

Marin County Community Development Agency

Alex Hinds, Director

STAFF REPORT TO THE MARIN COUNTY PLANNING COMMISSION HICKS MOUNTAIN RANCH MASTER PLAN/PRECISE DEVELOPMENT PLAN

Item No:	6a. & 6b	Application No:	MP01-9/DP01-10
Applicant:	Mark Solit/John Roberto	Owner:	Hicks Mountain Ranch LLC
Property Address:	11100 Point Reyes-Petaluma Road Nicasio	Assessor's Parcel:	121-010-03 and 121-020-01
Hearing Date:	July 28, 2003	Planner:	Christine Gimmler, AICP

RECOMMENDATION:

- 1. Recommend Adoption of a Negative Declaration of Environmental Impact to the Board of Supervisors**
- 2. Recommend Conditional Approval of the Project to the Board of Supervisors**

APPEAL PERIOD: Not Applicable

LAST DATE FOR ACTION: 60 days from Adoption of the Negative Declaration

PROJECT OVERVIEW:

The applicant is requesting Master Plan and Precise Development Plan approval for the development and restoration of the 845-acre Hicks Mountain Ranch property, which includes two existing separate legal parcels located northwest of Point Reyes-Petaluma Road in Nicasio. 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. Overall, proposed development includes six residential dwelling units (including a main house, three future homes for family members, a ranch manager's residence, and an agricultural worker housing unit), four barn buildings, and a studio/guest house.

The Phase One Precise Development Plan includes the main ranch house compound (totaling 10,970 square feet) and buildings in the southern portion of the property associated with ranch operations including the ranch manager's residence and barn/stable buildings (totaling 12,300 square feet). Additional potential development envisioned as part of the Master Plan, but subject to future review and approval by the County, includes up to three additional homes for family members of the applicant (totaling 8,500 square feet) and an additional 3,500 square foot barn. In total, the project proposes a maximum development potential of 35,270 square feet on the property, consisting of 19,470 square feet of residential development and 15,800 square feet of agriculturally-related development. As described later in this report, the project has been reduced in size by 17,450 square feet from the original submittal.

A majority of proposed development would be clustered in a valley floor on the southern portion of the property (south meadow area). Specific improvements proposed in this area include an 8,000 square foot main ranch house (with a 1,170 square foot garage and 800 square foot pool house), a 3,500 square foot ranch manager's residence (including garage), two additional 3,500 square foot single family residences (including garages), a 1,000 square foot studio/guest house, a 3,200 square foot vehicle and equipment barn containing 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 (north meadow area), the project proposes an approximately 3,500 square foot barn and a 1,500 square foot residence (including garage). Access to the site is provided by an existing unpaved ranch road, which crosses through the adjacent ranch before entering the subject property. On-site wells and springs would be utilized for domestic water and for watering livestock. The property is traversed by several unnamed blue line creeks which have been damaged by past livestock grazing. As part of the project, the applicant proposes new riparian plantings and protective fencing to control erosion and restore the habitat value of the creek.

SUMMARY RECOMMENDATION:

Staff is recommending adoption of a Negative Declaration of Environmental Impact and approval of the proposed Master Plan/Precise Development Plan application subject to recommended mitigation measures and conditions of approval requiring the applicant to: 1) extinguish all remaining development potential on the property (up to eight additional residential units under the governing zoning); 2) permanently preserve the agricultural use of the land through the recordation of an agricultural conservation easement; 3) limit any development beyond that proposed in the Phase One Precise Development Plan to that which can be justified by sufficient agricultural activity on the property; and 4) permit development in the north meadow area only if it can be accessed from Hicks Valley Road (to avoid visually obtrusive improvements to on-site ranch roads).

GENERAL INFORMATION:

CWP Land Use Designation:	AG-1 – Agricultural, one dwelling unit per 31-60 acres
Zoning:	ARP-60 – Agricultural, Residential Planned District, one unit per 60 acres maximum density
Lot size:	Two legal lots containing 845.2 acres total (453.3 acres and 391.9 acres, respectively)
Adjacent Land Uses:	Agricultural
Vegetation:	Non-native grasslands and areas of oak woodlands
Topography and Slope:	Moderate to steep slopes rising from lowland meadow areas
Environmental Hazards:	None identified

ENVIRONMENTAL REVIEW:

An Initial Study has been prepared pursuant to the requirements of the California Environmental Quality Act, and the Environmental Coordinator of the County of Marin has recommended the grant of a Negative Declaration of Environmental Impact. All potentially significant adverse effects of the project and the appropriate mitigation measures are discussed in the Initial Study (see Attachment 13). The mitigation measures are included as recommended conditions of project approval in the resolution attached to this Staff Report.

PUBLIC NOTICE:

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and indicating the date and location of the public hearing in accord with California Government Code requirements. This notice has been mailed to all property owners within 600 feet of the property.

PROJECT SETTING AND DESCRIPTION

Project Setting

Hicks Mountain Ranch is situated northwest of the intersection of Point Reyes-Petaluma Road and Nicasio Valley Road. The 845-acre ranch is comprised of two separate legal parcels: APN 121-020-01 containing 453.3 acres, and APN 121-010-03 containing 391.9 acres. The ranch extends from the Moore Ranch property boundary on the south to the Hicks Mountain ridgeline and the Barboni Ranch boundary on the north. Both parcels comprising the ranch are currently vacant. However, the southern parcel had previously been developed with a residence, which was destroyed by fire in 1971. Vehicle access to Hicks Mountain Ranch is from the Point Reyes-Petaluma Road over an existing unpaved ranch road, which traverses the Moore Ranch before entering the subject property. The road continues up the valley, paralleling a seasonal drainage channel and leads to the currently used corrals. The road continues up the eastern slope to the ridge and then over the ridge and down the opposite side into the northern meadow area.

The topography of the ranch site is varied. Elevations range from 250 to 900 feet above sea level in the south portion of the ranch, increasing to over 1,400 feet in elevation at the eastern end of the ranch near Hicks Mountain. The ranch has two lowland meadow areas that are drained by ephemeral blue-line streams. The stream in the south meadow drains south to Nicasio Reservoir. The stream in the north meadow drains to the north, ultimately flowing into

Soulajule Reservoir via Arroyo Sausal. Non-native grassland is the most extensive cover type at the ranch, covering most of the valley slopes. Riparian and oak woodland occurs along the seasonal drainages at the ranch and covers portions of the hillsides rising from the north meadow area. There are a number of seeps present throughout the hillsides surrounding the meadow areas, and there are hydrophytic plant species located in some of the hillside seeps and at some locations in the lowland meadows.

Original Project Submittal

The Hicks Mountain Ranch Master Plan/Precise Development Plan application was first submitted in February 2001. Similar to the current project, the original submittal proposed construction of a primary residence, three future residences for family members, and a number of buildings associated with the operation of the ranch, including a ranch manager’s residence, a ranch worker housing unit, and several barns, equipment and storage buildings. As originally proposed, the project included a combined total of over 50,000 square feet of residential and agricultural development as shown in the table below.

Proposed Development - Original Submittal	
<i>Residential Development:</i>	
Main house compound:	
- residence	12,000 sqft
- garage	1,170 sqft
- pool house	800 sqft
3 future residences (w/garage):	
- Site 3	up to 5,625 sqft
- Site 4	up to 5,625 sqft
- Site 7	up to 5,862 sqft
Two guest houses:	
- Site 5	1,600 sqft
- Site 7	2,000 sqft
Total (residential)	34,684 sqft
<i>Agricultural Development:</i>	
Ranch manager’s residence (with garage)	4,736 sqft
Equipment/vehicle barn with ag-worker housing unit	3,200 sqft 800 sqft
Horse barn (six stalls)	3,800 sqft
Storage barn	1,000 sqft
North meadow barn	4,500 sqft
Total (agricultural)	18,036 sqft
TOTAL DEVELOPMENT	52,720 sqft

An Initial Study was completed for the project in December of 2002, and circulated pursuant to the requirements of the California Environmental Quality Act (see Attachment 13). The Initial Study found that potentially significant adverse environmental impacts of the project related to biological resources, geologic and flooding hazards, and visual resources could be mitigated to less than significant levels. However, the document did identify several

potential policy consistency issues for further consideration during the merits review phase of the project, particularly related to the size and siting of proposed development.

Current Project Proposal

In response to the policy issues raised in the Initial Study, as well as to concerns expressed by community (including the Nicasio Design Review Board and the Marin Agricultural Land Trust) regarding the scale and character of the project, the applicant has proposed to substantially reduce the size of proposed residential structures, eliminating over 17,000 square feet of residential development from the Master Plan application. Specific modifications include the following:

- The main ranch house has been reduced from 12,000 square feet to 8,000 square feet in size (a 33 percent reduction).
- The two future family homes in the south meadow area (Sites 3 and 4) have been reduced from a maximum of 5,625 square feet each (including garages) to 3,500 square feet (including garage), a reduction of approximately 38 percent.
- The future home proposed in the north meadow area (Site 7) originally proposed at 5,864 square feet (including garage) has been reduced over 74 percent to a maximum size of 1,500 square feet (including garage)
- The 2,000 square foot guest house proposed in the north meadow area has been eliminated.

In addition, in response to suggestions that the project would adversely impact the long-term agricultural viability of the property, the applicant is proposing to extinguish any future rights to further residential development on the property under the governing zoning and maintain continued agricultural production on the property in perpetuity through a long-term agricultural preservation easement. Finally, to address concerns regarding the visual impact of improvements to the existing ranch road required to serve development in the north meadow area, the applicant is proposing that future development in this area be contingent on obtaining an alternate access route to the site from Hicks Valley Road.

As shown in the table on the following page, the revised Master Plan application proposes a combined total of 35,270 square feet of residential and agricultural development on the 845 acre site, including 19,470 square feet of residential development for the applicants and their family, and 15,800 square feet of development associated with the agricultural use of the property. However, 10,970 square feet of residential development (including the main ranch house and studio/guest house) is proposed at this time. The remaining three future homes sites for family members would require approval through a subsequent Precise Development Plan application, and, as conditioned, would only be permitted if justified by agricultural activity on the property. As noted previously, the first phase of development would also include construction of the agricultural structures and improvements necessary to improve existing ranch operations, including the barn, horse stables, ranch storage buildings, ranch employee quarters, and ranch managers residence. Other improvements proposed at this time include the swimming pool and pool house associated with the main residence, road improvements including the bridged stream crossing, new perimeter and pasture fencing, landscaping and installation of a 20,000 gallon underground water storage tank. As described in the proposed ranch management plan, portable corrals would be erected once a year for cattle roundup, branding and transfer to markets.

PROPOSED DEVELOPMENT – Original versus Current Submittal				
	Location	Phase	<i>Original Submittal Size (square feet)</i>	Current Proposed Size (square feet)

<i>Residential Development:</i>				
Main house compound: - residence - garage - pool house -	south meadow	Phase One	12,000 sqft 1,170 sqft 800 sqft	8,000 sqft 1,170 sqft 800 sqft
Three future family homes (including garage): - Site 3 - Site 4 - Site 7	south meadow south meadow north meadow	(future) (future) (future)	5,625 sqft 5,625 sqft 5,862 sqft	3,500 sqft 3,500 sqft 1,500 sqft
Studio/guest house	south meadow	Phase One	1,600	1,000
Phase One Total (residential)			14,130 sqft	10,970 sqft
TOTAL RESIDENTIAL			34,684 sqft	19,470 sqft
<i>Agricultural Development:</i>				
Ranch manager's residence (with garage)	south meadow	Phase One	4,736 sqft	3,500 sqft
Equipment/vehicle barn w/ag-worker housing unit	south meadow	Phase One	3,200 sqft 800 sqft	3,200 sqft 800 sqft
Horse barn (six stalls)	south meadow	Phase One	3,800 sqft	3,800 sqft
Storage barn	south meadow	Phase One	1,000 sqft	1,000 sqft
North meadow barn	north meadow	(future)	4,500 sqft	3,500 sqft
Phase One Total (agricultural)			13,536 sqft	12,300 sqft
TOTAL AGRICULTURAL			18,036 sqft	15,800 sqft
TOTAL COMBINED DEVELOPMENT			52,720 sqft	35,270 sqft

PLAN CONSISTENCY:

The proposed project, as revised by the applicant and as modified by conditions of approval, is consistent with the goals and policies of the Marin Countywide Plan, the Nicasio Valley Community Plan, and with the standards contained in Title 22 (Zoning) of the Marin County Code. Please refer to the analysis below and the findings contained in the attached Resolution.

The Marin Countywide Plan

The project site is located within the Inland Rural Corridor and is subject to an AG1 (Agricultural, one unit per 31 to 60 acres) land use designation. Countywide plan policies for this designation are intended to preserve and protect agricultural land uses. Consistent uses include livestock grazing and breeding, horse stables, single family dwellings, and farm and ranch buildings. The proposed project is consistent with the density range of the AG1 land use designation because the project would result in a maximum overall density of one dwelling unit per 140 acres, well below the residential density range permitted by the applicable land use designation. The AG1 land use designation would allow a residential density range of 14 to 27 dwelling units on the 845-acre subject property. The proposed Master Plan includes a total of six residential dwellings, including a caretaker's residence and an agricultural worker housing unit, which is less than half the minimum number of units allowed. The proposed project would also maintain the historical agricultural use of the land by providing for continued livestock grazing and increasing the productivity of the ranch (from 30 head of breeding livestock up to 60 or 70 head) while protecting natural resources on the property from the effects of grazing livestock. Specific policies contained in the Agricultural and Environmental Quality Elements pertaining to the proposed project, particularly those relating to agricultural preservation, stream conservation areas, and species protection, were addressed in detail in the Initial Study prepared for the project. An analysis of the consistency of the project with Countywide Plan agricultural preservation policies is provided below. For additional information regarding biological resources and stream protection, please refer to the Development Issues section of this report.

Agricultural Preservation

Marin Countywide Plan (CWP) policies promote the preservation of agriculture by maintaining parcels large enough to sustain agricultural production, and avoiding conversion of agricultural land to non-agricultural use. Within the inland rural corridor, CWP policies state that non-agricultural uses should be clustered on five percent of the entire property to encourage the maximum protection of agricultural land. In addition, the subdivision of agricultural land is discouraged unless the division enhances the long-term agricultural productivity of the land. Finally, CWP policies encourage the acquisition or dedication of permanent agricultural easements to permanently preserve agricultural land for agricultural uses.

The proposed project, as modified by the applicant, would be consistent with the agricultural preservation policies of the CWP. As proposed, the project would continue the historic use of the ranch for the grazing of breeding cattle, and improve the agricultural productivity of the ranch by increasing the herd size from approximately 30 to 70 head of cattle (please refer to the Hicks Mountain Ranch Management Plan and Agricultural Suitability Analysis included as Attachment 14). Proposed improvements would keep the land agriculturally productive while limiting the effects of livestock grazing on water quality and other environmental resources. The proposed development areas occupy less than two percent of the ranch property and no subdivision of the property is proposed. Consistent with historic development patterns on the property, the proposed main residence is located on the same site as the former ranch house, and a majority of the other building sites are clustered on level and accessible areas in close proximity to the main house. Proposed building sites were selected to avoid areas with the highest suitability for grazing, while also taking into consideration potential geologic and hydrologic hazards, visual impacts, and stream conservation and wetland preservation policies. Consistent with agricultural worker housing policies, the project includes a ranch manager's residence as well as an approximately 800 square foot apartment within one of the barn buildings for use by a ranch worker.

However, an issue of concern is whether the size of the main residence and the extent of residential development would promote the long-term continued use of the property for agricultural purposes, as required by CWP policies. It has also been suggested that the project, as originally proposed, would convert the subject property from a predominantly agricultural use to a predominantly residential use. Finally, concerns have been raised that the proposed agricultural operation on the property would not financially support the amount of residential development proposed. In response to these concerns, modifications have been made to the project both by the applicant as well as by recommended conditions of approval.

The original project proposed almost twice as much residential development (35,000 square feet) as agricultural development (18,000 square feet). However, with the modifications proposed by the applicant, the project would now result in a total of 10,970 square feet of residential development (main house compound and retreat/guest house) at this time, in comparison to 12,300 square feet of agriculturally-related development (ranch managers residence, barns and equipment buildings). Specifically, the applicant has proposed to reduce the size of the main ranch house by over 30 percent (to a maximum of 8,000 square feet) and to reduce the three potential future homes for family members to a maximum of 3,500 square feet. Although the main residence would still be larger than typical homes in the Nicasio area, staff finds that the main ranch house, as modified, is allowable when considered in context with the 845-acre size of the property and the willingness of the applicant to extinguish development rights to up to eight additional dwelling units as part of the project. Furthermore, as described above, only three of the six residential units (the main house, ranch manager's residence, and ranch worker housing unit) envisioned in the Master Plan would be authorized at this time. Staff is recommending that all three of the future residences proposed for family members of the applicant be permitted only if supported by the future agricultural use of the property, and if found consistent with future policies and zoning standards.

As noted above, Countywide Plan policies encourage the dedication of permanent agricultural easements in order to preserve agricultural land in perpetuity. Currently, the subject property is not encumbered with a Williamson Act contract or other agricultural easements. No subdivision of the property is proposed as part of the project, and the applicant has submitted an agricultural management plan for expanded cattle-grazing operations on the ranch. However, to ensure that the proposed agricultural use of the property is preserved in perpetuity, recommended conditions of approval require recordation of an agricultural conservation easement in order to permanently preserve agriculturally productive land on the ranch for agricultural uses, prohibit the further conversion of the agricultural land to non-agricultural uses, and permanently extinguish the remaining rights to the development of up to eight additional dwelling units under the governing zoning.

Finally, staff acknowledges that the grazing of 70 head of cattle, as proposed by the applicant, would not, by itself, support the extent of proposed residential or agricultural development from a financial standpoint. Ongoing research of economic issues facing agriculture in Marin indicates that the construction of large, high value residential development often drives land ownership costs and assessed land values beyond that which can be supported by agricultural income. In response to this issue, additional regulations that would limit development on agricultural lands are being evaluated as part of the Countywide Plan update. However, such regulations are not required in the current Countywide Plan or Development Code, and have not typically been applied to development applications in agricultural areas. This is particularly true in those areas governed by ARP zoning, which is described in Marin County Code as a zoning applied to "agricultural areas suitable for residential development", and includes properties where larger projects such as the French Ranch Subdivision and the Lucas Film/Skywalker Ranch development have been approved. Consequently, staff recommends approval of the project as revised by the applicant, and subject to the previously described conditions of approval that would extinguish the development potential for up to eight additional homes, ensure that agricultural use of the land is maintained by the property owner or other operators, and subject any future development beyond Phase One to additional County review and approval. In addition, staff is currently pursuing more defined standards as part of the Countywide Plan update.

Nicasio Valley Community Plan

As modified by the applicant and conditions of approval, the proposed project would be consistent with the Nicasio Community Plan, including the "Development and Design Guidelines for the Nicasio Valley Planning Area," because it would maintain the existing agricultural use of the land, preserve the open uninterrupted views and rural character of Nicasio Valley, and result in development that is compatible in design, and materials with the Nicasio community. All proposed structures have been sited on lower portions of the site away from visually prominent ridgelines, where they would be screened from distant vantage points along Nicasio Valley and Point Reyes-Petaluma Roads by existing vegetation and topographic features. A majority of the proposed residential and agricultural buildings are clustered on level and accessible portions of the property consistent with the traditional agricultural compounds seen in Nicasio, and all buildings utilize a rural architectural vernacular that is compatible with other residences and structures in the community. Although the primary residence is large in size (8,000 square feet), it has been designed to appear as a group of smaller buildings to minimize its mass and bulk. Proposed buildings are predominantly single-story, with limited second story spaces created within attic spaces through the use of dormer windows. All of the proposed structures utilize exterior materials that are common to rural areas including board and batten siding, and dark composition shingle or standing seam, non-reflective roofing. The design of the agricultural stable and barn buildings also utilize natural exterior building materials and simple building forms and massing that is compatible with other agricultural structures in Nicasio. All proposed ranch perimeter and pasture fencing would be of typical rural design to maintain open grassland views across open meadows and grassy areas. In addition, any future residential development on the property would be reviewed for consistency with the Nicasio Development and Design Guidelines through the Design Review or Development Plan process.

The Hicks Mountain Ranch property is located within the Reservoir Basin study area of the Nicasio Valley Community Plan. Within the Reservoir Basin study area, clustered development is encouraged in order to group units in the smallest possible area to minimize visual and environmental impacts, maximize the amount of available undivided grazing land, and avoid those areas that are best suited for agricultural uses. Community Plan policies also state that development sites should be selected to minimize the need for road construction and utility extensions as well as grading and tree removal, and that all utilities should be undergrounded.

Proposed development sites in the south meadow area are clustered along the existing ranch road, where they would result in minimal visual or environmental impacts, consistent with these policies. Some improvements to the existing gravel ranch road in the south meadow area would be required (including the creation of turnout areas and placement of additional base rock where needed), but the roadway in this area is generally level. Therefore, improvements would have minimal environmental impacts and would not increase the visibility of the roadway from offsite areas. In the north meadow area, the original project proposal called for a substantial amount of development, including a 4,000 to 5,000 square foot residence, a 2,000 square foot guest house, and an approximately 4,500 square foot barn building. Although this portion of the property is completely screened from off-site locations by surrounding topography and vegetation, the construction of residential structures in this area would require improvements to over a mile of the existing unpaved ranch road connecting the south and north meadow areas. Because portions of this roadway are visible from Point Reyes-Petaluma Road and Nicasio Valley Road, improvements required by Title 24 of Marin County Code, including the provision of adequate turnouts and the paving of steep roadway segments, could increase the visibility of the roadway from off-site locations. To address this concern, the applicant has proposed to substantially reduce the scale of development in this area and eliminate any uses that would result in the need for improvements to the existing ranch road traversing the property. As currently proposed, development in this area would include a 3,500 square foot barn for equipment and materials needed on the northern portion of the ranch. In addition, the Master Plan proposes a future residence of 1,500 square feet including a garage, but only if an alternative access route to the residence can be obtained from Hicks Valley Road from the north, eliminating the need for improvements to the existing ranch road, consistent with Nicasio Valley Community Plan policies. Finally, this residence, similar to the future residences proposed in the south meadow area, would only be permitted if justified by agricultural uses on the property.

Zoning Standards

The subject property is governed by the ARP-60 (Agricultural, Residential Planned District) zoning district, with a maximum density of one unit per 60 acres. This zoning was adopted in 1979 for much of the Nicasio Planning area to implement policies of the Nicasio Community Plan. As described in both Marin County's Zoning Ordinance (Title 22) in effect at the time this application was submitted, and until August 25, 2003, as well as the newly adopted Development Code, ARP zoning designates agricultural areas suitable for residential development and is intended to allow low-density residential development in agricultural areas of varied housing types designed without the confines of specific yard or lot area requirements. ARP zoning standards encourage agricultural uses, and specify that usable agricultural lands should be identified and preserved through the development review process. On larger agricultural parcels, ARP zoning standards state that agricultural management plan should be submitted describing the nature and intensity of proposed agricultural uses. Parcels zoned ARP are also subject to the CWP agricultural preservation policies described previously.

The ARP-60 zoning designation would allow the development of up to 14 residential units on the 845 acre subject property. As described above, the proposed development of up to six residential units on the ranch would result in an overall gross density of approximately one unit per 140 acres, well below the maximum density limit set forth by the zoning district. The most suitable grazing lands on the property would be protected and the agricultural productivity of the property would be increased as specified in the proposed agricultural management plan (see Attachment 14). Consistent with ARP zoning development standards, proposed development would generally be clustered on accessible and geologically stable portions of the property along existing roadways to minimize grading and avoid more visually prominent portions of the site. No construction is proposed within three hundred feet horizontally or one hundred feet vertically of ridgelines on the property, consistent with ridge protection standards, and proposed building sites have been placed so that they are screened by existing vegetation and site topography relative to off-site vantage points. The siting of improvements at the lower elevations would also result in the protection and preservation of the existing woodland and grasslands on the property and would be consistent with the pattern of development in the community. As modified by recommended mitigation measures, sensitive riparian zones and stream courses would be protected, and the visibility of roadway improvements and utility extensions would be minimized. All proposed structures utilize a traditional architectural style, and colors and materials, that reflects the rural architectural character of the Nicasio area, and all future development would be subject to Design Review or Development Plan approval to ensure consistency with the ARP development standards. As noted above, although the proposed development in the north meadow does not result in significant environmental impacts pursuant to CEQA, the elimination or resiting of this development would provide for a more clustered development pattern, consistent with ARP clustering standards.

PROJECT ANALYSIS:

Development Issues

Stream Protection

Marin Countywide Plan stream conservation policies require the establishment of a one hundred foot wide stream conservation area (SCA) on either side of natural watercourses shown as solid or dashed blue lines on the most recent USGS quad maps. Within SCA areas, new structures are generally prohibited unless the property lies entirely within the SCA zone, or it can be demonstrated that development elsewhere on the property would result in more adverse effects on water quality, or other environmental impacts. However, the policies do allow improvements in the buffer zone such as stream maintenance facilities, road and utility line crossings, flood control facilities, grazing of livestock and other agricultural uses, as well as activities which further the habitat value of the stream course. SCA policies require the preservation of existing and native vegetation within the stream conservation zone in order to control erosion, maintain fish and wildlife habitat, and preserve the visual appearance of the waterway. Finally, the policies state that modification of natural channels within stream conservation areas for flood control, debris flow protection, etc, should be done in a manner that retains and protects riparian vegetation. Lowland meadow areas in both the north and south portions of the subject property are traversed by intermittent blue-line streams. The southern meadow area contains two branches of an unnamed intermittent stream, which drains to the south through the adjacent Moore ranch

to the Nicasio Reservoir. On the northern portion of the ranch, to the east of proposed development, Arroyo Creek drains north, ultimately flowing into Soulajule Reservoir via Arroyo Sausal.

The proposed Master Plan includes some minor access-related improvements within designated stream conservation areas on the property, including minor work to the existing ranch road, portions of new driveways branching off the existing road to serve the barn/stable compound and potential future home sites, and a new bridged stream crossing, as well as some agricultural fencing. As noted above, these type of improvements are allowed under the County's SCA policies and will not result in significant impacts to any existing riparian habitat or aquatic life. Construction of the new bridge crossing along the existing ranch road between the main residence and the barn buildings would eliminate the current vehicle and livestock crossing within the stream channel, thereby reducing erosion. In addition, the applicant has submitted a conceptual Riparian Restoration Plan that includes a planting program to expand and restore riparian habitat in the south meadow area. The proposed planting program would provide additional habitat for wildlife, reduce existing erosion and siltation within the stream channel, and would adequately mitigate any impact of the limited improvements to the existing roadway on the site. In the original application, small portions of the main residence as well as the proposed guest house encroached into the designated stream conservation area along the stream traversing the south meadow area. However, as part of the revised project, the applicant has reduced the scale of these structures and modified their siting to eliminate any encroachments into the buffer zone as required by mitigation measures in the Initial Study.

Biological Resources

Marin Countywide Plan policies call for the protection of wildlife species and their habitats, wildlife corridors, and special status species. The proposed project would be consistent with these policies because it generally maintains and enhances the existing grasslands, woodlands and streamside habitats on the subject property. Botanical and wildlife surveys of the property conducted in 1999, 2000, and 2002 concluded that the proposed project would not result in any significant impacts to special-status plant or animal species. Protocol-level surveys for California red-legged frogs conclusively demonstrated that no red-legged frogs are present in drainages on the subject property. Rock outcroppings on the property, which could provide suitable habitat for roosting colonies of sensitive bat species, as well as marginal nesting habitat for falcons, are not located in close proximity to areas proposed for development and would not be disturbed by the project. No vernal pools or similar seasonal wetlands were observed that could serve as potential breeding habitat for California tiger salamander. Finally none of the special-status plant species that could potentially occur on the subject property were identified in proposed development areas during appropriately timed surveys. Therefore, the project would be consistent with CWP policies related to special-status plant or animal species.

Access Improvements

Access to the subject property is provided by an existing unpaved ranch road, which crosses through the adjacent Moore Ranch from Point Reyes-Petaluma Road before entering Hicks Mountain Ranch. The applicant proposes to continue the historic use of this roadway to serve the proposed development. Minor improvements to the existing roadway requested by the Marin County Fire Department are limited to the creation of turnout areas where the existing driveable roadway width is less than 16 feet, the installation of additional base rock over portions of the roadway that were found to be in need of maintenance, and the use of ranch gates widths of at least 14 feet. During review of the project, it was determined that much of the existing roadway lies outside of the recorded access easement through the Moore Ranch. However, staff is not recommending that the applicant be required to relocate the roadway to conform with the recorded easement because construction of a realigned access roadway within the actual easement would: 1) move the roadway closer to existing stream banks and result in several new creek crossings; 2) disturb existing pasture areas on the Moore Ranch; 3) move the traveled roadway closer to the Moore residence; and 4) result in grading and site disturbance on the Moore Ranch that would not be necessary if the existing roadway is used. The applicant has submitted correspondence from an attorney confirming that the owner of the subject property has prescriptive rights to continue utilizing the existing access roadway. However, if the applicant and the adjoining neighbor were to propose a mutually agreeable alternative alignment, such a proposal would need to be reviewed and approved by the County to determine if further environmental review and/or planning analysis is necessary through an amended proposal.

CONCLUSION:

The proposed project is consistent with the intent of the governing goals and policies of the Marin Countywide Plan and the Nicasio Community Plan with specific reference to those policies concerning the land use designations, residential densities, biological resource protection, rural design character, and agricultural preservation. As proposed and conditioned, the project would extinguish all remaining development and subdivision potential on the property, permanently preserve the agricultural use of the land through an agricultural conservation easement, and limit any development beyond Phase One to that which can be justified by sufficient agricultural activity on the property. The proposed project would also comply with permitted land uses and densities as set forth in the governing Agricultural Residential Planned District (ARP) zoning district as well as the ARP zoning district's development standards. Overall, the project would require the continued use of the property as a cattle ranch and would be developed in a manner consistent with current residential and agricultural policies as implemented by ARP zoning. The larger issue of whether the ARP zoning district should be revised to place further restrictions on the extent of residential development in agricultural areas will be further addressed as part of the Countywide Plan update.

RECOMMENDATION:

Staff recommends that the Planning Commission review the administrative record, conduct a public hearing, and take the following actions:

1. Move to recommend that the Board of Supervisors adopt a Negative Declaration of Environmental Impact for the Hicks Mountain Ranch Master Plan and Precise Development Plan, based on the findings contained in the attached resolution;
2. Move to recommend that the Board of Supervisors adopt an ordinance establishing the Hicks Mountain Ranch Master Plan, based on the findings contained in the attached resolution.
3. Move to recommend that the Board of Supervisors adopt a resolution conditionally approving the proposed Hicks Mountain Ranch Precise Development Plan, based on the findings contained in the attached resolution.

- Attachments:
1. Proposed Resolution Recommending that the Board of Supervisors adopt a Negative Declaration of Environmental Impact for the Hicks Mountain Ranch Master Plan and Precise Development Plan.
 2. Proposed Resolution Recommending that the Board of Supervisors adopt an Ordinance approving the Hicks Mountain Ranch Master Plan
 3. Proposed Resolution Recommending that the Board of Supervisors adopt a Resolution approving the Hicks Mountain Ranch Precise Development Plan
 4. Location Map
 5. Assessor's Parcel Map
 6. Aerial Photo
 7. Overall Site Plan
 8. Partial Site Plan – South Meadow Area
 9. Partial Site Plan – North Meadow Area
 10. Main House – Elevations
 11. Ranch Manager's Residence – Elevations
 12. Barn/Stable Compound – Elevations
 13. Hicks Mountain Ranch Negative Declaration of Environmental Impact and Initial Study
 14. Hicks Mountain Ranch Ranch Management Plan and Agricultural Suitability Analysis
 15. Marin County Fire Department letter (July 27, 2001)
 16. Marin County Fire Department letter (February 6, 2002)
 17. Department of Public Works memorandum (September 23, 2002)
 18. Environmental Health Services memorandum (July 31, 2001)
 19. John Roberto Associates letter re: project revisions (May 6, 2003)
 20. Nicasio Design Review Board letter (April 10, 2003)

21. Raghianti, Freitas, Macias, Wallace letter (March 24, 2003)
22. Remy, Thomas and Moose letter (March 24, 2003)
23. Malt Agricultural Land Trust letter (January 24, 2003)
24. Moscone, Emblidge and Quadra letter (January 23, 2003)
25. Kiely Reedy letter (June 8, 2003)
26. Environmental Action Committee of West Marin letter (January 16, 2003)
27. Raghianti, Freitas, Macias, Wallace letter (July 17, 2003)

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. _____

A RESOLUTION RECOMMENDING THAT THE BOARD OF SUPERVISORS
ADOPT A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT
FOR THE HICKS MOUNTAIN RANCH MASTER PLAN/PRECISE DEVELOPMENT PLAN

11100 POINT REYES-PETALUMA ROAD, NICASIO
ASSESSOR'S PARCELS 121-020-01 and 121-010-03

SECTION I: FINDINGS

- I. WHEREAS, the applicant proposes the development of six residential dwelling units (including a main house, three future homes for family members, a ranch manager’s residence, and an agricultural worker housing unit), a studio/guest house, two barns and a two agricultural equipment and storage buildings on an approximately 845 acre property located northwest of Point Reyes-Petaluma Road in Nicasio. 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. As proposed, improvements in the southern portion of the property include an 8,000 square foot main ranch house (with a 1,170 square foot garage and 800 square foot pool house), a 3,500 square foot ranch manager’s residence (including garage), two additional 3,500 square foot single family residences (including garages), a 1,000 square foot studio/guest house, a 3,200 square foot vehicle and equipment barn containing 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 (north meadow area), the project proposes the construction of an approximately 3,500 square foot barn and a 1,500 square foot residence (including garage). Specific building designs have been provided for Phase One of the project which would include the main ranch house compound (residence, garage, and pool house) and buildings in the southern valley area associated with ranch operations (i.e. the ranch manager’s residence and barn/stable buildings). Development of the north meadow area and the two future home sites in the south meadow area is not proposed at this time, and would be subject to future review and approval by the County. Access to the site is provided by an existing unpaved ranch road, which crosses through the adjacent ranch before entering the subject property. On-site wells and springs would be utilized for domestic water and for watering livestock. The property is traversed by several unnamed blue line creeks which have been damaged by past livestock grazing. As part of the project, the applicant proposes new riparian plantings and protective fencing to control erosion and restore the habitat value of the creek. The subject property is located at 11000 Point Reyes-Petaluma Road, Nicasio, and is further identified as Assessor's Parcels 121-020-01 and 121-010-03.

- II. WHEREAS the Marin County Community Development Agency prepared an Initial Study for the project which determined that potential impacts relating to land use and planning, geophysical, water, biological resources, and visual resources are avoided or mitigated to a point where no significant effects would occur because revisions in the project plans have been made by or agreed to by the applicant and there is no evidence that the project as revised may have a significant effect on the environment.

- III. WHEREAS the Marin County Environmental Coordinator has determined that, based on the Initial Study, a Negative Declaration of Environmental Impact is required for the project pursuant to the California Environmental Quality Act (CEQA).

- IV. WHEREAS on December 12, 2002, an Initial Study and proposed Negative Declaration of Environmental Impact were completed and distributed to agencies and interested parties to commence a 30-day public review period for review and comment on the Negative Declaration, and a Notice of the public review period and Marin County Deputy Zoning Administrator hearing date to consider granting final approval of the Negative Declaration was published in a general circulation newspaper pursuant to CEQA.

V. WHEREAS, after the close of the 30-day public review period on July 28, 2003, the Marin County Planning Commission reviewed and considered the information contained in the Negative Declaration, Initial Study, and comments and responses thereto.

SECTION II: ACTION

NOW, THEREFORE, LET IT BE RESOLVED that the Marin County Planning Commission hereby makes the following findings:

1. Notice of the initial public review period and hearing on the Negative Declaration was given as required by law and said hearing was conducted pursuant to Sections 15073 and 15074 of the State CEQA Guidelines and the County CEQA process.
2. All individuals, groups and agencies desiring to comment on the Negative Declaration were given the opportunity to address the Marin County Planning Commission.
3. The Negative Declaration of Environmental Impact for the project consists of the Negative Declaration, Initial Study, responses to comments, and all supporting information incorporated by reference therein.
4. The Negative Declaration of Environmental Impact was completed in compliance with the intent and requirements of CEQA, the State CEQA Guidelines, and the County's CEQA process.

SECTION III: VOTE

PASSED AND ADOPTED at the regular meeting of the Planning Commission of the County of Marin, State of California, on the 28th day of July 2003, by the following vote to-wit:

AYES:

NOES:

ABSENT:

ROSS HERBERTSON, CHAIR
MARIN COUNTY PLANNING COMMISSION

Attest:

Alexandra Morales
Planning Commission Secretary

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. _____

A RESOLUTION RECOMMENDING THAT THE BOARD OF SUPERVISORS ENACT AN ORDINANCE APPROVING THE HICKS MOUNTAIN RANCH MASTER PLAN 01-9

11000 POINT REYES-PETALUMA ROAD, NICASIO
ASSESSOR'S PARCEL NO. 121-020-01 and 121-010-03

SECTION I: FINDINGS

- I. WHEREAS, the applicant proposes the development of six residential dwelling units (including a main house, three future homes for family members, a ranch manager’s residence, and an agricultural worker housing unit), a studio/guest house, two barns and a two agricultural equipment and storage buildings on an approximately 845 acre property located northwest of Point Reyes-Petaluma Road in Nicasio. 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. As proposed, improvements in the southern portion of the property include an 8,000 square foot main ranch house (with a 1,170 square foot garage and 800 square foot pool house), a 3,500 square foot ranch manager’s residence (including garage), two additional 3,500 square foot single family residences (including garages), a 1,000 square foot studio/guest house, a 3,200 square foot vehicle and equipment barn containing 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 (north meadow area), the project proposes the construction of an approximately 3,500 square foot barn and a 1,500 square foot residence (including garage). Specific building designs have been provided for Phase One of the project which would include the main ranch house compound (residence, garage, and pool house) and buildings in the southern valley area associated with ranch operations (i.e. the ranch manager’s residence and barn/stable buildings). Development of the north meadow area and the two future home sites in the south meadow area is not proposed at this time, and would be subject to future review and approval by the County. Access to the site is provided by an existing unpaved ranch road, which crosses through the adjacent ranch before entering the subject property. On-site wells and springs would be utilized for domestic water and for watering livestock. The property is traversed by several unnamed blue line creeks which have been damaged by past livestock grazing. As part of the project, the applicant proposes new riparian plantings and protective fencing to control erosion and restore the habitat value of the creek. The subject property is located at 11000 Point Reyes-Petaluma Road, Nicasio, and is further identified as Assessor's Parcels 121-020-01 and 121-010-03.

- II. WHEREAS an Initial Study has been prepared pursuant to the requirements of the California Environmental Quality Act, and the Environmental Coordinator of the County of Marin has recommended the grant of a Negative Declaration of Environmental Impact. All project-related effects have been discussed in the Initial Study and recommended mitigations have been incorporated into the recommended conditions of project approval.

- III. WHEREAS the Marin County Planning Commission has reviewed and considered testimony in favor of, and against, a proposed Negative Declaration and finds, subject to the recommended mitigation and monitoring measures and the recommended conditions of project approval contained herein, that this project will not result in any potential, significant environmental impacts, and qualifies for a Negative Declaration of Environmental Impact in compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the County’s CEQA process.

- IV. WHEREAS the Marin County Planning Commission held a duly-noted public hearing on July 28, 2003, to consider the merits of the proposed Master Plan, and hear testimony in favor of, and in opposition to, the project.

- V. WHEREAS the Marin County Planning Commission finds that the proposed project, as conditioned herein, is consistent with the following policies contained in the Marin Countywide Plan (CWP).
- A. The proposed project would be compatible with permitted uses within the AG1 (Agricultural, one unit per 31 to 60 acres) land use designation and would result in an overall density of one unit per 140 acres, below the density range permitted by the Countywide Plan land use designation and the governing zoning;
 - B. The proposed project would be consistent with land uses encouraged within the Inland Rural Corridor, including agricultural and residential land uses;
 - C. The proposed project would comply with Countywide Plan agricultural preservation policies that discourage the subdivision of agricultural land, encourage the clustering of development to preserve agriculturally productive areas, and encourage the dedication of agricultural easements to permanently preserve agricultural land for agricultural uses;
 - D. The project would comply with Marin County standards for geotechnical engineering and seismic safety, and with governing development standards related to grading and drainage as verified by the Department of Public Works;
 - E. The proposed project would minimize soil disturbance and maximize protection of natural vegetation;
 - F. The project would not adversely impact special status species or substantially change the diversity of the existing vegetation and wildlife habitat and would include measures to ensure that potential habitat for special status plant and animal species are protected;
 - G. The project would conform with stream conservation policies intended to protect streams and their associated habitat by maintaining setbacks of 100 feet or more between proposed development and identified blue-line streams on the property. In addition, the proposed project includes a Riparian Restoration Plan to expand and restore riparian habitat on the site;
 - H. The project would not impact any unique geological, ecological, archaeological, or historical sites in the project area;
 - I. The project would not result in significant impacts to existing drainage facilities, and the project would not expose people or property to significant flood hazards;
 - J. The project would comply with governing development standards related to roadway construction, parking, flood control and utility improvements as verified by the Department of Public Works-Land Use and Water Resources Division;
 - K. The project would not cause significant impacts on existing, available public services and utilities, such as water supply, police and fire protection, solid waste disposal, sewage disposal, and schools;
 - L. The project does not propose site grading that would change the local topography;
 - M. The project would not result in a significant increase in the number of vehicle trips or traffic congestion that would alter existing levels of service;
 - N. The project would not substantially increase ambient noise levels; and
 - O. The project would be required to comply with minimum requirements of the Uniform Building Code, Uniform Fire Code, and State of California fire safety standards for State Responsibility Areas

- VI. WHEREAS the Marin County Planning Commission finds that the proposed Master Plan application, as conditioned herein, is consistent with the Nicasio Community Plan, including the “Development and Design Guidelines for the Nicasio Valley Planning Area,” because it would maintain the existing agricultural use of the land, preserve the open uninterrupted views and rural character of Nicasio Valley, and result in development that is compatible in design, and materials with the Nicasio community. All proposed structures have been sited on lower portions of the site away from visually prominent ridgelines, where they would be screened from distant vantage points along Nicasio Valley and Point Reyes-Petaluma Roads by existing vegetation and topographic features. A majority of the proposed residential and agricultural buildings are clustered on level and accessible portions of the property consistent with the traditional agricultural compounds seen in Nicasio, and all buildings utilize a rural architectural vernacular that is compatible with other residences and structures in the community. Although the primary residence is large in size (8,000 square feet), it has been designed to appear as a group of smaller buildings to minimize its mass and bulk. Proposed buildings are predominantly single-story, with limited second story spaces created within attic spaces through the use of dormer windows. All of the proposed structures utilize exterior materials that are common to rural areas including board and batten siding, and dark composition shingle or standing seam, non-reflective roofing. The design of the agricultural stable and barn buildings also utilize natural exterior building materials and simple building forms and massing that is compatible with other agricultural structures in Nicasio. All proposed ranch perimeter and pasture fencing would be of typical rural design to maintain open grassland views across open meadows and grassy areas. In addition, any future residential development on the property would be reviewed for consistency with the Nicasio Development and Design Guidelines through the Development Plan process.
- VII. WHEREAS the Marin County Planning Commission finds that the proposed project is consistent with the governing Agricultural, Residential Planned District, one unit per 60 acre (ARP-60) because the proposed development of up to six residential units on the 845 acre site would result in an overall gross density of approximately one unit per 140 acres, well below the maximum density limit as set forth by the zoning district. Consistent with ARP zoning development standards, the most suitable grazing lands on the property would be protected and the agricultural productivity of the property would be increased as specified in the proposed agricultural management plan. Proposed development would generally be clustered on accessible and geologically stable portions of the property along existing roadways to minimize grading and avoid more visually prominent portions of the site. No construction is proposed within three hundred feet horizontally or one hundred feet vertically of ridgelines on the property, consistent with ridge protection standards, and proposed building sites have been placed so that they are screened by existing vegetation and site topography relative to off-site vantage points. The siting of improvements at the lower elevations would also result in the protection and preservation of the existing woodland and grasslands on the property and would be consistent with the pattern of development in the community. As modified by recommended mitigation measures, sensitive riparian zones and stream courses would be protected, and the visibility of roadway improvements and utility extensions would be minimized. All proposed structures utilize a traditional architectural style, and colors and materials, that reflects the rural architectural character of the Nicasio area, and all future development would be subject to Development Plan approval to ensure consistency with the ARP development standards.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Planning Commission hereby recommends approval of the Hicks Mountain Ranch Master Plan 01-9 by the Board of Supervisors, subject to the following conditions:

Marin County Community Development Agency-Planning Division

1. Pursuant to Marin County Code Chapter 22.45, the Hicks Mountain Ranch Master Plan is approved for the construction of up to six residential dwelling units (including a main house, three future homes for family members, a ranch manager’s residence, and an agricultural worker housing unit), four barn buildings, and a studio/guest house. Specific improvements include an 8,000 square foot main ranch house (with a 1,170 square foot garage and 800 square foot pool house), a 3,500 square foot ranch manager’s residence (including garage), two potential additional 3,500 square foot single family residences (including garages), a 1,000 square foot studio/guest house, a 3,200 square foot vehicle and equipment barn containing an 800 square foot ranch workers apartment, a 3,800 square foot, six stable horse barn, and a 1,000 square foot storage barn. Potential

improvements on the northern portion of the property include a 3,500 square foot barn and a 1,500 square foot residence (including garage). The property is located at 11000 Point Reyes-Petaluma Road, Nicasio, and is further identified as Assessor's Parcel 121-010-03 and 121-020-01.

2. The Master Plan comprises a general development scheme that is depicted in plans on file in the Community Development Agency and identified as "Exhibit A", entitled "Hicks Mountain Ranch Master Plan and Precise Development Plan", consisting of 31 plan sheets, prepared by BAR Architecture and Planning, SWA Group, and CSW/Stuber Stroeh, submitted February 2001 with revisions through June 2001, and as revised per the letter from Roberto Associates, submitted May 6, 2003.
3. Pursuant to Chapter 22.45 of the Marin County Code, a Precise Development Plan shall be submitted for review and approval of all improvements authorized in concept by this Master Plan. No development, land improvements, or building construction shall commence until a Precise Development Plan is approved.
4. All development envisioned in the approved Hicks Mountain Ranch Master Plan not specifically identified as part of the Phase One Precise Development Plan will require subsequent Precise Development Plan approval, and shall be subject to all land use regulations and zoning standards in effect at the time.
5. Any changes or additions to the project shall be submitted to the Community Development Agency – Planning Division for review to determine whether a Master Plan Amendment is required

SECTION III: VESTING

NOW, THEREFORE BE IT FURTHER RESOLVED that the Planning Commission recommends that the Master Plan shall be valid for a period of two years from the date of approval pursuant to Marin County Code Section 22.45.060. The Master Plan shall not expire if a Precise Development Plan is approved. An approved Master Plan may be extended by the Community Development Director for a maximum period of four years beyond the initial period of approval provided the applicant files an extension application, accompanied by the appropriate filing fees, prior to the expiration of the Master Plan, and provided the Master Plan remains consistent with the Marin Countywide Plan.

SECTION IV: VOTE

PASSED AND ADOPTED at a special meeting of the Planning Commission of the County of Marin, State of California, on the 28th day of July, 2003, by the following vote to wit:

AYES:

NOES:

ABSENT:

ROSS HERBERTSON, CHAIR
MARIN COUNTY PLANNING COMMISSION

Attest:

Alexandra Morales
Planning Commission Secretary

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. _____

A RESOLUTION RECOMMENDING THAT THE BOARD OF SUPERVISORS APPROVE THE HICKS MOUNTAIN RANCH PRECISE DEVELOPMENT PLAN 01-10

11000 POINT REYES-PETALUMA ROAD, NICASIO
ASSESSOR'S PARCEL NO. 121-020-01 and 121-010-03

SECTION I: FINDINGS

- I. WHEREAS, the applicant proposes the development of six residential dwelling units (including a main house, three future homes for family members, a ranch manager's residence, and an agricultural worker housing unit), a studio/guest house, two barns and a two agricultural equipment and storage buildings on an approximately 845 acre property located northwest of Point Reyes-Petaluma Road in Nicasio. 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. As proposed, improvements in the southern portion of the property include an 8,000 square foot main ranch house (with a 1,170 square foot garage and 800 square foot pool house), a 3,500 square foot ranch manager's residence (including garage), two additional 3,500 square foot single family residences (including garages), a 1,000 square foot studio/guest house, a 3,200 square foot vehicle and equipment barn containing 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 (north meadow area), the project proposes the construction of an approximately 3,500 square foot barn and a 1,500 square foot residence (including garage). The Phase One Precise Development Plan includes the main ranch house compound (residence, garage, and pool house) and buildings in the southern valley area associated with ranch operations (i.e. the ranch manager's residence and barn/stable buildings). Development of the north meadow area and the two future home sites in the south meadow area is not proposed at this time, and would be subject to future review and approval by the County. Access to the site is provided by an existing unpaved ranch road, which crosses through the adjacent ranch before entering the subject property. On-site wells and springs would be utilized for domestic water and for watering livestock. The property is traversed by several unnamed blue line creeks which have been damaged by past livestock grazing. As part of the project, the applicant proposes new riparian plantings and protective fencing to control erosion and restore the habitat value of the creek. The subject property is located at 11000 Point Reyes-Petaluma Road, Nicasio, and is further identified as Assessor's Parcels 121-020-01 and 121-010-03.
- II. WHEREAS an Initial Study has been prepared pursuant to the requirements of the California Environmental Quality Act, and the Environmental Coordinator of the County of Marin has recommended the grant of a Negative Declaration of Environmental Impact. All project-related effects have been discussed in the Initial Study and recommended mitigations have been incorporated into the recommended conditions of project approval.
- III. WHEREAS the Marin County Planning Commission has reviewed and considered testimony in favor of, and against, a proposed Negative Declaration and finds, subject to the recommended mitigation and monitoring measures and the recommended conditions of project approval contained herein, that this project will not result in any potential, significant environmental impacts, and qualifies for a Negative Declaration of Environmental Impact in compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the County's CEQA process.
- IV. WHEREAS the Marin County Planning Commission held a duly-noted public hearing on July 28, 2003, to consider the merits of the proposed Master Plan application and took action recommending approval of the Master Plan application to the Board of Supervisors.

- V. WHEREAS the Marin County Planning Commission held a duly-noticed public hearing on July 28, 2003 to consider the merits of the proposed Precise Development Plan, and hear testimony in favor of, and in opposition to the project.
- VI. WHEREAS the Marin County Planning Commission finds that the proposed Precise Development Plan, as conditioned herein, is consistent with the following policies contained in the Marin Countywide Plan (CWP).
- A. The proposed project would be compatible with permitted uses within the AG1 (Agricultural, one unit per 31 to 60 acres) land use designation and would result in an overall density of one unit per 140 acres, below the density range permitted by the Countywide Plan land use designation and the governing zoning;
 - B. The proposed project would be consistent with land uses encouraged within the Inland Rural Corridor, including agricultural and residential land uses;
 - C. The proposed project would comply with Countywide Plan agricultural preservation policies that discourage the subdivision of agricultural land, encourage the clustering of development to preserve agriculturally productive areas, and encourage the dedication of agricultural easements to permanently preserve agricultural land for agricultural uses;
 - D. The project would comply with Marin County standards for geotechnical engineering and seismic safety, and with governing development standards related to grading and drainage as verified by the Department of Public Works;
 - E. The proposed project would minimize soil disturbance and maximize protection of natural vegetation;
 - F. The project would not adversely impact special status species or substantially change the diversity of the existing vegetation and wildlife habitat and would include measures to ensure that potential habitat for special status plant and animal species are protected;
 - G. The project would conform with stream conservation policies intended to protect streams and their associated habitat by maintaining setbacks of 100 feet or more between proposed development and identified blue-line streams on the property. In addition, the proposed project includes a Riparian Restoration Plan to expand and restore riparian habitat on the site;
 - H. The project would not impact any unique geological, ecological, archaeological, or historical sites in the project area;
 - I. The project would not result in significant impacts to existing drainage facilities, and the project would not expose people or property to significant flood hazards;
 - J. The project would comply with governing development standards related to roadway construction, parking, flood control and utility improvements as verified by the Department of Public Works-Land Use and Water Resources Division;
 - K. The project would not cause significant impacts on existing, available public services and utilities, such as water supply, police and fire protection, solid waste disposal, sewage disposal, and schools;
 - L. The project does not propose site grading that would change the local topography;
 - M. The project would not result in a significant increase in the number of vehicle trips or traffic congestion that would alter existing levels of service;
 - N. The project would not substantially increase ambient noise levels; and
 - O. The project would be required to comply with minimum requirements of the Uniform Building Code, Uniform Fire Code, and State of California fire safety standards for State Responsibility Areas

- VII. WHEREAS the Marin County Planning Commission finds that the proposed Precise Development Plan application, as conditioned herein, is consistent with the Nicasio Community Plan, including the “Development and Design Guidelines for the Nicasio Valley Planning Area,” because it would maintain the existing agricultural use of the land, preserve the open uninterrupted views and rural character of Nicasio Valley, and result in development that is compatible in design, and materials with the Nicasio community. All proposed structures have been sited on lower portions of the site away from visually prominent ridgelines, where they would be screened from distant vantage points along Nicasio Valley and Point Reyes-Petaluma Roads by existing vegetation and topographic features. A majority of the proposed residential and agricultural buildings are clustered on level and accessible portions of the property consistent with the traditional agricultural compounds seen in Nicasio, and all buildings utilize a rural architectural vernacular that is compatible with other residences and structures in the community. Although the primary residence is large in size (8,000 square feet), it has been designed to appear as a group of smaller buildings to minimize its mass and bulk. Proposed buildings are predominantly single-story, with limited second story spaces created within attic spaces through the use of dormer windows. All of the proposed structures utilize exterior materials that are common to rural areas including board and batten siding, and dark composition shingle or standing seam, non-reflective roofing. The design of the agricultural stable and barn buildings also utilize natural exterior building materials and simple building forms and massing that is compatible with other agricultural structures in Nicasio. All proposed ranch perimeter and pasture fencing would be of typical rural design to maintain open grassland views across open meadows and grassy areas. In addition, any future residential development on the property would be reviewed for consistency with the Nicasio Development and Design Guidelines through the Development Plan process.
- VIII. WHEREAS the Marin County Planning Commission finds that the proposed Precise Development Plan is consistent with the Hicks Mountain Ranch Master Plan through the proposed development of a main ranch house compound, ranch manager’s residence, ranch worker’s housing unit, studio/guest house, vehicle and equipment barn, horse barn, and storage barn based on the general development scheme that is established in the Master Plan.
- IX. WHEREAS the Marin County Planning Commission finds that the proposed project is consistent with the governing Agricultural, Residential Planned District, one unit per 60 acre (ARP-60) because the proposed development of up to six residential units on the 845 acre site would result in an overall gross density of approximately one unit per 140 acres, well below the maximum density limit as set forth by the zoning district. Consistent with ARP zoning development standards, the most suitable grazing lands on the property would be protected and the agricultural productivity of the property would be increased as specified in the proposed agricultural management plan. Proposed development would generally be clustered on accessible and geologically stable portions of the property along existing roadways to minimize grading and avoid more visually prominent portions of the site. No construction is proposed within three hundred feet horizontally or one hundred feet vertically of ridgelines on the property, consistent with ridge protection standards, and proposed building sites have been placed so that they are screened by existing vegetation and site topography relative to off-site vantage points. The siting of improvements at the lower elevations would also result in the protection and preservation of the existing woodland and grasslands on the property and would be consistent with the pattern of development in the community. As modified by recommended mitigation measures, sensitive riparian zones and stream courses would be protected, and the visibility of roadway improvements and utility extensions would be minimized. All proposed structures utilize a traditional architectural style, and colors and materials, that reflects the rural architectural character of the Nicasio area, and all future development would be subject to Development Plan approval to ensure consistency with the ARP development standards.
- X. WHEREAS the Marin County Planning Commission finds that the project is consistent with findings to approve a Precise Development Plan because the project conforms with Countywide Plan policies and the development criteria of the governing ARP zoning outlined above as follows: 1) the proposed development would fall below the maximum density specified by the Countywide Plan and governing zoning; 2) the most suitable grazing lands on the property would be protected and the agricultural productivity of the property would be increased as specified in the proposed agricultural management plan; 3) development would generally be clustered on accessible and geologically stable portions of the property along existing roadways to minimize grading and avoid more visually prominent portions of the site; 4) no construction is proposed within three hundred feet horizontally or one hundred feet vertically of ridgelines on the property, consistent with ridge protection standards; 5) proposed building sites have been placed so that they are screened by existing vegetation and site topography relative to off-site vantage

points; 6) improvements would be site at lower elevations on the property to protect and preserve the existing woodland and grasslands on the property, consistent with the pattern of development in the community; 7) sensitive riparian zones and stream courses would be protected, and the visibility of roadway improvements and utility extensions would be minimized; 8) all proposed structures utilize a traditional architectural style, and colors and materials, that reflects the rural architectural character of the Nicasio area; and 9) all future development would be subject to Development Plan approval to ensure consistency with the ARP development standards.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Planning Commission hereby approves the Hicks Mountain Ranch Phase One Precise Development Plan subject to the following conditions:

Marin County Community Development Agency-Planning Division

1. Pursuant to Marin County Code Chapter 22.45, the Hicks Mountain Ranch Phase One Precise Development Plan is approved for the construction of three residential dwelling units (including a main house, a ranch manager's residence, and an agricultural worker housing unit), three barn/equipment buildings, and a studio/guest house. Specific approved improvements include an 8,000 square foot main ranch house (with a 1,170 square foot garage and 800 square foot pool house), a 3,500 square foot ranch manager's residence (including garage), a 1,000 square foot studio/guest house, a 3,200 square foot vehicle and equipment barn containing an 800 square foot ranch workers apartment, a 3,800 square foot, six stable horse barn, and a 1,000 square foot storage barn. This approval also includes on-site septic systems, in-ground swimming pool, improvements to the existing access road serving the development sites, including construction of a new bridged stream crossing, new perimeter and pasture fencing, landscaping, and installation of a 20,000 gallon underground water storage tank. The property is located at 11000 Point Reyes-Petaluma Road, Nicasio, and is further identified as Assessor's Parcel 121-010-03 and 121-020-01.
2. EXCEPT AS MODIFIED HEREIN, subsequent development, use of, and permits for the subject property shall be in substantial conformance with the following approved Precise Development Plan exhibits in the Community Development Agency – Planning Division, with size modifications as proposed per the applicants letter from Roberto Associates, received May 6, 2003.
 - a. "Hicks Mountain Ranch Master Plan and Precise Development Plan, Phase One Application Narrative", Hicks Mountain, LLC (February 2001)
 - b. "Hicks Mountain Ranch Topographic Maps", CSW/Stuber-Stroeh, (June 2001)
 - c. "Hicks Mountain Ranch Site Plan", BAR (February 2001)
 - d. "Existing Road – Schematic Improvement Plan Hicks Mountain Ranch", Land Development Solutions, Inc., (January 2002)
 - e. "Hicks Mountain Ranch Grading and Drainage Plan", CSW/Stuber-Stroeh (June 2001)
 - f. "Hicks Mountain Ranch Illustrative Landscape Plan", SWA (June 2001)
 - g. "Hicks Mountain Ranch Visual Constraints Map", SWA (February 2001)
 - h. "Hicks Mountain Ranch Agricultural Opportunities Map – Grazing", SWA (February 2001)
 - i. "Hicks Mountain Ranch Improvement Plans", SWA (February 2001)
 - j. "Hicks Mountain Ranch Development Constraints", SWA (February 2001)
 - k. "Hicks Mountain Ranch Architectural Plans", BAR (February 2001)

3. Approved exterior materials for structures including the main residence, ranch manager's residence, and barn building include board and batten siding, and dark composition shingle or standing seam non-reflective roofing. BEFORE ISSUANCE OF BUILDING PERMITS, the applicant shall submit for review and approval of the Community Development Director any changes to originally proposed materials and colors. All structures shall incorporate subdued, nonreflective earthtone colors and materials that blend with surrounding vegetation to the maximum extent feasible. Any retaining walls shall be treated with texture, colors and/or landscaping to reduce any visual impacts. All ranch perimeter and pasture fencing shall be of a typical rural design (open mesh wire and metal or wood post field fence design) to maintain open grassland views across open meadows and grassy areas. Any gates shall be of a simple, agricultural style.
4. The Hicks Mountain Ranch Precise Development Plan approval includes the required conveyance to the County or designee of an Agricultural Conservation and Production Easement and Declaration of Restrictions over the subject property. The owner shall grant to the County or designee an easement for the purpose of retaining the property in agricultural use in perpetuity and extinguishing all remaining development potential on the property. The terms of the easement require the owner to agree in good faith to actively engage in agricultural production. Should the owner, or future owners, successors, or assigns, find that they cannot continue to operate the property in a viable agriculture production, the owner agrees to seek and retain an agriculture production operator who will establish and maintain an agricultural use on the property.
5. The Hicks Mountain Ranch Precise Development Plan approval includes the operation of a livestock grazing operation. Use and operation of the agricultural production of the subject property shall be in substantial conformance with the documentation and provisions contained in the Hicks Mountain Ranch Management Plan, submitted February 12, 2001, as part of the original application with attached Agricultural Suitability Study, prepared by LSA Associates, dated December 2, 1999, on file in the Marin County Community Development Agency – Planning Division. The owner shall practice good stewardship of the land in establishing the agricultural uses in order to maintain and sustain the potential agricultural production and environmental values of the subject property including, but not limited to, grazing and foraging.
6. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall enter into, convey, and record an Agricultural Conservation and Production Easement and Declaration of Restrictions (Easement) to the County noted in Condition 4 above. Prior to recordation of the Easement, the applicant/owner and the Community Development Director, shall review all terms of the Easement. The terms of the Easement may be modified in agreement with both the applicant/owner and the Director.
7. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit for review and approval of the Community Development Agency, Planning Division, a final detailed landscape plan prepared by a qualified biologist which incorporates riparian and wetland plantings consistent with the Conceptual Riparian Restoration Plan, and provides wetlands replacement/restoration at a ratio of 2:1 or greater. Before final inspection, the biologist shall verify to the Community Development Agency, Planning Division that all vegetation has been installed in accordance with the plan.
8. BEFORE ISSUANCE OF ANY GRADING OR BUILDING PERMIT for work associated with the ranch manager's residence or barn/stable compound, a grassland replacement program shall be prepared and submitted by a qualified biologist for review and approval by the Community Development Agency, Planning Division, which provides for replacement at a 1:1 ratio for loss of native grasslands (with a native cover exceeding ten percent), with replacement provided on a per acre basis for each cover class lost.
9. BEFORE ISSUANCE OF BUILDING PERMITS, the applicant shall submit for review and approval of the Community Development Agency, Planning Division, revised plans which demonstrate that all portions of the main ranch house compound and retreat/guest house conform with SCA policy requirements and maintain a minimum setback of 100 feet from the top of banks for the blue-line stream located in the south meadow area.
10. BEFORE ISSUANCE OF BUILDING PERMITS, the applicant shall revise the plans to depict the location and type of all exterior lighting for review and approval of the Community Development Director. Cut sheets or

details of the proposed lighting shall be submitted with the Building Permit plans. Exterior lighting shall be permitted for safety purposes only, must consist of low wattage fixtures, and must be directed downward and hooded. No lighting is proposed or approved along the access roadway as part of this approval.

11. All new utility connections and extensions serving new development shall be installed underground.
12. Construction activity is permitted only between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday, 9:00 a.m. and 4:00 p.m. on Saturday. No construction activity shall be permitted on Sundays or Holidays. The Community Development Director at the written request of the applicant may consider modifications to this condition.
13. During construction, the applicant shall take all appropriate measures, including watering of disturbed areas and covering the beds of trucks hauling fill to or spoils from the site, to prevent dust from grading and fill activity from depositing on surrounding properties.
14. All soils disturbed by development of the project shall be reseeded with native grasses or wildflowers to control erosion.
15. The applicant shall be responsible for ensuring that all construction vehicles, equipment and materials are stored on site and off the street so that pedestrian and vehicles can pass safely at all times. The number of construction vehicles shall be limited to the minimum number necessary to complete the project.
16. BEFORE ISSUANCE OF BUILDING PERMITS, the applicant shall demonstrate that the project complies with Marin County energy requirements for homes exceeding 3,500 square feet, and shall utilize building techniques consistent with the Marin County Green Building Guidelines, subject to review and approval of Community Development Director.
17. If any archaeological resources are discovered during construction activities, all work at the site shall stop and the property owner or applicant shall contact the Marin County Environmental Coordinator. A registered archaeologist, chosen by the County and paid for by the applicant, shall assess the site and shall submit a written report to the Director advancing appropriate measures to protect the resources discovered. No work at the site may recommence without the approval of the Director. All future development of the site must be consistent with the findings and recommendations of the archaeological report as approved by the Director.
18. All flashing, metal work and trim shall be appropriately subdued and non-reflective colors.
19. BEFORE FINAL INSPECTION AND UPON VESTING OF THIS APPROVAL, the Notice of Decision for the Hicks Mountain Ranch Master Plan/Development Plan approval shall be recorded against the title to the subject property.
20. All development envisioned in the approved Hicks Mountain Ranch Master Plan not specifically approved as part of the Phase One Precise Development Plan will require subsequent Development Plan approval, and shall be subject to all land use regulations and zoning standards in effect at the time.
21. Any changes or additions to the project shall be submitted to the Community Development Agency for review and approval or to determine if an amended application is required before the contemplated modifications may be initiated.

22. BEFORE APPROVAL OF IMPROVEMENT PLANS OR ISSUANCE OF GRADING OR BUILDING PERMITS, the following requirements of the Marin County Department of Public Works, Land Use and Water Resources Division must be satisfied:
- a. Provide hydraulic calculations for the sizing of all site drainage culverts
 - b. Provide documentation from Fire Department approving driveway width and placement of turnouts and turnarounds.
 - c. An encroachment permit shall be required for any work within the right-of-way.
 - d. A separate Building Permit is required for site/driveway retaining walls with a height more than four feet (or three feet when backfill area is sloped).
 - e. The above plans must be reviewed and approved by a Registered Soils Engineer. Certification shall be by stamp and signature on the plans or by stamped and signed letter.
 - f. Submit an erosion and siltation control plan.
 - g. Note on plans that Design Engineer shall certify the County in Writing (include signature and stamp) that all grading and drainage work and retaining wall excavation and construction was done in accordance with plans and field directions. Describe all field changes. Also note on plans that prior to final inspection, driveway, parking, frontage, and site improvements shall be inspected by DPW engineer.
 - h. The final project design shall also conform to the engineering and seismic requirements of Marin County Code, Titles 23 (Grading) and 24 (Development Standards), and the Uniform Building Code
23. All construction plans shall incorporate the recommendations of the geotechnical investigation, as approved by the Marin County Department of Public Works, including the following:
- a. Expansive soil conditions should be mitigated by either (1) using a foundation system, such as drilled piers, that is not susceptible to movement associated with the shrinking and swelling of the expansive soil, (2) conditioning the soil, such as with lime (lime treatment), to reduce the expansion potential, or (3) removing the expansive soil and replacing it with non-expansive engineered fill.
 - b. Structures placed on sites susceptible to soil creep should have foundations that penetrate the zone of creep, or the soil can be removed and replaced with engineered fill.
 - c. At all building locations, rainfall runoff from roofs and flatwork should be conveyed to suitable discharge points to minimize the potential for erosion and slope instability.
 - d. Groundwater levels at Sites 1, 3, 4, 6 and 7 should be measured especially during the winter and spring when groundwater levels are highest. The structures at those sites should have a subdrain, moisture barrier, and/or well-ventilated crawlspace to minimize penetration of moisture from underlying soil.
 - e. The groundwater depths and composition of the alluvium should be studied at Sites 1, 3, 4, 6 and 7 to evaluate the susceptibility for liquefaction and lateral spreading. This hazard may be mitigated through use of deep foundations or ground improvement techniques

24. BEFORE ISSUANCE OF BUILDING PERMITS for the proposed stream crossing, the applicant shall obtain a Streambed Alteration Agreement from the State Department of Fish and Game if required,, as well as any necessary permits from the State Water Resources Control Board which incorporate protection and enhancement measures to minimize impacts to the creek.
25. An erosion and sediment control plan shall be submitted and approved by the Department of Public Works prior to grading operations that includes best management practices to provide erosion control measures during construction and permanent long-term erosion control measures throughout the property. Grading shall not occur in the rainy season (from October 15 through April 15) unless an Erosion and Sediment Control Plan is approved by the Department of Public Works which complies with construction guidelines of the Marin County Stormwater Pollution Prevention Program including, but not limited to: siltation fencing, hay bales, and other drainage erosion control measures; stabilization of graded soils; hydroseeding; protection of graded soils from precipitation and runoff; and limiting construction equipment access. This plan shall be submitted to the Department of Public Works, Land Use and Water Resources Division for their review and approval. All construction mitigation measures of the approved Erosion Control Plan would be required to be implemented by the project sponsor prior to, and during, the rainy season from October 15 to at least April 15. A cash bond may be required to insure that control measures are implemented and maintained.

Environmental Health Services

26. BEFORE ISSUANCE OF BUILDING PERMITS, the applicant shall meet requirements to obtain construction permits from Environmental Health Services for Class I septic systems to serve approved development
27. BEFORE ISSUANCE OF BUILDING PERMITS, the applicant shall meet requirements to obtain operating permits for s domestic water supply system or satisfy requirements for a State Small Water System for up to six connections. Water quality analysis for asbestos, cyanide, nitrite, and nitrate + nitrite for all drinking water sources shall be provided. Surface treatment is required for spring sources

Marin County Fire Department

28. PRIOR TO OCCUPANCY, the applicant shall submit written confirmation from the Fire Marshal that all fire protection requirements have been completed including roadway improvements, construction of turnouts in the existing roadway, fire sprinklers, roofing requirements and fuel modification plan and fuel management plan.

SECTION III: VESTING

NOW, THEREFORE BE IT RESOLVED that the Hicks Mountain Ranch Precise Development Plan shall be vested within two years from the date of approval by securing a Building Permit and/or other permits related to the approved work substantially completing the improvements in accordance with the Building Permit and/or other permits, or all rights granted in this approval shall lapse, unless the applicant applies for an extension at least 30 days before the expiration date above and the Community Development Director approves it. A Precise Development Plan extension of not more than four years may be granted for cause pursuant to Section 22.45.063 of the Marin County Code.

SECTION IV: VOTE

PASSED AND ADOPTED at a special meeting of the Planning Commission of the County of Marin, State of California, on the 28th day of July 2003, by the following vote to wit:

AYES:

NOES:

ABSENT:

ROSS HERBERTSON, CHAIR
MARIN COUNTY PLANNING COMMISSION

Attest:

Alexandra Morales
Planning Commission Secretary