MARIN COUNTY PLANNING DIVISION
ADMINISTRATIVE DECISION
Robert Giacomini Dairy Coastal Permit

Decision: Approved with Conditions
Date: November 15, 2022

Project ID No: P3714
Applicant(s): Lynn Giacomini-Stray
Owner(s): Robert Giacomini Dairy
Assessor's Parcel No(s): 119-020-23
Property Address: 14700 Highway 1, Point Reyes Station
Project Planner: Megan Alton
(415) 473-6235
malton@marincounty.org
Signature: Megan Alton

Countywide Plan Designation: C-AG-1 (Coastal Agricultural, 1 unit/31-60 acres)
Community Plan Area: East Shore Community Plan
Zoning District: C-APZ-60 (Coastal, Agricultural Production Zone)
Environmental Determination: Exempt per CEQA Guidelines section 15303, Class 3

PROJECT SUMMARY

On July 5, 2022, the applicant was granted Emergency Coastal Permit approval for the drilling and temporary operation of new agricultural well on a property in Point Reyes Station. The Emergency Coastal Permit was granted in response to the drought emergency declared by Governor Gavin Newsom pursuant to Executive Order N-10-21. The well was subsequently drilled on August 17, 2022. In accordance with Local Coastal Program, Implementation Plan section 22.70.030, and the Conditions of Approval in the Giacomini Dairy Emergency Coastal Permit, the applicant is now requesting Coastal Permit approval for the drilling of the well and its continued operation on the property. The well is proposed to supplement existing underperforming wells due to drought conditions. The proposed well is located approximately 704 feet from the northern property line; approximately 98 feet from the eastern property line; approximately 1,700 feet from the southern property line; and more than 2,000 feet from the western property line. Coastal Permit approval is required pursuant to Marin County Land Use Plan section 22.68.060 for the drilling and use of new water wells.

COMMUNITY PLAN CONSISTENCY

The proposed project is consistent with the East Shore Community Plan for the following reasons:
A. The project is consistent with the Community Development policy related to cultural resources preservation (CD-6) because no historical building or archaeological sites would be disturbed by the proposed project.

B. The project is consistent with Community Development policy related to traffic (CD-8) because the well would not cause a significant cumulative adverse impact on existing roadways and traffic conditions.

C. The project is consistent with Community Development policies related to agriculture (CD-15 and 16) because the project would not affect agricultural operations and agricultural development on lands zoned C-APZ-60.

D. The project is consistent with Environmental Quality policies related to natural resources (EQ-1, EQ-2, and EQ-6) because the project is not located in streamside, shoreline, or habitat protection areas, and would not negatively impact significant stands of native or introduced trees.

E. The project is consistent with Environmental Quality policies related to construction (EQ-6, EQ-7, and EQ-9) because the project would employ best management practices to minimize erosion.

COASTAL IMPLEMENTATION PLAN AND DEVELOPMENT CODE CONSISTENCY

Mandatory Findings for Coastal Permit (Marin County Local Coastal Program Implementation Plan Section 22.70.070)

A. Coastal Access. The proposed project, as conditioned, is consistent with the applicable policies contained in the Public Coastal Access section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.180 (Public Coastal Access). Where the project is located between the nearest public road and the sea, a specific finding must be made that the proposed project, as conditioned, is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act (commencing with Section 30200 of the Public Resources Code). The project is consistent with the Land Use Plan (LUP) public coastal access policies (C-PA-2, C-PA-15 and C-PA-16) and this finding because the project site is not located near a coastal bluff or beach access, and therefore, would not interfere or impact existing coastal access.

B. Biological Resources. The proposed project, as conditioned, is consistent with the applicable policies contained in the Biological Resources section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.050 (Biological Resources). The proposed project is for a new agricultural well that would support the existing dairy operations. The proposed well location is not located near or within an Environmentally Sensitive Habitat Area (ESHA). According to the data on file in the Marin County Geographic Information System, there are no listed endangered species near the well site. Therefore, the project is consistent with the LUP biological polices associated with ESHAs buffers (C-BIO-3, C-BIO-18, C-BIO-19, C-BIO-23, and C-BIO-24).
The project is consistent with the LUP biological resources policies for the protection of natural transition and connection associated with streams, wetlands, and coastal dunes (C-BIO-1, C-BIO-2, C-BIO-3, C-BIO-7, C-BIO-8, C-BIO-14, C-BIO-23) and this finding because the project would not alter the margins along environmentally sensitive habitat areas including riparian corridors, wetlands, baylands, woodlands, or coastal dunes. Further, the project would not entail the irreplaceable removal of groves of trees that provide wildlife nesting and roosting areas.

C. Environmental Hazards. The proposed project, as conditioned, is consistent with the applicable policies contained in the Environmental Hazards section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.060 (Environmental Hazards).

On July 13, 2021, the Board of Supervisors voted to activate the certified Local Coastal Program (LCP) Amendments. All portions of Marin’s LCP Amendments have been approved by the Board of Supervisors and certified by the Coastal Commission with the exception of chapters related to environmental hazards, which remain the subject of on-going work and public input. As a result, those sections of the original versions of the LCP, certified by the Coastal Commission in 1980 (Unit I) in 1981 (Unit II) and the Marin County Interim Code Sections 22.56.130I.H, 22.56.130I.K, and 22.56.130I.L still apply to environmental hazards and are further discussed in the Interim Code section of this report.

D. Agriculture and Mariculture. The proposed project, as conditioned, is consistent with the applicable policies contained in the Agriculture and Mariculture sections of the Marin County Land Use Plan and the applicable agricultural and maricultural standards contained in Chapter 22.32.

The subject property is zoned Coastal Agricultural Production Zone (C-APZ), which is intended to preserve agricultural lands that are suitable for land-intensive or land extensive agricultural productivity. The subject property is approximately 360 acres and is used for grazing cattle associated with an existing dairy operation on APN 119-020-22. The proposed agricultural well would support the existing dairy operation. The proposed well would supplement existing underperforming wells due to drought conditions. The proposed project would not increase the intensity of the existing operation and does not include any new housing. For these reasons, the project is consistent with Marin County Code Chapter 22.32 and LUP agricultural policies.

E. Water Resources. The proposed project, as conditioned, is consistent with the applicable policies contained in the Water Resources section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.080 (Water Resources).

The location of the well is generally flat, which required minimal grading for the installation of a concrete pads. Additionally, there are no water courses near the well site. The project is consistent with the LUP water quality policies and would not result in substantial soil erosion or discharge of sediments or pollutants into surface runoff that would adversely affect the quality of coastal waters (C-WR-1, C-WR-2, C-WR-3, C-WR-6).
F. Community Design. The proposed project, as conditioned, is consistent with the applicable policies contained in the Community Design section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.100 (Community Design).

The project site is located within an agricultural area north of Point Reyes Station near Tomales Bay. Further, the project entails the installation of an agricultural well to support the ongoing operations associated with the dairy. Since no improvements are proposed that would require design review, this criterion is inapplicable.

G. Community Development. The proposed project, as conditioned, is consistent with the applicable policies contained in the Community Development section of the Marin County Land Use Plan and the applicable standards contained in Chapter 22.66 (Community Development).

The project site is located within an agricultural area north of Point Reyes Station near Tomales Bay. Further, the project entails the installation of a new agricultural well and associated equipment and does not involve additions to or construction of new residential structures. Therefore, the project is consistent with LUP policies C-CD-1 through C-CD-18.

H. Energy. The proposed project, as conditioned, is consistent with the applicable policies contained in the Energy section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.120 (Energy).

The proposed project would be required to satisfy all energy-saving standards as required by the County’s Building and Safety Division prior to the issuance of a building permit. Therefore, the project is consistent with the LUP energy policies (LUP Policies EH-2.1, EH-2.3, and CD-2.8) and this finding because it would be constructed in conformance with County energy efficiency standards, as verified during review of the Building Permit application.

I. Housing. The proposed project, as conditioned, is consistent with the applicable policies contained in the Housing section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.130 (Housing).

The proposed project would not result in the removal or demolition of low and/or moderate-income housing and would not affect the available housing stock in the surrounding communities. Therefore, the project is consistent with the LUP housing policies to address low- and moderate-income housing needs in the Coastal Zone (LUP Policy C-HS-1).

J. Public Facilities and Services. The proposed project, as conditioned, is consistent with the applicable policies contained in the Public Facilities and Services section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.140 (Public Facilities and Services).

The proposed project is for a new agricultural well that would support the existing dairy operation. The proposed project is not intended to increase the water supply as it is intended to supplement existing underperforming wells due to drought conditions. Therefore, the project is consistent with the LUP policies C-PFS-2 and C-PFS-13. The proposed project does not include any sewage disposal or structures that require sewage disposal. Therefore, LUP policies C-PFS-1, C-PFS-5, C-PFS-6 C-PFS-7, C-PFS-8, C-PFS-9, C-PFS-10, C-PFS-11, and C-PFS-12 are not applicable.
The project site and associated dairy operation is served by the North Marin Water District for domestic water supply. LUP policy C-PFS-14 allows new wells within water systems service area if they are for agricultural or horticultural use. As, the well is for agricultural purposes the proposed project is consistent with LUP policy C-PFS-14. Domestic water wells are required to meet a 1.5 gallon per minute pumping rate. As the subject well is for agricultural purposes Marin County Local Coastal Program Implementation Plan Section 22.64.140.A.1.b.1 is not applicable.

Marin County Local Coastal Program LUP policy C-PFS-16 requires wells to be at least 100 feet from all property lines, unless a finding is made that no development constraints are placed on neighboring properties. The proposed well is 98 feet from the eastern property line. The 100-foot well setback would encroach into APN 119-020-22. APN 119-020-22 is under the same ownership as the subject property and is part of the same dairy operation. The existing diary operation includes structures over 2,000 feet away from the proposed well. Future development would likely be clustered near the existing operations. Therefore, it is very unlikely that future development would be proposed near the well, and the well, being located closer than 100 feet to property line would not prohibit future development of APN 119-020-22 and is consistent with LUP policy C-PFS-16.

K. Transportation. The proposed project, as conditioned, is consistent with the applicable policies contained in the Transportation section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.150 (Transportation).

The project site is currently accessed from the private driveway off Highway 1. The well site is only accessible via off-road vehicles or large work vehicles. The project would not entail any alterations or impacts to existing roadway facilities or public parking facilities. Therefore, the project is consistent with the LUP transportation policies (C-TR-1 and C-TR-2) and this finding because the project would not entail result in impacts to the scenic quality of Highway 1.

L. Historical and Archaeological Resources. The proposed project, as conditioned, is consistent with the applicable policies contained in the Historical and Archaeological Resources section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.160 (Historical and Archaeological Resources).

The project site is not located in an identified historic area and does not involve modification to existing structures. Thus, the project does not involve alterations to pre-1930s structure. Therefore, the project is consistent with the LUP historical and archaeological resources policies (C-HAR-2, C-HAR-8) and this finding because the project site is not located within any mapped historic district boundaries and would not affect historical, archaeological, or paleontological resources.

M. Parks, Recreation, and Visitor-Serving Uses. The proposed project, as conditioned, is consistent with the applicable policies contained in the Parks, Recreation, and Visitor-Serving Uses section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.170 (Parks, Recreation, and Visitor-Serving Uses).

The project is consistent with LUP policies for coastal recreation and visitor-serving and local-serving facilities (C-PK-1 and C-PK-4) and this finding because the project is located entirely on the subject property and would not adversely affect existing access to existing visitor and local serving amenities.
Mandatory findings for Coastal Permit approval pursuant to Marin County Interim Code Sections 22.56.130I.H, 22.56.130I.K, and 22.56.130I.L.

A. Dune Protection (Marin County Interim Code Section 22.56.130I.H)

There are no naturally occurring dunes in the project area or in the immediate surrounding area and no structures are proposed.

B. Shoreline Protection (Marin County Interim Code Section 22.56.130I.K)

The proposed project does not include any structure located adjacent to the shoreline or within a bluff erosion zone.

C. Geologic Hazards (Marin County Interim Code Section 22.56.130I.L)

The proposed project does not include any structure for habitation and the project is not located within unit 1, nor is it within a floodplain.

ACTION

The project described in condition of approval 1 below is authorized by the Marin County Planning Division and is subject to the conditions of project approval.

This planning permit is an entitlement to apply for construction permits, not a guarantee that they can be obtained, and it does not establish any vested rights. This decision certifies the proposed project’s conformance with the requirements of the Marin County Development Code and in no way affects the requirements of any other County, State, Federal, or local agency that regulates development. In addition to a Building Permit, additional permits and/or approvals may be required from the Department of Public Works, the appropriate Fire Protection Agency, the Environmental Health Services Division, water and sewer providers, Federal and State agencies.

CONDITIONS OF PROJECT APPROVAL

CDA-Planning Division

1. This Coastal Permit approval authorizes a new agricultural well to serve an existing dairy operation in an approximately 360 acres property in Point Reyes Station. The well shall be located approximately 704 feet from the northern property line; approximately 98 feet from the eastern property line; approximately 1,700 feet from the southern property line; and more than 2,000 feet from the western property line.

2. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled “Giacomini Ranch,” consisting of 2 sheets prepared by R.W. David Associates Inc., received in final form on September 22, 2022, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.

3. The project shall conform to the Planning Division’s “Uniformly Applied Conditions 2022” with respect to all of the standard conditions of approval.
VESTING

Unless conditions of approval establish a different time limit or an extension to vest has been granted, any permit or entitlement not vested within three years of the date of the approval shall expire and become void. The permit shall not be deemed vested until the permit holder has actually obtained any required Building Permit or other construction permit and has substantially completed improvements in accordance with the approved permits, or has actually commenced the allowed use on the subject property, in compliance with the conditions of approval.

RIGHT TO APPEAL

This decision is final unless appealed to the Planning Commission. A Petition for Appeal and the required fee must be submitted in the Community Development Agency, Planning Division, Room 308, Civic Center, San Rafael, no later than 10 business days from the date of this decision (December 1, 2022).

cc: {Via email to County departments}
   CDA – Assistant Director
   CDA – Planning Manager
   DPW – Land Development
   CDA – Environmental Health Services
   Marin County Fire Department

Attachments:

1. Marin County Uniformly Applied Conditions 2022
2. Email response from Scott Callow, Environmental Health Services, August 10, 2022
MARIN COUNTY UNIFORMLY APPLIED CONDITIONS
FOR PROJECTS SUBJECT TO DISCRETIONARY PLANNING PERMITS

2022

STANDARD CONDITIONS

1. The applicant/owner shall pay any deferred Planning Division fees as well as any fees required for mitigation monitoring or condition compliance review before vesting or final inspection of the approved project, as determined by the Director.

2. The applicant/owner shall defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul an approval of this application, for which action is brought within the applicable statute of limitations. The County of Marin shall promptly notify the applicant/owner of any claim, action, or proceeding that is served upon the County of Marin, and shall cooperate fully in the defense.

3. Exterior lighting for the approved development shall be located and shielded to avoid casting glare into the night sky or onto nearby properties, unless such lighting is necessary for safety purposes.

4. Building Permit applications shall substantially conform to the project that was approved by the planning permit. All Building Permit submittals shall be accompanied by an itemized list of any changes from the project approved by the planning permit. The list shall detail the changes and indicate where the changes are shown in the plan set. Construction involving modifications that do not substantially conform to the approved project, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications is obtained by the applicant.

SPECIAL CONDITIONS

1. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a signed Statement of Conformance prepared by a certified or licensed landscape design professional indicating that the landscape plan complies with the State of California’s Model Water Efficient Landscape Ordinance and that a copy of the Landscape Documentation Package has been filed with the Community Development Agency.

2. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall mark or call out the approved building setbacks on the Building Permit plans indicating the minimum distance of the building from the nearest property line or access easement at the closest point and any of the following features applicable to the project site: required tree protection zones, Wetland Conservation Areas, or Stream Conservation Areas.
3. **BEFORE ISSUANCE OF A BUILDING PERMIT**, the applicant shall revise the plans to depict the location and type of all exterior lighting for review and approval of the Community Development Agency staff. Exterior lighting visible from off-site shall consist of low-wattage fixtures, and shall be directed downward and shielded to prevent adverse lighting impacts to the night sky or on nearby properties. Exceptions to this standard may be allowed by the Community Development Agency staff if the exterior lighting would not create night-time illumination levels that are incompatible with the surrounding community character and would not shine on nearby properties.

4. **BEFORE ISSUANCE OF A BUILDING PERMIT**, the applicant shall record a Waiver of Public Liability holding the County of Marin, other governmental agencies, and the public harmless related to losses experienced due to geologic and hydrologic conditions and other natural hazards.

5. **BEFORE ISSUANCE OF A BUILDING PERMIT**, the applicant shall submit written confirmation that the property owner has recorded the “Disclosure Statement Concerning Agricultural Activities,” as required by Section 23.03.050 of the Marin County Code.

6. **BEFORE ISSUANCE OF A BUILDING PERMIT** for any of the work identified in the project approval, the applicant shall install 3-foot high temporary construction fencing demarcating established tree protection zones for all protected trees that are not being removed in the vicinity of any area of grading, construction, materials storage, soil stockpiling, or other construction activity. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency. Acceptable limits of the tree protection zones shall be the dripline of the branches or a radius surrounding the tree of one foot for each one inch diameter at breast height (4.5 feet above grade) of the tree trunk. The fencing is intended to protect existing vegetation during construction and shall remain until all construction activity is complete. If encroachment into the tree protection zone is necessary for development purposes, additional tree protection measures shall be identified by a licensed arborist, forester, or botanist, and the tree specialist shall periodically monitor the construction activities to evaluate whether the measures are being properly followed. A report with the additional measures shall be submitted for review and approval by the Planning Division before any encroachment into a tree protection zone occurs.

7. **BEFORE FINAL INSPECTION**, if encroachments into a tree protection zone have been approved, then the tree specialist shall submit a letter to the Planning Division verifying that the additional tree protection measures were properly implemented during construction activities.

8. **BEFORE ISSUANCE OF A BUILDING PERMIT**, temporary construction fencing shall be installed on the subject property at edge of the Wetland Conservation Area and/or Stream Conservation Area, as applicable to the site. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency. The construction fencing shall remain until all construction activity is complete. No parking of vehicles, grading, materials/equipment storage, soil stockpiling, or other construction activity is allowed within the protected area. If encroachment into the protected area is necessary for development purposes, additional protection measures shall be identified by a qualified biologist and the biologist shall periodically monitor the construction activities to evaluate whether the measures are being properly followed. A
report with the additional measures shall be submitted for review and approval by the Planning Division before any encroachment into a protected area occurs.

9. BEFORE FINAL INSPECTION, if encroachments into a protected area have been approved, then the biologist shall submit a letter to the Planning Division verifying that the additional protection measures were properly implemented during construction activities.

10. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant must provide written evidence that all appropriate permits and authorizations have been secured for this project from the Bay Conservation and Development Commission, the California Department of Fish and Game, the Regional Water Quality Control Board, the California Coastal Commission, the California State Lands Commission, the Bay Area Air Quality Management District, and/or the United States Army Corps of Engineers.

11. BEFORE CLOSE-IN INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper surveying certification prepare and submit written (stamped) Floor Elevation Certification to the Planning Division confirming that the building’s finished floor elevation conforms to the floor elevation that is shown on the approved Building Permit plans, based on a benchmark that is noted on the plans.

12. BEFORE FINAL INSPECTION, the project shall substantially conform to the requirements for exterior materials and colors, as approved herein. Approved materials and colors shall substantially conform to the materials and colors samples shown in “Exhibit A” unless modified by the conditions of approval. The exterior materials or colors shall conform to any modifications required by the conditions of approval. All flashing, metalwork, and trim shall be treated or painted an appropriately subdued, non-reflective color.

13. BEFORE FINAL INSPECTION, the applicant shall install all approved landscaping that is required for the following purposes: (1) screening the project from the surrounding area; (2) replacing trees or other vegetation removed for the project; (3) implementing best management practices for drainage control; and, (4) enhancing the natural landscape or mitigating environmental impacts. If irrigation is necessary for landscaping, then an automatic drip irrigation system shall be installed. The species and size of those trees and plants installed for the project shall be clearly labeled in the field for inspection.

14. BEFORE FINAL INSPECTION, the applicant shall submit a Certificate of Completion prepared by a certified or licensed landscape design professional confirming that the installed landscaping complies with the State of California’s Model Water Efficient Landscape Ordinance and the Landscape Documentation Package on file with the Community Development Agency.

15. BEFORE FINAL INSPECTION, the applicant shall submit written verification from a landscape design professional that all the approved and required landscaping has been completed and that any necessary irrigation has been installed.

16. BEFORE FINAL INSPECTION, utilities to serve the approved development shall be placed underground except where the Director determines that the cost of undergrounding would be so prohibitive as to deny utility service to the development.

17. BEFORE FINAL INSPECTION, the applicant shall call for a Community Development Agency staff inspection of approved landscaping, building materials and colors, lighting and
compliance with conditions of project approval at least five business days before the anticipated completion of the project. Failure to pass inspection will result in withholding of the Final Inspection approval and imposition of hourly fees for subsequent re-inspections.

CODE ENFORCEMENT CONDITIONS

1. Within 30 days of this decision, the applicant must submit a Building Permit application to legalize the development. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.

2. Within 60 days of this decision, a Building Permit for all approved work must be obtained. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.

3. Within 120 days of this decision, the applicant must complete the approved construction and receive approval of a final inspection by the Building and Safety Division. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.
Do you need a formal transmittal? Permit B28794 was already issued pending CZ approval. Complete.

Scott Callow
Environmental Health Services
3501 Civic Center Dr., Rm. 236
San Rafael, CA  94903

Phone: 415-473-6555

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From: Alton, Megan <MAlton@marincounty.org>
Sent: Friday, August 5, 2022 11:33 AM
To: Environmental Health Services, Marin County <MarinEHS@marincounty.org>
Subject: Transmittal: Giacomini Dairy Coastal Permit

Hello,

Please find attached the transmittal for the Giacomini Dairy Coastal Permit at 14700 Highway 1, Point Reyes Station.

The application materials are available at this link: S:\Planning Applications\GiacominiCP_3714_Pt Reyes

Please note that I have requested comments regarding incompleteness by August 22, 2022.

Thank you,

Megan Alton
PLANNER

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Community Development Agency
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