

**MARIN COUNTY PLANNING COMMISSION MINUTES**  
**MARCH 24, 2003**  
**Marin County Civic Center, Room #328 - San Rafael, California**

*Commissioners Present:* Allan Berland  
Ross Herbertson  
Jo Julin  
Hank Barner  
Steve Thompson

*Commissioners Absent:* Ray Buddie  
Don Dickenson

*Staff Present:* Alex Hinds, Agency Director  
Michele Rodriguez, Principal Planner  
Michelle Reed, Recording Secretary  
Joyce Evans, Recording Secretary

*Minutes Approved on:* **APRIL 21, 2003**

Convened at 1:00 p.m.  
Adjourned at 5:09 p.m.

*Items were slightly taken out of order.*

1. ROUTINE TRANSACTIONS:

a. M/s Barner/Julin, and passed unanimously of those present, to incorporate Staff Report into Minutes. Motion passed.

b. Continuances:

M/s Barner/Julin, and passed unanimously of those present, to continue Item 5A and B – Hicks Mountain Ranch Master Plan/Development Plan and Negative Declaration of Environmental Impact to the hearing of May 5, 2003. Motion passed 5/0.

M/s Thompson/Barner, and passed unanimously of those present, to continue Item #6 – Fitzgerald Design Review to a date to be determined. Motion passed 5/0.

M/s Barner/Julin, and passed unanimously of those present, to continue Item #7 – Tobias Variance appeal to the hearing of April 21, 2003. Motion passed 5/0.

2. COMMUNICATIONS

No additional communications.

3. DIRECTOR'S ORAL REPORT

a. Presentation on the Trends and Issues Report – Natural Systems

Agency Director Hinds stated that the purpose of this workshop was to discuss the Natural Systems section of the report. Comments were as follows:

Environmental Quality – Native Species and Habitat Protection

Commissioner Barner stated that the section should explain why 50 foot setbacks are allowed in some SCA areas and 100 foot setbacks required in others.

Commissioner Julin **emphasized** "reclamation and restoration" of damaged and destroyed baylands.

Commissioner Julin suggested rewording Strategy #5 to read "Establish a Baylands Protection Corridor to protect San Pablo Bay wetland habitats."

Commissioner Herbertson suggested not specifying wetlands or baylands, but simply indicates that watersheds will be protected.

Commissioner Barner commented on the sudden oak death syndrome (SODS) and the restoration of continuous linear feet of creek habitat on public open space lands.

Commissioner Julin noted that marine environments may not have been adequately addressed in the report.

### Environmental Quality – Water Quality

Commissioner Barner suggested using the fields along Highway 37 as a water filtration model.

Commissioner Thompson suggested that the County explore alternative systems to better address the issue of failing onsite wastewater systems.

### Environmental Quality – Air Quality and Energy

Commissioner Herbertson commented on the importance of reducing demand through energy conservation.

Commissioner Julin commented on the need for self sufficiency in the county.

Commissioner Barner expressed concern that because of economic reasons children in the Blackpoint area had to pay to ride school buses. Reintroduction of school buses to reduce congestion

### Environmental Quality – Mineral Resources

Commissioner Thompson suggested creating new quarry resources for aggregates used in ready-mixed concrete. Aggregate is now being trucked in from other communities further North, increasing the cost of concrete and with that, the cost of housing – while further degrading air quality by the hauling.

### Environmental Hazards – Flooding/Fire Hazards

Commissioner Barner suggested including a provision for continued maintenance of flood control projects. With regards to fire hazards, he suggested that the county explore alternatives for fire retardant type building materials.

Commissioner Thompson commented in support of revisiting controlled burn programs.

### Park & Recreation

Commissioner Barner noted that the main concern was not the acquisition of trails, but their improvement and maintenance.

### Food & Agricultural – Agricultural Viability

Commissioner Berland expressed concern with agriculture viability in West Marin and the lack of a definition of agricultural zoning ordinances.

Commissioner Julin commented on the need to subsidize ranching and farming operations in order to preserve agricultural uses.

Commissioner Herbertson stated that foods being served at school and other county government cafeterias should be locally grown. Furthermore, these food service facilities should be upgraded to prepare unprocessed food products.

Members of the audience were invited to comment.

Frances Nuns, Santa Venetia resident, stated that it was inappropriate to draft and implement a SCA Ordinance prior to drafting the Countywide Plan. She also asked for a clearer definition of when is a fresh water stream considered a wetland.

Priscilla Bull agreed with the issue raised by Commissioner Julin with regards to the protection of baylands.

Gordon Bennett, West Marin resident, commended the Commission for being supportive of agricultural operations in West Marin. He concluded by suggesting that the Environmental Hazards section address hazardous landscaping supplies.

In response to Cela O'Connor, Agency Director Hinds stated that there were various definitions of wetlands. However, said issue would be clarified as part of the Countywide Plan update.

Staff informed the Commission that the next workshop will be held on April 7, 2003.

b. Update on San Quentin Reuse

Dan Dawson, Senior Planner, presented a brief update stating that the planning group has met twice since the last meeting and community workshop. The consultant is in the process of drafting policy language and is expected to be complete by early June. Once language is drafted, it will be presented to the Planning Commission and Board of Supervisors. Staff concluded by responding to Commissioners questions regarding historic preservation of the structures and the potential for an emergency helipad.

c. Update on the Housing Element

Barbara Collins, Affordable Housing Strategist, reported that potential sites for affordable housing development are being finalized in order to meet the fair share allocation and incentives to encourage said development explored. Some of the recommendations are to revise and expand residential inclusionary requirements, adopt a jobs/housing linkage ordinance for commercial development, consider new opportunities for second units and incentives for mixed use development. She then commented on some of the tasks that would be carried out as phase two of the housing activities through the Countywide Plan update process. A draft of the Housing Element has been submitted to HCD and is expected to be presented to the Planning Commission in April and to the Board of Supervisors in June, 2003. She concluded her presentation by responding to Commissioners' comments and questions regarding density incentives, FAR calculations, inclusionary housing requirements, current amount of In Lieu Housing Trust funds, and potential sites for affordable housing.

Members of the public were invited to comment.

In response to Cela O'Connor, staff responded that the fair share allocation was established by the California Housing and Urban Development.

d. Update on the Streamside Conservation Ordinance

Tom Lai, Principal Planner, presented a status report on the SCA Ordinance, briefly summarizing the feed back he has received since its introduction. Over 170 people have either contacted staff and/or attended the public workshops. Staff then stated that the underlining purpose of the ordinance was to seek maximum protection, enhancement, and/or restoration of streams. He pointed out that it has become difficult to apply this to smaller lots in urbanized areas and that different approaches may need to be considered for the rural and urban areas. In summary, he stated that implementation of the ordinance may be delayed in order to allow integration of this effort with the Update process of the Countywide Plan.

Agency Director Alex Hinds clarified that the County will proceed with the ordinance, but would step back in order to come up with a science-based, biology-based mechanism to deal with constrained areas.

Staff stated that it is expected that a revised ordinance will be presented to the Commission in the late Fall after the draft Countywide Plan policies have been reviewed.

Commissioners and staff discussed issues regarding flood plains that have already been developed, the need for public education, appropriate outdoor uses and/or activities on properties near SCAs, and the proposed SCA boundaries.

Cela O'Connor, West Marin resident, encouraged staff to carefully evaluate projects prior to granting an exemption.

Gordon Bennett, Bolinas resident, encouraged expediting the process in order to have an ordinance in place which protects streams and their habitat values.

Francis Nunez, Santa Venetia resident, expressed concern about application of the ordinance in Santa Venetia and noted an intermittent stream along San Pedro Road in Santa Venetia which should be added to the list.

#### 4. TIME FOR PUBLIC EXPRESSION ON ITEMS NOT ON TODAY'S AGENDA

William Patton and Mary Swan, owners of 22845 State Route One, stated that they were trying to rebuild their home which burned down last year, but have been having difficulty obtaining a building permit due to inadequate on-site water supply. However, they noted that historically, water has been trucked to the property (since 1910) and therefore, said practice should be grandfathered. In their opinion, staff' concern regarding potential water contamination if water was allowed to be trucked in is unfounded. Furthermore, they noted that there were at least 14 other properties which had water trucked in.

Chair Herbertson informed Mr. Patton and Ms. Swan that since this matter was not on the agenda, the Commission could not take any action.

Pricilla Bull, Marin Conservation League, presented the Commission with a booklet titled "Community Marin 2003", which was prepared by the Marin Audubon, Marin Sierra Club, Environmental Forum, and Marin Conservation League and contained recommendations regarding the Countywide Plan.

Mark Dickens stated that there was some confusion and objection with some of the conditions of approval imposed by the Commission on the Dickens Tentative Map/Subdivision/Design Review application which was heard on February 24, 2003. Staff noted that while clarification of the conditions could be made, the Commission was not in the position of revising the conditions in response to the applicant's objections since the Planning Commission had issued a final decision on the project as announced at the February 24<sup>th</sup> hearing.

Jonathan Friedman commented on the 101 Corridor widening project at Corte Madera and the San Rafael Rock Quarry.

- 5A. DRAFT NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT: HICKS MOUNTAIN RANCH MASTER PLAN
- 5B. MASTER PLAN/DEVELOPMENT PLAN: HICKS MOUNTAIN RANCH

Hearing to consider an application proposing the development of six residential dwelling units, two guest houses, two barns and a number of agricultural equipment and storage buildings on an approximately 845-acre property. The applicant proposes to continue the historic use of the ranch for the grazing of breeding cattle, with an increase in herd size from approximately 30 to 70 animals. Improvements in the southern portion of the property include a 12,000 square foot main ranch house (with an 1,170 square foot attached garage and an 800 square foot pool house), a 3,800 square foot ranch manager's residence with a 936 square foot garage, two additional single family residences ranging from 3,500 to 5,000 square feet (with associated 625 square foot garages), a 1,600 square foot guest house, a 4,000 square foot vehicle and equipment barn (including an 800 square foot ranch workers apartment), a 3,800 square foot, six stable horse barn, and a 1,000 square foot storage barn. In a separate valley near the northern property line, the project proposes the construction of a 4,000 to 5,000 square foot residence (with 864 square foot garage), a 2,000 square foot guest house, and an approximately 4,500 square foot barn. The subject property is located at **11100 Point Reyes-Petaluma Road, Nicasio**, and is further identified as **Assessor's Parcel 121-020-03 and -01**.

Prior to taking action on the merits of the project, the Planning Commission will consider the grant of a Negative Declaration of Environmental Impact for this project.

M/s Barner/Julin, and passed unanimously of those present, to continue this matter to the hearing of May 5, 2003. Motion passed 5/0.

6. DESIGN REVIEW: ROBERT FITZGERALD

Hearing to consider an application proposing to construct a new, 2,508 square-foot, single-family residence with a 545 square foot attached garage on a vacant lot. The proposed residence would have a maximum height of approximately 25.5 feet above grade. A 12-foot high retaining wall would be located within 3 feet of the southeasterly property line. Pursuant to Marin County Code Section 22.82.025, Design Review is required for the development of this lot because it is substandard in size (less than 50% of that required by the governing R-1:B-4 zoning district regulations). The subject property is located at **50 Bayview Drive, San Rafael**, and is further identified as **Assessor's Parcel 186-132-20**.

M/s Thompson/Barner, and passed unanimously of those present, to continue this matter to a date to be determined. Motion passed 5/0.

7. VARIANCE APPEAL: TOBIAS

Variance application proposing to allow an addition to the existing residence that was constructed within the required side yard setback. The addition maintains a setback of 4 feet, 8 inches from the western side property line, where 6 feet is required by the development standards of the governing zoning district. The subject property is located at **1122 Idylberry Road, San Rafael**, and is further identified as **Assessor's Parcel 164-422-14**.

M/s Barner/Julin, and passed unanimously of those present, to continue this matter to the hearing of April 21, 2003. Motion passed 5/0.

8. APPROVAL OF MINUTES – FEBRUARY 24, 2003 & MARCH 10, 2003, MEETINGS

After making extensive revisions to the Minutes of February 24, 2003, the Commission agreed to continue approval of the minutes until April 7, 2003 in order to obtain a clean copy.

M/s Julin/Berland, and passed unanimously of those present, to continue this matter to April 7, 2003. Motion passed 5/0 (Commissioners Dickenson and Buddie not present).

9. BUDGET PRIORITIES

Agency Director Alex Hinds stated that the Agency is working on the same budget priorities from last year given the work schedule program associated with a number of major planning projects currently in process and because there is no staff time or funding available to take on additional tasks at this time.

In response to Chair Herbertson, Agency Director Hinds presented a brief update on the Hillside Design Guidelines stating that a final draft should be available in the near future.

Staff also noted the periodic merger program which has been ongoing with the availability of staff resources, stating that although it was not a complicated process it was very time consuming.

In response to Commissioner Barner, Agency Director Hinds stated that the Agency was currently fully staffed. However, because of the current hiring freeze, additional staff could not be allocated to work on the merger program.

Commissioner Julin noted that she served on the County Budget Process Committee that developed the guidelines for budget priorities.

Agency Director Hinds informed the Commission of the Construction and Demolition Ordinance being drafted. Revenue generated by the implementation of said ordinance will allow the continued retention of temporary staff.

10. UPDATE ON BOARD OF SUPERVISORS ACTIONS

March 18, 2003 – Draft Development Code considered and continued to April 29, 2003.

March 25, 2003 – Walder Appeal of the Hedlund Design Review approval

April 29, 2003 – Nick's Cove Master Plan Amendment/Master Plan Waiver/Coastal Permit/Precise Development Plan/Tidelands Permit and Final EIR

11. FUTURE AGENDA DISCUSSION ITEMS, FIELD TRIPS

April 7, 2003

Key Trends and Issues Report – Built Environment

Housing Element Update

SCA Ordinance Update

San Quentin Reuse Update

April 21, 2003

Key Trends and Issues Report

Sparks Variance/Design Review Clearance Appeal (Mill Valley)

May 5, 2003

Fitzgerald Design Review (San Rafael)

Tobias Variance Appeal (Lucas Valley)