

**MARIN COUNTY PLANNING DIVISION
ADMINISTRATIVE DECISION
Maloney Temporary Use Permit**

Decision: Approved with Conditions
Date: July 26, 2021

Project ID No:	P3185	Applicant(s):	Bay Area Ranchers Cooperative, Inc.
		Owner(s):	Michael and Christine Maloney
		Assessor's Parcel No(s):	100-030-12
		Property Address:	1995 Gericke Road, Petaluma
		Project Planner:	Kathleen Kilgariff 415.473.7173 kkilgariff@marincounty.org
		Signature:	<i>Kathleen Kilgariff</i>
Countywide Plan Designation:		AG1 (Agricultural, 1 unit/31-60 acres)	
Community Plan Area:		N/A	
Zoning District:		A60 (Agriculture and Conservation, 60 acre minimum lot area)	
Environmental Determination:		Exempt per CEQA Guidelines Section 15304, Class 4	

PROJECT SUMMARY

The applicant requests Temporary Use Permit approval to operate a mobile slaughter facility at a developed, agricultural property in Petaluma. The mobile unit would be in operation approximately five days a week, for a total of 20-23 days per month.

While the majority of the existing use of the property would remain the same (including number of workers and peak hours of operation from 6:00 am to 3:30 pm), the use of the mobile slaughter facility would add 16 hours of agricultural operation time per week and approximately four additional deliveries per day. In addition to the deliveries to the site, it is anticipated that there would also be one trip per day of outgoing deliveries. The maximum noise decibels (dBA) produced by the mobile facility unit would reach 167 dBAs.

The proposed mobile facility would reach a maximum height of 13.5 feet above surrounding grade and the exterior walls would be located more than 100 feet from all property lines and Gericke Road.

Temporary Use Permit approval is required because a mobile slaughter facility shall not operate on a single property for more than three consecutive days per week and 12 days per calendar month unless authorized to exceed this duration with a Temporary Use Permit, as outlined in Section 22.32.162.C of the Marin County Code.

WILLIAMSON ACT COMPATIBILITY

The subject property was entered into a Williamson Act contract on February 25, 1971. At this time, the contract was subject to the rules governing the administration of and procedures for issuance of Land Conservation Agreements in accordance with the Williamson Act outlined in the Board of Supervisors Resolution No. 71-38.

However, new rules were adopted by the Board of Supervisors on October 31, 2000 (Board of Supervisors Resolution No. 2000-135). While a majority of the language from the Resolution No. 71-38 remained the same, a new standard allows the County to permit certain uses not specifically outlined in both the restricted and compatible and permitted use sections of the Resolution. Under Resolution No. 200-135, so long as the use is compatible with the agricultural use of the property, and incidental or secondary to the primary use, the County can determine whether a use is allowed under an existing Williamson Act contract.

By renewing a Williamson Act contract on each anniversary date, parties enter into a new contract and are therefore subject to the regulations in place at the time of the new contract. This is supported by case law (County of Humboldt v. McKee) and applies to all contracts that have been renewed after 2000.

As a result, the property is currently subject to the regulations established in Resolution No. 2000-135 and the mobile slaughter unit (also referred to as a mobile harvest unit) is a permitted agricultural use that is compatible with, and incidental to, the current agricultural operation.

COUNTYWIDE PLAN CONSISTENCY

The proposed project is consistent with the Marin Countywide Plan (CWP) for the following reasons:

- A. The project is consistent with the CWP woodland preservation policy (BIO-1.3) because the project would not entail the irreplaceable removal of a substantial number of mature, native trees.
- B. The project is consistent with the CWP special-status species protection policy (BIO-2.2) because the subject property does not provide habitat for special-status species of plants or animals.
- C. The project is consistent with the CWP natural transition and connection policies (BIO 2.3 and BIO 2.4) because the project would not substantially alter the margins along riparian corridors, wetlands, baylands, or woodlands.
- D. The project is consistent with the CWP stream and wetland conservation policies (BIO-3.1 and CWP BIO-4.1) because the proposed development would not encroach into any Stream Conservation Areas or Wetland Conservation Areas.

- E. The project is consistent with CWP water quality policies and would not result in substantial soil erosion or discharge of sediments or pollutants into surface runoff (WR-1.3, WR-2.2, WR-2.3) because the grading and drainage improvements would comply with the Marin County standards and best management practices required by the Department of Public Works.
- F. The project is consistent with CWP seismic hazard policies (CWP Policies EH-2.1, EH-2.3, and CD-2.8) because it would be constructed in conformance with County earthquake standards, as verified during review of the Building Permit application and the subject property is not constrained by unusual geotechnical problems, such as existing fault traces.
- G. The project is consistent with CWP fire hazard management policies (EH-4.1, EH-4.2, EH-4.5) because it would meet all fire safety requirements, as verified by the local fire protection district during review of the Building Permit application.
- H. The project is consistent with CWP aesthetic policies and programs (DES-4.1 and DES-4.e) because it would protect scenic quality and views of ridgelines and the natural environment from adverse impacts related to development.
- I. The project is consistent with CWP residential design policies and programs (DES-3.b and DES-4c) because it would fit within the context of the neighborhood, minimize the perception of mass and bulk, and comply with the Single-family Residential Design Guidelines.

DEVELOPMENT CODE CONSISTENCY

Mandatory Findings for Temporary Use Permit (Marin County Code Section 22.50.060)

- A. The establishment, maintenance or operation of the use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.**

The property, referred to as Fallon Hills Ranch, is located in an A60 zoning district, where a minimum lot area of 60 acres is required. The Ranch is approximately 300 acres in size and the location of the mobile slaughter facility is well set back from all property lines. The noise levels produced by the mobile slaughter operation are consistent with those created as part of the typical day to day operations of a ranch. A significant increase in traffic to and from the site is not anticipated as part of the proposed use, with four deliveries to the property and one trip offsite at the end of the day included in the scope of work.

- B. The use, as described and conditionally approved, will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.**

The property is located in an agricultural enclave in North Marin. Surrounding the property on all sides are agricultural uses. Further, the proposed mobile slaughter facility benefits a number of ranchers in the vicinity because there are currently no slaughtering facilities in the area. As such, the temporary use would not be detrimental or injurious to properties in the neighborhood, nor would there be adverse impacts to the general welfare of the County as a whole.

C. Approved measures for removing the use and restoring the site will ensure that the temporary use causes no changes to the site that will limit the range of possible future land uses otherwise allowed by this Development Code.

There are minimal improvements to the site to accommodate the use, given the agricultural nature of the property. Therefore, the removal of the mobile harvesting facility would not require restoration of the property.

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 Temporary Use Permit approval authorizes the operation of a mobile slaughter facility at a developed, agricultural property in Petaluma. The mobile unit would be in operation approximately five days a week, for a total of 20-23 days per month.

The maximum noise decibels (dBA) produced by the mobile facility unit would reach 167 dBAs.

The proposed mobile facility would reach a maximum height of 13.5 feet above surrounding grade and the exterior walls would be located more than 100 feet from all property lines and Gericke Road.

2. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled "Maloney," consisting of three sheets prepared by Erickson Engineering Inc., received in final form on June 1, 2021, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
3. The temporary use shall cease after two years from approval date.
4. The project shall conform to the Planning Division's "Uniformly Applied Conditions 2021" 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

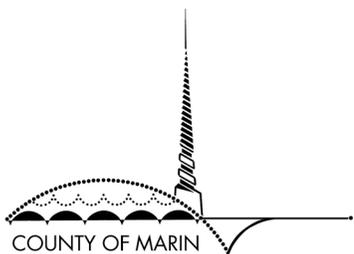
This decision is final unless appealed to the Planning Commission. A Petition for Appeal and the required fee must be submitted in the Community Development Agency, Planning Division, Room 308, Civic Center, San Rafael, no later than eight business days from the date of this decision (August 5, 2021).

cc: *{Via email to County departments and Design Review Board}*

CDA – Assistant Director
CDA – Planning Manager
DPW – Land Development

Attachments:

1. Marin County Uniformly Applied Conditions 2021
2. Planning Application Review, Department of Public Works, June 16, 2021



**MARIN COUNTY UNIFORMLY APPLIED CONDITIONS
FOR PROJECTS SUBJECT TO DISCRETIONARY PLANNING PERMITS**

2021

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 reinspections.

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.

PLANNING APPLICATION REVIEW

DEPARTMENT OF PUBLIC WORKS
Inter-office Memorandum - First Transmittal

DATE: June 16, 2021

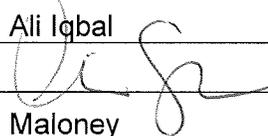
DUE: June 22, 2021

TO: Kathleen Kilgariff

TYPE OF DOCUMENT

FROM: Ali Iqbal

DESIGN REVIEW

APPROVED: 

COASTAL PERMIT

RE: Maloney

LAND DIVISION

P3185

VARIANCE

TEMP USE PERMIT

APN: 100-030-12

ADU PERMIT

ADDRESS: 1995 Gericke Rd

ENVIRONMENTAL REV.

Petaluma, CA

OTHER:

**Department of Public Works Land Use Division
has reviewed this application for content and:**

**Comments Included (Inc.) or
Attached (Att.) from other DPW
Divisions:**

- Find it **COMPLETE**
- Find it **INCOMPLETE**, please submit items listed below
- Find it **NEEDS SUBSTANTIAL MODIFICATIONS TO CONFORM**

- Traffic
- Flood Control
- Other: _____

Merit Comments

Prior to Issuance of a Building Permit:

1. **Geotechnical Review:** The County recommends applicant consult with a soils engineer based on potential heavy weight that may be placed upon downslope fill area.
2. **Erosion & Sediment Control Plan (ESCP):** Since more than 250CY (1820cy cut, 1580cy fill) of material is being displaced on the project, per Marin County Code § 24.04.625(b)(e), please provide an ESCP along with Marin County Stormwater Pollution Prevention Program (MCSTOPPP) ESCP's Standard Template. The template for the document can be found in the "Construction Erosion and Sediment Control Plan Applicant Package" available at the following link: <https://www.marincounty.org/~media/files/departments/pw/mcstoppp/development/mcstoppp-erosion-and-sediment-control-plan-applicant-package.pdf?la=en>. Note the actual form to fill out begins on page 11 of the document. On section 2c, in the first blank space please include County of Marin – Dept of Public Works and MCC 24.04.625 in the second blank space.
3. **Stormwater Control Plans (SWCP):** Since this project will have an impervious surface that exceeds 2,500 sf, a Stormwater Control Plan will be required (the roof area is 3,500sf). Provide a Stormwater Control Plan as required by Marin County Code § 24.04.627 Permanent Stormwater Controls for New and Redevelopment. You may refer to the BASMAA Post Construction Manual which you can access at the County's website for post-construction stormwater management requirements, publications and resources at: <http://www.marincounty.org/depts/pw/divisions/mcstoppp/development/new-and-redevelopment-projects?panelnum=2>. Direction for this project is in Appendix C of the BASMAA manual, Stormwater Control Plans for Small Projects / Single Family Homes. **Provide completed**

Appendix C with your submittal as well as showing the runoff reduction measures on the grading, drainage and/or SWCP contained within the building permit plan set.

4. **Plans Consistency:** Plan set should be internally consistent. Sheet C2 shows alignments but no cross sections shown. Please show cross sectional areas.
5. Applicant is responsible for compliance with all pertinent Sonoma County, state and federal agency requirements. The Plans show the property is located on the Sonoma and Marin County border with the entry and northern part of the project in Sonoma County's jurisdiction.

-END-