



MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY
ALEX HINDS, DIRECTOR

January 30, 2007

Marin County Board of Supervisors
3501 Civic Center Drive
San Rafael, CA 94903

SUBJECT: Proposed Hearing Schedule and Related Issues Pertaining to the Adoption of the Marin Countywide Plan

Dear Board Members:

RECOMMENDATIONS:

1. Approve the proposed hearing schedule and protocol for the Marin Countywide Plan (CWP) and Environmental Impact Report (EIR).

BACKGROUND

On November 21, 2006 your Board approved a schedule for the adoption of the Marin Countywide Plan. Since that time, staff has been working with the Planning Commission to develop a more detailed schedule consistent with your Board's prior direction. At their January 8, 2007 meeting, the Planning Commission reviewed the draft hearing schedule on the CWP and EIR. Subsequently staff has updated the schedule to reflect the recommendations of the Commission and developed meeting protocols. In addition, the Draft EIR was released on January 16, 2007, and the hearings on the Draft EIR and 2005 Draft CWP are scheduled to begin in February, 2007. Formal action to adopt the proposed hearing schedule on the Countywide Plan and Environmental Impact Report (Attachment 1) and meeting protocols (Attachments 2 and 3) is now requested.

DISCUSSION

The purpose of this discussion is to approve the proposed hearing schedule and process for certifying the EIR and adoption of the CWP. The proposed schedule with the Planning Commission includes two DEIR meetings, one general meeting to address all CWP topics, eight meetings focused on specific CWP topics, and two FEIR hearings. The protocols are designed to inform the public about the agreed upon meeting procedures and ensure efficient and timely hearings. A tentative decision will be provided by the Commission as each topic is addressed and to finalize the Commission's recommendation on the CWP and FEIR by July 23, 2007. As noted in the attached schedule, it is proposed that your Board will conduct three hearings to consider certification of the EIR and adoption of the CWP beginning on September 11, 2007, with final action scheduled for October 9, 2007.

Respectfully Submitted,

Alex Hinds
Agency Director

Kristin Drumm
Planner

Attachments:

1. Proposed 2007 Planning Commission Hearing Schedule on the Countywide Plan Update and Environmental Impact Report.
2. Planning Commission Hearing Protocols for the Marin Countywide Plan Update
3. Planning Commission Hearing Protocols for the Countywide Plan Environmental Impact Report
4. Letter from Dennis and Nancy Gates, dated January 22, 2007

2007 Planning Commission Tentative Hearing Schedule on the Countywide Plan (CWP) and Environmental Impact Report (DEIR)			
Date	Item	Subject / time	Notes
Jan 8	Regular PC Meeting	Review draft CWP & DEIR Hearing schedule	
Jan 16: Notice of Completion and public distribution of DEIR (60-day public comment period begins); Re-release of Aug. 2005 Draft CWP			
Jan 22	Regular PC Meeting	Review CWP hearing schedule and meeting protocols	
Jan 30	BOS/PC Joint Meeting	Accept PC hearing schedule and meeting protocols	Meeting begins at 1:30.
Feb 12	<i>1st DEIR Hearing & 1st CWP Hearing</i>	10:00 – 12:15 DEIR 12:15 – 1:00 Break 1:00 – 4:15 CWP all topics 4:15 – 5:00 Break 5:00 – 7:00 CWP all topics	10:00 – 12:15 open time for public expression, public testimony and PC deliberation 1:00 – 7:00 public testimony and PC deliberation cont'd
Feb 26	<i>2nd CWP Hearing & 2nd DEIR Hearing</i>	11:00 – 1:15 Big Lagoon EIR 1:15 – 2:00 Lunch 2:00 – 4:30 CWP (SCA & WCA) 4:30 – 7:30 DEIR	11:00 open time for public expression 2:00 – 7:30 PC review and confirmation of tentative decisions, public testimony and PC deliberation
March 5	<i>3rd CWP Hearing</i>	9:30 – 5:00 <ul style="list-style-type: none"> Baylands Corridor 	9:30 – 12:15 open time for public expression, PC review and confirmation of tentative decisions, public testimony and PC deliberation 12:15 – 1:00 Lunch 1:00 – 5:00 PC deliberation cont'd
March 12	<i>4th CWP Hearing</i>	10:00 – 12:00 Current Planning items 1:00 – 5:00 Ag home sizes, Ag regulations & Trails	
March 16: 60-Day DEIR Public Comment Period Ends			
March 19	<i>5th CWP Hearing</i>	12:00 – 5:00 <ul style="list-style-type: none"> Remainder of Natural Systems Carry over items if necessary 	12:00 – 2:00 open time for public expression, PC review and confirmation of tentative decisions, public testimony and PC deliberation 2:00 – 5:00 PC deliberation cont'd
April 9	<i>6th CWP Hearing</i>	9:30 – 5:00 <ul style="list-style-type: none"> Housing Overlay Circulation and Buildout 	9:30 – 12:15 open time for public expression, PC review and confirmation of tentative decisions, public testimony and PC deliberation 12:15 – 1:00 Lunch 1:00 – 5:00 PC deliberation cont'd

2007 Planning Commission Tentative Hearing Schedule on the Countywide Plan (CWP) and Environmental Impact Report (DEIR)			
Date	Item	Subject / time	Notes
April 16	7 th CWP Hearing	12:00 – 5:00 <ul style="list-style-type: none"> • Other BE topics • Carry over items if necessary 	
April 23	8 th CWP Hearing	9:30 – 5:00 <ul style="list-style-type: none"> • Planning Areas (St. Vincent's, San Quentin, and Rock Quarry) • Ridge and Upland Greenbelt • Other Built Environment topics 	9:30 – 12:15 open time for public expression, PC review and confirmation of tentative decisions, public testimony and PC deliberation 12:15 – 1:00 Lunch 1:00 – 5:00 PC deliberation cont'd
April 30	9 th CWP Hearing	9:30 – 5:00 <ul style="list-style-type: none"> • Socioeconomic Element 	9:30 – 12:15 open time for public expression, PC review and confirmation of tentative decisions, public testimony and PC deliberation 12:15 – 1:00 Lunch 1:00 – 5:00 PC deliberation cont'd
June 4: FEIR distribution for 14 day review			
June 11	FEIR Meeting	Hearing to receive testimony on the adequacy of the FEIR	
June 18: FEIR Review Period Ends			
June 25	Preliminary FEIR Meeting	Preliminary presentation of comments received on the FEIR	May also be used to review CWP as needed
July 9	FEIR Meeting	Presentation of all comments received on FEIR & review of CWP as needed	
July 23	FEIR Meeting/CWP Hearing	Meeting to consider recommendation for certification of the FEIR; and Hearing to consider action on CWP	

V:\CWP Update\BOS-PC\Proposed 2007 CWP PC Schedule by topic v14.doc
January 24, 2007

Planning Commission Hearing Protocols for the Marin Countywide Plan Update

The following protocols are intended to guide the public hearing process for the merits considerations on the Draft Marin Countywide Plan (CWP). These hearings will occur from February through July 2007, with specific issues addressed at each hearing. To view the hearing schedule and obtain information on updates, please visit www.future-marin.org.

FOCUS OF COUNTYWIDE PLAN MERIT COMMENTS

The hearings on the Countywide Plan will focus on the Plan's merits. Please limit your comments on the merits to the following:

- Considerations regarding the adequacy, acceptability or desirability of carrying out the proposed CWP policies and programs. Comments can be directed at the CWP overall or its components.

Comments on the Countywide Plan should not focus on the Draft Environmental Impact Report (DEIR), involving any potential environmental effects of the proposed project. However, separate Planning Commission hearings on Monday, February 12th and 26th are scheduled to provide opportunity for you to express your views to the County about the DEIR for the CWP. In order to be informed of the place on the agenda and the approximate time of the DEIR hearings or to obtain a copy of the staff report, please visit:

<http://www.co.marin.ca.us/SysApps/Calendar/pub/MeetingIndex.cfm?SponsorSid=147&ReportYY=2007>

Please refer to the attached *Planning Commission Hearing Protocols for the Countywide Plan Draft Environmental Impact Report* for direction on how to comment on the DEIR.

COMMENT PROCEDURE

The following protocols have been established to ensure all participants will have an opportunity to provide input and for the hearings to run efficiently and on time. Please refer to the attached schedule to see the specific times allocated for public testimony. The Commission will strive to begin each hearing at the time noted on the schedule.

Oral Comments

- 3 minutes for individuals*
- 6 minutes for organizations*
 - * *If necessary to stay on schedule, the Commission may adopt 2 minutes for individuals and 4 minutes for groups, depending on the number of persons wishing to speak.*
- **Speakers will have only one opportunity to speak at each hearing.**
- Speakers are encouraged to avoid repetitious oral testimony. It is also helpful to submit written comments in advance.
 - * *If you wish to speak, please PRINT your name (address is optional) on a pink speaker card, available at the front table. If you will be the designated speaker on behalf of an organization, also provide the organization's name.*

Written Comments

- In your letter, please clearly indicate that you are commenting on issues or topics discussed in the CWP, not the DEIR.

- Comments on the Plan may be submitted up until the date of its adoption. However, you are encouraged to submit written comments **prior** to the hearing date discussing the particular subject matter you are interested in. Please carefully review the attached schedule to verify when specific topics will be discussed. Written comments should be submitted by:
 - Mail to the Planning Commission at 3501 Civic Center Drive, Room 308, San Rafael, CA 94903
 - Email to staff at countywideplan@co.marin.ca.us
 - Email to the Planning Commission at kshine@co.marin.ca.us; or
 - Faxing comments to (415) 499-7880

Note: If you would like to be added to our mailing list in order to receive future notices about the CWP, please email your name and address to staff at countywideplan@co.marin.ca.us or call (415) 499-6290.

FORMAT OF THE CWP HEARINGS

The hearings on the CWP will be conducted in the following manner:

- Each hearing session will begin with an open time for public expression on items that are not on the day's agenda.
- The Commission will then review and confirm staff's report on votes taken by the Commissioners at the previous session.
- Staff will introduce the topics to be considered at the current session, which will then be followed by the public hearing.
- Following the close of the public hearing, the Planning Commission will conduct its deliberations on the day's topics, during which time straw votes may be taken as needed to tentatively approve or reject proposed items.

Please note that all Commission meetings are webcast live and are also archived for later viewing on the Internet (at http://www.co.marin.ca.us/depts/CD/main/plngcom_video.cfm).

The tentative schedule of hearing dates for the CWP and DEIR are as follows:

<u>Hearing Date</u>	<u>Topic</u>
February 12, 2007	DEIR, CWP (all topics)
February 26, 2007	DEIR, CWP (Stream and Wetland Conservation Areas)
March 5, 2007	CWP (Baylands Corridor)
March 12, 2007	CWP (Agricultural home sizes, ag regulations, and trails)
March 19, 2007	CWP (remainder of Natural Systems topics)
April 9, 2007	CWP (Housing Overlay, Circulation, and Buildout)
April 16, 2007	CWP (Other Built Environment topics)
April 23, 2007	CWP (Planning Areas: St. Vincents, Silveria, Rock Quarry); other Built Environment topics
April 30, 2007	CWP (Socioeconomic Element)
June 11, 2007	Hearing to receive public testimony on the adequacy of FEIR
June 25, 2007	Prelim. presentation of comments received on Final EIR
July 9, 2007	Presentation of all comments received on Final EIR
July 23, 2007	Final EIR certification and action on Countywide Plan

Planning Commission Hearing Protocols for the Countywide Plan Environmental Impact Report

The following protocols are intended to guide the public hearing process for the Draft Environmental Impact Report (DEIR) for the Draft Marin Countywide Plan (CWP).

FOCUS OF DEIR COMMENTS

Please limit your DEIR comments to address:

- 1) The sufficiency of the EIR in identifying and analyzing the possible significant effects on the physical environment; and
 - “Significant effect on the environment” means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and the objects of historic or aesthetic significance.
 - “Effects” (synonymous with “impacts”) to be considered include:
 - a) Direct or primary effects which are caused by the project and occur at the same time and place;
 - b) Indirect or secondary effects which are caused by the project and are later in time or farther removed in distance, but are still reasonably foreseeable;
 - c) Cumulative effects, which are two or more individual effects, which when considered together are considerable or which compound or increase other environmental effects.
- 2) Ways in which the project’s significant effects might be avoided or mitigated, especially specific alternatives or mitigation measures:
 - “Alternatives”: An EIR is required to describe a range of reasonable alternatives to the project, or to the location of the project. Comments should focus on the adequacy of the alternatives proposed that would feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen any of the significant effects of the project, and the EIR’s comparison of the environmental effects of the Alternatives.
 - “Mitigation measures”: An EIR must describe mitigation measures for each potentially significant environmental impact that it identifies. The purpose of mitigation measures is to avoid or reduce environmental impacts to less than significant. Comments should focus on the adequacy of the mitigation measures in avoiding or reducing effects.

Please explain the basis for your comments and, whenever possible, submit supporting data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts.

Your DEIR comments should *not* be about:

- 1) The merits of the CWP or any merits-related concerns regarding the CWP’s proposed policies and programs, or whether you favor or disfavor the proposed policies and programs, or whether you think the CWP should be approved or not;

- 2) Social or economic changes related to the CWP, as these are not considered a significant effect on the environment and will not be considered at this hearing.

However, there will be an opportunity for you to express your views about the merits of the CWP, including any social and economic changes related to the project, at separate hearings on the project merits. For information regarding the hearings and comment process on the CWP merits, please refer to the attached *Planning Commission Hearing Protocols for the Draft Marin Countywide Plan* and *Tentative Hearing Schedule on the Countywide Plan and Draft Environmental Impact Report*. Additional information can be obtained from <http://www.future-marin.org>, or call the Community Development Agency at (415) 499-6269.

COMMENT PROCEDURE

The following protocols have been established to ensure all participants will have an opportunity to provide input on the DEIR, and for the hearings to run efficiently and on time. Time for public testimony will be provided at both hearings on the DEIR (Monday, February 12th and 26th, 2007). Please note that all Commission meetings are webcast live and are also archived for later viewing on the website at: http://www.co.marin.ca.us/depts/CD/main/plngcom_video.cfm

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 - * *If you wish to speak, please **PRINT** your name (address is optional) on a pink speaker card, available at the front table. If you will be the designated speaker on behalf of an organization, also provide the organization's name.*

Written Comments:

- In your letter, please clearly indicate that you are commenting on issues or topics discussed in the DEIR, as opposed to the CWP itself.
- Written comments on the DEIR will be accepted through March 16, 2007.

Note: If you would like to be added to our mailing list in order to receive future notices about the CWP EIR, please email your name and address to staff at ttaylor@co.marin.ca.us or call (415) 499-7873.

SCHEDULE CHANGES

Every effort will be made to comply with the attached, adopted schedule, so that the Commission is able to complete its deliberations on the EIR and CWP by July 23, 2007. If adjustments to the schedule become necessary, the revised schedule will be posted on the Countywide Plan website at www.future-marin.org.