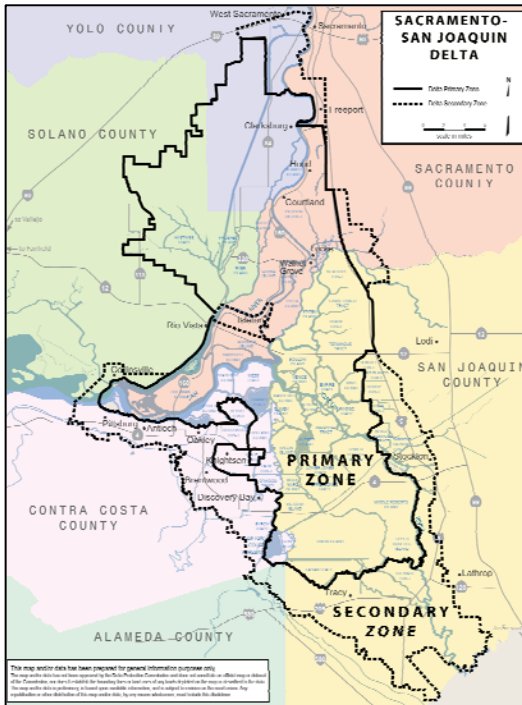


DELTA PROTECTION COMMISSION LAND USE AND RESOURCE MANAGEMENT PLAN UPDATE PROGRESS REPORT – JANUARY 22, 2009



Per direction of the Delta Protection Commission (DPC), DPC staff, assisted by the California State University Sacramento's Center for Collaborative Policy (CCP), have continued to update the Commission's Land Use and Resource Management Plan.

Project Goals

- Engage Stakeholders to assist the Commission in Updating the Land Use Plan.
- Provide a comprehensive and cohesive framework for overall land use planning in the region.
- Enhance stewardship of the Sacramento – San Joaquin Delta.
- Outline a dynamic governance approach for overseeing implementation of various Delta initiatives being proposed by all the jurisdictions.

This written progress report reviews activities completed since the Commission's September 25, 2008, meeting, when a verbal update was provided.

Planning Advisory Team

As mentioned on September 25, a 12-member Planning Advisory Team was convened by CCP to represent the following areas of policy expertise:

1. Local and regional government – north, south, and west Delta
2. Agriculture – local and state perspectives
3. Water resources and flood control – local and state perspectives
4. Planning and policy development
5. Recreation and habitat

The Team met seven times between September and December, 2008. The Team provided detailed suggestions for revising each of the Plan's elements – what should be added, changed, or deleted – and how to restructure the Plan to make it more accessible.

The Team reached agreement on comprehensive revisions to each element, with the exception of just three out of 66 policies that they altered. The Team generated multiple options for these three policies, which involved:

1. specifying agricultural buffers (Land Use element Policy 3)
2. the relationship between new non-agricultural residential development and support infrastructure and flood protection (Land Use element Policy 4)
3. Delta conveyance (Water element Policy 5)

Preliminary Draft Plan

DPC staff, working with a consultant, used the Team's guidance to develop a Preliminary Draft Plan. Major changes include:

- (1) The 1995 Environment element is now the Natural Resources element.
- (2) The 1995 Marine Patrol, Boater Education, and Safety Programs Element has been shortened and combined with the new Recreation and Access element.
- (3) The 1995 Findings sections have now been updated and combined with extended introductory text for each element.
- (4) The 1995 Recommendations sections have been deleted, with recommended actions being moved to the Commission's Strategic Plan.
- (5) Cross-reference boxes for each element and a glossary will soon be added by staff.

Public Workshops on the Preliminary Draft Plan

DPC staff, with facilitation by CCP, hosted two public workshops in the Delta to receive public input on the Preliminary Draft Plan. The first was held on January 7, 2009, at the Jean Harvie Community Center in Walnut Grove, and was attended by 38 people. The second was held on January 8, 2009, at the Stockton Farm Bureau Federation Building in Stockton, and was attended by 16 people.

Key themes that emerged from the two public workshops include:

- (1) the need to define "inappropriate development of agricultural lands", and to define "where urban land uses are appropriate and where agriculturally-oriented land uses are appropriate"
- (2) the need to define "appropriate buffers", including
 - a) who will define these,
 - b) whether a standard minimum buffer should be established for the entire Primary Zone,
 - c) what can be planted in the buffers,
 - d) distinguishing between land and water buffers, and
 - e) consideration of buffers along the borders of the Primary and Secondary Zones
- (3) whether new non-agricultural residential development (located within the existing unincorporated towns in the Primary Zone) should be located where support infrastructure and flood protection are *already* provided, or *will be provided* prior to the issuance of building permits
- (4) whether references made to 1992 zoning and general plan designations should be replaced with 2009 zoning and general plan designations
- (5) the need to define what constitutes "agriculture-related housing", and to specify what activities and infrastructure support agriculture
- (6) the role that Delta waterways should play in moving water to and from the State's natural and developed water systems

More detailed information on each of these themes, including the text of related policies, is provided at the end of this report. A full record of public comments will be available shortly on the Management Plan Update website, <http://www.delta.ca.gov/plan/management.asp>

Next Steps

- (1) The **Planning Advisory Team** will meet a final time on January 27, 2009. The Team will provide guidance in two areas: (A) incorporating the revisions suggested by the Commission at their January 22, 2009, meeting, and (B) incorporating the public input on the Preliminary Draft Plan received at two public workshops held earlier in the month.
- (2) Two additional **Public Review Draft Workshops in the Delta** will be held to receive public input on the Public Review Draft Plan that emerges from the next Planning Advisory Team meeting. The first workshop will be held at the Isleton Community Center in Isleton on Wednesday February 4, 2009. The second will be held at the Courtland Auditorium in Courtland on Wednesday, February 11, 2009.
- (3) **Public hearings** will be held as required by the Act, and the Public Review Draft Plan will come back to **the Commission** for finalization and/or adoption at their May 28, 2009, meeting.

Respectfully Submitted:

Dorian Fougères, Ph.D., Assistant Facilitator
Center for Collaborative Policy
California State University, Sacramento

Addendum: More Detailed Information on Themes from Public Input on the Preliminary Draft Plan

(1) Natural Resources

P-1. *The priority land use of areas of prime soil shall be agriculturally oriented. If commercial agriculture is no longer feasible, land uses that protect other beneficial uses of Delta resources and that would not adversely affect agriculture on surrounding lands or the viability or cost of levee maintenance, may be permitted. **If temporarily taken out of agriculture production** due to lack of adequate water supply or water quality, the land shall remain reinstatable to agriculturally-oriented uses for the future.*

- Need to define what “temporarily” means
- Noted that it’s not always possible for land to remain reinstatable to agriculture
- Suggested that if land cannot be farmed, alternative uses should be considered

P-6. *Implement appropriate buffers within lands converted to wildlife habitat to ensure the ongoing agricultural operations adjacent to the converted lands remain viable.*

- Define appropriate buffer
- Who will define this?

P-8. *Encourage the management of suitable agricultural lands to maximize habitat values for migratory birds and other wildlife. Appropriate incentives, such as conservation easements, should be provided to protect this seasonal habitat through donation or through purchase.*

- Need to emphasize that easements are voluntary and Commission cannot use eminent domain
- Easements should not be isolated in the middle of diversified farming areas

P-9. *Preserve and protect lands currently managed for wildlife habitat, such as private duck clubs or publicly-owned wildlife areas, from destruction from inundation.*

- Need to clarify source of inundation – levee failure?
- Question why duck clubs should be protected while reclamation districts have to come up with their own funding

(2) Land Use

P-3. Option 1: *New non-agriculturally oriented residential, recreational, commercial, or industrial development shall ensure that appropriate buffer areas are provided by those proposing new development to prevent conflicts between any proposed use and existing agricultural use. Buffers shall adequately protect integrity of land for existing and future agricultural uses. Appropriate buffer setbacks shall be a minimum of 500 feet, and beyond that distance, the setback determination shall be based on the expertise of local Agricultural Commissioners.*

P-3. Option 2: *New non-agriculturally oriented residential, recreational, commercial, or industrial development shall ensure that appropriate buffer areas are provided by those proposing new development to prevent conflicts between any proposed use and existing agricultural use. Buffers shall adequately protect integrity of land for existing and future agricultural uses. Appropriate buffer setbacks shall be established by local Agricultural Commissioners based on applicable general plan policies and criteria included in Right-to-Farm Ordinances adopted by local jurisdictions.*

- Public is similarly divided – some felt there should be a uniform buffer size for all of the primary zone, others felt a case-by-case approach that considers mitigation was needed, and others felt Agricultural Commissioners should determine these
- Concern expressed about what can be planted in a buffer zone, specifically about invasive plant species and attracting endangered species
- Requested that Commission address issue of buffers between primary and secondary zones
- Later in Agriculture element, P-5: need to distinguish between land or water buffer

P-4. Option 1: *New non-agricultural residential development shall be located within the existing unincorporated towns in the Primary Zone (Walnut Grove, Clarksburg, Courtland, Hood, Locke, and Ryde).*

P-4. Option 2: *New non-agricultural residential development shall be located within the existing unincorporated towns in the Primary Zone (Walnut Grove, Clarksburg, Courtland, Hood, Locke, and Ryde) where support infrastructure and flood protection are already provided.*

P-4. Option 3: *New non-agricultural residential development shall be located within the existing unincorporated towns in the Primary Zone (Walnut Grove, Clarksburg, Courtland, Hood, Locke, and*

Ryde) where support infrastructure and flood protection will be provided prior to the issuance of building permits.

- Public is similarly divided – had support for all three variants

P-12. Local governments that pursue clustering or transfer of development rights shall proceed with adoption procedures to implement such programs as part of the local government implementation of the resource management plan consistent with zoning in place on January 1, 1992.

- General theme: people questioned why 1992 would be used instead of 2009

P-13. Encourage a critical mass of farms, agriculturally-related businesses and supporting infrastructure to ensure the economic vitality of agriculture within the Delta.

and

P-14. Support the implementation of appropriately-located agricultural labor camps that are ancillary to agricultural operations and are constructed consistent with the requirements of local building codes.

- General confusion about what constitutes agriculture-related housing
- General confusion about what supports agriculture and what does not

(3) Agriculture

Goal: To support long-term viability of commercial agriculture and to discourage inappropriate development of agricultural lands.

- Need to clarify, what is “inappropriate development”?

P-5. Encourage implementation of the necessary plans and ordinances to: maximize agricultural parcel size; reduce subdivision of agricultural lands; protect agriculture and related activities; protect agricultural land from conversion to non-agriculturally-oriented uses; and clearly define areas in that jurisdiction **where urban land uses are appropriate and where agriculturally-oriented land uses are appropriate.** An optimum package of regulatory and incentive programs would include: (1) an urban limit line; (2) minimum parcel size consistent with local agricultural practices and needs; (3) strict subdivision regulations regarding subdivision of agricultural lands to ensure that subdivided lands will continue to contain agriculturally-oriented land uses; (4) require **adequate buffers** between agricultural and non-agricultural land uses particularly residential development outside but adjacent to the Primary Zone; (5) an agriculture element of the general plan; (6) a right-to-farm ordinance; and (7) a conservation easement program.

- need to distinguish between land or water buffer
- need to clarify, what is “appropriate”?

P-8. Retain agricultural zoning as described in zoning codes in place January 1, 1992.

- General theme: people questioned why 1992 would be used instead of 2009

(4) Water

P-5. Option 1: *Continue to have Delta waterways serve as a primary transportation system moving water to and from the State's natural and developed water systems.*

P-5. Option 2: *Continue to have Delta waterways serve as a transportation system moving water to and from the State's natural and developed water systems.*

- Several variations were suggested, including:
 - Add “existing” before “Delta waterways”
 - Change “serve as a primary transportation system” to “serve as the primary transportation system”
 - Change “serve as a transportation system” to “serve as the transportation system”
- Suggested that any choice must be consistent with retaining existing uses of waterways and not impeding boat traffic

P-6. *Ensure that Delta water rights and water contracts are respected and protected against unilateral changes, including area of origin water rights and riparian water rights downstream of conveyance intakes.*

- Confusion about the ending phrase, “downstream of conveyance intakes.”

(5) Recreation and Access

No major items noted

(6) Levees

P-1. *Appropriate governing bodies shall carefully and prudently carry out their responsibilities to regulate new construction within flood hazard areas to protect public health, safety, and welfare. These responsibilities shall be carried out consistent with currently applicable regulations concerning the Delta. Increased flood protection shall not result in densities beyond those allowed under zoning and general plan designations in place on January 1, 1992, for lands in the Primary Zone.*

- General theme: people questioned why 1992 would be used instead of 2009

P-4. *Support funding assistance for small urban communities within the Delta to attain 200-year levee standards.*

- Suggested to add a policy that prevents further residential development until the 200-year levee standards are met.

(7) Utilities and Infrastructure

- *No major items noted*