December 8, 2015

Board of Directors
Marin County Open Space District
Marin County Civic Center
San Rafael, California 94903

Board of Supervisors
County of Marin
3501 Civic Center Drive
San Rafael, California 94903

SUBJECT: REQUEST TO APPROVE NONCONFORMING USE POLICY AND FEE SCHEDULE FOR MARIN COUNTY PARKS AND MARIN COUNTY OPEN SPACE DISTRICT

Dear Board Members:

RECOMMENDATION:

Approve Nonconforming Use Policy and Fee Schedule for Marin County Parks and Marin County Open Space District

SUMMARY:

Marin County Parks regularly receives requests from public utilities, wireless phone companies, special districts, and other public and private entities, to use County of Marin (County) parks and Marin County Open Space District (MCOSD) preserves for nonconforming uses (e.g. utilities, telecommunications facilities, vehicular access to such facilities, and construction of roads). By law and by policy, the County and the MCOSD have an obligation to protect the public’s interest associated with their properties, and to preserve the recreational and natural resource values of their lands.

The primary purpose of the proposed policies and the accompanying fee schedule is to establish stringent criteria for permitting these nonconforming uses. The proposed policies will protect the County’s and District’s real property interests and will establish a process that allows the County and District to: 1) recover the costs associated with administering this process; 2) require mitigation for any environmental impacts; and 3) ensure that the responsible party will remove any improvements once the use is no longer permitted. The policy will also ensure that an applicant understands the requirements of this process at the outset.

In developing this policy, staff coordinated with both North Marin Water District and Marin Municipal Water District and modified its language to resolve concerns raised by these agencies.
FISCAL IMPACT:
There are no direct fiscal impacts from the approval of the policy.

REVIEWED BY:

[   ] Dept. of Finance      [ X ] N/A
[ X ] County Counsel        [   ] N/A
[   ] Human Resources       [ X ] N/A

Senior Open Space Planner James Raives is the principal author of this report.

Respectfully submitted,

Ronald Miska
Assistant Director
Marin County Open Space District

RM/JRR/kbl