121-050-30 (Nicasio Quarry), ~~100-100-48 (Lawson’s Landing Quarry),~~ 100-060-08 (Martinoni Quarry), 125-160-18 (Redwood Landfill Quarry).***

The coastal dunes at Lawson’s Landing are an “environmentally sensitive habitat area” under Section 30107.5 of the California Coastal Act. Section 30240(a) states that “Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.”

p.2-61 IP MIN-1.c ***Preclude Mining at Ring Mountain and at Lawson’s Landing Quarry.***

See comments above.

Natural Systems Element: Atmosphere and Climate

p.2-75 IP AIR-4.a ***Modify Construction Standards***

This program should be amended to allow for an increase in stream, coastal and bayfront buffers to ensure that development does not occur in areas that may in future be threatened by sea level rise.

p. 2.76 New Implementing Program AIR-4.c ***Expand Streamside, Wetland, and Bayfront Buffers to Allow for Sea Level Rise.***

A new program should be added that would increase the stream, coastal and bayfront buffers to account for the likely inundation of land that currently is within these buffer areas. In other words, as the coastline moves inland and the 100-year floodplain expands, the buffers will need to expand also.

Natural Systems Element: Open Space

p.2-87 Policy OS-3.3 ***Strengthen protection of open space lands Identify Appropriate Use in the Coastal Recreation Corridor.***

This policy is vague and potentially means that protections for the Coastal Recreation Corridor will be weakened. It should be re-written to state that existing protections will be maintained or strengthened and extended to more sites.

Determine appropriate levels of Strengthen protection of and recreation use for coastal lands. Preserve and acquire important habitats and recreational properties in the Coastal Recreation Corridor.

p.2-93 IP OS-3.f ***Review Agricultural Zoning.***

Analyze the Development Code, and amend it as necessary, to ensure an effective and uniform approach to the preservation of agriculture. Revisions may include mandatory clustering provisions, appropriate development standards, ~~and~~ allowance of complementary non-agricultural uses, and the adoption of Open Space protections for agriculturally zoned land that is not viable for agriculture.

This would provide more flexibility for protection of agriculturally zoned land from both inappropriate development and inappropriate “fig-leaf farms” that are proposed simply to comply with County zoning policies. We believe this is what is intended in Policy CD-8.4 on p.3-29 (***Establish Agricultural and Conservation Land Use Categories.***)

p.2-93 IP OS-3.h ***Affirm Open Space Preservation Priorities in the Inland Rural and Coastal Recreation Corridors.***

No West Marin sites are listed for acquisition and preservation. This Implementing Program should call for the creation of a priority acquisition and preservation list.

Work with State and Federal agencies to preserve sensitive coastal open lands in as pristine a state as feasible, while allowing reasonable use of areas already developed

for active recreation. Create a list of Open Space Preservation Priorities in the Coastal Recreation Corridor. Acquire and preserve sites on that list as they become available. Solicit suggestions for such a list from local environmental and open space organizations. Add the following sites to the list.

- Lawson's Landing (the coastal dunes and recreational area)
- All bayside properties on the west side of Highway 1, on the East Side of Tomales Bay north of the GGNRA boundary
- Conservation corridors along all salmon streams and potential salmon streams

p.2-94 OS-3.h **Bolinas Lagoon**

This section is out of date.

~~The Marin County Open Space District, which oversees this former County Park, has teamed with the U.S. Army Corps of Engineers to develop an adaptive management program to protect~~ is assessing the lagoon's fragile subtidal and intertidal habitat resources.

p. 2-94 New Implementing Program OS-3.j **Establish a North Marin Agricultural and Conservation Area.**

Establish a North Marin Agricultural and Conservation Area.

in planning areas 7.7.1, 7.6, 1.3a, 1.4. Work with land owners, MALT, scientists, and open space advocates to create a network of agriculture, open space and conservation zones to:

- *Preserve productive agricultural lands*
 - *Enhance the compatibility of agriculture with wildlife values*
 - *Protect the Walker and Chileno Creek riparian areas and watersheds*
 - *Establish a permanent wildlife corridor connecting to open space preserves to the south and east in Marin as well as to open space in Sonoma County to the north*
- In some cases, acquisition of land will be necessary to preserve lands that are of very high value for wildlife and rare native plants. In other cases, acquisition and donation of conservation and open space easements will be the best way to accomplish the goals.*

Natural Systems Element: Trails

p.2-102 Policy TRL-1.2 **Maintain and, where resources allow, expand Add to the Public Trail Network.**

~~Ensure that the public trail network is well-maintained. When resources allow, Through various means seek to establish, through various means, additional trails and trail segments that will serve the specific public purposes of providing access to or between public lands and enhancing public trail use opportunities.~~

The priority for the Public Trails Network should be maintaining the existing trails.

Expansion of the trail system should only occur when all maintenance needs have been met.

p.2-103 IP TRL-1.e **Establish a Fund for Trail Maintenance and Acquisition.**
Develop a fund for the maintenance and acquisition of trails (including in compliance with Assembly Bill 1600[1987]) to facilitate trail maintenance and purchase of trail easements and trails where, because of timing or other reasons, other methods are not practical.

Natural Systems Element: Agriculture and Food

p. 2-115 **Background**

This introductory paragraph should be rewritten to emphasize the importance of the interplay between agriculture and the environment and the positive effects on the landscape, soils, wildlife, and community of a healthy, vibrant, ecologically balanced local agricultural industry.

~~*Animal operations, particularly dairies, produce the majority of agricultural revenue (see Figures 2-12 and 2-13) and cover most agricultural land in the County, while smaller areas of row crops occupy better soils, often in valley bottoms. Local animal products include milk, beef, sheep, poultry, eggs, oysters, mussels, and clams. Local farms also produce fruit, nuts, vegetables, wine grapes, flowers, nursery crops, wool, and hay. Sustaining agriculture relies on protecting biological diversity, soils, water, natural vegetation and biological corridors. Marin is a leader in organic agriculture, and local producers and support agencies are mounting a concerted effort to certify organic production and promote agricultural product diversification. Specialty products such as organic vegetables, free-range and grass-fed animals, olive oil, and handmade cheese supplement traditional farm income.*~~

Replace with the following:

A rural landscape that minimizes the ecological footprint of agriculture also protects family farms, enhances agricultural incomes, promotes vibrant rural communities, buffers wildlands and enhances biological diversity. Local producers and support agencies are mounting concerted efforts in Marin to certify both organic and ecological production methods in order to provide value-added marketing opportunities and encourage consumer support. In Marin, animal operations, particularly dairies, produce a large but declining portion of agricultural revenue and cover most of the agricultural acreage; products include organic and regular milk, organic handmade cheese, grass-fed and regular beef, sheep and wool, free-range and regular poultry, organic and regular eggs, oysters, mussels, and clams. Crop and nursery operations produce a smaller but growing portion of agricultural revenue; products include organic and regular fruits and vegetables, nuts, wine grapes, olive oil, flowers, nursery plants, and hay. (See Figures 2-12 and 2-13).

p. 2-123 **Key Trends: Limited Water Supplies constrain agricultural diversification**
New, affordable water sources could increase row crops. The lack of groundwater

locally may require limited surface water impoundments or riparian water to provide irrigation for even a modest diversification of farming. Because most of Marin's row crop farms are small (usually less than 10 acres) and some crops can be dry farmed, relatively small water developments can provide significant irrigation. However, strict regulation by numerous agencies, which is intended essential to ensure environmental protection and safeguard against impacts to aquatic habitats by numerous agencies limits the number of sites that can be developed for water, presents a challenge to developing agricultural water sources on many sites, as well as a safeguard against impacts to aquatic habitats Use of recycled water, gray water, winter sheetflow, and dry-farming should be encouraged to protect agriculture and the environment.

As written, this seems to imply that water protection regulations are in the way of progress and that ways should be sought to get around them. It should be acknowledged that they play an important role in protecting aquatic habitats. Emphasis should be on ways of supplying needed water for agriculture without damaging the environment.

p. 2-124 Policy AG-1.5 **Discourage Subdivision of Agricultural Lands.**

Prohibition of subdivision of agricultural lands should be strengthened. Alternatively, reduce the development potential of agricultural lands by rezoning from A-60 to A-120 or A-200.

Subdivision of agricultural lands will require a unanimous vote of the Board of Supervisors. Allow subdivision of agricultural lands only upon demonstration that long-term agricultural production on a specific parcel will be enhanced through the proposed subdivision. In density calculations for subdivision consider site characteristics such as slope, water limitations, and capacity to sustain viable agricultural operations – any of which may necessitate parcel sizes greater than specified by underlying zoning.

p.2-125 Policy AG-1.6 **Limit Non-Agricultural Development.**

Limit non-agricultural development in the Agricultural Production Zone to allowed residential and accessory uses incidental 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 less than 5 percent of the property or 2 acres, whichever is less., with the remainder preserved for agricultural production.

p.2-126 New Policy Agriculture-1.14 **Site development carefully.**

Development shall be located away from ridgelines and sited so as to minimize impacts on scenic resources and not to be visible from public viewing places, including beaches, trails, and vista points. It shall be designed to follow the natural contours of the landscape. It shall be located close to existing roads and sitds to keep road and driveway construction, grading and utility extensions to a minimum.

This policy is intended to ensure that existing protections in the Local Coastal Plan are carried over into this Countywide Plan.

p. 2-126-7 IP AG-1.a **Limit Residential Building Size.**

This section requires amendment to ensure that:

- Conservation easements are required as a condition of development on agricultural land
- Agricultural worker housing continues to be affordable, whether or not it continues to house agricultural workers.
- The maximum allowable size for all non-agricultural development on agricultural land is 5000 square feet. 6000 square feet is too large. In fact, it is hard to conceive of an instance in which a house larger than 3000 square feet would not “diminish current or future agricultural use of the property or convert it to primarily residential use” as required in the first paragraph, below.

Amend the Development Code to limit total residential building residential square footage to 3,000 sq. ft. on agriculturally zoned property to reflect sizes typically accessory to the agricultural production uses.

Increases may be allowed in cases where additional square footage will not diminish current or future agricultural use of the property or convert it to primarily residential use, pursuant to evidence of bona fide commercial agricultural production on the property, and documentation 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 will be enhanced, and, (3) sound land stewardship, such as Marin Organic Certification, riparian habitat restoration, water recharge projects, and erosion control measures, will be enacted.

Findings shall be supported by an Agricultural Production and Stewardship Plan that verifies that production and marketing of agricultural products, proposed land stewardship practices, and proposed agricultural uses are appropriate to the site, and that necessary infrastructure and resources are available to support the agricultural operation. Dedication of perpetual agricultural conservation easements ~~may be voluntarily offered~~ to ensure continued agricultural production shall be required. Dedication of an affordable housing deed restriction on agricultural worker housing shall be required to ensure that agricultural worker housing will remain affordable in perpetuity. In no case shall total residential square footage exceed ~~6,000~~ 5000 sq. ft. Agricultural worker housing that is accessory to and supportive of Marin County agricultural operations, shall be excluded from residential square footage limitations.

p.2-127 IP AG-1.b **Require Production and Stewardship Plans.**

Agricultural Production and Stewardship Plans shall be prepared and implemented by all landowners proposing construction of residential buildings ~~in excess of 3,000 sq. ft....~~ Agricultural Production and Stewardship Plans should be prepared and implemented by all landowners proposing residential construction on agriculturally zoned land.

p.2-128 IP AG-1.c *Require Conservation Easements and Encourage Merger of Parcels.*

*Require dedication of perpetual agricultural conservation easements on all agricultural lands ~~where proposed construction of residential buildings exceeds 3,000 sq. ft....~~ Require dedication of perpetual agricultural conservation easements on *all* agricultural lands on which residential development is proposed. On agricultural land that is no longer viable for agriculture, open space easements may be substituted (see our proposal for P.2-93 IP OS-3.f, above)*

p.2-128 IP AG-1.d *Standardize Conservation Easements.*

Add the following wording:

All conservation easements (whether Agricultural or Open Space) must have a third-party enforcement mechanism and, if they are a condition of a permit from a public agency, must be subject to public review and comment before they are adopted.

p. 2-129 IP AG-1.h *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.

Rezoning for agricultural lands not suitable for agricultural production is acceptable as long as the development density is not changed (that is A-20 could be changed to ARP-20, but not to ARP-10).

p. 2-131 IP AG-1.m *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. Although floodplains (that is, Stream Conservation Areas) are likely to contain prime farmland soils, streams should be protected from the negative impacts of agricultural uses, such as row-cropping, that could damage habitat and injure water quality by such methods as organic practices and setbacks.

p. 2-131 IP AG-1.n *Encourage Water Development.*

Convene a study group to assess the potential for use of tertiary treated and disinfected

wastewater, construction of rainfall catchment basins, and development of other environmentally sound potential water sources for agriculture (see also Water Resources Program WR-3.a in this Element and programs under Goal CF-2 in the Community Facilities Section of the Built Environment Element).

Diversification is not and should not be an end unto itself. Certain kinds of “diversification” may be unwelcome, for example, an organic hog farm. The environmental impact potential of un-restricted diversification needs to be carefully studied and environmental protections set up in advance to avoid potential impacts. Where impacts cannot be avoided, appropriate mitigations must be assured.

p. 2-132 Policy AG-2.2 **Promote Small-Scale Diversification.**

The decision to diversify is one for individual farmers to make, not the County. The County is, however, in a position to facilitate farmers in making the changes they wish to make, and it has a responsibility to ensure that those changes do not damage, and, if possible, improve, the environment.

A diverse agricultural base can help ensure the continued economic viability of the county agricultural industry, and provide increased food security. Assist farmers who wish to do so, to diversify their 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 in an ecologically sound manner.

Some questions to consider are:

- What activities does the word diversification encompass? The list should be exhaustive, not merely suggestive.
- What are the potential environmental impacts of those activities?
- How can those impacts be mitigated?

p. 2-133 Policy AG-2.6 **Preserve and Promote Mariculture**

The environmental impacts of mariculture must be studied before any expansion is considered. Mariculture has the potential, to introduce invasive species into Marin waterways, and may already have done so. Fish farming poses a significant threat to endangered salmonids and should be prohibited by this CWP.

Support environmentally sound maricultural usage of tidelands and on-shore production areas. Study the environmental impacts, including the potential for introduction of invasive species, of current levels of mariculture before allowing any expansion. 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 wildlife, water, and visual resources. Prohibit farming of fish other than shellfish.

p. 2-134 IP AG-2.f **Promote Agriculture Education in Schools.**
Encourage local schools to adopt curriculum that address agriculture in the context of natural resources and natural history incorporate the Food for Thought and other curriculum describing local agriculture.

p. 2-136 IP AG-3.b **Promote Edible Landscaping.**
Encourage fruit trees or other edible landscaping when possible in new development and when renewing planting on County property where appropriate and where it can be done without making excessive demands on the local water supply.
Fruit trees and edible crops tend to have high water needs.

p. 2-137 **Non-binding target for acreage of organically-farmed land.**
This target is meaningless, since according to p. 2-122, it has been surpassed already.

Built Environment Element: Community Development

p. 3-28 IP CD-7.a **Stakeholder Programs.**

Work with local governments, the Countywide Planning Agency, developers, design professionals, and interest groups, including environmental organizations.

The interest groups involved should not only be those with a financial or personal interest.

p. 3-33 **Rural/Residential Estates**

The use of the word “estate” creates confusion with the goal of discouraging large residential estates on agricultural land and with the goal of limiting house size to 6000 (or as we suggest 5000) square feet. A better name would be simply “Rural/Residential.” This has the additional virtue of making this category grammatically consistent with the others, which are also adjectival phrases.

Built Environment Element: Energy and Green Building

p. 3-67 IP EN-1.d **Facilitate Alternative Technologies. Implement the Single-Family Energy Efficiency Ordinance.**

Continue to require that all new and remodeled homes larger than ~~3,500~~ 3,000 square feet comply with the Marin County Single Family Dwelling Energy Efficiency Ordinance through energy efficiency techniques and/or use of renewable energy....

As suggested earlier, it makes more sense to be consistent between agricultural and residential parcels and set maximum house size at 3000 square feet, with allowances for expansion to as much as 5000 square feet if certain conditions are met.

p. 3-235 Figure 3-47 **Land Use and Demographic Data for the West Marin Planning Area.**

This chart is defective. However, it appears from the chart the County handed out as

page 12 of its Marin Countywide Plan presentation that for both housing and commercial space, the theoretical 2004 Plan buildout is greater in West Marin, compared to the existing units and commercial space, than in most other parts of the County. The environmental impact of a disproportionate rate of development should be considered. This impact will be even greater if plans to develop housing in other parts of Marin are hampered by conflicts between housing and commercial development.

Thank you for this opportunity to comment.

Sincerely,

Catherine Caufield
Executive Director