

March 10, 2011

Ben Berto, Principal Planner
Marin County Community Development Agency
3501 Civic Center Drive
San Rafael, CA 94903



Subject: Rocking H Ranch SD 11-3 Transmittal #1

Dear Mr. Berto:

Marin Conservation League wishes to submit the following comments in support of denying the request by James and Francesca Hetfield ("Applicant") for a waiver of Design Review requirements for four future homes on the Rocking H Ranch. The total "project" involves subdividing 60 acres into six parcels to accommodate a total of six residences, including a car barn and caretaker's building. The balance of the property – 440 acres – would be designated as an agricultural, open space, conservation easement.

The Transmittal #1 states that because an Initial Study/Mitigated Negative Declaration (IS/ND) was approved on May 23, 2002, "no further environmental review is necessary unless new information about potential impacts or substantial changes to the project or its circumstances is found to occur." The Transmittal requests comments on potential new environmental impacts and mitigations, and on the merits of the proposal. MCL believes that certain circumstances have changed since 2003, that new information on potential environmental impacts and mitigations needs to be considered, that certain mitigation measures required by the IS/ND have not been reviewed, and therefore the applicant's request should be denied.

1. Since the IS/ND was approved, the 1994 Countywide Plan (CWP) that was used as the basis for analyzing project consistency has been updated to 2007. Several policies in the 2007 CWP must be reviewed for project consistency.
 - a. Fire Hazard. The 2007 CWP contains maps and policies concerning fire hazard at the wildland-urban interface zone (Map 2-13), State Responsibility Areas (SRAs) for Fire Protection (Map 2-14), and Areas of High to Very High Fire Risk (Map 2-15). All of these apply to the project site. In addition, California Public Resources Code Sections 4290 and 4291 governing wildfire prevention require fuel (vegetation) management to create defensible space extending at least 100 feet from structures. Other requirements include selected building materials and landscape species and treatments. Compliance with state law

and County fire code may have a significant impact on surrounding native oak-bay-madrone woodland, likely requiring removing additional trees and considerable pruning. This may affect the mitigation measure proposed for tree replacement, and the IS/ND should be amended accordingly.

- b. Stormwater Runoff. The updated CWP contains policies that address healthy watersheds (Section 2.5 Water Resources). Policy WR-1.3 recommends whenever possible, to maintain or increase a site's predevelopment infiltration to reduce downstream erosion. Policy WR-2.3 states: Require developments to include on-site facilities for the retention of sediments. The IS/ND states that because 96 percent of the land will be essentially undisturbed, any increase in runoff will be negligible – furthermore, that development standards will ensure proper drainage of stormwater from the project site (emphasis added). Given the amount of land that will be disturbed through excavation and grading, there is no reason why all runoff and sediments should not be retained on site through infiltration and/or retention pond. The restored pond area could be designed not simply to ease the rate and velocity of runoff from on-site drainages that flow to Miller Creek, but, in fact, to maintain or improve the existing condition. Although not entirely inconsistent with 2007 CWP policies, stormwater runoff and sedimentation issues on the site should be acknowledged as potential impacts in an amendment to the IS/ND and be formally mitigated.
2. Since the IS/ND was approved, circumstances have changed that warrant new review of the potential cumulative impacts of the project. The Applicant has recently prepared a Pre-Application Master Plan concept for subdividing the adjacent Rocking "H-2" Ranch, under the same ownership. Under this concept, 270 acres of the total 600 acre ranch would be subdivided and infrastructure installed to accommodate a 34-unit residential subdivision. Formal application is pending; however, enough detail is known to warrant calling this a "probable future project producing related or cumulative impacts, including, if necessary those projects outside the control of the agency" (CEQA Guidelines Section 15130 (b)(1)(A)).

MCL believes that a Master Plan should cover the two properties and their cumulative impacts should be analyzed, in that they are under a single ownership, they both propose residential subdivisions along a common stretch of Lucas Valley Road, both will require considerable grading and removal of woodland trees, and both propose relatively large homes and building envelopes. Both will generate traffic (and should not be given "credit" for the traffic they don't generate on the premise that the total development potential of the properties would generate more traffic (development potential does not constitute approval)). Numerous other issues will rise to the surface to warrant considering the impacts of the two projects together.

To do otherwise would constitute piece-mealing, which is prohibited by CEQA.

3. The request by the Applicant to waive Design Review also should be denied in as much as critical mitigation measures in the IS/ND are required to be reviewed and approved as a part of Mitigation Monitoring and Reporting: e.g., 7(b)-1 (Tree Removal, Protection, and Replacement Plan); 7(a)-3 (Planting Plan for Restored Pond Area); 7(a)-6 (Special Status Plant Protection Plan).

If you have questions regarding our comments, please don't hesitate to call. And please keep MCL apprised as these two related projects continue in stages of review.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Nona Dennis", written in a cursive style.

Nona Dennis
President

cc: Marin Audubon Society
Lucas Valley Homeowners Association