

MARIN COUNTY PLANNING COMMISSION MINUTES
JULY 28, 2003
Marin County Civic Center, Room #328 - San Rafael, California

Commissioners Present: Allan Berland
Ray Buddie
Don Dickenson
Jo Julin
Hank Barner
Steve Thompson

Commissioners Absent: Ross Herbertson

Staff Present: Alex Hinds, Agency Director
Brian C. Crawford, Deputy Director of Planning Services
Tom Lai, Principal Planner
Timothy Haddad, Environmental Planning Coordinator
Michelle Reed, Recording Secretary

Minutes Approved on: **OCTOBER 20, 2003**

Convened at 1:10 p.m.
Adjourned at 2:35 p.m.
Reconvened at 2:50 p.m.
Readjourned at 6:30 p.m.

1. ROUTINE TRANSACTIONS

a. Incorporate Staff Reports into Minutes

M/s Julin/Berland, and passed unanimously of those present, to incorporate Staff Report into Minutes. Motion passed 6/0 (Commissioner Herbertson not present).

b. Continuances

There were none.

2. COMMUNICATIONS

3. DIRECTOR'S ORAL REPORT

LAFCO Presentation on Sphere of Influence Study (by Peter Banning)

In response to Commissioner Thompson, Mr. Banning stated that since there are only two fire districts in Novato service is shared.

Commissioner Dickenson noted that some of the unincorporated southern Marin communities probably will not be annexed to towns and should be recognized in that manner for the study. Also, Mill Valley is not holding up to their numbers with the sphere of influence. He further stated that the City of San Rafael has taken St. Vincent's out of their city sphere of influence and asked how that would be accomplished.

Commissioner Buddie noted that Marin City is considering becoming their own town in the future.

Mr. Banning completed his presentation by explaining how the agencies saved money by consolidating their services. Meetings for Community Development Agencies and sewer services were held last fall for updates. There are several considerations used by LAFCo to determine who provides services to each area.

4. OPEN TIME FOR PUBLIC EXPRESSION, LIMITED TO THREE MINUTES PER SPEAKER

There were no speakers.

5. DRAFT SUBSEQUENT ENVIRONMENTAL IMPACT REPORT: REDWOOD LANDFILL, INC.
REVISED SOLID WASTE FACILITIES PERMIT

Hearing to receive testimony on the Draft Subsequent Environmental Impact Report for the Redwood Landfill, Inc. Revised Solid Waste Facilities Permit. Redwood Landfill, Inc., a wholly owned subsidiary of USA Waste of California, in association with Waste Management, Inc., has applied to the Marin County Environmental Health Services Department for a Revised Solid Waste Facilities Permit (SWFP) for continuation and expansion of a 380-acre landfill on a 420-acre site near Novato, California. Since issuance of the 1995 SWFP, certain changes to the operation and facility have been implemented, and new changes are proposed in connection with the Revised SWFP, including sludge management practices, alternative daily cover, increase composting volume, leachate management, increase waste receipts, traffic, design capacity, waste classification, landfill life, gas control, and waste containment units reclassified as Class II for receipt of some semi-hazardous wastes. The Redwood Landfill property, accessed by private road from State Highway 101, is approximately 600 acres in size and consists of a 180-acre northern area and a 420-acre southern area. Waste disposal activities are dedicated to the 420-acre southern area. Redwood Landfill is the principal landfill serving Marin County and is located on the east side of State Highway 101, 4 miles north of the City of Novato and 7 miles southeast of Petaluma in Marin County, and is further identified as Assessor's Parcel 125-160-13.

Commissioner Dickenson expressed concern that the public did not have adequate time to review and comment on this matter, and therefore, suggested continuing this matter to the hearing of August 18, 2003. While Agency Director Hinds concurred, he suggested that staff go ahead and make a brief presentation.

Tim Haddad, Environmental Coordinator, summarized the information set forth in the staff report, and agreed that the hearing should be continued to the August 18th date to allow more time for public comments.

Dan Cicular, project manager for ESA, summarized the merits of the proposed project.

Commissioner Barner noted that the document discussed the flyover, which has not yet been built. Agency Director Hinds stated that some parts of the project will be approved before other parts of the application. Staff further noted that because of the commitments of the EIR, it was important to proceed with parts of the application regarding the expansion.

The public testimony portion of the meeting was opened.

Pat Hasler, Frank McGovern, Frank Watson, and Larry Heron expressed concerns regarding disposal of hazardous waste at the site, air quality, ground water levels, safety, and traffic.

The public testimony portion of the meeting was closed.

M/s Dickenson/Julin, and passed unanimously of those present, to continue this matter to the hearing of August 18, 2003. Motion passed 6/0 (Commissioner Herbertson not present).

- 6A. DRAFT NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT: HICKS MOUNTAIN RANCH MASTER PLAN
- 6B. MASTER PLAN/DEVELOPMENT PLAN: HICKS MOUNTAIN RANCH

Hearing to consider an application proposing the development of six residential dwelling units, two guest houses, two barns and a number of agricultural equipment and storage buildings on an approximately 845-acre property. The applicant proposes to continue the historic use of the ranch for the grazing of breeding cattle, with an increase in herd size from approximately 30 to 70 animals. Improvements in the southern portion of the property include a 8,000 square foot main ranch house (with an 1,170 square foot attached garage and an 800 square foot pool house), a 3,500 square foot ranch manager's (including garage), two additional 3,500 sq. ft. single family residences (including garages), a 1,000 square foot studio/guest house, a 4,000 square foot vehicle and equipment barn (including an 800 square foot ranch workers apartment), a 3,800 square foot, six stable horse barn, and a 1,000 square foot storage barn. In a separate valley near the northern property line, the project proposes the construction of a 1,500 square foot residence (including garage), and a 3,500 square foot barn. The subject property is located at **11100 Point Reyes-Petaluma Road, Nicasio**, and is further identified as **Assessor's Parcel 121-020-03 and -01**.

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

Christine Gimmler, project planner, presented the project as set forth in the staff report, and noted that additional correspondence had been received since the issuance of the staff report.

In response to questions from the Commission, staff noted that the cattle herd size proposed by the applicant had been reviewed by Agricultural Advisory Committee members who indicated that the number was appropriate given the size and character of the ranch. Responding to an issue raised in correspondence from EAC of West Marin, Tim Haddad, Environmental Coordinator, stated that he is satisfied that the red-legged frog surveys for the site had been conducted correctly.

The public testimony portion of the hearing was opened.

Planning Consultant John Roberto and architect Richard Beard summarized the merits of the proposed project, explaining that the proposal included housing for ranch workers and was a sustainable plan. They further explained how the proposed home sites were identified.

Robert Berner, MALT, referred to correspondence he submitted expressing concerns that the project was more of a residential than agricultural use.

Robert Arrigoni, Jeff Kerr, Chuck Olin, and Paul Jensen commented in support of the proposed project. Bill Harrison further noted that the Nicasio Design Review Board supports the proposed development.

Catherine Caulfield, EAC of West Marin, would like to look at the whole picture of what is being proposed for this lot.

In response to Commissioner Julin, Roger Harris of LSA Associates, stated that no frogs were found at the site. However, additional review will be conducted during construction to identify any potential adverse effects.

Pricilla Bull, Marin Conservation League, supported MALT's position further stating that the project as proposed was excessive for an agricultural property.

Peter Dolcini, Lynette Kahn, and Mike Gale expressed concern regarding the size and scope of the proposal.

The public testimony portion of the hearing was closed.

Commissioners and staff discussed the accuracy of a map included in correspondence submitted by Patrick McDonnell, and the assessed values of agricultural properties. Agency Director Hinds explained some of the factors that influence assessed evaluation indicating that the current assessed value is not based on the existing agricultural use of the land.

In response to a question regarding the Master Plan, Agency Director Hinds stated that recommended Conditions of Approval applied to the first phase of the project. Any additional development beyond that included in proposed Phase One would be subject to future review and approval.

Further discussion followed regarding the intent of the governing ARP zoning and what type of uses and structures would be considered supportive of or incidental to agriculture. Staff noted that the ARP zoning was applied to the Nicasio area in conjunction with adoption of the Nicasio Valley Community Plan, and is not common on large agricultural properties in West Marin, which are generally zoned A-60 or C-APZ-60.

Commissioners Berland and Julin suggested that preparation of an EIR may be appropriate to address the issue of conversion of agricultural land to non-agricultural uses. Alex Hinds noted that this issue is being studied as part of the Countywide Plan update. Commissioners Dickson and Buddie indicated they support staff's recommendations and feel that the Negative Declaration of Environmental Impact is appropriate given the project modifications proposed by the applicant.

M/s Barner/Buddie, to recommend to the Board of Supervisors approval of the Negative Declaration of Environmental Impact for the Hicks Mountain Ranch Master Plan. Motion passed 4/2 (Commissioner Herbertson not present, and Commissioners Julin and Berland voted against the motion).

In response to a suggestion by Commissioner Dickenson, Agency Director Hinds stated that Condition #20 was generally worded given that criteria for agricultural development resulting from the Countywide Plan update process have not been finalized. However, he noted that the applicant may be willing to voluntarily merge the two parcels comprising the ranch. Mark Solit agreed to take the issue under consideration and notify staff of the property owners' decision on the issue.

Commissioner Dickenson supported staff's recommendation to approve the Master Plan and Phase One Development Plan, given the applicant's offer to extinguish development potential and record an agricultural easement over the property.

Commissioner Julin does not feel that the proposed project is consistent with agriculture goals and policies and can not support the project.

Commissioner Thompson noted that over 95 percent of the land will be used for and permanently dedicated to agriculture uses.

Commissioner Barner reiterated his concerns and stated that some of the Master Plan may not be achievable given that there are no assurances that the land will be any more productive in the future than for what it has been historically used.

Commissioner Buddie supports staff's recommendation and suggested that the applicant's agreement to merge the property could help the project go forward.

Commissioner Dickenson supports the development proposed and would like to lock in the recommended conditions and restrictions through the Master Plan.

M/s Dickenson/Thompson to recommend to the Board of Supervisors approval of the Hicks Mountain Ranch Master Plan. A roll call vote was taken on the motion:

AYES: Dickenson, Thompson, Buddie
NOES: Berland, Barner, Julin
ABSENT: Herbertson

Motion tied 3/3. (Commissioner Herbertson not present).

Commissioner Barner recommended a change to Attachment #3 on page 6 to state: “Stored on site and off the road...” He further suggested including Conditions of Approval for the merger and the rental or any other commercial use of the housing in Phase II. He reiterated concerns regarding emergency response time, given the cattle gates on the subject and adjacent ranches, and suggested that the applicant sign a waiver that would agree to hold the County harmless for liability related to service delays. Staff noted that the Marin County Fire Department staff reviewed the project and did not raise concerns regarding this issue.

M/s Dickenson/Thompson, to recommend to the Board of Supervisors approval of the Precise Development Plan. A roll call vote was taken on the motion:

AYES: Dickenson, Thompson, Buddie
NOES: Berland, Barner, Julin
ABSENT: Herbertson

Motion tied 3/3. (Commissioner Herbertson not present).

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. PC03-019

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

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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: Dickenson, Thompson, Buddie

NOES: Berland, Barner, Julin

ABSENT: Herbertson

ALLAN BERLAND, VICE CHAIR
MARIN COUNTY PLANNING COMMISSION

Attest:

Michelle Reed
Recording Secretary

7. APPROVAL OF MINUTES –JULY 14, 2003, MEETING

M/s Dickenson/Thompson, and passed unanimously of those present, to approve Items #5A and 5B – Citizens Housing Corporation (Fireside Apartments) Master Plan, Rezoning, Precise Development Plan and Negative Declaration of Environmental Impact from the hearing of July 14, 2003 with minor modifications. Motion passed 6/0 (Commissioner Herbertson not present).

8. UPDATE ON BOARD OF SUPERVISORS ACTIONS

9. FUTURE AGENDA DISCUSSION ITEMS, FIELD TRIPS