

MARIN COUNTY PLANNING COMMISSION WORKSHOP MINUTES

March 30, 2004

Marin County Civic Center, Room #328 - San Rafael, California

Commissioners Present: Allan Berland, Chairman
Steve Thompson, Vice
Hank Barner
Ray Buddie
Don Dickenson
Wade Holland
Jo Julin

Commissioners Absent: None

Staff Present: Alex Hinds, Agency Director
Michele Rodriguez, Principal Planner
Dan Dawson, Senior Planner
Joyce Evans, Recording Secretary

Jim Martin, Biology Consultant

Minutes Approved on: **May 3, 2004**

Convened at 5:05 p.m.
Adjourned at 7:45 p.m.
Reconvened at 8:15 p.m.
Adjourned at 9:16 p.m.

1. ROUTINE TRANSACTIONS:

- a. Minutes - None
- b. Continuances- None

2. COMMUNICATIONS

The Commission acknowledged several pieces of correspondence for their review.

3. DIRECTOR'S ORAL REPORT

- a. Update on Board of Supervisors Actions
- b. Report on On-Going/Pending Development Projects

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

There were no comments.

5. FUTURE AGENDA DISCUSSION ITEMS, FIELD TRIPS - None

6. DRAFT MARIN COUNTYWIDE PLAN – PUBLIC WORKSHOP

Chairman Berland continued the meeting with the discussion on the “Introductory” section and asked the Commission whether they should discuss sustainability or postpone that discussion to a later date. Commissioner Julin provided the Commission with a one-page handout that she drafted, which presented her ideas on sustainability. The Commission reviewed Commissioner Julin’s handout. The Commission then discussed the definition and the wording of “sustainability” as shown on Page 1.5 of the Countywide Plan.

Alex Hinds, Agency Director, noted that at this point asking staff to include the information provided by Commissioner Julin into the discussion of sustainability is a great idea, but eliminating the diagram would be unfortunate because it graphically represents how policies provide multiple benefits. He also agreed with the concept that the environment supports life and that nature lasts, but the idea of the three “E’s” reflects a long process that many individuals devoted their time and energy during the development of the guiding principles and the Plan itself respects the different input provided.

The hearing was open to the public comment on “*Sustainability.*”

Nona Dennis, Mill Valley resident, suggested adopting some suggestions as provisional until further consideration is given in order to review each goal and policy in the Countywide Plan for more concrete objectives because the document has failed to connect the theme of “sustainability.” She then quoted material from the “Introductory” section for the Commission’s consideration.

Commissioner Holland asked Ms. Dennis if it would be beneficial to state, “*how would this goal increase planning a sustained community*” or a more focused question so that each one addressed specifically what is the relationship to the overall theme. Ms. Dennis responded that without totally rewriting the document, it is possible to incorporate or at least conduct a test to understand whether this particular set of policies fulfills the goals of sustainability.

Mr. Hinds explained that the idea was to reduce planning jargon. He agreed that the section requires additional specificity and more clarity in the language as to why it is important. Chairman Berland believed staff summarized some of the policy statements rather than connecting it to some of the original concepts that were set out in the beginning of the document. Mr. Hinds concurred.

Commissioner Holland believed the “Introductory” section must be made very clear. Mr. Hinds agreed that the concepts must be made clear, but over using the word “sustainable” could become a turn off.

Margaret Zegart, Mill Valley resident, favored the three concentric circles, but expressed concern about the limit line. She felt there should be an educational rim that should not be lost. She also believed education should be stressed in the “Text” section as well. She further agreed with the Commissioner Julin’s definition in regard to sustainability.

Ken Fox, President, Tomales Bay Association, noted that starting out with the old Plan and updating the Plan would be beneficial in his view. In terms of sustainability, he believed it must have its own section.

Mr. Hinds explained that staff recommends including a simple, but comprehensive matrix to show how the principles and Countywide goals related to the policies and sustainability, which could be done graphically.

Harry Moore, Novato resident, pointed out that there is an advantage to the three E’s diagram and believed it must be kept.

The hearing was closed to public comment.

Commissioner Julin agreed with Ms. Dennis’s comments to have the suggestions provisional at this point. The Commission agreed.

Chairman Berland asked that points be kept brief and allow staff to establish language in order to speed up the review process. The Commission agreed.

Commissioner Holland submitted his concerns and comments for the Commission's consideration, which he would continue to do throughout the process.

Commissioner Thompson believed Ms. Zegart's idea of adding, "special needs housing" to Section 1.9 was a good idea. Chairman Berland agreed and believed they should indicate "*social and economic diversity for affordable housing for the workforce, elderly and disabled.*" The Commission and staff agreed.

Commissioner Dickenson discussed a "vibrant economy" and believed the following statement should be incorporated: "*that businesses must meet the needs of local residents.*" Mr. Hinds suggested incorporating that statement into the "Targeted Industries" section, which would address types of businesses that would provide for a vibrant community. The Commission agreed.

Commissioner Barner discussed the goals under "Built Environment" as shown on Page 1.9 and asked staff how realistic it would be to incorporate such an idea. He desired a small town atmosphere rather than large office buildings. Mr. Hinds responded that the concerns are valid and believed they should be included in the "Goals" section. Commissioner Holland recommended including the business, commercial and industrial areas as well. Commissioner Dickenson suggested deleting the phrase "*small town community character,*" from Page 1.9 under Countywide Goals. The Commission and staff agreed.

Commissioner Julin believed the goals should support the survival of locally owned businesses. The Commission and staff agreed.

Commissioner Holland believed the following must be included on Page 1.16: light industrial, service uses, mining and mineral extractions. He also pointed out that the definition of "we" as a footnote on Page 1.3 should be clarified and incorporated into the text. Mr. Hinds explained that this Plan is not limited to just land use issues or what the County of Marin would perform, but it represents the County's position and it represents a guide to other decision-making bodies and other residents. He further agreed with Commissioner Holland's suggestion.

Commissioner Holland suggested adding the "*Aiken*" definition to the document. Mr. Hinds suggested deferring this item to the April 12th, 2004 hearing after Mr. Aiken's presentation. The Commission agreed.

Chairman Berland noted that there is a general consensus from the Commission to delete the term, "*Estates,*" which would be discussed under the "Community Development" section.

Mr. Hinds suggested that the "Agriculture and Food" section remain under the "Natural Systems" section, but the diagram would show it between Natural Systems and Built Environment with explanatory text. Staff also suggested moving Mineral Resources out of Natural Systems because it related more to construction related activities and to move the Environmental Hazards Systems to the Natural Systems section and include referral language. The Commission agreed.

Commissioner Dickenson commented on Page 1.14 in relation to categories and suggested indenting the land use categories and commercial mixed-use categories. The Commission and staff agreed.

Commissioner Holland discussed the last two items on Page 1.16 and pointed out that they are not part of this category and should be removed.

Commissioner Barner discussed land use designations in regard to low to medium and medium to high and asked staff to explain. Mr. Hinds explained that staff created headings to fit the existing land use designations and that is the reason for the overlapping.

The hearing was opened to public comment on the "*Introductory*" section.

Gordon Bennet, Sierra Club Marin, suggested deleting the word, “*transitional*” and use the word “*buffer*.” He agreed that both the “*rural*” and “*residential estate*” should be stricken and suggested using the terms, “*very low-A and very low-B*.” He commented on Page 1.9 under the second bullet in relation to diversification and believed it should be treated differently. He then discussed Page 1.10 under the third bullet and recommended that the Agricultural Environment have a reduced ecological footprint that would relate to the Built Environment. He then submitted his comments in written form to the Commission for their consideration.

The hearing was closed to public comment.

Commissioner Holland believed the goal is to foster the viability of agricultural operations in Marin and diversification may be one method, but it should not be required. The Commission agreed to use the word “*buffer*” rather than “*transitional*.”

Mr. Hinds summarized the March 29th, 2004 Countywide Plan workshop for the Commission’s review by providing a PowerPoint presentation. Staff also announced that April 5th the meeting would begin at 1:00 p.m. in order to provide ample time for review.

Jim Martin, Biological Consultant, provide the Commission with a presentation on the Natural Systems Element for their consideration.

Commissioner Dickenson asked staff about the definition on Page 2.10 regarding the reference to the Baylands Corridor, and wondered if it was intended to include the entire Bayfront Conservation Zone. Staff responded that the Baylands Corridor would be the General Plan designation and the Bayfront Conservation zone would implement the General Plan designation.

Commissioner Dickenson asked staff what would be included in the Baylands Corridor. Mr. Martin responded that North of Point San Pedro they used the San Francisco Estuary Institute Boundary and they also added a 300-foot setback from that line if adjacent to largely undeveloped parcels over 5 acres in size. He noted that the element would describe the agricultural lands and the adjacent uplands. He further added that they identified a minimum standard, which is 300 feet and the environmental review would identify additional setbacks necessary.

Chairman Berland asked staff to provide the Commission with a map depicting the historic zone. Staff provided the Commission with a map depicting the historic zones for their consideration. Staff explained that north of Point San Pedro there are large parcels that are not developed, and south of Point San Pedro there are smaller parcels that are developed.

Commissioner Barner discussed Page 2.10 under the first paragraph and asked staff if the flood plains are included in the limit. Staff responded that there is a separate map for the 100-year flood plain.

Commissioner Dickenson discussed the implementation of the buffer criteria on Page 2.38 and asked staff what are the minimum setbacks for parcels less than five acres. Staff responded that it is based on an environmental analysis on a case-by-case basis.

Commissioner Thompson asked Mr. Martin whether the 50-foot setback in the SCA is based on geo-technical analysis rather than riparian science. Mr. Martin responded that it was not a result of a single basis because there are a number of variables considered.

Chairman Berland desired justification for making the distinctions in regard to spot zoning. Mr. Martin pointed out to the Commission that on Page 2.10 there is a reference to the “Baylands Eco Habitat Goals” that provided the history of protecting and enhancing the remaining minimally compromised ecosystem lands that includes very specific goals and recommendations for the lands north of Point San Pedro in Marin County due to the opportunity and importance of that area. He further added that it is an interpretation of all the available information.

Commissioner Thompson asked Mr. Martin if there are any conflicts that affect the ecology by the action of creating wetlands. Mr. Martin responded that studies had been conducted that reviewed the changes in ground surface elevation and shrinkage that occurred in the last 100 years. He further stated that the elevations must be reviewed and the goals must be defined in order to keep the highest habitat restoration possible.

Commissioner Berland pointed out that the Commission must have a better justification for the zoning in regard to north and south of Point San Pedro as well as the wetlands.

The hearing was opened to public comment on SCA issues.

Ms. Dennis studied the shoreline of San Francisco Bay and understands the history for the basis of the buffer, which she regarded as the minimum. She pointed out that the Baylands ecosystems activities are not limited and involve roosting, nesting and being protected from human activities. She further believed the Commission must protect the ecosystem that currently exists.

Margaret Jones, League of Women Voters, discussed changing the long-established and well-balanced three-corridor policy by the possible addition of a fourth Baylands Corridor. They expressed concern by the potential expanding impact of the proposed new Baylands Corridor on the one well-established area designed for development in the County, the City-Centered Corridor. They believed the protection of Baylands habitat provided by the current plans, Bayfront Conservation Zone has served the County well. They are pleased that the new Plan is relying on the biological data from the 1999 Baylands Ecosystem Habitat Goals Report and the San Francisco Estuary Institute maps. They are the standards for evaluating the Baylands ecosystems throughout the Bay Area and using these resources they see no imperative for replacing the present conservation zone with a new Baylands Corridor. They also have not found a clear rational or specific scientific data in this Plan or in the appendix to support the need for heightened recognition or protection for the species or natural communities in the expanded portion of the corridor. They desired a map that clearly showed a comparison of the boundaries of the present conservation zone and of the proposed Baylands Corridor and if there is to be added acreage included, they desired a description of species and habitat that needed additional protection. They further opposed replacing the current species protection polices because changes intended or unintended could create a detrimental impact on development that would limit affordable housing opportunities in this corridor. She then submitted her written comments to the Commission for further review.

Mr. Fox concurred with some of Ms. Jones' comments. He further stated that the Baylands must be protected.

The Commission recessed from 7:45 p.m. to 8:15 p.m.

Jack Krystal, concerned citizen, emphasized the importance of setting up the mechanics of the Plan that would benefit the entire community.

Mr. Bennett pointed out that the purpose of buffers is to protect private property. He discussed the Streamside Conservation Area as shown on Page 2.27 and noted that it is likely that the Streamside Conservation Zone is wider than 300 feet so the comparison in the buffer zone for the Baylands Corridor is not appropriate. He also believed the figure shown on Page 2.28 should be revised to accurately reflect the current Countywide Plan.

Giselle Downard, San Rafael resident, expressed concern for the buffers and pointed out that studies had been conducted on the movements of endangered species and for the record the species could extend far inland. She desired a definition of "buffer" and the purpose that a buffer zone would serve. She further believed it would be appropriate to review the parameter of the line to understand whether it must be increased or decreased.

Barbara Salzman, Marin Audubon Society, discussed the balance in the ecosystem and the buffer zones. She pointed out that existing wetlands exist on the undeveloped land and San Francisco Bay Institute produced a line that is the historic line of the Bay. She believed the transition zones and wetlands must be protected. They agreed that there must be specific criteria established for buffers in order to avoid fraud. They further believed the very basis of sustainability is a healthy and productive environment that benefits the community.

Kathy Cuneo, San Rafael resident, stressed the importance of buffers. She then noted that she submitted written comments to the Commission for their consideration and pointed out that she made several corrections to Page 2.3 as noted in her written correspondence.

Tom Baty, Inverness resident, discussed Chapter 1.3 in regard to the framework under Item 4 that addressed "Natural Systems," and felt the expanded footprint of agricultural might not fit in with "Natural Resources" and requested that the two be split. He noted that the facts on the maps on Page 2.1 and Page 2.4 that identified the Coho streams is not accurate and requested that the titles of the maps must be changed or the identified stream areas must be reworked. He further stated that the "Vision Statement" on Page 2.5 should elevate agricultural closer to industry, so the statement of expanded agricultural resources is a great idea, but in practical terms it might not occur.

Cela O'Connor, Bolinas resident, read her comments into the record and then submitted her comments to the Commission for further review.

Commissioner Julin left at 9:00 p.m.

Frances Nunez, Santa Venetia resident, discussed Page 2.26 regarding the 100-foot buffer and asked if that exception applied to both 50-foot and 100-foot buffers, and if so, she believed it should be set off as a third point and clarified. She also expressed concern about having a buffer in her backyard along the creek and noted that she has a very small lot and a 50-foot buffer would consume the majority of her yard. She then discussed Page 2.22 and asked if the City-Centered Corridor applied to homeowners along the creek. Staff further recommended adding another bullet point in regard to Page 2.26. Staff added that there is an existing use and one method to address the concern is to have an exception for existing uses and set standards for development of a private parcel.

Dan Dawson, Senior Planner, responded that the properties on Vendola Drive would not be affected by the Baylands proposal.

David Kimball, concerned citizen, discussed the 300-foot buffer and believed staff established a very creative manner to view affordable housing. He further added that there are some wonderful opportunities provided by staff to review as they balance the economics with the environment.

Ms. Zegart believed the document must be consistent and agreed with the diamond approach. She also agreed with the phrase, "*enhancement and restoration whenever opportunities arise for Baylands and creek sides.*" She objected to filling land. She discussed Page 2.1 and pointed out that text is needed regarding watershed planning. She also commented on Page 2.4 and desired trails to be incorporated as a historic use. She pointed out that expanded agricultural activity would not increase natural resources. She discussed Page 2.3 in regard to "Diminished Natural Functions" and requested that it be reworded. She further believed flood basins for seasonal habitat should be natural and streams should not be channeled.

The Commission continued the hearing to April 5th, 2004 at 1:00 p.m.