



MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY

ALEX HINDS, DIRECTOR

STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR PETERSON COASTAL PERMIT AND DESIGN REVIEW

Item No:	C1.	Application No:	CP 08-51 DM 08-40
Applicant:	Jim Peterson	Owner:	Jim Peterson
Property Address:	125 Horseshoe Hill Road, Bollinas	Assessor's Parcel:	188-150-71
Hearing Date:	August 28, 2008	Planner:	Scott Greeley

RECOMMENDATION:	Approve with Conditions
APPEAL PERIOD:	September 4, 2008
LAST DATE FOR ACTION:	September 9, 2008

PROJECT DESCRIPTION:

The applicant is requesting Coastal Permit and Minor Design Review approval to construct a new 2,560 square foot barn. The barn is replacing an existing sixty (60) foot wide, fenced riding arena. The barn is to be used primarily as a stable for the owner's horses and storage of equipment. The 23 foot 6 inch tall barn would be approximately 300 feet from the easterly front property line, 40 feet from the westerly rear property line, approximately 190 feet from the northeasterly side property line, 410 feet from the northerly side property line, and 112 feet from the southerly side property line. The proposed barn would be approximately 45 feet from an existing on-site barn, 228 feet from the existing, on-site residence, and approximately 160 feet from a slough and 200 feet from a seasonal pond found on the property.

GENERAL INFORMATION:

Countywide Plan:	C-AG3 (Coastal, Agriculture, 1 dwelling unit per 2-9 acres)
Zoning:	C-ARP-5 (Coastal, Agricultural, Residential Planned, 1 dwelling unit per 5-acres)
Community Plan Area:	N/A
Lot size:	4.62-acres
Adjacent Land Uses:	Rural Residential and Agricultural
Vegetation:	Native grasslands and vegetation
Topography and Slope:	Gently sloping
Environmental Hazards:	Within the Alquist-Priolo Special Study Zone

ENVIRONMENTAL REVIEW:

The Environmental Coordinator has determined that this project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 15303, Class 3(e) of the CEQA Guidelines because it entails the construction of a new barn, which is incidental to the primary residence.

PUBLIC NOTICE:

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and the date of the public hearing. This notice has been mailed to all property owners within 600 feet of the subject property. No comments, adverse or otherwise have been received by staff in response to the public notice for the proposed project.

PLAN CONSISTENCY:

The proposed project is generally consistent with the goals and policies of the Marin Countywide Plan, the Local Coastal Program, and Titles 22 (Zoning) and 24 (Development Standards) of the Marin County Code, because it will not result in tree removal, significant grading, or other adverse impacts on the environment and surrounding property owners. Please refer to the plan consistency findings contained in the attached resolution.

PROJECT ANALYSIS:

The owner/applicant is proposing to replace a 60-foot wide, fenced, riding arena with a new 2,560 square foot barn. The property has an existing residence on it and a 256 square foot barn, which is to remain. The 4.62-acre property is primarily gently sloping, grasslands with a pond and slough running through northeastern portions of the property. A driveway wraps around the southeastern portion of the property, around the slough and pond, connecting to the residence situated towards the northwestern edge of the property. The driveway separates the slough and pond from the developed portions of the property, including the proposed barn.

The barn is to be of a traditional design and color, as called required by Section 22.57.020(D) of the Interim Marin County Code (MCC) for the C-ARP zoning district. The barn, per the Interim MCC Section 22.57.020(B) is permitted to exceed 15 feet with design review approval.

The property is fenced and three horses are on the property. The owner has indicated that he may have mares brought in to breed with his one male horse on the property sometime in the future. The mares after impregnation would then return to the properties they were brought in from. This is a permitted use in the C-ARP zoning district. At present, the owner intends to house his horses and store grounds maintenance equipment in the barn.

Based on these factors, the proposed project would not result in adverse impacts to the public welfare or surrounding properties, and the Coastal Permit and Design Review findings can be made.

RECOMMENDATION:

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and adopt the attached resolution approving the Peterson Coastal Permit and Design Review.

- Attachments:**
1. *Proposed Resolution recommending approval of the Peterson Coastal Permit and Design Review*
 2. *CEQA Exemption*
 3. *Location Map*
 4. *Assessor's Parcel Map*
 5. *Project Plans*
 6. *Exhibit B.1 "Colors and Materials", received 2/26/2008*
 7. *Marin County Department of Public Works Memo, received 3/24/08*
 8. *Marin County Environmental Health Services (Water) Memo, received 4/15/08*
 9. *Marin County Environmental Health Services (Sewage) Memo, dated 3/7/08*
 10. *Bolinas Fire Protection District Memo, dated 3/25/2008*
 11. *Septic Troubleshooters Letter, dated 4/20/2008*

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 08-
A RESOLUTION APPROVING THE PETERSON COASTAL PERMIT AND DESIGN REVIEW
125 HORSESHOE HILL ROAD, BOLINAS
ASSESSOR'S PARCEL 188-150-71

SECTION I: FINDINGS

- I. WHEREAS, Jim Peterson, is seeking Coastal Permit and Design Review approvals to construct a new 2,560 square foot barn. The barn is replacing an existing sixty (60) foot wide, fenced riding arena. The barn is to be used primarily as a stable for the owner's horses and storage of equipment. The 23 foot 6 inch tall barn would be approximately 300 feet from the easterly front property line, 40 feet from the westerly rear property line, approximately 190 feet from the northeasterly side property line, 410 feet from the northerly side property line, and 112 feet from the southerly side property line. The proposed barn would be approximately 45 feet from an existing barn, 228 feet from the existing, on-site residence, and approximately 160 feet from a slough and 200 feet from a seasonal pond. **The subject property is located at 125 Horseshoe Hill Road at Bolinas, and is further identified as Assessor's Parcel 188-150-71.**
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing August 28, 2008, to consider the merits of the project and hear testimony in favor of and in opposition to the project.
- III. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act, per Section 15303, Class 3 of the CEQA Guidelines because it entails the construction of a new barn, which is incidental to the primary residence.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan for the following reasons:
 - A. The project would be consistent with the C-AG3 (Coastal, Agriculture, 1 unit per 2-9 acres) land use designation;
 - B. The project will comply with CWP policies minimizing air, water, and noise pollution and comply with applicable standards for air quality. The project will cause less than significant short-term increases in construction-related emission and short-term construction-generated noise impacts will be minimized by limiting the hours of construction to the hours of 7:00a.m. and 5:00p.m., Monday through Friday, and between the hours of 9:00a.m. and 4:00p.m. on Saturday. (CWP Policies Noise Policies NO-1.1, NO-1.3);
 - C. The project has been designed to avoid hazards from erosion, landslide, floods, and fires, and will result in a built environment which is healthful, safe, quiet, and of good design both functionally and aesthetically. (CWP Policies Environmental Hazards Policies EH-2.3, EH-3.1, EH-4.1, Community Design Policies DES-4.1, DES-5.1);

- D. The project will comply with Marin County development standards related to parking, grading, drainage, flood control, and utility improvements as verified by the Department of Public Works. (Environmental Quality Policies EQ-2.19, EQ-2.20, Environmental Hazards Policy EH-8.6);
 - E. The project will not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services and facilities. To minimize the risk of fires and ensure adequate fire protection, the Bolinas Fire Protection District will ensure compliance with fire safety codes and standards including installation of fire sprinklers. (CWP Policies, Environmental Quality Policy EQ-3.9);
 - F. No wetlands or stream conservation areas will be affected by the project (CWP Policies, Biological Resources BIO-3.1, BIO-4.1);
 - G. The project will not result in impacts to special-status species (CWP Policies Biological Resources, BIO-1.1, BIO-2.1);
 - H. The project will preserve community character (CWP Policies, Community Design DES-1.2, DES-1.4, DES-4.c)
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve the Coastal Permit application (Section 22.56.130I of the Marin County Code) as specified below.

A. Water Supply

The applicant has demonstrated adequate capacity of the water system by showing Environmental Health Services (EHS) past reports for two wells. Further, the applicant will be required to obtain a Domestic Water Permit from EHS prior to building permit approval.

B. Septic System Standards

The proposed barn would not cross or impact the existing onsite septic system. Additionally, following a requirement made by EHS, an inspection has been performed by Leon Lee of Septic Troubleshooters, who states that the existing septic system is working well.

C. Grading and Excavation

The project, as designed, will keep grading to the minimum amount necessary.

D. Archaeological Resources

A review of the Marin County Archaeological Sites Inventory indicates that the subject property is considered to be in an area of high archaeological sensitivity. A standard condition of approval has been applied to the project requiring that in the event cultural resources are uncovered during construction, all work shall be immediately stopped and the services of a qualified consulting archaeologist be engaged to assess the value of the resource and to develop appropriate mitigation measures.

E. Coastal Access

The subject property is not located adjacent to the shoreline and therefore will not affect coastal access.

F. Housing

The proposed project will have no impact upon the availability of affordable housing stock within the Bolinas community.

G. Stream and Wetland Resource Protection

The proposed project is not located within the vicinity of any recognized sensitive streams or creeks subject to streamside conservation policies of the Marin Countywide Plan or Local Coastal Program. The project site does contain a slough and a pond, but the proposed project is separated by the existing driveway and is approximately 160 feet from the slough and 200 feet from the pond.

H. Dune Protection

The proposed project entails the construction of a barn and would not disturb natural dunes.

I. Wildlife Habitat

The project entails the construction of a new barn and would not result in the removal of significant vegetation. The project site is already disturbed by the existing fenced, riding arena and there is no evidence that the project would affect wildlife habitats. In addition, a condition of approval will require new native landscaping to screen the new barn and should, if necessary act as replacement habitat.

J. Protection of Native Plant Communities

Review of the California Natural Diversity Database, prepared by the State Department of Fish and Game, indicates that the property includes federally and state listed species. These species include the Ricksecker's Water Scavenger Beetle (*Hydrochara rickseckeri*), the Coast Yellow Leptosiphon (*Leptosiphon croceus*), and the American Badger (*Taxidea taxus*). The proposed barn is located in an already disturbed area, replacing an existing riding arena. No impact on native plant communities is anticipated.

K. Shoreline Protection

The proposed project is not located adjacent to the shoreline or within a bluff erosion zone.

L. Geologic Hazards

The project site is located within the Alquist-Priolo Special Study Zone and would be subjected to moderate ground shaking during a proximate seismic event. The Marin County Community Development Agency – Building and Safety Division will determine seismic compliance with the Uniform Building Code. In addition, as a condition of approval, the applicant shall agree to hold the County, other governmental agencies, and the public

harmless of any matter resulting from the existence of geologic hazards or activities on the subject property.

M. Public Works Projects

The proposed project will not affect any existing or proposed local public works projects in the area.

N. Land Division Standards

No land division or property line adjustment is proposed as part of this project.

O. Visual Resources

The proposed project has been setback away from the road and towards the rear of the property. The project is not along a ridgeline and has also been conditioned to utilize landscaping to screen potential visual impacts to the neighbor at 85 Horseshoe Hill Road, the parcel immediately to the south of the subject property, due to the fact that their residence, set approximately 250 feet away across towards the proposed barn. In addition, the barn has been conditioned to utilize coloring which is non-reflective and blends with the community and physical environment.

P. Recreation/Visitor Facilities

The project will not have any impact upon recreation or visitor facilities.

Q. Historic Resource Preservation

The subject property is not located within any designated historic preservation boundaries as identified in the Marin County Historic Study for the Local Coastal Program, and the proposed project does not entail alterations to a structure that was constructed prior to 1931.

VI. Whereas, the Marin County Deputy Zoning Administrator finds that the Mandatory Findings for a Design Review per Section 22.82.0401 of the Marin County Zoning Code can be made. The proposed project is minor and incidental to the existing single-family residential use on the property and within the intent and objectives for Design Review, based on the following findings:

A. **It is consistent with the countywide plan and any applicable community plan and local coastal program;**

The project proposes construction of a barn to replace an existing riding arena. This use is minor and incidental to the existing residence on the property. The proposed project is consistent with the Agriculture 3 policies of the General Plan. Therefore, the project is consistent with this finding.

B. **It will properly and adequately perform or satisfy its functional requirements without being unsightly or creating substantial disharmony with its locale and surroundings;**

The proposed project is to replace a riding arena with a barn for the property's horses and maintenance equipment. In order to avoid creating an unsightly impact or

disharmony with the surrounding community, the project has been conditioned to have additional landscaping to screen the southerly neighbor's property. In addition, the project has been conditioned that the applicant must submit a color sample which will utilize darker, non-reflective colors than what has been submitted (see attachment "Exhibit B) in order to minimize glare and to blend with the community and physical environment. Therefore, the project is consistent with this finding.

- C. **It will not impair, or interfere with, the development, use, or enjoyment of other property in the vicinity, or the orderly and pleasing development of the neighborhood as a whole, including public lands and rights-of-way;**

The proposed project is to replace an existing riding arena with a barn. This should have no impact on further development, use, or the enjoyment of this or any other properties in the area. Therefore, the project would be consistent with this finding.

- D. **It will not directly, or in a cumulative fashion, impair, inhibit or limit further investment or improvements in the vicinity, on the same or other properties, including public lands and rights-of-way;**

The proposed project is to replace an existing riding arena with a barn. This should have no impact on further investment or improvements on this or any other properties in the area. Therefore, the project would be consistent with this finding.

- E. **It will be properly and adequately landscaped with maximum retention of trees and other natural material;**

No existing trees have been identified for removal with the proposed project. In addition, staff is recommending in the Conditions of Approval that the applicant plant additional trees and landscaping to help screen the barn from the road and the southerly neighboring property. Therefore, the project would be consistent with this finding.

- F. **It will minimize or eliminate adverse physical or visual effects which might otherwise result from unplanned or inappropriate development, design or juxtaposition. Adverse effects may include, but are not limited to, those produced by the design and location characteristics of:**

1. The scale, mass, height, area and materials of buildings and structures,

The proposed project is to replace an existing riding arena with a barn. The barn is of a traditional design with a metal roof and metal siding, which attains a maximum height of 23 feet 6 inches on a 4.62-acre lot. The barn is of a traditional style and has been conditioned to utilize a traditional, darker color scheme which will be non-reflective when viewed from the road or neighboring properties. The barn is to be situated towards the rear of the lot and is several hundred feet from the nearest residence.

2. Drainage systems and appurtenant structures,

The project should not result in substantial changes to existing drainage patterns. In addition, the Department of Public Works will review and approve a drainage plan prior to Building Permit issuance.

3. Cut and fill or the reforming of the natural terrain, and structures appurtenant thereto such as retaining walls and bulkheads,

The proposed project would result in a minimal level of ground disturbance.

4. Areas, paths and rights-of-way for the containment, movement or general circulation of persons, animals, vehicles, conveyances and watercraft,

The proposed project is to replace an existing riding arena with a barn. This should have no impact on pedestrian, animal, or vehicular access.

5. Other developments or improvements which may result in a diminution or elimination of sun and light exposure, views, vistas and privacy;

The proposed project is to replace an existing riding arena with a new barn, which will attain a maximum height of 23 feet 6 inches. The lots in the surrounding community range from approximately 1-acre to over 11-acres. The nearest residences on adjacent properties are several hundred feet from the proposed barn and therefore there should be no impact to sun and light exposure, views, or privacy.

Therefore, the project would be consistent with this finding.

- G. **It may contain roof overhang, roofing material, and siding material that are compatible both with the principles of energy-conserving design and with the prevailing architectural style in the neighborhood.**

The proposed project is to replace an existing riding arena with a new barn, in an Agricultural-Residentially Planned zoning district. The materials and coloring will be conditioned to be non-reflective and of a color palette which complements the community and physical environment. Therefore, the project would be consistent with this finding.

SECTION II: CONDITIONS OF PROJECT APPROVAL

Marin County Community Development Agency, Planning Division

1. Plans submitted for a Building Permit shall substantially conform to plans identified as "Exhibit A.3," entitled, "Peterson Barn," consisting of three sheets prepared by Stacey N. Ford, Architect, dated January 28, 2008 and received February 26, 2008, with revisions with no specified date received April 22, 2008 and July 9, 2008, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
2. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant must submit and receive staff approval for a landscaping plan which will provide screening to the southerly neighbor at 85 Horseshoe Hill Road, as well as the roadway.
3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a revised color sample for the roof and siding which includes a darker, less potentially reflective color than was submitted on February 26, 2008 with "Exhibit B.1".

4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the site plan or other first sheet of the office and job site copies of the Building Permit plans to list these Conditions of Approval as notes.
5. All utility connections and extensions serving the project shall be installed underground.
6. Exterior lighting shall be directed downward, and located and/or shielded so as not to cast glare on nearby properties.
7. All construction activities shall comply with the following standards:
 - A. Except for such non-noise generating activities, including but not limited to, painting, sanding, and sweeping, construction activity is only permitted between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and 9:00 a.m. and 5:00 p.m. on Saturday. No construction shall be permitted on Sundays or the following holidays (New Year's Day, Presidents' Day, Memorial Day, July 4th, Labor Day, Thanksgiving, and Christmas Day). If the holiday falls on a weekend, the prohibition on noise-generating construction activities shall apply to the ensuing weekday during which the holiday is observed. At the applicant's request, the Community Development Agency staff may administratively authorize minor modifications to these hours of construction.
 - B. It shall be the responsibility of the applicant to ensure that all construction materials and equipment are stored on-site (or secured at an approved off-site location) and that all contractor vehicles are parked in such a manner as to permit safe passage for vehicular, pedestrian, and bicycle traffic at all times.
8. If archaeological resources are discovered during grading, trenching, or other construction activities, all work at the site shall stop immediately and the project sponsor shall inform the Marin County Environmental Coordinator of the discovery. A registered archaeologist, chosen by the County and paid for by the project sponsor, shall assess the site and submit a written report to the Marin County Community Development Agency Director advancing appropriate mitigations to protect the resources discovered. No work at the site may recommence without approval of the Director. All future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the Director.
9. The applicant/owner hereby agrees to defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul approval of the Peterson Coastal Permit and Design Review, for which action is brought within the applicable statute of limitations.
10. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated.

Marin County Public Works Department, Land Development Division

11. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit an Erosion and Siltation Control Plan if grading or site disturbance is to occur between October 15 and April 15.
12. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a drainage plan.

Marin County Community Development Agency, Environmental Health Services

13. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall obtain a Domestic Water Permit from Environmental Health Services.
14. BEFORE ISSUANCE OF A BUILDING PERMIT, the residence requires a passing septic system inspection to be performed by a licensed sewage pumper or qualified septic system inspector.

Bolinas Fire Protection District

15. An automatic fire sprinkler system is required. Design approval and site inspection will be completed by the Building Department.
16. BEFORE ISSUANCE OF A BUILDING PERMIT, a defensible space zone (minimum 30-100 feet) is required. The defensible space zone must be in place prior to framing. Trees shall not be planted in a location that, when mature, they will contact overhead power lines or impede access/egress. The applicant will need to schedule a site meeting with the Fire Department prior to construction.

SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this Coastal Permit and Design Review approval by complying with all conditions of approval, obtaining Building Permits for the approved work, and substantially completing approved work before August 28, 2010, or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 30 days before the expiration date above and the Deputy Zoning Administrator approves it. An extension of up to four years may be granted for cause pursuant to Section 22.56.120I of the Marin County Code.

The Building Permit approval expires if the building or work authorized in this does not commence within one year from issuance of such permits. A Building Permit is valid for two years during which construction is required to be completed. All permits shall expire by limitation and become null and void if the building or work authorized by such permit is not completed within two years from the date of the permit. Please be advised that if your Building Permit lapses after the vesting date stipulated in the approval, and no extensions have been granted, the Building Permit may become null and void. Should you have difficulties in meeting deadlines for completing the work pursuant for a Building Permit, the applicant may apply for an extension at least ten days before the expiration.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Planning Commission. A Petition for Appeal and a \$600.00 filing fee must be submitted in the Community Development Agency - Planning Division, Room 308, Civic Center, San Rafael, no later than **4:00 p.m.** on **September 4, 2008**.

SECTION IV: ACTION

PASSED AND ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 28th day of August 2008.

JOHANNA PATRI
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary