November 15, 2016

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

SUBJECT: Pasternak Use Permit Modification
200 and 210 Road to Ranches, Nicasio
Assessor’s Parcels 121-070-66, -68 and -64

Dear Supervisors,

RECOMMENDATION:

Adopt the attached revised resolution modifying the Pasternak Use Permit as originally presented to your Board on October 4, 2016 with additional modifications directed by the Board.

BACKGROUND:

On October 4, 2016, your Board reviewed the resolution recommending modifications to the Pasternak Use Permit. Your Board directed staff to make further modifications and clarifications relating to parking requirements and maximum length of vehicle for activities allowed under the Use Permit. The attached resolution provides the modifications in Conditions of Approval 1B and 5, and as described below:

B. Educational Tours (Open Houses): This approval allows the operation of a maximum of twelve educational tour/open house events per year (maximum of two per month) related to the promotion of Marin-grown agricultural products and agriculturally-related land uses at the Ranch, for a maximum of 100 individuals at any one event. Such tours may be provided for school groups, organizations (youth or adult). No other educational tours/open houses or other events, advertised or otherwise made available to the public, are allowed. Assessor's Parcel No. 121-080-08 (Nicasio Square) is approved as a drop-off and pick-up point for participants arriving at and departing from Devil's Gulch Ranch subject to meeting the requirements of Condition 3. Arrival at Nicasio Square shall be scheduled for no earlier than 9:30 a.m. and departure shall be scheduled for no later than 4:30 p.m. with transportation between Devil's Gulch Ranch and the drop-off/pick-up location provided by the applicant with the provision that appropriately-sized buses/vehicles will be used for transporting participants to and from the Ranch. Arrival at Devil's Gulch Ranch shall be scheduled for no earlier than 9:00 a.m.
and departure shall be scheduled for no later than 4:30 p.m. with transportation between Devil’s Gulch Ranch and the drop-off/pick-up location provided by the applicant with the provision that buses/vehicles no larger than 36 feet in length as measured from front furthestmost projection to rear furthestmost projection will be used for transporting guests and participants to and from the Ranch. No over-night sleeping is allowed associated with such events.

5. All vehicles related to the activities described above shall be parked and stored on the premises at Devil’s Gulch Ranch. (New condition.)

In addition, while not included in the recommended resolution, County Counsel has provided the language below for your consideration in the event that the appellate court overturns the lower court’s determination regarding special events at Devil’s Gulch Ranch. You may recall from the October 4 Board meeting, staff’s recommendation includes deleting the current Use Permit allowance for two special events based solely upon a recent Superior Court ruling (Jolson v. Pastemak/CIV 1300887) that prohibits such events. The court’s ruling is currently under appeal and the modified Use Permit condition below has been recommended by County Counsel to provide flexibility in the future prohibition of or allowance for special events depending upon the outcome of the appellate court ruling.

Special Events (to be identified as Condition 1C if your Board chooses to include this in the adopted resolution)

Special events shall be held in compliance with all local, state, and federal laws, including the orders of any court of competent jurisdiction. For example, no special events shall be held that violate the Marin County Superior Court’s Statement of Decision/Final Orders in Jolson v. Pastemak, CIV 1300887 (prohibiting the use of the Road to Ranches for Outstanding in the Field events) so long as that decision is in force and effect.

If the condition above can be satisfied at some point in the future (due to future court rulings, or any other reason), this approval allows the presentation of a maximum of two events a year strictly for the promotion of Marin-grown agricultural products and agriculturally-related land uses at the Ranch, which rely on products grown and harvested at the Ranch or “Marin-grown agricultural products,” for a maximum of 175 participants including staff personnel.

All vehicles related to the activities described above shall be stored on the premises at Devil’s Gulch Ranch. If the applicant arranges for parking at an off-site location, transportation to and from the ranch may be provided using buses/vehicles no larger than 36 feet in length as measured from front furthestmost projection to rear furthestmost projection. All neighboring property owners shall be notified a minimum of 30 days in advance of such events. No over-night sleeping is allowed associated with such events.

PRIOR TO VESTING THIS ACTIVITY, the applicant/owner shall submit a plan for review and approval to the Environmental Health Services Division for proper sources for water for drinking and food preparation and for
wastewater disposal. No amplified music or sound is permitted with this approval. This approval requires compliance with all regulations of the California Department of Alcoholic Beverage Control (ABC) if alcoholic beverages are to be consumed or sold on the premises. At least five days prior to the event (when applicable), the applicant/owner shall submit to the CDA written verification from the ABC that all ABC regulations have been met. No special event shall be presented on the same day that participants in the day camp program are on the premises.

SIGNATURE:

Curtis Havel  
Senior Planner

Brian C. Crawford  
Director

Attachments:
1. Revised Resolution Modifying the Pasternak Use Permit
2. October 4, 2016, staff report to Board of Supervisors (without attachments)