

MARIN COUNTY PLANNING COMMISSION AGENDA

Marin County Civic Center, 3501 Civic Center Drive, Room 328, San Rafael, California

REGULAR MEETING

October 10, 2005

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- 10:30 A.M. 1. INITIAL TRANSACTIONS
a. Incorporate Staff Reports into Minutes
b. Continuances

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- 10:30 A.M. 2. USE PERMIT AND DESIGN REVIEW APPEAL: MCEVOY (SCHLESIGNER AND MORITA) CH

Public hearing to consider the Schlesinger Appeal and Morita Appeal of the Deputy Zoning Administrator's approval of the McEvoy Use Permit and Design Review. The applicant, Russ Morita, on behalf of the owner, Nan McEvoy, is requesting approval proposing to construct the following improvements on the McEvoy Olive Ranch in Petaluma: (1) a 660 kW, approximately 210-foot tall wind energy conversion system (WECS) for the generation of electricity; (2) an approximately 19.5-foot tall, 1,900 square foot accessory dwelling unit for the assistant orchard manager; and, (3) 1,415 square feet of office and storage additions onto the existing olive pressing barn building. The Vesta V47 wind turbine rotor has a radius of 23.5 meters (77 feet). The WECS would have setbacks of 730 feet to the easterly property line, approximately 1,400 feet from the residence located on the Reichek property (Assessor's Parcel 125-070-15), and approximately 1,310 feet from the residence located on the Schlesinger property (Assessor's Parcel 125-520-01). Two appeals have been filed related to the WECS. The Schlesinger appeal, in general, asserts that the WECS will impact views, result in excessive noise, be incompatible with the community character, and may result in impacts to avian resources. The appeal filed by Russ Morita is generally in response to conditions of approval that modify the project siting and specifications for the size and color of the WECS. The subject property is located at 5935 Redhill Road, Petaluma, and is further identified as Assessor's Parcels 125-070-05, -06, and -16.

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- 12:00 P.M. 3. APPROVAL OF MINUTES
4. COMMUNICATIONS
5. DIRECTOR'S REPORT
6. OPEN TIME FOR PUBLIC EXPRESSION (LIMITED TO THREE MINUTES PER SPEAKER)
7. FUTURE AGENDA DISCUSSION ITEMS, FIELD TRIPS

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- 1:00 P.M. 8. CERTIFICATE OF COMPLIANCE APPEAL: KIDSON CG

Public hearing to consider the Kidson Appeal of the Community Development Agency's administrative approval of the Kidson Certificate of Compliance, which determined that the subject property was legally created in its present size and configuration as a remainder "Park" parcel by the Map of Bolinas Beach, recorded in 1927. The appeal submitted by Hanson Bridgett, attorneys for Jeremy Kidson, asserts that: (1) the determination that the subject property was created "as a remainder 'Park' parcel" is factually and legally incorrect; and (2) the determination that the zoning governing this property is Coastal, Open Area, is factually incorrect and legally impermissible. The 47.5 acre subject property is located along **Ocean Parkway, Bolinas**, and is further identified as **Assessor's Parcel 191-300-01, 192-233-01, 192-243-01, 192-253-01, & 192-263-01.**



American sign language interpreters may be requested by calling (415) 499-6172 (TTY) or (415) 499-6278 (voice) at least 72 hours in advance. Copies of documents are available in accessible formats upon written request.
The agenda is available on the Internet at <http://www.co.marin.ca.us/SysApps/Calendar/pub/MeetingIndex.cfm?SponsorSid=2>

Public meeting to consider the adequacy of the Draft Environmental Impact Report (DEIR) for the Lawson's Landing Master Plan, Coastal Permit, and Tidelands Permit project. At the meeting, the Commission will consider a possible action pursuant to State CEQA Guidelines Section 15088.5 recommending the EIR be fundamentally revised to incorporate and evaluate a different baseline of existing uses and environmental setting conditions and recirculated for review and comment as a new DEIR. The Commission will also discuss the issues of primary concern to the Commission that need to be addressed in a Final EIR Response to Comments if no action is taken to recommend revision of the EIR baseline. A (Draft) Final EIR Response to Comments may then be prepared and circulated for public review and comment pursuant to Marin County EIR Guidelines Section VI I(2) prior to consideration for certification of the Final EIR (The Planning Commission closed the public hearing, previously held on September 12, 2005 for public testimony on the DEIR, and continued the meeting for further deliberation by the Commission on the adequacy of the DEIR). The subject property's address is **137 Marine View Drive, Dillon Beach**, and is further identified as **Assessor's Parcel 100-100-48 et al.**

(This item was continued from the September 12, 2005, meeting.)

PLANNING COMMISSION MEETING PROTOCOLS

I. PLANNING COMMISSION VOTING REQUIREMENTS

- A. For the following actions, four (4) affirmative votes from the Planning Commission membership must be cast:
1. Adopt recommendation to adopt or amend a general community specific plan.
 2. Adopt a recommendation on zoning text or zoning district amendments.
 3. Reverse or modify a previous decision of the Director or Hearing Officer for Zoning Code or Subdivision Code matters.
- B. Any other action by the Planning Commission requires a majority or quorum (for a minimum of three affirmative votes).

II. GUIDELINES FOR TIME LIMITS ON PRESENTATIONS AND PUBLIC TESTIMONY

The Planning Commission's general meeting procedure and time limit guidelines are as follows:

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| A. Planning Division staff report | 5-10 minutes |
| B. Planning Commission questions to staff | |
| C. Applicant's presentation | 10 minutes maximum |
| D. Appellant's presentation
(applies only if public hearing is required to act on a valid appeal) | 10 minutes maximum |
| E. Public Testimony (depending on the number of speakers) | 3-5 minutes each |
- Written testimony is greatly appreciated, and must be received no later than 9:00 a.m. on the Monday prior to the date of the hearing. Please send ten copies of written testimony to:

Marin County Planning Commission
c/o Marin County CDA, Kim Shine
3501 Civic Center Drive, Room 308
San Rafael, CA 94903
e-mail: kshine@co.marin.ca.us; Fax: (415) 499-7880

When written testimony is submitted, the text of the testimony will automatically become part of the record. It is not necessary to read the entire text into the minutes.

- F. Close public hearing
- When the public hearing is closed, no further discussion between applicant, the public, and the Commission is appropriate unless the majority of the Commission agrees to hear new information only.

III. OPEN TIME FOR PUBLIC EXPRESSION

Testimony regarding matters not on the agenda will not be considered part of the administrative record.

IV. NOTICE REGARDING BUS SERVICE

The Marin County Civic Center is served by Golden Gate Transit Bus Routes 33, 57, 59, and 75 with connections to other routes at Third and Hetherton Streets in San Rafael. For more information, call toll free 5-1-1 or (415) 455-2000 (Marin County).

NOTE: ALL PLANNING COMMISSION MEETINGS ARE TAPE RECORDED.

**Visit our website at <http://www.co.marin.ca.us/depts/BS/main/brdscomm/mcbds/plngcom.cfm>. **