

NICASIO VALLEY COMMUNITY PLAN

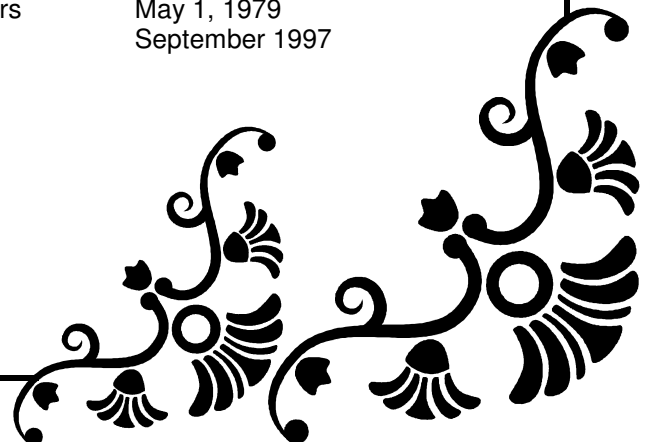
Approved by Marin County Planning Commission

April 2, 1979

Adopted by Marin County Board of Supervisors

May 1, 1979

Reservoir Basin Amendment	– Planning Commission	September 10, 1979
Reservoir Basin Amendment	– Board of Supervisors	September 25, 1979
TDR Amendment	– Planning Commission	June 15, 1981
TDR Amendment	– Board of Supervisors	July 28, 1981
MMWD Amendment	– Board of Supervisors	May 17, 1983
Resolution No. 88-33	– Board of Supervisors	February 2, 1988
Ordinance No. 2968	– Board of Supervisors	February 2, 1988
Resolution No. 79-131	– Board of Supervisors	May 1, 1979
Development and Design Guidelines		September 1997



NICASIO VALLEY COMMUNITY PLAN

Draft January 1979
Revision March 1979
Revision April 1979

Prepared by: Matthew C. Guthrie
Land Planning & Development

Economic Consultation: Lynn M. Sedway
Real Estate & Urban Land
Economist

Approved by Marin County Planning Commission April 2, 1979

Adopted by Marin County Board of Supervisors May 1, 1979

Reservoir Basin Amendment	– Planning Commission	September 10, 1979
Reservoir Basin Amendment	– Board of Supervisors	September 25, 1979
TDR Amendment	– Planning Commission	June 15, 1981
TDR Amendment	– Board of Supervisors	July 28, 1981
MMWD Amendment	– Board of Supervisors	May 17, 1983
Resolution No. 88-33	– Board of Supervisors	February 2, 1988
Ordinance No. 2968	– Board of Supervisors	February 2, 1988
Resolution No. 79-131	– Board of Supervisors	May 1, 1979
Development and Design Guidelines		September 1997

ACKNOWLEDGMENTS

The Nicasio Valley Community Plan was requested for five years and developed in ninety days. To those persons in the community and on staff who spent significant time helping to put this together - thank you! It's been fun, but you've only just begun.

TABLE OF CONTENTS

	Page
I. INTRODUCTION.....	1
II. GOALS	4
III. SUMMARY OF ISSUES AND RECOMMENDATIONS	5
A. Land Use.....	5
B. Environmental Resources.....	7
C. Zoning and Densities.....	7
D. Potential for Acquisition of Land	8
E. Development Review and Standards.....	9
F. Nicasio Reservoir Water Quality	9
IV. NICASIO VALLEY DESCRIPTION AND STUDY AREA ANALYSIS.....	12
A. Reservoir Basin	13
B. Town Square	18
C. Lucas Valley Road Corridor.....	24
D. Nicasio Valley Road Corridor.....	29
V. RECOMMENDATIONS	31
A. Agricultural	31
B. Land and Development Rights Acquisition.....	32
C. Development and Zoning.....	34
1. Transfer of Development Rights	34
2. Cluster Development	40
3. Study Area Recommendations	43
4. Development Standards	45
5. Development Review.....	49
D. Additional Studies.....	51
VI. ENVIRONMENTAL IMPACT REPORT	53
APPENDICES.....	55
A. Development Potential Statistics	57
B. Persons and Organizations Contacted	59
C. References.....	60
D. Maps	
1. Study Areas.....	61
2. Existing Zoning.....	62
3. Proposed Zoning	64
E. Resolution No. 88-33.....	66
F. Ordinance No. 2968	68
G. Resolution No. 79-131	70
H. Development and Design Guidelines, September 1997.....	73

I. INTRODUCTION

The small community of Nicasio and the surrounding valley is a jewel in California's distinct and beautiful rural landscape. As in all of West Marin's rural communities, the Nicasio Valley presets a beautiful pastoral setting which historically has provided an ideal location for agricultural pursuits. The Nicasio Valley has been, is now and in the future should be a community where this setting is preserved and natural resources are protected so that the rural atmosphere is maintained and agricultural activities may prosper.

The Nicasio Valley is now however on the threshold of a land use change from isolated ranching and dairy country to "rural residential" development. Characteristic of rural areas nationwide, the Valley is confronting the slow, but pressing expansion of urban land uses. The pleasant setting of the Valley and the proximity to urban centers combines for an attractive location for affluent persons to purchase property for single family use. With the increased demand for suitable residential parcels, a trend of subdivision of large land holdings into 30 to 60 acres residential parcels has been established in the Valley. The resulting subdivision pattern will in the long run significantly reduce the possibilities of continuing and establishing new agricultural activities in the Valley.

In addition to the concern over the decreasing amount of available agricultural land, the community is also concerned about the design and siting of new residential development in the Valley. This concern is also held by the Marin Municipal Water District which is seeking ways to preserve the water quality of Nicasio Reservoir. All of these issues have led the community and the Water District to request that the County of Marin prepare a community plan for the valley.

The Nicasio Valley Community Plan has therefore been prepared to emphasize the community's desire to preserve and encourage agriculture while providing guidelines to ensure that new residential development is designed to be in harmony with the Valley's natural resources and its agricultural heritage. Developed in a 90 day period in the winter of 1978, the Nicasio Valley Community Plan is based on information from previous studies and continuous discussions

with the Community, County of Marin staff, Marin Municipal Water District Board and staff, and the staffs of other governmental agencies. In general, the residents of the Nicasio Valley, in public meetings and in individual discussions provided a great amount of information and insight to establish the direction and recommendations of the Plan. This direction is indicated in the goals of the Plan; primarily, preservation of the spacious, rural setting of the Valley, encouragement of agricultural land uses and design control of residential development. However, these goals were tempered by the Community's concern for the rights of individual property owners. With this concern in mind, the application of these goals to specific properties would seem to pose an unsolvable dilemma. But, with timely, cooperative and effective efforts by the County, the Water District and the property owners, the goals of this Plan can be achieved and the natural beauty of West Marin, so appealing in the varied landscape, punctuated by pastoral farm and ranch settings, can be preserved.

Plan Background

In an attempt to forestall development pressures, the County of Marin took steps in 1973 to implement the Countywide Plan's emphasis on preserving and supporting agriculture in West Marin. Primarily, in the Nicasio Valley these steps consisted of rezoning properties to A-60, requiring land divisions to provide a minimum 60 acre parcel. The reason for this rezoning was to discourage non-agricultural development and to assure rural Marin ranchers that their operations would be protected from incompatible residential developments. As a result of this action, it was anticipated that ranchers would continue to invest in their agricultural operations, maintaining them for some time.

In the five years since these rezoning actions; however, the Nicasio valley retains the allure of an ideal location for low density rural residential development and a market has now developed for 60 acre parcels for residential use. The development of this market is evidenced by the recent subdivision of two large properties (Cooley and Johnson subdivisions) into 60 acre parcels. The review of both these subdivisions revealed that the Community's concerns with A-60 zoning were threefold.

First, the 60 acre parcel was not of a sufficient size to support agricultural activities. In fact, the subdivision and subsequent fencing on property lines eliminated large acreages of usable grazing lands so necessary for the existing ranches in the valley. Secondly, although 60 acre lots could not be considered intensive urban development, certainly the resultant rural residential development of individual large residential lots was definitively changing the traditional setting of the Valley. Thirdly, proper residential site design controls which could minimize the impacts of residential development could not be applied through the A-60 zoning district. (This last concern has been partially alleviated by the County's recent action to rezone several parcels to an agricultural-residential planned district, ARP, allowing the application of site design controls to subdivisions.)

In addition to the Community's concerns, the Marin Municipal Water District is vitally concerned with the protection of the Nicasio Valley because since 1970 it has provided the watershed for Nicasio Reservoir, storing 43% of the District's total impounded supply for domestic water service. Currently, water quality in the Reservoir is at a low level for a number of reasons; certainly additional urban development within the watershed could contribute to further water quality deterioration. All of these concerns have led to the requirement of a Community Plan to analyze problems and recommend policies to guide Marin County's decisions affecting the future of the Nicasio Valley.

II. GOALS

The goals of the Nicasio Valley Community Plan are an expression of the community's desire to preserve the Valley beauty by protecting its natural resources and minimizing man's impact upon them.

Nicasio Valley Community Plan Goals

1. To define and preserve those attributes of Nicasio Valley which provide the open spacious feeling of rural West Marin.
2. To encourage the preservation of agricultural land and activities; preserving the best agricultural land in the Valley in parcels large enough to permit the continuation of existing and the possibility of future agricultural activities.
3. To formulate and implement standards that will result in residential developments that are provided with adequate water, sewer and access and which are designed to be in harmony with the rural setting of Nicasio Valley.
4. To maintain and potentially improve Nicasio Reservoir water quality by minimizing land use impacts on the Reservoir.

III. SUMMARY OF ISSUES AND RECOMMENDATIONS

To achieve Plan goals, a discussion of and recommendations pertaining to agriculture, open space, land use and zoning are presented. Because this is a plan to be adopted and implemented by the County of Marin the recommendations are primarily those which the County can legally and effectively enforce. Since the traditional vehicle for County enforcement is the police power of zoning, the Plan emphasizes zoning and project review as the primary method to achieve plan goals. However, the success of any of the Plan recommendations will depend on the efforts of the community, the County and the Marin Municipal Water District to initiate, fund and pursue them. It is imperative, therefore that the Plan be reviewed as a beginning; a recommendation of several alternatives that must be implemented, individually or in combination, to preserve the Valley. Upon review and acceptance of the Plan, the County and community must then embark on an ambitious effort to allocate money, staff and time to ensure the successful implementation of the Plan.

Each of the major issues and potential recommendations discussed during the formulation of the Plan is summarized in the following section.

A. Land Use

Presently, land uses in the Valley are single family residential and agricultural. Agricultural activities are predominant in the Reservoir Basin and include dairies, horse breeding and boarding, cattle grazing and some raising of hogs, sheep and turkeys. In general, income received from existing well managed dairies supports the family operating the dairy. Escalating operation costs and pollution control requirements are apparently offset by the fact that land mortgage payments for existing ranchers are minimal. However, these same escalating costs coupled with rising land costs make it difficult for a rancher to establish a new dairy in the valley.

Several of the large parcels in the Valley are for sale and the asking price reflects the land's residential development potential rather than the agricultural value. Escalating costs and land sales prices reflect a market for residential

development and not for continued agriculture. If these trends continue, residential land uses could predominate throughout the Valley. The community, though, would like to maintain agricultural uses in the Valley. Ranchers in the Valley have expressed their will to continue their agricultural activities and their desire to explore alternative forms of agriculture. To aid in encouraging existing agricultural activities and exploring others, the Plan recommends the establishment of a Nicasio Cooperative as the primary means for the community to actively pursue agricultural development.

In addition, in the realization of the economic pressure to sell agricultural land for residential development, existing ranchers are also interested in ways in which they could realize the value of the land's residential potential while still maintaining their agricultural activities. To achieve this the Plan proposes the planning alternatives of transfer of development rights and cluster development. The purpose of both alternatives is to insure that the agricultural land in the Valley remains in the largest parcels possible for existing and potential agricultural uses. It should be noted that of the two, the transfer of development rights alternative would be the most successful means of preserving existing agriculture because it would transfer residential development to properties which are removed from agricultural activities. Clustering would group residential development on individual properties, allowing the bulk of the property to continue to be used for agriculture use. The community has indicated that there are conflicts between residential use and traditional agricultural and livestock use. However, cluster development may be compatible with horse breeding and boarding operations and other potential agricultural activities. In either case, the Plan attempts to preserve large agricultural parcels and does not attempt to dictate agricultural activities.

By adoption of this Plan the County of Marin encourages and will be receptive to innovative agricultural uses. The County recognizes that alternative agricultural activities are possible in this day of advancing technology and understanding, and that those uses which can preserve the goals of the Community Plan should be encouraged. In this manner, people who are interested in establishing economically feasible, environmentally sensitive agricultural activities in the Valley will be encouraged to do so.

B. Environmental Resources

A description of those environmental resources that should be preserved is included in the study area analysis. Most resources archeological sites, unique vegetation, wildlife habitat and watercourses would not appear to be endangered by the land uses and low densities proposed in the Plan. However, the Plan recommends that an inventory of all the valley's natural resources be developed. Specific site plan developments should then be reviewed in accordance with the provisions of the California Environmental Quality Act to ensure that these resources are identified and protected.

The views of the Valley could be affected by the placement of residential units on ridges or in scenic corridors. To control this, the Plan includes a description of a cluster development approach applied through the ARP zoning district. This approach would utilize existing densities, but would allow clustering of units on minimal size lots in site locations which would minimize the visual and environmental impacts of development. However, the transfer of development rights planning alternative also presented would result in the least effect on the environmental resources of the Valley by locating those areas where development can be sited and impacts minimized.

C. Zoning and Densities

Basically, the Plan attempts to minimize impacts of development by proposing design standards rather than "downzoning" properties. To this end the Plan places an emphasis on rezoning to an ARP (Agricultural Residential Planned) district to allow the site design flexibility that the district permits.

A major issue reviewed during the preparation of the Plan was how to preserve the large agricultural parcels in the Reservoir Basin. The Basin study area analysis includes a discussion of applying an exclusive large lot agricultural zoning to these properties, thereby substantially decreasing potential residential parcel subdivisions. However, discussions with the community and County Counsel indicate that this is neither a popular nor legally recommended solution without a substantial study and definition of the minimum parcel size necessary

to support a viable agricultural operation. Therefore, the Plan does not recommend "downzoning" of the parcels in the Reservoir Basin.

On marginal agricultural lands (parcels in the study area corridors which cannot economically support existing agricultural uses) the determination of appropriate densities for residential development can only be generalized. The actual determination of the number of residential units and parcel sizes to be developed must rely on specific site review. The study area analysis provides parcel specific recommendations to guide this determination. The "bottom line" however in any density determination is whether sufficient water can be supplied to the proposed residential units. The lack of groundwater within the Valley is the major constraint on the development of new residential units. Until on-site investigations are completed, the determination of the number of residential units that could be developed on a particular site as well as throughout the Valley is complete guesswork. In consideration of this, total development figures utilized in this Plan must be viewed as absolute maximums. A discussion of the policy determinations that the County must make to ensure water is provided to new development is in the section entitled "Development Standards".

D. Potential for Acquisition of Land and Development Rights

The community has expressed a goal of preserving the rural character and open vistas of the Nicasio Valley. The Plan recommends the two planning alternatives of transfer of development rights and cluster development to accomplish these goals. Although several methods to achieve public ownership of land or development rights are described, the Plan does not propose open space purchases because of the lack of funds available and the substantial purchase costs that would be required. However, if additional funds become available for open space acquisition, consideration should be given to purchase of land or development rights within the Nicasio Valley.

E. Development Review and Standards

The community has expressed the need to have design review of all new development, including single family residences on existing lots. Therefore, the Plan proposes rezoning both corridors leading into the Valley to ARP to allow for single family residential design review. In conjunction with this proposal, Section V-C.4. "Development Standards" recommends existing and proposed standards which should in general be applied to residential development throughout rural Marin. Section V-C.5. "Development Review" also includes a recommendation that the Nicasio Landowners Association be notified of proposed developments and that the Association provide an advisory review of the proposals for compliance with the Community Plan. In addition, the Water District has expressed the desire to be involved in development review, and section V-C.5. "Development Review" reiterates review procedure which are presently in effect but which are not always utilized.

F. Nicasio Reservoir Water Quality

The deterioration of water quality in the Reservoir can be attributed to several causes including questionable placement and design of the Reservoir and sedimentation resulting from erosion of soils due to new construction, agricultural activities and natural processes. Although it is questionable whether any control measures will completely stem the decrease in water quality, the Marin Municipal Water District staff believes that the control of surface water runoff from residential development and agricultural activities is essential to maintain existing water quality.

According to the District the "bottom line" necessary to maintain reservoir water quality has been determined by the Metcalf-Eddy study. This study recommends limiting development within the watershed to densities of 1 unit per 30 acres on slopes of 30% or less. The study also recommends that permitted development must be subject to erosion controls and steeper slopes must not be developed at all.

The issue discussed during the preparation of this plan, therefore, was what erosion controls can be enforced by the County to maintain and minimize water quality deterioration. County Counsel has recommended that land use decisions and controls to preserve water quality and conserve soil should be developed so that they may be applied in similar areas throughout rural Marin. Enforcement by the county of land use controls based solely on the need to preserve Nicasio Reservoir water quality is not, in Counsel's opinion, legally advisable. Therefore, Section V-C.4. "Development Standards" reiterates development criteria to prevent erosion which are already recommended by the County in the Zoning Ordinance as design standards for planned residential districts. In addition, to preserve water quality and to protect streamside environments, the Plan recommends a streamside conservation policy. This policy should be applied to the Nicasio watershed and throughout the County through application of the ARP zoning district. The Plan does not recommend development density reductions as a means to preserve water quality, but does recommend cluster development and transfer of development rights as planning alternatives which can help to preserve water quality.

In addition, the Water District staff is concerned with the impact of agricultural activities on water quality. Their primary concerns are:

- ◆ Trampling of lands by livestock to the extent protective soil covers are damaged (this commonly occurs in areas used as livestock feed lots, horse exercise fields and training areas, etc.);
- ◆ Runoff from livestock stalls, paved areas and around residential areas where chemicals are used;
- ◆ Commercial fertilizer and chemical use; and
- ◆ Heavy livestock over-grazing.

There is disagreement between the Water District, Soil Conservation Service, Farm Advisor and local ranchers as to whether grasslands are overgrazed, contributing to erosion in the Valley. The Plan does not recommend farm management standards for existing agriculture operations, because of the lack of community support for this concept and the County's lack of an adequate

mechanism to enforce the standards. However, the cluster development and transfer of development rights planning alternatives do consider the application of ranch management standards to residual agricultural parcels. Agricultural and residential activities along tributaries can also be controlled through application of a streamside conservation policy and the possible review of such activities by the proposed Nicasio Cooperative. The Cooperative could assist property owners by providing land management advice to help control activities adjacent to tributaries.

IV. NICASIO VALLEY DESCRIPTION AND STUDY AREA ANALYSIS

The Nicasio Valley is a compact oval-shaped watershed of approximately 36 square miles. The Valley is enclosed by ridges on all sides with peaks at Black Mountain to the northwest, Big Rock ridge and Loma Alta to the southeast. Within the watershed, Shroyer Mountain is the predominant land form, rising to 1458 feet. Similar to other portions of California's Coast Ridge, the ridges defining the watershed are steeply sloped. Flat and gently sloping land is located in the bowl-shaped Basin floor surrounding the Reservoir north of historic Nicasio Town Square. This expanse is broken only by low hills protruding 200 to 300 feet above the Valley floor. Steeply sloped narrow canyons dominate the eastern and southern entrances to the Valley and provide the watercourse for Halleck and Nicasio Creeks. The Valley's varied and striking plant cover of summer grasslands, redwood groves and streamside trees and vines combines with a number of mammals and birds to enrich several landscape environments in the Valley.

The history of man's use of the land includes extensive grazing under Spanish and Mexican rule, farming, ranching and lumbering in the early settlement period, and the dairying of today. Activities of the Miwok Indians and the introduction of cattle grazing established grasslands as the dominant element of the valley landscape. As cattle grazing was intensified, the distinct boundary between forest and grassland was firmly established. Such dairy uses and the pattern of large land holdings established in the 1850's are continued to this day.

Presently, Valley land uses include large acreage dairy, beef and hog ranches in the Reservoir Basin, 20 to 60 acre horse breeding and boarding activities along Nicasio Valley Road and 2 to 20 acre single family residential sites in the Lucas Valley and Nicasio Road corridors. To deal with this variety of landscapes, land uses and parcel sizes, the Plan delineates four study areas. The study area boundaries were defined by topography, view, vegetation and land use. The following sections describe each study area, identify issues to be resolved and recommend land use and zoning possibilities.

A. Reservoir Basin

1. Description

The Basin study area includes the land surrounding the Nicasio Reservoir north of the Town Square. The topography of the Basin floor is flat to gently rolling, punctuated by hills rising 100 to 300 feet. Annual grasses cover this area. The Basin walls are formed by steep rocky slopes, covered with a thin layer of soils subject to erosion and landslides. South facing slopes are covered with annual grasses while laurel and oak exist in the ravines and on north facing slopes. The eastern boundary of the Reservoir Basin study area is formed by a completely different landscape, the upper reaches of Halleck Creek and Redwood Canyon. The riparian setting of the permanently flowing Halleck Creek is landscaped with Coast Redwood and Douglas Fir. In some area of the Canyon pure stands of redwood exist. Where the canyon walls surrounding the creek are narrow and steep, bank cutting occurs and landslides are common.

Along the floor of the Reservoir Basin, Nicasio Valley Road runs east to west adjacent to the reservoir, terminating at the junction with Petaluma - Point Reyes Road which traverses the Basin north to south. The scene from these roads and throughout the Valley floor is one of openness. Immediately upon entering the Basin the entire expanse of the area becomes visible. The view is essentially one from the bottom of a flat bowl without vegetation to block the view; with exposure to the sun, wind, and sky. Hills and other elevated features in the middleground stand out especially when the road focuses on particular hillsides for more than a few seconds travel time. The Basin walls and ridges serve mainly as a backdrop for the foreground elements and the grasslands immediately adjoining the road. However, the walls and ridgetops are close enough to the main roads and principal use areas that detail is still apparent. Houses, roadcuts and fills, power poles and other features in these areas can still be viewed.

2. Land Use and Zoning

Presently, man's use of the Reservoir Basin consists of large acreage dairy, beef and hog ranching. Agricultural compounds of homes, barns and sheds are scattered throughout the basin. Most of the land is utilized for dry land grazing.

Seven owners of fifteen parcels of land have entered into land conservation contracts with the County so that agricultural operations can continue with a minimum tax burden. All contracts can continue with a minimum tax burden. All contracts have been renewed this year. With two exceptions, all of the area within the basin is subject to large lot agricultural zonings of ARP-40, 50 and A-60. A tract of land adjacent to and south of the reservoir is zoned ARP-20. Access to this area is by Laurel Canyon Road. Twenty acre parcels have been subdivided and single family homes are being built. In addition, A-20 zoning has been applied to the area at the end of Old Rancheria Road, where single family, horse breeding and boarding activities exist on a number of parcels.

3. Development Potential

Development Potential statistics for each study area are shown in Appendix A. Items 1, 2 and 3 in the table below are self-explanatory. Item 4 is the total of additional residential units that could be constructed on existing parcels which meet minimum zoning acreage requirements. These parcels cannot be further subdivided creating new building sites. Current County policy allows development of single family homes on these parcels if ministerial building requirements can be met. Item 5 is a compilation of the maximum number of additional residential units that could be developed in the study area if every existing parcel were to be subdivided into the maximum number of parcels permitted by existing zoning. In consideration of the lack of ground water in the Valley, it is highly unlikely that this amount of development could occur; however, the total serves to note the absolute maximum amount of development that could occur in the study area in accordance with existing zoning.

RESERVOIR BASIN STUDY AREA DEVELOPMENT POTENTIAL

1) Total Acres	14,444
2) Existing Parcels	85
3) Existing Units	35
4) Additional Units Possible on Legal Lots with no Subdivision Potential	28
5) Maximum Additional Units Possible Applying Existing Zoning Densities	210
Total Units	273

The total of Item 4 results from the possible addition of new units on existing minimum size parcels located at the end of Old Rancheria and Laurel Canyon Road.

4. Issues

The issues relating to new development in the Reservoir Basin are that:

- a. The open rural setting of the basin would be affected by the poor placement of residential units in visually significant locations;
- b. Large acreages would be divided into smaller parcels, permanently reducing the amount of grazing land necessary to maintain basin agricultural uses;
- c. Agricultural and residential land uses are not compatible and the conflicts would force ranchers to discontinue operations;
- d. Erosion from construction activities and impacts from scattered low density residential development would cause further water quality deterioration within Nicasio Reservoir.

The first attempt to resolve these issues was a review rezoning the entire basin to a large lot exclusive agriculture zoning district. In the Bay Area, Alameda County applies an A-100, district while Solano County's largest lot zoning district is A-160 allowing minimum parcel sizes of 100 and 160 acres respectively. Alameda is currently reviewing the application of an A-320 zoning;

however, the ordinance as written would allow agricultural subdivisions of 100 acres with attendant residential facilities. Therefore, the gross density permitted is the same as A-100 zoning. Other Bay Area counties do not exceed Marin County's A-60 zoning; applying zonings ranging from A-5 to A-40. It appears that the Alameda and Solano County large lot zonings are applied to dry land grazing areas similar to the Reservoir Basin; however, these areas are not subject to the same development pressures that the Nicasio Valley is due to lack of access and proximity to urban services.

In reviewing the planning alternative of large lot rezonings, two factors became evident. The first was that the determination of a minimum size agricultural parcel was based on several varied economic and physical factors. Solano County's 160 acre zoning density was based on the minimum acreage necessary so that a parcel would remain in the commercial agriculture real estate market as opposed to the "hobby" agriculture or rural residential real estate market. The determination of the 160 acre figure was made by local ranchers reflecting local economic and physical conditions of dry land grazing operations. Discussions with Nicasio valley ranchers indicate that selection of the minimum parcel size necessary to operate a cattle or dairy ranch would depend on availability of water, adequate soil for production of necessary grass, and sufficient level terrain. In addition, the economic viability of dairy ranching is dependent on land and operating costs, taxes, availability of adequate product distribution outlets. All fluctuating factors which lead local ranchers to the conclusion that it would be extremely difficult to determine a specific minimum size parcel necessary to operate an "economically viable" agricultural operation. Local ranchers did however indicate that in view of rising costs it would be equally difficult for a rancher to purchase land, facilities and equipment in the Valley and operate an "economically viable" dairy operation.

The question of economic viability is crucial in determining a necessary minimum parcel size for agricultural activities. County Counsel has recommended that any rezoning from A-60 to a lesser exclusive agricultural density must ensure that the remaining use of the property provides a reasonable economic return. Counsel indicated that previous studies establishing the A-60 zoning did indicate a reasonable use of the land and that

substantial additional evidence and study would be required to justify further reductions in density.

The second factor that became evident in the review of the possibility of reducing existing A-60 densities was that this planning alternative was not especially popular with basin property owners. Conversations with them indicated that they felt that a certain development potential had been applied to their properties and they would not favor further reductions to that potential.

In view of both the economic factors involved and the community's sentiments, the Plan does not recommend rezoning to a larger lot size. The Plan does recommend Reservoir Basin planning alternatives of transfer of development rights and cluster development. (Because of the potential application of these alternatives throughout the Valley, they are discussed in detail in Section V - A and B.) The transfer concept is recommended as the best planning alternative because all of the goals of the Plan can be achieved if it is successfully implemented. The cluster development alternative would preserve the visual and environmental goals of the Plan, but would not preserve traditional agricultural activities in the Valley because it would result in agricultural uses conflicting with adjacent residential developments.

B. Town Square

1. Description

The Town Square of Nicasio is the focal point of this study area. The "Square" consists of a vacant 1.9 acre parcel, which has traditionally been used as a ballpark. This parcel, which is the hub of the town of Nicasio, is surrounded by low intensity residential and commercial uses.

The approach to the Town Square is formed by the topography and vegetation that defines the views of and from the Town. Visual entry from the south is achieved at the vantage point of the junction of Lucas Valley and Nicasio Valley Roads. At that point the grassy hillsides on the east and the eucalyptus trees across the road on the west serve to direct the view toward the Town Square. Distant views of the wide expanse of the reservoir basin to the north are screened by the buildings and vegetation surrounding the Square. Entering or exiting the Town from the north provides the same definition of views by trees and buildings. Within the Square, the base of Shroyer Mountain, immediately behind St. Mary's Church, is of extreme importance as a scenic backdrop. Nicasio Creek runs along the entire westerly border of the Town, converging with Halleck Creek northwest of the study area.

2. Existing Land Use and Zoning

Two properties which are adjacent to the Town Square should be excluded from this study area because, due to their size and zoning, they relate more to the surrounding agricultural districts than to the Square and because they have already received approvals for their maximum development potential. One of these parcels is the 360 acre Wall holding east of the Square which is zoned ARP-60 and which has been divided into six single-family building sites with approximately 330 acres secured as an agricultural and scenic easement. The other parcel is the LaFranchi holding comprised of 120 acres zoned ARP-7 which has been approved for a planned unit development consisting of 17 single-family units with 36 acres to be secured as an agricultural and scenic easement. An additional 660 off-site acres will be preserved for agriculture

because potential development units for that site were transferred to the LaFranchi parcel.

This study area should then consist of the smaller parcels adjacent to the Square which include the following existing land uses: several single-family residences, St. Mary's Church, Druid Hall, a real estate office, the former commercial activities of Rancho Nicasio, an antique shop, a post office, and the Square itself which is used primarily for local baseball games. Several of these properties are zoned A-2 (Limited Agricultural District at a density of one dwelling per 2 acres), while the majority of the properties are zoned C-1-H (Retail Commercial District). The Town Square parcel (ballpark) is one of those presently zoned C-1-H.

3. Community Goals

a. The Square

Because the 1.9 acre Square is the focal point of the Valley and of the village area, the Community has indicated their desire to see that it remains as open and accesible area. To this end, in 1985 the parcel was acquired jointly by the Nicasio Homeowner's Association, Inc., and the County to be improved and/or maintained as a local community facility.

b. Design Review

To maintain the historical and rural character of the town core, residents have requested the application of design controls for all residential and commercial parcels surrounding the Square, controls which would apply to exterior remodeling of existing buildings as well as to new construction. Conservation of the visual character of the village and its significant components should be given high priority in any development policies for the community. Historic preservation guidelines could be developed by the Nicasio Design Review Board to protect existing buildings of architectural significance from destruction or aesthetically undesirable alterations. Design review procedures should encourage new buildings to be designed for compatibility with the existing character of the village without imposing a false, imitative "style" contrary to contemporary building technology or practices.

c. Residential Growth

Residential growth in the village core should be strictly limited to an overall density of one dwelling unit per acre. New residential development on those RMPC-1 parcels which are not currently developed as residential should be allowed only in conjunction with commercial development. Higher densities could destroy the rural character of the village as it has existed historically and as it exists at the present time. Further, difficulty in obtaining domestic water supply is a natural constraint to high density development on parcels adjacent to the Square. Because the soils in this area tend to be non water bearing, drilling to a considerable depth to reach ground water is necessary. The other alternative is to acquire easements for off-site water from parcels at higher elevations or from streams. The Rancho Nicasio parcels (old restaurant) for example, obtained water from the Rogers well approximately one-half mile to the north and from the Johnson well approximately one-half mile to the south.

A further constraint to development is the close proximity of many parcels to Nicasio creek, a blue line stream so designated by the U.S. Geologic Survey. Streamside Protection Policies of the Countywide Plan recommend 100 foot setbacks from the banks of such streams.

d. New Commercial Uses

The community has indicated a preference that new commercial uses be primarily limited to those which serve the community. These uses could include a grocery store, deli, post office, retail goods establishments, low intensity professional offices, and family type restaurant. Visitor serving uses may be considered when they are clearly accessory to proposed primary uses which are community serving. Opposition has specifically been expressed to the establishment of a night club within the Town Square area.

4. Issues Relating to Current Zoning Classifications

The existing A-2 and C-1-H zoning classifications which were applied in 1966 to Town Square parcels are currently inappropriate classifications to achieve the expressed goals of the community. Those classifications do not meet the community goals in the following ways:

A-2 Classification

- a. No requirement for design review for either new development or for exterior remodeling of existing development.
- b. Rigid setback requirements which do not allow flexibility in siting new development.
- c. Classification is inconsistent with all other agricultural parcels within the Nicasio planning area which have been rezoned from conventional zoning to planned district zoning, i.e., A-60 to ARP-60; A-40 to ARP-40; A-2 to ARP-2.

C-1-H Classification

Of great concern to the community are the conventional C-1-H zoning regulations which are applicable to the majority of the parcels in the Town Square area. Some of the ways in which this classification does not meet the needs of the community are:

- a. An array of principal permitted commercial uses which might be unsuitable for development within the town and which might not be limited to community service. While mandatory design review procedures would control the design of new development, many of the uses would be ministerial rather than discretionary.
- b. No minimum lot size or density requirements for divisions of land.
- c. Permitted building heights of up to 45 feet.
- d. No design review controls for additions to or exterior remodeling of existing dwellings around the square.
- e. No setback requirements or size limitations for additions to dwellings.
- f. Prohibition of new residential uses except at second story level over a ground floor commercial use. This regulation would prohibit the reconstruction of any existing dwelling which might be destroyed in some catastrophic way, i.e., fire, earthquake, flood.

Because of these inappropriate characteristics of the present zoning classifications within the study area, the community has expressed a desire for reclassification to zoning categories which contain regulations more appropriate for channeling development into consistency with community goals.

5. Alternative Zoning Classifications and Recommendations

Because of the varied parcel sizes, existing land uses, physical constraints and relative locations of the parcels within the study area, groups or categories of similar parcels should be established when considering the application of new zoning classifications. There are three distinct categories into which these parcels generally fall:

Category #1

Assessor's Parcel #121-080-08 The "Square" (ballpark parcel).

This parcel is in a category of its own because of its unique status. This parcel should be considered for O-A zoning (Open-Area) to reflect its public ownership and its use as a community facility.

Category #2

Assessor's Parcel: #121-090-01 Farley et al
#121-090-05 Dentoni
#121-090-06 Pacific T & T
#121-090-13 Kerch (residential parcel)
#121-090-04 Ferguson (portion only).

These are the parcels currently zoned A-2 which should be converted to planned district zoning, ARP-2. This classification would bring these parcels into consistency with other agriculturally zoned parcels which were converted to planned district classifications shortly after the adoption of the Nicasio Community Plan in 1979 and would maintain the same maximum density.

The Ferguson parcel presently has a split zoning, with a portion zoned A-2 and another portion zoned C-1-H. It is recommended that portion of the parcel which lies westerly of Nicasio creek be reclassified to ARP-2 because commercial zoning on that side of the creek would be inappropriate. The remainder should be reclassified to RMPC-1 which would permit commercial uses subject to master plan approval, and would permit residential uses at a density of one dwelling per acre. Design review would be mandatory with this classification. The community has expressed its approval for extending commercial zoning to the northerly property line of this parcel.

Category #3

Assessor's Parcel : #121-080-03 Dismore
#121-080-04 Wood
#121-080-05 McNeil et al
#121-080-06 Cotta et al (Druid Hall parcel)
#121-080-07 St. Mary's Church
#121-090-03 Dentoni
#121-090-04 Ferguson (portion only)
#121-090-07 Drady
#121-090-10 Kerch et al, Edelson et al
(Rancho Nicasio parcel)
#121-090-11 Kerch (Rancho Nicasio Parcel)

The RMPC-1, Residential/Commercial Multiple Planned District, would be the most desirable classification for this group of parcels because: 1) it would permit commercial uses subject to master plan approval; 2) would permit residential uses at the desired density of one dwelling per acre; 3) would impose design review on all new construction as well as on additions to existing development; and, 4) would limit height of structures to 30 feet with exceptions possible only if granted by Design Review.

The one acre minimum density would apply only to future master plans/subdivisions. Existing small lots of record would be exempt from this density requirement.

It should be noted that the Drady parcel presently has a C-1-H classification with two small corners zoned A-2. The community has agreed that agricultural zoning should be entirely eliminated and that the entire parcel should be reclassified from C-1-H and A-2 to RMPC-1.

C. Lucas Valley Road Corridor Study Area

1. Description

The eastern entrance to the valley provides a dramatic vista of this corridor from the crest of Lucas Valley Road at Big Rock. From this vantage point, the agricultural setting of the Big Rock Ranch is presented, back dropped by the Ridge. Automobiles then plunge along a tight, twisting, steep canyon road which follows the watercourse of Nicasio Creek. The beginning of this route is marked by a beautiful rock waterfall, while at the end of the route near the Lucas Valley and Nicasio Valley Roads a buckeye oak grove will attract the traveler. Views from this route are often limited to the immediate fore ground; the forest base, the creek bed, adjacent houses and roadside fences. An altogether different view is offered by the trails on the ridges defining the study area. Here the elevation provides an incomparable view of the entire Valley, contrasting the open rural setting of West Marin with the urban skyline of San Francisco in the distance.

As indicated by the views described, the topography of the study area is mainly steep with minor valley flats. Soils generally have a high erosion potential. Second growth redwood and Douglas fir occur on shady slopes as do laurel and live oak. Chamise is common on drier sites. There is some grassland on slopes, intermixed with forest vegetation. Land slippage on slopes and stream channel cutting occur throughout the corridor.

2. Land Uses and Zoning

Single family residential subdivisions of 2, 5, 10, and 20 acre parcels fronting Lucas Valley Road predominate. Most parcels are deep with minimal frontages on the road. This development pattern corresponds with the mixture of A-2, 5, 10, and 20 zoning applied to property adjacent to Lucas Valley Road. However, the pattern contrasts with the very large acreage parcels which are located between the ridges and the back lot line of the developed parcels. With the exception of the Gonzales subdivision, the parcels are undeveloped and subject to a variety of A-10, 20, and 60 zoning. The Gonzales development is a hillside subdivision of 10 acre lots served by an access road originating from Lucas Valley Road. Agricultural use in the corridor is limited to dry land grazing on the large undeveloped acreages. Some of the smaller residential parcels include horse corrals.

3. Development Potential

LUCAS VALLEY CORRIDOR DEVELOPMENT POTENTIAL

1) Total Acres	6,238
2) Existing Parcels	136
3) Existing Units	62
4) Additional Units Possible on Legal Lots with no Subdivision Potential	51
5) Maximum Additional Units Possible Applying Existing Zoning Densities	330
Total Units	443

As indicated in Item 4, a substantial number of existing parcels are vacant and could be developed with single family homes. However only 7 additional parcels with frontage on Lucas Valley Road could be created by subdivision. Item 5 indicates the maximum number of additional residential units that could be developed in the corridor. This number of units, 330, reflects the development that could occur on the larger undeveloped properties in the corridor in accordance with existing zoning, and the number is misleading.

Likely maximum estimates of residential development potential on the large land holdings in the corridor are listed.

(Note: Following are estimates only of the maximum number of units possible for each site and do not establish any Plan recommendations for development on specific sites, nor do the estimates take into account the availability of groundwater to serve residential development.)

Big Rock Ridge Ranch	30	
Loma Alta	9	
Foster Ranch	20	
Gonzales	25	
Soares Ranch	<u>28</u>	
Total	112	Residential Lots

Therefore, the total likely additional parcels that could be created in the corridor is approximately 119. This total could be decreased depending on County action on the proposed commercial development plan submitted for the Soares Ranch.

4. Issues

a. Development on Large Parcels

There are five areas where substantial development could occur. As with any land in the Valley the ultimate determinant of how much development may occur in each of these areas will depend on whether sufficient groundwater is available for domestic use. Opportunities and constraints for each area are identified in the following sections.

Big Rock Ridge Ranch

This area is composed of two parcels comprising 1,117 acres. The property is zoned A-10. In the past the property has been utilized for dairy activities, however the land offers minimum grass lands necessary for grazing and is subject to strict water pollution standards to ensure non-pollution of Nicasio Creek. It is questionable with these conditions, whether any dairy operation could function feasibly on the property.

A major portion of the property is steeply sloped and not suitable for development. The only developable portion of the property is the flat and gently sloping area adjacent to Lucas Valley Road. However, this is the same area that provides that foreground to the dramatic vista that is seen from the crest of the road adjacent to Big Rock. The determination of the number of units that can be developed on this property depends on how sensitively residential units can be located within this valley minimizing visual impacts. In recognition of the small amount of developable land on the entire 1,117 acres, the Plan recommends rezoning the property from A-10 to ARP-30 allowing a maximum of 35 units on the property. The actual number of units would be determined by specific site review. The cluster development concept should be applied to this property, locating units in the least visible area. Parcel sizes should be minimized, possibly as small as one acre. The existing barns could be owned by a homeowners' association and utilized as shelters and corrals for horses. If possible, remaining grasslands could be leased by the homeowners' association for cattle grazing. One vehicle driveway providing access from Lucas Valley Road to the entire development should be located so that sufficient sight distance is allowed and traffic conflicts are minimized. If necessary, a secondary access road for emergency vehicles should be provided. Roads, houses, agricultural compounds and septic tanks should be located so that water quality, land and habitat adjacent to the tributaries are not adversely affected.

Foster Ranch and Loma Alta

Both properties are steep and of questionable stability. Agricultural use is limited to grazing and the available grass is considered to be poor and scarce. Considering agricultural use is minimal, it is probable that residential development for both parcels will be proposed. To minimize development impacts the Plan recommends rezoning the Loma Alta property from A-60 to ARP-60 and rezoning the Foster Ranch from A-10 to ARP A-30. Cluster development on both parcels should be encouraged. One vehicle driveway from Lucas Valley Road serving both properties should be allowed. Building sites should be selected to provide geologically stable pads, minimize road grading, and the view of units from the road. Both driveways and roadways

should be restricted to a gradient of less than 18%. If possible grazing of open space on the property should be continued.

Gonzales Property

Six parcels totaling 905 acres comprise the undeveloped Gonzales property holdings. Two parcels (Marin County Assessor's Parcel Number 121-210-10 and 29) are zoned A-60, one parcel (121-210-28) is zoned A-15 and three parcels (121-210-17, 26, & 27) are zoned A-10. The properties are steep and in some areas heavily forested. Primary access to the property is from Lucas Valley Road. The property has been utilized for grazing in the past. The Plan recommends rezoning all of the parcels to ARP and rezoning parcel 121-210-17 from A-10 to ARP-60 because of the agricultural contract applied to it. In addition, the Plan recommends rezoning 121-210-28 from A-15 to ARP-20. The reasoning for this rezoning is to minimize road and building site grading and to minimize removal of vegetation. Cluster development requirements reviewed in Section V-C2 should be applied to all parcels.

Bulltail Ranch

Eight parcels comprising approximately 1,700 acres make up the Bulltail Ranch. Entry to the ranch is from Lucas Valley Road. Previously used for a dairy, the ranch is now utilized for dry land grazing. The main roadway from Lucas Valley Road wends past the old dairy buildings and leads into Bulltail Valley. A major portion of the property is steep and undevelopable and the Valley provides the only level area within the property boundaries. This level terrain in the Valley pours through a narrow opening between hills and leads into the reservoir basin. The floor of the Valley is marked by several tributaries to Nicasio Creek. A mixture of A-10, 20, and 60 zoning has been applied to the property. Because of the land's potential use for grazing and the limited amount of developable land within the Valley, the Plan recommends rezoning the property to ARP-60. Cluster development is to be encouraged within the Valley. That portion of the recently approved Bull Tail Ranch Subdivision #2 that is currently zoned A-10 is recommended to be rezoned to ARP-10.

b. Design Review on Existing Single Family Lots

A number of residential units can be developed on existing parcels within the corridor. Construction on these parcel should be controlled to minimize vegetation removal and grading. To achieve this, the Plan recommends rezoning these parcels to ARP and requiring that building permits be referred to the Nicasio Landowners Association.

D. Nicasio Valley Road Corridor

1. Description

Similar to the Lucas Valley Corridor, the crest of the southern entrance to the Valley provides a brief overview of the ridges defining this corridor and then the elevation of the road quickly drops to the Valley floor where the views are limited to the immediate foreground. Steep slopes and dense vegetation mark the western edge of the road. Views to the east are limited by roadside vegetation and fences but occasional glimpses of pastures and well maintained ranches are revealed.

2. Land Use and Zoning

Fewer small residential parcels have been subdivided in the Nicasio corridor as compared with the Lucas Valley corridor. This is a result of the application of A-20, 40, 60 and ARP-50 zoning to the area. The larger parcels extend from the road to the ridges and are utilized primarily for single family residential use, horse breeding and boarding activities.

3. Development Potential

NICASIO VALLEY ROAD CORRIDOR -DEVELOPMENT POTENTIAL

1) Total Acres	2,216
2) Existing Parcels	63
3) Existing Units	40
4) Additional Units Possible on Legal Lots with no Subdivision Potential	28
5) Maximum Additional Units Possible Applying Existing Zoning Densities	21
 Total Units	 89

The development potential in this corridor is limited to 21 additional parcels in accordance with existing zoning. Of this potential 15 parcels are located on land which may be acquired by the National Park Service as an expansion of Samuel P. Taylor Park. Congress has not yet appropriated funds for these purchases.

4. Issues

Design Review on Existing Single Family Lots.

A number of residential units can be developed on existing parcels within the corridor. Construction on these parcels should be controlled to minimize vegetation removal and grading. To achieve this, the Plan recommend rezoning these parcels to ARP and requiring that design review applications be referred to the Nicasio Landowners Association.

V. GENERAL RECOMMENDATIONS

A. Agricultural

In reflecting the community's confidence that agriculture is and will continue to prosper in the Valley, the Plan recommends the creation of the volunteer agricultural cooperative. The cooperative could function as an advisory body to the County on questions of agricultural policy. The existence of such a cooperative should have a stabilizing effect on the agricultural community by providing an organization where ranchers, residents and others can work together and become involved in activities which support agriculture in the Valley.

The tasks of the Nicasio Cooperative could be to:

1. Solicit local membership and volunteers;
2. Hire a reputable agricultural consultant to prepare a Nicasio Agricultural Plan as a companion to the Community Plan;
3. Arrange to buy feed at more favorable rates for local ranchers;
4. Attract capital to purchase the farm equipment needed to produce hay locally;
5. Become a marketing agent for a variety of products that could eventually be produced locally;
6. Arrange for the regular presentation and discussion of new technology;
7. Become a recognized authority of successful ranchers;
8. Seek out alternate uses of agricultural land not in production; and
9. Buy and lease ranches or key parcels when ranchers retire.

B. Land and Development Rights Acquisition

The community and County have a common goal of preserving the rural character and open vistas of the Nicasio Valley. Methods and recommendations for purchase of development rights or land insuring permanent protection of the Valley are reviewed in this section.

1. Purchase key parcels and dedicate these for open space.

This alternative is not feasible now without a vote of the public. However, it would be possible to put the proposal in front of the public whereby a fraction of open space funds could be set aside to purchase agricultural lands and development rights. This concept should be further developed.

2. Passage of a Bond Issue to acquire development rights and purchase of key parcels of land.

While this alternative should not be completely dismissed, the passage of any such bond issue would seem highly unlikely in the present political climate desiring frugal government operations and expenditures.

3. Government purchase and leases-back for agricultural purposes.

This alternative method would be to purchase land and then lease it back to ranchers for current prices. The method has the feature of achieving some return, in the form of lease income, from the land while maintaining the desired open vistas and rural character. However, it does not appear feasible from a fiscal standpoint in that the County would have to purchase the land at a fair market price which dramatically exceeds the price indicated by the economic potential of agriculture. This would create a financial burden for the County.

4. Marin Municipal Water District Purchase of Parcels and Subsequent Leasing for Agriculture.

This alternative has most of the same problems associated with the County purchase. However, the price of the parcels could be decreased somewhat by allowing property owners to impound water on site. MMWD would then

have the control it desires over the use of key parcels which most significantly affect the water quality of the reservoir.

5. Purchase of Development Rights, by the County or by the Marin Municipal Water District.

This alternative is based on the realization that property ownership consists of several rights, one of which is the right to develop the property within the limitations applied to it by the community. Purchase of the development rights would allow the original owner to remain in possession of other rights, such as the right to occupy and farm the parcel. Therefore, it is cheaper than outright purchase of the entire parcel. There is the added advantage that maintenance costs are kept to a minimum or eliminated entirely since the original owner remains in possession of the property. The disadvantage of this alternative is that the development right is very costly to purchase, in some instances almost as costly as outright acquisition. In addition, the public agency loses the ability to receive income from a potential agricultural activity.

6. Williamson Act

The Williamson Act in pre-Proposition 13 time created a great deal of incentive for property owners to keep their land in agricultural preserves, thereby reducing the level of their property taxes. At the present time, however, there is little advantage in the use of the Williamson Act over the recently reduced property taxes brought about by the passage of Proposition 13.

In addition, the use of the Williamson Act was limited in the Nicasio Valley even before the passage of Proposition 13. This is in part due to the number of owners on particular parcels. When there are several owners, some absentee, of a particular piece of land, there is frequently trouble reaching agreement to limit the use of the land to agriculture for another ten years. Thus, there are key pieces of agricultural land in the Nicasio Valley which are not under the Williamson Act.

7. Trust for Public Lands

The Trust for Public Lands may prove a useful vehicle to preserve the agricultural use of some lands in the Nicasio Valley. If property owners are assured of the continuation of agriculture as a policy of the Board of Supervisors, the TPL offers very enticing tax benefits, along with the continuation of income from agriculture. By donating development rights to the trust for Public Lands, the property owner achieves an immediate and substantial tax write-off. Depending on the arrangements with the TPL, the owner may continue to reside and farm the land. The terms may involve a life estate or enable the property owner to pass the land on to children for continued agricultural uses.

However, it is anticipated that the number of property owners who will donate land to the TPL will be extremely limited.

In conclusion, none of the alternatives offers a unique and pragmatic vehicle for substantial land and development rights acquisition. However, a combination of methods could prove effective in the future. The Trust for Public Lands is planning to establish a program for the area in the near future which may be utilized by some property owners.

C. Development and Zoning

1. Transfer of Development Rights (TDR)

a. Background

The Nicasio Valley Community Plan, adopted by the Board of Supervisors on May 1, 1979, recommended that the feasibility of TDR be studied for potential application in Nicasio Valley to help preserve agricultural use and protect water quality. The feasibility of TDR was studied and a report, Nicasio Valley Watershed Protection Plan, was reviewed by the Planning Commission and the Board of Supervisors. On September 16, 1981, the Board of Supervisors endorsed the concept of TDR, and directed staff to amend the Marin Countywide Plan, the

Nicasio Valley Community Plan, and the Agriculture-Residential Planned District of Marin County Zoning Ordinance to implement TDR.

The rest of this section contains the following: first, the discussion of the application of TDR in Nicasio Valley that was contained in the Community Plan when it was approved in 1979; second, the procedures for implementing TDR, and finally the criteria for evaluating a proposal for TDR in Nicasio Valley.

b. TDR In Nicasio Valley

This planning alternative (referred to by the initials TDR) can be utilized to transfer the development rights of one property to another property. The concept is based on the recognition that ownership of land consists of several rights, one of which is the right to develop the land within the limitations applied to it by the community. Development rights can therefore be considered a separate right which can be deleted from the fee and transferred to other properties leaving the owner the right to use the property for other purposes such as exclusive agriculture. The reason for the transfer is to locate development in other areas where detrimental impacts can be minimized. TDRs catch, however, is the availability of properties that are capable of accommodating increased development within the zoning and land use limitations that are applied to the land. Experience with TDR has shown that there are few properties that can accept or communities which will allow development on individual properties that exceeds what the applied zoning allows. Transferring of residential development rights from one city to another, or from neighborhood to neighborhood has not proved to be a very workable or popular concept.

However, the concept should work if it is applied to a homogenous area allowing for the transfer of development rights to locations where developmental impacts within that area are minimized. If sensitively and realistically done, TDR can be successfully applied to the Nicasio Valley, particularly in the Reservoir basin. The Plan recommends that this

approach be adopted as one alternative and applied where the County and property owners agree it is mutually beneficial.

The Plan proposes TDR as a better planning alternative than the cluster development alternative explained in the next section. Clustered development on individual properties may have a visual impact, would present conflicts between agricultural and residential land uses and would result in several "point" sources of urban pollutants. Although design controls can be placed on individual properties to minimize these impacts, the cumulative impacts of development on all properties in the reservoir basin could be significant. By dealing with development within arbitrarily defined property boundaries, the preservation and development of the basin as a whole is not being dealt with. The ideal approach would be to deal with the basin area as one complete land form; one large property to be sensitively planned. If the basin were in fact under one ownership and a development proposal were to be presented, the County would certainly require the master planning of the entire property, insuring the placement of development in those areas where impacts can be minimized. The TDR approach can provide this flexibility; its application to the Nicasio Valley could work in this manner. (This analysis has been applied to the reservoir basin because it is a homogenous area and the location of the most significant development potential in the Valley. The TDR approach does have limited application to the other study areas.)

TDR gives a property owner the ability to receive a return on the development rights of the property while still maintaining the existing agricultural use of the property. A rancher would not be required, for example, to subdivide and sell individual parcels of land to pay for needed business improvements or property taxes. In this way, the property would still remain in large acreages usable for grazing. The return from the sale of the development rights could then be invested into the property improving both the business and the land. In addition, assuming the County and the Water District take the initiative and provide sufficient direction and planning efforts to apply TDR, the

owner's involvement in selling the development rights of property would be far less expensive and time consuming than the involvement in the process of subdividing the individual parcels. The application of this approach is particularly timely because current property owners express a desire to continue their agricultural activities if it would be economically feasible. Once a property ownership changes hands, new owners may not be amenable to this approach.

In reviewing the TDR planning alternative, the community must also be advised that an adverse impact of the approach could be the development of more residential units in a shorter period of time than would occur if TDR were not utilized. This could occur if development potential on individual parcels is not realistically determined or, if the TDR approach appears workable, property owners may make a decision to sell their development rights at an earlier time than if they were to be involved in the more expensive and risky subdivision process. For instance, property owners currently under land conservation contracts may issue a notice of non-renewal so that they may sell their development rights at an earlier date. To offset this impact the TDR alternative could include a procedure which may control premature development on those properties. In any case, the application of TDR would significantly reduce all impacts of development in the Valley.

Marin Municipal Water District staff has indicated that water quality of Nicasio Reservoir can be further improved if the remaining agricultural use of the property is conducted in accordance with "good range management practices" so that overgrazing and resultant soil erosion can be minimized. Such practices could be stipulated as part of deed restrictions applied to the property as part of transferring development rights. This approach has considerable appeal to the District, because the Water District would be able to control development, insuring a negligible impact on Nicasio Reservoir while not being required to come up with large sums of money to pay for development rights.

c. Implementation Procedures

Participation in TDR is to be voluntary. The owners of property which should be conserved (donor property) together with the owner of property proposed to be developed (receiver property) with the transferred units will enter into a joint agreement describing the financial arrangements regarding the payment for the development rights and agreeing to jointly file for a Master Plan under the A-RP zoning.

The Master Plan process for a development proposal involving TDR is substantially the same as any other Master Plan, except that additional information relating to TDR must be submitted and the Master Plan process must also evaluate the desirability of the proposed TDR. The evaluation criteria to be applied to TDR proposals in Nicasio Valley are set out in the next section.

Should a Master Plan involving TDR be approved, a conservation easement or other appropriate restriction which reflects the conditions of approval of the Master Plan is to be submitted as part of the development plan application. Such restrictions and/or easements must be executed and recorded before a final map or parcel map is recorded.

Non-profit organizations, such as the Marin Agriculture Land Trust (MALT) are also interested in participating in TDR. They can act as intermediaries between property owners to put owners of potential donor properties in touch with owners of potential receiver properties, and assist in negotiating the financial arrangements for the transferred development rights.

d. Evaluation Criteria

The application of TDR in Nicasio is intended to conserve land which is valuable for agricultural use and which, if developed, could adversely affect water quality in the watershed surrounding the Nicasio Reservoir. Land which should be conserved by TDR has one or more of the following characteristics:

EVALUATION CRITERIA FOR AREAS TO BE CONSERVED

- 1) Property which has a slope of 26% or greater
- 2) Property within 100 ft. of a perennial stream
- 3) Property within 300 ft. of the Nicasio Reservoir
- 4) Property which is substantially vegetated with redwood, douglas fir, live oak, laurel or baccharis (development usually requires removal of the forested areas), and preservation of major vegetation is necessary to further slope stability and to control runoff.
- 5) The property contains Class I or II soils (Prime Agricultural)
- 6) Preservation of the property is necessary for the continuation of existing agricultural operations and protection of potential future operations and as a buffer between agricultural activities and residential development.
- 7) Development of the property would be highly visible from the Town Square and the major roads through the Valley.

¹ *These criteria were developed and discussed in the Nicasio Valley Watershed Protection Plan, Marin Planning Department, June, 1980.*

The development rights from a property to be conserved (donor property) must be transferred to a property which can accommodate the additional units with minimal adverse environmental impacts. A property to be developed with TDR should have the following characteristics:

EVALUATION CRITERIA FOR AREAS TO BE DEVELOPED

- 1) The property should have available the support services and infrastructure necessary for development. One of the most important factors in the Nicasio Valley is the availability of adequate water.

- 2) The property should have adequate site area to accommodate the units from the conserved property as well as the units allowed under the zoning.
- 3) The property should not have landslides near proposed access routes or areas to be developed.
- 4) There should be no unique environmental resources affected by the proposed development.
- 5) The proposed access routes and resulting traffic should not seriously interfere with agricultural activities.

These evaluation criteria shall be taken into consideration in evaluating any Master Plan proposal involving TDR.

e. For Future Study

The proposed method of implementing TDR requires that a site be found to which the density can be transferred. It may be desirable in the future to create the means to bank the development rights. This would allow development rights to be removed from a parcel that should be conserved independent of development occurring on another parcel and allow the banked development rights to be exercised at some time in the future when circumstances were more favorable for development. Once Marin County has had some experience with the application of TDR as outlined elsewhere in this section, the banking of development rights should be reviewed for its feasibility and desirability.

2. Cluster Development

This planning alternative would encourage development plans to "cluster" residential units in areas on individual properties where the least detrimental impacts would occur. The mechanism to achieve cluster development is the ARP zoning district. The Plan recommends that this zoning be applied to all agriculturally zoned properties with the Valley. In this manner, the County can, if site conditions warrant, require a master plan which utilizes cluster development concepts. The intent of these recommendations is to apply

existing zoning densities to each property, but group the allowable number of units in the smallest possible area. This contrasts with the current requirement to subdivide properties into large 40 and 60 acre parcels. The community's concerns with this present subdivision pattern are expressed in the introduction of the Plan.

The ARP cluster development alternative would alleviate most of these concerns by siting development to minimize visual and environmental impact and maximize the amount of available undivided grazing land. However, the community has indicated that this alternative would not preserve the existing traditional agricultural grazing and dairy activities in the Valley because residential development in close proximity presents too many nuisance and liability problems. However, the alternative does ensure that large acreages can be preserved for other compatible agricultural uses which may develop in the Valley.

The cluster development alternative would be applied to individual properties in the following manner. First, an assessment of the property should be completed indicating agricultural and environmental resources existing on site. In consideration of the location of these resources and the need to protect them, a site plan would be prepared locating areas where residential units could be developed. In locating the area for the residential units, the following criteria shall be considered:

- a. Usable agricultural land should be identified and the development plan designed so that this land can be continued to be utilized for agricultural activities.
- b. Residential development should be located where separation between it and agricultural activities can be maintained.
- c. Sites should be as far removed as possible from all identified environmental resources including streams, unique habitats and wildlife areas.
- d. Where feasible, development should be located behind land forms so that units cannot be seen from roads or surrounding development.

Sites should not be located on ridges or hilltops unless effectively screened from surrounding corridors and access can be provided with minimal road cuts.

- e. Site locations should be chosen to minimize road construction, utility extensions, building pad excavating and removal of vegetation.
- f. Site locations should provide geologically stable building sites.
- g. When other criteria can be met sites should be chosen where existing roads can be utilized. Only one entrance to the development from the main access road should be permitted. Where the number of units warrant it, a secondary access point of emergency vehicles should be provided.

If appropriate sites for cluster development can be located, then a determination of the number of parcels to be permitted on the site must be made. The maximum number of parcels is determined by the density applied to the property. The actual number of parcels would be determined by compliance with the development standards indicated in Section V.C. The primary determinant would be whether sufficient groundwater is available to meet adopted water supply standards for residential development.

Parcel sizes would depend on the proposed use of the property. If a dairy exists on the property and the use is to be continued, then the parcels could be 10-15 acres in size, allowing for residential use and sufficient area for a few horses. The remaining acreage would consist of one parcel to be utilized by the dairy. Subdivision conditions should prohibit commercial agriculture on the smaller parcels and deed restrictions or contracts should require that the larger residential parcel be utilized for exclusive agricultural use and that no further residential subdivision be permitted. Alternatively, if the use of the property were to be for 40 to 60 acre horse breeding and boarding activities, then a site plan should be developed so that all residential structures are located in the smallest area possible with lot lines emanating out from the cluster

development. In this cluster alternative care should be taken to ensure that lot lines are determined in consideration of natural topography, treelines, ridges or valleys. The boundaries should maintain the integrity of natural elements such as meadows, stands of trees, creeks and rock outcroppings. If the property is to be utilized for residential use only, then the cluster development should be designed utilizing the smallest parcels possible. The parcel need only be as large as required to accommodate an approved septic system. The remainder of the property could be owned in common by a homeowner association with subdivision conditions requiring deed restrictions that prohibit further subdivision for residential development. In all cases where deed restrictions are suggested, it is recommended that the County or some public trust be a party to those restrictions. In addition, all cluster development should be subject to the standards recommended in Section V-C.4.

In summary, the cluster development alternative should be utilized to preserve the open expanse of the Valley and limit adverse impacts on the natural resources in the Valley.

3. Study Area Recommendations

Reservoir Basin

- a. Rezone the entire reservoir basin to ARP maintaining existing densities; referring Design Review applications to the Nicasio Landowners Association for review.
- b. Develop and apply a transfer of development rights mechanism based on the concepts summarized in Section V-C.1.
- c. In the absence of implementation of the transfer of development rights mechanism, require cluster development on individual properties as recommended in Section V-C.2.
- d. Minimize development impacts in the basin and reservoir by applying the development criteria recommended in Section V-C.4.

- e. Ensure Water District and community participation in the development review process by initiating the development review procedures recommended in Section V-C.5.

Town Square

- a. Rezone the McNeil property to ARP-60. If the transfer of development rights mechanisms is in effect then transfer of development potential to a more suitable parcel. If the mechanism is not in effect, cluster development at the extreme southern and northern ends of the property in accordance with recommendations in Section V.B.
- b. Fully investigate the possibility of securing grants to purchase all or part of the Town Square.
- c. Require all design review applications and building permits for single family construction to be reviewed by the Nicasio Landowners Association.

Lucas Valley Road Corridor

- a. Rezone the Big Rock Ridge Ranch and Foster Ranch to ARP-30.
- b. Rezone the Alta Loma property to ARP-60.
- c. Rezone the Gonzales property Assessor's Parcel 121-210-17 from A-10 to ARP-60, Assessor's Parcel 121-210-28 from A-15 to ARP-20, and Assessor's Parcel 121-210-10 and 20 from A-60 to ARP-60.
- d. Rezone the Bulltail Ranch to ARP-60. Rezone those lots in the Bulltail Ranch Subdivision #2 currently zoned A-10 to ARP-10.
- e. Rezone all other properties within the corridor to ARP, referring design review applications to the Nicasio Landowners Association.
- f. Minimize development impacts in the corridor by applying the development standards recommended in Section V-C.4.

Nicasio Valley Road Corridor

- a. Rezone all properties within the corridor to ARP, referring design review applications to the Nicasio Valley Community Advisory Board.

4. Development Standards

The following standards are recommended to be applied to all new development within the Valley. The Commission recognizes that these standards are not now part of the ARP standards and as such the interim guidelines which may be adjusted when hearings are held on the ARP district zoning. In implementing these standards it should be noted that master plan compliance with the standards is important; however, proper inspection during the construction process is imperative. If the County intends to implement the standards, then sufficient staff must be provided to ensure compliance with those same standards. Currently sufficient staff is not available.

(NOTE: Each development standard is noted with an asterisk is already adopted as part of Marin County Design Standards and Procedures for Planned Residential Districts.)

a. Water Supply

The availability of groundwater in Nicasio Valley is primarily dependent on the amount of rainfall occurring within a season. Groundwater is found mainly in deposits of alluvium over the Franciscan bedrock. There is no main aquifer as such, but water is available in varying small quantities. Recently, it appears that new developments are lacking adequate reliable water sources. Discussions with the community indicate that several of the newer single family residential units in the Valley have in fact been without water during the dry seasons.

County policy should be established to ensure that adequate groundwater is available for new development and that no new building permits are issued or final maps recorded until sufficient proof is provided that adequate groundwater for domestic use is available. To implement this policy the following revisions to Marin County Code

Section 7.28 "Domestic Water Supply" should be initiated and applied to all new development under Marin County jurisdiction.

- 1) The groundwater supply ordinance should be revised to require a minimum amount of water to be supplied daily from a source on the property to a single family residence.
- 2) The minimum amount of water to be supplied should be established in accordance with the average amount of water utilized for domestic use by existing single family residences. The average "dry" month daily consumption in a single family residence within the Marin Municipal Water District is recommended as a minimum amount. A graduated scale based on the number of bedrooms a residence could be used to determine minimum required water supply.
- 3) Testing procedures should be standardized to ensure that the daily minimum water supply can be provided by a source in the dry season. This may require 24 hour pump tests conducted at sufficient intervals to indicate the source's production and ability to replenish itself during the dry season.
- 4) Complete results from testing should be required prior to recordation of final subdivision maps. These results should indicate water availability for each lot proposed.

b. Fire Protection

- 1) A 10,000 gallon storage tank should be provided for each new single family residence. County will seek to work with the Fire Chief to investigate the alternatives to the 10,000 gallon tank requirement, such as automatic sprinkler systems.
- 2) Fire hydrants should be located within 600 feet of the proposed residence.
- 3) Water systems utilizing common storage tanks as a distribution system should be encouraged for clustered development.

- 4) Swimming pools may be utilized as water storage for fire protection.
- 5) Where feasible, residential development should not be permitted on ridges.

c. Septic Systems

Septic systems should not be located within 100 feet of any established water course in accordance with existing County requirements.

d*. Grading

All grading shall be reviewed by the Environmental Protection Committee (consisting of the Directors of the Planning, Public Works, and Parks and Recreation Departments) or by staff members designated by the Committee. Grading shall be held to a minimum. Every reasonable effort shall be made to retain the natural features of the land: skylines and ridgetops, rolling land forms, knolls, native vegetation, trees, rock outcroppings, water courses. Where grading is required, it shall be done in such a manner as to eliminate flat planes and sharp angles of intersection with natural terrain. Slopes shall be rounded and contoured to blend with existing topography. Building pads on down slopes shall be selected to minimize underpinning.

e*. Geological Hazards

Construction shall not be permitted on identified seismic or geologic hazard areas such as on slides, on natural springs, or on identified fault zones, without approval from the Department of Public Works, based on acceptable soils and geologic reports.

f*. Roads

No new roads shall be developed where the required grade is more than 18% unless convincing evidence is presented that such roads can be built without environmental damage and used without public inconvenience.

g*. Erosion Control

Grading plans shall include erosion control and revegetation programs. Where erosion potential exists, silt traps or other engineering solutions may be required. The timing of grading and construction shall be controlled by the Department of Public Works to avoid failure during construction. No initial grading shall be done during the rainy season, from November through March. All cut slopes should be hydromulched or restored by any other methods acceptable to the County.

h. Streams

The Countywide Plan has recommended the establishment of a streamside conservation zone consisting of a buffer area extending 300 ft. from either side of all streams. The zone would allow only limited development under strict controls. The Countywide Plan designates several specific conservation zones where special controls are to be exerted, because of the particularly strong dangers of environmental deterioration or hazards.

The Nicasio Valley Community Plan recommends that this policy be the subject to further review. It is important that streams and the area adjacent to them be the subject of close environmental scrutiny, but this same concern should be and is applied to other areas of environmental significance without the use of a special zone. Certainly, the establishment of a specific buffer zone does not take into account the variety of special circumstances that do occur alongside the many streams in Marin County. In some cases, the proposed 300 foot buffer zone could be inadequate in protecting streamside habitat. In other cases, requiring a 300 foot buffer zone may impose environmental constraints which are unnecessary. Therefore, the Community Plan recommends that further study of the major streams in the Valley be initiated. The purpose of this study is to inventory the major streams, define boundaries of the watercourse and the streamside habitat which should be protected and formulate design standards for residential

construction and agricultural activities so that the introduction of these activities can be controlled in their impacts on watercourses limited.

In preparing the design standards, special consideration should be given to the placement of residential septic tank systems, use of garden chemicals, cutting and grading for roads, grazing where protective soil covers may be damaged and runoff from livestock feed lots, stalls, horse exercise fields, training areas and all paved areas.

i. Trees and Vegetation

In all instances every effort shall be made to avoid removal, changes or construction which would cause the death of the trees or rare plant communities and wildlife habitats within the Valley.

j. Utilities

All utilities serving privately developed property should be underground. Where environmental damage may occur from undergrounding, other alternatives of screening or locating utilities should be presented.

k. Fences

Solid view obscuring fences should not be permitted. Traditional rural design of "stock" fences should be encouraged.

5. Development Review

The following development review procedures should be initiated.

a. Nicasio Landowners Association review

The Nicasio Landowners Association should be notified of all planning permit applications including master plan development applications and design review for new single family residences. ARP design review shall be waived for remodeling or alterations to existing structures or rebuilding destroyed structures if it is proposed to rebuild the structure on the original site. The Association should two review functions.

- 1) The Association should review new development master plans. Prior to County action, plans should be submitted to the Association. Action of the Association will be to review plans for conformance with the standards recommended in the Nicasio Valley Community Plan and advise the County and developer of their review.

- 2) In accordance with ARP zoning review requirements, the Association should review design review applications for new single family construction. Prior to County action, plans should be submitted to the Association. The Board's review shall be advisory to the County and developer. Specific objectives of the Association's review shall be to minimize grading for driveways and building pads, to minimize removal of vegetation, to locate driveway entrances where the maximum vehicle visibility can be achieved to locate structures where they can blend in the surrounding landscape, screening certain structures (wellheads, pump houses, utility structures and accentuating others - barns and other agricultural buildings), and to locate lot lines in consideration of natural topography, treelines, ridges, or valleys. The Association can encourage the use of traditional building colors, materials and designs found throughout the Valley, however the Association shall not dictate them. The specific design style of the proposed structure shall be the prerogative of the developer.

b. Marin Municipal Water District Development Review

The Water District should be notified of all development within the watershed. Normal distribution of development notices required by the California Environmental Quality Act should be ensured. In addition, the Environmental Protection Committee should notify the Water District and the Nicasio Landowners Association of their review of any grading proposed in the Valley.

D. Implementation and Additional Studies

1. Rezoning

The County should hold public hearings to rezone properties as recommended in Section V.C.3. of the Community Plan. Once rezoned, the County should review development applications in accordance with the recommendations of this Plan.

2. Transfer of Development Rights (TDR)

This planning alternative should be the subject of further studies to realistically determine if TDR can be applied to the Nicasio Valley. The study should emphasize a physical review of the Valley to determine where development potential can be transferred to, a description of the zoning and legal tools necessary to implement TDR and restrict the possibility of future development on properties which have "sold" their potential, and a market assessment to determine what inducements are necessary to participate in the TDR process.

Potential funding sources of such a study, which could have application to the entire County, would be the County general fund, ABAG administered Federal 208 program (since the TDR alternative would have substantial beneficial affects on the watersheds water quality) and the Marin Municipal Water District.

3. Establishment of a design review process by the Nicasio Landowners Association

The County should distribute notice of all planning permits applied for in the Nicasio Valley to the Landowners Association. In addition to the functions described on Page 54, the Association should also:

- a. Adopt by-laws establishing standard procedures for meeting, project review and record keeping.
- b. Adopt design standards for residential structures on existing legal lots.

4. Establishment of the Nicasio Cooperative

The Cooperative should be established to perform the functions outlined in V-A.

5. Environmental Resource Inventory

A complete site specific inventory of environmental resources within the Valley should be prepared. The inventory could be prepared by the Nicasio Landowners Association.

6. Streamside Conservation Study

The Environmental Resource Inventory should include a description of the watercourses in the Valley, the habitat and adjacent lands that should be protected. The streamside conservation study should then detail specific standards that would apply to new development and agricultural activities to ensure the protection of watercourses, habitat and adjacent land.

7. Groundwater Resources Study

Since the primary constraint to development in the Valley is the lack of groundwater, it would be beneficial to have a reliable study completed which would indicate the availability of groundwater to supply domestic water needs of new development.

VI. ENVIRONMENTAL IMPACT REPORT

A. Impacts and Mitigation

Essentially the proposed Plan is a series of measures to mitigate potential impacts of residential development in the Valley. The Plan does not propose to increase development potential in the Valley, but rather describes planning alternatives to decrease impacts of development which would be permitted in accordance with existing zoning. Therefore, the Plan's impacts on the Valley's environmental resources should be beneficial in comparison with the impacts of existing zoning.

B. Any Significant Environmental Effects which Cannot be Avoided if the Proposal is Implemented

The recommendation of the Nicasio Valley Community Plan are proposed to minimize potential impacts of residential and agricultural development. Impacts associated with development permitted in accordance with this Plan will be less significant than the potential impacts if no Plan were adopted. Although there are no recommendations in the Plan which demonstrate the potential of major adverse environmental impact, site specific environmental analysis is recommended for each land development project.

C. Alternatives to the Proposed Action

The Nicasio Valley Community Plan is the product of community evaluation of alternative means of achieving local goals. Because the Plan is essentially a series of policy recommendations, it is impossible to dissect the policies as though they were discrete projects unrelated to one another. The alternative of "No Project", i.e., no Community Plan, would result in the maintenance of current policies, programs and regulations which presently govern the community, contrary to the stated goals of the residents and property owners within the community. A "no project" alternative would serve as a catalyst for environmental degradation.

D. The Relationship Between Local Short Term Uses of Man's Environment and the Maintenance and Enhancement of Long Term Productivity

The recommendations of the Community Plan are designed to benefit the local community and its physical environment. Community goals expressed in the Plan will improve conditions and the physical environment so that their value is enhanced for both wildlife and people.

E. Any Irreversible Environmental Changes Which Would be Involved in the Action Should it be Implemented

The implementation of Plan policies would irreversibly commit minor resources such as construction materials for residential projects.

F. The Growth Inducing Impact of the Proposed Action

The Community Plan is a series of policy recommendations directing and guiding community growth. Numerous externalities (including public agencies and economic factors) will directly influence the actual implementation of the Plan and determine the rate at which the community grows and changes.

G. Energy Conservation Measures

Only a few of the policies and programs advanced in this Community Plan relate to the utilization of energy. Implementation of the Plan will result in no significant utilization or conservation of energy.

APPENDICES

APPENDIX A: Development Potential Statistics/Comparison with Metcalf/
Eddy Density Recommendations

The Nicasio Valley Development Potential Statistics Chart indicates that the total maximum number of residential units that could be developed in the Valley is 838. The Metcalf/Eddy recommendations to allow development at 1 unit per 30 acres on slopes of 30% or less would result in 339 units. If the Nicasio Valley Community Plan is implemented, the maximum probable number of units developed would be 539.

N I C A S I O V A L L E Y D E V E L O P M E N T P O T E N T I A L S T A T I S T I C S

Study Area	Reservoir Basin	Town Square	Lucas Valley Corridor	Nicasio Valley Road Corridor	TOTAL
Existing Parcels ¹	85	33	136	63	317
Existing Units ¹	35	19	62	40	156
Additional units ² possible on legal lots with no sub- division potential	28	7	51	28	114
Maximum additional ² units possible applying existing zoning densities	210	7	330	21	568
TOTAL UNITS	273	33	443	89	838
Area (acres) ²	14,444	1,201	6,238	2,216	24,099
Area of less than ³ 30% slope (acres)					10,177
Maximum additional parcels possible applying A-30 den- sities to areas of less than 30% slope					339
Maximum probable units ⁴ in accordance with Plan recommendations	221	31	213	74	539

- 58 -

1. Source: Marin County Assessor's parcel listing
2. Source: Specific analysis of Marin County Assessor's parcel maps
3. Estimate based on Marin Municipal Water District Slope Study
4. Estimate based on Plan recommendations

APPENDIX B : Persons and Organizations Contacted

Marin County

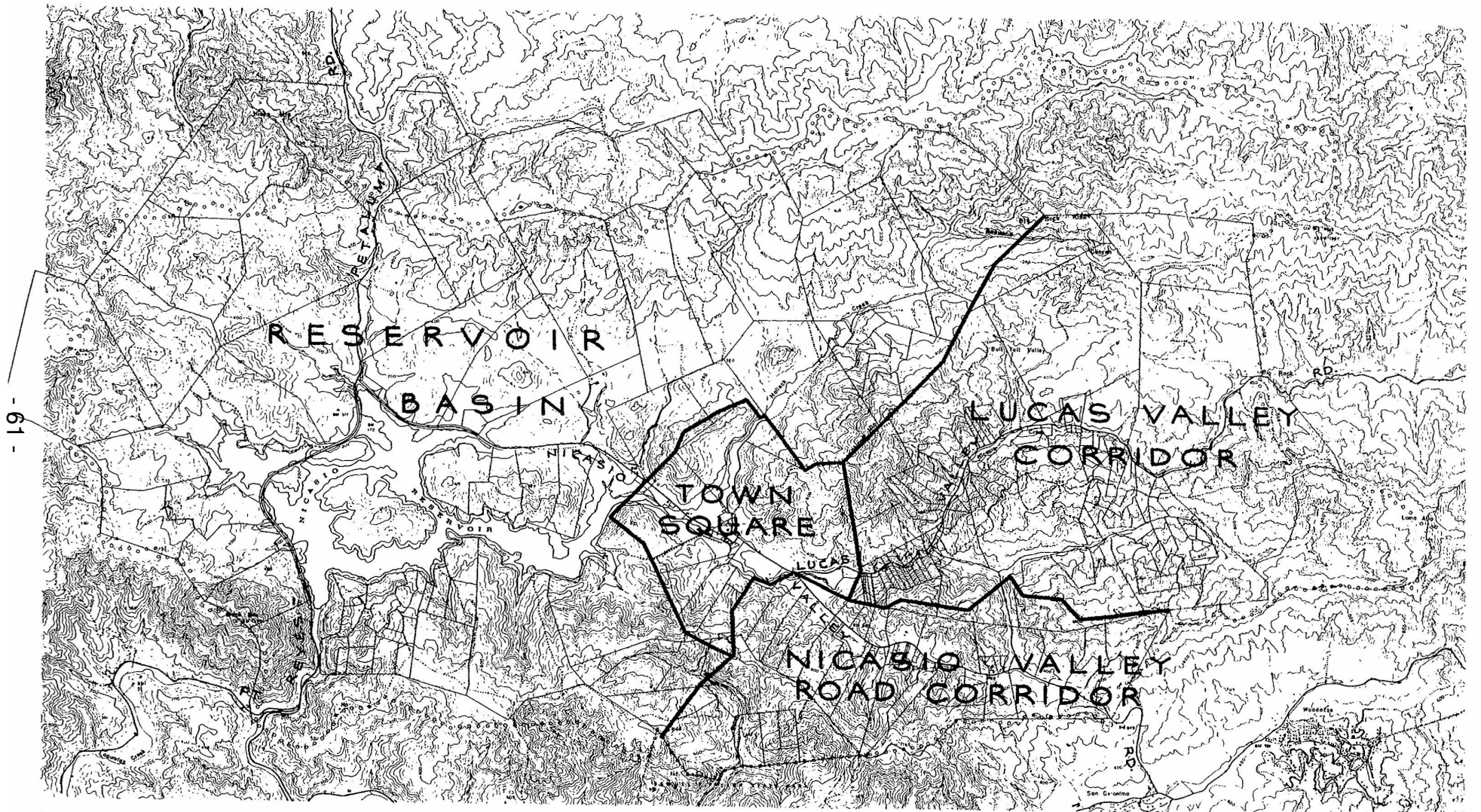
- o Board of Supervisors - Gary Giacomini
- o Planning Commission - Jerry Friedman
- o Agricultural Advisory Board - Charles Barboni,
Ralph Grossi
Robert Parks
- o Planning Department - Marjorie Macris
Mark Reisenfeld
William Schenck
David Faw
Susan Hilinski
- o County Counsel - Douglas Maloney
- o Open Space District - David Hansen
- o Farm Advisor - Don Britton

Marin Municipal Water District

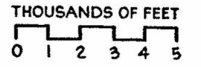
- o Directors - Polly Smith
K. C. Bishop
- o Staff - Jim Van de Weg
Richard Rogers
Eric McGuire

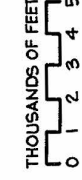
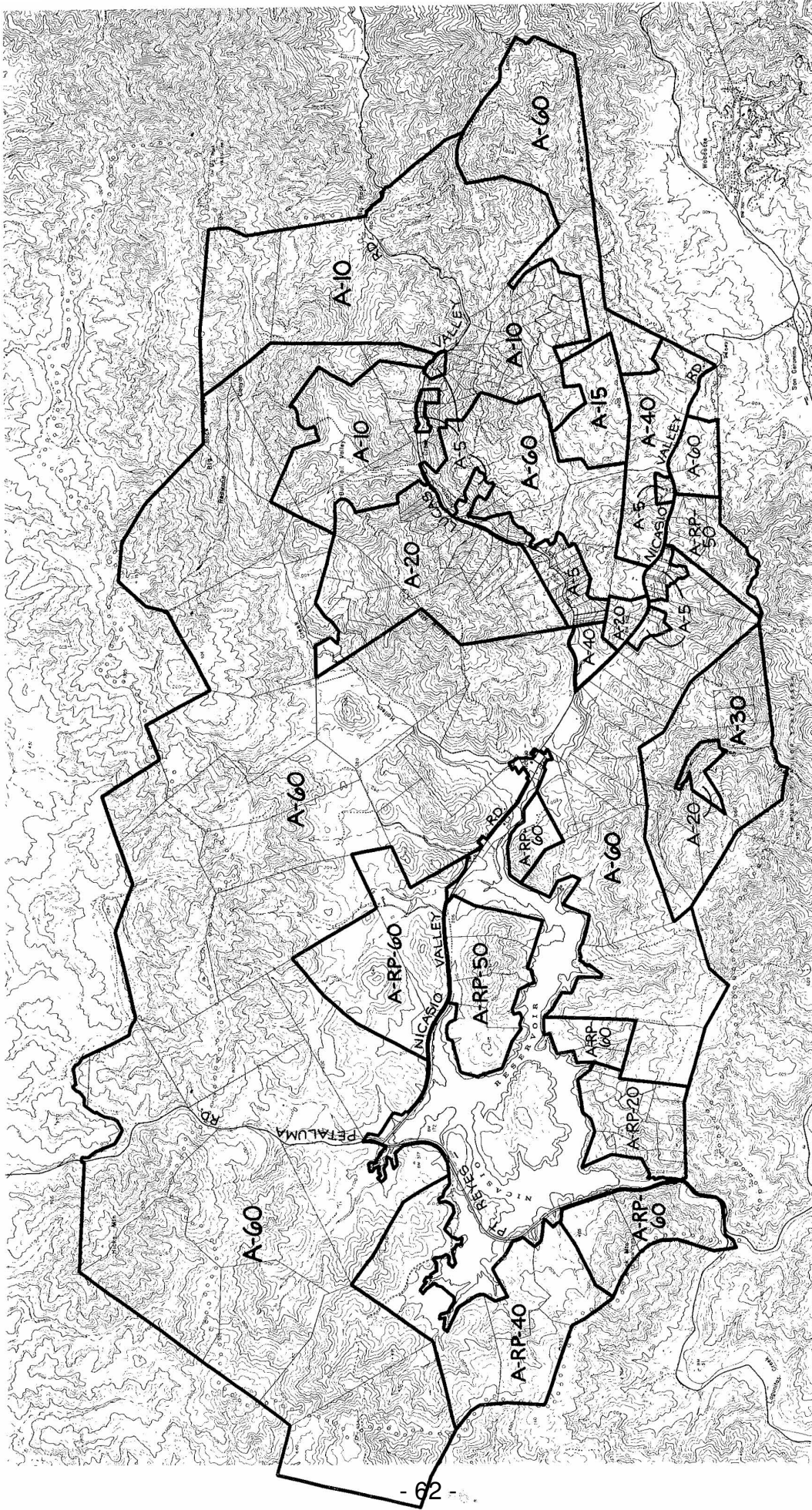
APPENDIX C: References

1. Nicasio - Hidden Valley in Transition, Twiss and Streatfield
2. Design Standards and Procedures for Planned Residential Districts - Marin Connty
3. Journal of The American Institute of Planners
"Less-than-fee Acquisition for the Preservation of Open Space: Does it Work?" - Robert E. Coughlin and Thomas Plant - October 1978
4. Alternative Land Use Policies for Preservation of Agriculture in West Marin - Goldman, Shulman and O'Regan - University of California Division of Agricultural Sciences - Special Publication 3062
5. The Viability of Agriculture in Marin
Baxter, McDonald and Smart, Inc. - September, 1773
6. Can the Last Place Last? - Marin County Planning Department - 1971
7. The Marin Countywide Plan - October 1973



NICASIO COMMUNITY PLAN - Study Areas

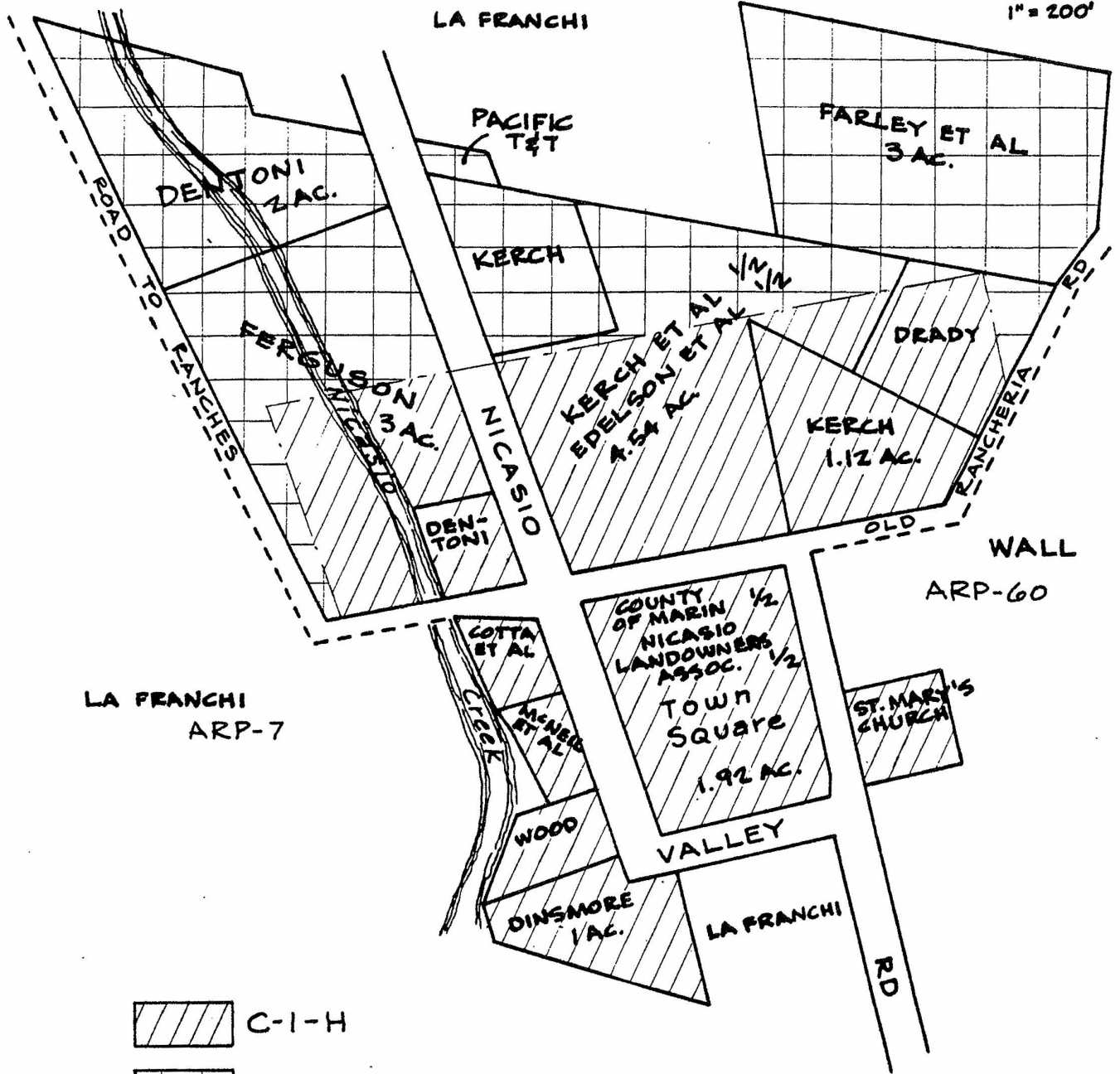


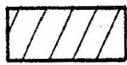
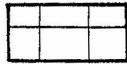


95

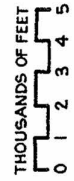
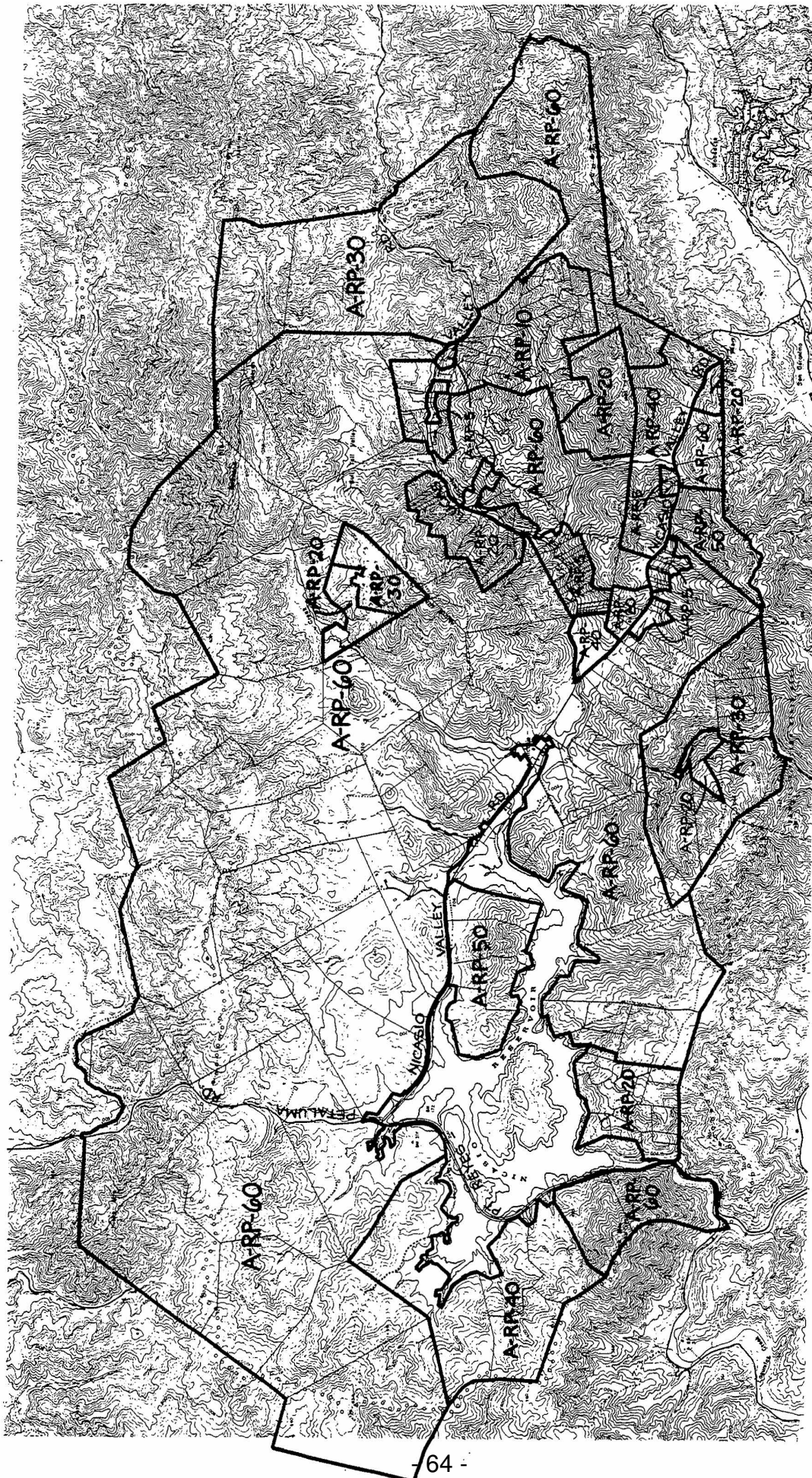
NICASIO COMMUNITY PLAN - Existing Zoning

ARP-60

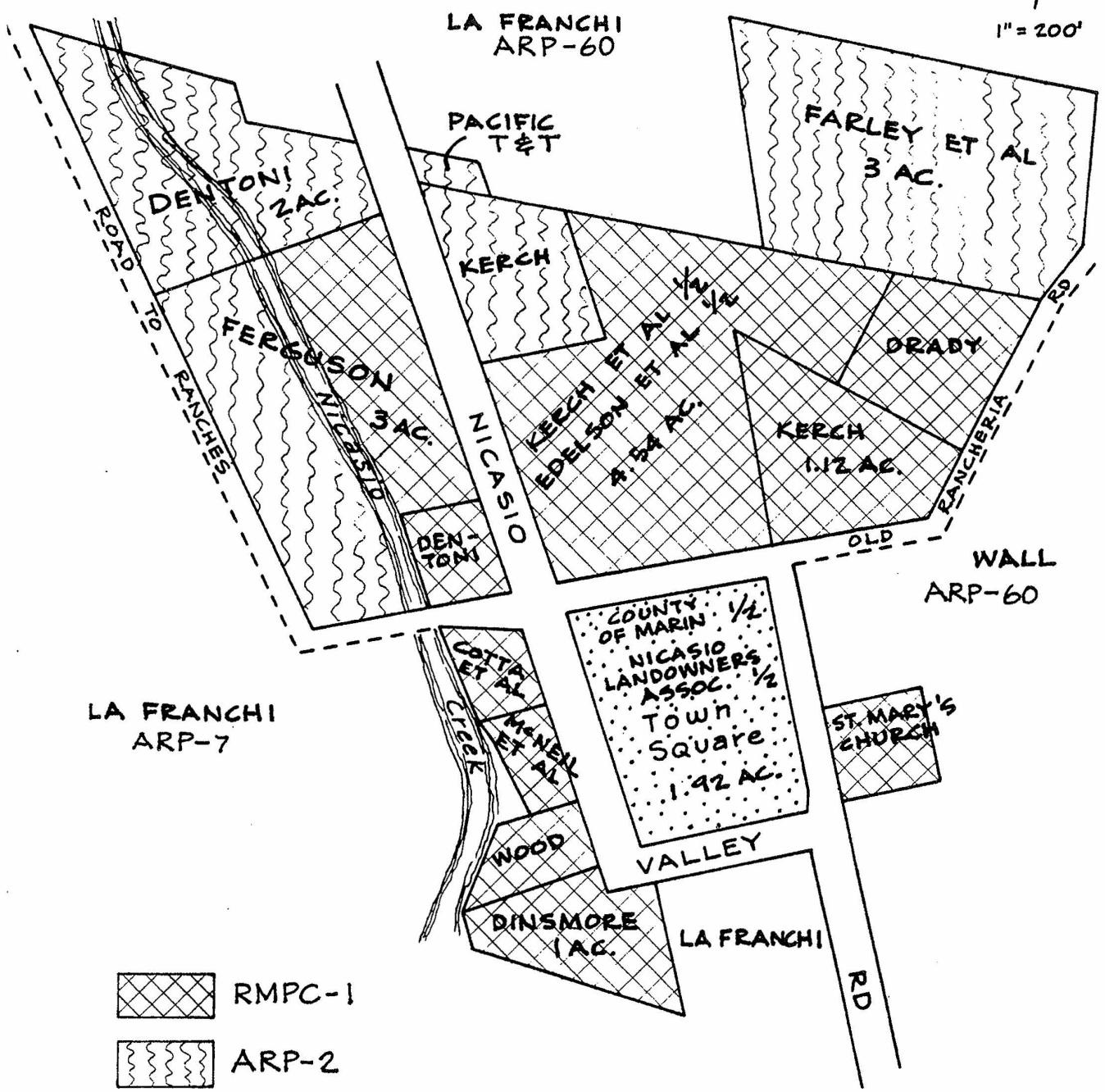


-  C-1-H
-  A-2



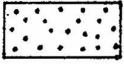
EXISTING ZONING



NICASIO COMMUNITY PLAN - Proposed Zoning



PROPOSED ZONING

-  RMPC-1
-  ARP-2
-  O-A

MARIN COUNTY BOARD OF SUPERVISORS

RESOLUTION NO. 88-33

A RESOLUTION OF THE BOARD OF SUPERVISORS
APPROVING AN AMENDMENT TO THE NICASIO COMMUNITY PLAN:
TOWN SQUARE PLANNING AREA

* * * * *

- I. WHEREAS the Nicasio residents and staff have drafted a Nicasio Community Plan Amendment for the Town Square Planning Area and presented the draft plan to the public in noticed public workshops, and to the Planning Commission; and
- II. WHEREAS the Marin County Planning Commission and the Board of Supervisors held duly noticed public hearings on January 11, 1988 and February 2, 1988, respectively, to consider the Nicasio Community Plan Amendment; and
- III. WHEREAS the Board of Supervisors finds that the Amendment to the Nicasio Community Plan is in substantial conformance with Goals, Objectives and Policies of the Marin Countywide Plan; and
- IV. WHEREAS the Board of Supervisors finds that the Nicasio Community Plan Amendment Goals, Objectives, Standards and Recommendations are internally consistent, and
- V. WHEREAS the Board of Supervisors finds that the goals of the Plan preserve and enhance the Nicasio Town Square Planning area as a mixed residential and commercial community and are appropriate given existing development patterns, traffic circulation and environmental characteristics, and
- VI. WHEREAS the Board of Supervisors finds that the Nicasio Community Plan Amendment reflects a high degree of community concern regarding future development and conservation of the Nicasio Town Square Planning Area; and
- VII. WHEREAS the Board of Supervisors finds that the Nicasio Community Plan Amendment will not result in any significant negative environmental impacts and a Negative Declaration is hereby approved,

NOW, THEREFORE, LET IT BE RESOLVED that the Marin County Board of Supervisors hereby approves the Nicasio Community Plan Amendment for the Town Square Planning Area summarized as follows:

The amendment would encourage preservation of the historic character of the Town Square area through mixed low intensity residential and commercial land uses subject to master plan review or design review.

The amendment recommends rezoning parcels presently zoned C-I-H (Retail Business District with H combining designation) to RMPC-1 (Residential, Commercial Multiple planned district at a density of one dwelling per acre). Also recommended is rezoning parcels presently zoned A-2 (Limited Agricultural, 2 acre minimum parcel size) to ARP-2 (Agricultural, Residential planned district at a density of one dwelling per 2 acres), and that the Nicasio Square parcel (community recreation parcel) be rezoned from C-I-H to O-A, Open Area.

PASSED AND ADOPTED at the regular meeting of the Board of Supervisors of the County of Marin, State of California, on the 2nd day of February 1988, by the following vote to wit:

AYES: SUPERVISORS Gary Giacomini, Bob Stockwell, Harold Brown, Bob Roumiguere,
Al Aramburu

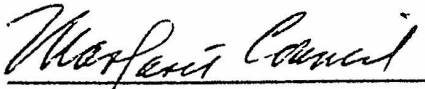
NOES: None

ABSENT: None



CHAIRMAN OF THE BOARD OF SUPERVISORS
COUNTY OF MARIN

ATTEST:



MARGARET COUNCIL
Clerk of the Board

MARIN COUNTY BOARD OF SUPERVISORS

ORDINANCE NO. 2968

ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF MARIN APPROVING TITLE 22 ZONING CODE AMENDMENT TO
REZONE VARIOUS ASSESSOR'S PARCELS IN ACCORDANCE WITH THE
RECOMMENDATIONS OF THE NICASIO COMMUNITY PLAN, AS AMENDED,
FOR THE TOWN SQUARE PLANNING AREA

* * * * *

SECTION I FINDINGS: The Marin County Board of Supervisors held a duly noticed public hearing to consider the Nicasio Community Plan Amendment for the Town Square area, goals, objectives, standards, recommendations and rezoning on February 2, 1988, and

The Marin County Board of Supervisors finds that the Amendment to the Nicasio Community Plan and rezonings are internally consistent with the Marin Countywide Plan, and

The Marin County Board of Supervisors finds that the Nicasio Community Plan Amendment and rezonings will not result in significant environmental impacts to the environment and a Negative Declaration is hereby approved, and

The Marin County Board of Supervisors finds that Title 22 Zoning Code Amendment is necessary to implement the recommendations of the Nicasio Community Plan Amendment, and

The proposed rezonings are necessary to preserve and maintain the Nicasio Town Square Planning Area as a mixed residential and commercial community,

SECTION II: THEREFORE, the Marin County Board of Supervisors does hereby ordain the following Title 22 zoning code amendments:

<u>Assessor's Parcel</u>	<u>Existing Zoning</u>	<u>Proposed Zoning</u>
121-080-03	C-1-H	RMPC-1
121-080-04	C-1-H	RMPC-1
121-080-05	C-1-H	RMPC-1
121-080-06	C-1-H	RMPC-1
121-080-07	C-1-H	RMPC-1
121-080-08	C-1-H	O-A
121-090-01	A-2	ARP-2
121-090-03	C-1-H	RMPC-1
121-090-04	C-1-H and A-2	RMPC-1 & ARP-2
121-090-05	A-2	ARP-2
121-090-06	A-2	ARP-2
121-090-07	C-1-H and A-2	RMPC-1
121-090-10	C-1-H and A-2	RMPC-1
121-090-11	C-1-H and A-2	RMPC-1
121-090-13	A-2	ARP-2

EXPLANATION OF ZONING CLASSIFICATION IN THIS NOTICE:

- C-I-H - Retail Business District with H combining designation
- RMPC-1 - Residential/Commercial Multiple Planned District, 1 dwelling per acre
- A-2 - Limited Agricultural District, 2 acre minimum parcel sizes
- ARP-2 - Agricultural/Residential Planned District, 1 dwelling per 2 acres
- O-A - Open Area

SECTION III: This Ordinance shall be and is hereby declared to be in full force and effect as of thirty (30) days from and after the date of its passage and shall be published once before the expiration of fifteen (15) days after its passage, with the names of the Supervisors voting for and against the same in the Independent Journal, a newspaper of general circulation published in the County of Marin.

PASSED AND ADOPTED at the regular meeting of the Board of Supervisors of the County of Marin, State of California, on the 2nd day of February 1988, by the following vote to wit:

AYES: SUPERVISORS Gary Giacomini, Bob Stockwell, Harold Brown, Bob Roumiguere,
Al Aramburu

NOES: None

ABSENT: None



CHAIRMAN OF THE BOARD OF SUPERVISORS
COUNTY OF MARIN

ATTEST:



MARGARET COUNCIL
Clerk of the Board

JMcL/nab:JEA/NicBdOrd

BOARD OF SUPERVISORS OF THE COUNTY OF MARIN

RESOLUTION NO. 79-131

A RESOLUTION OF THE MARIN COUNTY BOARD OF SUPERVISORS ADOPTING THE NICASIO COMMUNITY PLAN.

WHEREAS: The State of California requires each city and county to prepare and adopt a comprehensive long-term general plan for its future development; and

WHEREAS: The Marin County Board of Supervisors on October 20, 1973, has adopted such a general plan, the Marin Countywide Plan; and

WHEREAS: It is the policy of the Marin County Board of Supervisors and the Planning Commission to prepare more detailed plans for the unincorporated communities within the County; and

WHEREAS: The Nicasio Valley Community Plan was prepared by consultants to the County Planning Department in close cooperation with the community and in consultation with various other public agencies, and private organizations; and

WHEREAS: The Marin County Planning Commission on April 2, 1979 recommended that the Board of Supervisors adopt the Nicasio Valley Community Plan; and

WHEREAS: The Marin County Board of Supervisors has reviewed the Environmental Impact Report for the Nicasio Valley Community Plan certified by the Marin County Planning Commission on April 2, 1979; and

WHEREAS: The Nicasio Valley Community Plan essentially conforms with the Countywide Plan, and reflects the important goals and recommendations of the Countywide Plan for the Inland Rural Corridor, although the Board of Supervisors recognizes that in preparing more detailed community plan certain minor conflicts and deviations from the more general Countywide Plan are unavoidable; and

WHEREAS: In the opinion of the Board of Supervisors the Nicasio Valley Community Plan reflects a high degree of community consensus regarding the preservation of agriculture and the future development and conservation of the Nicasio planning area; and

WHEREAS: The Nicasio Valley Community Plan, like any other general plan, after its adoption shall be from time to time reviewed, and if necessary, amended to adjust the plan to changing conditions; and

WHEREAS: The Board of Supervisors has held a duly noticed public hearing on the Nicasio Valley Community Plan.

NOW, THEREFORE, BE IT RESOLVED: That the Marin County Board of Supervisors hereby adopts the Nicasio Valley Community Plan as recommended by the Marin County Planning Commission on April 2, 1979, and as amended by the Board of Supervisors, and including the following maps:

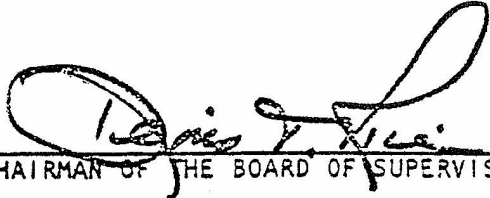
- . Existing Zoning
- . Proposed Zoning
- . Study Areas

THE FOREGOING RESOLUTION PASSED AND ADOPTED by the Board of Supervisors of the County of Marin on the 1st day of May 1979 by the following vote, to-wit:

AYES: Supervisors: Bob Roumiguere, Gary Giacomini, Gail Wilhelm, Barbara Boxer, Denis T. Rice, Chairman

NOES: Supervisors: -

ABSENT: Supervisors: -


CHAIRMAN OF THE BOARD OF SUPERVISORS

Attest:


Clerk of the Board

DEVELOPMENT AND DESIGN GUIDELINES

For the

NICASIO VALLEY PLANNING AREA

**PREPARED FOR
THE MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY**

September 1997

Table of Contents

I) STATEMENT OF PURPOSE	1
A) DESIGN REVIEW.....	2
II) LAND USE CATEGORIES.....	3
A) AGRICULTURAL OPEN SPACE.....	3
B) SINGLE-FAMILY RESIDENTIAL.....	3
C) MULTIPLE RESIDENTIAL VILLAGE COMMERCIAL	3
III) LAND USE GUIDELINES.....	4
A) AGRICULTURAL LAND USE GUIDELINES	4
B) EQUESTRIAN LAND USE GUIDELINES.....	6
C) SINGLE-FAMILY RESIDENTIAL GUIDELINES	8
D) MULTIPLE RESIDENTIAL/VILLAGE COMMERCIAL GUIDELINES.....	9
IV) SUBDIVISION AND LAND DIVISION GUIDELINES	10
A) TRANSFER OF DEVELOPMENT RIGHTS.....	10
B) SUBDIVISION DESIGN GUIDELINES	11
C) DESIGN GUIDELINES FOR ROADS.....	11
D) ALTERNATIVE DESIGN GUIDELINES FOR ROAD, DRIVEWAY, AND PARKING.....	12
E) BUILDING ENVELOPE LOCATION AND USE GUIDELINES.....	13
F) UTILITIES.....	13
G) WATER	14
H) SEPTIC SYSTEMS	14
I) FIRE PROTECTION.....	15
V) BUILDING DESIGN REVIEW GUIDELINES.....	16
A) BUILDING LOCATION GUIDELINES.....	16
B) STREAMS	17
C) BUILDING AND SITE GRADING	17
D) DRAINAGE DESIGN GUIDELINES	18
E) BUILDING BULK AND MASS GUIDELINES.....	19
F) ARCHITECTURAL CHARACTER	20
G) GARAGES.....	22
H) BUILDING MATERIAL, TEXTURE AND COLOR.....	22
I) FENCES, LANDSCAPING AND LIGHTING.....	24
VI) APPENDIX A - DESIGN GUIDELINES FOR THE NICASIO VILLAGE	26
I. NICASIO VILLAGE PLANNING AREA.....	26
II. ARCHITECTURAL STYLES.....	26
A. HISTORIC RESOURCE PRESERVATION.....	27
B. DESIGN GUIDELINES.....	27

DEVELOPMENT AND DESIGN GUIDELINES

NICASIO PLANNING AREA

I. STATEMENT OF PURPOSE:

These Development and Design Guidelines were prepared by the Marin County Community Development Agency with the Nicasio Design Review Board to assist property owners, architects, engineers and planners to design development which is consistent with the goals and objectives of the Nicasio Valley Community Plan. The intent of this document is to give guidance to all concerned as to the scope and nature of the review of projects in the Nicasio Valley Planning Area, and provide a common basis for discussion on the merits of proposed projects. These are guidelines, not inflexible rules; they should be applied with consideration of the site context and project circumstance.

Properties in the Nicasio Valley Planning Area are zoned for agricultural use, single-family residential use and limited village commercial use around the town square. Current zoning of the various parcels in the planning area requires Marin County Community Development Agency discretionary review prior to the division and/or development of land.

The purpose of the project specific plan review is to achieve the goals and objectives of the Nicasio Valley Community Plan. The Community Plan goals encourage the preservation of agricultural land and protection of the natural beauty of the area while permitting development consistent with the plan policies and zoning regulations.

These guidelines are intended to promote harmony between the natural and built environment. They are designed to minimize any adverse physical or visual effects of a specific development project or land use proposal, including those resulting from: (1) agricultural, residential or village commercial land use; (2) subdivision or land division; (3) building location, height, bulk, mass, scale and exterior materials and colors; (4) grading, cut and fill or reforming of the natural land forms; (5) removal and replacement of natural indigenous vegetation; and (6) view obstruction or view impairment. The purpose of these design guidelines is to protect the natural features of the land and benefit the Public welfare.

A. DESIGN REVIEW:

All projects on parcels zoned ARP (Agricultural Residential Planned), and RMPC (Residential Multiple Planned Commercial), require Design Review by the Marin County Community Development Agency. Design Review encompasses a broad review of activities (use), site planning, and improvements including: principal buildings, accessory structures, water tanks, fences, grading and tree removal, roads, retaining walls, antennas, paint colors, and other changes which affect the exterior appearance.

The purpose of Design Review in Nicasio is to implement the goals and policies of the Marin Countywide Plan and the Nicasio Valley Community Plan. The Community Plan encourages the preservation of agricultural land and protection of the rural quality and natural beauty of the area, while permitting development with design controls consistent with the plan policies and zoning regulations. These design guidelines are designed to minimize any adverse physical or visual effects of a project and promote harmony between the natural and built environment. However these guidelines provide only an overview of concerns and are not a substitute for the detailed Marin County Code regulations or professional expertise.

The Nicasio Design Review Board is a volunteer committee of local residents appointed by the Directors of the Nicasio Land Owners Association Inc., and is an advisory Board to the Marin County Community Development Agency. This Board operates as a courtesy to the community and as a local community review board to the Community Development Agency.

When an application for development in Nicasio is submitted to the Marin County Community Development Agency, the development plans are forwarded to the Nicasio Design Review Board (NDRB) for its review and comment. When application documents are received from the County the NDRB contacts the project applicant (usually the property owner and/or architect) to meet and visit the site to discuss the project.

The NDRB meets to review project plans and story poles to formulate comments and recommendations, which are forwarded to the Community Development Agency for consideration. The Board's area of project review includes all the land in the Nicasio Valley Planning area, which includes the watershed of Nicasio Reservoir.

One of the NDRB's functions is to observe and comment on the physical characteristics of a site and how they relate to a proposed project. Consequently, an owner and/or

project sponsor should set up a preliminary site meeting with the Nicasio Design Review Board at the beginning stages of project planning before starting the design work. Names of current NDRB members can be obtained from the Nicasio Land Owners Association.

The NDRB mailing address is:

**Nicasio Design Review Board
Nicasio, California 94946**

II. LAND USE CATEGORIES:

The Nicasio Valley Planning Area includes three general land use categories: agricultural and open space land use, single-family residential housing, and very limited multiple-residential and village commercial land use.

A. Agricultural/Open Space: "Agricultural Land Use, " means the production of food or fiber through tilling of the soil, the raising of crops, horticulture, viticulture, small livestock farming, dairying and/or animal husbandry and generally all other uses customarily incidental thereto, and is the principle land use in the Nicasio Valley Planning Area. "Open Space Land Use" means agricultural land not presently in use but preserved as undeveloped private open space which may be made available in the future for compatible agricultural use. The primary intent for open space land is that it shall be preserved for agricultural use, not to provide open space/recreational land uses that would interfere, or be in conflict, with agricultural operations.

B. Single-Family Residential: "Single-Family Residential Land Use," means development and use of detached buildings designed for single family use. The majority of the land in the planning area is zoned to allow development and use of low density single-family housing in agricultural areas. The current regulations are designed to allow varied housing types without the confines of specific yard or lot area requirements.

C. Multiple Residential/Village Commercial: "Multiple Residential Land Use" means the development and use of buildings, or portions thereof, as a residence for two or more families living independently of each other, including apartment houses, hotels and flats. "Village Commercial Land Use," means the development and use of buildings for the establishment of commercial businesses that provide local community retail and service needs. These designations apply only to certain parcels around the Town Square. The purpose of the multiple residential/village

commercial land use in the Nicasio Valley Planning Area is to maintain the established historical character of the Town Square. This includes a balance between residential use and commercial business that provide local community retail and service needs. This mix of uses is limited to the area around the Town Square. The specific zoning for this area encourages mixing these uses in existing buildings or new buildings of the same or similar architectural character as historically established. (See Appendix A)

III. LAND USE GUIDELINES:

A. Agricultural Land Use Guidelines: Agricultural land not presently in use should be preserved as undeveloped public or private open space to be made available on a lease or ownership basis in the future for compatible agricultural use. The primary intent of development on undeveloped agricultural parcels shall be to preserve open lands for agricultural uses, not to provide open space / recreational land uses which would later interfere or be in conflict with future agricultural operations. Agricultural land management plans are required for a Master Plan. The criteria listed below have been established to guide proposed development so that the proposed use is consistent with Nicasio Valley Community Plan goals. Proposed development on agricultural lands should be planned to accomplish the following:

1. Protect threatened or rare species of plants and animals and their habitats.
2. Preserve archaeological sites in an undisturbed condition.
3. Identify and protect significant natural resources in the pastoral zones with special attention paid to streams, stream banks, wetlands, and riparian habitat.
4. Manage for the health and perpetuation of existing native plants and animals.
5. Protect surface waters from fecal and/or chemical contamination.
6. Minimize soil erosion to prevent soil loss and to protect surface water from increased sediment loads.
7. Maintain landscapes and improvements to preserve the natural rural landscape and visual environment.
8. Stop the spread of noxious non-native plant species.

9. Provide for the recovery of rangeland resources that are in deteriorated condition.
10. Implement an integrated approach to pest management and minimize pesticide use.
11. Discourage plowing of land located on:
 - a) Slopes exceeding 20 percent.
 - b) On land within 200 feet of any natural bodies of water, marshes, or sand dunes;
 - c) In significant wildlife and plant communities as delineated on maps maintained in the Marin County Community Development Agency including, but not limited to California Department of Fish and Game Natural Diversity Data Base maps;
 - d) In areas inhabited by endangered plants as delineated on maps maintained in the Marin County Community Development Agency including, but not limited to California Department of Fish and Game Natural Diversity Data Base maps;
 - e) In areas that would disturb archeological resources;
 - f) On lands designated by the U.S.D.A. Soil Conservation Service as "highly erodible lands", unless a site-specific SCS approved conservation plan is developed and followed.
12. Include agricultural water use needs in calculations when determining the adequacy of water sources for development approval.

In some cases reasonable public access across those lands remaining in private or public ownership may be requested. Such access should be for pedestrian, equestrian and / or multi-use purposes and should only be provided where it will not interfere with agricultural operations, or conflict with existing vehicular access. (Marin County Code § 22.47.105)

B. Equestrian Land Use Guidelines:

Though not defined as an agricultural use in Marin County Code, recreational equestrian activities are permitted on properties which are zoned for agricultural/open space uses. The following criteria have been developed to guide the establishment of equestrian uses and facilities so that they are consistent with the Nicasio Valley Community Plan goals.

1. Horse Uses and facilities:

- a) A Horse Management Plan should be prepared in conjunction with any Design Review or Use Permit application involving equestrian uses with greater than one horse per five (5) acres, or more than five (5) horses on a parcel. The Horse Management Plan should plan for open space uses, erosion control, dust suppression, odor and insect control, and show all existing and proposed structures, including fencing, on the parcel. The term "horse" applies to all foals, ponies, lamas, mules or donkeys.
- b) The Horse Management Plan should address all proposed and existing land uses and all facilities, and structures, water and drainage systems, and should include permanent and temporary uses, as well as short term "events".
- c) The spectator's interaction with horses, as well as traffic, parking facilities, visual impact, fire prevention and life safety should also be considered a part of the Horse Management Plan.
- d) Areas exceeding a slope of fifty (50%) percent slope should be excluded from calculations when determining the number of horses permitted on a property.
- e) The number of horses permitted on a property should depend on the specific site characteristics and conditions. The characteristics to be considered should include, but are not limited to, access to roads and equestrian trails, streams and bodies of water , watersheds, vegetation, use of surrounding properties, slope, and visual impact.
- f) There should be a full time residence owner or manager on-site, for facilities where horses are boarded.

2. **Shelters:** The following guidelines should be considered when designing and evaluating shelters for equestrian uses. However, shelters are not required in open pastures.
- a) All animals should be provided with adequate shelter, feed and water supply.
 - b) Shelters should be at least 10 feet by 10 feet, with at least one solid wall and a roof, and provide a dry footing.
 - c) Stalls within a barn should be at least 12 feet by 12 feet.
 - d) Stables, barns, and shelters should be at least 30 feet from any property line.
3. **Corral and Pasture Areas:** The following criteria should be considered when designing and evaluating corral and pasture areas for equestrian uses.
- a) "Corral" means a fenced area of less than one acre of net open land for the confinement of horses.
 - b) "Pasture" means a fenced area of one acre or more used for the grazing or feedings of horses.
 - c) Corrals should be located at least thirty feet from any existing property line.
 - d) A minimum of 600 square feet of corral or pasture area should be provided for each horse kept in a barn, with adequate shelter, with feed and water supply.
 - e) Pasture grazing areas should consist of existing grasslands with no more than ten percent (10%) of the pasture in wooded areas.
 - f) No trees may be removed to create pasture areas.
 - g) No horse pastures or corrals should be located on slopes greater than fifty percent (50%).
 - h) Corrals and pastures should be designed to control erosion, pollution, dust, odors, and insects, and have a drained base material to prevent the creation of mud.

- i) Fencing should conform to the fencing standards set forth in these Guidelines.
- j) New fencing along roads should be located to provide visual continuity with adjacent fencing on adjacent parcels.

C. Single-Family Residential Guidelines: Plans for residential development require either Master Plan or Design Review approval. The following criteria have been established to meet Nicasio Valley Community Plan goals:

1. Maintain adequate separation between residential development and agricultural activities to avoid conflicts. It should be noted that the County's Right-to-Farm Ordinance limits the circumstances under which agricultural operations may be considered a nuisance to nearby residential properties.
2. On agricultural properties, site improvements should be located to avoid operational conflicts between residential and agricultural land use on adjoining properties by providing clustering of the different uses and using buffers between them. Within parcels, traditional ranch clusters of residential, and limited agricultural buildings are encouraged.
3. Building sites should be located to avoid natural environmental and visual resources, including open grass lands, ridges, saddles between peaks, hill tops, rock out-croppings, significant trees, streams, valleys, unique plant habitats and wildlife areas.
4. Locate development behind natural land forms (depressions, knolls, valleys & outcroppings), so that buildings will be screened from view along roads, surrounding development and/or open space. Do not locate building sites on ridges or hilltops unless they are effectively screened from surrounding view corridors and access can be provided with minimal road cuts. In the event that topography will not allow for such siting, development should be screened by existing tree cover. Screening by way of new landscaping may be required. Landscape screening should comply with fire safe guidelines.
5. Minimize grading, road construction, utility extensions, building pad excavation, and removal of vegetation.
6. Utilize geologically stable building sites.

7. Limit road ingress and egress to only one entrance from the main access road, except where the number of units warrants the provision of a second access point for emergency vehicles.

D. Multiple Residential/Village Commercial Guidelines: Plans for development of Village Commercial and Multiple Residential use require either Master Plan and Development Plan or Design Review approval. The following criteria have been established to meet the Nicasio Valley Community Plan goals and guide plan development:

1. The Town Square is the focal point of the Valley and of the village area. The central 1.9-acre parcel is public open space currently zoned O-A (Open Area) and used as a little league baseball park. The square should be kept open and accessible.
2. Maintain historical uses and rural character of the parcels adjacent to the Town Square by protecting existing buildings of architectural significance and by ensuring that new buildings are of compatible architectural character, form, bulk, mass, color and materials. (See Appendix A)
3. Residential and commercial development plans should preserve historical buildings and surrounding open space.
4. Existing buildings or new development on parcels adjacent to the Town Square should provide a mix of residential and village commercial uses. Architectural character, form, bulk, mass, color and materials must be consistent and compatible with the surrounding historical buildings and open space in this area.
5. New commercial uses should serve the local community, such as grocery stores, cafes, deli, post office, local retail stores, low-intensity offices, and family style sit-down restaurants. Night clubs, franchises, and drive-thru or fast food establishments are discouraged.
6. See Appendix A for specific historic resource preservation design criteria.

IV. SUBDIVISION AND LAND DIVISION GUIDELINES:

A. Transfer of Development Rights (TDR): Transfer of development rights in the planning area can be used to relocate development. TDR encourages clustering development as an alternative. Transfer of development rights allows development rights from one property to be determined and transferred to a second property .The TDR is permitted to avoid residential subdivision of large open tracts of land necessary for agricultural activities. Transfer of development rights in the Nicasio Valley Planning Area can be used to relocate development from areas where environmental and land use impacts could be severe to other areas where those impacts can be minimized, while still permitting development rights to both a donor and receiver site. Specific guidelines and procedures for implementing this planning and subdivision alternative is provided in the Nicasio Community Plan Policy and Marin County Zoning Code, (ARP § 22.47.106).

The following criteria have been developed to meet the Nicasio Valley Community Plan objectives:

1. A substantial buffer should be provided between residential and agricultural land use. Clustering uses and buildings on lots where residential use is the primary use is encouraged.
2. Significant natural environmental features and large tracts of agricultural land should be protected.
3. Conservation easements or restrictions must be a condition of the TDR subdivision. The easements and restrictions shall be recorded against the donor property prior to the recording of a Parcel or Final Subdivision Map for the receiver site.
4. Density bonuses attributable to TDR will only be considered if an essential agricultural asset, such as a working dairy, is being preserved, and provided the proposed TDR meets the criteria set forth in the Nicasio Valley Community Plan.
5. Residential and agricultural buildings must be clustered in the least visually prominent, and most geologically stable portion or portions of the site.
6. Where wooded hillside property is being subdivided, greater setbacks for buildings is preferable to vegetation removal.

7. Transfer of Development Rights should not be used to transfer development to visually prominent areas.

B. Subdivision Design Guidelines: The following criteria have been established as guidelines to achieve Nicasio Valley Community Plan goals:

1. Agricultural lands, natural environmental resources and rural vistas should be identified and preserved.
2. Property boundaries for proposed parcels should be designed with particular consideration given to natural topography, natural drainage courses, vegetation, ridgelines, valleys and meadows. This standard is intended to promote land divisions, which reflect the natural terrain and vegetation, and to prevent property line fencing from arbitrarily bisecting open meadows or grassy areas.
3. Location of lot lines must consider the integrity of existing land uses, buildings, roads, septic leach fields, drainage and utility connections.
4. Building envelopes should be sited away from unstable or hazardous portions of the property.
5. Dedication of land for agricultural/open space, parks, schools and pedestrian / equestrian access use may be required. (See Marin County Code § 20.16.118)
6. The design of subdivisions should provide for passive or natural heating and cooling opportunities for future residences.
7. All major site improvements including, but not limited to roads, utilities, drainage and grading, must be designed and constructed in accordance with the rural residential standards required by Marin County Code Titles 20, 22, 24 and all improvements as required by the approval of a Tentative Map.
8. Site grading must be held to a minimum by designing lots and development to fit on the natural landforms.

C. Design Guidelines for Roads: The following references and criteria have been established to provide direction on road design that meets Nicasio Valley Community Plan goals:

1. General classifications, centerline, intersections, width, parking, grades, curbs, surfacing, etc. see Marin County Code § 24.04.020 through 24.04.230
2. Driveways: length, width, grade, surfacing, etc. See Marin County Code § 24.04.240 through 24.04.320
3. Parking: see Marin County Code § 24.04.330 through 24.04.420. Parking areas should not have adverse impacts on adjacent tree root systems.
4. Pedestrian/Equestrian and Multi-Purpose Paths: see Marin County Code § 24.04.430 through 24.04.510 Except paving of paths should not be required where surrounding area remains unpaved.
5. Road surface material should be darker than 50% gray to blend with the surroundings and reduce reflective surfaces and potential visual impact.
6. Roadways and driveways should be located to minimize their length and visibility.

D. Alternative Design Guidelines for Roads, Driveways, and Parking:

1. Narrower street widths should be considered when less grading is required than that required for full-width streets, provided adequate Fire Department access is maintained. Any retaining walls should be terraced and landscaped. Split roadways are discouraged. Street layouts must conform to the natural grades and long stretches of straight road should be avoided.
2. Driveway and street grades of up to 16% or less are encouraged. Exceptions may be granted to allow grades up to 25 % when it will help protect views and minimize grading and tree removal, provided that: 1) the Fire Marshall verifies that adequate fire safety improvements have been incorporated into the proposed project; and 2) the specific design includes adequate traffic safety improvements. Common drives are encouraged when they would result in less grading than individual driveways.
3. On-street parking should be provided in parking bays. If parallel parking is permitted on narrow streets, it should be located on one side only. On streets, which do not meet minimum width standards, two to four guest parking spaces per dwelling unit, located off the driveway apron, are required.

4. Paved surfaces should be kept to a minimum to preserve the natural landscape and should be located where least visible from off-site locations.

E. Building Envelope Location and Use Guidelines:

1. Visually prominent development on hillsides or in open grassy areas should be avoided by taking advantage of existing site features for screening such as tree clusters, depressions in topography, and setback hillside plateau. Building envelopes should be located behind land forms (depressions, valleys, & rock outcroppings) so that buildings will be screened from view along roads or from surrounding development or open space, and should not be located near visually prominent ridge lines (See Marin County Code § 22.47.1 05(1)(b). In the event that topography will not allow, building envelopes should be sited to take advantage of existing vegetation screening.
2. Building envelopes that offer a variety of building sites that are compatible with topography and other natural features of the site are encouraged.
3. Construction of all buildings and minor structures must be located within the boundaries of the building envelope:
4. Subdivisions that propose land to be preserved for agricultural use must include building envelopes for both residential and agricultural buildings.
5. Building envelopes should be located to minimize the length and visibility of roads and driveways.
6. Building envelopes may have to be surveyed and described with a legal description, and identified with survey markers to verify the appropriateness of their location. In addition, story poles may be required to indicate the size, height, and location of proposed building envelopes.
7. Building envelopes should be sited with consideration for fire safe requirements and defensible safe zones.

F. Utilities:

1. All utilities shall be located underground (Section 24.04.840).
2. Electric transformers and junction boxes shall be in underground vaults.

3. Above ground water tanks, which are visible off-site, may be considered provided that berms and appropriate landscape screening are provided, in accord with IV.G.4 below.
4. Wind energy conversion systems, including windmills and electric generator, are discouraged in visually prominent locations.

G. Water:

1. Water supply for domestic, agricultural, and recreational uses and for fire protection of each lot must be provided. Adequate ground water must be available for new development and no new building permits will be issued or final maps recorded until sufficient proof is provided that adequate ground water for domestic, agricultural, and recreational uses and fire protection is available. All road and other fire protection appliances (e.g. sprinkler systems and fire hydrants) must be consistent with the fire safety regulations of the State of California.
2. All water source development shall comply with standards contained in the State of California Title 22 Regulations and the County of Marin Environmental Health.
3. Testing shall be required before approval of tentative maps.
4. Water tanks should be hidden from view off-site by use of berms and/or landscaping to blend into the natural landscape. In addition, tanks should be painted dark green or a subdued earth- tone color to blend with the surrounding background.

H. Septic Systems:

1. Septic system drain fields should not be located within 100 feet of any watercourse in accordance with County requirements. (Check current code for other setbacks and definitions; See Marin County Code § 18.06)
2. Sewage disposal facilities must be provided for each lot. (See Marin County Code § 20.080)
3. Septic systems should be located away from forested areas, where feasible. All trenching within the drip line of trees should be done under the direct supervision of a Certified Arborist.

4. Trenching for leach field pipes which would endanger the structural integrity or long term health of existing trees should not be permitted.
5. In forested areas trenching should be hand dug to preserve significant tree roots. Design of leach lines can curve to avoid roots.

I. Fire Protection:

1. Water storage, pumps and other facilities needed for adequate fire protection, including automatic sprinkler systems, shall be provided for each new building development. The specific design and capacity of water storage facilities shall be subject to approval by the Fire Marshal. Consideration shall be given to additional water storage requirements for potential wild land fires based upon slope, vegetation and access.
2. Fire hydrant locations shall be determined by the Marin County Fire Department. Fire hydrants should be located to allow vehicles to pass a fire engine parked at the hydrant. Fire hydrants should be marked with reflectors, paint or other suitable means, and maintained to be clearly visible.
3. Water systems using common storage tanks and a distribution system should be encouraged for clustered development.
4. Fire breaks around each building, and/or exterior fire extinguishing systems shall be provided as required by the County of Marin Fire Department.
5. All water supply facilities and appliances must comply with the fire safety regulations of the State of California and the Marin County Fire Department.
6. All propane tanks shall be securely anchored for earthquake safety.
7. Street address numbers should be clearly posted at driveway entrance. Numbers should be sized so that they are clearly visible from the roadway. Numbers should be visible at night, on a contrasting background.

V. BUILDING DESIGN REVIEW GUIDELINES:

A. Building Location Guidelines: The following building location guidelines have been established to meet Nicasio Valley Community Plan goals:

1. Preservation of the rural character, open vistas and uninterrupted views of fields and hillsides shall be an important consideration when siting structures.
2. Buildings should not be located on or near visually prominent areas, exposed grassy hillsides, or ridgelines. Where lot size or other constraints exist, buildings should be located below the ridgeline so that views to the hillside, from off-site areas, retain the natural ridgeline.
3. Buildings should be sited to preserve the natural vegetation and landforms of the site, and to utilize screening provided by existing vegetation, rock outcroppings, ridges, depressions in topography or other natural features and landscape elements. Where structures are sited in proximity to existing vegetation, consideration should be given to fire safe requirements
4. The site plan should delineate the "Limits of Construction," encompassing all grading, trenching, truck access, turn-around, parking and materials storage and staging areas. Prior to commencing construction, a fence surrounding this construction area should be erected to prevent damage to the undisturbed natural landscape.
5. Buildings should be placed outside areas where geologic hazards exists (See Marin County Code § 20.20.097), and where archeological resources exist.
6. Buildings should be located outside of areas where extreme fire hazards exist.
7. Buildings should be located to minimize driveway visibility. Within the constraints of county policies, avoid building locations close to, or visible from, public roads or common private roads. Buildings should be located on sites that are easily accessible without steep lengthy access roads requiring excessive grading or removal of vegetation or other natural site features.
8. Within the constraints established by the Streamside Conservation Policy, and where no other building sites exist, building locations in narrow canyons along the creek on Lucas Valley Road and Nicasio Valley Road may be appropriate.

For locations close to or visible from these roads, the buildings should be screened by the existing trees along the creek.

9. Level building pads on slopes are discouraged. Buildings should be designed to fit with natural features of the site.

B. Streams:

1. Countywide Plan policy establishes a stream and creek side conservation zone along all natural watercourses shown as a blue line on the most recent appropriate USGS quad sheet, or along watercourses which support riparian vegetation for a length of 100 feet or more. Only limited developments under strict controls are allowed in this zone. (See Marin Countywide Plan requirements for specifics)
2. In addition to the above restrictions, placement of the following uses within the stream conservation zones should be avoided: residential septic tanks and systems, use of garden chemicals, cutting and grading for roads, grazing where protective soil covers may be damaged and runoff from livestock feed lots, stalls, horse exercise fields, training areas and all paved areas.

C. Building and Site Grading Guidelines: (See Marin County Code § 22.47.105 [2.a], 24.04.620 through 24.04.740)

1. Grading should be kept to a minimum and should be performed in a way that respects significant natural features and visually blends with existing land forms. Grading should be done in such a manner as to eliminate flat planes and sharp angles of intersection with the natural terrain. Slopes should be rounded and contoured to blend with existing topography, especially at tops of cuts and base of fills. Use transition slopes of 3:1 or shallower to blend cuts and fills with natural contours to create rounded transitions.
2. Avoid creating large graded terraces at mid-slope areas for building pads. Terracing, if any, should be designed with small incremental steps, avoiding wide step terracing and large areas of flat pads.
3. New building sites should be graded such that they appear to emerge from the slope. Building sites should be graded to form a compatible attachment of the structure with the existing landscape.

4. Hazardous or geologically unstable portions of the site should be avoided.
5. Excessive grading for pads for tennis courts, swimming pools and extensive grading for landscaped areas are discouraged.
6. Sloping lot designs, such as split-level building terraces are encouraged to reduce building pad size.
7. Retaining walls and pony walls visible from off site should either be avoided or of minimum height. Retaining walls faced with native stone, or earth-colored materials, or heavy timber are encouraged. Landscaping of retaining walls is also encouraged.
8. Avoid use of pre-cast concrete crib walls.

D. Drainage Design Guidelines: (See Marin County Code § 22.47.105 [2.c])

1. To decrease erosion, storm water should be collected and conveyed in a manner that will avoid erosion damage on-site, and off-site on adjacent properties.
2. Impervious surfaces should be minimized to reduce water run-off.
3. Drainage improvements should be placed in locations of least visibility. The sides of a drain may be bermed to conceal it. Natural drainage swales leading downhill are a good location drain outlets. Visible concrete drains should be color tinted dark gray and screened with plants to be less visible.
4. Natural stream gradients should not be flattened.
5. Grading and drainage plans should include, erosion control and revegetation programs. Where erosion potential exists, hydroseeding, silt traps or other engineering solutions may be required.
6. The timing of grading and the construction of drainage improvements should be controlled to avoid failure during construction.
7. Where drainage and erosion control facilities are required, the negative visual impact to natural features of the site should be mitigated.
8. The timing of grading and construction shall be controlled by the Department of Public Works to prevent erosion and sedimentation and to avoid failure during

construction. Such grad activities should be planned to avoid the rainy season (October 15 through April 15).

E. Building Bulk and Mass Guidelines: (See Marin County Code § 22.47.105 [1.g(2)])

1. In general, no part of a residence shall exceed 30 feet in height above natural grade, and residential accessory building shall exceed 15 feet in height above natural grade. The lowest floor level shall not exceed 10 feet above natural grade at any point.
2. In certain sensitive areas, any lot that cannot accommodate a two story residence without be visually obtrusive may be limited to a one story residence.
3. Proposed building size, height, and location for new development must be clearly and accurately shown on site by placing story poles and orange construction netting where development proposed as part of Design Review. The construction netting should be at least 3 feet wide and must be installed to accurately maintain the outline of the building perimeter and height. Elevation of building pad and story poles should be measured from a permanent surveyed benchmark.
4. Satellite dishes, TV antennas, solar panels, windmills, flag poles, clothes lines, well heads, w tanks, entry structures, propane tanks, electric meters and other appurtenances should integrated into the project design to minimize visual impact.
5. Avoid obstructing important views.
6. Avoid impairing views or decreasing the scenic quality of the project site or objects that aesthetic significance.
7. Building form should be designed to conform to the site topography. The effective visual bulk of building development should be reduced so that they do not "stand out" prominently seen from a distance.
8. Avoid multi-story buildings on open hillsides, visually prominent locations, and ridge top lots.
9. Split pads, stepped footings, pier and grade beam foundations should be used to permit structures to step up the slope. Avoid large, single form structures.

10. Set buildings into the slope on hillside lots to reduce effective visual bulk. Excavation or below grade rooms may be used to reduce effective bulk, where grading is minimized.
11. Roof forms should be designed to be compatible with the irregular forms of the surrounding natural features of the site. Long, linear, unbroken roof lines are discouraged.
12. Avoid the use of large gable roof ends on downslope elevations. The slope of the roof should be oriented in the same direction as the natural slope and should not exceed the natural slope contour by more than 20%.
13. Avoid excessive cantilevers or overhangs on downslope elevations,
14. Modulate or detach parts of a building, such as the garage, to develop horizontal and vertical articulation.
15. Consider the use of flat roofs on lower levels for outdoor decks for upper levels, which do not increase building bulk.
16. Avoid using down slope decks or decks elevated on poles that make buildings seem more massive when viewed from downhill lots. Where decks are proposed, the underpinning should be screened, concealed with landscaping or cantilevered from the building. Screening below decks should be fire resistant.
17. Avoid large expanses of a wall in a single plane. Use horizontal and vertical building components and/or landscaping to effectively reduce the bulk of hillside residential development.
18. Building materials and color schemes should blend with the natural landscape with an emphasis on darker tones.
19. Avoid large retaining walls. Break retaining walls into smaller components and terraces and reduce visual impact with landscaping.

F. Architectural Character:

1. Architectural character, or style, should be compatible with the surrounding context of built and natural elements of the specific site. Characteristics of visibility, bulk, mass, materials, textures and color are subject to Design Review.

2. Residences designed as, or appearing as, a cluster of buildings forming a ranch or farm group or compound are encouraged.
3. Traditional styles and forms that are familiar and sensitive to the particular climate, rural character and landscape of Nicasio are encouraged. Two story single plane wall elements should be avoided. Single story porches, verandahs, outdoor rooms, terraces, arcades, covered walkways, trellises, pergolas, and garden walls can be used to reinforce the notion of the compound and provide elements that develop a strong connection between buildings and the landscape. (See Appendix A, see also Marin County Historic Study Local Coastal Program, 1981)
4. Predominately single story forms with the floor level at or close to grade, gently pitched low roofs with broad and low overhangs and eaves are encouraged as devices that promote a sense of connection to the landscape.
5. Building forms should not be monolithic or consist of a single uniform shape and should avoid a "box" like appearance.
6. Window and door proportions should be consistent with the particular style of each house. Traditional proportions, arrangement, and breakup of windows are encouraged. Vertical proportions are favored. Proportions of window to wall area should be carefully considered. Excessive glass areas are discouraged as being visually disruptive as well as energy inefficient. The projection of interior lights to the exterior should be minimized. Solar design and energy efficiency are strongly encouraged in the placement of windows.
7. All buildings should have shadow relief created by modest overhangs, minor projections, recess and plan offsets. Gable, hip and shed roof forms at low to moderate pitches are encouraged. Moderate overhangs on downhill elevations to create strong shadow lines are desirable. Changes in roof pitch orientation should be accomplished by plan offsets on primary elevations.
8. Careful consideration should be given to views of roof tops from other hillside locations, adjacent roads and other properties.
9. Flat roofs that require membrane or built up roofing materials are discouraged except on small portions of the building and non-visible areas.

10. New development and/or remodels in the Nicasio Village Planning Area must be consistent with the design standards specified in Appendix A.

G. Garages: Garages make up a significant portion of many residences. It is important that the design of the garage be integrated with the overall house or building group design. It is the intention of these: guidelines to minimize the impact of garages as a dominant feature of any residence.

1. Detached, side or rear entry garages are encouraged.
2. Where appropriate, treatment of the garage as a separate structure, outbuilding or pavilion within the building group with trellises or covered connecting walkways to the house is encouraged.

H. Building Material, Texture and Color Guidelines: A primary goal of Community Plan is "to preserve the Valley beauty by protecting its natural resources and minimizing man's impact upon them." The selection of materials and choice of colors has a significant effect on the impact of structures. Without precluding or imposing specific materials or colors it is desirable to provide design objectives.

Building material, texture and color selection should coordinate with the predominant values of the darker surrounding landscape. Structures which recede into the background are encouraged, as opposed to standing out in contrast to the landscape. Generally darker colors serve to make structures less visible in the landscape because dark colors reflect less light. The use of materials, textures and colors which visually blend with the natural landscape is encouraged. Colors which contrast with the prevailing natural landscape should be avoided.

1. Large flat expanses of bright colors should be discouraged because they stand out in contrast to the textured landscape with its shadows. Designs which use textures and create shadows which mute the colors of structures should be encouraged.
2. Roof color and materials should tend toward darker values, and be non-reflective, such as black, dark browns and dark greens. Metal roofing, if proposed, should be treated to reduce reflectivity.
3. Building colors matching the dried grasses, such as creams, light tans or yellows are often perceived as too bright because they are monotone which doesn't match the texture and variations of shadows and the seasons.

4. Light color trim which outlines building shapes serves to differentiate a structure from its background and should be avoided.
5. Concrete walls and pavement can be tinted to darker shades to avoid its light gray color which often appears white when contrasted to the natural landscape.
6. Highly reflective surfaces should be avoided. Large panels of glass or plastic should be designed to minimize reflected sunlight. Where a design includes large panels of glass, a non reflective glazing should be used to minimize off site glare impacts. Mirrored, highly reflective glass or curved "bubbles" are discouraged. Large glass areas should be shaded with wide overhangs or porches to eliminate solar glare and maintain dark surfaces.

I. Fences, Landscaping and Lighting:

Fences:

1. Fences, walls and accessory structures should be compatible with adjacent landscape and buildings.
2. View obscuring fences should not be permitted. Traditional rural design of "stock" (wood and wire) fences are encouraged.
3. Fencing along property lines, roadways, horse corrals and any other fencing outside building envelopes shall not obstruct open grassland views through and behind the fences, and should not arbitrarily bisect open meadows or grassy areas.
4. Traditional Agricultural fence materials and color should be used, see Marin County Code § 22.47.105 [1.g(4)] , and be shown on the site plan.
5. Cyclone, chain link, razor wire, re-bar, plywood or similar fences should not be permitted, where visible off-site.
6. No fence outside a building envelope should exceed 5 feet in height. Exceptions for agricultural purposes shall be considered.
7. Fences and fence posts should be a color to blend into the natural landscape.
8. Preservation of vertically split redwood fences is encouraged as a historical resource.

Landscaping:

9. Every effort should be made to avoid removal, change or landscaping which would cause death of existing trees or rare plant communities and wildlife habitats. Preservation of the indigenous landscape and rural character of Nicasio is a primary design goal of the Nicasio Valley Community Plan.
10. Landscaping, visible from off the parcel, should be planted in a natural arrangement typical to the area.
11. Trees and natural vegetation to remain should be protected from damage during construction with a temporary fence placed at the drip line of the trees and plants. (See also the section on grading)
12. Landscape plans should recognize the importance of water conservation, fire resistance and erosion control. Emphasize drought-tolerant local native plant species. Landscape water use needs to be calculated in determining adequacy of water source.
13. Landscape plans should reinforce the dominant natural planting patterns that define the California native vegetation indigenous to the specific site area.
14. Drip irrigation should be used to provide water to areas proposed to be landscaped.
15. Decorative or formal landscaping on exposed natural sites is discouraged, except close around the building and designed in such a way as to not change the character of the surrounding natural landscape.
16. Should development potentially impact existing tree cover, a certified arborist should be retained by the project sponsor to develop a specific plan for recommended tree work and protection during construction. The elements of this plan should be shown on the project site plan and include the following:
 - a. A diagram outlining proposed protection fencing for all trees and other vegetation to remain within the construction area.
 - b. Trimming and/or root pruning recommendations for specific trees impacted by adjacent grading, excavation, paving, or soil compaction.

- c. Materials storage and parking should be designated in areas that will not impact adjacent native trees and their root systems.
 - d. A "Tree Protection Plan" which address steps to be taken prior to and during construction to ensure that trees to be saved receive proper attention. The "Tree Protection Plan" should be reviewed and approved by the County and the NDRB prior to the removal of any trees or commencement of excavation.
 - e. A guarantee and financial bond may be required to ensure compliance with the Arborist Report, Tree Protection Plan, and/or Landscape Plan
17. Fire safe landscaping is encouraged.

Site Lighting:

- 18. Site lighting should only be used to aid safety.
- 19. Lighting should minimize intrusion into adjacent properties, roadways, site silhouette and the night sky.
- 20. Site lighting should be indirect low intensity and incorporate full shield cut-offs. Light sources should not be visible from adjacent properties or public right-of-ways.
- 21. Low level path lighting, if needed for safety, in the form of bollards or fixtures mounted on short posts is encouraged.
- 22. Exterior building lighting for safety should be shielded so as not to shine on adjacent properties. "Flood lighting" is discouraged.
- 23. Decorative lighting to highlight a structure, sign, or landscape should not be permitted.
- 24. Low wattage address numeral lighting is encouraged.

APPENDIX A

DESIGN GUIDELINES FOR NEW AND REMODELED CONSTRUCTION IN THE NICASIO VILLAGE

I. NICASIO VILLAGE PLANNING AREA

The Nicasio Village Planning Area is defined as the properties within the Town Square Study Area; from the intersection of Lucas Valley Road and Nicasio Valley Road, including development located along Old Rancheria Road; and development extending along Nicasio Valley Road northerly from the Square up to and including the Nicasio School. The Nicasio Village Planning Area is more specifically designated as Assessor Parcel numbers: 121-050-11, 13,14,30,31,41,42,43,44,45,46; 121- 121-080-3,4,5,6,7,8; 121-090-1,3,4,5,6,7, 10,11,13; 121-120-26,27,28,29,30,31,32, 3 310-01.

It is recognized that the Nicasio Village Planning Area possesses unique features and qualities requiring special attention and additional Design Guidelines that augment those outlined for development in other sections of these standards.

The Nicasio Village Planning Area has historically been surrounded and defined by large ranch parcels and open pastures. Due to its location away from the urban eastern corridor of Marin, as well as water and sewer limitations, this area has remained relatively intact as an example of a 19th century California coastal village settlement. A variety of old architectural styles is found throughout this community which gives it a traditional character.

The existing village fabric of Nicasio, as exemplified by its buildings and the spaces they form, is aesthetically unique, historically important, and worthy of preservation.

II. ARCHIECTURAL STYLES

The most predominant early architectural styles of the Nicasio Village area include Greek Revival, Italianate, Queen Anne, Mission Revival, California Bungalow and Western Rancho. In the small villages of West Marin including Nicasio, these styles are often more simplistic than their equivalent expressions in larger urban environments. (For a more detailed discussion of local styles and preservation see:

Marin County, Historic Study, Local Coastal Program, Nov. 1981, Marin Planning Dept.).

A. Historic Resource Preservation:

When considering any permit which pertains to any structure or use permit in the Nicasio Village Planning Area, the following criteria should apply;

1. New Construction: New Construction should be consistent in scale, design, materials and texture with the surrounding community character.
2. Alterations and Additions: Alterations and additions to any structure should retain the scale and original architectural features of this structure, especially for the prominent facades.
3. Demolition: Issuance of a permit for demolition of any structure is required. A six month delay in the Issuance of a demolition permit may be a further condition. During this period, the property owner together with the Nicasio Design Review Board will work to find an alternate solution including, but not limited to, purchase of the building or moving the building to an alternate location and/or photograph documentation.

B. Design Guidelines:

The exterior spaces, landscape and buildings of the Nicasio Village Planning Area exhibit a continuity of the community's past and present. The aim of these Guidelines is to provide guidance of future construction in this historic setting. Design Review is intended to ensure that new construction conforms in site planning, scale, proportion and texture to the existing village form.

The design guidelines and principles that follow are intended to provide for maximum compatibility of remodeling and new construction with older buildings in the village.

1. Renovation: In renovations, permanent changes to the building should be carefully conceived and reviewed. The aim is to achieve restoration and compatible additions rather than remodeling a building to give it a modern or "new" appearance.

2. Additions: Additions on the prominent facade of an existing building may be damaging to a historic building and are discouraged. Unobtrusive additions to the rear are less likely to create undesirable change.
3. Materials: Replacement or removing of details with modern trim or siding can significantly alter a building integrity and should be avoided.
4. Reuse: Where an existing building can be revitalized and used, a new structure should be avoided.
5. Repetition of roof shape: Similarity of roof shapes is often the most important means for achieving continuity in design between new and old buildings. Roofs are an important factor in the overall design of a building to help relate items such as height and scale to adjacent structures.
6. Consistent building height: New or remodeled buildings should be constructed to a height within a reasonable average of existing adjacent buildings.
7. Directional expression of elevations: In traditional buildings structural shape, placement of openings, and architectural details give a predominantly vertical character to a building's facade. Therefore, compatible new buildings should be vertical expressions also. (Horizontal siding may be an appropriate building material even given this desire for vertical expression.)
8. Additions to Historic Buildings: The most important facade of any building is generally the frontal facade: this is particularly true when viewing a streetscape. The front elevation, and side elevation of a corner building, should not have additions added that detract from a building's historic character.
9. Building Setback: Setback is an important consideration in harmonizing new with old in rural historic areas.
10. Architectural Details: Historic architectural details are essential in defining a building's character. These details include siding, trim, ornamentation, window & door types, porches, railings, roof shape and pitch, gutters & down spouts, chimneys, fences, lighting, signs, etc. These features are used according, to design principals inherent in the architecture. The

preservation and handling of these details is critical to the preservation of historic architecture.

11. Relationship of textures: The texture of a building is an important factor in the overall appearance of a village. The predominant texture is horizontal wood siding. Whatever texture is used, its appearance must be considered in relation to the village to insure a compatible blending with other styles. For example, adding wood shingles to replace horizontal wood siding on a Greek Revival building is inappropriate.
12. Repetition of Detail: Repetition of details, such as choice of exterior building materials, proportions of windows and doors, porch posts and trim, window and door moldings, cornices, lintels, and arches, is extremely important in insuring compatible appearance in new construction in the Nicasio Village Planning Area.

There has been a general misunderstanding about 19th century styles because of the weather- beaten appearance of many vintage buildings. Greek Revival, Queen Anne, Italianate, and Stick architectural styles are precise in their detailing and consistency of proportions. There is a great difference between these precise, albeit weathered, architectural statements, and contemporary efforts to create vintage style buildings by constructing badly proportioned, indistinctive, rough- shod buildings of rough-sawn plywood or board and batten.

13. Relationship of Colors: The proper application of a color scheme to a building or a series of buildings can highlight important features and increase their overall appearance. Accent or blending colors on building details is also desirable in creation compatibility of neighboring buildings.

Use of exterior color is of particular importance in the case of a wood frame house where the combination of wall and trim colors usually decides its basic character. A good color scheme should be neighborly and well as effective in itself, so that both the building and the environment benefit.

14. Relationship of landscaping and physical features: Landscaping should be placed as part of the site design and should enhance a building rather than detracting from it. Traditional village features such as picket fences, building

facades, benches, lamp posts, and signs or combinations of these features provide continuity and cohesiveness to a building's adjacent outdoor space:

Efforts to achieve continuity should not force mere imitation. The design of new buildings and new additions to old building, must be carefully executed to achieve harmony between new and old.

15. Signs: Commercial and private signs are an effective tool for enhancing the historic quality and can be designed to harmonize with the buildings. All too often, oversized or modernistic signs are used and detract from the overall charm. For this reason, strict Design Review for all signs is required. (See Marin County Code § 22.69, Signs)
16. Street Furniture: The physical elements which make up the visual streetscape can be as important a design feature as the buildings. Numerous elements such as benches, bike racks, drinking fountains, light standards, trash containers, fences, drainage structures, paving materials, curbs, electric lines, transformers, etc. "Street furniture" should be designed to embellish the historic grace and conform to existing architectural styles. Ingenuity may be required, but these details can provide cohesion and grace.

END