



MARIN COUNTY  
COMMUNITY DEVELOPMENT AGENCY  
BRIAN C. CRAWFORD, DIRECTOR

**STAFF REPORT TO THE MARIN COUNTY DEPUTY ZONING ADMINISTRATOR  
Bar-Or Negative Declaration of Environmental Impact, Coastal Permit and Land Division**

Items: H2 Applications: CP 08-50 and LD 08-3  
Applicant: Gal Bar-Or and Cheryl Bar-Or Owner: Gal and Cheryl Bar-Or,  
John Maniscalco and Mary Tuskak John Maniscalco and Mary Tuskak  
Property Address: 30 Knob Hill Rd,  
Point Reyes Station Assessor's Parcel: 119-122-24  
Hearing Date: September 17, 2009 Planner: Veronica Corella-Pearson

**RECOMMENDATION: Grant a Mitigated Negative Declaration of  
Environmental Impact and Approve with Conditions  
APPEAL PERIOD: 5 working days to the Planning Commission**

**PROJECT DESCRIPTION:**

The applicants and joint-owners, Gal and Cheryl Bar-Or and John Maniscalco and Mary Tesluk, have applied for Land Division approval to divide Assessor's Parcel 119-122-24, (historic lots 25 and 26 of Map No.1 Point Reyes Lands Co., R.M.Bk 4. P.30). The applicant is proposing to divide the Assessor's Parcel into two lots that would be 3.53 acres (Parcel 1) and 6.77 acres (Parcel 2) in size. Parcel 1 would retain the existing residence and Parcel 2 would retain all existing equestrian facilities, and would construct a new dwelling unit within the northern barn. The applicant proposes a Conservation Area that would encompass all of Tomasini Creek and the existing pond, and would protect the lands within 100-feet from the top of bank and the edge of the pond, and 50 feet outward from the edge of riparian vegetation.

The Conservation Area would total 5.3-acres in size and would preserve approximately 2.0-acres in Parcel 1, and approximately 3.3-acres in Parcel 2. The Conservation Area would be protected from future development. All existing facilities and improvements would remain. The barn and stables to the north of the dressage arena would be converted to a dwelling unit.

Access to both lots would be from Knob Hill Road. Parcel 2 would be granted a 23-foot wide access and utility easement through Parcel 1 that would be approximately 185-feet in length. Sanitary service would be provided by individual on-site sewage disposal. A section on the eastern portion of Parcel 1 would be reserved for a new mound septic system, which would be approximately 60-feet long and 50-feet wide, and used exclusively by Parcel 1. Parcel 2 would continue to use the existing septic system and leachfield in the southwest corner of the proposed lot that is approximately 85-feet long and 35-feet

wide. Water is currently provided to the site by North Marin Water District and construction of new water service facilities are not required. No vegetation or tree removal is proposed.

**GENERAL INFORMATION:**

Countywide Plan  
Land Use Designation: C-SF4 (Coastal Single Family, one unit per one to two acres)  
Zoning: C-R-A:B-3, Coastal Residential Agricultural District, 20,000 square foot minimum lot area)  
Lot size: 10.3-acres  
Adjacent Land Uses: Single-family residential  
Vegetation: Native and non-native grassland, riparian habitat, and ruderal vegetation.  
Topography and Slope: The site is level to moderately sloping  
Environmental Hazards: None.

**ENVIRONMENTAL REVIEW:**

An Initial Study has been prepared pursuant to the requirements of the California Environmental Quality Act and the Environmental Coordinator of the County of Marin has recommended the grant of a Mitigated Negative Declaration of Environmental Impact with one mitigation measure, which has been incorporated into the Conditions of Approval in the Bar-Or Coastal Permit and Land Division Resolution.

**PUBLIC NOTICE:**

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and giving the public hearing date in accord with California Government Code requirements. This notice has been mailed to all property owners within 600 feet of the subject property. To date, the Planning Division has not received any comments from agencies or interested parties regarding the proposed project.

**PLAN CONSISTENCY:**

The project would be consistent with the goals and policies of the Marin Countywide Plan and the Marin County Local Coastal Program, Unit II because it involves the division of land to establish one additional lot site that is currently served by North Marin Water District, and would be adequately served by a new septic system. All potential development would be located outside of a proposed Conservation Area that would be protected under a Recorded Deed Restriction to insure that there would be no future development that could adversely impact Tomasini Creek, riparian vegetation, or wetland habitat. The project would be consistent with Marin County Code Title 22I, because the Land Division and conversion of the northern barn to a future dwelling unit that would meet all development standards, would not result in potential future visual effects or impacts to natural resources, and would contain one future residence that would increase the future available housing stock. Therefore, the project would be consistent with the goals and policies of the Marin Countywide Plan, the Point Reyes Station Community Plan, and the Local Coastal Program, Unit II (LCP). Please refer to the recommended resolution, Attachment 2, for detailed findings.

## **ZONING CONSISTENCY:**

The subject property is zoned C-R-A:B-3, with a minimum lot size requirement of 20,000 square feet and a required average width of 100 feet. The purpose of this district is to provide for residential use, combined with small scale agricultural activities, subject to specific development standards, which require 30 feet front yard setbacks, and 15 feet side yard setbacks, with no rear yard setback requirement. The subject property is 10.3 acres and is proposed to be divided into two lots that would be 3.53 acres (Parcel 1) and 6.77 acres (Parcel 2) in size. Parcel 1 would retain the existing residence and Parcel 2 would retain all existing equestrian facilities, and proposes one new dwelling unit within the northern barn. The proposed new lots would meet the lot size requirements and all existing development would conform to the required setbacks, and any future development would be subject to the zoning requirements of Title 22I.

## **BACKGROUND**

The subject lot is located on Knob Hill Road, which is accessed from Viento Way, off of State Route One, in Point Reyes Station. The subject lot is developed with a single-family residence and detached garage, numerous accessory structures, corrals, and various site improvements. The existing equestrian center was approved as the Willow Ridge Equestrian Center prior to 1970 when the parcel was zoned ARP-1, which allows for a riding academy as a principally permitted use, where a Use Permit is currently required, pursuant to Marin County Code Section 22.57.043(1). In 1988 a land division was approved, at which time, the site was developed with a single-family residence, horse stables, and an enclosed riding area, and an outdoor arena located within the 100 Streamside Conservation Area. The land division was approved with a condition of project approval that limited the number of horses on site to a maximum of 25 based on requirements of Marin County Code Section 22.68.040 pertaining to the keeping of horses.

In 2000, the property received Design Review, Second Unit, and Coastal Permit approval for a new residence and the demolition of the existing residence, the development of a new second unit, detached garage, studio shop, roundpen and a new dressage arena to replace the one within the SCA. All project components have been built, with the exception of the studio.

Based on a review of the previous approvals, staff finds that the continued use of the equestrian center on proposed Parcel 2 is acceptable as a legal conforming use, pursuant to Marin County Code 22.75.060I and 22.78.062I, and the use can continue as a legal conforming use indefinitely and does not require that a single-family residence is maintained on the property.

## **PROJECT ANALYSIS:**

### ***Streams, Ponds, and Wetlands***

Tomasini Creek runs through the western portion of the parcel and is a designated intermittent stream by USGS. There is also a small man-made pond, approximately 30 feet to the southeast of the creek. The Biological Resources Assessment (BA) prepared by Coast Range Ecology indicates that a portion of the Tomasini riparian corridor would qualify as jurisdictional wetlands under the US Army Corps of Engineers, and both the Tomasini riparian corridor and pond would qualify as a wetland under the California Coastal Commission definitions. The LCP, Unit II requires a buffer strip of 100 feet in width, minimum as measured landward from the edge of the wetland, and stream buffers that include area covered by riparian vegetation on both sides of the stream and the area 50 feet landward from the edge of the riparian vegetation, with a minimum width of no less than 100 feet in width on either side of the stream as measured from the top of the stream banks. The Marin Countywide Plan (CWP) requires that

development avoid wetland areas so that the existing wetlands and upland buffers are preserved and opportunities for enhancement are retained. It also requires that projects establish a Wetland Conservation Area (WCA) for jurisdictional wetlands to be retained, which includes the protected wetland and associated buffer area. In the Coastal, Inland Rural Corridor development must be set back a minimum distance of 100-feet to protect the wetland and provide an upland buffer. The Stream Conservation Area (SCA) policies require that a Stream Conservation Area (SCA) is established to protect the active channel, water quality and flood control functions, and associated fish and wildlife habitat values along streams. Development is to be set back to protect the stream and provide an upland buffer, which is important to protect significant resources that may be present and provides a transitional protection zone. SCAs consist of the watercourse itself between the tops of the banks and a strip of land extending laterally outward from the top of both banks to widths defined for the Coastal, Inland Rural Corridor. The Coastal, Inland Rural Corridor require that development be setback on each side of the top of bank that is the greater of either (a) 50 feet landward from the outer edge of woody riparian vegetation associated with the stream or (b) 100 feet landward from the top of bank. The SCA encompasses any jurisdictional wetland or unvegetated other waters within the stream channel, together with the adjacent uplands, and supersedes setback standards defined for WCAs.

A biological assessment was required to confirm the avoidance of woody riparian vegetation and to consider site constraints, presence of other sensitive biological resources, options for alternative mitigation, and determination if additional setbacks were needed to protect the SCA and WCA. It was determined by the biologist that the applicant's proposed Conservation Area includes all lands within Tomasini Creek and 100 feet from the existing pond, which encompasses lands that would be considered an Army Corps jurisdictional wetlands, and a wetland under the definition of the CWP and California Coastal Commission and therefore complies with all requirements. It was also found that the Conservation Area will protect all lands of high habitat value, and would protect all sensitive habitats and listed species as discussed further below.

### **Vegetation**

A search was conducted by Coast Range Ecology of the California Natural Diversity Database, the California Native Plant Society's Inventory of Rare and Endangered Plants of California, and the U.S. Fish and Wildlife Service's list for the Inverness 7.5 minute USGS quadrangle, as well as the eight surrounding quadrangles, and a target list was developed of the species which would have potential to occur on the subject parcel. Surveys were conducted by Coast Range Ecology to determine potential habitat on the property for listed species.

It was found that the project site has been highly impacted by grazing and human activity, which has eliminated the native grassland habitat. The center of the property is primarily nonnative grassland with some ornamental plants, and the northern portion of the property contains Tomasini Creek. There are two small olive (*Olea europaea*) orchards, in the eastern corner of the property and between the barn and pond in the southwest corner of the property. There are also a number of non-native trees and vegetation located throughout the property. A majority of the listed plants that were identified from the search are associated with habitat types that are not present on the site, yet it was found that there is potential for three special status species within the riparian habitat and adjacent annual grassland, which include Marsh microseris (*Microseris paludosa*), Sonoma alopecurus (*Alopecurus aequalis* var. *sonomensis*) and bent-flowered fiddleneck (*Amsinckia lunaris*), which would most likely occur within the proposed Conservation Area. A site visit was conducted, and no special status plant species were observed on the subject property.

### **Wildlife**

A search of the California Natural Diversity Database revealed that 10 species had moderate potential for occurrence on the subject parcel. A survey was conducted by Coast Range Ecology and no special status species, or natural communities of concern were observed, with the exception of the western pond turtle (*Actinemys marmorata*), whose habitat is in the Conservation Area. Additional listed species with moderate potential to occur, but were not detected include: pallid bat (*Antrozus pallidus*), Yuma bat (*Myotis yumanensis*), western red bat (*Lasiurus blossevillii*), white-tailed kite (*Elanus leucurus*), little willow flycatcher (*Empidonax traillii brewsteri*), loggerhead shrike (*Lanius ludovicianus*), yellow warbler (*Dendroica petechia brewsteri*), Allen's hummingbird (*Selasphorus sasin*), and salt marsh common yellowthroat (*Geothlypis trichas sinuosa*). The property has potential aquatic habitat for red-legged frog (*Rana Aurora draytonii*) within the freshwater pond, yet there were none found since the pond is dominated by an abundance of bullfrogs, which is a predator of the red-legged frog. It was determined by Coast Range Ecology that in the Conservation Area, the wildlife habitat value is high, but within the developed portions of the site the habitat value is low.

### **Infrastructure**

Both proposed new lots are being served by North Marin Water District, which has indicated that they can continue to serve the proposed lots and the project would not require the construction of new water service facilities. Proposed Parcel 1 would be served by a new septic system that would be to the east of the existing residence. Parcel 2 would continue to be served by the existing system to the south of the large barn, closest to Knob Hill Road. Environmental Health Service staff has reviewed the project and finds that the proposed lots could be adequately served by the existing and proposed systems.

### **Archaeological Resources**

The project site is in an area of high archaeological sensitivity based on the resource maps maintained in the Planning Division. Archaeological Resource Service completed a Cultural Resources Evaluation of the site. One possible prehistoric artifact was found near the existing pond, yet it was determined that the presence of one possible prehistoric artifact is not considered significant. Further, it was stated that it does not appear that the proposed project will have any impact to cultural resources since the project proposes a Conservation Area, and no new ground disturbance is proposed. Therefore, it is highly unlikely that the project would result in disturbance to archaeological resources.

### **Visual Impacts**

The subject property is within a rural residential neighborhood. The property has large setbacks from the rear (north) property line, which is traversed by Tomasini Creek. The northern property line would be protected from future development by the Conservation Area, and the heavily vegetated lands would remain in their existing condition, providing vegetative screening and protecting the rural character. The southern portion of the property faces Knob Hill Road and is completely vegetated with Juniper trees that prevent any views of within the property. The east and west portions of the property are developed with the single-family residence and the large barn that houses the indoor riding arena and stables. No new development is proposed within these areas, and therefore no visual impacts are expected to occur with the proposed land division. Further the only new construction proposed is the construction of a new dwelling unit within the barn and would not be visible to the public. The project does not propose any vegetation removal. Therefore, with the land division, the property would maintain its existing rustic and rural character by protecting all vegetation in the Conservation Area and by retaining existing vegetation.

### ***Affordable Housing***

Marin County Code Section 22.22.020 requires that any proposed development of two or more residential parcels or housing units intended for permanent occupancy, including subdivisions, shall comply with the inclusionary housing requirement. Due to the unique nature of the land division, the subject lot is approved as an equestrian facility, with an existing single-family residence. With the land division the equestrian facilities would be located on a separate parcel and would be considered a primary use that is legal-conforming. The applicant has proposed to construct a dwelling unit within the northern barn, which may be used accessory to the equestrian facility and would not be considered a primary single-family residence. Therefore staff finds that the inclusionary housing requirement does not apply to the Bar-Or Land Division since it would not result in two residential parcels or housing units for permanent occupancy.

### **CONCLUSION:**

The subject property is developed with a single-family residence and equestrian facilities. The applicant is proposing no new disturbance to the property, other than the construction of a dwelling unit within an existing barn. The applicant has also proposed a Conservation Area that would encompass all lands that are of high habitat value and are protected by the CWP and LCP Unit II, and contain wetland and riparian habitats.

A condition of approval has been recommended that requires that prior to recordation of the Parcel Map, the owner is to record a Conservation Area Agreement with the County of Marin that would include a proposal to prohibit construction and vegetation removal within the protected area, except for the removal of diseased or dead vegetation, non-native vegetation, and for fire protection with an approved Vegetation Management Plan (VMP). The language of the Conservation Area Agreement would be reviewed and approved by Planning Division staff. The recorded agreement would also include language for protection of the riparian and wetland habitat, native vegetation, and sensitive species habitat. The Conservation Area Agreement must be shown on the Parcel Map and a legal description would also be recorded. The Conservation area would include all lands that are within 100 feet from the top of bank of Tomasini Creek and 50 feet from the edge of the riparian vegetation, and 100 feet from all wetlands delineated and approved by the Army Corps of Engineers and all lands that meet the California Coastal Commission's definition of a wetland.

With the proposed conditions of approval that incorporate Mitigation Measure G.1 from the Initial Study, staff believes that the proposed land division would not result in adverse impacts to the environment. Further, staff finds that the land division is consistent with the C-SF4 land use designation and the allowable residential density of one to two units per acre, and with the governing C-R-A:B-3 zoning district standards. Since the equestrian center is a legal conforming use, it is not required that a deed restriction be placed on the subject parcel that requires the construction of the dwelling unit to meet the existing requirements of MCC 22.57.040I. Further the project is consistent with all pertinent policies of the Countywide Plan, the Local Coastal Program, Unit II, and the Point Reyes Station Community Plan. Future development would need to meet the regulation of Titles 22I and 24 of the Marin County Code, and would be evaluated to ensure conformance during the review of any Building Permits.

### **RECOMMENDATION:**

Staff recommends that the Deputy Zoning Administrator review the administrative record including all comments on the draft Mitigated Negative Declaration, conduct a public hearing, and adopt the attached Resolutions granting a Mitigated Negative Declaration of Environmental Impact and approving

the Bar-Or Coastal Permit and Land Division based on the findings and subject to the conditions contained therein.

- Attachments:
1. Proposed Resolution granting a Negative Declaration of Environmental Impact for the Bar-Or Coastal Permit and Land Division
  2. Proposed Resolution recommending conditional approval of the Bar-Or Coastal Permit and Land Division
  3. Location Map
  4. Assessor's Parcel Map
  5. Tentative Map, Sheet 1
  6. Tentative Map, Sheet 2
  7. North Marin Water District letter, 8/21/08
  8. North Marin Water District letter, 8/20/09
  9. Department of Public Works memorandum, 08/19/08
  10. Environmental Health Services, Sewage memorandum, 08/22/08
  11. "Biological Resources Assessment," Patrick Kobernus, Coast Range Ecology, dated 10/20/09

**The following attachments were provided to the Deputy Zoning Administrator only.** They are available for public review at the Community Development Agency, Planning Division during regular business hours: Monday through Friday, 8:00 A.M. to 4:00 P.M.

12. Proposed Negative Declaration and Initial Study

**The following attachment was provided to the Deputy Zoning Administrator Hearing Officer only,** and is maintained in a confidential file in the Planning Division.

13. A Cultural Resources Evaluation of the Lands of Bar-Or, 30 Knob Hill Road, Point Reyes Station, APN 119-101-08

**MARIN COUNTY DEPUTY ZONING ADMINISTRATOR**

**RESOLUTION \_\_\_\_\_**

**A RESOLUTION GRANTING A MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL  
IMPACT  
FOR THE BAR-OR COASTAL PERMIT AND LAND DIVISION**

**30 KNOB HILL ROAD, POINT REYES STATION**

**ASSESSOR'S PARCEL 195-223-24**

\*\*\*\*\*

**SECTION 1: FINDINGS**

- I. WHEREAS, Gal and Cheryl Bar-Or, and Mary Tesluk and John Maniscalco, have submitted an application for a Coastal Permit and Land Division application. The project is a proposal to divide an existing 10.3-acre property into two lots. The applicants and joint-owners, Gal and Cheryl Bar-Or and John Maniscalco and Mary Tesluk, have applied for Land Division approval to divide Assessor's Parcel 119-122-24, (historic lots 25 and 26 of Map No.1 Point Reyes Lands Co., R.M.Bk 4. P.30). The applicant is proposing to divide the Assessor's Parcel into two lots that would be 3.53 acres (Parcel 1) and 6.77 acres (Parcel 2) in size. Parcel 1 would retain the existing residence and Parcel 2 would retain all existing equestrian facilities, and would construct one new dwelling unit within the northern barn. The applicant proposes a Conservation Area that would encompass all of Tomasini Creek and the existing pond, and would protect the lands within 100-feet from the top of bank and from the edge of the pond, and 50 feet outward from the edge of riparian vegetation. The Conservation Area would total 5.3-acres in size and would preserve approximately 2.0-acres in Parcel 1, and approximately 3.3-acres in Parcel 2. The Conservation Area would be protected from future development. All existing facilities and improvements would remain. The barn and stables to the north of the dressage arena would be converted to a dwelling unit. Access to both lots would be from Knob Hill Road. Parcel 2 would be granted a 23-foot wide access and utility easement through Parcel 1 that would be approximately 185-feet in length. Sanitary service would be provided by individual on-site sewage disposal. A section on the eastern portion of Parcel 1 would be reserved for a new mound septic system, which would be approximately 60-feet long and 50-feet wide, and used exclusively by Parcel 1. Parcel 2 would continue to use the existing septic system and leachfield in the southwest corner of the proposed parcel that is approximately 85-feet long and 35-feet wide. Water is currently provided to the site by North Marin Water District and construction of new water service facilities are not required. No vegetation or tree removal is proposed. The property is located at 30 Knob Hill Road, Point Reyes Station, and is further identified as Assessor's Parcel 195-233-24.
- II. WHEREAS, the Marin County Community Development Agency - Planning Division prepared an Initial Study for the project and it was determined that potential impacts are avoided or mitigated to a point where clearly no significant effects would occur, and there is no evidence that the project may have a significant effect on the environment.
- III. WHEREAS, the Marin County Environmental Coordinator has determined that, based on the Initial Study, a Mitigated Negative Declaration of Environmental Impact is required for the project pursuant to the California Environmental Quality Act (CEQA).
- IV. WHEREAS, on August 6, 2009, an Initial Study and proposed Mitigated Negative Declaration of Environmental Impact were completed and distributed to agencies and interested parties to commence a 30-day public review period for review and comment on the Mitigated Negative Declaration, and a Notice of the public review period and Marin County Deputy Zoning Administrator hearing date to consider



granting final approval of the Negative Declaration was published in a general circulation newspaper pursuant to CEQA.

VI. WHEREAS, after the close of the 30-day public review period on September 17, 2009, the Marin County Deputy Zoning Administrator reviewed and considered the information contained in the draft Mitigated Negative Declaration, and Initial Study.

**SECTION 2: ACTION**

NOW, THEREFORE, LET IT BE RESOLVED that the Marin County Deputy Zoning Administrator hereby makes the following findings:

1. Notice of the initial public review period and hearing on the Mitigated Negative Declaration was given as required by law and said hearing was conducted pursuant to Sections 15073 and 15074 of the State CEQA Guidelines and the County CEQA process.
2. All individuals, groups and agencies desiring to comment on the Mitigated Negative Declaration were given the opportunity to address the Marin County Deputy Zoning Administrator.
3. The Mitigated Negative Declaration of Environmental Impact for the project consists of the Negative Declaration, Initial Study, responses to comments, and all supporting information incorporated by reference therein.
4. The Mitigated Negative Declaration of Environmental Impact was completed in compliance with the intent and requirements of CEQA, the State CEQA Guidelines, and the County's CEQA process.

LET IT BE FURTHER RESOLVED that the Marin County Deputy Zoning Administrator hereby grants the Mitigated Negative Declaration of Environmental Impact for the Bar-Or Coastal Permit and Land Division application as an adequate and complete environmental document for purposes of approving the project and declares that the Mitigated Negative Declaration has been completed and considered in conjunction with the comments thereto, in compliance with CEQA, the State CEQA Guidelines, and the County's CEQA process.

**SECTION 3: DECISION**

GRANTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 17th day of September 2009.

---

JOHANNA PATRI, AICP  
DEPUTY ZONING ADMINISTRATOR

Attest:

---

Joyce Evans  
DZA Secretary

**MARIN COUNTY DEPUTY ZONING ADMINISTRATOR**

**RESOLUTION \_\_\_\_\_**

**A RESOLUTION APPROVING WITH CONDITIONS  
THE BAR-OR COASTAL PERMIT (CP 08-50) AND LAND DIVISION (LD 08-3)**

**30 KNOB HILL ROAD, POINT REYES STATION**

**ASSESSOR'S PARCEL 119-122-24**

\*\*\*\*\*

**SECTION 1: FINDINGS**

- I. WHEREAS, Gal and Cheryl Bar-Or, and Mary Tesluk and John Maniscalco, have submitted an application for a Coastal Permit and Land Division application. The project is a proposal to divide an existing 10.3-acre property into two lots. The applicants and joint-owners, Gal and Cheryl Bar-Or and John Maniscalco and Mary Tesluk, have applied for Land Division approval to divide Assessor's Parcel 119-122-24, (historic lots 25 and 26 of Map No.1 Point Reyes Lands Co., R.M.Bk 4. P.30). The applicant is proposing to divide the Assessor's Parcel into two lots that would be 3.53 acres (Parcel 1) and 6.77 acres (Parcel 2) in size. Parcel 1 would retain the existing residence and Parcel 2 would retain all existing equestrian facilities, and would construct one new dwelling unit within the northern barn. The applicant proposes a Conservation Area that would encompass all of Tomasini Creek and the existing pond, and would protect the lands within 100-feet from the top of bank and from the edge of the pond, and 50 feet outward from the edge of riparian vegetation. The Conservation Area would total 5.3-acres in size and would preserve approximately 2.0-acres in Parcel 1, and approximately 3.3-acres in Parcel 2. The Conservation Area would be protected from future development. All existing facilities and improvements would remain. The barn and stables to the north of the dressage arena would be converted to a dwelling unit. Access to both lots would be from Knob Hill Road. Parcel 2 would be granted a 23-foot wide access and utility easement through Parcel 1 that would be approximately 185-feet in length. Sanitary service would be provided by individual on-site sewage disposal. A section on the eastern portion of Parcel 1 would be reserved for a new mound septic system parcel, which would be approximately 60-feet long and 50-feet wide, and used exclusively by Parcel 1. Parcel 2 would continue to use the existing septic system and leachfield in the southwest corner of the proposed parcel that is approximately 85-feet long and 35-feet wide. Water is currently provided to the site by North Marin Water District and construction of new water service facilities are not required. No vegetation or tree removal is proposed. The property is located at 30 Knob Hill Road, Point Reyes Station, and is further identified as Assessor's Parcel 119-122-24.
- II. WHEREAS, the Marin County Deputy Zoning Administrator held a duly noticed public hearing on September 17, 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 reviewed and considered testimony in favor of, and against, a proposed Mitigated Negative Declaration and determined, subject to the conditions of project approval contained herein, that this project will not result in any potentially

significant environmental impacts, and qualifies for a Mitigated Negative Declaration of Environmental Impact in compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the County's CEQA process.

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 is consistent with the all applicable policies regarding species and habitat preservation (Policy BIO-1.1; Policy BIO-1.3; and Policy BIO-2.4) because the project proposes a Conservation Area that will protect all land that is of high value to wildlife and Condition of Approval #5 (Mitigation Measure G.1) requires that the applicant record a deed restriction and Conservation Area Agreement that would inform future landowners of the development restrictions.
- B. The project is consistent with Policy BIO-3.1, which requires development to avoid wetland areas so that the existing wetlands and upland buffers are preserved and opportunities for enhancement are retained and to establish a Wetland Conservation Area (WCA) for jurisdictional wetlands to be retained, which includes the protected wetland and associated buffer area. All lands that meet this definition will be protected within the Conservation Area which will be protected under Condition of Approval #5 (Mitigation Measure G.1) that requires the applicant to record a deed restriction and Conservation Area Agreement that would inform future landowners of the development restrictions.
- C. The project is consistent with Policy BIO-4.1, which requires that development be restricted in the Stream Conservation Area since the Conservation Area would encompass all areas that are 100-feet from the edge of the Tomasini Creek, and 50-feet outward from the outer edge of woody riparian vegetation, and land that extends 100-feet from the southerly edge of the pond. No new development would be allowed within the Conservation Area, which would be consistent with the WCA and SCA policies of the CWP. Condition of Approval #5 (Mitigation Measure G.1) also requires the applicant to record a deed restriction and Conservation Area Agreement that would inform future landowners of the development restrictions.
- D. The project is consistent with all policies regarding the avoidance of erosion and sedimentation (Policy WR-2.3 and Policy BIO-4.15) since the project does not propose any changes to the existing drainage, or propose the removal of vegetation, or new construction that may result in soil erosion. The project will comply with standard Building Permit procedures that require that a project not result in adverse erosion or sedimentation and ensure compliance with MCC 23.18 (Ordinance 3486).
- E. The project is consistent with all policies regarding the avoidance of hazards (Policy EH-2.1, Policy EH-2.3, and Policy EH-3) since the project would not result in hazardous conditions related to geophysical issues because the subject property is not located within an Earthquake Study Zone and no active faults were identified on the property, and any future development would require Building Permit approval to insure that it is designed in compliance with the recommended construction practices identified in the Geotechnical Report prepared by Earth Science Consultants.
- F. The project is consistent with all policies regarding the protection of structures from fire (Policy 4.1) since standard building permit requirements would ensure that any future development would incorporate fire protection measures into construction.

- G. The project is consistent with all policies regarding the protection of visual resources (Policy DES-1.2, and Policy DES-4.1) since the project site is currently developed and the proposed Conservation Area would preserve the majority of the area that is undisturbed, therefore resulting in future development being clustered within the area of existing development, and preserving the open character of the northern portion of the parcel. Further, the proposed project would protect all lands that have high habitat value for wildlife, and does not propose any new development, other than the construction of a new dwelling unit within the northern barn, therefore preserving its existing visual quality and scenic quality of the natural environment.
  - H. The project is consistent with all policies regarding the reduction of greenhouse gas emissions and protection of the atmosphere (Policy AIR-4.1) since the proposed project would not result in potentially significant impacts on air quality relating to greenhouse gas emissions with implementation of development standards for energy conservation and use of renewable energy systems in future development applications.
- V. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Point Reyes Community Plan because:

**A. The proposed project is consistent with the mandatory findings and objectives of the Point Reyes Station Community Plan as specified below:**

The project is located within the Point Reyes Station Planning Area Boundary, as shown in Appendix A of the Point Reyes Station Community Plan.

**B. Encourage small-scale agriculture and agriculture-related land uses, home occupations and cottage industries throughout the Planning Area.**

The proposed project does not propose agricultural activities, nor would it inhibit future agricultural related activities, home occupations, or cottage industries. Currently the property contains barns, corrals and stables that could be used in the future for the rearing of livestock on Parcel 2.

**C. Encourage diversity in lot sizes and building densities in the Planning Area as a whole and within each zoning district (subject to the district's minimum lot size requirements).**

The proposed project would result in two new lots that would be 3.53 and 6.77 acres in size, which meets the minimum lot size requirement of the C-R-A:B-3 (Coastal, Residential Agriculture, minimum lot size 20,000 square feet) and would add to the diversity in lot sizes within the vicinity.

**D. Encourage development of additional affordable housing for persons employed locally.**

The project would create 2 new lots that could provide affordable housing for persons that are locally employed.

- E. New commercial or residential construction shall be compatible in scale (bulk and height), style and social character with the existing visual character of the community.**

Existing development on the site conforms to the visual character of the community. The construction of a new dwelling unit within the existing barn would be reviewed at the building permit stage to ensure that the design standards of the C-R-A:B-3 zoning district would be met.

- F. Improvements such as roads, driveways, parking areas and residential and commercial lighting should be compatible with the rural environment. For example, the use of gravel instead of asphalt as cover for parking areas is encouraged. Outdoor lighting shall serve for safety of ingress and egress but shall not detract from the enjoyment of the natural nightscape.**

The project does not propose new roads, parking areas, or lighting and there would be no negative impacts to the existing ingress and egress, or to the natural nightscape.

- G. Landscaping proposals should be evaluated carefully in terms of the long-range effect on the natural and built environment of the immediate neighborhood, especially in the Downtown area, and on the Planning Area as a whole. The requirement of wind breaks shall be discontinued and the effect of any proposed wind breaks (at maturity) on sunlight, coastal views, and traffic safety (visibility) taken into account. New wind breaks along Highway 1 should be prohibited to preserve coastal views. The Point Reyes Station Landscaping Guide should be used for information and as a guide.**

The project does not propose any new landscaping, and the existing natural vegetation within the Conservation Area will be protected.

- VI. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings for Coastal Permit approval pursuant to the requirements and objectives of the Local Coastal Program, Unit II (§22.56.130I of the Marin County Code) as described below.

**A. Water Supply:**

A letter from the North Marin Water District dated August 21, 2008 indicated that the applicant has an approved service connection, and construction of new service facilities are not required for the project.

**B. Septic System Standards:**

The project has been reviewed by Environmental Health Services, and it was determined that the plans provided for the proposed new septic system on Parcel 2 is adequate, and that prior to Parcel Map approval, the applicant is to apply for an onsite sewage disposal system and inspection of the existing septic system.

**C. Grading and Excavation:**

No grading or excavation is proposed.

**D. Archaeological Resources:**

Archaeological Resource Service conducted a Cultural Resources Evaluation of the entire parcel on October 6, 2008 and determined that there are no significant cultural resource on the property, no cultural resources will be affected by the project, and no further archaeological investigation on this property is warranted.

**E. Coastal Access:**

The subject property is not located between the sea and the first public road or adjacent to a coastal area identified by the Local Coastal Program, Unit II, where public access is desirable or feasible. During a routine site visit, staff found no evidence of historic public use on the property, and that the property is not located near any tidelands or submerged lands subject to the public trust doctrine.

**F. Housing:**

The proposed project would increase the availability of housing stock in Point Reyes Station because one additional dwelling unit would be allowed on Parcel 2.

**G. Stream Conservation Protection:**

Tomasini Creek is located to the north of the property and the Conservation Area would have a buffer of over 100 feet from the top of stream banks, and would be setback over 50 feet from the edge of riparian vegetation.

**H. Dune Protection:**

The project site is not located in a dune protection area as identified by the Natural Resources Map for Unit II of the Local Coastal Program.

**I. Wildlife Habitat:**

The Natural Resources Map for Unit II of the Local Coastal Program indicates that the subject property is not located in an area of sensitive wildlife resources. A search of the California Natural Diversity Database revealed that 46 listed animal species had the possibility of occurrence, yet only 10 of those species had moderate potential. A survey was conducted by Coast Range Ecology and no special status species, or natural communities of concern were observed, with the exception of the western pond turtle (*Actinemys marmorata*), whose habitat is in the Conservation Area and would be protected. Additional listed species with moderate potential to occur, but were not detected include pallid bat (*Antrozus pallidus*), Yuma bat (*Myotis yumanensis*), western red bat (*Lasiurus blossevillii*), white-tailed kite (*Elanus leucurus*), little willow flycatcher (*Empidonax traillii brewsteri*), loggerhead shrike (*Lanius ludovicianus*), yellow warbler (*Dendroica petechia brewsteri*), Allen's hummingbird (*Selasphorus sasin*), and salt marsh common yellowthroat (*Geothlypis trichas sinuosa*).

**J. Protection of Native Plant Communities:**

The Natural Resources Map for Unit II of the Local Coastal Program indicates that the subject property is not located in an area that contains sensitive plant species. A search was conducted of the California Natural Diversity Database, the California Native Plant Society's Inventory of Rare and Endangered Plants of California, and the U.S. Fish and Wildlife Services list for the Inverness 7.5 minute USGS quadrangle, as well as the eight surrounding quadrangles, and a target list was developed of the species which have potential to occur on the subject parcel. A majority of the plants that were identified from the search are associated with habitat types that are not present on the site, yet there is potential for three species, Marsh microseris (*Microseris paludosa*), Sonoma alopecurus (*Alopecurus aequalis* var. *sonomensis*) and bent-flowered fiddleneck (*Amsinckia lunaris*). A site visit was conducted by a consulting Biologist and no special status plant species were observed. Any special-status plant species with potential to occur on site but that may have not been observed, would be located within the Conservation Area and protected by Mitigation Measure G.1, which requires that the Conservation Area be recorded to provide disclosure to future landowners of the development restrictions in the Conservation Area.

**K. Shoreline Protection:**

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

**L. Geologic Hazards:**

The project site is not located in an area of geologic hazards as indicated on the Geologic Hazards Map for Unit II of the Local Coastal Program, and is not located within the delineated boundaries of the San Andreas Fault zone as identified on the Alquist-Priolo Special Studies Zone Map. Based on information from the Geotechnical Investigation from Earth Science Consultants, the site is suitable for future development, provided it is designed according to the building code requirements for the existing soil type.

**M. Public Works Projects:**

The proposed project does not entail expansion of public roads, flood control projects, or utility services.

**N. Land Division Standards:**

The subject property is a legal lot of record, and the proposed land division meets the lot minimum size requirement for the C-R-A:B-3 zoning district as discussed in Section VI.A.1 above.

**O. Visual Resources:**

The project is to create two new lots. Both lots are developed, and the northern barn and stable on Parcel 1 would be partially converted to a dwelling unit in the future. Currently the barn and stable area is screened by vegetation from Knob Hill Road, which does not create a visual barrier of scenic resources from public viewpoints.

**P. Recreation/Visitor Facilities:**

The proposed project will not provide commercial or recreational facilities, and the project site is not governed by VCR (Village Commercial Residential) zoning regulations, which require a mixture of residential and commercial uses.

**Q. Historic Resource Protection:**

The project site is not located within a historic resource protection area.

VI. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings for a Land Division (§20.56.120I of the Marin County Code) as described below.

**A. The proposed map is consistent with applicable general and specific plans.**

Please see Section IV and V above.

**B. The design or improvement of the proposed subdivision is consistent with applicable general and specific plans.**

Please see Section IV and V above

**C. The site is physically suitable for the type of development.**

The proposed project would be dividing the property into two lots that would meet the minimum lot size requirement of the CWP and the zoning district. The site is currently developed and has received County approval for all existing structures. No new development would be constructed that would be in a protected area, or would result in new disturbance to the site. The conversion of the barn to a dwelling unit would be reviewed at the building permit stage to ensure conformance with all zoning and building code requirements.

**D. The site is physically suitable for the proposed density of development.**

The proposed new lots would meet the minimum lot size requirement and have already been developed.

**E. The design of the subdivision or the proposed improvements would not likely cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.**

An Initial Study was prepared, which found that the project as mitigated would not result in significant impacts to the environment and all lands with high habitat value would be protected within the Conservation Area, and a Mitigated Negative Declaration was granted by the Deputy Zoning Administrator.

**F. The design of the subdivision or the type of improvements is not likely to cause serious public health problems.**

The project was reviewed by Environmental Health Services staff, which found that the existing and proposed septic improvements to be acceptable as shown. Further the Initial



Study that was prepared found that no significant public health problems would result from the proposed project.

- G. The design of the subdivision or the type of improvements would not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements for access or for use will be provided and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction. No authority is granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.**

The proposed project does not conflict with easements acquired by the public at large.

## **SECTION 2: CONDITIONS OF PROJECT APPROVAL**

NOW, THEREFORE, LET IT BE RESOLVED, that the Deputy Zoning Administrator approves the Bar-Or Coastal Permit (CP 08-50) and Land Division (LD 08-3) application subject to the following conditions:

1. Pursuant to Marin County Coastal Zoning Code Sections 22.32.110I and 22.56.130I this Land Division and Coastal Permit approval to divide Assessor's Parcel 119-122-24, (historic lots 25 and 26 of Map No.1 Point Reyes Lands Co., R.M.Bk 4. P.30). The project is approved to divide the Assessor's Parcel into two lots that will be 3.53 acres (Parcel 1) and 6.77 acres (Parcel 2) in size. Parcel 1 will retain the existing residence and Parcel 2 will retain all existing equestrian facilities, and is approved for one new dwelling unit within the location of the northern barn. A Conservation Area is approved that will encompass all of Tomasini Creek and the existing pond, and will protect the lands within 100-feet from the top of bank and the edge of pond, and 50 feet outward from the edge of riparian vegetation. The Conservation Area will total 5.3-acres in size and will preserve approximately 2.0-acres in Parcel 1, and approximately 3.3-acres in Parcel 2. The Conservation Area will be protected from future development. All existing facilities and improvements will remain. Access to both lots will be from Knob Hill Road. Parcel 2 will be granted a 23-foot wide access and utility easement through Parcel 1 that will be approximately 185-feet in length. Sanitary service will be provided by individual on-site sewage disposal. A section on the eastern portion of Parcel 1 will be reserved for a new mound septic system, which will be approximately 60-feet long and 50-feet wide, and will be used exclusively by Parcel 1. Parcel 2 will continue to use the existing septic system and leachfield in the southwest corner of the lot that is approximately 85-feet long and 35-feet wide. Water is currently provided to the site by North Marin Water District and construction of new water service facilities are not required. No vegetation or tree removal is approved. The property is located at **30 Knob Hill Road, Point Reyes Station**, and is further identified as **Assessor's Parcel 195-233-24**.
2. Plans submitted for Parcel Map approval shall substantially conform to plans identified as "Exhibit A," entitled, "Bar-Or Land Division" consisting of 2 sheets prepared by White and Prescott, dated October 21, 2008 and received October 21, 2009, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
3. BEFORE RECORDATION OF THE PARCEL MAP, the Notice of Decision shall be recorded on the title of the subject property.

4. Unless a public emergency services provider recommends otherwise or unique circumstances necessitate a change, street addressing for the approved lots shall be as follows:

<u>Parcel</u>	<u>Street Address</u>
One	30 Knob Hill Road, Point Reyes Station
Two	36 Knob Hill Road, Point Reyes Station

5. PRIOR TO RECORDATION OF THE PARCEL MAP, the owner shall record a Conservation Area Agreement with the County of Marin that shall include a proposal to prohibit construction and vegetation removal within the protected area, except for the removal of diseased or dead vegetation, non-native vegetation, and for fire protection with an approved Vegetation Management Plan (VMP). The language of the Conservation Area Agreement shall be reviewed and approved by Planning Division staff. The recorded agreement shall include language for protection of the riparian and wetland habitat, native vegetation, and sensitive species habitat. The boundaries of the areas addressed by the Conservation Area Agreement must be shown on the Parcel Map labeled as "Conservation Area" and a legal description must be recorded. The Conservation area shall include all lands that are within 100 feet from the top of bank of Tomasini Creek and 50 feet from the edge of the riparian vegetation, and 100 feet from all wetlands delineated and approved by the Army Corps of Engineers and all lands that meet the California Coastal Commission's definition of a wetland.
6. The Planning Division shall review and verify that the Conservation Area Agreement and the revised Deed and legal description are in conformance with Mitigation Measure G.1.
7. The applicant must submit a Parcel Map application, and obtain approval of the Parcel Map from the Planning Division and Department of Public Works County Surveyor. After approval of the Parcel Map, the applicant shall file a Parcel Map with the County Recorder to record the Land Division approved herein. The required Parcel Map must be in substantial conformance with Exhibit "A," including, but not necessarily limited to, the proposed lot lines and easements. Parcel Map data and form must be in compliance with provisions of Chapter 20.64 of the Marin County Code.
8. The Bar-Or Land Division approval must be vested with the filing of the required Parcel Map in compliance with all conditions of approval within three years after the date it is conditionally approved by the County of Marin. A timely filing is made when all parties having record title interest in the real property submit written consent, and a fully executed Mylar complying with all conditions of approval, including executed versions of all required agreements and paying all required fees, are submitted to the County Surveyor. The Community Development Agency Director may administratively authorize extensions to this mandatory vesting period upon written request by the applicant and payment of the appropriate extension fee for a period not to exceed an aggregate of five years beyond the expiration date. Extension of the Land Division approval may also be permitted pursuant to applicable State law.
9. Pursuant to California Government Code Section 66474.9(b), the County of Marin shall require that the applicant defend, indemnify, and hold harmless the County or its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers and employees to attack, set aside, void, or annul, the approval by the County of the Crandall Land Division, which action is brought within the time period provided for in California Government Code Section 66499.37. The County shall promptly notify the applicant of any claim, action, or proceeding and the County shall cooperate fully in the defense. If the County fails to cooperate

fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

10. 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.
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. 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.

Department of Public Works, Land Use and Water Resources

*Prior to Recordation of Parcel Map:*

12. The Parcel Map shall be prepared in compliance to the requirements of Title 22 and 20 of the Marin County Code, and under the California Map Act.
13. Provide a maintenance agreement for the access and utility easement.

**SECTION 3: VESTING AND APPEAL RIGHTS**

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest the Bar-Or Coastal Permit and Land Division approval by recording a Parcel Map before September 17, 2012, or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 30 days before the expiration date and the Community Development Director approves it, or unless the vesting period is automatically extended by operation of State law.

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, Marin County Civic Center, San Rafael, no later than 4:00 p.m. on September 24, 2009.

**SECTION 4: DECISION**

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 17th day of September 2009.

---

JOHANNA PATRI, AICP  
DEPUTY ZONING ADMINISTRATOR

Attest:

---

Joyce Evans  
Deputy Zoning Administrator Secretary