COUNTY OF MARIN

COMMUNITY DEVELOPMENT AGENCY
PLANNING DIVISION

FILED

06/18/2025

SHELLY SCOTT
MARIN COUNTY CLERK
By O. Lobato, Deputy
21 - 2025 - 097

NOTICE OF DETERMINATION
Marin County Environmental Review

TO: ☒ Office of Planning and Research
☒ County Clerk, County of Marin

FROM: Marin County Community Development Agency

SUBJECT: Filing the Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

Project Title: Camp Tamarancho Mountain Bike Trail System Improvements Project (Warner Design Review (Caballo Rojo Trail Project) (P4226))

State Clearinghouse #: 2025021016

Contact Person: Megan Alton, Senior Planner

Telephone Number: (415) 473-6269

Email Address: Megan.Alton@MarinCounty.gov

Assessor's Parcels: 197-110-09 and 174-052-02

Project IDs: P4226 and GP15-003

Project Sponsor: Marin Council of the Boy Scouts of America (MCBSA)

Project Location: 100 and 1000 Iron Springs Rd, Fairfax, CA 94930

Project Description: The Project consists of three trail segment improvements for improved safety and erosion reduction at the MCBSA's Camp Tamarancho facility, located in unincorporated Marin County adjacent to the Town of Fairfax. Two of these trail segment improvements, along the Lower Caballo Rojo Trail and Broken Dam Trail, are proposed by the MCBSA; the third trail segment improvement, along the Saddlecut Road to Trail, is proposed by the Marin County Open Space District. The portion of the Project approved through the Design Review is the construction of three new boardwalks and one new bridge along the proposed Lower Caballo Rojo Trail segment. The grading permit is for earthwork along the Lower Caballo Rojo Trail and Broken Dam Trail.

The Agency Director approved the project on June 11, 2025, and has made the following determinations:

1. The project in its approved form will not have a significant effect on the environment.

POSTED 6/18/25 TO 7/18/25

2. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.

3. Mitigation measures were not made a condition of the approval of the project.

4. A statement of Overriding Considerations was not adopted for this project.

5. Findings were made pursuant to the provisions of CEQA.

I certify that a copy of the Negative Declaration of Environmental Impact and record of project approval is on file and may be examined at:

Agency: Marin County Community Development Agency

Address: 3501 Civic Center Drive, #308
San Rafael, CA 94903

By: Rachel Reid
Rachel Reid, Planning Manager

Date: June 13, 2025

The filing of this Notice of Determination starts a 30 day statute of limitations on court challenges to the approval under CEQA.

N-25-04 Nce-25-23

State of California - Department of Fish and Wildlife

2025 ENVIRONMENTAL DOCUMENT FILING FEE CASH RECEIPT

DFW 753.5a (REV. 01/01/25) Previously DFG 753.5a

Print | StartOver | Save

RECEIPT NUMBER:
21 — 06/18/2025 — 097

STATE CLEARINGHOUSE NUMBER *(If applicable)*
2025021016

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY	LEAD AGENCY EMAIL	DATE
MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY		06/18/2025

COUNTY/STATE AGENCY OF FILING	DOCUMENT NUMBER
Marin	

PROJECT TITLE

CAMP TAMARANCHO MOUNTAIN BIKE TRAIL SYSTEM IMPROVEMENTS PROJECT (WARNER DESIGN REVIEW (CABALLO ROJO TRAIL PROJECT) (P4226)

PROJECT APPLICANT NAME	PROJECT APPLICANT EMAIL	PHONE NUMBER
MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY		(415)473-6269

PROJECT APPLICANT ADDRESS	CITY	STATE	ZIP CODE
3501 CIVIC CENTER DR, STE 308	SAN RAFAEL	CA	94903

PROJECT APPLICANT *(Check appropriate box)*

☑ Local Public Agency ☐ School District ☐ Other Special District ☐ State Agency ☐ Private Entity

CHECK APPLICABLE FEES:

☐ Environmental Impact Report (EIR)	$4,123.50	$	0.00
☑ Mitigated/Negative Declaration (MND)(ND)	$2,968.75	$	2,968.75
☐ Certified Regulatory Program (CRP) document - payment due directly to CDFW	$1,401.75	$	0.00

☐ Exempt from fee
- ☐ Notice of Exemption (attach)
- ☐ CDFW No Effect Determination (attach)

☐ Fee previously paid (attach previously issued cash receipt copy)

☐ Water Right Application or Petition Fee (State Water Resources Control Board only)	$850.00	$	0.00
☑ County documentary handling fee		$	50.00
☐ Other		$	

PAYMENT METHOD:

☐ Cash ☐ Credit ☐ Check ☑ Other **TOTAL RECEIVED** $ 3,018.75

SIGNATURE	AGENCY OF FILING PRINTED NAME AND TITLE
X	MARIN COUNTY CLERK, A.OXLAJ AREVALO, DEPUTY COUNTY CLERK

State of California - Department of Fish and Wildlife

2025 ENVIRONMENTAL DOCUMENT FILING FEE CASH RECEIPT

DFW 753.5a (REV. 01/01/25) Previously DFG 753.5a

NOTICE

Each project applicant shall remit to the county clerk the environmental filing fee before or at the time of filing a Notice of Determination (Pub. Resources Code, § 21152; Fish & G. Code, § 711.4, subdivision (d); Cal. Code Regs., tit. 14, § 753.5). Without the appropriate fee, statutory or categorical exemption, or a valid No Effect Determination issued by the California Department of Fish and Wildlife (CDFW), the Notice of Determination is not operative, vested, or final, and shall not be accepted by the county clerk.

COUNTY DOCUMENTARY HANDLING FEE

The county clerk may charge a documentary handling fee of fifty dollars ($50) per filing in addition to the environmental filing fee (Fish & G. Code, § 711.4, subd. (e); Cal. Code Regs., tit. 14, § 753.5, subd. (g)(1)). A county board of supervisors shall have the authority to increase or decrease the fee or charge, that is otherwise authorized to be levied by another provision of law, in the amount reasonably necessary to recover the cost of providing any product or service or the cost of enforcing any regulation for which the fee or charge is levied (Gov. Code, § 54985, subd. (a)).

COLLECTION PROCEDURES FOR COUNTY GOVERNMENTS

Filing Notice of Determination (NOD):

- ☐ Collect environmental filing fee or copy of previously issued cash receipt. *(Do not collect fee if project applicant presents a No Effect Determination signed by CDFW. An additional fee is required for each separate environmental document. An addendum is not considered a separate environmental document. Checks should be made payable to the county.)*
- ☐ Issue cash receipt to project applicant.
- ☐ Attach copy of cash receipt and, if applicable, previously issued cash receipt, to NOD.
- ☐ Mail filing fees for **CRP** document to CDFW prior to filing the NOD or equivalent final approval (Cal. Code Regs. Tit. 14, § 753.5 (b)(5)). The CRP should request receipt from CDFW to show proof of payment for filing the NOD or equivalent approval. Please mail payment to address below made attention to the Cash Receipts Unit of the Accounting Services Branch.

If the project applicant presents a **No Effect Determination** signed by CDFW, also:

- ☐ Attach No Effect Determination to NOD *(no environmental filing fee is due)*.

Filing Notice of Exemption (NOE) *(Statutorily or categorically exempt project (Cal. Code Regs., tit. 14, §§ 15260-15285, 15300-15333))*

- ☐ Issue cash receipt to project applicant.
- ☐ Attach copy of cash receipt to NOE *(no environmental filing fee is due)*.

Within 30 days after the end of each month in which the environmental filing fees are collected, each county shall summarize and record the amount collected on the monthly State of California Form No. CA25 (TC31) and remit the amount collected to the State Treasurer. Identify the remittance on Form No. CA25 as "Environmental Document Filing Fees" per Fish and Game Code section 711.4.

The county clerk shall mail the following documents to CDFW on a monthly basis:

- ✓ A photocopy of the monthly State of California Form No. CA25 (TC31)
- ✓ CDFW/ASB copies of all cash receipts (including all voided receipts)
- ✓ A copy of all CDFW No Effect Determinations filed in lieu of fee payment
- ✓ A copy of all NODs filed with the county during the preceding month
- ✓ A list of the name, address and telephone number of all project applicants for which an NOD has been filed. If this information is contained on the cash receipt filed with CDFW under California Code of Regulations, title 14, section 753.5, subdivision (e)(6), no additional information is required.

DOCUMENT RETENTION

The county shall retain two copies of the cash receipt (for lead agency and county clerk) and a copy of all documents described above for at least 12 months.

RECEIPT NUMBER

The first two digits automatically populate by making the appropriate selection in the County/State Agency of Filing drop down menu.
The next eight digits automatically populate when a date is entered.
The last three digits correspond with the sequential order of issuance for each calendar year. For example, the first receipt number issued on January 1 should end in 001. If a county issued 252 receipts for the year ending on December 31, the last receipt number should end in 252. CDFW recommends that counties and state agencies 1) save a local copy of this form, and 2) track receipt numbers on a spreadsheet tabbed by month to ensure accuracy.

DO NOT COMBINE THE ENVIRONMENTAL FEES WITH THE STATE SHARE OF FISH AND WILDLIFE FEES.

Mail to:
California Department of Fish and Wildlife
Accounting Services Branch
P.O. Box 944209
Sacramento, California 94244-2090

MARIN COUNTY PLANNING DIVISION
ADMINISTRATIVE DECISION
Warner Design Review (Caballo Rojo Trail Project)

Decision: **Approved with Conditions**
Date: **June 11, 2025**

Project ID No:	P4226	Applicant(s):	Michael Dybeck
		Owner(s):	David and Suzanne Warner Trust
		Assessor's Parcel No(s):	174-052-02
		Property Address:	100 Iron Springs Road, Fairfax
		Project Planner:	Megan Alton (415) 473-6235
		Signature:	Megan Alton
Countywide Plan Designation:		SF2 (Single Family, 1 unit/5-19 acres)	
Community Plan Area:		n/a	
Zoning District:		RSP-2.5 (Residential Single-family Planned)	
Environmental Determination:		Negative Declaration	

PROJECT SUMMARY

The applicant is requesting Design Review approval to construct three new boardwalks and one new bridge for a proposed bicycle trail on a developed lot in unincorporated Fairfax. At stream crossings 2 and 3a the proposed free-span boardwalks are 16 feet long by 4 feet wide. At stream crossing 3b the proposed boardwalk is 18 feet long by 4 feet wide. At stream crossing 4 the proposed bridge is 24 feet long by 4 feet wide with a 3-foot 8-inch safety railing. Various site improvements are also entailed in the development, including the installation of a 3-foot-tall retaining wall and grading for the Lower Caballo Rojo Trail.

Design Review approval is required pursuant to Marin County Code section 22.20.055 for the construction of bridges in the RSP zoning district.

BACKGROUND

The Camp Tamarancho mountain bike trail system consists of a network of trails installed at different times. The Original Trail Loop established approximately 7.0 miles of singletrack trails primarily for mountain biking, though hiking is also allowed. The Original Trail Loop is comprised of six segments. Construction of the Original Trail Loop is estimated to have begun in 1995.

On November 3, 2000, Marin Council of the Boy Scouts of America's (MCBSA) submitted Grading Permit Application, GP00-010, with Marin County Department of Public Works (DPW) and, on December 29, 2000, an addendum with information about water course crossings and retaining walls was filed. A Draft Initial Study (IS) and proposed Mitigated Negative Declaration (MND) were prepared for this Grading Permit in 2005 and circulated for public and agency review. However, the IS/MND was not adopted, that project was not approved, and a Notice of Determination was not filed.

On April 21, 2015, in response to a citizen complaint and subsequent Marin County DPW Land Development Division investigations and site inspections, DPW issued a Notice of Violation for a reported excavation at 100 Iron Springs Road for construction of the Caballo Rojo Trail extension, that exceeded 250 cubic yards without a grading permit. As a result of the notice, construction was immediately stopped, and the Caballo Rojo Trail was closed.

The MCBSA submitted the initial Grading Permit Application on August 6, 2015, and subsequent submittals were made in April 2016, May and September 2021, and April 2022, to address County comments. The plans were transmitted to the Planning Division, and it was determined that the proposed bridge and boardwalks would be subject to Design Review pursuant to Marin County Code section 22.20.055. In July 2022, the Grading Permit Application was deemed complete by Marin County DPW.

The applicant subsequently submitted the Design Review application for the proposed bridge and boardwalks on August 15, 2023. The Design Review application was deemed complete January 12, 2024. Once the application was deemed complete the Community Development Agency Environmental Planning Division determined the Camp Tamarancho Mountain Bike Trail System Improvements Projects, which include the bridge and three boardwalks were subject to this Design Review approval needed further review under the California Environmental Quality Act (CEQA).

An Initial Study/Negative Declaration (IS/ND) was prepared pursuant to the CEQA and the Marin County Environmental Impact Review Guidelines, by Grassetti Environmental Consulting. Per State CEQA Guidelines Section 15070, the IS/ND found that the Camp Tamarancho Mountain Bike Trail System Improvements Project including the proposed boardwalks and bridge would not have any significant effect on the environment.

The IS/ND was circulated for a 30-day review period, from February 26, 2025, to March 31, 2025; with an extension given to submit comments through April 1, 2025, due to County offices being closed on Cesar Chavez Day (March 31, 2025). During that period, several comments were received from members of the public. On May 21, 2025, a Response to Comments document was prepared to address the written comments received during the public comment period. Through the use of proposed project protection measures, all impacts were found to be less than significant and did not require any mitigation measures.

COUNTYWIDE PLAN CONSISTENCY

The proposed project is consistent with the Marin Countywide Plan (CWP) for the following reasons:

A. The project is consistent with the CWP woodland preservation policy (BIO-1.3) because the project would not entail the irreplaceable removal of a substantial number of mature, native trees.

B. The location of the proposed bridge and boardwalks on the Lower Caballo Rojo Trail segment has a very low potential for special-status plant species due to a high abundance of French broom *(Genista monspessulana)*, which is crowding out understory natives. The project has incorporated a number of measures to protect plant resources, including conducting a worker-training program, measures to avoid impacts to special-status plant species during construction, as well as measures to clean all equipment prior to use to limit the spread of invasive plants.

   Eight animal species with State or Federal protection have some potential to occur within or adjacent to the trail network. The animal species include Cooper's hawk *(Accipiter cooperi)*, Grasshopper Sparrow *(Ammodramus savannarum)*, White-tailed Kite *(Elanus leucurus)*, Northern Spotted Owl (Strix occidentalis ssp. caurina), California giant salamander *(Dicamptodon ensatus)*, Western Bumble Bee *(Bombus occidentalis),* and special status bats. The Negative Declaration, prepared by Grassetti Environmental Consulting, dated February 26, 2025, found that impacts to all special species animals would be less than significant with the project's avoidance and minimization measures including Marin County Code section 22.20.040 G. for nesting bird protection. Therefore, the proposed project is consistent with the CWP special-status species protection policy (BIO-2.2) with regard to special-status species of plants and animals.

C. The proposed project includes construction of one bridge and three boardwalks using concrete abutments located outside of the top-of-bank on either side of the mapped ephemeral streams. Once placed on the abutments, the bridge and boardwalks would free span across the streams and would thus require limited grading and no work within the stream bank. Therefore, the project is consistent with the CWP natural transition and connection policies (BIO 2.3 and BIO 2.4) because the project would not substantially alter the margins along riparian corridors, wetlands, baylands, or woodlands.

D. The project involves the construction of one bridge and three boardwalks over four ephemeral streams, identified as stream crossings 2, 3a, 3b and 4 on Exhibit A. No wetlands were identified in the areas of the bridge and boardwalks. The IS/ND determined the ephemeral streams that run through the study area do not meet the criteria to be classified as a Stream Conservation Area (SCA) because the hydrology of the stream is ephemeral in nature and the stream lacks riparian vegetation and does not support special status species and/or a sensitive natural community. Therefore, the project is consistent with the CWP stream and wetland conservation policies (BIO-3.1 and BIO-4.1) because the proposed development would not encroach into any Stream Conservation Areas or Wetland Conservation Areas.

E. The bridge and boardwalks would be installed during the dry season when the potential for substantial erosion and discharge of pollutants or sediments would be minimized. The project is consistent with CWP water quality policies and would not result in substantial soil erosion or discharge of sediments or pollutants into surface runoff (WR-1.3, WR-2.2, WR-2.3) because the grading and drainage improvements would comply with the Marin County standards and best management practices required by the Department of Public Works.

F. The proposed bridge and boardwalks are proposed are private property associated with the Lower Caballo Rojo Trail, which is part of a larger trail network. The bridge and boardwalks would foster the expansion of the existing trail network consistent with CWP policy TRL-1.2.

G. The project is consistent with CWP seismic hazard policies (CWP Policies EH-2.1, EH-2.3, and CD-2.8) because it would be constructed in conformance with County earthquake

standards, as verified during review of the Building Permit application and the subject property is not constrained by unusual geotechnical problems, such as existing fault traces.

H. The project is consistent with CWP fire hazard management policies (EH-4.1, EH-4.2, EH-4.5) because it would meet all fire safety requirements, as verified by the local fire protection district during review of the Building Permit application.

I. The project is consistent with CWP aesthetic policies and programs (DES-4.1 and DES-4.e) because it would protect scenic quality and views of ridgelines and the natural environment from adverse impacts related to development.

DEVELOPMENT CODE CONSISTENCY

Mandatory Findings for Design Review (Marin County Code Section 22.42.060)

A. The proposed development complies with either the Single-family or Multi-family Residential Design Guidelines, as applicable, the characteristics listed in Chapter 22.16 (Discretionary Development Standards) and 22.32.168 (Tidelands), as well as any applicable standards of the special purpose combining districts provided in Chapter 22.14 of this Development Code.

There are no standards provided in Chapter 22.14 that apply to the project and the development would not occur within a tidelands area. The proposed project is consistent with the Design Guidelines and Discretionary Development Standards because it is designed to avoid adversely affecting natural resources or the character of the local community. The project's consistency with the standards and guidelines most pertinent to the subject property is discussed below. The proposed development is not a residence; therefore, the Single-family Design Guidelines do not apply and are not further discussed.

SITE PREPARATION: Development Standards J.1 through J.6

The installation of the bridge and boardwalks require minimal grading because each would be installed on concrete abutments and located outside of the top-of-bank on either side of the streams. The project incorporates a number of avoidance and minimization measures from the Marin County Stormwater Pollution Prevention Program Erosion and Sediment Control Plan, based on the California Stormwater Best Management Practices Handbook for Construction, including avoiding excavation during the rainy season, and only constructing around stream crossings during periods of low or no stream flow, as well as conducting a worker training program. Lastly, the project does not entail tree removal.

BUILDING LOCATION: Development Standards D.1 through D.4

The proposed bridge and boardwalks are not located on a ridgeline and no other structures are proposed. The bridge and boardwalks are low profile structures well below the allowable height limit.

PROJECT DESIGN: Development Standard I.1 and I.2

The boardwalks would be approximately 18 inches high, and the bridge would be approximately 8 feet 6 inches above grade which would not exceed the established height limit for the RSP-2.5 (Residential Single-family Planned) zoning district. Materials include

concrete abutments and wood plank decks. The bridge would also include 3 feet 8-inch wood safety railing. Materials are designed to blend into the natural environment unobtrusively.

EXTERIOR LIGHTING: Development Standard G

There is no exterior lighting proposed on the bridge or the boardwalks.

LANDSCAPING AND VEGETATION REMOVAL: Development Standard F;

The installation of the proposed bridge and boardwalks would not require removal of existing trees. Any grading associated with the construction would be revegetated with the use of hydroseed and hydraulic mulches, and installation of erosion control blankets.

ACCESS: Development standard C

The proposed project does not involve modifying access to the existing residence on the project site. The proposed bridge and boardwalks are part of the Caballo Rojo Trail Segment, which is part of a larger trail network. The proposed bridge and boardwalks are intended for trail access, not vehicular access; therefore, Development Standard C would not apply to the proposed project.

B. The proposed development provides architectural design, massing, materials, and scale that are compatible with the site surroundings and the community.

The design of each boardwalk and the bridge is simple and unobtrusive, as well as low in profile and made of wood and concrete elements. The improvements are the necessary size to avoid the associated water courses. Additionally, the site is heavily vegetated. As such, the design, massing and materials of the bridge and boardwalks would be compatible with site surroundings and the community.

C. The proposed development results in site layout and design that will not eliminate significant sun and light exposure or result in light pollution and glare; will not eliminate primary views and vistas; and will not eliminate privacy enjoyed on adjacent properties.

The bridge and boardwalks will be located a substantial distance from neighboring residential properties and primary views and privacy enjoyed by neighboring properties will be maintained. In addition, due to its low-profile and unobtrusive materials used in its construction, the bridge and boardwalks will not eliminate sun and light exposure or result in glare.

D. The proposed development will not adversely affect and will enhance where appropriate those rights-of-way, streetscapes, and pathways for circulation passing through, fronting on, or leading to the property.

The proposed bridge and boardwalks are proposed on a private property associated with the Lower Caballo Rojo Trail for use by one-way downhill bicycle traffic. The intent of the proposed bridge and boardwalks is to relocate existing downhill bicycle traffic from Iron Springs Road. Circulation would be improved by reducing the amount of two-way bicycle traffic on portions of Iron Springs Road.

The existing streetscapes would remain relatively unchanged by the installation of the proposed bridge and boardwalks because the closest boardwalk is approximately 40 feet from the right-of-way and no tree removal is proposed. No components of this Design Review application are proposed within the right-of-way of Iron Springs Road.

E. The proposed development will provide appropriate separation between buildings, retain healthy native vegetation and other natural features, and be adequately landscaped consistent with fire safety requirements.

The proposed bridge and boardwalks would maintain adequate setbacks from neighboring structures. The boardwalk at stream crossing 3b is approximately 40 feet from the property line along Iron Springs Road and other residential structures are located beyond the road. Existing trees would be maintained and disturbed areas would revegetated with the use of hydroseed and hydraulic mulches, and installation of erosion control blankets.

ACTION

The project described in condition of approval 1 below is authorized by the Marin County Planning Division and is subject to the conditions of project approval.

This planning permit is an entitlement to apply for construction permits, not a guarantee that they can be obtained, and it does not establish any vested rights. This decision certifies the proposed project's conformance with the requirements of the Marin County Development Code and in no way affects the requirements of any other County, State, Federal, or local agency that regulates development. In addition to a Building Permit, additional permits and/or approvals may be required from the Department of Public Works, the appropriate Fire Protection Agency, the Environmental Health Services Division, water and sewer providers, Federal and State agencies.

CONDITIONS OF PROJECT APPROVAL

CDA-Planning Division

1. This Design Review approval authorizes the construction of a new three new boardwalks and one new bridge for trail on a developed lot in Fairfax. At stream crossings 2 and 3a the approved free-span boardwalks shall be 16 feet long by 4 feet wide. At stream crossing 3b the approved boardwalk shall be 18 feet long by 4 feet wide. At stream crossing 4 the approved bridge shall be 24 feet long by 4 feet wide with a 3-foot 8-inch safety railing. Various site improvements are also entailed in the approved development, including a 3-foot-tall retaining wall.

2. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled "Caballo Rojo Trail Design Review Submittal," consisting of 10 sheets prepared by Jeanine Strickland, received in final form on March 24, 2024, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.

3. The project shall conform to the Planning Division's "Uniformly Applied Conditions 2025" with respect to all of the standard conditions of approval and the following special conditions: 10.

VESTING

Unless conditions of approval establish a different time limit or an extension to vest has been granted, any permit or entitlement not vested within three years of the date of the approval shall expire and become void. The permit shall not be deemed vested until the permit holder has actually obtained any required Building Permit or other construction permit and has substantially completed improvements in accordance with the approved permits, or has actually commenced the allowed use on the subject property, in compliance with the conditions of approval.

RIGHT TO APPEAL

This decision is final unless appealed to the Planning Commission. A Petition for Appeal and the required fee must be submitted in the Community Development Agency, Planning Division, Room 308, Civic Center, San Rafael, no later than eight business days from the date of this decision (June 24, 2025).

cc: *{Via email to County departments}*
DPW – Land Development
CDA – Environmental Planning

Attachments:

1. Marin County Uniformly Applied Conditions 2025
2. Transmittal Response from Marin County Environmental Health Services August 28, 2023
3. Transmittal Response from the Department of Public Works, January 4, 2025
4. Letters from the public

MARIN COUNTY UNIFORMLY APPLIED CONDITIONS
FOR PROJECTS SUBJECT TO DISCRETIONARY PLANNING PERMITS

2025

STANDARD CONDITIONS

1. The applicant/owner shall pay any deferred Planning Division fees as well as any fees required for mitigation monitoring or condition compliance review before vesting or final inspection of the approved project, as determined by the Director.

2. If the project is subject to the affordable housing requirements of Development Code Chapter 22.22, the applicant shall provide a copy of the affordable housing plan required by Development Code section 22.22.110 to the CDA Planning Division following its approval by the CDA Housing Division.

3. The applicant/owner shall defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul an approval of this application, for which action is brought within the applicable statute of limitations. The County of Marin shall promptly notify the applicant/owner of any claim, action, or proceeding that is served upon the County of Marin and shall cooperate fully in the defense.

4. Exterior lighting for the approved development shall be located and shielded to avoid casting glare into the night sky or onto nearby properties, unless such lighting is necessary for safety purposes.

5. Building Permit applications shall substantially conform to the project that was approved by the planning permit. All Building Permit submittals shall be accompanied by an itemized list of any changes from the project approved by the planning permit. The list shall detail the changes and indicate where the changes are shown in the plan set. Construction involving modifications that do not substantially conform to the approved project, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications is obtained by the applicant.

SPECIAL CONDITIONS

1. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a signed Statement of Conformance prepared by a certified or licensed landscape design professional indicating that the landscape plan complies with the State of California's Model Water Efficient Landscape Ordinance and that a copy of the Landscape Documentation Package has been filed with the Community Development Agency.

2. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall mark or call out the approved building setbacks on the Building Permit plans indicating the minimum distance of

the building from the nearest property line or access easement at the closest point and any of the following features applicable to the project site: required tree protection zones, Wetland Conservation Areas, or Stream Conservation Areas.

3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the plans to depict the location and type of all exterior lighting for review and approval of the Community Development Agency staff. Exterior lighting visible from off-site shall consist of low-wattage fixtures, and shall be directed downward and shielded to prevent adverse lighting impacts to the night sky or on nearby properties. Exceptions to this standard may be allowed by the Community Development Agency staff if the exterior lighting would not create night-time illumination levels that are incompatible with the surrounding community character and would not shine on nearby properties.

4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall record a Waiver of Public Liability holding the County of Marin, other governmental agencies, and the public harmless related to losses experienced due to geologic and hydrologic conditions and other natural hazards.

5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit written confirmation that the property owner has recorded the "Disclosure Statement Concerning Agricultural Activities," as required by Section 23.03.050 of the Marin County Code.

6. BEFORE ISSUANCE OF A BUILDING PERMIT for any of the work identified in the project approval, the applicant shall install 3-foot high temporary construction fencing demarcating established tree protection zones for all protected trees that are not being removed in the vicinity of any area of grading, construction, materials storage, soil stockpiling, or other construction activity. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency. Acceptable limits of the tree protection zones shall be the dripline of the branches or a radius surrounding the tree of one foot for each one inch diameter at breast height (4.5 feet above grade) of the tree trunk. The fencing is intended to protect existing vegetation during construction and shall remain until all construction activity is complete. If encroachment into the tree protection zone is necessary for development purposes, additional tree protection measures shall be identified by a licensed arborist, forester, or botanist, and the tree specialist shall periodically monitor the construction activities to evaluate whether the measures are being properly followed. A report with the additional measures shall be submitted for review and approval by the Planning Division before any encroachment into a tree protection zone occurs.

7. BEFORE FINAL INSPECTION, if encroachments into a tree protection zone have been approved, then the tree specialist shall submit a letter to the Planning Division verifying that the additional tree protection measures were properly implemented during construction activities.

8. BEFORE ISSUANCE OF A BUILDING PERMIT, temporary construction fencing shall be installed on the subject property at edge of the Wetland Conservation Area and/or Stream Conservation Area, as applicable to the site. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency. The construction fencing shall remain until all construction activity is complete. No parking of vehicles, grading, materials/equipment storage, soil stockpiling, or other construction activity is allowed within the protected area. If encroachment

into the protected area is necessary for development purposes, additional protection measures shall be identified by a qualified biologist and the biologist shall periodically monitor the construction activities to evaluate whether the measures are being properly followed. A report with the additional measures shall be submitted for review and approval by the Planning Division before any encroachment into a protected area occurs.

9. BEFORE FINAL INSPECTION, if encroachments into a protected area have been approved, then the biologist shall submit a letter to the Planning Division verifying that the additional protection measures were properly implemented during construction activities.

10. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant must provide written evidence that all appropriate permits and authorizations have been secured for this project from the Bay Conservation and Development Commission, the California Department of Fish and Game, the Regional Water Quality Control Board, the California Coastal Commission, the California State Lands Commission, the Bay Area Air Quality Management District, and/or the United States Army Corps of Engineers.

11. BEFORE CLOSE-IN INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper surveying certification prepare and submit written (stamped) Floor Elevation Certification to the Planning Division confirming that the building's finished floor elevation conforms to the floor elevation that is shown on the approved Building Permit plans, based on a benchmark that is noted on the plans.

12. BEFORE FINAL INSPECTION, the project shall substantially conform to the requirements for exterior materials and colors, as approved herein. Approved materials and colors shall substantially conform to the materials and colors samples shown in "Exhibit A" unless modified by the conditions of approval. The exterior materials or colors shall conform to any modifications required by the conditions of approval. All flashing, metalwork, and trim shall be treated or painted an appropriately subdued, non-reflective color.

13. BEFORE FINAL INSPECTION, the applicant shall install all approved landscaping that is required for the following purposes: (1) screening the project from the surrounding area; (2) replacing trees or other vegetation removed for the project; (3) implementing best management practices for drainage control; and, (4) enhancing the natural landscape or mitigating environmental impacts. If irrigation is necessary for landscaping, then an automatic drip irrigation system shall be installed. The species and size of those trees and plants installed for the project shall be clearly labeled in the field for inspection.

14. BEFORE FINAL INSPECTION, the applicant shall submit a Certificate of Completion prepared by a certified or licensed landscape design professional confirming that the installed landscaping complies with the State of California's Model Water Efficient Landscape Ordinance and the Landscape Documentation Package on file with the Community Development Agency.

15. BEFORE FINAL INSPECTION, the applicant shall submit written verification from a landscape design professional that all the approved and required landscaping has been completed and that any necessary irrigation has been installed.

16. BEFORE FINAL INSPECTION, utilities to serve the approved development shall be placed underground except where the Director determines that the cost of undergrounding would be so prohibitive as to deny utility service to the development.

17. BEFORE FINAL INSPECTION, the applicant shall call for a Community Development Agency staff inspection of approved landscaping, building materials and colors, lighting and compliance with conditions of project approval at least five business days before the anticipated completion of the project. Failure to pass inspection will result in withholding of the Final Inspection approval and imposition of hourly fees for subsequent reinspections.

CODE ENFORCEMENT CONDITIONS

1. Within 30 days of this decision, the applicant must submit a Building Permit application to legalize the development. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.

2. Within 60 days of this decision, a Building Permit for all approved work must be obtained. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.

3. Within 120 days of this decision, the applicant must complete the approved construction and receive approval of a final inspection by the Building and Safety Division. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.

INTERDEPARTMENTAL TRANSMITTAL
MARIN COUNTY ENVIRONMENTAL HEALTH SERVICES
ROOM 236, 473-6907

		TYPE OF DOCUMENT
DATE:	**August 28, 2023**	
TO:	**Megan Alton, Senior Planner**	X **DESIGN REVIEW**
FROM:	**Gwendolyn Baert, Supervising REHS**	LAND DIVISION
RE:	**Warner Design Review**	USE PERMIT
	(Caballo Rojo Trail Project)	VARIANCE
	Project ID P4226	
AP#:	**174-052-02**	MASTER PLAN
ADDRESS:	**100 Iron Springs Rd., Fairfax**	COASTAL PERMIT
		LOT LINE ADJ.
		OTHER

THIS APPLICATION HAS BEEN REVIEWED FOR THE FOLLOWING ITEMS:

X	**WATER**	X	**SEWAGE**	SOLID WASTE
	POOLS		HOUSING	FOOD ESTABLISHMENT

THIS APPLICATION IS FOUND TO BE:

FIND IT COMPLETE.

FIND IT INCOMPLETE UNTIL THE ITEMS LISTED BELOW HAVE BEEN SUBMITTED.

X **FIND IT ACCEPTABLE AS PRESENTED, WITH THE FOLLOWING CONDITIONS.**

RECOMMEND DENIAL FOR THE REASONS LISTED BELOW.

1. Indicate whether the application materials contain enough information for you to determine whether the applicant can readily comply with your agency's standards.
   There is sufficient information for EHS to determine that the applicant can readily comply with our standards.
2. If the application does not contain enough information for you to determine whether the project can readily comply with your agency's standards, please list the information that you will need to make this determination.
   At the time of building permit application, the applicant will need to show where the domestic well and the on-site sewage disposal systems are located. 10 FT setback will be required to the drain field, and a 5 FT setback will be required to septic tanks.

3. If the application contains sufficient information for your review, please indicate whether the project is feasible as proposed or needs substantial modifications to comply with your agency's standards.
   The application appears feasible as proposed.
4. If the project needs to be substantially modified to comply with your agency's standards, please describe the scope of those modifications.
   Not applicable.

PLANNING APPLICATION REVIEW

DEPARTMENT OF PUBLIC WORKS

Inter-office Memorandum - Second Transmittal

DATE: January 4, 2024

DUE: January 4, 2024

TO: Megan Alton

FROM: Cara E. Zichelli

APPROVED: FOR A.C.

RE: Warner Design Review P4226
Caballo Rojo Trail

APN: 174-052-02

ADDRESS: 100 Iron Spring Road, Fairfax

TYPE OF DOCUMENT

- X DESIGN REVIEW
- ___ COASTAL PERMIT
- ___ LAND DIVISION
- ___ VARIANCE
- ___ USE PERMIT
- ___ ADU PERMIT
- ___ ENVIRONMENTAL REV.
- ___ OTHER:

Department of Public Works Land Use Division has reviewed this application for content and:

- X Find it **COMPLETE**
- ___ Find it **INCOMPLETE,** please submit items listed below
- ___ Find it **NEEDS SUBSTANTIAL MODIFICATIONS TO CONFORM**

Comments Included (Inc.) or Attached (Att.) from other DPW Divisions:

- ___ Traffic
- ___ Flood Control
- ___ Other:

This application and project have been the subject of an ongoing grading permit application, GP15-003. Comments from Planning to DPW Land Development regarding the Grading Permit Application indicated that Design Review is required for the bridges and boardwalks.

DPW Land Development's comments are limited to just the proposed bridges, not the grading for the downhill mountain bike trail.

Based on the information provided sheet 9 detail 17, a portion of the project is proposed in the Town of Fairfax in the Iron Springs Road right of way. The work includes the construction of a wood retaining wall, redwood decking over a steel structure, and steel railing, and associated grading. The application materials discuss installation of possible signage on Iron Springs Road as well. DPW Land Development recommends that the Town of Fairfax confirm support and provide conditions for the proposed work in their jurisdiction.

-END-

From: Yattaw, Erin
To: Alton, Megan
Subject: FW: Strong concerns about the Caballo Rojo trail project
Date: Thursday, November 2, 2023 11:33:20 AM

Please kindly see below.

Thank you.

From: no-reply@marincounty.org <no-reply@marincounty.org>
Sent: Thursday, November 2, 2023 10:55 AM
To: Yattaw, Erin <EYattaw@marincounty.org>
Subject: Strong concerns about the Caballo Rojo trail project

Jon Beck with email address heyjonbeck@gmail.com would like information about:
Hello Ms. Yattaw,

I am an adjacent resident to this project and have known about it when David Warner and Michael Dybeck first attempted to build much or this trail illegally 7 years ago. During the following wet winters, multiple mature madrone, oak, and bay trees fell down because of erosion as the steep hillside was carved up for their bike path right next to many of these trees. There have subsequently been at least two significant landslides in the area below the proposed trail, and a major one nearby that has shut down Iron Springs road to traffic.
There are three main concerns I continue to have:
1) The impact on water absorption/ hillside integrity and more potential landslides due to the significant loss of vegetation.
2) The increase in mountain biker noise related to this significant proposed development.
3) I received complete assurance from the Marin planner responsible at the time of David and Suzanne Warner's house proposal that no further use would ever take place.

Jon Beck
137 Bothin Road
Fairfax, CA 94930
Cell - (415) 720-2124

December 12, 2023

Megan Alton
Senior Planner
Marin County Department of Planning
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903

Subject: Jon Beck Comments and Photographs -
Proposed Caballo Rojo Mountain Bike Trail

Hello Megan,

This letter is a follow-up to my earlier, brief comments about the proposed Caballo Rollo Trail Project adjacent to our home here in Fairfax. Having COVID at the time, and being restricted to 1,000 words in the comment section, I feel it is important to expand here on the most important issue concerning this trail proposal - the increase in both *flood risk* and *potential landslides*. **As a longtime resident in this neighborhood, I have witnessed many events and responses to water flooding and land instability. I believe you need to be aware of this history**, and in this letter and accompanying photos I will share with you evidence of the extensive environmental impact demonstrating how vulnerable this land and the folks living at the base of this hill are to the proposed trail project.

To truly understand how steep this terrain really is – and how close the houses here are pushed up against this mountainside, I believe you need to come back for a visit. I would like to walk the hillside together with you to illustrate my points below.

Water Flooding Issues

Climate change has brought new intensity to the rainstorms here in Northern California. Atmospheric rivers and immense downpours have become a new normal. These storms are uniquely and dramatically felt by us living here at the base of this steep canyon. The amount of water rushing off the ridge where the trail is proposed needs to find its way into a series of 4-5 streams that dump directly onto homeowners' properties.

In our case (137 Bothin Road), the drainage runs powerfully within three feet of my daughter's bedroom, and routinely soaks the soil inside the perimeter foundation beneath her room. Our

Jon Beck
137 Bothin Road
Fairfax, CA 94930
Cell - (415) 720-2124

drainage ditch will sometimes clog with excess leaves, sending water across the front of our house and saturating the gravel patio during heavy rains.

In another neighbor's case (167 Bothin Road), the drainage runs UNDER their home, directly below their bedroom. One year, water broke through their sliding glass door and came through the bedroom.

Last winter, another neighbor (187 Bothin Road) had their drainage pipe clog up from water and debris during an intense period of rain causing huge flooding in their yard and a river of water down the southern side of our street that made it unsafe to back out of our driveways. It took close to a full day to resolve the issue since the flood crew couldn't access their pipe – which was buried beneath debris and several feet of rushing water.

Small / Medium Sized Land Instability Issues

On Iron Springs Road itself, many small and medium sized land "calvings" (much like iceberg calving - I'm not a soils engineer) have occurred almost yearly on both the upslope and downslope of the road. One pretty large event occurred last winter just as the road straightens out at its road base/gravel section, which, while just past the proposed trail's start section, is downhill (watershed-wise) from the existing Tamarancho Trail. Another event occurred last year next to the power pole that's near the road on the left (northern) side. This location is directly downhill (watershed-wise) from the proposed trail's start section. Generally these get cleared away by the Boy Scouts or the Warners. Some necessitate the building of retaining walls. Roughly 14 years ago, the Warners had to build an I-beam and creosote wooden wall on their side (southern side) of Iron Springs Road to hold back the hill above the 3 properties in the cul-de-sac at 167 Bothin Road. Roughly 10 years ago, Aalarger retaining wall project (above 153 Bothin Road) involved the digging of deep cement filled holes with a cement beam tying them together to prevent a slide from continuing and road erosion occuring onto the neighbor's property (northern side) of the road. In addition, there have been several plastic caution cones in place for at least 12 years just one turn past the driveway turnoff to the Warner's residence, where the hill beneath the road has washed out to such a degree that driving close to the road's edge becomes dangerous.

I believe all of the flooding issues and two of the recent calving issues I describe here can potentially be linked to the **massive loss of vegetation and large trees directly uphill from these slide areas**, from either the existing Tamarancho Trail or from the illegal carving up and building of the proposed Caballo Rojo Trail (in which trees and shrubs were cut out, along with extensive digging and reshaping of the hillside into banked berms). Indeed, beginning the first winter after the illegal clearing and carving of this long, steep, hilly switchback section at the main descent of the (proposed) Caballo Rojo Trail, many mature Madrone, Oak, and Bay trees

Jon Beck
137 Bothin Road
Fairfax, CA 94930
Cell - (415) 720-2124

fell over during heavy rains and windstorms that year. (See accompanying photographs). This section of the hill looks to be the primary section for absorption of rainwater since it is at the back of the canyon and is where the first big stream gathers to become the main waterway out of our canyon (again, I'm not a soils expert, but it looks pretty clear). **I strongly urge you to not waive the CEQA REPORT requirement and to thoroughly assess the topography of the entire area here.** I believe many of us residents living at the base of this hill are less safe because of the significant damage already done to the hillside above us, and that complete restoration is what needs to be done, not more trail building.

Two significant landslides (2020 and 2023) have occurred in our canyon that your office needs to be aware of, per our conversation on November 3rd:

1) The most recent landslide happened last winter and has permanently shut down Iron Springs Road to automobile access onto the Boy Scout property until major engineering and rebuilding can be put in place. It is located one full turn past the main entrance to the Tamarancho Trail, and now has a system of black tarps in place to help lower the risk of additional sliding this winter.

2) An earlier landslide happened in roughly 2020 about 400 feet past the current slide site. This slide seriously threatened at least one large custom built house at the back of the canyon with a sizable mudslide, and required a large engineered multi-tiered retaining wall to amend the washed out hill section. During an early phase of the rebuilding process, **a parent volunteer with the Boy Scouts died when his backhoe rolled off the soft hillside embankment and down the steep canyon wall**.

While neither of the landslides described above are directly downhill from the proposed trail, they paint a picture of just how unstable both walls of this canyon really are - and what could happen if more development were to occur on the proposed trail site, instead of mitigation work to restore the damage that has already taken place during the illegal trail building that was done earlier.

Further, I think it is important to think holistically about what this beautiful land can give to us. Many years ago people put a road into this canyon and built about 40 houses - mostly in the valley floor. When I first moved here 27 years ago, there was no Tamarancho Trail, only a dirt road on Iron Springs Road, and no development on the hill or hilltop above our valley floor houses. Since then we have built the Tamarancho Trail that is enjoyed by many, including myself. The Warners have been able to purchase the 50 acres above us and build a custom house to live in, along with a beautiful lap pool to swim in. Another neighbor on Iron Springs built a custom home back and high into the canyon with a nice view as well. The first half of Iron Springs Road has been paved, which while bringing down the dust level in the summertime, takes away a significant portion of ground that was once absorbing rain water. The same could

Jon Beck
137 Bothin Road
Fairfax, CA 94930
Cell - (415) 720-2124

be said for the long, fully paved, gently winding driveway that runs up the steep ridge to the Warner's home. The driveway is beautiful, but takes a big bite out of the vegetation that once absorbed rainwater. **It is my view that this hill is giving us all that it can at this point**. With ample evidence showing us that it is at its giving capacity, or breaking point, it is time to look elsewhere for more recreational opportunities for mountain bikers. Perhaps Loma Alta with its sheer size and land area could accommodate a new flowy trail, or something off the south side of Mt. Baldy, down to Phoenix Lake. But in this steep canyon, no please. It's not wise and it's not safe.

Thank you for reading my letter. I look forward to hearing your thoughts and walking you and anyone from your staff around our canyon.

Sincerely,

Jon Beck

Jon Beck, Resident (137 Bothin Road)

PHOTOGRAPHS DETAILING ENVIRONMENTAL IMPACT

Events

2015 Terrain Alterations - Extent of Illegal Work

2019 March Rainstorm - Fallen Trees

2023 Landslide

Environmental Impact

Soil Disruption (1 of 2)

Soil Disruption (2 of 2)

Trail In Close Proximity to Trees




KUBOTA




CORONA



















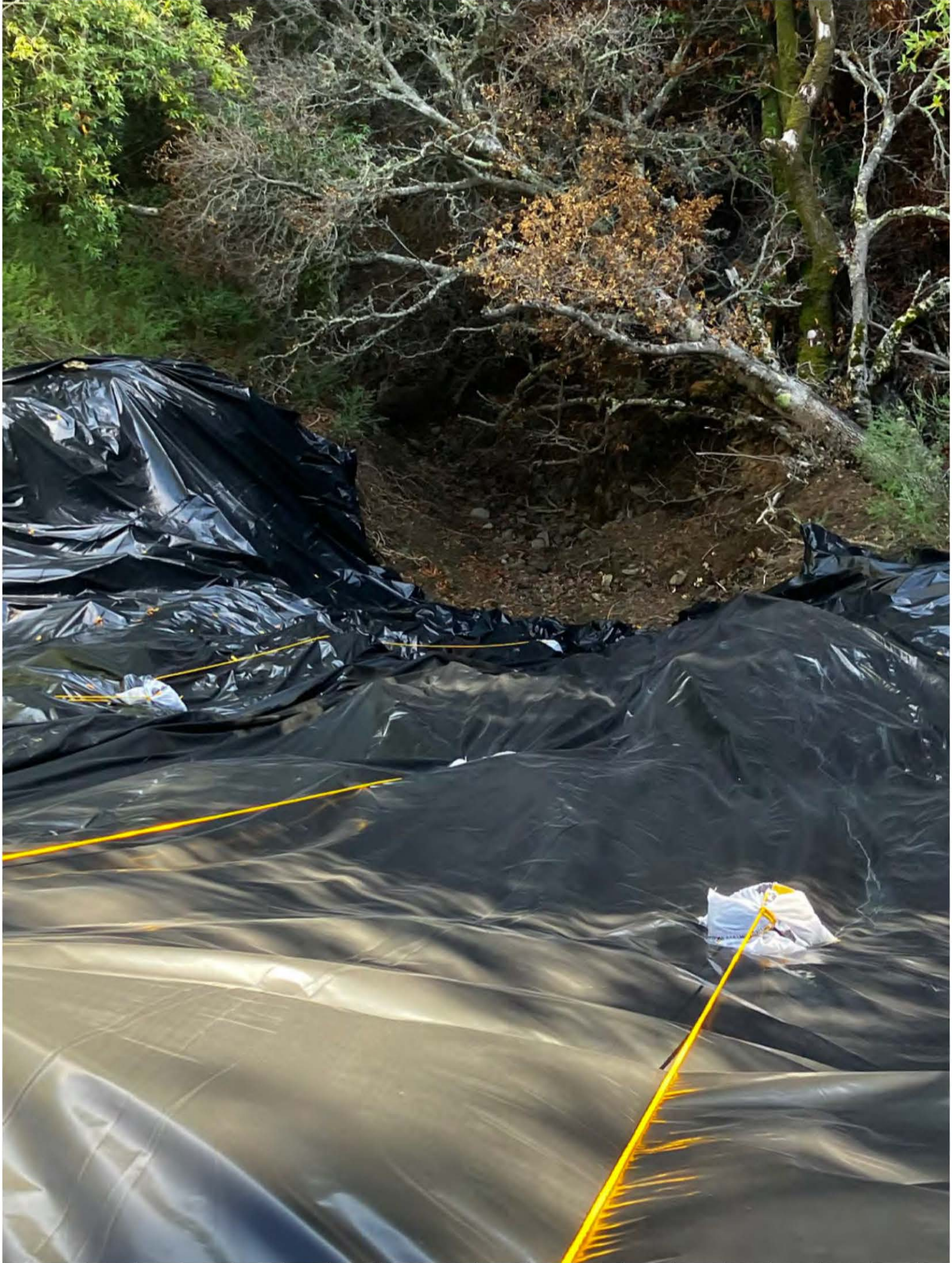


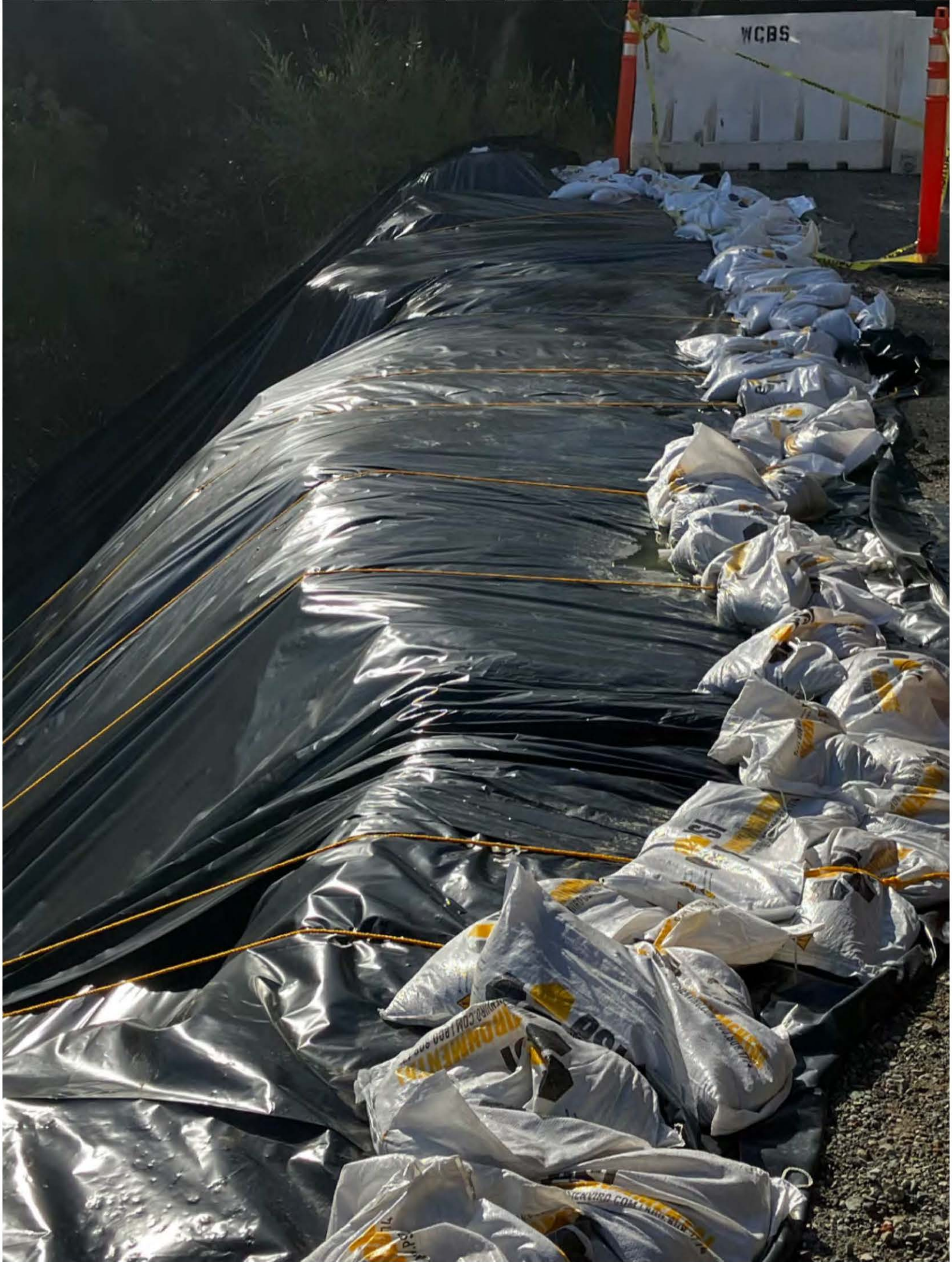











WCBS

From: no-reply@marincounty.org
To: Megan Alton
Subject: Strong concerns about the Caballo Rojo trail project
Date: Tuesday, January 9, 2024 1:21:26 PM

---

jon beck with email address heyjonbeck@gmail.com would like information about:
Hi Megan, I hope you are well. Just wanted to check in with you about the status of the application and to let you know I am contacting my neighbors now to get their feedback. I'm finding that none of them seem to know about this project. I have also contacted SPAWN over in the San Geronimo Valley, as well as the California Department of Fish and Wildlife. As it turns out this waterway going out our canyon is a Blue Line Stream that runs all the way to the Bay. I just want to know approximately where you are in the permitting process, and to be assured that as many people and agencies have time to be aware and on board with the soils, land, and wildlife issues this proposal raises. Could you please email me a timeline outlining your decision timeline for this proposal? When I have a solid group of homeowners assembled I want to set up a time for you to walk the canyon with us so we can point out our concerns to you about flooding, landslides and increased mountain biker noise.

From: Jon Beck
To: Megan Alton
Subject: Re: Strong concerns about the Caballo Rojo trail project
Date: Wednesday, January 10, 2024 10:57:34 PM

Hello Megan,

Thank you for your response and better sketching out the process involved for this trail application. I'll continue to reach out to my neighbors and others. so that the maximum amount of input is available. I just got a bit concerned when I saw that the latest document submitted by the applicants for this project included a timeline outlining a start date for work to begin on 9/1. Additionally, on slide 2 of their latest submittal under **No Tree Removal Permits Requested,** it states that, "Tree removal permits are not requested as the licensed Arborist could not identify significant impacts for construction of the Upper Caballo Rojo Trail nor anticipate any such impacts on Lower Caballo Rojo trail. This is disturbing and completely not accurate, as the pictures I have and sent to you demonstrate a very different situation. (I can only think that all of the downed trees were either removed before the arborist was hired, or WRA Environmental Consultants or their independent consultant, Paul Curfman, was told to look the other way.) And under, **Tree Avoidance** their report further states, "Caballo Rojo trail alignment avoids trees and any significant impact to them. (WRA Arborist Report, 2016, updated 2023). Patently false.

In regards to the **Geotechnical Assessment** section on page 2, I question their conclusion that states, " Construction of upper Caballo Rojo trail has not resulted in significant geologic or geotechnical issues, and " The lower Caballo Rojo trail can use grading techniques similar to those used on the upper trail." Did this report involve analysis of any increase in water run-off into the properties below the trail? Any interviews of neighbors? Are they aware of the flooding of a neighbor's yard and on our road that took place this past winter from a culvert that filled with debris from the hill? Or the sinking on the downhill side of the most recent retaining wall the Warners put in right across from the proposed exit of the trail? Finally, did they do an overall water/soils study of this entire canyon, and look at the steady loss of porous land due to paving of Iron Springs Rd., the Warner's driveway, and the original Camp Tamarancho trail? Two major landslides have occured well AFTER 2016, when this geotechnical assessment was done. The large engineered retaining wall for the first one cost close to $1 million dollars, and I hear it might be tilting outward at this point. (I will confirm this). The second landslide (2023) has permanently shut down Iron Springs road access to the Boyscout's camp and will take huge resources to remedy.
I would like to have access to this assessment to understand the data that was collected to write it.

Thank you very much Megan and I look forward to knowing more as this project gets evaluated.

Jon Beck

On Tue, Jan 9, 2024 at 2:11 PM Megan Alton <Megan.Alton@marincounty.gov> wrote:

Hello Jon,

This project is still in the very early stages of the planning process. At this time the application is incomplete. Once deemed complete the project will likely require environmental review under CEQA. As part of that, there are public meetings and notices, coordination with other agencies and review of environmental impacts. After that process is complete the project would move into the decision phase. At this time I do not have a timeline for a decision because it is likely more than a year out. For project updates please subscribe the project webpage.

Project Page

https://www.marincounty.org/depts/cd/divisions/planning/projects/fairfax-unincorporated/warner_dr_p4226_fx

Planning Application Guide

https://www.marincounty.org/-/media/files/departments/cd/planning/currentplanning/publications/planning-applications/planning-division-application-guide_v4.pdf

Thank you,

Megan Alton

SENIOR PLANNER

County of Marin

Community Development Agency

3501 Civic Center Drive, Suite 308

San Rafael, CA 94903

415 473 6235 T

415 473 7880 F

megan.alton@marincounty.gov

From: no-reply@marincounty.org <no-reply@marincounty.org>
Sent: Tuesday, January 9, 2024 1:21 PM
To: Megan Alton <Megan.Alton@MarinCounty.gov>
Subject: Strong concerns about the Caballo Rojo trail project

jon beck with email address heyjonbeck@gmail.com would like information about:
Hi Megan, I hope you are well. Just wanted to check in with you about the status of the application and to let you know I am contacting my neighbors now to get their feedback. I'm finding that none of them seem to know about this project. I have also contacted SPAWN over in the San Geronimo Valley, as well as the California Department of Fish and Wildlife. As it turns out this waterway going out our canyon is a Blue Line Stream that runs all the way to the Bay. I just want to know approximately where you are in the permitting process, and to be assured that as many people and agencies have time to be aware and on board with the soils, land, and wildlife issues this proposal raises. Could you please email me a timeline outlining your decision timeline for this proposal? When I have a solid group of homeowners assembled I want to set up a time for you to walk the canyon with us so we can point out our concerns to you about flooding, landslides and increased mountain biker noise.

Email Disclaimer: https://www.marincounty.org/main/disclaimers

From: no-reply@marincounty.org
To: Megan Alton
Subject: caballo rojo trail
Date: Sunday, March 24, 2024 4:30:35 PM

---

lisa and shawn tibbs with email address studiotibbs@gmail.com would like information about:
Hi Megan,
we are very much against the trail because we have had major flood issues on our property and are very concerned with erosion and flood damage. Let alone the amount of noise and traffic it would bring to our very quiet neighborhood. 2 1/2 years ago the culvert that runs under our property got jammed with ladder and large logs that blocked the culvert right at the clean out on our property line and it flooded our yard knee deep for 6-7 hours and the logs were from cut trees that were not removed from up the hill. that caused our home to settle and now our deck is not stable and our ceilings are cracked and it took out about 30' of fencing out let alone the 6" of mud on our entire landscaping all possibly from the logs being cut and left for the beginning prep for this trail. also there have been several large landslides along the firetrail that runs on the top of our property where the new trail proposal runs and non of that is safe. there are steep hills that will slide.

From: No-Reply
To: Megan Alton
Subject: Re: Warner project / camp Tamarancho [SENT FROM A PUBLIC FORM]
Date: Monday, March 10, 2025 8:44:48 PM

Contact Us

Email To:	Megan.Alton@MarinCounty.gov
Hosted Page:	https://www.marincounty.gov/departments/cda/planning/projects/fairfax-unincorporated/warner-design-review-caballo-rojo-trail-project-p4226
To:	Megan Alton
From:	Cheryl Tatum
Sender's Email Address:	padmakshila@gmail.com
Subject:	Warner project / camp Tamarancho
Message:	Greetings, I am a concerned resident on Bothin rd in Fairfax. This trail system will greatly impact our lives on this street. The noise as it is right now is already very impactful but to add a new trail system that drops straight behind our houses is insane. Also the hillside already erodes and has landslides. Cutting into the mountain there could cause a massive mudslide. Having a bike amusement park in our backyards just is not acceptable. It's an insane noise violation as well as an environmental hazard.

From: Studio Tibbs
To: Megan Alton
Subject: Re: Caballo rojo trail project
Date: Tuesday, May 27, 2025 3:55:32 PM

Thank you! In regards to the bridge and boardwalk…we are concerned with noise and traffic increase in our back yards. This canyon is exceedingly echoey, we are all quiet for that reason and yet bikers yell to each other and when taking a fun jump. I feel horrible for the folks what are right next to the juncture. Please keep as much encroachment away from our beloved serene neighborhood as possible.

Sincerely,
LIsa

> On May 27, 2025, at 3:11 PM, Megan Alton <Megan.Alton@marincounty.gov> wrote:
>
> Hello Lisa and Shawn,
>
> Please note that the comment period associated with the environmental review has now ended. I can and will include your email in the project file related to the Design Review application I am processing for the bridge and boardwalks.
>
> Megan Alton
> SENIOR PLANNER
>
> County of Marin
> Community Development Agency
> 3501 Civic Center Drive, Suite 308
> San Rafael, CA 94903
> 415 473 6235 T
> 415 473 7880 F
> megan.alton@marincounty.gov
>
> -----Original Message-----
> From: Studio Tibbs <studiotibbs@gmail.com>
> Sent: Tuesday, May 27, 2025 12:27 PM
> To: Megan Alton <Megan.Alton@MarinCounty.gov>
> Subject: Caballo rojo trail project
>
> Dear Megan,
> Im commenting on the future of the Caballo Rojo trail project. Our major concerns have been the debris coming down the hill as it did initially and flooding our property for 6.5 hours at knee height. The hill is not stable to begin with and the fact that this is being planned to sit just above iron springs road sill bring lots of noise and just ruins the quiet peaceful vibe we have all had at our properties. This neighborhood is beloved for its peacefulness and to turn it into a yahoo bike park is so wrong and unfair. Not only will we loose more stability on this

unstable hill, but there goes our peaceful neighborhood. Whoever proposed this should be strung up. If it is too late to stop this monstrosity I am asking if it please be positioned up the hill quite alot so it is barely noticeable from iron springs road which may help with the noise and visible clutter. Along with not having the stability damaged so low that it will bring the hill down Ono our homes. Thank you for your consideration.

Sincerely,
Lisa and Shawn Tibbs

Lisa Tibbs
187 Bothin rd
Fairfax ca 94930

Email Disclaimer: https://www.marincounty.gov/privacy-policy

Lisa Tibbs
Studio Tibbs
505-699-3630
studiotibbs.com

Cara Zichelli Senior Planner/Assistant Engineer, County of Marin
<CZichelli@marincounty.org>

cc: S.F. Bay Regional Water Quality Control Board <NorthCoast@waterboards.ca.gov.>
Heather Abrams, Fairfax Town Manager <habrams@townoffairfax.org>
Linda Neal, Fairfax Principal Planner <lNeas@toenoffairfax.org>
Fairfax Town Engineer c/o Linda Neal

Re: **Camp Tamarancho and Caballo Rojo Trail permit application**

May 11th, 2025

Dear Planner Zichelli and County Planning Staff,

Although the official comment period has closed, I appreciate your willingness to add my comments to the record. Here are my concerns re. the proposed Caballo Rojo mountain biking trail (upper and lower) and the pending decision re. negative declaration. Here are my concerns:

1) **None of the trails** including Alchemist, Caballo Rojo upper or lower, or Hobo Trail, **were properly permitted**. All of the grading, including with heavy equipment, and the significant tree felling and removals have been done illegally. (And, if permitted in the future, would double fines be imposed, such as with any other work done without a permit?)

2) The extensive illegal grading that was done on upper Caballo Rojo trail compromised several mature madrone trees, and when these fell during a rainstorm, they were cut up and "disappeared." But, one the trunk rounds got loose, went downhill, and plugged a culvert, caused **flooding "knee deep for six hours**" across the downhill neighbor Lisa's property at 187 Bothin, threatening her home. Note: when the Boy Scouts and Access for Bikes later applied for a permit, they used documents that were made before this tree felling and flooding, so their **application was deceptive and inaccurate**.

3) When Alchemist Trail (on private property owned by 300 Bothin) and the extensive mountain biking trails at Tamarancho were built, the Boy Scouts **presumed access via** Iron Spring Road from the Fairfax Town border to Alchemist, and to the Tamarancho gate, but this is all **private property**. This roadway belongs to my husband and myself,

and to the other neighbors. We were not consulted about the trails, and we did not grant permission for the throngs of bicyclists on our property. The Boy Scouts does have an easement for ingress and egress for Boy Scouting activities up this private stretch of roadway, but this does not include a money-making business that is not Boy Scout related.

4) Mountain bikers have caused **immense grief** to our family and to many of our neighbors, who no **longer feel safe** walking our dogs and even driving on Iron Springs Road, and whose **privacy has been invaded** by hundreds of strangers whom we did not invite. Furthermore, numerous of the mountain bikers exhibit an "entitled" attitude that wrecks the tranquility of our neighborhood, on our properties, and for which we have paid dearly. The riders come at all hours of the day and night, and utilize high intensity lights that alarm our dogs and disrupt the wildlife. Ourselves and many of our neighbors have been hit (while our cars were stopped) by irresponsible mountain bike riders **riding out of control** down the road (below where the exit from Caballo Rojo is proposed)

5) The whole hillside in question, including both the upper and lower Caballo Rojo trails, and where the proposed exit onto Iron Springs Road is proposed, is in a geologically unstable zone. My husband and I enlisted the services of Dave Olnes, a **professional Civil and Soil Engineer**, to prepare a **Geotechnical Investigation** for our home site (prior to building), which is adjacent to the property where the Caballo Rojo trail is proposed. While this report was specifically written for our property, the geological review includes the lands of both properties, and the recommendations for the preservation of the stability of the hillside apply to both:

> **"**Much of the north-facing hillside in this area is mapped as potential shallow landslide or debris flow zones, which could be subject to creep movements. Smith, Rise and Strand have assigned the **entire area** a stability number of 4, which indicates a **high risk for instability problems."** Therefore, **"Grading work should be minimized, so as to avoid upsetting the marginal stability of the steeper slopes… and to preserve the surrounding native trees which provide root-binding within the surface mantle**." **"**All retaining walls over 3 feet in height shall be supported on **drilled pier foundations."**

The proposed 6-foot wide trail with its large swaths of graded switchbacks, cut and fill, bridges, abutments, and specifically the **structure** planned for the **very steep descent** to Iron Springs Road — for large numbers of mountain bicyclists (thousands likely in the forseable future) — is anything but "minimal grading" or the "preservation of the surrounding native trees."

Indeed, immediately adjacent to the proposed exit site onto Iron Springs Road, is a large area where a few years ago the hillside failed, taking out the road (no cars could pass until extensive repairs were made). An extensive retaining was also built there and which stands as evidence of this earlier hillside failure. In fact, the Warners (100 Iron Springs Road) sued my husband and myself over the slide repair. The soils and geology at this location are highly unstable.

For all of these reasons

1) **Deceptively acquired permit** using inappropriate and inaccurate documents
2) **Illegal grading caused serious flooding** and was covered up
3) Bike trail **access relies on using private property** without permission
4) Mountain **bikers have created an unsafe and out-of-control situation**
   Boy Scouts and Access for Bikes have not taken responsibility for many years
5) Entire hillside has a **high risk for geological instability** problems

The Caballo Rojo trail, both upper and proposed lower, **should not be permitted.**

If proponents Warners agree to provide mountain bikers access across their property in **another direction, directly to public streets**, that would be a more responsible solution. This would relieve the terrible strain that has been placed unfairly on the Iron Springs Road neighbors, and **still provide access for mountain bike riders to access the extensive mountain biking trails at Tamarancho**.

Respectfully submitted,

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