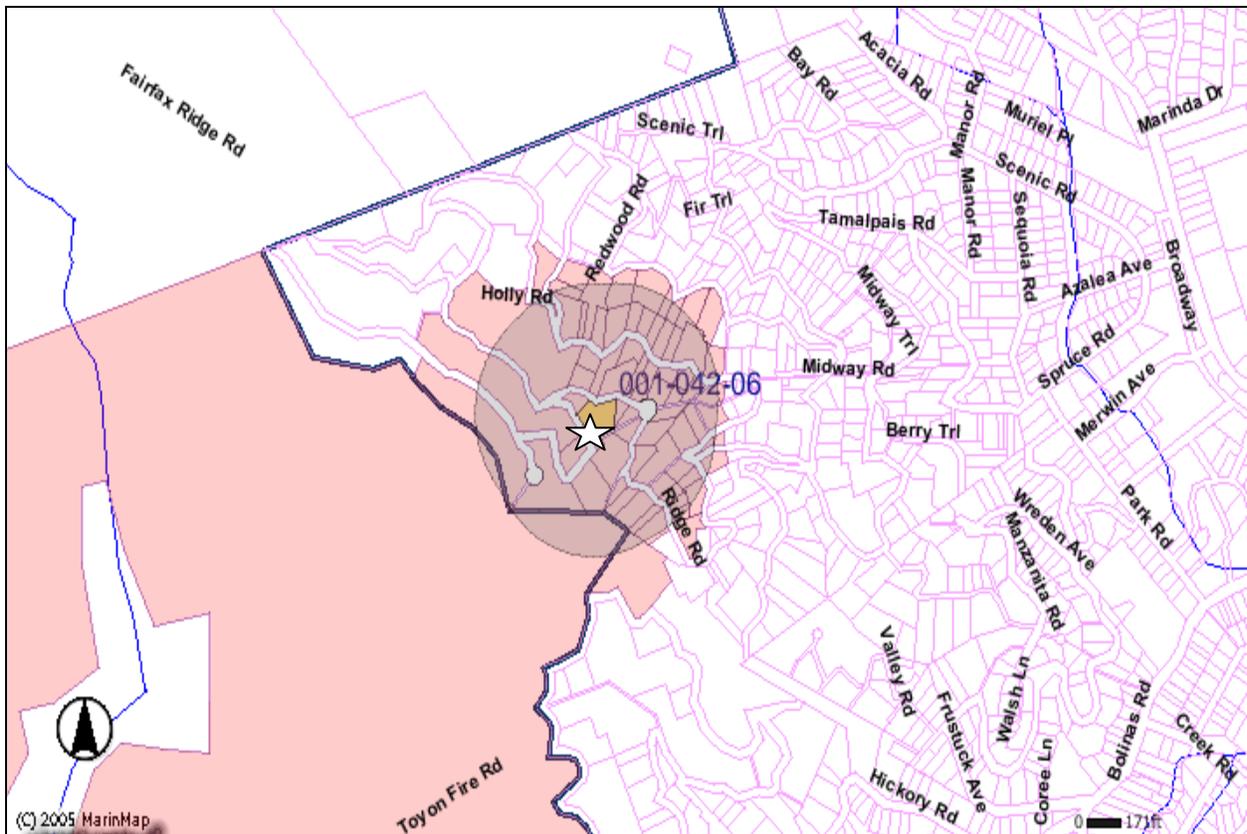


TOWN OF FAIRFAX STAFF REPORT

Department of Planning and Building Services

TO: Fairfax Planning Commission
DATE: April 21, 2011
FROM: Jim Moore, Director of Planning and Building Services
Linda Neal, Senior Planner
LOCATION: Three vacant parcels between/behind 131 and 153 Ridge Road; Assessor's Parcel Numbers 001-041-03, 001-042-06 and 001-042-16
PROJECT: Replacement of MMWD water tank
ACTION: Encroachment permit, application #11-08
APPLICANT: Marin Municipal Water District
OWNER: Same
CEQA STATUS: A Mitigated Negative Declaration has been prepared for the project



RIDGE ROAD WATER TANK, ACCESS LOCATED BETWEEN 131 AND 153 RIDGE ROAD

BACKGROUND

Currently existing on Assessor's Parcel No. 001-042-03 is a Marin Municipal Water District (MMWD) redwood supply tank with a storage capacity of 100,000 gallons. The tank was installed in 1975, it is in poor condition and has outlived its effective lifespan. The tank is currently accessed for maintenance via a steep footpath leading up from the paved portion of Ridge Road.

DISCUSSION

The project encompasses the construction of a serpentine shaped access driveway that will; a) include the construction of retaining walls ranging from 2 feet to 8 feet in height; b) require the excavation of approximately 650 cubic yards of material and 400 cubic yards of fill and the off-haul of approximately 150 cubic yards of material; and, c) the removal 34 trees. The wooden tank will be removed and replaced with a 100,000 gallon steel tank that will be surrounded by an 8 foot tall security fence.

California Government Code § 53090 restricts local agencies from applying local building or zoning ordinances to the location or construction of facilities for the production, generation, storage, treatment or transmission of water (Exhibit B).

However, the project is still subject to minimum State of California Fire Codes and State Building Codes. The Town Attorney has indicated that the Town and its citizens also have the right to comment on the Mitigated Negative Declaration Environmental Document for the project (Exhibit C). Written comments on the Mitigated Negative Declaration must be received by the Water District by 4:00 PM on April 27, 2011.

A portion of the access road, the fire truck turn around and staging area for three temporary water tanks will be constructed within the Summit Road unimproved public easement, incorrectly called out as Scenic Road on the provided plans (Exhibit D). Town Code § 12.32.020 allows a property owner to make application to the Commission to erect and maintain a carport or other structure on the public right-of-way when the owner has no suitable location on their own property for the construction of the structure. The Town Attorney has verified that the Town does have the right to regulate construction in the public right-of-way. MMWD is applying for an encroachment permit for the portion of the access drive that will be constructed in the public easement.

It is clear that the access driveway cannot be located entirely on MMWD property. MMWD also does not have adequate land to construct an access driveway that complies with the requirements of the Ross Valley Fire Department. The Fire Department has met with MMWD and has agreed to road as designed with a 12 foot width with widened sections through the curves and the grades that reach 25% on the straight sections, in excess of 20% at the curves and at least 10% at the bottom and top grade breaks (Exhibit E – other agency/department comments). The tank serves to provide the water supply 133 residences and water in case of a fire emergency. It is the

general public interest to approve the proposed water supply and access improvements.

The Building Official/Public Works Manager has required that the fire truck turn out area at the base of the proposed access drive be marked (Exhibit E).

No comments were received from the Fairfax Police Department or the Ross Valley Sanitary District.

RECOMMENDATION

Move to approve application # 11-08 based on the following findings and subject to the following conditions of approval:

Recommended Conditions

The construction plans for the portion of the access driveway located within the Summit Road public right-of-way shall be reviewed and approved by both Town plan check consultants and the Town Engineer prior to the start of construction.

MMWD shall complete and record a "License Agreement to Permit Revocable Encroachment on Town Property" agreement at the Marin County Recorder's Office prior to the start of construction (Exhibit F).

Recommended Findings

The area of the Summit Road right-of-way where a portion of the MMWD Ridge Road water tank replacement project will be constructed is not being used by the general public.

The Ridge Road water tank provides necessary water service for portions of Fairfax and therefore, allowing the use of the Summit Road right-of-way is in the best interest of the general public.

ATTACHMENTS

Exhibit A – applicants plans

Exhibit B – California Government Code § 53090

Exhibit C – MMWD Mitigated Negative Declaration

Exhibit D – drawing showing the extent of the improvement encroachments into the public right-of-way

Exhibit E - Other agency/department comments

Exhibit F - Revocable Encroachment Document

