

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR MINUTES
Marin County Civic Center, Room #328 - San Rafael
MEETING – January 29, 2009

Hearing Officer Johanna Patri, AICP
 Jeremy Tejrjian, AICP

Staff Present: Scott Greeley, Planner
 Christine Gimmler, Senior Planner
 Veronica Corella-Pearson, Planner

Joyce Evans, Recording Secretary

Reconvened at 9:04 A.M.
Adjourned at 9:21 A.M.
Reconvened at 9:25 A.M.
Adjourned at 9:55 A.M.

January 29, 2009

Marin County Community Development Agency

Brian C. Crawford, Director

NOTICE OF DECISION

Applicant's Name: **W. EDWARD NUTE**

Application (type and number): Coastal Permit (CP 08-40) and Design Review (DR 08-38)

Assessor's Parcel Number: 109-150-24

Project Location: 545 Vision Road, Inverness

For inquiries, please contact: Scott Greeley, Planner

Decision Date: January 29, 2009

DETERMINATION: Approved with Conditions

Minutes of the January 29, 2009, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-22.

Marin County Community Development Agency

Johanna Patri, Consulting Planner, AICP
Hearing Officer

C1. COASTAL PERMIT (CP 08-40) AND DESIGN REVIEW (DR 08-38): W. EDWARD NUTE

A proposal requesting approval for a new 2,896 square foot residence. The residence is replacing an existing 2,385 square foot residence. The two-level 22 foot high residence would maintain the following approximate setbacks from corresponding property lines or road right of way edge: 300 feet from the northeasterly front property line; 300 feet from the southwesterly rear property line; 200 feet from the northwesterly side property line; and 80 feet from the southeasterly side property line. The subject property is located at **545 Vision Road, Inverness**, and is further identified as **Assessor's Parcel 109-150-24**.

In response to the Hearing Officer, staff stated that no additional correspondence had been received since the issuance of the staff report.

Staff modified SECTION III: VESTING, PERMIT DURATION AND APPEAL RIGHTS, to read: ~~September 11, 2010~~ to "January 29, 2011."

The applicant was present, has reviewed the staff report, and had no questions.

The public testimony portion of the hearing was opened and closed.

The Hearing Officer approved the project with the following modifications to the resolution:

- SECTION I: FINDINGS IV. 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. (CWP Policies, Biological Resources BIO 3-1, BIO-4.20, BIO-5.2.); and 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 Inverness Public Utility District will ensure compliance with fire safety codes and standards including installation of fire sprinklers. (CWP Policies, Environmental Hazards Policy EH-4.1, EH-4.2, EH-4.e)
- SECTION II: Decision – NOW, THEREFORE, LET IT BE RESOLVED that the Marin County Deputy Zoning Administrator hereby approved the Nute Coastal Permit (CP 08-40) and Design Review (DR 08-38), subject to the following conditions:
- Condition of Approval #1: The Nute Coastal Permit (CP 08-40) and Design Review (DR 08-38) is approved for the following: (a) Demolition of an existing 2,385 square foot residence is approved; (b) Construction of a new 2,896 square foot single-family residence, with a 636 square foot attached garage is approved. The structure shall have a maximum height of 22 feet as measured from existing grade to the highest roof ridge.(c) The approved residence shall be sited with the following minimum corresponding setbacks from property lines: 300 feet from the easterly front property line; 300 feet from the westerly rear property line; 200 feet from the northerly side property line; and 80 feet from the southerly side property line.

- SECTION II: Add new Condition of Approval #3: "BEFORE ISSUANCE OF A BUILDING PERMIT FOR THE SINGLE FAMILY RESIDENCE AND BEFORE DEMOLITION OF ANY STRUCTURE, THE APPLICANT/OWNER SHALL OBTAIN A DEMOLITION PERMIT FROM THE COMMUNITY DEVELOPMENT AGENCY (CDA) – BUILDING SAFETY AND INSPECTION DIVISION. BEFORE ISSUANCE OF ANY DEMOLITION PERMITS, the applicant shall comply with the items listed below: (a). With the permit application, the applicant must submit a copy of the Bay Area Air Quality Management District (District) J# Pre-Demolition Asbestos Survey application. The applicant must comply with all District requirements relating to containment and disposal of asbestos and other hazardous materials. (b). The applicant shall submit to CDA a Construction and Demolition Waste Recovery Plan prepared by a salvage contractor, architect and/or qualified consultant in compliance with Marin County Board of Supervisors Ordinance 3389, Construction and Demolition Waste Recovery Ordinance with an indication as to how the demolished materials will be recycled.

The Hearing Officer concurred with staff's analysis and approved the Nute Coastal Permit and Design Review, based on the revised Findings and subject to the conditions in the revised Resolution.

The Hearing Officer informed all parties of interest that this action may be appealed to the Marin County Planning Commission within 5 (five working days.)

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 09-101
A RESOLUTION APPROVING THE NUTE COASTAL PERMIT AND DESIGN REVIEW
545 VISION ROAD, INVERNESS
ASSESSOR'S PARCEL 109-150-24

SECTION I: FINDINGS

- I. WHEREAS, W. Edward Nute, is seeking Coastal Permit and Design Review approvals to construct a new 2,896 square foot residence, along with an attached 636 square foot garage. The residence is replacing an existing 2,385 square foot residence. The two-level, 22 foot high residence would maintain the following approximate setbacks: 300 feet from the easterly front property line; 300 feet from the westerly rear property line; 200 feet from the northerly side property line; and 80 feet from the southerly side property line. **The subject property is located at 545 Vision Road at Inverness, and is further identified as Assessor's Parcel 109-150-24.**
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing January 29, 2009, 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 replacement of one residence with another.
- 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-SF3 (Coastal, Single Family, 1 unit per 1-5 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-2.1, EH-2.3, EH-3.1, EH-4.1, EH-4.2, EH-4.e, Community Design Policies DES-4.1, DES-4.c, DES-4.d, 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. (CWP Policies, Biological Resources BIO 3-1, BIO-4.20, BIO-5.2,);

- 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 Inverness Public Utility District will ensure compliance with fire safety codes and standards including installation of fire sprinklers. (CWP Policies, Environmental Hazards Policy EH-4.1, EH-4.2, EH-4.e);
 - 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, BIO-2.2);
 - H. The project will comply with the Marin County Single Family Dwelling Energy Efficiency Ordinance (Energy and Green Building Policies *EN-1.b*, *EN-1.c*, *EN-3.a*);
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the pertinent Residential Development Design Review Guidelines and Natural Resources policies of the Inverness Ridge Communities Plan for the following reasons:
- A. The project will remove potentially flammable vegetation, but still retain a significant amount of mature, native trees and vegetation.
 - B. The project will utilize colors and materials that is consistent with previously approved designs found on the property.
 - C. The project complies with the residential densities called out for by the Community Plan for the Upper Vision and Kehoe Roads of one dwelling unit per 2 to 3 acres.
 - D. The proposed development protects the views of the area by maintaining valuable screening of the residence from the larger community.
 - E. The proposed project is continuing to utilize the existing driveway and much of the existing residence's site and will not result in an increase in the removal of native vegetation or tree cutting.
- VI. 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 project has been reviewed and accepted by EHS. Prior to issuance of the building permit, EHS is requesting documentation on the existing water system to ensure copper and lead are not leaching from the existing plumbing system.
 - B. Septic System Standards

The project has been reviewed and accepted by EHS. Prior to building permit issuance, the applicant will need to confirm that the minimum setbacks from the septic system are being met. In addition, a septic evaluation report is required.

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 low 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 Inverness 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 stream protection of the Local Coastal Program.

H. Dune Protection

The proposed project entails the construction of a residence, which is replacing another residence and is located substantially on the same building footprint and would not disturb natural dunes.

I. Wildlife Habitat

The subject parcel is located in the rural, northern community of Inverness, which has been identified by federal and state authorities as being home to numerous federal and state listed species. In an effort to address whether the proposed project would impact any species recognized by federal or state agencies, the applicant provided a biological assessment by Daniel Edelstein, a biologist with Edelstein and Associates. Mr. Edelstein addresses "Wildlife Habitats" in Section 4.2 of his report, with additional information on a list of special-status wildlife species that have potential for occurrence on the site in Figure 5 and Appendices C and E of his report. In his conclusion, Mr. Edelstein finds that potential impacts related to the applicant's proposed design will have less than significant to no potential impact. His findings are based on the fact that the proposed residence is largely on the same building footprint as the existing residence.

J. Protection of Native Plant Communities

Based on Mr. Edelstein's biological assessment, it has been determined that potential impacts related to the applicant's proposed design will have less than significant to no potential impact. His findings are based on the fact that the proposed residence is largely on the same building footprint as the existing residence.

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 outside of the Alquist-Priolo Special Study Zone. In addition, the Marin County Community Development Agency – Building and Safety Division will determine seismic compliance with the Uniform Building Code and as a condition of project 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 center of the property. The project has also been conditioned to utilize landscaping to screen potential visual impacts. In addition, the height and scale of the proposed residence will comply with the standards of the governing zoning and will be compatible with the surrounding community.

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.

- VII. Whereas, the Marin County Deputy Zoning Administrator finds that the Mandatory Findings for a Design Review per Section 22.82.040I of the Marin County Zoning Code can be made. The proposed project is 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 proposed project entails the construction of a residence in a planned residential community and is replacing another legally permitted residence on substantially on the same building footprint. As noted above in Section I: Findings, subsection IV, the proposed project complies with the C-SF3 policies of the General Plan and the Inverness Ridge Communities 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 entails the construction of a residence, which is replacing another residence which was built in 1967 and would be located substantially on the same building footprint. In order to avoid creating an unsightly impact or disharmony with the surrounding community, the project has been designed to compliment the design, color and material used for a guest house on the property which was approved by the Deputy Zoning Administrator with Coastal Permit 00-29 and Design Review 00-71 and has also been conditioned to have and maintain landscaping for the purposes of screening the residence from the surrounding area. 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 entails the construction of a residence, which would replace another residence. Since the project would be located substantially on the same building footprint accessed from the same private driveway as the existing residence, with minimal additional site disturbance required, the project 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 entails the construction of a residence, which would replace another residence. Since the project would be located substantially on the same building footprint accessed from the same private driveway as the existing residence, with minimal additional site disturbance required, the project 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. 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 entails the construction of a residence, which is replacing another residence and is located substantially on the same building footprint. The residence has been designed to match a guest house which was approved by the Deputy Zoning Administrator with a Coastal Permit and Design Review design on June 8, 2000, which attains a maximum height of 22 feet on a 7.09-acre lot. The residence is to be situated towards the center 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 entails the construction of a residence, which is replacing another residence and is located substantially on the same building footprint. 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 entails the construction of a residence, which is replacing another residence and is located substantially on the same building footprint, which will attain a maximum height of 22 feet. The lots in the surrounding community range from approximately 2-acres to over 70-acres. The nearest residences on adjacent properties are several hundred feet from the proposed residence. Existing and proposed landscaping should provide screening of the residence. 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 entails the construction of a residence, which is replacing another residence and is located substantially on the same building footprint, in a Residential Planned zoning district. The materials, coloring, and design will match the guest house which was approved by the Deputy Zoning Administrator on June 8, 2000. The project will also be conditioned to meet a "certified" rating or better with the Marin County New Home

Green Building Residential Design Guidelines checklist prior to final building permit inspection. Therefore, the project would be consistent with this finding.

SECTION II: CONDITIONS OF PROJECT APPROVAL

Marin County Community Development Agency, Planning Division

NOW, THEREFORE, LET IT BE RESOLVED that the Marin County Deputy Zoning Administrator hereby approved the Nute Coastal Permit (CP 08-40) and Design Review (DR 08-38), subject to the following conditions:

1. The Nute Coastal Permit (CP 08-40) and Design Review (DR 08-38) is approved for the following: (a) Demolition of an existing 2,385 square foot residence is approved; (b) Construction of a new 2,896 square foot single-family residence, with a 636 square foot attached garage is approved. The structure shall have a maximum height of 22 feet as measured from existing grade to the highest roof ridge.(c) The approved residence shall be sited with the following minimum corresponding setbacks from property lines: 300 feet from the easterly front property line; 300 feet from the westerly rear property line; 200 feet from the northerly side property line; and 80 feet from the southerly side property line.
2. Approved exterior building materials and colors shall substantially conform to the color/materials sample board which is identified as "Exhibit B.1," received February 19, 2008, and on file with the Marin County Community Development Agency.
3. BEFORE ISSUANCE OF A BUILDING PERMIT FOR THE SINGLE FAMILY RESIDENCE AND BEFORE DEMOLITION OF ANY STRUCTURE, THE APPLICANT/OWNER SHALL OBTAIN A DEMOLITION PERMIT FROM THE COMMUNITY DEVELOPMENT AGENCY (CDA) – BUILDING SAFETY AND INSPECTION DIVISION. BEFORE ISSUANCE OF ANY DEMOLITION PERMITS, the applicant shall comply with the items listed below:
 - a. With the permit application, the applicant must submit a copy of the Bay Area Air Quality Management District (District) J# Pre-Demolition Asbestos Survey application. The applicant must comply with all District requirements relating to containment and disposal of asbestos and other hazardous materials.
 - b. The applicant shall submit to CDA a Construction and Demolition Waste Recovery Plan prepared by a salvage contractor, architect and/or qualified consultant in compliance with Marin County Board of Supervisors Ordinance 3389, Construction and Demolition Waste Recovery Ordinance with an indication as to how the demolished materials will be recycled.
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. BEFORE FINAL INSPECTION, the applicant shall submit a signed Statement of Completion confirming that the project has been constructed in compliance with all of the measures that were used to meet the "Certified" or better rating under the Marin Green Home: New Home Green Building Residential Design Guidelines.

6. All utility connections and extensions serving the project shall be installed underground.
7. Exterior lighting shall be directed downward, and located and/or shielded so as not to cast glare on nearby properties.
8. 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.
9. 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.
10. 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.
11. 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

12. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall show on the site plan property boundary bearings and distances.
13. BEFORE ISSUANCE OF A BUILDING PERMIT, the plans shall be reviewed and approved by a Registered Civil Engineer with soils engineering expertise or a Registered Geotechnical Engineer. Certification shall be either by the engineer's stamp and signature on the plans, or by stamp and signed letter.

14. BEFORE ISSUANCE OF A BUILDING PERMIT, a registered Engineer shall design the site/driveway retaining walls, drainage, and grading plans. Plans must have the engineer's signature and stamp.
15. BEFORE ISSUANCE OF A BUILDING PERMIT, a separate Building Permit is required for site/driveway retaining walls with a height more than 4 feet (or 3 feet when backfill area is sloped or has a surcharge).
16. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit Erosion and Siltation Control plans.
17. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide a drainage plan for roof runoff and downspouts. Drainage shall be away from the foundation.
18. BEFORE ISSUANCE OF A BUILDING PERMIT, a note shall be provided on the plans stating the Design Engineer/Architect shall certify to the County in writing that all grading, drainage, and retaining wall construction was done in accordance with plans and field directions. Also note that the driveway, parking, and other site improvements shall be inspected by a Department of Public Works engineer.

Marin County Community Development Agency, Environmental Health Services

19. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall identify the location of the septic system on the site plan and meet the requirements for setbacks to the existing septic system.
20. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a current septic evaluation report.
21. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit documentation of the existing water treatment system.

Inverness Public Utility District

22. Per sections 19.04.063 and 19.04.065 of the Marin County Code, interior residential fire sprinklers shall be required in the new residence.

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 January 29, 2011, 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 **February 5, 2009**.

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 29th day of January 2009.

JOHANNA PATRI
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary

Marin County Community Development Agency

Brian C. Crawford, Director

NOTICE OF DECISION

Applicant's Name: **Kenneth Rosenberg**

Application (type and number): Use Permit Re-Instatement (EX 09-4)

Assessor's Parcel Number: 157-091-45

Project Location: Philip Terrace, Novato

For inquiries, please contact: Scott Greeley, Planner

Decision Date: January 29, 2009

DETERMINATION: Approved with Conditions

Minutes of the January 29, 2009, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-11.

Marin County Community Development Agency

Johanna Patri, AICP
Hearing Officer

**C2. USE PERMIT RE-INSTATEMENT (EX 09-4):
KENNETH ROSENBERG**

A proposal to re-instate a previously approved Use Permit and Design Review (UP 97-123 and DR 97-122) for the continued operation of an unstaffed, wireless Personal Communication Services (PCS) facility on an existing monopole. The existing monopole has a height of 32 feet 6 inches and is located approximately 10 feet from the westerly property line. No changes are being proposed at this time. The subject property is located at ~~100 Manzanita Avenue~~, **Philip Terrace, Novato**, and is further identified as **Assessor's Parcel 157-091-45**.

In response to the Hearing Officer, staff stated that no additional correspondence had been received since the issuance of the staff report.

The applicant was present, has reviewed the staff report, and had no questions.

The public testimony portion of the hearing was opened and closed.

The Hearing Officer approved the project with the following modifications to the resolution:

- SECTION I: FINDINGS: Remove the word "Design Review" from the project description;
- SECTION I, IV. D: Replace with "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. (CWP Policies, Biological Resources BIO 3-1, BIO-4.20, BIO-5.2.);"
- SECTION I, IV. E: Replace with "(CWP Policies, Environmental Hazards Policy EH-4.1, EH-4.2, EH-4.e)";
- Condition of Approval #2, Reference Philip Terrace as the address of the property, giving the applicant 30 days to apply for a street address change; and
- Add new Condition of Approval #11: "The Rosenberg Use Permit Renewal (EX 09-04) shall be recorded against the Title of the property by the Community Development Agency staff per Marin County Development Code Section 22.48.040.

The Hearing Officer concurred with staff's analysis and approved the Rosenberg Use Permit Re-Instatement, based on the revised Findings and subject to the conditions in the modified Resolution.

The Hearing Officer informed all parties of interest that this action may be appealed to the Marin County Planning Commission within ten (10 working days.)

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 09-103
A RESOLUTION APPROVING THE ROSENBERG USE PERMIT RENEWAL
ASSESSOR'S PARCEL 157-091-45 and -05

SECTION I: FINDINGS

- I. WHEREAS, Jason Osborne, the applicant, a representative of Crown Castle International, in collaboration with Sprint Nextel, is seeking a Use Permit renewal which will authorize the continued operation of an unstaffed, wireless Personal Communication Services (PCS) facility on an existing monopole. The existing monopole has a height of 32 feet 6 inches and is located approximately 10 feet from the westerly property line. Assessor's Parcels 157-091-05 and -45 comprise one legal lot of record. **The subject property is identified as Assessor's Parcels 157-091-45 and -05.**
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing January 29, 2009 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 15301, Class 1 of the CEQA Guidelines because it entails continuing a previously permitted use with no new expansion and would not result in potentially significant impacts to the environment.
- 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 AG3 (Agricultural, 1 unit per 1-9 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. (CWP Policies Noise Policies NO-1.2, 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-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. (CWP Policies, Biological Resources BIO 3-1, BIO-4.20, BIO-5.2.);
 - 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 Novato Fire Protection District will ensure compliance with fire safety codes and standards including installation of fire sprinklers (CWP Policies, Environmental Hazards Policy EH-4.1, EH-4.2, EH-4.e);
 - 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-1.3, BIO-2.1);
- H. The project will preserve community character (CWP Policies, Open Space OS-1.2, Agriculture and Food AG-1.6, Community Design DES-1.2, DES-4.c)
- V. WHEREAS, the Marin County Deputy Zoning Administrator finds that the project is consistent with the Marin County Telecommunications Facilities Policy Plan (TFPP) and with the criteria for wireless communications facilities contained therein, as follows:
 - A. The project entails the continued operation of an existing Personal Communication Services (PCS) facility. No expansion of the existing facility is proposed, and the project would renew a previously approved use that would not result in any new significant visual presence at the site. In a letter dated August 21, 2006, from the previous Use Permit extension (EX 06-15) the project applicant at that time indicated that the existing monopole is designed for co-location and that it was the intent of applicant to encourage co-location and clustering wherever possible. A condition of approval will limit the term of this Use Permit and require that other telecommunications carriers co-locate new facilities at the existing facility in future development applications. Based on these factors, the facility is consistent with the location standards contained in the TFPP.
 - B. The facility would allow the applicant, Crown Castle International, to provide continued cellular coverage in the northern portion of the County and would allow the carrier to continue to provide a reliable source of wireless communications to residents, businesses, and emergency service providers in the County.
 - C. The applicant has submitted an Electromagnetic Energy Survey prepared by Hammett & Edison, Inc., dated September 25, 2008. The report evaluated the existing conditions and RF emissions at the site. The report concludes that the RF emissions of the existing telecommunications facility are well below the maximum permissible exposure standards established by the FCC. Additionally, the antenna area would not be publicly accessible and, therefore, would not require mitigation to protect the public from exposure limits. The applicant has posted signage at the site that warns of exposure levels directly in front of the telecommunication facility antennae while the antennae are in operation and warns persons (including maintenance workers) about potential health risks. Based on these factors, the proposed facility is consistent with the Electromagnetic Field Emissions policies contained in the TFPP.
 - D. The facility does not create significant lighting impacts on surrounding areas because no lighting is proposed for the site.
 - E. Vehicular access and parking for the proposed project site is provided from an existing road right-of-way. No additional road or parking area construction would be required for the operation of the facility.
 - F. Noise levels associated with the operation of the facility would not exceed the ambient noise levels. With exception to routine maintenance visits by a cellular site technician, the facility would not generate other traffic trips to the property, therefore, the proposed facility would neither generate significant levels of noise nor traffic.

G. The facility does not significantly impair the visual conditions on and surrounding the subject property because the facility is painted to blend in with the surrounding vegetation, and no expansion of the existing facility is proposed. Additionally, the project would not require removal of existing vegetation which partially screens the facility from off-site views.

VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve the Use Permit Renewal (Section 22.48.040 of the Marin County Code) as specified below.

A. The proposed use is allowed, as a conditional use, within the subject zoning district and complies with all of the applicable provisions of this Chapter;

The proposed project is a permitted conditional use for the A-2 zoning district and complies with all other applicable provisions of the Use Permit ordinance and, as noted above in Finding V, the project is consistent with the Marin County Telecommunications Facilities Policy Plan (TFPP).

B. The proposed use is consistent with the Countywide Plan and any applicable Community Plan and Local Coastal Program;

As noted above in Finding IV, the proposed project complies with the policies and permitted uses for the AG3 land use designation of the Countywide Plan.

C. The approval of the Use Permit for the proposed use is in compliance with the California Environmental Quality Act (CEQA);

The proposed project has been determined to be Categorically Exempt from CEQA per Section 15301, Class 1 of the CEQA Guidelines because it entails no new expansion of the already permitted facilities.

D. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity;

The existing telecommunications facility is well concealed from view due to the parcel size, location, and surrounding natural landscaping. In addition, no changes or additions have been proposed.

E. The proposed use would not impair the architectural integrity and character of the zoning district in which it is to be located;

The proposed project is to renew a use permit for an existing Personal Communication Services (PCS) facility. No changes in use or additions have been proposed. The proposed use is permitted with a Use Permit in the A-2 zoning district. In addition, the facility is in a secluded location and the existing natural landscaping and exterior coloring to have it blend with its location, conceal from the surrounding and larger community and should therefore not impact the architectural integrity or character of the zoning district or the community in which it is in.

F. That granting the Use Permit will not be detrimental to the public interest, health, safety, convenience, or welfare of the County, or injurious to the property or improvements in the vicinity and zoning district in which the real property is located;

The project is a renewal of a previously approved Use Permit. No changes or additions have been proposed to the Personal Communication Services (PCS) facility. As noted above in Finding IV, the project complies with the Marin County Telecommunications Facilities Policy Plan (TFPP) and has previously been determined to have no significant potential health risks based on its location, coupled with the type of PCS facilities which do not result in the generation of hazardous levels of non-ionizing electromagnetic radiation.

SECTION II: CONDITIONS OF PROJECT APPROVAL

Marin County Community Development Agency, Planning Division

1. This decision renews the existing Sprint Nextel/Rosenberg Use Permit Renewal (EX 09-04) to continue the operation of the unstaffed, wireless Personal Communication Services (PCS) facility on an existing monopole. No additional development or change of use is approved. The subject property is located at Philip Terrace, Novato, and if further identified as Assessor's Parcel 157-091-45.
2. Within 30 days, the applicant shall apply to the Community Development Agency for an address on Assessor's Parcel 157-091-45.
3. The approved facility must be dismantled and removed from the premises if it has been inoperative or abandoned for a one-year period. Upon expiration of the Use Permit, all equipment, structures, and antennas shall be removed and the site returned to its preexisting conditions.
4. No exterior lighting is approved on or in the vicinity of the antennas, supporting tower, equipment cabinets, or fencing as part of this application.
5. The approved facility shall operate in compliance with the noise exposure standards contained in the Marin Countywide Plan. Normal testing and maintenance activities shall occur between the hours of 7:00 a.m. and 5:00 p.m., Monday through Sunday, excluding emergency repairs. Normal testing and maintenance activities which do not involve the use or operation of telecommunications and maintenance equipment that is audible from nearby sensitive receptors may occur at all times. Back-up generators shall comply with the above-reference noise standards, and shall only be operated during power outages, emergency occurrences, or for testing and maintenance as described above.
6. All utility connections and extensions serving the project shall be installed underground.
7. This Use Permit is subject to revocation procedures contained in Section 22.120.030 of the Marin County Code. In the event any terms and/or conditions of this approval are violated or if the uses are conducted or carried out in a manner so as to adversely affect the health, welfare of safety of persons residing or working in the neighborhood.
8. All relevant Conditions of Approval for EX 06-15 adopted by the Deputy Zoning Administrator under Resolution 06-172 shall apply.
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 project, 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. Construction involving modifications that do not substantially comply with the approval, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications are obtained by the applicant.
11. The Rosenberg Use Permit Renewal (EX 09-04) shall be recorded against the Title of the property by the Community Development Agency staff per Marin County Development Code section 22.48.040.

SECTION III: APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that this Use Permit shall be valid until **January 29, 2019**, unless the conditions of approval are violated, in which case the Use Permit may be revoked. The applicant shall submit an application to renew the Use Permit at least 60 days prior to the expiration of the Use Permit. Should the Use Permit expire without benefit of a renewal, all equipment, structure, and antennas shall be removed and the site shall be returned to its preexisting conditions.

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 **February 12, 2009**.

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 29th day of January 2009.

JOHANNA PATRI, AICP
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary

Marin County Community Development Agency

Brian C. Crawford, Director

NOTICE OF DECISION

Applicant's Name: **JAMES STEERE**
(North Bay Korean American Presbyterian Church)

Application (type and number): Use Permit (UP 09-13)

Assessor's Parcel Number: 125-130-13

Project Location: 2 San Antonio Road, Petaluma

For inquiries, please contact: Christine Gimmler, Senior Planner

Decision Date: January 29, 2009

DETERMINATION: Approved with Conditions

Minutes of the January 29, 2009, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-18.

Marin County Community Development Agency

Johanna Patri, Senior Planner, AICP
Hearing Officer

**C3. USE PERMIT (UP 09-13): JAMES STEERE
(North Bay Korean American Presbyterian Church)**

A proposal requesting Use Permit approval to convert an existing 3,691 square foot building into a place of worship for the North Bay Korean American Presbyterian Church. The existing structure was previously used as a large animal veterinary clinic. With the exception of minor window and door changes, no exterior modifications to the building are proposed at this time. The interior of the structure would be remodeled to accommodate a 60-seat sanctuary, three classroom spaces, an office, a kitchen, and restroom facilities. The building would be used for weekly church services and other group activities on Sundays between 11:00 a.m. and 5:00 p.m., with limited activities also occurring on Friday evenings between 8:00 and 10:00 p.m., and on Saturday mornings between 6:00 and 8:00 a.m. The existing parking area would be expanded to provide a total of 20 parking spaces (including one accessible space) and the driveway would be extended around the structure to improve on-site access. Use Permit approval is required to allow establishment of a religious institution within the governing A-10 (Agricultural) zoning district. The subject property is located at **2 San Antonio Road, Petaluma**, and is further identified as **Assessor's Parcel 125-130-13**.

In response to the Hearing Officer, staff acknowledged additional comment letters received this morning, January 29, 2009, in support of the project.

The applicant was present and had no questions.

The public testimony portion of the hearing was opened and closed.

The Hearing Officer concurred with staff's analysis and approved the Steere Use Permit, based on the revised Findings and subject to the conditions in the Resolution.

The Hearing Officer informed all parties of interest that this action may be appealed to the Marin County Planning Commission within ten (10 working days.)

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION 09-103

A RESOLUTION APPROVING WITH CONDITIONS THE STEERE (NORTH BAY KOREAN AMERICAN PRESBYTERIAN CHURCH) USE PERMIT

**ASSESSOR'S PARCEL 125-130-13
2 SAN ANTONIO ROAD, PETALUMA**

SECTION I: FINDINGS

- I. WHEREAS the applicant, Jan Vazquez, on behalf of the property owner, James Steere, is requesting Use Permit approval to allow the conversion of an existing 3,691 square foot building into a place of worship for the North Bay Korean American Presbyterian Church. The existing structure was previously used as a large animal veterinary clinic. With the exception of minor window and door changes, no exterior modifications to the building are proposed at this time. The interior of the structure would be remodeled to accommodate a 60-seat sanctuary, three meeting rooms, an office, a kitchen, and restroom facilities. The building would be used for weekly church services and other group activities primarily on Sundays between 11:00 a.m. and 5:00 p.m. The existing parking area would be expanded to provide a total of 20 parking spaces (including one accessible space) and the driveway would be extended around the structure to improve on-site access. Use Permit approval is required to allow establishment of a religious institution within the governing A-10 (Agricultural) zoning district. The subject property is located at 2 San Antonio Road, Petaluma, and is further identified as Assessor's Parcel Number 125-130-13.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on January 29, 2009, to consider the merits of the project, and hear testimony in favor of, and in opposition to, the project; and
- 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 pursuant to Section 15301, Class 1 of the CEQA Guidelines because it entails the remodeling of an existing structure to allow conversion from a medical office to a religious use which would not result in adverse environmental impacts.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the goals and policies of the *Marin Countywide Plan* because it would:
 - A. Comply with the Countywide Plan land use designation of AG2 (Agricultural, one unit per 10 to 30 acres), which permits religious institutions subject to Use Permit approval.
 - B. Provide religious services on a previously developed infill site within the City-Centered Corridor which is served by existing roadways and necessary public and community facilities.
 - C. Comply with governing development standards related to roadway construction, parking, grading, drainage, flood control, and utility improvements as verified by the Department of Public Works.

- D. Not cause substantial soil disturbance or the removal of significant natural vegetation.
- E. Not cause significant adverse impacts on water supply, fire protection, waste disposal, traffic and circulation, or other services.

V. WHEREAS the Marin County Deputy Zoning Administrator finds that, subject to conditions of approval, the mandatory findings for a Use Permit pursuant to Section 22.48.040 of the Marin County Development Code can be made for the reasons listed below.

A. The proposed use is allowed, as a conditional use, within the subject zoning district and complies with all of the applicable provisions of this Chapter.

Pursuant to Marin County Code 22.10.030, the proposed church use is a conditionally-permitted land use within the governing A-10 zoning district and would comply with applicable provisions of this Chapter as described in Findings B through F.

B. The proposed use is consistent with the Countywide Plan and applicable Community Plans.

The proposed project would be consistent with the goals and policies of the Marin Countywide Plan because the project proposes the remodeling of an existing structure and modifications to an existing parking lot on an infill site served by existing roadways and services. The proposed project would not increase the size or height of the existing building, would not impact views from surrounding properties or result in other adverse environmental impacts, and would be compatible with the character of the community.

C. The approval of the Use Permit for the proposed use is in compliance with the California Environmental Quality Act (CEQA).

The proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act, per Section 15301, Class 1 of the CEQA Guidelines because it entails the remodeling of an existing structure to allow conversion from a medical office to a religious use with no potentially adverse impacts to the environment.

D. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity.

The proposed project would allow an existing medical office building to be converted to a church, a low intensity use which would be compatible with surrounding low density agricultural uses and would not generate any activities which would be detrimental to existing or future land uses in the vicinity. The proposed hours of operation are limited and reasonable and Department of Public Works staff have indicated that adequate parking would exist on the property to serve normal operation of the proposed church. Finally, no adverse comments regarding the project have been received from residents in the vicinity.

E. The proposed use would not impair the architectural integrity and character of the zoning district in which it is to be located.

With the exception of minor window and door changes, no exterior modifications to the building are proposed at this time. Therefore, the proposal would not impair the architectural integrity or alter the character of the zoning district in which the site is located.

F. Granting the Use Permit will not be detrimental to the public interest, health, safety, convenience, or welfare of the County, or injurious to the property or improvements in the vicinity and zoning district in which the real property is located.

The proposed establishment of a church in an existing structure previously used as a veterinarian clinic would be compatible with the surrounding community and would not be detrimental to the health, safety, convenience, or welfare of the public or surrounding property owners. The proposed project would provide a location for religious services to North Bay residents without substantially impacting the existing appearance of the property, increasing the mass and bulk of existing structures, or resulting in grading, tree removal, or other adverse impacts to the environment. The proposed use and hours of operation are reasonable and the project would not result in traffic or parking impacts on nearby neighbors, as confirmed by Department of Public Works. Water and sanitary service to the site would be provided by the North Marin Water District and an existing on-site septic system. Finally, no adverse comments regarding the project have been received from surrounding neighbors or members of the community.

SECTION II: DECISION

NOW, THEREFORE, LET IT BE RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Steere (North Bay Korean American Presbyterian Church) Use Permit Use Permit subject to the following conditions:

Marin County Community Development Agency -- Planning Division

1. This Use Permit approval permits the conversion of an existing 3,691 square foot medical clinic building into a place of worship for the North Bay Korean American Presbyterian Church. With the exception of minor window and door changes, no exterior modifications to the building are proposed or approved at this time. Therefore the existing height and setbacks of the structure would not be modified. As approved, the interior of the structure would be remodeled to accommodate a 60-seat sanctuary, three meeting rooms, an office, a kitchen, and restroom facilities. This approval allows the existing parking area to be expanded to a total of 20 parking spaces (including one accessible space) and the existing driveway to be extended around the structure to improve on-site access. The subject property is located at 2 San Antonio Road, Petaluma, and is further identified as Assessor's Parcel Number 125-130-13
2. Except as modified herein, plans submitted for building permit and use of the building shall conform to plans on file in the Marin County Community Development Agency, Planning Division, identified as Exhibit "A": entitled "North Bay Korean American Presbyterian Church," prepared by Halperin and Christ Architects, submitted November 4, 2008.

3. Operation of the approved use/facility shall be in substantial conformance with the submitted project description which indicates the following primary year round hours of operation:

Friday: 8:00 p.m. to 10:00 p.m.
Saturday: 6:00 a.m. to 8:00 a.m.
Sunday: 11:00 a.m. to 5:00 p.m.

Any changes to the proposed number or timing of services, events, or programs that would result in increase parking demand shall be submitted for review and approval of the Community Development Agency and Department of Public Works staff to ensure that adequate parking is available.

4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the plans to depict the location and type of all exterior lighting for review and approval of the Community Development Agency staff. Exterior lighting visible from off site shall be permitted for safety purposes only, shall consist of low-wattage fixtures, and shall be directed downward and shielded to prevent adverse lighting impacts on nearby properties. Light bollards or similar low level small scale lighting fixtures may be used to illuminate pedestrian walkways in or leading to parking areas. Exceptions to these standards may be allowed by the Community Development Agency staff if the exterior lighting would not create night-time illumination levels that are incompatible with the surrounding community character and would not shine on nearby properties.
5. All construction activities shall comply with the following standards:
 - a. 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 and the following holidays (New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day). Loud noise-generating construction-related equipment (e.g., backhoes, generators, jackhammers) can be maintained, operated, or serviced at the construction site from 8:00 a.m. to 5:00 p.m. Monday through Friday only. Minor jobs (e.g., painting, hand sanding, sweeping) with minimal or no noise impacts on the surrounding properties are exempted from the limitations on construction activity. 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.
6. All utility connections and extensions (including but not limited to electric, communication, and cable television lines) serving the development shall be undergrounded from the nearest overhead pole from the property, where feasible as determined by the Community Development Agency staff.

7. Only those trees shown on the site plan as proposed to be removed, if any, may be removed. No other existing trees on the subject property shall be removed except to comply with local and State fire safety regulations, to prevent the spread of disease as required by the State Food and Agriculture Department, and to prevent hazards to people and property.
8. Any changes or additions to the project shall be submitted to the Community Development Agency, Planning Division for review and approval before the contemplated modifications may be initiated.
9. This Use Permit shall be vested by securing a valid building permit for approved work, completing all work in compliance with the terms of the building permit approval, and commencing operation of the approved use. The Use Permit shall remain valid unless the terms of this Use Permit approval are violated or the approved uses are carried on in such a manner as to adversely affect the health, welfare, or safety of persons residing or working in the neighborhood, or be detrimental to the public welfare or injurious to the property or improvements in the neighborhood, at which time this Use Permit could be revoked or suspended in accordance with the terms and provisions contained in Chapter 22.88 of the Marin County Code.

Marin County Department of Public Works

10. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit or comply with the following:
 - a. Plans shall show topographic data shall be derived from an actual field survey performed by a licensed land surveyor or registered civil engineer. Note: It appears that the driveway approach is not correctly shown on the plan, the existing driveways are narrower, the culverts and some trees are not depicted accurately and there is a steep bank east of the building that is not indicated on the plans.
 - b. Parking provisions shall include parking requirement for the office and meeting rooms as well as for the intended group activities and limited activities. Submit details and/or explanation how the various church activities and functions interact. Consider these activities and functions in the parking requirement analysis.
 - c. Indicate whether the driveway loop is going to be a one-way or two-way direction. Show direction of travel if it is a one way driveway.
 - d. Submit a written certification from CDA-Environmental Health Services that parking is allowed over the leachfield.
 - e. Plans shall show site grading, drainage and any retaining walls.
 - f. A separate Building Permit is required for site/driveway retaining walls with a height more than 4' (or 3' when backfill area is sloped or has a surcharge).
 - g. Submit two sets of structural calculations for site/driveway retaining walls, signed and stamped by the design engineer or architect.
 - h. Show widths, grades, slopes and radii of the driveway including a typical structural section.

- i. The accessible parking space shall be van accessible and dimensioned accordingly. Show parking detail and required signage.
- j. Plan shall show accessible path of travel.
- k. Install a standard stop sign and bar stripe at the exit.
- l. Plans shall accurately show the property line, existing roadway pavement and fence along San Antonio Road fronting the subject property.
- m. Obtain an encroachment permit from DPW for work in the road right-of-way.
- n. Submit an Erosion and Siltation Control Plan if grading or site disturbance is to occur between October 15 and April 15. Delineate erosion and siltation control measures on the site plan.
- o. Note on the plans that the Design Engineer or Architect shall certify to the County in writing that all grading and drainage was done in accordance with plans and field directions. Also note that driveway, parking, and other site improvements shall be inspected by a Department of Public Works engineer prior to final building inspection. Per requirement by CDA-Building & Safety Division, certification letters shall indicate the property address, building permit number and assessor's parcel number.

Environmental Health Services

- 11. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit for review and approval of Environmental Health Division staff the results of a septic system inspection and evaluation prepared by a registered civil engineer, registered environmental health specialist, or registered geologist which addressed the issues outlined in the EHS memo dated December 9, 2008.

Novato Fire Protection District

- 12. BEFORE FINAL INSPECTION, the applicant shall submit verification that all fire safety requirements included in the Novato Fire Protection District letter dated December 22, 2008, have been completed

North Marin Water District

- 13. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit tenant improvement plans to the District for review and approval. BEFORE FINAL INSPECTION, the applicant shall submit verifications that all District requirements have been met including installation of new water facilities, if applicable, and payment of required connection fees. .

SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

NOW, THEREFORE, BE IT FURTHER RESOLVED that the applicant must vest the Steere (North Bay Korean American Presbyterian Church) Use Permit approval by January 29, 2011, or all rights granted in this approval shall expire, unless the applicant applies for an extension at least 30 days before the expiration date above and the Agency Director approves it. Vesting this Use Permit approval entails securing a valid building permit, substantially completing the improvements in accordance with the secured building permit, commencing operation of the church use, and complying with all conditions of approval. An extension of up to four years may be granted for cause pursuant to Section 22.88.050 of the Marin County Code.

NOW, THEREFORE BE IT FURTHER RESOLVED that upon completion of the requirements to vest this application, this Use Permit shall remain valid indefinitely as long as all the terms of the permit are maintained.

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, Room 308, Civic Center, San Rafael, no later than 4:00 p.m. on February 12, 2009.

SECTION IV: DECISION

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 29th day of January, 2009.

JOHANNA PATRI, AICP
DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary

Marin County Community Development Agency

Brian C. Crawford, Director

NOTICE OF DECISION

Applicant's Name: **Mary and Randall LaFranchi**
Application (type and number): Use Permit Renewal (UP 08-17)
Assessor's Parcel Number: 121-050-30
Project Location: 5400 Nicasio Valley Road, Nicasio
For inquiries, please contact: Veronica Corella Pearson, Planner and
Johanna Patri, AICP Consulting Planner
Decision Date: January 29, 2009

DETERMINATION: Approved with Conditions

Minutes of the January 29, 2009, Deputy Zoning Administrator's hearing is attached specifying action and applicable conditions 1-40.

Marin County Community Development Agency

Jeremy Tejirian, AICP
Hearing Officer

H1. USE PERMIT RENEWAL (UP 08-17): MARY AND RANDALL LAFRANCHI

A proposal requesting to continue operation of the Nicasio Rock Quarry situated on a 6.4-acre portion of the 375-acre Lafranchi ranch property in Nicasio. The 2001 Use Permit, approved by the Board of Supervisors, included an Operating Plan consisting of a number of standards and requirements including: (1) a maximum of 7,400 cubic yards (approximately 15,000 tons) of material may be extracted per year; (2) a maximum number of truck trips for off haul use not to exceed 300 trucks per month (600 truck trips) with a maximum of 25 trucks in any working day; (3) hours of operation from 8:00 a.m. to 5:00 p.m. Monday through Friday; and (4) use of explosive materials up to three days per year. The applicant is proposing the following changes to the 2001 Nicasio Rock Quarry Operating Plan: (1) an amended Reclamation Plan, reflecting the current site characteristics in compliance with SMARA and Marin County Code requirements; (2) a minimum (instead of approximately) of 4,250 cubic yards of topsoil material to be maintained on site; (3) an increase from three to six dump trucks of varying sizes to be stored on site; (4) storage of hazardous waste materials (e.g. batteries, waste filters, waste oil, waste anti-freeze, oxygen, acetylene) stored in designated containers located west of the quarry basin, north of the office building and adjacent to the fuel storage instead of inside the office building; (5) increasing the size of the settling pond from 10 feet by 20 feet to 18 feet by 36 feet; and (6) allowing for four 8-foot by 20-foot storage containers to store equipment limited to the use of the quarry operation (e.g. equipment parts, erosion control materials, etc.), which would be located north of the settling pond and south of the quarry basin. The subject property is located at **5400 Nicasio Valley Road, Nicasio**, and is further identified as **Assessor's Parcel 121-050-30**, and is further identified as **Assessor's Parcel 125-130-13**.

In response to the Hearing Officer, staff summarized the supplemental memorandum dated January 28, 2009, regarding additional information supplied by the applicant during the site visit conducted on January 23, 2009, which satisfied the Department of Public Works (DPW), Land Use and Water Resources Condition of Approval 33A.

The Hearing Officer noted that there are several site inspections conducted annually under various regulatory agencies including the Department of Public Works, Environmental Health Services, and the Marin Municipal Water District.

The public testimony portion of the hearing was opened.

Members of the public commenting on the project included:

1. Rocky Shone, at 5150 Nicasio Valley Road regarding the following concerns:
 - Incremental growth of the Quarry;
 - Hours of operations exceeding the Nicasio Quarry Operating Plan; and
 - Number of truck trips exceeding the Nicasio Quarry Operating Plan;
2. Bill Harrison, Nicasio Design Review Board
 - Informed staff that he was contacted via email by community member Ms. Talamini. Ms. Talamini requested to be placed on the Informed Parties List and did not receive notification of the hearing date nor a staff report. Ms. Talamini is concerned that the Quarry may be exceeding the number of truck trips as allowed in the Nicasio Quarry Operating Plan.

The public testimony portion of the hearing was closed.

The Deputy Zoning Administrator made several comments pertaining to the project including, but not necessarily limited to, the following:

- Confirmation that legal requirements for noticing were met; and
- Clarification that the site is not an operations yard or construction site for Lunny Grading and Paving.

The Hearing Officer noted that the permit is a Use Permit Renewal and all proposed changes are minor in nature and in conformance with the 2001 Use Permit.

The Deputy Zoning Administrator approved the project with the following modifications to the Conditions of Approval:

- Condition of Approval #22: Label identifying Addendum 1 and documents A-D, as "Exhibits A, B, C, D, and E.
- New Condition of Approval that states, "The Lafranchi Use Permit Renewal (UP 08-17) specifically prohibits the use of the Nicasio Rock Quarry site as a construction/corporation yard for Lunny Grading and Paving. This includes truck traffic and storage of materials that are not associated with the operation of the quarry;" and
- Modification to Marin County Department of Public Works - Land Use and Water Resources Condition of Approval # 34 to read, "The quarry is out of compliance with the following administrative requirement which must be met within the next 30 days."

The Hearing Officer concurred with staff's analysis and approved the LaFranchi Use Permit Renewal, based on the findings and revised Conditions of Approval in the Resolution.

The Hearing Officer informed all parties of interest that this action may be appealed to the Marin County Planning Commission within ten (10) working days.

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION 09-104

A RESOLUTION GRANTING CONDITIONAL APPROVAL FOR THE LAFRANCHI (NICASIO ROCK QUARRY) MASTER PLAN WAIVER AND USE PERMIT RENEWAL
5400 NICASIO VALLEY ROAD, NICASIO
ASSESSOR'S PARCEL 121-050-30

SECTION I: FINDINGS

- I. WHEREAS the applicant received Master Plan Waiver, Use Permit, and Design Review approval by the Board of Supervisors on January 8, 2001 for the continued operation and expansion of the Nicasio Rock Quarry, on a 6.4-acre portion of the 375-acre Lafranchi ranch property in Nicasio. The 2001 Use Permit includes an Operating Plan consisting of a number of standards and requirements that govern the operation of the quarry with the major components being: (1) a maximum of 7,400 cubic yards (approximately 15,000 tons) of material may be extracted per year; (2) the number of truck trips for off-haul use to not exceed 300 trucks per month (600 truck trips) with a maximum of 25 trucks (50 truck trips) in any working day; (3) allowed hours of operation are from 8:00 a.m. to 5:00 p.m. Monday through Friday; (4) permitted operation of a self-contained, portable, electrically powered rock crusher and screener between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday; (5) use of explosive materials to blast into the face of the quarry is permitted between the hours of 9:00 a.m. and 4:00 p.m., Monday through for Friday for up to three days per year; (6) an approved Reclamation Plan, prepared in compliance with the Surface Mining and Reclamation Act of 1975 (SMARA); (7) the maximum day/hourly average sound level to not exceed 56 dBA at the nearest property line of the nearest receptor with operation of all equipment, including the loaders, crusher, and screener; (8) permitted operating equipment stored on site (e.g. loaders, bulldozers, etc.), including three dump trucks of varying sizes; and (9) storage of a maximum of 1,100 gallons of diesel fuel in two, 550-gallon above ground tanks. The approved facilities of the quarry included an office building, 100 linear feet of rock storage bins, an on-site sewage disposal system, a 5,000 gallon water storage tank, and a 10-foot by 20-foot settling pond. In 2001, the operator estimated at the rate of extraction of rock that the quarry would have a 25-year operating expectancy, subject to market fluctuations, which could cause the rate of extraction to be less than the proposed rate. The subject property is located at **5400 Nicasio Valley Road, Nicasio** and is further described as **Assessor's Parcel 121-050-30**.

- II. WHEREAS the applicant has applied for a Master Plan Waiver and Use Permit Renewal (UP 08-17) to continue the operation of the Nicasio Rock Quarry, and is requesting approval of the following minor modifications to the 2001 Nicasio Rock Quarry Operating Plan: (1) an amended Reclamation Plan, reflecting the current site characteristics in compliance with SMARA and Marin County Code requirements; (2) a minimum (instead of approximately) of 4,250 cubic yards of topsoil material to be maintained on site; (3) an increase from three to six dump trucks of varying sizes to be stored on site; (4) storage of hazardous waste materials (e.g. batteries, waste filters, waste oil, waste anti-freeze, oxygen, acetylene) stored in designated containers located west of the quarry basin, north of the office building and adjacent to the fuel storage instead of inside the office building; (5) increasing the size of the settling pond from 10 feet by 20 feet to 18 feet by 36 feet; and (6) allowing for four 8-foot by 20-foot storage containers to store equipment limited to the use of the quarry operation (e.g. equipment parts, erosion control materials, etc.), which would be

located north of the settling pond and south of the quarry basin. The applicant has also requested that the Use Permit be renewed for a period of 10 years.

- III. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on January 29, 2009, to consider the merits of the project, and hear testimony in favor of and in opposition to the project.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds per Section 15150 of the *CEQA Guidelines*, all plans, technical documents and reports relative to the 2001 Master Plan Waiver, Use Permit and Design Review Mitigated Negative Declaration of Environmental Impact adopted by the Marin County Board of Supervisors, and all mitigation measures are incorporated into the conditions of approval for the 2009 Lafranchi Master Plan Waiver and Use Permit Renewal.
- V. WHEREAS, the Marin County Deputy Zoning Administrator finds per Section 15162 of the *CEQA Guidelines*, that the situations stipulating when the preparation of a subsequent EIR or Negative Declaration shall be prepared do not apply to the 2009 Lafranchi Master Plan Waiver and Use Permit Renewal project. These situations are summarized as follows:
 - A. There are no subsequent changes proposed in the project which will require important revisions of the previous Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
 - B. There are no substantial changes with respect to the circumstances under which the project is undertaken which will require major revisions of the 2001 Negative Declaration;
 - C. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the 2001 Negative Declaration was adopted, including;
 - a. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - b. Mitigation measures or alternatives which are considerably different from those analyzed in the 2001 Negative Declaration would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.
- VI. WHEREAS, the Marin County Deputy Zoning Administrator finds that because the situations described in Section 15162 of the *CEQA Guidelines* summarized above do not apply, the plans and submittal materials associated with the 2009 Lafranchi Master Plan Waiver and Use Permit Renewal application provide adequate information pursuant to *CEQA* and the County's *EIR Guidelines* to determine that the proposal does not require the preparation of a subsequent Negative Declaration for the reasons summarized below.
 - A. No revisions of, or addendums to, the 2001 Mitigated Negative Declaration of Environmental Impact are required because there are no new physical characteristics relative to the project site that did not exist at the time of the adoption of the 2001 Mitigated Negative Declaration of Environmental Impact in January 2001;

- B. No substantial changes have occurred with respect to the circumstances under which the proposed 2009 Lafranchi Master Plan Waiver and Use Permit Renewal project has been reviewed and undertaken, which would require revisions to the adopted 2001 Mitigated Negative Declaration of Environmental Impact;
 - C. Within the context of the County's environmental review, there is no new information of substantial importance relative to the current project that was not known at the time of the adoption of 2001 Mitigated Negative Declaration of Environmental Impact;
 - D. No substantial changes have occurred with respect to the circumstances under which the requested Use Permit Renewal project is undertaken that were not considered and analyzed in the adopted 2001 Mitigated Negative Declaration of Environmental Impact and the 2009 Lafranchi Master Plan Waiver and Use Permit Renewal project does not result in any new significant environmental effects that were not identified or discussed in the Mitigated Negative Declaration of Environmental Impact;
 - E. The 2009 Lafranchi Master Plan Waiver and Use Permit Renewal project does not result in any significant effects previously examined that would be substantially more severe than analyzed in the Mitigated Negative Declaration of Environmental Impact;
 - F. The 2009 Lafranchi Master Plan Waiver and Use Permit Renewal project does not result in any mitigation measures found to be unfeasible; and
 - G. All mitigation measures contained in the adopted 2001 Mitigated Negative Declaration of Environmental Impact have been incorporated into the 2009 Lafranchi Master Plan Waiver and Use Permit Renewal proposal design and/or conditions of project approval.
- VII. WHEREAS the Marin County Deputy Zoning Administrator finds that the 2009 Use Permit Renewal is consistent with the policies of the Marin Countywide Plan and the Nicasio Valley Community Plan, due to the following reasons:
- A. No activities associated with the quarry, with the exception of a portion of the historically existing access roadway and well, would be located within of the Stream Conservation Area and the project would not remove sensitive habitat which could impact special-status species, and does not entail work that violates the CWP's natural systems policies regarding the management of native habitats and the protection of woodlands, forest, and tree resources and special-status species (CWP Policies BIO-1.1 and BIO-1.3 through 1., BIO-2.1, and BIO-2.2, BIO-3.1 and CWP BIO-4.1)
 - B. The quarry operates in an area of existing disturbance and would not encroach into: ecotones, natural transitions between habitat types and private open space, or any corridors for wildlife movement (CWP Policies BIO-2.3 and BIO-2.4).
 - C. The owners of the property have entered into a Watershed Protection Agreement for the Nicasio Watershed with the Marin Municipal Water District for the purpose of preserving the water quality of Halleck Creek. The applicant is proposing to enlarge the existing sediment pond, to further protect Halleck Creek from sediment laden runoff. Further, a condition of approval requires the applicant to prepare a revised Storm Water Pollution Plan that will ensure that the quarry activities do not result in significant stormwater runoff to downstream creeks or soil erosion and discharge of sediments into surface runoff (CWP Policies WR-2.1, WR-2.2, WR-2.3, and WR-2.4).

- D. The 2009 Use Permit Renewal does not require a new Building Permit but the permitted office building remains in conformance with the County earthquake standards and fire protection policies (CWP Policies EH-2.1, EH-2.3, CD-2.8, EH-4.1, EH-4.2, EH-4.c through EH-4.f, EH-4.,h and EH-4.n).
- E. The Nicasio Quarry Operation Plan and Reclamation Plan ensures that quarry activities do not negatively impact development in the rural area, and it was determined through the Design Review (DR 00-64) approved in 2001 that the project is consistent with local design and scale, and does not detract from the open character of the surrounding landscape or public open space (CWP Policy DES-1.2).
- F. The quarry does not operate in the evening and the quarry operation does not have, nor does the applicant propose any exterior lighting (CWP Policy DES-1.h).
- G. The Nicasio Quarry Reclamation Plan will ensure the protection of the scenic views of the natural environment and ensure protection from adverse visual impacts once operation of the facility ceases (CWP Policy DES-4.1).

VIII. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the goals of the *Nicasio Valley Community Plan* to preserve the open space, historical, and rural attributes of the Nicasio Valley because the project will comply with the following provisions:

- A. The Reclamation Plan will ensure that the project site would be returned to its former state as agricultural grazing land and to be in keeping the ARP-60 (Agricultural, Residential, Planned, 1 dwelling unit per 60 acre maximum density) zoning of the area.
- B. The Nicasio Quarry Operation Plan ensures that the operation of the facility does not negatively impact the rural nature of the Nicasio Valley through limiting the hours of operation, the location of the equipment, and by limiting the number of trucks trips departing the facility and traffic flow.
- C. No activities associated with the quarry, with the exception of a portion of the existing historic access roadway and water well are located within the Stream Conservation Area and the owner has entered into a Watershed Protection Agreement for the Nicasio Watershed with the Marin Municipal Water District to insure that the water quality of the of the Nicasio Reservoir will not be impaired due to quarry activities.

IX. WHEREAS the Marin County Deputy Zoning Administrator finds that, in accordance with the conditions of approval, the Mandatory Findings for a Master Plan Waiver per Section 22.44.040.B of the Marin County Code can be made for the following reasons:

- A. The project is eligible for a Master Plan pursuant to Marin County Code Section 22.44.040.A., in that it does not propose commercial area that is greater than 15,000 square feet in size.
- B. The project is consistent with the governing land use designation of AG-1 (Agricultural, 1 dwelling unit per 31 to 60 acres) because only one primary dwelling unit exists on the 375-acre subject parcel and the quarry operation, on a 6.5-acre site, is an incidental land use of the primary agricultural use of the property.

- C. The project has been designed so that potential impacts can be properly addressed through the Use Permit Renewal application and the project was found to be in compliance with Chapters 22.48 and 22.42 in the approved Design Review (DR 00-64) in 2001. Furthermore, through the Use Permit Renewal application the following impacts are reviewed: drainage, erosion, grading, and native vegetation preservation/retention, and circulation and transportation.
 - D. The project does not involve Transfer of Development Rights, and does not propose residential units.
 - E. The project entails a Reclamation Plan for restoring the area to agriculture lands once the quarry has reached the end of its life span. The Mitigated Negative Declaration concluded that the quarry operation would not negatively impact archaeological/historic resources, mineral resources, native vegetation, plant/ wildlife, recreational/open space, ridgelines, and watersheds, or wetlands, nor will the project result in geological hazards or water-related hazards (e.g., flooding).
 - F. The project is served by public safety personnel and equipment (e.g., fire, sheriff, etc.) as well as utilities and services.
 - G. The project would result in no change to the potential for residual development based on Countywide Plan and zoning district densities and floor area ratios.
 - H. The project has been conditioned to reduce negative impacts from noise, hazardous materials, flooding, etc.
 - I. The project contains adequate, unconstrained areas on the project site for physical development and related on-site circulation and parking areas.
 - J. The project does not negatively impact views from off-site public and private viewing points.
- X. WHEREAS the Marin County Deputy Zoning Administrator finds that, in accordance with the conditions of approval, the Mandatory Findings for a Use Permit per Section 22.48.040 of the Marin County Code can be made for the following reasons:
- A. The proposed use is allowed, as a conditional use, within the subject-zoning district and complies with all of the applicable provisions of this Chapter.

The proposed use conform to the ARP-60 (Agricultural, Residential Planned, 1 unit/60 acres) zoning district standards that allows for mineral extraction as a conditional use through Master Plan and Use Permit approvals. In this case the Deputy Zoning Administrator has waived the Master Plan requirements (please refer to Findings IX above).
 - B. The proposed use is consistent with the Countywide Plan and applicable Community Plans.

Please refer to Findings VII and VIII above.
 - C. The approval of the Use Permit for the proposed use is in compliance with the California Environmental Quality Act (CEQA).

Please refer to Findings IV, V, and VI above

- D. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity.

Implementation of the Reclamation Plan for the quarry site will reclaim the land to agriculture/open space land use consistent with the surrounding area, the CWP land use designation, and the ARP-60 (Agriculture, Residential, Planned District, 1 dwelling unit per 60 acres maximum density) governing zoning district, established to preserve and protect agricultural uses. The existing and continued operation of the quarry on a 6.4-acre site of the 375-acre Lafranchi ranch property is compatible with the agricultural use of the ranch property.

- E. The proposed use would not impair the architectural integrity and character of the zoning district in which it is to be located.

The project is located within an agricultural production area and once the quarry has reached the end of its lifespan, the site will be reclaimed to its former condition as agricultural grazing land.

- F. Granting the Use Permit Renewal will not be detrimental to the public interest, health, safety, convenience, or welfare of the County, or injurious to the property or improvements in the vicinity and zoning district in which the real property is located.

The proposed Use Permit Renewal does not propose a change in the intensity of use from that approved in the 2001 Master Plan Waiver, Use Permit and Design Review approvals, for which a Negative Declaration of Environmental Impact was adopted on the basis that the project would be mitigated to prevent any potential significant impacts. Further, the facility is monitored annually by the Marin County Community Development Agency – Planning Division, Environmental Health Services, and the Department of Public Works – Land Use Division, for compliance with all required conditions of approval.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby conditionally approves the Lafranchi Master Plan Waiver and Use Permit Renewal (UP 08-17) subject to the following conditions:

Community Development Agency – Planning Division

1. The Lafranchi Master Plan Waiver and Use Permit Renewal (08-17) approval allows for the continued operation of the Nicasio Quarry, which consists of the stripping and stockpiling of topsoil, dozing and ripping into the quarry face, blasting, extracting, crushing, screening and stockpiling of excavated material, and loading and hauling off-site a maximum of 15,000 tons, or 7,400 cubic yards, of extracted material per year, subject to the conditions of approval and the Nicasio Quarry Operating Plan, which is amended to allow for the following modifications: (1) an amended Reclamation Plan, reflecting the current site characteristics in compliance with SMARA and Marin County Code requirements; (2) a minimum of 4,250 cubic yards of topsoil material is allowed to be maintained on site; (3) a maximum of six dump trucks of varying sizes may be stored on site; (4) storage of hazardous waste materials (e.g. batteries, waste filters, waste oil, waste anti-freeze, oxygen, acetylene) shall be in designated containers located west of the quarry basin, north of the office building and adjacent to the fuel storage; (5) the size of the settling pond

may be increased to 18 feet by 36 feet; and (6) a maximum of four 8-foot by 20-foot storage containers to store equipment limited to the use of the quarry operation (e.g. equipment parts, erosion control materials, etc.), are allowed to be located north of the settling pond and south of the quarry basin. The property is located at 5400 Nicasio Valley Road, Nicasio, on property further identified as Assessor's Parcel Number 121-050-30.

2. All facilities and equipment shall be located in the areas shown on "Exhibit A," "Operation and Site Plan," prepared by Enterra Associates, Inc., on file in the Community Development Agency, Planning Division, received on November 4, 2008, except for the approved new storage containers, which shall be located within the leased area. The storage containers shall not have a height greater than 15 feet above grade.
3. The importation of materials to the site for sale or for purposes of processing materials extraneous to the extracted material is prohibited.
4. The operator may maintain and operate a maximum 100-horse power (HP) electric motor rock crusher, approximately 50 feet long, 8 feet wide with a maximum height of 10 feet, which would include a screen and conveyors. The unit shall be self-contained and shall be located on-site just south of the quarry basin, north of the turn-around roadway, west of the rock stockpiles, and north of the creek.
5. The Nicasio Rock Quarry operation shall be subject to the performance standards contained in the Nicasio Rock Quarry Operating Plan, as amended and referenced as "Addendum One" of this Resolution, and labeled as "Exhibit B."
6. With the exception of the existing quarry road and on-site well, all equipment and activities associated with the quarry operation shall be located north, and outside, of the 100-foot designated Stream Conservation Area (SCA) along Halleck Creek.
7. Federal, State, and County-declared emergencies are exempt from all operating hour limitations, provided the operations are limited strictly to the supply of materials required for projects relating to the emergencies, and the Quarry operator shall provide special notification to the County in advance of work done for all government work emergencies.
8. No signs have been approved to be installed at the entrance of the quarry site. Installation of any signs shall be subject to Sign Review approval by the County.
9. All equipment and stockpiles shall be sited and stored so as to minimize off-site views as seen from Nicasio Valley Road and neighboring properties, and shall be stored outside of the Stream Conservation Area.
10. It is projected that reclamation will begin in 18 years when the quarry operation ceases, and the quarry site shall be reclaimed at the termination of the quarrying operation, with the 6.4-acre quarry site restored to grazing land consistent with the use of the surrounding ranch lands and the approved Reclamation Plan.
11. This Use Permit Renewal approval shall be subject to an annual permit compliance review by the County. The operator shall contact the Community Development Agency staff and Department of Public Works staff and shall schedule a site visit for a compliance review of the conditions of approval. The weights data and the noise data required by the Quarry Operation Plan (refer to Addendum one of this Resolution) must be submitted prior to the compliance review. All

administrative costs associated with this review, including, but not limited to, compliance monitoring, and enforcement, shall be billed and are payable, including any required retainer fee, on the prevailing hourly rate, and shall be borne by the operator of the Quarry.

12. If the operator of the quarry violates the operation plan, including, but not limited to, the hours of operation of the crusher, the operator/owner of the quarry shall be notified in writing by the Community Development Agency- Zoning Enforcement of the violation. The operation of the quarry, including off-haul of extracted material and use of the crusher shall cease until the violation is corrected. Violations may be triggered as part of the scheduled annual County Compliance Review or upon periodic review by County staff.
13. This approval is valid for ten (10) years from the date of approval, subject to an annual administrative compliance review by the Community Development Agency and Department of Public Works. The applicant/operator must apply for a Use Permit Renewal at least 120 days prior to the expiration of this Use Permit Renewal. Pursuant to Marin County Code Section 22.48.050.C, the Use Permit shall expire if the use is abandoned or ceases to operate for a two year period or greater.
14. The operator, in conjunction with a professional acoustical engineer, shall verify at the property line of 200 Rancheria Road, site specific sound levels (dBA), based on actual site conditions and the operation of the current crusher. The sound analysis shall occur continuously during the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday. The operator, in conjunction with a professional acoustical engineer, shall submit the sound level calculations to the Marin County Community Development Agency (CDA) – Planning Division for review and acceptance. If the stationary sound level at the property line of 200 Rancheria Road with the cumulative use of all equipment, including the crusher with screener, exceeds the historic average hourly noise level of 56 dBA, the operator shall cease the use of the crusher with screener. (*Mitigation Measure 10-a-1*). The use of the crusher may continue only after the construction of an engineered sound barrier as required and completion of further acoustical analysis consistent subject to the following specification:
 - A. The existing stockpile, consisting of 3/4" rock, shall remain between the crusher and the quarry basin in order to act as a noise and visual barrier for the crusher .
 - B. The stock pile, measuring approximately 19 feet tall and approximately 20 feet wide at the base, and cone-shape shall be designed and engineered by an acoustical engineer and geotechnical engineer to be a permanent sound barrier to remain on-site through the duration of the operation of the quarry.
 - C. The barrier shall limit the stationary noise level at the property line of 200 Rancheria Road to an hourly average level of 56 dBA.
15. Should the stockpile sound barrier fail to limit the stationary noise level of the quarry operation to a maximum noise level of 56 dBA, including the cumulative use of all equipment as measured at the property line of 200 Rancheria Road, the operator shall submit within 30 days plans for review and approval by the Planning Division of sound barrier mitigation measures prepared by a professional acoustical engineer. The maximum height of any physical barrier shall be 15 feet. Any physical sound barrier shall utilize natural materials and finishes that blend with the natural environment and are unobtrusive to off-site views. The operator shall apply for, and obtain, all necessary County permits and approvals for the construction and/or installation of any required

sound barrier mitigation measures, including Design Review approval. (Mitigation Measure 13-b-1).

16. In order to maintain the Lafranchi Use Permit Renewal (UP 08-17) the operator of the quarry shall:
 - A. On an annual basis from the date of project approval, submit a Hazardous Material Business and Management Plan for review and approval to determine that an insignificant amount of hazardous materials are stored and used at the project site. (Mitigation Measure 9-c-1) and maintain a permit for the storage of hazardous waste and materials from the Marin County Department of Public Works, Office of Waste Management.
 - B. On an annual basis from the date of project approval, submit a copy of the California State Environmental Protection Agency Identification Number CAL00213723 permitting the storing, hauling, and tracking of hazardous materials in accordance with State regulations. (Mitigation Measure 9-c-2).
17. All hazardous material and fuel storage shall be relocated to the area shown on Exhibit A, "Operation and Site Plan," prepared by Enterra Associates, Inc., on file in the Community Development Agency, Planning Division, received on November 4, 2008, on file in the Community Development Agency.
18. Within 90 days of the date of this approval, the operator shall obtain from the Director of the Department of Public Works a renewed Quarry Permit.
19. Within 90 days of the date of this approval, the operator shall submit to the Director of the Department of Public Works for review and approval, in consultation with the Marin Agricultural Land Trust, an application to amend the quarry's existing Reclamation Plan to comply with the Surface Mining and Reclamation Act requirements, which may include, but not be limited to the following: a) site specific criteria and standards and accurate documentation of baseline conditions including soil content, depth of topsoil, grass mixture for vegetative cover, the density of the final vegetative cover and species diversity to be attained over a specific monitoring period; b) an estimate of the volume of top soil available and required for reclamation and revegetation of the site to grazing land; d) if additional top soil is required other than that stored on site, the amount, location and source of additional top soil to be imported; e) the mix and amount per acre of indigenous grasses to be used for revegetation to pasture lands.
20. The operator shall comply with all of the Marin County Environmental Health Services requirements relative to a permitted on-site water source and sewage disposal system.
21. A sixty (60) day extension for meeting the above conditions of the Lafranchi Use Permit Renewal may be granted at the written request of the applicant and staff's discretion for unusual circumstances.
22. Except as modified by conditions of approval, operation of the quarry shall be in compliance with the following exhibits on file in the Marin County Community Development Agency, Planning Division:
 - a. "Operation and Site Plan," prepared by Enterra Associates, Inc., received in the Community Development Agency, Planning Division, November 4, 2008, and labeled "Exhibit A"

- b. "Nicasio Rock Quarry Operating Plan," revised January 2009, and labeled as "Exhibit B."
 - c. "Geologic Evaluation Report, Lafranchi Quarry Reclamation Plan, Nicasio, CA", prepared by Geotrend, Inc., Engineering Geologist, dated November 17, 1991, and labeled "Exhibit C."
 - d. "Operation, Reclamation and Site Plan – Lafranchi Quarry", prepared by CSW/Stuber-Stroeh Engineering Group, Inc., received in the Community Development Agency, Planning Division, February 24, 2000, and labeled "Exhibit D."
 - e. "Storm Water Pollution Prevention Plan (SWPPP)", prepared by CSW/Stuber-Stroeh Engineering Group, dated September, 1999, and labeled "Exhibit E."
23. Within 30 days of the Lafranchi Master Plan Waiver, Use Permit Renewal approval, the County shall record the Lafranchi Quarry Notice of Decision against the Title of the property.
 24. If the operator of the quarry violates the operation plan, including, but not limited to, the hours of operation of the crusher, the operator of the quarry shall be notified in writing by the Community Development Agency- Zoning Enforcement that the operation of the quarry and the use of the crusher shall cease. (Mitigation Measure 10-a-3)
 25. If archaeological resources are discovered during operation of the quarry, all work at the site shall stop immediately, and the project sponsor shall inform the Marin County Community Development Agency (CDA) Environmental Coordinator of the discovery. A registered archaeologist, chosen by the County and paid for by the project sponsor, shall assess the site and shall submit a written report to the CDA – Planning Division staff advancing appropriate mitigations to protect the resources discovered. No work at the site may recommence without approval of the CDA staff. All future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the CDA staff. (Mitigation Measure 14-a-1)
 26. No outdoor lighting is authorized or approved as part of these approvals.
 27. The Lafranchi Use Permit Renewal (UP 08-17) specifically prohibits the taking or borrowing of topsoil from other parts of the subject property in accordance with MALT requirements.
 28. The Lafranchi Use Permit Renewal (UP 08-17) specifically prohibits the use of the Nicasio Rock Quarry site as a construction/corporation yard for Lunny Grading and Paving. This includes truck traffic and storage of materials that are not associated with the operation of the quarry.
 29. Any operating or physical alterations of the site or any changes or modifications of the Lafranchi Master Plan Waiver and Use Permit Renewal approval shall first be submitted to the Community Development Agency for review and approval, or to determine if a Use Permit and/or a Design Review Amendment is required. Appropriate approvals shall be secured before the contemplated modifications may be initiated.
 30. The Master Plan Waiver and Use Permit Renewal shall be vested in accordance with all conditions. The Master Plan Waiver and Use Permit Renewal shall remain valid under the terms of this approval unless the conditions of permit are violated or the approved uses are carried on in such a manner as to adversely affect the health, welfare, or safety of persons residing or working in the community or neighborhood, or be detrimental to the public welfare or injurious to the property or improvements in the neighborhood, at which time the Use Permit approval could be revoked or suspended in accordance with the terms and provisions contained in Sections 22.120.030 of the Marin County Code. The Use Permit is subject also to revocation procedures should the quarry operation and use of the site be conducted in a manner that does not conform

to the conditions of approval contained herein, as verified by the Community Development Agency based on the annual compliance review.

Marin County Fire Department

31. During the summer months, all flammable vegetation shall be removed within 30 feet of any mechanical part of any operating machinery.
32. Fire extinguishers shall be maintained on site in accordance with Department requirements.
33. Within 60 days of the date of this approval, the applicant shall provide confirmation to the Community Development Agency, Planning Division verification from the Fire Marshal that all requirements of the Marin County Fire Department have been met.

Marin County Department of Public Works - Land Use and Water Resources

34. The quarry is out of compliance with the following administrative requirement which must be met within the next 30 days.
 - A. The quarry operator must provide an updated Reclamation Cost Estimate within 30 days of the date of the Use Permit Renewal (by February 28, 2009.).
35. The commodity bins, the 8'x20' storage containers, the electrical panel and the equipment parking are outside of the existing quarry boundaries. All operations shall be within the quarry boundaries or provide plans showing a reconfiguration and written agreement with the property owner for boundary changes. Note that changes in the boundary may require an updated Reclamation Plan.
36. The applicant shall provide an updated Stormwater Pollution Prevention Plan to include a maintenance plan for the settling pond(s).
37. The applicant shall provide a copy of the Notice of Intent (NOI) and/or a WDID-Number filed with the California Regional Water Quality Control Board.
38. The applicant shall note that any change in the Reclamation Plan from the current approved plan requires submittal of an amended reclamation plan to be reviewed and approved by DPW.

Marin County Department of Public Works - Office of Waste Management

39. IN ORDER TO MAINTAIN THE USE PERMIT RENEWAL, the operator of the quarry shall:
 - A. On an annual basis from the date of project approval, submit a Hazardous Material Business and Management Plan for review and approval to determine that an insignificant amount of hazardous materials are stored and used at the project site (Mitigation Measure 9-c-1); and

- B. On an annual basis from the date of project approval, submit a copy of the California State Environmental Protection Agency Identification Number CAL00213723 permitting the storing, hauling, and tracking of hazardous materials in accordance with State regulations (Mitigation Measure 9-c-2).

Marin County Environmental Health Services – Water Division

- 40. IN ORDER TO VEST AND MAINTAIN THE USE PERMIT, the applicant shall meet the requirements of the domestic water permit, which shall be verified by inspection by Environmental Health Services.

SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this approval by commencing the allowed use on the property, in compliance with the conditions of approval. This Use Permit Renewal shall supersede Use Permit 99-05 and shall remain valid until January 29, 2019, and so long as the current owner(s) or subsequent owners of the property comply with the conditions of project approval and as long as all the terms of the Use Permit Renewal are maintained. In the event that the conditions of this Use Permit Renewal are violated and are not maintained, or that the approved uses are carried on in such a manner as to adversely affect the health, welfare, or safety of persons residing in the neighborhood, the Use Permit could be revoked or suspended in accordance with the terms and provisions of the Marin County Development Code Chapter 22.120.

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 **February 12, 2009**.

SECTION IV: ACTION

PASSED AND ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on 29th day of January, 2009.

Jeremy Tejirian
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary

**ADDENDUM ONE
NICASIO ROCK QUARRY OPERATING PLAN
(January 2009)**

	OPERATING CONDITIONS
1. GENERAL	<ul style="list-style-type: none"> • The Nicasio Rock Quarry shall not be used as a construction/corporation yard for Lunny Grading and Paving. This includes truck traffic and storage of materials that are not associated with the operation of the quarry. • The Operating Plan standards and requirements shall apply to all activities associated with the quarry operation consisting of stripping and stockpiling topsoil, dozing and ripping, extracting, crushing, screening, stockpiling excavated material, blasting, loading and off-hauling. • The excavated material will be marketed on a per job basis. • Importation of materials for sale or for product manufacturing is prohibited. • Any lighting installed on-site shall first be approved by the Community Development Agency staff and is allowed only for safety and security purposes, shall be the minimum amount necessary, and shall be hooded and directed only at the quarry site. • An amended Reclamation Plan will be prepared in compliance with SMARA and Marin County Code requirements. • The Reclamation Plan shall include plans for phasing the restoration of the hillside once extraction is completed even if all of the stockpiled rock material has not been removed from the site. The phasing plan shall be in accordance with all SMARA and Marin County Code requirements. • On a bi-annual basis, the Quarry shall submit to the County weigh records for all off-hauled materials, including those that were delivered for government projects during the extended operating hours and during emergencies. • Reclamation of the entire quarry site shall be implemented at the cessation of the quarry operation. • Work required by the Reclamation Plan is exempt from this Operating Plan, but is subject to subsequent review and approval by the County. • Paving of the off-haul road shall be maintained from Nicasio Valley Road to a minimum of 100 feet east of the cattle guard. • Nicasio Valley Road at the entrance to the Quarry shall be kept free of quarry debris and dirt. • A maximum of 7,400 cubic yards (approximately 15,000 tons) of material shall be extracted per year.

OPERATING CONDITIONS	
1. GENERAL Cont.	<ul style="list-style-type: none"> • The quarry may be staffed Monday through Friday on an “as-needed” basis, with a maximum staff of six employees on site at any one time, plus drivers of the off-haul trucks. • Quarrying activities will occur primarily April through December with no grading of slopes or removal of topsoil or vegetation from January through March. • Off-site hauling of excavated material will occur throughout the year. • No stockpile shall exceed 25 feet in height. • A minimum of 4,250 cubic yards of topsoil material shall be maintained on site. • The quarry operator and Community Development Agency staff shall arrange for a site visit and an administrative review on an annual basis for compliance with the Quarry Operating Plan and the limits established by Use Permit (99-05). • Any modifications to the Quarry Operating Plan shall first be submitted to the Community Development Agency for review and approval or to determine if an Amendment is required.

OPERATING CONDITIONS	
2. OPERATING HOURS	<ul style="list-style-type: none"> • <u>General Operating Hours</u>: 8:00 a.m.-4:00 p.m. Monday through Friday (Gates may open at 7:00 a.m.). No work shall be allowed on County, State, or Federal Holidays. Except as noted below, general operating hours include the extraction, stocking, loading, off hauling, and sale of materials. • <u>Crushing Hours</u>: 9:00 a.m.-4:00 p.m. Monday through Friday. • <u>Blasting Hours</u>: 9:00 a.m.-4:00 p.m. Monday through Friday, up to three days per year. • All equipment and machinery shall be turned off outside approved operating hours. • Federal, State, County-declared emergencies are exempt from all operating hour limitations, provided the operations are limited strictly to the supply of materials required for projects relating to the emergencies. • The quarry shall provide special notification (e-mail) in advance of work done for all government work/emergencies.

OPERATING CONDITIONS	
3. TRAFFIC	<ul style="list-style-type: none"> • The maximum number of trucks trips for off-haul use shall not exceed 300 trucks per month (600 truck trips) with a maximum of 25 trucks in any one working day. This would result in an average of approximately 15 trucks per day (30 truck trips per day) per month. • Trucks shall avoid convoying by maintaining a 500-foot spacing between trucks. • Truckers shall extend all courtesy to pedestrians and vehicles within the Town Square. • Use of jake brakes is prohibited from the school to Winfield Station. • All truckers shall obey the prevailing speed limit at all times. • In order to minimize the movement of traffic through the Nicasio Town Square, no more than 20% of the off-haul truck traffic shall be routed south on Nicasio Valley Road. • The maximum load size for each truck shall not exceed 25 tons. • A Trucker Management plan shall be distributed to all truckers.

OPERATING CONDITIONS	
4. NOISE AND VIBRATION	<ul style="list-style-type: none"> • The maximum day average sound level shall not exceed 56 dBA at the nearest property line of the nearest receptor. • The maximum intermittent sound level shall not exceed 67 dBA at the nearest property line of the nearest receptor. • The quarry operator shall implement best management practices to reduce noise and vibration. • The operator of the quarry shall provide special notification (e-mail, phone, letter, FAX), to property owners within 500 feet of the quarry site giving details of the planned location and amount of explosives to be used prior to each blasting event. • The operator of the quarry shall provide annual noise measurement data to the County.

OPERATING CONDITIONS	
5. DUST	<ul style="list-style-type: none"> • The operator of the quarry shall implement best management practices to reduce dust, including, but not limited to, cattle guards to shake down trucks. • All trucks carrying materials leaving the quarry property shall not have loose materials blowing and shall be covered or wet down as necessary prior to entering Nicasio Valley Road. • Additional conditions as required to meet standards required by the State Air Quality Management District, if any, shall be implemented. • No trucks leaving the quarry property shall track dirt or material on Nicasio Valley Road. • Water applied shall be the minimum amount necessary to control dust without causing extensive water runoff. • The operator shall maintain permits from the California State Air Resources Board for the operation of portable equipment.

OPERATING CONDITIONS	
6. EQUIPMENT	<ul style="list-style-type: none"> • The quarry equipment to be stored on site and used in the operation of the quarry shall be limited to the following: <ul style="list-style-type: none"> • three front-end loaders of varying sizes; • two bulldozers for ripping and pushing; • two excavators (hydraulic); • six dump trucks of varying size; • one motor grader for on site grading; • one service truck with tools used for repair of equipment on site; • one portable, electrically powered crusher/screener; and • assorted small equipment such as attachments, buckets, replacement parts, and erosion and silt control materials. • No equipment or material not directly associated with the operation of the quarry shall be stored on site.

OPERATING CONDITIONS	
7. HAZARDOUS MATERIALS	<ul style="list-style-type: none"> • Trash and recycling barrels shall be stored next to the office building and hauled off by the quarry operator to the Redwood Sanitary Landfill on an as-needed basis. • Oil and gas shall be brought on-site as needed for the bulldozer and loader. • Oil drip pans shall be placed under all parked vehicles. • A maximum of 1,100 gallons of diesel fuel shall be stored on site in two, 550 gallons above ground tanks located west of the quarry basin, north of the office building as shown on Exhibit A, "Operation and Site Plan," prepared by Enterra Associates, Inc., on file in the Community Development Agency, Planning Division, received on November 4, 2008. • Hazardous waste materials consisting of batteries, waste filters, waste oil, waste anti-freeze, oxygen, acetylene shall be stored west of the quarry basin, north of the office building and adjacent to the fuel storage area as shown on Exhibit A, "Operation and Site Plan," prepared by Enterra Associates, Inc., on file in the Community Development Agency, Planning Division, received on November 4, 2008, • The operator shall maintain a permit for the storage of hazardous waste and materials from the Marin County Department of Public Works, Office of Waste Management. • All off-hauling of hazardous waste materials shall be done by a State licensed hazardous waste hauler. • The operator shall maintain a permit from the State Department of Toxic Substances Control for the tracking of the hazardous materials from "cradle to grave".

OPERATING CONDITIONS	
8. ON-SITE FACILITIES	<ul style="list-style-type: none"> • Approved on-site facilities and improvements shall be limited to the following: <ul style="list-style-type: none"> • A 30-foot by 40-foot (1,200 square feet), 9.75-foot high, factory-built office building, painted brown, for administrative operations and employee bathroom/washroom facilities and to house the scale read-out equipment, located on the southwest side of the quarry basin; • A truck weighing scale located south of the office building; • An on-site sewage disposal system located west of the quarry site; • An on-site well for dust control and drinking, located north of Halleck Creek and south of the quarry basin and truck turnaround area; • Underground utility lines from Nicasio Valley Road; • A 18-foot by 36-foot settling pond; • A material loading/unloading area located southeast of the quarry basin and north of Halleck Creek; • Road improvements consisting of the asphaltting of the first 30 feet of the access road at the entrance off Nicasio Valley Road; • Above-ground oil/solvent/grease and fuel horizontal storage tanks, 4 feet in diameter by 6 feet long, located on the southeast corner of the site as shown on Sheets 1 of the Nicasio Quarry Operation and Site Plan (Exhibit "A" on file in the Community Development Agency); • 100 linear feet of storage bins constructed of quarry bunker blocks for excavated materials located southeast of the quarry basin and north of Halleck Creek; • A 5,000 gallon water storage tank located east of the quarry basin; and • Four (4) 8-foot by 20-foot storage containers to store equipment limited to the use of the quarry operation, (e.g. equipment parts, erosion control materials, etc.), which shall not have a height greater than 15 feet above grade.

OPERATING CONDITIONS	
9. PERMIT DURATION, MONITORING, AND ENFORCEMENT	<ul style="list-style-type: none"> • The Lafranchi Quarry Use Permit (08-17) is valid for a period of ten (10) years from the date of approval, subject to the annual administrative review by the staff of the Marin County Community Development Agency and Department of Public Works. The quarry operator/owner shall submit an application with fees for a Use Permit Renewal to the Community Development Agency at least 120 days prior to expiration of the Lafranchi Quarry Use Permit (UP 08-17). All conditions of the Lafranchi Quarry Use Permit (UP 08-17) shall be re-considered as part of the Use Permit Renewal. • The County will conduct an annual permit compliance review. All administrative costs associated with this review, including, but not limited to, compliance monitoring, and enforcement, shall be billed and are payable, including any required retainer fee, on the prevailing hourly rate, and shall be borne by the operator of the quarry. • The County will conduct routine site inspections and any complaint investigations. • The owner of the quarry property shall be responsible for payment of any enforcement action and enforcement administration based on the County's prevailing hourly rate and retainer fee. • The quarry will be notified of any violation and shall be given an opportunity to correct the violation at the first notice. • The quarry shall pay for additional administrative, enforcement, and monitoring costs incurred by the County in repeat violations.

Notes:

1. Violations may be triggered as part of the periodic review by County staff.
2. Violations are monitored and enforced independent of one another. For example, a violation of hours of operation, followed by a violation of traffic limits represent two separate violations.