


**MARIN COUNTY PLANNING DIVISION
ADMINISTRATIVE DECISION
Scott and Megan LLC Coastal Permit**

Decision: Approved as conditioned
Date: October 17, 2023

Project ID No:	P3915	Applicant(s):	Michael Heacock, Michael Heacock Architects
		Owner(s):	Scott & Megan LLC
		Assessor's Parcel No(s):	188-150-70
		Property Address:	75 Horseshoe Hill Road, Bollinas
		Project Planner:	Michelle Levenson, 415-473-3615, mlevenson@marincounty.org
		Signature:	
Countywide Plan Designation:		C-AG3 (Coastal, agriculture)	
Community Plan Area:		Bollinas	
Zoning District:		C-ARP-6 (Coastal, agriculture, residential, planned)	
Environmental Determination:		Categorically exempt, CEQA Guidelines Sections 15302 Class 2 and 15303 Class 3	

PROJECT SUMMARY

The applicant requests Coastal Permit approval to construct the following: (1) a new 1,000 square foot residence; (2) a 5,000 square foot barn with paddocks; (3) an 18,500 square foot covered arena; (4) two, 960 sheds; (5) a new septic system; (6) a 60-foot diameter round pen; and (7) a water well and an associated 5,000 gallon water storage tank on a 258,754 square foot (6.56-acre) developed lot in Bollinas. The proposed project would result in a floor area ratio of 2.68-percent. Other improvements proposed with the project include the construction of a bioretention basin, retaining walls and landscaping.

The proposed residence would reach a maximum height of 12.87 feet above surrounding grade and the exterior walls would maintain the following setbacks: 62 feet from the southern access easement, 29 feet from the eastern property line and over 100 feet from the northern and southern property lines.

The proposed covered arena would reach a maximum height of 19 feet above surrounding grade and the exterior walls would maintain the following setbacks: 41 feet eastern property line; and over 100 feet from the northern, southern and western property lines/access easement.

The proposed barn with paddocks would reach a maximum height of 25 feet above surrounding grade and the exterior walls would maintain setbacks of over 100 feet from all property lines/access easement.

The proposed manure shed would reach a maximum height of 8.7 feet above surrounding grade and the exterior walls would maintain the following setbacks: 43 feet 10 inches from the western property line and over 100 feet from all other property lines/access easement.

The proposed hay shed would reach a maximum height of 12.1 feet above surrounding grade and the exterior walls would maintain the following setbacks: 96 feet from the western property line and over 100 feet from the northern, southern and eastern property lines/access easement.

The proposed water storage tank would reach a maximum height of five feet above grade and would maintain the following setbacks 48 feet from the southern access easement, 95 feet from the western property line; and over 100 feet from the northern and eastern property lines.

Coastal Permit approval is required pursuant to Sections 20.68.030 and 20.68.060 as the proposed project entails development not otherwise exempt from the requirement to obtain Coastal Permit approval and the construction of a septic system and water well.

COMMUNITY PLAN CONSISTENCY

The proposed project is subject to the policies contained in the Bolinas Community Plan. The proposed project is consistent with relevant policies contained in the Plan as the development would maintain the existing character of the area as the proposed structures are low in profile and would not exceed applicable height requirements. In addition, a new septic system is proposed that would be required to comply with applicable requirements

COASTAL IMPLEMENTATION PLAN AND DEVELOPMENT CODE CONSISTENCY

Mandatory Findings for Coastal Permit (Marin County Local Coastal Program Implementation Plan Section 20.70.070)

- A. Coastal Access.** The proposed project, as conditioned, is consistent with the applicable policies contained in the Public Coastal Access section of the Marin County Land Use Plan and the applicable standards contained in Section 20.64.180 (Public Coastal Access). Where the project is located between the nearest public road and the sea, a specific finding must be made that the proposed project, as conditioned, is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act (commencing with Section 30200 of the Public Resources Code)

The project site is not located between the sea and the first public road. During routine field inspection, staff found no evidence of historic public use of the site and found that the site is not located near tidelands or submerged lands.

- B. Biological Resources.** The proposed project, as conditioned, is consistent with the applicable policies contained in the Biological Resources section of the Marin County Land Use Plan and the applicable standards contained in Section 20.64.050 (Biological Resources).

The applicant provided two biological assessments that evaluated the proposed project with respect to potential effects on biological resources. The evaluation prepared by Wood Biological Consulting and dated August 10, 2022 focused on the potential for and presence of special status plant species on the project site. Two site surveys were performed on March 1, 2022 and May 23, 2022; no special-status plant species were observed during the site surveys. The assessment concluded that suitable habitat for special status plant species is marginal due to ongoing grazing and that environmental settings conducive to special status plant species (e.g., tidal and freshwater wetlands, chaparral, coastal scrub and dunes, serpentine soils and rocky outcrops) do not exist on the project site.

The assessment prepared by Sapere Environmental dated September 29, 2022 evaluated the potential for and presence of special status wildlife species on the project site. While a records search indicated the potential for special-status wildlife species to occur on the project site, results of a site reconnaissance survey confirmed that no special-status species were observed and site conditions were not conducive for special-status species.

The applicant has proposed several wildlife avoidance and minimization measures that would be employed prior to commencing and during construction activities to ensure that any indirect effects to special-status species would be minimized with the project. Such best management practices include conducting a Worker Environmental Awareness Training Program for all construction crew and personnel, prohibiting the use of plastic, synthetic monofilament or tight woven netting for erosion control to prevent wildlife entanglement, limiting construction of the equestrian structures and outbuildings to the dry season (e.g., May 1 through October 15), conducting pre-construction surveys and establishing buffer zones from active nests if encountered.

Therefore, given the lack of suitable habitat on the project site and the design of the proposed project the development is consistent with the Biological Resource policies.

C. Environmental Hazards. The proposed project, as conditioned, is consistent with the applicable policies contained in the Environmental Hazards section of the Marin County Land Use Plan and the applicable standards contained in Section 20.64.060 (Environmental Hazards).

On July 13, 2021, the Board of Supervisors voted to activate the certified Local Coastal Program (LCP) Amendments. All portions of Marin's LCP Amendments have been approved by the Board of Supervisors and certified by the Coastal Commission with the exception of chapters related to environmental hazards, which remain the subject of on-going work and public input. As a result, those sections of the original versions of the LCP, certified by the Coastal Commission in 1980 (Unit I) in 1981 (Unit II) and the Marin County Interim Code Sections 22.56.130I.H, 22.56.130I.K, and 22.56.130I.L still apply to environmental hazards and are further discussed in the Interim Code section of this report.

D. Agriculture and Mariculture. The proposed project, as conditioned, is consistent with the applicable policies contained in the Agriculture and Mariculture sections of the Marin County Land Use Plan and the applicable agricultural and maricultural standards contained in Chapter 20.32.

The proposed project involves the development of equestrian facilities, a permitted use in the C-ARP zoning district. Consistent with Policy C-AG-3, the proposed development would be clustered and concentrated in the southern portion of the project site, maintaining the

maximum amount of land available for future agriculture use. There is no mariculture proposed with the project therefore the mariculture policies are not relevant to the proposed project.

- E. Water Resources. The proposed project, as conditioned, is consistent with the applicable policies contained in the Water Resources section of the Marin County Land Use Plan and the applicable standards contained in Section 20.64.080 (Water Resources).**

Consistent with the LCP policies, the applicant will be required to comply with DPW requirements to minimize run off and protect water quality as part of the building permit process. Grading and vegetation removal will be minimized with the project by siting development in existing disturbed areas.

- F. Community Design. The proposed project, as conditioned, is consistent with the applicable policies contained in the Community Design section of the Marin County Land Use Plan and the applicable standards contained in Section 20.64.100 (Community Design).**

The proposed development would maintain generous setbacks from all property lines, and in many instances structures would maintain distances of 100 feet or more. The heights of the proposed structures range from a minimum of 5 feet above surrounding grade to a maximum of 25 feet above grade. All of the proposed structures would comply with respective height limits in the C-ARP zoning district and the development standards of the LCP (Table 5-4-b and Section 20.64.045(3)(B) of the LCP). The exterior materials proposed with the development consist of earthen hued materials that would harmonize with the existing environment. Consistent with Policy C-DES-7 exterior lighting would be required to be directed downward and shielded to prevent emissions into the night sky. Tree removal is not proposed with the project therefore existing trees along the northern, eastern and western site perimeter would aid in contributing to the area's scenic and visual resource value. Landscaping consisting of native species is proposed throughout the development and would further aid in contributing to the natural, scenic attributes of the area.

- G. Community Development. The proposed project, as conditioned, is consistent with the applicable policies contained in the Community Development section of the Marin County Land Use Plan and the applicable standards contained in Chapter 20.66 (Community Development).**

Consistent with Policy C-CD-2, proposed development has been sited in and near existing on-site areas that have been previously disturbed.

- H. Energy. The proposed project, as conditioned, is consistent with the applicable policies contained in the Energy section of the Marin County Land Use Plan and the applicable standards contained in Section 20.64.120 (Energy).**

The project would be required to comply with the County's green energy requirements which would ensure that energy efficiency and conservation are achieved with the proposed development.

- I. **Housing.** The proposed project, as conditioned, is consistent with the applicable policies contained in the Housing section of the Marin County Land Use Plan and the applicable standards contained in Section 20.64.130 (Housing).

The project would involve the replacement of an existing single family residence and as such would not result in the elimination of affordable housing.

- J. **Public Facilities and Services.** The proposed project, as conditioned, is consistent with the applicable policies contained in the Public Facilities and Services section of the Marin County Land Use Plan and the applicable standards contained in Section 20.64.140 (Public Facilities and Services).

The project involves the construction of a new septic system which would be required to be constructed in compliance with all applicable standards and requirements of the County's EHS division. In addition, the project involves the construction of a water well. A well report provided by Jerry and Don's Yager Pump and Well dated January 5, 2023 indicates that the total yield of the well when tested on January 28, 2021 was above the 1.5 gallons per minute as required under Policy C-PFS-16(1). As documented in the biological assessments provided for the project, there are no onsite wetlands or riparian features; while hydrological features are located in the general project vicinity the closest feature (pond) is located 380 feet from the project site and was dry in March 2022. As conditioned below, the applicant will be required to obtain and demonstrate evidence of all required well permits from the County's EHS division prior to the issuance of a project building permit.

- K. **Transportation.** The proposed project, as conditioned, is consistent with the applicable policies contained in the Transportation section of the Marin County Land Use Plan and the applicable standards contained in Section 20.64.150 (Transportation).

The project site would continue to be accessed by existing roads. While the existing gravel road would be re-surfaced the surfacing material would be permeable allowing for water infiltration.

- L. **Historical and Archaeological Resources.** The proposed project, as conditioned, is consistent with the applicable policies contained in the Historical and Archaeological Resources section of the Marin County Land Use Plan and the applicable standards contained in Section 20.64.160 (Historical and Archaeological Resources).

The site is not located within a historic area and there is no evidence or indication that existing on-site structures were constructed prior to 1930.

- M. **Parks, Recreation, and Visitor-Serving Uses.** The proposed project, as conditioned, is consistent with the applicable policies contained in the Parks, Recreation, and Visitor-Serving Uses section of the Marin County Land Use Plan and the applicable standards contained in Section 20.64.170 (Parks, Recreation, and Visitor-Serving Uses).

The project would not provide commercial or recreational facilities, and the project site is not governed by any zoning district or regulations which require a mixture of residential and commercial uses.

Mandatory findings for Coastal Permit approval pursuant to Marin County Interim Code Sections 22.56.130I.H, 22.56.130I.K, and 22.56.130I.L.

A. Dune Protection (Marin County Interim Code Section 22.56.130I.H)

There are no dunes on the project site therefore this finding does not apply to the proposed project.

B. Shoreline Protection (Marin County Interim Code Section 22.56.130I.K)

The project site is not located on a bluff and does not involve the installation of shoreline protective works therefore this finding is not applicable to the proposed project.

C. Geologic Hazards (Marin County Interim Code Section 22.56.130I.L)

The site is not located on the Unit I LCP geologic hazards map.

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

This Coastal Permit approval authorizes the construction of the following: (1) a new 1,000 square foot residence; (2) a 5,000 square foot barn with paddocks; (3) an 18,500 square foot covered arena; (4) two, 960 square foot sheds; (5) a new septic system; (6) a 60-foot diameter round pen; and (7) a water well and an associated 5,000 gallon water storage tank on a 258,754 square foot (6.56-acre) developed lot in Bolinas. The authorized project shall result in a floor area ratio of 2.68-percent. Other improvements proposed with the project include the construction of a bioretention basin, retaining walls and landscaping.

The authorized residence shall reach a maximum height of 12.87 feet above surrounding grade and the exterior walls shall maintain the following setbacks: 62 feet from the southern access easement, 29 feet from the eastern property line and over 100 feet from the northern and southern property lines.

The authorized covered arena shall reach a maximum height of 19 feet above surrounding grade and the exterior walls shall maintain the following setbacks: 41 feet eastern property line; and over 100 feet from the northern, southern and western property lines/access easement.

The authorized barn with paddocks would reach a maximum height of 25 feet above surrounding grade and the exterior walls would maintain setbacks of over 100 feet from all property lines/access easement.

The authorized manure shed shall reach a maximum height of 8.7 feet above surrounding grade and the exterior walls shall maintain the following setbacks: 43 feet 10 inches from the western property line and over 100 feet from all other property lines/access easement.

The authorized hay shed shall reach a maximum height of 12.1 feet above surrounding grade and the exterior walls shall maintain the following setbacks: 96 feet from the western property line and over 100 feet from the northern, southern and eastern property lines/access easement.

The authorized water storage tank shall reach a maximum height of five feet above grade and shall maintain the following setbacks 48 feet from the southern access easement, 95 feet from the western property line; and over 100 feet from the northern and eastern property lines.

1. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled "Megan and Scott Weiss, 75 Horseshoe Hill Road, Bolinas" consisting of 22 sheets prepared by Michael Heacock Architects, received in final form on July 14, 2023, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.

BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall conform to the following requirements:

- a. Provide evidence of an approved well permit from the County's EHS division.
2. The project shall conform to the Planning Division's "Uniformly Applied Conditions 2023" with respect to all of the standard conditions of approval.

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.

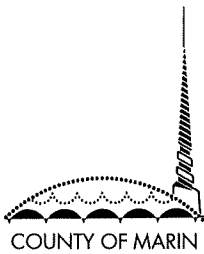
RIGHT TO APPEAL

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 10 business days from the date of this decision (October 31, 2023).

cc: *{Via email to County departments}*
CDA – Deputy Director of Planning
DPW – Land Development
CDA – Environmental Health Services

Attachment:

1. Marin County Uniformly Applied Conditions 2023



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

2023

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. 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.
3. 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.
4. 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.