

RESOLUTION NO. 2007-__

**A RESOLUTION OF THE MARIN COUNTY BOARD OF SUPERVISORS
CERTIFYING THE EAST SHORE WASTEWATER IMPROVEMENT PROJECT
FINAL ENVIRONMENTAL IMPACT REPORT**

- I. WHEREAS, in April 2006, the Environmental Health Services Division of the Marin County Community Development Agency, a public project sponsor in a public/private partnership, completed a development design and project applications proposing to implement sanitary wastewater improvements for existing developed properties on bayfront lands and adjacent coastal hillsides located along the east shore of Tomales Bay. The project area is centered about the community of Marshall, extending from the vicinity of Nick's Cove in the north to approximately 1.0 mile south of the Marconi Conference Center. The project vicinity includes a total of approximately 100 developed residential and commercial properties located in several neighborhoods (Assessor's Parcel Numbers beginning at 104-150-01 and ending at 106-302-04). The project also includes portions of State Route #1 and portions of property known as the Barinaga Ranch (APN 106-210-73) located just south of the Marshall Post Office.
- II. WHEREAS, the proposed project has two primary elements: (1) construction of a community wastewater system to replace existing individual septic systems for up to 38 currently developed properties in the community of Marshall; and (2) formation of an onsite wastewater disposal zone to provide ongoing inspection, maintenance and monitoring oversight for the proposed Marshall community system as well as for the remaining onsite wastewater systems serving other existing developed properties in the project area. The proposed community wastewater system for Marshall will provide for the abandonment of existing septic systems, most of which are located immediately adjacent to Tomales Bay. The proposed wastewater facilities will consist of a septic tank effluent pump (STEP) collection system, approximately 5,000 lineal feet of effluent pipeline (force main) along State Route #1 right-of-way, and a community pressure-distribution leachfield system located on an approximate 5-acre site to be acquired from the Barinaga Ranch.
- III. WHEREAS, the East Shore Wastewater Improvement Project and Master Plan Waiver, Coastal Permit, and Use Permit applications represent a project subject to the California Environmental Quality Act (CEQA Public Resources Code Sections 21000-211178.1).
- IV. WHEREAS, the project is a public project being undertaken by the County. The Marin County Environmental Coordinator determined that a full scope Environmental Impact Report (EIR) was required for the proposed project to comply with CEQA. In conformance with CEQA Guidelines Section 15060 (d)), an Initial Study was not prepared. The County selected Leonard Charles Associates, an environmental consultant Firm to prepare the project EIR. A Notice of Preparation (NOP) for the project EIR was circulated in January 2006, to public agencies and all interested parties for a 30-day review and comment period on the scope of the EIR ending February 10, 2006. A public scoping session was conducted at an evening meeting in the community on February 16, 2006, to further identify environmental issues and concerns of the public for evaluation in the EIR.
- V. WHEREAS, the Draft EIR and a Notice of Completion (NOC), and notice of public hearing on the Draft EIR were distributed on November 27, 2006, to members of the

Planning Commission, Board of Supervisors, State Clearinghouse, state and local agencies and special districts, surrounding property owners, and other interested groups and individuals. The NOC and notice of public hearing was published in a newspaper of general circulation to begin a 45-day public review and comment period on the adequacy of the Draft EIR. The public review and comment period ended on January 12, 2007.

- VI. WHEREAS, on December 12, 2006, the Marin County Board of Supervisors conducted a public hearing to receive testimony on the adequacy of the Draft EIR. Oral and written comments were presented at the hearing. Following the close of the public hearing, the Commission directed that a Final EIR Response to Comments be prepared after the close of the comment period on the Draft EIR.
- VII. WHEREAS, on January 12, 2007, the public review and comment period on the Draft EIR was closed, and written comments were received on the Draft EIR until 4:00 p.m. on that date.
- VIII. WHEREAS, on March 16, 2007, the Final EIR, was completed and contains annotated revisions to the Draft EIR and a written response to all of the oral and written comments received at the hearing on the Draft EIR and prior to the close of the public review period on the Draft EIR. A notice of distribution of the Final EIR for review and notice of a public meeting of the Board of Supervisors to consider certification of the Final EIR were distributed to members of the Planning Commission, Board of Supervisors, State Clearinghouse, federal, state and local agencies and special districts, EIR commentors, surrounding property owners and other interested groups and individuals. Pursuant to County EIR Guidelines, the Notice of distribution of the Final EIR for review and notice of the public meeting of the Board of Supervisors to consider certification of the Final EIR was published in a newspaper of general circulation to begin a 10-day public review and comment period on the Final EIR, which concluded on March 26, 2007.
- IX. WHEREAS, on March 26, 2007, the review and comment period on the Final EIR Response to Comments was closed, and no written comments were received on the Final EIR.
- X. WHEREAS, the Marin County Board of Supervisors has reviewed and considered the information in the Draft EIR, Final EIR, Final EIR Appendices, EIR administrative record and Final EIR Staff Report recommending certification of the Final EIR, for adequacy, completeness and compliance with CEQA, State CEQA Guidelines, and County Environmental Review Procedures.

NOW, THEREFORE, BE IT RESOLVED, that the Marin County Board of Supervisors makes the following findings:

- 1. Notice of the Board of Supervisors hearing on the Draft EIR and meeting to certify the Final EIR was given as required by law and the actions were conducted pursuant to State CEQA Guideline Sections 15088, 15088.5, 15089, 15090.
- 2. All individuals, groups and agencies desiring to comment were given adequate opportunity to submit oral and written comments on the Draft EIR and to submit written comments on the adequacy of the Final EIR for certification. These opportunities for comment meet or exceed the requirements of CEQA and the County Environmental Review procedures.

3. The East Shore Wastewater Improvement Project Final Environmental Impact Report consists of the Final EIR, Response to Comments and Appendices (including a draft mitigation monitoring program).
4. All comments submitted during the public review and comment period on the Draft EIR, the public hearing on the adequacy of the Draft EIR conducted by the Board of Supervisors, and the public review and comment period on the Final EIR were responded to adequately.
5. The Board of Supervisors was presented with all of the information in the administrative record, testimony, and EIR documents for the project Final EIR, and the Board has reviewed and considered this information and the Final EIR.
6. The Final EIR has been completed in compliance with the intent and requirements of CEQA and the State CEQA Guidelines, and the County EIR process, and reflects the independent judgment of the County of Marin. The Board of Supervisors has considered the information contained in the Final EIR prior to making recommendation to the Board of Supervisors regarding the certification of the Final EIR.

NOW, THEN LET IT BE FURTHER RESOLVED that the Marin County Board of Supervisors certifies the Final Environmental Impact Report for the East Shore Wastewater Improvement Project as adequate and complete in compliance with CEQA, the State CEQA Guidelines and the County Environmental Review Procedures, and is adequate and complete for consideration in making a decision on the merits of the project.

PASSED AND ADOPTED at the regular meeting of the Board of Supervisors of the County of Marin, State of California, on the 17th day of April 2007, by the following vote:

AYES: SUPERVISORS

NOES:

ABSENT:

PRESIDENT, BOARD OF SUPERVISORS

ATTEST:

CLERK