



MARIN COUNTY
 COMMUNITY DEVELOPMENT AGENCY
 BRIAN C. CRAWFORD, DIRECTOR

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| STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR | | | |
| JABLONS/HICKS COASTAL PERMIT, DESIGN REVIEW, AND USE PERMIT | | | |
| Item No: | C1. | Application No: | CP 09-12/DR 09-20/UP 09-12 |
| Applicants: | David Jablons | Owners: | David Jablons and Tamara Hicks |
| Property Address: | 5488 Middle Road, Petaluma | Assessor's Parcel: | 100-050-29 |
| Hearing Date: | October 1, 2009 | Planner: | Kristina Tierney |
| RECOMMENDATION: | | Approve with Conditions | |
| APPEAL PERIOD: | | 5 working days to the Planning Commission | |
| LAST DATE FOR ACTION: | | November 23, 2009 | |

PROJECT DESCRIPTION:

The applicants and owners, David Jablons and Tamara Hicks, have applied for approval to complete the reconstruction and expansion of existing structures on the subject property including a two-story, 3,785 square foot farm house and a two-story 2,808-square-foot barn containing two farm worker housing units. Also included in the application are two mobile living units to be used by farm workers. All structures are associated with on-going use of the property as a working organic farm and goat dairy known as "Toluma Farms" which also supports cattle grazing. Use Permit approval is required by the C-APZ zoning district to allow the proposed farm worker housing, the proposed farmstead cheese processing operation, and the future tasting/retail operation. The cheese processing operations are proposed in either of the approved facilities or in an on-site mobile cheese production trailer. The planned cheese production will be on the order of 400 to 800 pounds of cheese per week with the capacity to increase production depending on demand with a total of 15 employees. Also proposed at this time are a new septic system, water well upgrades, and a new 5,000 gallon tank for fire suppression.

GENERAL INFORMATION

Countywide Plan: C-AG1 (Coastal, Agriculture, 1 unit/30-60 acres)
 Zoning: C-APZ-60 (Coastal, agricultural production zone, 60 acre minimum lot size)
 Lot size: 160 acres
 Adjacent Land Uses: Agricultural
 Vegetation: Grasslands
 Topography and Slope: Flat to moderately sloping
 Environmental Hazards: None identified

ENVIRONMENTAL REVIEW

The Environmental Coordinator has determined that this project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 15301, Class 1 of the CEQA Guidelines because it entails the reconstruction of a residence and barn and legalization of two existing mobile residences.

PUBLIC NOTICE AND COMMENTS

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and giving the earliest possible decision date in accord with California Government Code requirements. This notice has been mailed to all property owners within 600 feet of the subject property. No comments were received.

PLAN CONSISTENCY:

The proposed project is generally consistent with the goals and policies of the Marin Countywide Plan, and the Local Coastal Program, Unit 2. Please refer to the plan consistency findings IV, V, and VI in the attached recommended resolution.

PROJECT ANALYSIS:

Toluma Farms is a 160-acre diversified agriculture enterprise that has been revitalized by the owners, Tamara Hicks and David Jablons, M.D. since 2003. The extensive clean up and restoration efforts included the removal of over 10,000 tires and 50 dumpsters of garbage, the restoration of the creek on the Franklin School House side of the property, and planting hundreds of native species. Numerous agencies and groups were involved in the clean up including the Natural Resources Conservation Service (NRCS), the Bay Institute, and the Straw project. As a result of these efforts, Toluma Farms was awarded organic certification by Marin Organic Certified Agriculture in 2006. The long-term goals of Toluma Farms include further diversification with the production of farmstead artisanal organic goat cheeses as well as increased farming of organic produce.

The proposed project includes the expansion of existing structures on the subject property, including a two-story, 3,785 square foot farm house and a two-story 2,808-square-foot barn containing two farm worker housing units. Also included in the application are two mobile living units used to house onsite farm workers. Ancillary improvements include septic modifications and a new 5,000 gallon water tank for fire suppression. All structures are associated with on-going uses of the property as a working organic farm and dairy (which are permitted uses in the APZ-60 zoning district) and are clustered together in the most accessible portion of the property. The design of the structures are in keeping with the use of the property as a working farm and have appropriate mass and bulk for the property. Construction activities are limited to developed portions of the property and would minimize grading as the existing footprints would largely be maintained. No tree removal is proposed.

Use Permit approval is required to allow the proposed farm worker housing, mobile homes, as well as for the proposed goat cheese making and future tasting/retail operation. In addition to the principally permitted single-family residence located on the property, 4 additional residences are included in this project including two intern housing units in the renovated barn, a modular home, and an RV. The new septic system has been designed to handle this capacity and has

been reviewed and approved by Environmental Health Services. Cheese processing and the intern and farm worker housing units are conditional uses in the APZ-60 zoning district and directly support the functionality of Toluma Farms. Ample area is available for parking. Additionally, the applicants report that both uses are critical to the economic survival of Toluma Farms.

The proposed project is consistent with the required findings for approval of a Coastal Permit contained in Chapter 22.56I, Design Review contained in Chapter 22.82I, and Use Permit contained in Chapter 22.88I of the Marin County Code (see attached resolution with Findings).

RECOMMENDATION:

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

- Attachments:**
1. Proposed Resolution recommending approval of the Jablons/Hicks Coastal Permit, Design Review, and Use Permit applications
 2. CEQA Exemption
 3. Location Map
 4. Assessor's Parcel Map
 5. Project Plans
 6. Marin County Department of Public Works Memo, 9/14/09
 7. Marin County Environmental Health Services Memo, 9/17/09
 8. Marin County Environmental Health Services Memo, 9/10/09
 9. Marin County Fire Department Memo, 9/4/09

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO.

A RESOLUTION APPROVING THE JABLONS/HICKS COASTAL PERMIT,
DESIGN REVIEW, AND USE PERMIT
5488 MIDDLE ROAD, PETALUMA
ASSESSOR'S PARCEL 100-050-29

SECTION I: FINDINGS

I. WHEREAS David Jablons and Tamara Hicks are requesting a Coastal Permit, Design Review, and Use Permit for the following: 1) reconstruction and expansion of existing structures on the subject property including a two-story, 3,785 square foot farm house and a two-story 2,808-square-foot barn containing two farm worker housing units; 2) new septic system; 3) two mobile living units; 4) proposed farmstead cheese processing (on the order of 400 to 800 pounds of cheese per week with the capacity to increase production depending on demand with a total of 15 employees) and future tasting/retail operations; and 5) ancillary improvements including a new 5,000 gallon water tank, well upgrades, and a mobile cheese production facility.

The new additions would be served by the existing on-site septic system. **The subject property is located at 5488 Middle Road, Petaluma, and is further identified as Assessor's Parcel 100-050-29.**

II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing October 1, 2009, to consider the merits of the project and hear testimony in favor of and in opposition to the project.

III. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act, per Section 15301, Class 1 of the CEQA Guidelines because it entails reconstruction of development accessory to a residentially developed property that would not result in potentially significant impacts to the environment.

IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve the Coastal Permit application (Section 22.56.130I of the Marin County Code) as specified below.

A. Water Supply

The existing residence is currently served by two onsite springs. As conditioned, Environmental Health Services has indicated that the facilities are adequate to serve the proposed project.

B. Septic System Standards

A new septic system, reviewed and approved by Environmental Health Services, is proposed to serve the project.

C. Grading and Excavation

Grading and excavation would be extremely minimal as the previously existing footprints were largely maintained. Small amounts of grading were associated with construction of the new foundations. The submitted grading and drainage plans have been accepted as complete and consistent with Marin County Code Section 22.56.130I.C.

D. Archaeological Resources

A review of the Marin County Archaeological Sites Inventory Maps on file in the Planning Division indicates that portions of the subject property are denoted as areas of high archaeological sensitivity. As the project entails the reconstruction of existing structures on a disturbed site it is unlikely that the project would impact archeological resources. Further, project approval would require that if archeological resources are discovered during site preparation or construction, the applicants would have to follow archeological preservation protocol, including cessation of work and evaluation by a qualified archeologist to determine if any modification to the project would be required.

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 2, where public access is desirable or feasible. The site is not located near any tidelands or submerged lands subject to the public trust doctrine.

F. Housing

The proposed project will have no adverse impact upon the availability of affordable housing stock within the Petaluma/Tomales community, and will provide farm worker housing on site.

G. Stream and Wetland Resource Protection

Portions of the property are located within 100 feet of San Antonio Estero and are subject to the County streamside conservation policies. However, the proposed project is not located in the SCA and the project would not impact such resources as it involves the reconstruction and modest expansion of existing structures.

H. Dune Protection

The proposed project is not located in a dune protection area as identified by the Natural Resources Map for Unit 2 of the Local Coastal Program.

I. Wildlife Habitat

The Natural Resources Map for Unit 2 of the Local Coastal Program and the California Natural Diversity Database indicate that the subject property is not located in an area potentially containing rare wildlife species.

J. Protection of Native Plant Communities

The Natural Resources Map for Unit II of the Local Coastal Program and the California Natural Diversity Database indicates that the subject property is not located in an area containing rare plants.

K. Shoreline Protection

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

L. Geologic Hazards

Review of the Alquist-Priolo Special Studies Zone maps indicates that the subject property lies outside the delineated boundaries of the San Andreas Fault zone. Therefore the project poses no safety threats relative to geologic hazards.

M. Public Works Projects

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

N. Land Division Standards

No land division is proposed as part of this project.

O. Visual Resources

The project involves the reconstruction and modest expansion of existing structures. As a result, the project would not impact any neighbors or visual resources in the area.

P. Recreation/Visitor Facilities

The proposed project would not presently 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 have any impact upon recreation or visitor facilities. The future tasting/retail component would contribute to commercial facilities in the area and be a visitor serving use.

Q. Historic Resource Preservation

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

VI. Whereas, the Marin County Deputy Zoning Administrator finds that the Mandatory Findings for a Design Review per Section 22.82.040I of the Marin County Development Code can be made based on the following findings:

A. The proposed development will properly and adequately perform or satisfy its functional requirements without being unsightly or creating incompatibility/disharmony with its locale and surrounding neighborhood;

The project is consistent with this finding because the accessory structures and addition to the primary residence would result in a development with a height, mass, and bulk proportionately appropriate to the 160-acre site and neighboring development, and would not change the visual character of the project site.

B. The proposed development will not impair, or substantially interfere with the development, use, or enjoyment of other property in the vicinity, including, but not limited to, light, air, privacy and views, or the orderly development of the neighborhood as a whole, including public lands and rights-of-way;

The project would maintain adequate setbacks from the side and rear property lines and would not result in the loss of light or privacy to adjacent neighbors. In addition, all development will be contained within the parcel and would not impact development on public lands or rights-of-way.

C. The proposed development will not directly, or cumulatively, impair, inhibit, or limit further investment or improvements in the vicinity, on the same or other properties, including public lands and rights-of-way;

The proposed project is located entirely within the subject parcel and would not result in development which would impact future improvements to the surrounding properties.

D. The proposed development will be properly and adequately landscaped with maximum retention of trees and other natural features and will conserve non-renewable energy and natural resources;

The proposed project had been sited in a developed portion of the property and would not involve any tree removal.

E. The proposed development will be in compliance with the design and locational characteristics listed in Chapter 22.16 (Planned District Development Standards);

The project conforms to the planned district development standards by utilizing a design which blends the project into the natural topography of the site, and utilizes colors and materials which blend into the natural environment. Further, the primary residence and accessory structure utilizes architectural features such as step backs and breaking roof masses into smaller components to minimize the appearance of mass and bulk, and to reduce visual impacts.

F. The proposed development will minimize or eliminate adverse physical or visual effects which might otherwise result from unplanned or inappropriate development, design, or placement. Adverse effects include those produced by the design and location characteristics of the following:

1. The area, heights, mass, materials, and scale of structures;

The project utilizes existing structures to minimize changes to the visual character of the project site. The remodeled structures have been designed to minimize adverse visual effects related to design and building massing. The mobile living units are very modest (500 square feet) in size.

2. Drainage systems and appurtenant structures;

All conceptual plans have been reviewed by the Department of Public Works. Appurtenant structures are in conformance with the Single-family Design Guidelines.

3. Cut and fill or the reforming of the natural terrain, and appurtenant structures (e.g., retaining walls and bulkheads);

The proposed project has been designed to minimize the amount of grading.

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

The proposed project is located entirely on the subject parcel and would not be located within rights-of-way or affect the movement of people or vehicles.

5. Will not result in the elimination of significant sun and light exposure, views, vistas, and privacy to adjacent properties.

As noted in B above, the project would not result in the loss of light, views, or privacy to adjacent residences.

G. The project design includes features which foster energy and natural resource conservation while maintaining the character of the community.

The applicant is proposing construction which would meet the Green Building Rating of "Certified," and the project would be required to meet Title 24 and Ordinance 3492.

H. The design, location, size, and operating characteristics of the proposed use are consistent with the Countywide Plan and applicable zoning district regulations, are compatible with the existing and future land uses in the vicinity, and will not be detrimental to the public interest, health, safety, convenience, or welfare of the County.

The proposed project, as conditioned, is consistent with all applicable regulations and as described in "F" above, meets the design guidelines, and would not be detrimental to the public or County.

VII. Whereas, the Marin County Deputy Zoning Administrator finds that the Mandatory Findings for a Use Permit per Section 22.88.020I of the Marin County Development Code can be made based on the following findings:

The establishment of farm worker housing, cheese processing, and a future tasting/retail facility is allowed as a conditional use within the governing C-APZ-60 zoning district and

would be consistent with the principally permitted agricultural use of the land and compatible with surrounding agricultural uses. The project does not require any tree removal on the subject property, will result in employment opportunities, not result in significant noise or traffic impacts to the community, and will support agricultural activities in West Marin. Based on these factors, the granting of the Use Permit will not be detrimental to the health, safety, morals, comfort, convenience, or welfare of persons residing or working in the neighborhood and will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in the neighborhood.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Jablons/Hicks Coastal Permit (CP 09-12), Design Review (DR 09-20), and Use Permit (UP 09-12) subject to the following conditions:

Marin County Community Development Agency, Planning Division

1. Pursuant to Marin County Code Sections 22.56.130I (Coastal Permits), Section 22.82.040I (Design Review), and Section 22.88I, the Jablons Coastal Permit, Design Review, and Use Permit are approved for the following: 1) reconstruction and expansion of existing structures on the subject property including a two-story, 3,785 square foot farm house and a two-story 2,808-square-foot barn containing two farm worker housing units; 2) new septic system; 3) two mobile living units; 4) proposed farmstead cheese processing (on the order of 400 to 800 pounds of cheese per week with the capacity to increase production depending on demand with a total of 15 employees) and future tasting/retail operations; and 5) ancillary improvements including a new 5,000 gallon water tank, well upgrades, and a mobile cheese production facility.

The reconstructed residence would be 32.5 feet tall and the barn would be 20.5 feet tall. The remodeled residence and garage would be located over 100 feet from all property lines, as would the two mobile living units. The property is approved to be served by the existing on-site septic system.

The subject property is located at 5488 Middle Road, Petaluma, and is further identified as Assessor's Parcel 100-050-29.

31. Plans submitted for building permits shall substantially conform to plans identified as "Exhibit A," entitled, "Toluma Farms," consisting of 10 sheets prepared by Graham Architects and received October 30, 2008, and 3 sheets prepared by Erickson Engineering, Inc. and received September 4, 2008 and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
32. Approved exterior building materials and colors shall substantially conform to the color/materials sample board which is identified as "Exhibit B," dated May 21, 2009, and on file with the Marin County Community Development Agency including:
 - a. Siding – Pale, yellow horizontal wood siding
 - b. Windows – Off-white wood windows and trim
 - c. Roof – Dark green standing seam metal roof
 - d. Base – Stone

All flashing, metal work, and trim shall be treated or painted an appropriately subdued, non-reflective color.

33. 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. 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. Minor modifications to the operating conditions may be approved administratively by the Community Development Agency Director. Additionally, the Community Development Agency reserves the right to conduct periodic compliance reviews over the life of the Use Permit (UP 09-12). Major modifications shall require an amendment to the Use Permit.
34. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants shall revise the site plan or other first sheet of the office and job site copies of the Building Permit plans to list these Conditions of Approval as notes.
35. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants shall revise the plans to depict the location and type of all exterior lighting for review and approval of the Community Development Agency staff. Exterior lighting visible from off site shall be permitted for safety purposes only, shall consist of low-wattage fixtures, and shall be directed downward and shielded to prevent adverse lighting impacts on nearby properties.
36. All utility connections and extensions (including but not limited to electric, communication, and cable television lines) serving the development shall be undergrounded from the nearest overhead pole from the property, where feasible as determined by the Community Development Agency staff.
37. All construction activities shall comply with the following standards:
 - a. Except for such non-noise generating activities, including but not limited to, painting, sanding, and sweeping, construction activity is only permitted between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and 9:00 a.m. and 5:00 p.m. on Saturday. No construction shall be permitted on Sundays or the following holidays (New Year's Day, Presidents' Day, Memorial Day, July 4th, Labor Day, Thanksgiving, and Christmas Day). If the holiday falls on a weekend, the prohibition on noise-generating construction activities shall apply to the ensuing weekday during which the holiday is observed. At the applicant's request, the Community Development Agency staff may administratively authorize minor modifications to these hours of construction.
 - b. It shall be the responsibility of the applicant to ensure that all construction materials and equipment are stored on-site (or secured at an approved off-site location) and that all contractor vehicles are parked in such a manner as to permit safe passage for vehicular, pedestrian, and bicycle traffic at all times.
 - c. During construction, the applicants shall take all appropriate measures, including watering of disturbed areas and covering the beds of any trucks hauling fill to or

spoils from the site, to prevent dust from grading and fill activity from depositing on surrounding properties.

- d. The applicants shall be responsible for ensuring that the number of vehicles, equipment, and materials are stored onsite and off the street so that pedestrian and vehicles can pass safely at all times.
 - e. All construction debris shall be removed from the site upon completion of the project.
38. If archaeological resources are discovered during grading, trenching, or other construction activities, all work at the site shall stop immediately and the project sponsor shall inform the Marin County Environmental Coordinator of the discovery. A registered archaeologist, chosen by the County and paid for by the project sponsor, shall assess the site and submit a written report to the Marin County Community Development Agency Director advancing appropriate mitigations to protect the resources discovered. No work at the site may recommence without approval of the Director. All future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the Director.
39. Prior to initiating tasting/retail sales onsite, the applicants shall submit plans to the Community Development Agency for review and approval, showing the location, size, and layout of the proposed tasting/retail sales structure onsite. A parking plan shall also be submitted. The applicant shall comply with all applicable planning, parking, food sales, and state and Federal accessibility regulations in effect at the time of submittal.

Department of Public Works, Land Development

All improvements shall conform to Title 24 of the Marin County Code, Uniform Construction Standards, or as approved by DPW.

PRIOR TO ISSUANCE OF A BUILDING PERMIT:

- 40. The improvement plans shall be reviewed and approved by a registered soils engineer. Certification shall be either by the engineer's stamp and signature on the plans, or by stamped and signed letter.
- 41. A registered Civil Engineer shall design the site/driveway retaining walls, drainage, and grading plans. Plans must have the engineer's signature and stamp.
- 42. A separate Building Permit is required for site/driveway retaining walls with a height more than 4' (or 3' when backfill area is sloped or has a surcharge).
- 43. Submit two sets of engineer's calculations for site/driveway retaining walls, signed and stamped by the engineer.
- 44. Submit an Erosion and Siltation Control Plan if grading or site disturbance is to occur between October 15 and April 15.
- 45. The driveway approach shall be constructed and paved per MCC 24.04.290. Driveway surface runoff shall be intercepted and directed away from the travel lanes.
- 46. Obtain an encroachment permit from DPW for work in the road right-of-way.
- 47. Plans shall show all driveway widths, slopes and pavement surface as required by County code and standards.
- 48. Page 2, 2nd paragraph of the Agricultural Plan states that permits were granted for the creek work in 2004-2005. Our records show that the owners applied for a creek permit in

2005. The permit was approved but not issued for non-payment of fees. Notification letters were sent to the owners about this matter but there is no record of any response or payment. Prior to issuance of any building or grading permit, the applicant shall pay the creek permit fee of \$1,460.00.

49. Note that certification letters from the Design Engineer shall include Building Permit Number, Assessor's Parcel Number and Address of the project site, per CDA- Building & Safety Division.
50. Provide a detailed grading and drainage plan for the project. Include the grading around the proposed water tank and the proposed destination for all cut surplus materials. Ground adjacent to the foundation shall be sloped away no less than 5% for a minimum distance of 10 feet. 2007 CBC 1803.3.
51. Plans shall indicate total acreage of site disturbance.

Marin County Environmental Health Services

Sewage

52. Any future development not specified in the use permit would necessitate a review of potential wastewater discharge which may require a permit to upgrade the septic system.
53. PRIOR TO BUILDING FINAL, the applicant shall receive Regional Water Quality Control Board approval for dairy production waste.

Water

54. PRIOR TO BUILDING FINAL, the applicant shall obtain one or more domestic water permits to approve the water delivery system to all residential, agricultural and commercial buildings on the property.
55. If two water systems are maintained, one domestic system for residential use and one domestic system to serve the fire control and commercial/agricultural buildings, each of the two systems will need to provide treatment with filtration and disinfection, since springs are generally influenced by surface water. Under the two water system proposal, the 1.5 GPM water source can serve the five residences based on a combined source and storage capacity equation, 3 GPM per day per residence, or a total of 21,600 GPD for the five residences. Since 1.5 GPM is equivalent to 2,160 GPD production, a total of 19,440 gallons of storage, designated solely for residential use, is required by the Water Code.
56. Assuming 250 GPD of total milk production and 2 GPD water demand per gallon of milk produced and a safety factor of 3, a conservatively high Maximum Day Demand would be 1,500 GPD. The 3,000 gallons of storage available for domestic water use (not including Fire Control capacity), and the 2.3 GPM production should meet demand for the dairy and cheese factory.
57. The alternative consolidated water system plan combines water sources, storage tanks and water treatment into one system requiring one water permit and one treatment plant. Further calculations will be needed if this option is chosen, especially if there are more than one pressure zone. A consolidated water system may reduce the required storage due to combined source and tank capacity.

58. Based on will need to provide specific written information regarding the proposed water systems, use of the facilities, and if fire control requirements will reduce available domestic water to demonstrate that the site has adequate existing water sources to serve the total domestic water demand.
59. The alternative consolidated water system plan combines water sources, storage tanks and water treatment into one system requiring one water permit and one treatment plant. Further calculations will be needed if this option is chosen, especially if there are more than one pressure zone. A consolidated water system may reduce the required storage due to combined source and tank capacity.

Food Establishment

60. If retail food service (including tasting), if any, will be provided in the future. Please note:
 - b. A wholesale cheese factory with limited staffing may be able to be served by a private water system.
 - c. A wholesale cheese factory with incidental cheese tasting and sales may be able to be served by a water system that meets the California Food Code water requirements. Treatment design and permitting requirements are more stringent than private systems.
 - d. A cheese factory with a retail food facility with a higher customer population must be served by a public water system. Since the spring source requires the system to meet the federal Surface Water Treatment Rule, be advised that treatment design, performance AND operating standards are all significantly more stringent and costly than those of other water systems.

Code Enforcement

61. Within 90 days of this decision, the applicant must submit a Building Permit application to legalize the residence and barn modifications. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.
62. Within 120 days of this decision, a Building Permit for all approved work must be obtained. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.
63. Within 360 days of this decision, the applicant must complete the approved construction and receive approval of a final inspection by the Building and Safety Division. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.

Marin County Fire Department

64. A private fire protection water supply and fire hydrant are required. Please contact the Fire Department to discuss.
65. The LPG tanks locations must be approved by the Fire Department.

66. A defensible space zone and Vegetation Management Plan are required. Defensible space must be in place prior to framing. Submit the Defensible Space and Vegetation Management Plan to the Fire Department.

SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

The applicant must vest this approval by obtaining a Building Permit for the approved work and approval of a final inspection by the Building and Safety Division within the time limits specified in the conditions of approval. Requests for an extension to the time limits specified therein may be granted administratively by the Community Development Agency staff, in consultation with the Code Enforcement Section, for good cause, such as delays beyond the applicant's control. In no event may such extensions be granted beyond two years from the effective date of this approval. Time extensions to vest the approval beyond two years and up to a maximum of four years may only be granted upon the filing of an extension application with required fees pursuant to Section 22.56.050.B.3 of the Marin County Code. Upon vesting of this approval, this Use Permit shall be valid in perpetuity upon timely vesting of the approval and adherence to all conditions of approval.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Planning Commission. A Petition for Appeal and a \$600.00 filing fee must be submitted in the Community Development Agency - Planning Division, Room 308, Civic Center, San Rafael, no later than **4:00 p.m. on October 8, 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 1st day of October 2009.

JEREMY TEJIRIAN
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary