

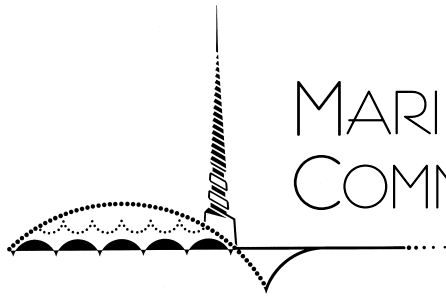
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR MINUTES
Marin County Civic Center, Room #328 - San Rafael
MEETING – June 25, 2009

Hearing Officer Johanna Patri

Staff Present: Curtis Havel, Senior Planner

Joyce Evans, Recording Secretary

Convened at 9:07 A.M.
Adjourned at 12:45 P.M.



MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY
BRIAN C. CRAWFORD, DIRECTOR

NOTICE OF DECISION

Applicant's Name: **MARK PASTERNAK**
Application (type and number): USE PERMIT (UP 09-20)
Assessor's Parcel Number: 121-070-66, -64 and -68
Project Location: 200 and 210 Road to Ranches, Nicasio
For inquiries, please contact: Curtis Havel, Senior Planner
Decision Date: June 25, 2009

DETERMINATION: Approved with Conditions

Minutes of the June 25, 2009, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-25.

Marin County Community Development Agency

Johanna Patri
Hearing Officer

C1. USE PERMIT (UP 09-20): MARK PASTERNAK

The project applicant, Mark Pasternak, is proposing to amend an existing Use Permit for an agriculturally-related educational day camp at the Devil's Gulch Ranch located at 200 Road to Ranches in Nicasio. The project is a proposal to increase the number of students from 20 individuals to 50 individuals, to allow overnight camping for those students (ages ranging from 6 years old to 18 years old), and to allow up to 8 "events" for the promotion of agriculturally related land uses at the ranch. The project applicant is also requesting permission to conduct year-round day camps with a maximum of 20 participants a day with occasional overnight camping. The overnight portion of the camp would operate from June 14 until August 14 – a total of 9 weeks, for 6 days a week. The subject property is located at **200 and 210 Road to Ranches, Nicasio**, and is further identified as **Assessor's Parcels 121-070-66, -64 and -68**.

The hearing officer asked staff to summarize the supplemental memorandum dated June 24, 2009 which included e-mails from Joe Jolson and Katherine Lyddan. Staff indicated that the well reports provided by the Jolsons were taken into consideration, but the well report did not describe how the wells are connect, or whether there is a discrepancy in the figures provided by Mr. Pasternak. Staff from Environmental Health Services indicated that adequate water was available to serve the proposed project. The issue of whether water is being used fairly is a civil matter.

Staff from the Department of Public Works revised Condition of Approval 8 A to state that the ranch will be required to adhere to accessibility requirements if public funds should ever be used in the operation of the camp. Staff recommended an additional condition of approval stating that the project shall be consistent with accessibility requirements of the California Building Code.

The public testimony portion of the hearing was opened.

The hearing officer described standard protocols for the members of the audience who wished to speak regarding the Pasternak Use Permit.

Mark Pasternak, applicant, discussed the following issues: (1) a request for the over night component of the amended Use Permit to commence next season (2010) because this season has already begun and overnight camping will not be possible this season (2009); (2) a request that school field trips and educational tours be included in the project description of the amended Use Permit, indicating the field trips/educational tours would be limited to two per month and no more than 200 students/participants; and (3) relief from Environmental Health Services (EHS) septic system sewage disposal requirements and to allow continued use of portable toilets and showers.

David Hurley, Marv Downey, Chelsea Smith, Armida Scopazzi, (letter from Marina O'Neal), Andrea Triolo, Toni Lane, Roxanne Urry, Shelly Hamilton, Rachel Smith, Jennifer Bresse, Mikko Asaki, Peggy Butler, Marie Coleman, Jennifer Wood, Emma Costillo, Michele Gardner, Brian King, Kent Grady, Jordan Mackay, Shelby LaMotte and Robert Yeaman spoke in support of the project. Topics discussed included:

- The program is educational and fun for children;
- Teaches children respect for the environment, and educates them about plants and animals;
- Teaches children where their food comes from and about agricultural management;
- Good for children's self esteem and those with compromised health;

- Year round camp would provide winter experiences in nature for urban youth;
- The program is not for profit (501C3) and proceeds go directly back into the program for improvements and scholarship opportunities;
- Two or three cycles of summer camp would be necessary to afford septic system improvements;
- Encourages children to work together and mentor each other;
- The overnight program would minimize traffic impacts and provide for a deeper immersion in nature for camp participants;
- Children learn chores and the everyday workings of an agriculture ranch;
- Provides healthy growth for teenagers; and
- Teaches environmental awareness and sustainability.

Kent Grady, Nicasio Valley Homeowners Association, (LaFranchi subdivision), Brian Rohan, Attorney, Joe Jolson, David Perticone, and Greg Lee spoke in opposition regarding concerns with:

- Lack of a Public Utilities Commission (PUC) license for the hay wagon for safety checks;
- Overnight camps have been conducted without a permit;
- All appropriate certifications and permits need to be acquired prior to commencement of the over night camp component or expansion of the camp;
- Surrounding landowners are concerned about liability risks related to potential accidents;
- Need for a complete disclosure to be made to his insurance carrier with an indemnification to hold harmless the County;
- Applicant should have a performance bond in place in case of a lawsuit;
- A 250% increase in participants is excessive and inappropriate for the site;
- Safety concerns related to fire protection, water supply, and travel to/from the camp;
- Need for another camp in West Marin is unnecessary since the camp provides the same services provided by Walker Creek Ranch;
- The neighbors have not been provided adequate opportunity for input during the process;
- The number of requested participants to the four large events is excessive and not compatible with the surrounding land uses.

The Hearing Officer asked for speakers concerned with water, sewage and food preparation to speak, but no one responded.

Rebecca Ng, Environmental Health Interim Director, discussed the following items:

- Environmental Health Services (EHS) is requiring a septic system and public water system because proper infrastructure is necessary to accommodate the proposed project for health and safety reasons;
- EHS is willing to allow portable toilets and showers for the first overnight camping season (2010), but conditions of approval will require the submittal of a septic permit and feasibility testing for a septic system if the overnight camping season continues in 2011. The septic system must be installed and functioning for the 2012 season;
- Portable toilets are allowed for the large events;
- Organized camps in California are required to have a sewage disposal system;
- Overnight campers should only be limited to the dry season (April 15th through October 15th), preferably allowed only from June 14th through August 14th;
- A public on-site water system is required because the current well is for irrigation of the vineyard;

- The mobile food facility and public on-site water system permits must be obtained prior to commencement of the overnight camping program;
- The plumbing code requires one toilet and one shower for every 15 campers.

In response to the Hearing Officer, Mr. Pasternak stated that the loading at the LaFranchi Ranch is only for special events.

Brian King, Camp Director, spoke stating that all guidelines established by the American Camp Association (ACA) are strictly followed at Devil's Gulch Ranch and that the day camp operation has applied for ACA accreditation.

Dave Nicholson, Department of Public Works staff, explained that loading of the children at Nicasio Square and crossing a County Highway is under the jurisdiction of the California Highway Patrol. In a phone conversation with planning staff, the Sherriff's Department indicated that they do not have jurisdiction regarding a hay wagon crossing Nicasio Valley Road, but are not opposed to the use of the wagon. Mr. Nicholson stated that the vehicle codes are enforced by the California Highway Patrol, while the Department of Public Works reviews vehicular access (including emergency vehicles) and minimum width and slope requirements. The existing access road meets these minimum requirements.

Staff noted an email from Scott Albert, Marin County Fire Marshal, indicating that a Senior Captain has inspected the driveway road to Devil's Gulch Ranch and found it to be adequate for access purposes.

The public testimony portion of the hearing was closed.

The Hearing Officer summarized the positive aspects of the camp, but noted that the County needs to examine the infrastructure for the camp.

In response to the Hearing Officer, Mr. Pasternak stated;

- Permitted deer hunting occurs on his land, but not by the children or anyone at the camp;
- No amplified music is played at his events or at the camp;
- The hay wagon holds 20 children and the larger trucks can accommodate an additional 15 to 30 children;
- The Public Utilities Commission does not inspect vehicles using private roads;
- The American Camp Association will not give an accreditation unless the camp is in operation, and the accreditation is given for the following year for a period of three years;
- Staff is trained for medical emergencies and a certified life guard is on site;
- A designated vehicle is on site solely for emergencies; and
- Although there is no overnight camping at this time, two portable showers have been obtained to prepare for the future overnight camping.

The applicant noted that he welcomes inspections of his vehicles and the wagon. He indicated that the company that provides the portable toilets and showers also provide servicing, noting that traffic trips would not increase. He again requested relief from EHS requirements to install a septic system.

The Hearing Officer approved the project with the following modifications to the Conditions of Approval in the Resolution:

- An electrical permit will be required for the portable showers;
- Written verification from the Community Development Agency, Building Inspection will be required to show that requirements related to Title 24 – California Building requirements, Chapter B-accessibility, either has been met or not required for an accessible toilet or shower;
- Written verification that all requirements have been met from the Alcohol Beverage Control will be required when serving alcoholic beverages at events;
- The overnight camping shall be limited to the dry season: April 15th through October 15th;
- The vesting of the over night component of the camp may start April 2010 with the requirement to install an on-site sewage disposal system, as required by Environmental Health Services, extended to April 2012;
- In accordance with the State Building and Plumbing Code, one portable toilet and portable shower must be provided for every 15 campers;
- The four large events are allowed during the dry season of April 15th to October 15th;
- Submit a final site-plan for review and approval that includes all project modifications in accordance with Conditions of Approval;
- Overnight camping may commence after April 15, 2010. However, there shall be no overnight camping and no portable showers on site until April 15, 2010;
- There shall be no firearms associated with the camping operation;
- There shall be no outdoor music or amplification at the eight events on the ranch;
- By April 15, 2010, the applicant must submit verification that the camp has been accredited by the American Camp Association;
- Written verification must be provided by the California Highway Patrol that all regulations are being met relative to the use of staging and loading of camp vehicles at the Nicasio Square and the crossing of Nicasio Valley Road;
- Written verification from Marin County Fire Department regarding access and vegetation plan around the camp site per the revised site plan;
- Within 30 days, a copy of the insurance and indemnification policy shall be submitted to the County staff;
- Submit a parking and staging plan within 30 days to show where parking will occur;
- Maintain a valid food facility with permits and inspections by Environmental Health Services;
- Within 30 days prior to holding of a large special event, the immediate adjacent neighbors will be notified; and
- Maintain a typical, seasonal curriculum on-line.

Mark Pasternak, applicant stated that he has 20 campers and four staff persons at this time, and would like to increase the numbers to 50 campers and 12 staff persons. He also discussed the following items:

- The use of a larger truck with the hay wagon would accommodate the increase in the number of camp participants;
- The truck pulling the hay wagon is Public Utilities Commission approved and certified;
- A second well may be drilled in the fall to address the water concerns;
- Day camping and school tours are planned as a use.

The Hearing Officer further modified the Conditions of Approval:

- “no over night camping is approved until the public water system is approved.” Overnight camping activities shall not commence until a valid permit is issued and the public on-site water system is installed. In the meantime, the day camp activities approved by UP 04-31, may continue for a maximum of 20 campers with the use of bottled water.
- Condition of Approval 1. C.: “Up to eight events or open houses a year. Four open houses for a maximum of 50 people and four large events, for up to 150 people (participants) and 25 staff for promotions of his agriculture products, including a tour. No overnight camping or sleeping accommodations are permitted.”
- The eight single overnights are related to the camp operation only;
- New Condition of Approval 1. F.: “Allows school field trips/educational field trips a maximum of two per month, to meet at the Nicasio Square not earlier than 9:00 am and return no later than 2:30 pm. Vans or busses are to be used and limited to 100. Weekdays only, Monday through Friday.
- Portable toilets must have hand washing facilities;
- The applicant will work with Environmental Health Services (EHS) staff for compliance with on-site sewage disposal.

The Hearing Officer concurred with staff’s analysis and approved the Pasternak Use Permit, based on the Findings and subject to the conditions in the Resolution as modified.

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 09-125

A RESOLUTION APPROVING THE PASTERNAK USE PERMIT
ASSESSOR'S PARCELS 121-070-66, -68 AND -64
200 AND 210 ROAD TO RANCHES, NICASIO

SECTION I: FINDINGS

- I. WHEREAS Mark Pasternak has submitted a Use Permit application to amend an existing Use Permit for an agriculturally-related educational day camp at the Devil's Gulch Ranch located at 200/210 Road to Ranches in Nicasio. The project applicant is proposing the following activities at the Devil's Gulch Ranch:
 - A. A week-long, overnight camping program for up to 50 individuals ranging in ages from 6 to 18 years old. The overnight portion of the camp would operate from June 14 until August 14 – a total of 9 weeks, for 6 days a week.
 - B. Year-round day camps with a maximum of 20 participants a day with occasional overnight camping.
 - C. Presentation of up to eight events/open houses a year for the promotion of agriculturally related land uses at the ranch (such as "Outstanding in the Field" and other events which rely on the products being grown and harvested at the ranch).

The applicant has indicated that the educational camping operation would have an adult staff counselor-to-camper ratio of one adult to every five campers. The project applicant specified that the total number of staff overseeing the camp program would vary consistent with the total number of campers enrolled in that week's particular program.

The applicant proposes to drop-off and pick-up students at the Nicasio Square Baseball Field (Assessor's Parcel 121-080-08). The applicant has also indicated that an additional staging area is available at the LaFranchi Ranch (Assessor's Parcel 121-050-41). Transportation to Devil's Gulch Ranch from the drop-off/pick-up location will be provided by a hay wagon pulled by a tractor, and one additional van. In the event of an emergency, students would be transported to and from the site via private vehicles. Transportation to and from the ranch during events/open houses would be provided by tour vans, buses, and occasionally hay wagon.

The project includes proposals to utilize portable toilets for sewage disposal (1 unit per 20 people), two portable showers for regular hygiene, and reliance upon the existing water system at the property for potable water. The applicant has indicated that breakfast, lunch and dinner for a maximum of 60 people would be provided by mobile food facility.

The proposed overnight camping area is located on a disturbed plateau within 100 feet of Devil's Gulch Creek. No new permanent structures or signage are proposed as part of the project. The subject property is located at 200 and 210 Road to Ranches, Nicasio, and is further identified as Assessor's Parcels 121-070-66, -68 and -64.

- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on June 25, 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 because it entails uses that are consistent and complementary with existing agricultural land uses, does not result in significant amounts of grading, does not require any tree removal, and locates the activities in areas previously disturbed by agricultural land uses.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan and the Development and Design Guidelines for the Nicasio Planning Area for the reasons listed below.
 - A. The project complies with the AG2 (Agricultural, 1 unit per 10 to 30 acres) Land Use Designation as it would authorize activities that are accessory and incidental to the primary agricultural land uses existing at the property (CWP Policy CD-8.5 and Community Development Map 7.9).
 - B. The project will raise the level of public awareness and understanding of Marin County agriculture, including its ecological, economic, open space, and cultural value, and its importance to local food security (CWP Policy AG-2.10).
 - C. The project will preserve visual quality and protect scenic quality and views of the natural environment from adverse impacts related to development (CWP Policy DES-4.1).
 - D. The project will diversify agricultural uses at Devil's Gulch Ranch by complementing traditional agriculture uses, thereby helping to ensure the continued economic viability of the county agricultural industry, and providing increased food security (CWP Policy AG-2-3).
 - E. The Marin County Fire Marshal confirmed that the project ensures adequate fire protection, has adequate water available for fire suppression and provides adequate access for emergency vehicles (CWP Program EH-4.c).
 - F. The project would 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.
 - G. Staff from the Environmental Health Services Division (EHS) of the Community Development Agency has confirmed that adequate water is available to for the activities at Devil's Gulch Ranch (CWP Goal WR-3).
 - H. The project does not locate any new, permanent development within 100 feet of a wetlands or stream conservation areas (CWP Policies BIO-3.1 and CWP BIO-4.1).
 - I. The project will 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).

- V. 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 educational day camp, week-long educational overnight camp, and ongoing fundraising/social events are allowed as conditional uses within the governing ARP-30 (Agricultural, Residential, Planned District, one unit per 30 acres maximum density) subject to the granting of a Use Permit;
 - B. The proposed use is consistent with the Countywide Plan and the Development and Design Guidelines for the Nicasio Planning Area for reasons discussed in Section IV above;
 - C. The proposed project is categorically exempt from the California Environmental Quality Act for the reasons discussed in Section III above;
 - D. The operating characteristics of the week-long overnight camp, educational day camp, and series of eight annual events are compatible with existing and future land uses in the vicinity because the project as a whole is accessory and incidental to the agricultural uses on the subject property and other properties in the vicinity. The project would not disrupt other agricultural and residential uses in the community because the properties in the vicinity are agriculturally zoned, the activities at the project site would be of a temporary nature, and the daily educational activities and events would take place entirely on the 75-acre subject property;
 - E. The proposed use would enhance the character of the zoning district in which the project is located because the week-long overnight camp, educational day camp, and eight annual events would be supportive of agricultural activities in the vicinity and would enhance the economic viability of agricultural uses on the property; and,
 - F. The granting of 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 because the project would not be visible from off-site locations, will not require any tree removal on the subject property, and will ensure proper disposal of wastewater and sewage. The applicant will be required to provide information indicating that permission has been granted to utilize the proposed pick-up and drop-off areas. Finally, the proposed project will provide the community with a service that furthers agricultural education of individuals in Marin County.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Pasternak Use Permit 09-20 subject to the following conditions:

Marin County Community Development Agency, Planning Division

1. Pursuant to Marin County Code Section 22.48.040, the Pasternak Use Permit 09-20 approval permits the amendment of an existing Use Permit (UP 04-31) to allow the following activities at the Devil's Gulch Ranch:
 - A. This approval allows the continuation of an educational day camp (defined as a school pursuant to Marin County Code Section 22.130.030) operation accommodating a maximum of 20 campers at any one time ranging in ages from 6 to 18 years old, with 4 staff personnel (for a maximum of 24 individuals participating in the camp operation at any one time). The curriculum of the educational day camp shall be agriculturally related. This component of the camping program may operate for one week sessions from the season beginning approximately June 14 to approximately August 14 – a total of 9 weeks, for 6 days per week. Assessor's Parcel No. 121-080-08 is approved as a drop-off and pick-up point for campers arriving at, or departing from, Devil's Gulch Ranch at 9:00 a.m. and 4:30 p.m. respectively with transportation to/from Devil's Gulch Ranch from/to the drop-off/pick-up location provided by the applicant with the provision there will be one vehicle trip for pick-up and drop-off, unless there is an emergency. Pursuant to the fulfillment of conditions of approval established by the Community Development Agency, Environmental Health Services, portable toilets with hand-washing facilities and bottled water for drinking water is approved for this portion of the camping program on a temporary basis.
 - B. Beginning April 15, 2010, this approval allows the operation of an educational day and overnight camp program accommodating a maximum of 50 campers at any one time ranging in ages from 6 to 18 years old with 10 staff personnel (for a maximum of 60 individuals participating in the camp operation at any one time). The curriculum of the educational day camp shall be agriculturally related. This component of the camping program may operate for one week sessions from the season beginning approximately June 14 to approximately August 14 – a total of 9 weeks, for 6 days per week. Assessor's Parcel No. 121-080-08 is approved as a drop-off and pick-up point for campers arriving at, or departing from, Devil's Gulch Ranch at 9:00 a.m. and 4:30 p.m. respectively with transportation to/from Devil's Gulch Ranch from/to the drop-off/pick-up location provided by the applicant with the provision there will be one vehicle trip for pick-up and drop-off, unless there is an emergency. Use of portable toilets and showers for the over-night portion of the camp program is limited to one year. The use of portable toilets and showers for the over-night portion of the camping season is only approved for the camping season beginning approximately June 14, 2010 and ending approximately August 14, 2010, for a total of 9 weeks and may be extended only after the requirements of Environmental Health Services are met.
 - C. This approval allows the operation of a year-round educational day camp program accommodating a maximum of 20 campers at any one time ranging in ages from 6 to 18 years old with 4 staff personnel (for a maximum of 24 individuals participating in the camp operation at any one time). Beginning April 15, 2010, this approval allows a

maximum of 8 one night, overnight camping events. The curriculum of the educational day camp shall be agriculturally related. Assessor's Parcel No. 121-080-08 is approved as a drop-off and pick-up point for campers arriving at, or departing from, Devil's Gulch Ranch at 9:00 a.m. and 4:30 p.m. respectively with transportation to/from Devil's Gulch Ranch from/to the drop-off/pick-up location provided by the applicant with the provision there will be one vehicle trip for pick-up and drop-off, unless there is an emergency. Use of portable toilets and showers for the over-night portion of the camp program is limited to the over-night portion of the camping season beginning approximately June 14, 2010 and ending approximately August 14, 2010, for a total of 9 weeks and may be extended only after the requirements of Environmental Health Services are met. This approval requires compliance with all regulations of the Alcohol Beverage Control.

- D. This approval allows the presentation of a maximum of 4 events a year from April 15 to October 15, strictly for the promotion of Marin-grown agricultural products and agriculturally-related land uses at the ranch (such as "Outstanding in the Field"), which rely on the products being grown and harvested at the ranch or "Marin-grown agricultural products", for a maximum of 150 participants and 25 staff personnel for a total of no more than 175 persons at said events. Parking for these events shall be on private property off-site with appropriate-sized shuttle buses transporting participants to the ranch. All neighboring property owners shall be notified a minimum of 30 days in advance of such events. No over-night sleeping is allowed associated with such events. PRIOR TO VESTING THIS ACTIVITY, the applicant/owner shall submit a plan for review and approval to the Environmental Health Services for proper sources for water for drinking and food preparation and wastewater disposal. No outdoor music or amplification is permitted with this approval. This approval requires compliance with all regulations of the Alcohol Beverage Control (ABC), if alcoholic beverages are to be consumed or sold on the premises. The applicant/owner shall submit written verification from the ABC to the CDA, that all ABC regulations have been met, prior to the event.
- E. This approval allows the presentation of a maximum of 4 events a year from April 15 to October 15, strictly for the promotion of Marin-grown agricultural products and agriculturally-related land uses at the ranch, which rely on the products being grown and harvested at the ranch or "Marin-grown agricultural products", for a maximum of 50 participants and 5 staff personnel for a total of no more than 55 persons at said events. Parking for these events shall be on private property off-site with appropriate-sized shuttle buses transporting participants to the ranch. All neighboring property owners shall be notified a minimum of 30 days in advance of such events. No over-night sleeping is allowed associated with such events. PRIOR TO VESTING THIS ACTIVITY, the applicant/owner shall submit a plan for review and approval to the Environmental Health Services for proper sources for water for drinking and food and wastewater disposal. No outdoor music or amplification is permitted with this approval. This approval requires compliance with all regulations of the Alcohol Beverage Control (ABC), if alcoholic beverages are to be consumed or sold on the premises. The applicant/owner shall submit written verification from the ABC to the CDA, that all ABC regulations have been met, prior to the event.
- F. This approval allows the operation of a maximum of two events per month for school tours for children ages 6 to 18 years old and/or adult educational tours related to the promotion of Marin-grown agricultural products and agriculturally-related land uses at the ranch, for a maximum of 100 individuals at any one event. Attendees to such events shall congregate in the Nicasio Square no earlier than 9:00 a.m. and return to the

Nicasio Square no later than 2:30 p.m. Assessor's Parcel No. 121-080-08 is approved as a drop-off and pick-up point for participants arriving at, or departing from, Devil's Gulch Ranch no earlier than 9:00 a.m. and no later than 2:30 p.m. respectively with transportation to/from Devil's Gulch Ranch from/to the drop-off/pick-up location provided by the applicant with the provision that appropriately-sized buses/vehicles will be used for transport for pick-up and drop-off, unless there is an emergency. No over-night sleeping is allowed associated with such events. PRIOR TO VESTING THIS ACTIVITY, the applicant shall submit a plan for review and approval to the Environmental Health Services for proper wastewater disposal.

- G. This approval allows the use of a mobile food facility for the camp operation only in compliance with permits of, and inspection by, the Marin County Community Development Agency Environmental Health Service.

Subject to the conditions of approval contained herein, this Use Permit supersedes the previous Use Permit (UP 04-31), issued in 2004 and renewed in 2006. However, if the operator decides against the vesting of this Use Permit approval and meeting all conditions of approval, the project shall revert back to the operation of a day camp during the limited summer months consistent with the previously approved Use Permit (UP 04-31). The subject property is located at **200 and 210 Road to Ranches, Nicasio**, and is further identified as **Assessor's Parcels 121-070-66, -68 and -64**.

2. VESTING OF THE APPROVED ACTIVITIES contained in Condition 1 A through 1 F is subject to the written final approval of the Environmental Health Services (EHS), as EHS was previously aware of only certain activities.
3. WITHIN 30 DAYS OF THE DATE OF THIS APPROVAL, the applicant/owner shall provide documentation in the form of an insurance policy to the Community Development Agency demonstrating that he maintains adequate liability insurance for the approved activities. The applicant/owner shall maintain adequate liability insurance for the approved activities at all times.
4. WITHIN 30 DAYS OF THE DATE OF THIS APPROVAL, the applicant/owner shall submit for review and approval by the Community Development Agency a "Parking, Staging, and Transportation to the Ranch Plan (Plan)" for each activity allowed by this Use Permit approval consisting of: (a) the operation of the camp program; (b) the presentation of 4 large events; (c) the presentation of 4 small events; and (d) the operation of the school and adult educational tours. The "Plan" shall consist of, but not necessarily be limited to: (1) demonstration that adequate off-site parking exists for each activity; (2) written approval(s) from any participating landowner; (3) method of transportation from the off-site parking area to the ranch and back to the off-site parking area, including children ages 6 to 18; (4) written verification of approval from the California Highway Patrol that all State Highway regulations will be met relative to the transporting of children ages 6 to 18 on and across public roads.
5. WITHIN 30 DAYS OF THE DATE OF THIS APPROVAL, the applicant/owner shall submit for review by the Community Development Agency a "Staffing Program" for the camp operation that indicates how many of the camp staff personnel utilized for the camp operation would be employees of Devil's Gulch Ranch associated with the agricultural use of the property and living on the Ranch.

6. WITHIN 30 DAYS OF THE DATE OF THIS APPROVAL, the applicant/owner shall submit a Final Site Plan of the campgrounds to the Community Development Agency for review and approval. Said Final Site Plan shall include, but not necessarily be limited to, the following:
 - a. A minimum of one portable toilet and one portable shower must be provided and shown on the Site Plan for every 15 camp personnel, including campers and staff, in accordance with the "State Building and Plumbing Code";
 - b. Final written approval from the Marin County Fire Department approving accessibility, fire protection, and vegetation management;
 - c. Food service facility;
 - d. Fire pit area;
 - e. Tents; and
 - f. Any staging areas for gatherings.
7. BY APRIL 15, 2010, the applicant/owner shall submit to the Community Development Agency verification of the American Camp Association Accreditation. Verification of the American Camp Association Accreditation must be maintained and submitted to the CDA on an annual basis or as the accreditation is renewed.
8. No signage has been proposed or approved as part of this project. Any future signage must comply with Chapter 22.28 of the Marin County Code.
9. Use or possession of firearms associated with this approval is strictly forbidden.
10. No portable showers are allowed on the premises until allowed by the vesting of the over-night portion of the camping program. All existing on-site portable showers shall be removed. The placement on-site and use of portable showers shall be associated with activities only approved by this Use Permit (UP 09-20).
11. BEFORE PORTABLE SHOWERS CAN BE USED ON THE PREMISES, the applicant/owner must apply for and receive an electrical permit from the Community Development Agency, Building Inspection for the hook-up of the portable showers. In addition, the applicant/owner must receive a final site inspection for the use of said portable showers. The applicant/owner must comply with all required regulations of Title 24, California Building Code for Accessibility to Public Accommodations for showers and toilets.
12. The applicant/owner shall work with Environmental Health Services (EHS) staff for compliance with the provisions of on-site sewage disposal in accordance with EHS regulations at the time.
13. In the event that the terms of this Use Permit (UP 09-20) approval are violated or that 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, this Use Permit may be revoked or suspended pursuant to Marin County Code, Chapter 22.120.

14. 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 an approval of the Pasternak Use Permit 09-20, for which action is brought within the applicable statute of limitations. This indemnification shall include, but not be limited to, damages, fees, and/or costs awarded against the County, if any, and the cost of suit, attorney's fees, and other costs, liabilities, and expenses incurred in connection with such proceedings, whether incurred by the applicant/owner, the County, and/or the parties initiating or bringing such proceeding.
15. Any changes or additions to the approved project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated or undertaken. Minor modifications to the operating conditions may be approved administratively by the Community Development Agency Director following consultation with the Nicasio Design Review Board and the Nicasio Land Owners Association. Additionally, the Community Development Agency reserves the right to conduct periodic compliance reviews over the life of the Use Permit (UP 09-20). Major modifications shall require an amendment to the Use Permit.

Department of Public Works, Land Development

16. BEFORE ISSUANCE OF A BUILDING PERMIT AND/OR COMMENCEMENT OF CAMP ACTIVITIES OR OTHER EVENTS, the applicant shall provide pertinent design information as specified below for review and approval.
 - A. If public funds are granted or used for any of the approved activities associated with the operation of the camp, the applicant/owner will be required to demonstrate compliance with accessibility requirements for the drop-off and pick-up area(s).
 - B. The portable restrooms, mobile food facility and shower facilities shall be relocated to be no closer than 50 feet from any creek or natural watercourse.
 - C. The applicant shall submit Building Permit applications for retaining walls on the property identified by staff during a site visit on June 16, 2009.

Marin County Environmental Health Services

Water

17. No over-night camping shall commence until a valid water permit is approved and obtained. Camping activities utilizing bottled water is permitted only for a maximum of 20 day campers for the camping season from approximately June 14 to approximately August 14 (9 weeks). Devil's Gulch Camp must obtain and maintain a valid permit to operate a public water system from the Marin County Environmental Health Division. The water system shall be maintained and operated in compliance with California Safe Drinking Water Act as specified in the California Water Code and the California Health and Safety Act. Expansion of the Camp will not be approved for operation until the public water system is approved and a valid permit is issued. Camp operations may be suspended if there is a violation of the Water Code standards.

System design requirements:

- A. Add a 5,000 gallon storage tank. Tanks shall meet NSF Standard 61 for water contact materials.
- B. Flow meters with totalizers (that can record total volume used) installed to track total water use from the well and to the domestic system. Meters should meet AWWA certification and installation standards. Install one meter, rated to 50 gpm, at the well head. Install a flow meter with totalizer to monitor water use of the domestic water system. Flow meters are requirements of the California Waterworks Standards.
- C. A certified RPP backflow prevention device installed to protect the domestic water lines from irrigation water pumped to the vineyards.

Food Service Facilities

18. Devil's Gulch Camp must obtain and maintain a valid permit to operate a food facility from the Marin County Environmental Health Division. **NO FOOD PREPARATION OR FOOD SERVICE SHALL OCCUR AT DEVIL'S GULCH CAMP UNTIL A VALID FOOD FACILITY PERMIT IS ISSUED.** The food facility must be operated in compliance with the California Retail Food Code. A condition of maintaining a valid food facility permit is the entrance and inspection of the food facility during the facility's hours of operations and other reasonable times.

Recreational Health

19. The proposed swim area at Devil's Gulch Camp must be inspected and approved by the Marin County Environmental Health Division prior to use for the season, for compliance with the Organized Camp Regulations as stated in the California Code of Regulations, Title 17, Section 30741. Soundings of the water depth and determinations of obstruction must be made prior to approval for operation. At least one lifeboat or equivalent water safety device, the posting of visible and legible safety signs, and at least one certified lifeguard per 25 campers in the water, must be maintained while the Camp is in operation and the swim area is available for recreation. Additionally, Devil's Gulch Camp shall operate the proposed swim area in accordance with their approved *Camp Waterfront Program Operating Procedures*.

20. As an Organized Camp, Devil's Gulch Camp shall operate in accordance with the *California Code of Regulations (CCR) Title 17, Subchapter 6: Organized Camps* and the *California Health and Safety Code – Division 13, Part 2.3: Camps*.

Sewage Disposal

21. Devil's Gulch Camp will be allowed the use of portable toilets and portable showers for the 2010 summer season. One portable toilet and one portable shower must be provided for every 15 campers and staff. The portable toilets and showers must be serviced at a minimum of once a week. Receipts of the service and pumping of the toilet and shower units must be submitted to the Marin county Environmental Health Services Division every two weeks. A fee of \$220 for oversight and review must be paid prior to camp operations (2 hours @ \$110).
22. Devil's Gulch Camp must begin the process of testing and soil investigations and permit application for an on-site sewage disposal system by April 1, 2011. If Devil's Gulch Camp complies with this time line, the use of portable toilets and portable showers will be allowed for the 2011 season.
23. An approved on-site sewage disposal system must be installed and receive final inspections for wastewater disposal at the Devil's Gulch Camp by May 1, 2012. The on-site sewage disposal system will be sized for the maximum amount of campers and staff on-site at any one time, and for food service. The on-site sewage disposal system shall comply with the Marin County Code 18.06 and 18.07 and the *Marin County Regulations for Design, Construction and Repair of Individual Sewage Disposal Systems*.
24. If Devil's Gulch Camp fails to meet the above time lines, the camp will not approved for operation by Marin County Environmental Health. If the operator decides against the installation of an approved septic system, the overnight camps shall be discontinued, reverting back to day camps during the limited summer months consistent with the previously approved Use Permit.
25. Camp operations may be suspended if there is a violation of the water quality standards and/or the wastewater disposal requirements.

SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

NOW, THEREFORE BE IT RESOLVED that the Pasternak Use Permit 09-20 is hereby approved. The applicant must vest this approval by commencing the uses approved in this Use Permit consistent with the requirements and timelines established by the conditions of approval, or all rights granted in this approval shall lapse, unless the applicant applies for an extension at least 10 days prior to the expiration date above and the Community Development Agency Director approves it. An extension may be granted for cause pursuant to Section 22.56.050 of the Marin County Code. Commencement of the use shall constitute vesting.

This Use Permit is subject to a permit compliance review at the end of the first year of operation subject to payment of hourly compliance fees. The review shall be conducted by the Community Development Agency and other associated public agencies. Failure to comply with the conditions of approval of this resolution could result in revocation or suspension of the approved Pasternak Use Permit (UP 09-20), in accordance with the terms and provisions of Chapter 22.120 of the Marin County Code.

This permit may be revoked or modified by the Board of Supervisors in accordance with the terms and provision of Marin County Code Section 22.120.30, if any one of the following findings can be made: (1) The permit was obtained by misrepresentation or fraud; (2) One or more of the conditions of the permit have not been met; or (3) The improvement/use allowed by the permit is detrimental to the public interest, health, safety, convenience, or welfare of the County or constitutes a nuisance. Notwithstanding any other provisions of the Marin County Development Code, this Use Permit shall expire if the use is abandoned or ceases to operate for a two year period or greater.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Marin County 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 July 10, 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 25th day of June, 2009.

JOHANNA PATRI, AICP
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
Deputy Zoning Administrator Secretary