

MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY
BRIAN C. CRAWFORD, DIRECTOR

NOTICE OF DECISION

Applicant's Name: **AUDUBON CANYON RANCH**

Application (type and number): Coastal Permit (CP 10-14)

Assessor's Parcel Number: 104-040-31

Project Location: Toms Point, Dillon Beach

For inquiries, please contact: Veronica Corella Pearson, Planner

Decision Date: February 11, 2010

DETERMINATION: Approved with Conditions

Minutes of the February 11, 2010, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-12.

Marin County Community Development Agency

Johanna Patri, AICP
Hearing Officer

C1. COASTAL PERMIT (CP 10-14): AUDUBON CANYON RANCH

VCP

A proposal to consider the Audubon Canyon Ranch request for Coastal Permit approval to legalize the mechanical removal of non-native invasive plant species, and for approval of an ongoing Site Restoration Program at Toms Point in Dillon Beach. The main goal of the program is to remove and contain non-native species, and to restore the site to natural dune habitat. The main non-native invasive species being removed are European beachgrass (*Arundo arenaria*), and highway iceplant (*Carpobrotus edulis*). The total amount of land disturbed is approximately 2.5 acres. The three methods for removal include: 1) mechanical (tractor, excavator, approximately 0.75 acres); 2) manual (shovels, approximately 0.50 acres); and 3) hand pulling (1.24 acres). All re-sprouts would be treated with 4% glyphosate solution. Removal is scheduled to occur outside of the bird breeding and nesting season and the site would be replanted with plants propagated with native seeds, collected on site, and at the ACR nursery. Replanting would be done using a mixed pattern of individual plants at 1 meter centers and clustered plantings on 1.2 meters. The program also includes ongoing monitoring and maintenance, and data collection and analysis. The parcel is zoned C-APZ-60 (Coastal, Agricultural, Production Zone, 1 unit per 60 acres). The subject property is located at **Toms Point, Dillon Beach**, and is further identified as **Assessor's Parcel 104-040-31**.

In response to the Hearing Officer, staff acknowledged an error regarding the appeal date which is now Friday, February 19, 2010 to include the President's Day holiday.

The public testimony portion of the hearing was opened.

Skip Schwartz, Audubon Canyon Ranch, noted that there is an error in the identification of the *Arundo* in the staff report and should read *Ammophila*. Skip also noted that he looks forward to working with the County of Marin to prescribe and encourage native species of plants and animals in the natural areas.

Dan Gluesenkamp, applicant spoke and had no concerns.

The public testimony portion of the hearing was closed.

The Hearing Officer highlighted Condition of Approval 7 for the applicant to be aware of.

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

The Hearing Officer informed all parties of interest that this action may be appealed to the Marin County Planning Commission within five (5) working days, February 19, 2010.

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION10-106

A RESOLUTION APPROVING THE AUDUBON CANYON RANCH COASTAL PERMIT (CP 10-14)
TOMS POINT, DILLON BEACH
ASSESSOR'S PARCEL 104-040-31

SECTION I: FINDINGS

- I. WHEREAS the applicant, Audubon Canyon Ranch, has requested Coastal Permit approval to legalize the mechanical removal of non-native invasive plant species, and for approval of an ongoing Site Restoration Program at Toms Point in Dillon Beach. The main goal of the program is to remove and contain non-native species, and to restore the site to natural dune habitat. The main non-native invasive species being removed are European beachgrass (*Ammophila arenaria*), and highway iceplant (*Carpobrotus edulis*). The total amount of land disturbed is approximately 2.5 acres. The three methods for removal include: 1) mechanical (tractor, excavator, approximately 0.75 acres); 2) manual (shovels, approximately 0.50 acres); and 3) hand pulling (1.24 acres). The Site Restoration Program includes a vegetation removal plan, revegetation plan, and monitoring and maintenance plan described as follows.

Removal Methods

The applicant has proposed three methods for removal of beachgrass, which include mechanical, manual, and hand pulling means. ACR has removed majority of the beachgrass where it occurred in large monocultures (0.3 hectares), using mechanical means (tractors and excavators) with care taken to not disturb the native vegetation. Field work was done during the mid to late summer during the dormant season for native dune plant populations and outside of the nesting bird season. The work that remains is to remove invasive plants in the southern portion of Toms Point using manual and hand pulling methods. Young beachgrass sprouts that have reestablished in the mechanically treated area would also be removed and or treated. Where the beachgrass is dense, but small in size (approximately 0.2 hectares) it would be manually removed using shovels. Where beachgrass is sparsely abundant, it would be removed by hand pulling (0.5 hectares). Resprouting in the area would be treated with 4% glyphosate solution and the three restoration areas would be replanted where needed.

Revegetation Plan

In 2007, 2008, and 2009, ACR collected seeds onsite from local native dune plants. The seed have been stored and propagated at their Ecological Restoration Center. In the winter of 2010/2011, the native plants would be installed using a mixed pattern of individual plants at 1 meter centers and clustered plantings on 1.2 meter centers. Seeds have been collected from the following plant species for project purposes:

- Yellow sand-verbena (*Abronia latifolia*)
- Yarrow (*Achillea millefolium*)
- Coyote Brush (*Baccharis pilularis*)
- California brome (*Bromus carinatus var. maritimus*)
- Primrose (*Camissonia contorta and Camissonia micrantha*)
- Sand mat (*Cardionema ramosissimum*)

- Mock heather (*Ericameria erichoides*)
- Seaside daisy (*Erigeron glaucus*)
- Beach strawberry (*Fragaria chiloensis*)
- Cow parsnip (*Heracleum lanatum*)
- Gold fields (*Lasthenia minor*)

No irrigation would be necessary due to the time of planting, and the adaptability of the native plant species. ACR has also provided a list of 18 plants and 17 birds that are expected to benefit from the project due to the improved habitat.

Monitoring and Maintenance

Ongoing monitoring and maintenance is a major component of the proposed project. Monitoring would be conducted using the existing transects that were established in 2004, which consists of 7 parallel transects, running from the beach to the road at 30 meter intervals. Along each transect plant species are inventoried at regular quadrants and assessed using the following parameters:

- Percent cover by soil
- Dead thatch
- Target invasive plants

In the event that monitoring indicates that 5% criterion has not been met, then removal treatments would be resumed and monitoring repeated. The restored sites would be surveyed every three years, and removal would use one of the above-mentioned techniques. Removal is scheduled to occur outside of the bird breeding and nesting season. The subject property is located at Toms Point, Dillon Beach, and is further identified as Assessor's Parcel 104-040-31.

- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on February 11, 2010 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 per Section 15333, Class 3 of the CEQA Guidelines, the project is Categorically Exempt from the requirements of the California Environmental Quality Act because the project entails restoration activities that do not exceed 5 acres in size and will not result in adverse impacts to existing plant and animal species, and the projects main purpose is to restore the site to its previous natural conditions and improve habitat for native species.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve the **Coastal Permit** (Section 22.56.130I of the Marin County Code) because this project would meet the requirements and objectives of the Local Coastal Program, Unit II as specified below:
 - A. Water Supply

The project does not propose new development and the project does not propose activities that will need water service.

B. Septic System Standards

The Marin County Department of Environmental Health Services has reviewed the application and has found the project will have no impacts on septic disposal systems.

C. Grading and Excavation

The proposed project involves no grading and only minor excavation for the removal of plants and their root bases. The proposed project includes native plant revegetation for areas of the project and will therefore not result in adverse impacts due to excavation of non-native species.

D. Archaeological Resources

The proposed project is located over a half a mile from any known archeological or historical sites. The proposed project includes a condition that requires all construction to cease if any archeological resources are discovered. Due to this condition of approval and since there is a minimal amount of excavation proposed, it is highly unlikely that the project will result in any adverse impacts to archaeological resources.

E. Coastal Access

The proposed project does not propose any new public access. ACR provides educational trips for children and adults, and the public can register for these guided outings. Due to the site containing many sensitive habitat areas, and documented research that shows that exclusion of the public from dune habitat restoration areas can result in a dramatic increase in the reproductive success in population counts of native plant and animal species, it is found that it is preferable to allow ACR to continue with guided educational outings. In addition, public access is provided at Lawson's Landing, north of the project site, and the only way to access the subject property from Dillon Beach Road, is through an easement shared with four neighboring properties.

F. Housing

No housing demolition or new housing is proposed as part of this project, therefore the project will not negatively impact the amount of affordable housing available in Dillon Beach.

G. Wetland and Stream Conservation Protection

The proposed project is not located within a stream protection area. On the subject property, there are two ponds, labeled on the plans "wetland=small cattle pond" and "wetland=smallpond". One of the ponds is over 460 feet from the southern project site, and the second pond is 32 feet from the southern project site. The LCP allows for work in a wetland buffer if it is for restoration purposes. The project will not enter the wetland and will not significantly disrupt wildlife or flora. The project will also not enter any areas where special status species are located, and any work within the wetland buffer area will be only for restoration, research and educational purposes. The restoration methods used in the buffer area will only be handpulling and manual removal of non-native invasive plants, and replanting with native local plants.

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, yet it has been identified by ACR as being a natural dune habitat area, which has been degraded by beachgrass. The proposed project will improve the natural habitat so that it can be returned to a condition that will be similar to its unaltered state. The project does not involve grading or excavation that will significantly alter the natural formation of the dunes, in contrast the project will remove non-native invasive species that prevent the site from having a dynamic state, which is characteristic of natural dune habitat areas.

I. Wildlife Habitat

The Natural Resources Map for Unit II of the Local Coastal Program indicates that the property is not located in an area potentially containing listed wildlife species. A search of the California Natural Diversity Data Base, prepared by the State Department of Fish was conducted and it was found that great blue heron (*Ardea herodias*) and great egret (*Ardea alba*) have potential for occurrence near the project site. ACR has surveyed the site and has record of both these species being sited near the ponds on the subject and on the adjacent property. There have been no nesting colonies on the property, and the proposed project occurs outside of their habitat area, and the removal on non-native invasive species will occur outside of the nesting bird season.

J. Protection of Native Plant Communities:

European beachgrass is a perennial rhizomatous grass that is native to the coast of Europe and North Africa. Beachgrass is capable of rapid lateral spread and responds to sand accumulation with increased growth. Through its process of invasion, beachgrass is successful in re-engineering the structure of the dune system, and out competing native plants. Beachgrass is most successful along the dunes and beach near the northern portion of the subject property and eastward. It is also abundant along the western tip of Toms Point, where it mixes with native vegetation and infestation of the invasive non-native iceplant. Highway iceplant blocks light, and can out compete native species for soil space, and can out compete native plants since it can reproduce through fruit and segmentation. It can spread several feet in a year and decomposes slowly, leaving biomass in place for several years. European beachgrass and iceplant are ranked "high" on the California Invasive Plant Council's inventory of invasive plants. European beachgrass was most likely planted at Toms Point in the early 1900s to stabilize the dunes. The invasive grass has succeeded in stabilizing the dunes, at the expense of native plants and animals and has expanded to form large monocultures of beachgrass. Though the area is dominated by beachgrass and sporadic infestations of iceplant, the site has great ecological diversity, which includes coastal salt marsh, coastal prairie, and coastal dunes, along with more than 270 native plant species. The chosen restoration sites are currently in a degraded state due to the abundance of invasive plants, but these sites still contain native plant communities that are relatively intact. Therefore the goal of the project is to remove and reduce the abundance of invasive species so that the native plant communities can expand and undergo natural recruitment that would ultimately result in a natural ecosystem that is self-structured in the absence of invasive species. On the subject property, the three chosen restoration sites were selected for their large populations of the invasive species European beachgrass and highway iceplant.

On the subject property, there are two ponds, labeled on the plans "wetland=small cattle pond" and "wetland=smallpond". One of the ponds is over 460 feet from the southern project site, and the second pond is 32 feet from the southern project site. The property also contains Northern Coastal Salt Marsh and Coastal Terrace Prairie. The restoration sites are not located within either of these habitat areas, with exception to the "wetland-smallpond" buffer area, and the proposed project would protect these areas from potential future invasion of beachgrass. The southernmost restoration site is located within the buffer area of one wetland.

The following special status plant species were listed in the California Natural Diversity Database (CNDDDB) as having potential to occur in the project area; 1) Blue coast gilia (*Gilia capitata* ssp. *chamissonis*); 2) Point Reyes bird's beak (*Cordylanthus maritimus* ssp. *palustris*); 3) Humboldt Bay owl's clover (*Casilleja ambigua* ssp. *humboldtiensis*); and 4) Franciscan thistle (*Cirsium andrewsii*). ACR has done floristic surveys of the entire property, and did not find any of the afore mentioned species in the project areas. Blue coast gilia is located in dunes nearby and with implementation of the proposed project, it could someday occur within project site and Humboldt Bay Owl's Clover is located within the Northern Coastal Salt Marsh habitat, which would not be disturbed. The goal of the site restoration program is to restore the site to its natural dune habitat and increase the abundance of native vegetation, which would be accomplished by not only planting the area with native plants to the area, but by also removing the non-native invasive species that are an impediment to their survival and success.

K. Shoreline Protection

Bluffs are located on the subject property, yet the proposed project sites are located approximately 300 feet away from these areas and therefore there would be no negative impacts from bluff erosion.

L. Geologic Hazards

The project site is not located in an area of geologic hazards as indicated on 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.

M. Public Works Projects

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

N. Land Division Standards

The subject parcel is a legal lot of record. No land division or property line adjustment is proposed as part of this project.

O. Visual Resources

The proposed project will not have a negative impact on visual resources since no development is proposed.

P. Recreation/Visitor Facilities

This finding is not applicable. The proposed project would 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 located outside of the historic preservation boundaries identified in the Marin County Historic Study for the Local Coastal Program, Unit II, and does not entail impacts to any historic resources.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Audubon Canyon Ranch Coastal Permit (CP 10-14) subject to the following conditions:

Marin County Community Development Agency, Planning Division

1. Pursuant to Chapters 22.56 (Coastal Permit) the applicant, Audubon Canyon Ranch, is approved for the legalization of the mechanical removal of non-native invasive plant species, and is approved for the Site Restoration Program at Toms Point in Dillon Beach. The main goal of the program is to remove and contain non-native invasive plant species, and to restore the site to natural dune habitat. The main non-native invasive species being removed are European beachgrass (*Ammophila arenaria*), and highway iceplant (*Carpobrotus edulis*). The total amount of land disturbed is approximately 2.5 acres. The three methods for removal include: 1) mechanical (tractor, excavator, approximately 0.75 acres); 2) manual (shovels, approximately 0.50 acres); and 3) hand pulling (1.24 acres). The Site Restoration Program includes a vegetation removal plan, revegetation plan, and monitoring and maintenance plan described as follows.

Removal Methods

The applicant will use three methods for removal of beachgrass that include mechanical, manual, and hand pulling means. ACR has removed majority of the beachgrass where it occurred in large monocultures (0.3 hectares), using mechanical means (tractors and excavators) with care taken to not disturb the native vegetation. Field work was done during the mid to late summer during the dormant season for native dune plant populations and outside of the nesting bird season. The work that remains is to remove invasive plants in the southern portion of Toms Point using manual and hand pulling methods. Young beachgrass sprouts that have reestablished in the mechanically treated area will also be removed and or treated. Where the beachgrass is dense, but small in size (approximately 0.2 hectares) it will be manually removed using shovels. Where beachgrass is sparsely abundant, it will be removed by hand pulling (0.5 hectares). Resprouting in the area will be treated with 4% glyphosate solution and the three restoration areas will be replanted where needed.

Revegetation Plan

In 2007, 2008, and 2009, ACR collected seeds onsite from local native dune plants. The seed have been stored and propagated at their Ecological Restoration Center. In the winter of 2010/2011, the native plants will be installed using a mixed pattern of individual plants at 1 meter centers and clustered plantings on 1.2 meter centers. Seeds have been collected from the following plant species for project purposes:

- Yellow sand-verbena (*Abronia latifolia*)
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- Cow parsnip (*Heracleum lanatum*)
- Gold fields (*Lasthenia minor*)

No irrigation will be necessary due to the time of planting, and the adaptability of the native plant species. ACR has also provided a list of 18 plants and 17 birds that are expected to benefit from the project due to the improved habitat.

Monitoring and Maintenance

Ongoing monitoring and maintenance is a major component of the proposed project. Monitoring will be conducted using the existing transects that were established in 2004, which consists of 7 parallel transects, running from the beach to the road at 30 meter intervals. Along each transect plant species are inventoried at regular quadrants and assessed using the following parameters:

- Percent cover by soil
- Dead thatch
- Target invasive plants

In the event that monitoring indicates that 5% criterion has not been met, then removal treatments will be resumed and monitoring repeated. The restored sites will be surveyed every three years, and removal will use one of the above mentioned techniques. Removal is scheduled to occur outside of the bird breeding and nesting season. The subject property is located at Toms Point, Dillon Beach, and is further identified as Assessor's Parcel 104-040-31.

2. The site restoration program shall be implemented and enforced as approved, unless circumstances dictate that revisions to the site restoration program are necessary to meet its ecological objectives. Any revisions necessary may be considered to substantially conform to the conditions of the project approval as long as they provide an equal or greater degree of ecological restoration as the site restoration program.

3. All mechanical equipment activities shall comply with the following standards:

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.

4. 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.
5. If in the event that any human remains, artifacts, or other indicators of prehistoric or historic use of the parcel are encountered during site preparation or construction activities on any part of the project site, all work at the vicinity of the discovered site shall stop and the project sponsor shall contact the Marin County Environmental Coordinator immediately. If human remains are encountered, the County Coroner must also be contacted. A registered archaeologist, chosen by the County and paid for by the project sponsor, shall assess the site and shall submit a written evaluation to the Agency Director advancing appropriate conditions to protect the site and the resources discovered. State law designates procedures should human remains be encountered. If the remains are deemed to be Native American and prehistoric, the Coroner must contact the Native American Heritage Commission so that a "Most Likely Descendant" can be designated. No work at the site may recommence without approval of the Agency Director (2006 Bar-Or Subdivision, Coastal Permit, Lot Line Adjustment and Use Permit Mitigated Negative Declaration of Environmental Impact, Mitigation Measure 7b-2).
6. The owners hereby agrees to defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul an approval of the Audubon Canyon Ranch Coastal Permit (CP 10-14) for which action is brought within the applicable statute of limitations.
7. 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.

SECTION III: VESTING AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the Audubon Canyon Ranch Coastal Permit (CP 10-14) has been approved and all commenced work is hereby vested and approved to continue.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Marin County Planning Commission. A Petition for Appeal and a \$600 filing fee must be submitted in the Community Development Agency - Planning Division, Room 308, Civic Center, San Rafael, no later than **4:00 p.m.** on **February 19, 2010.**

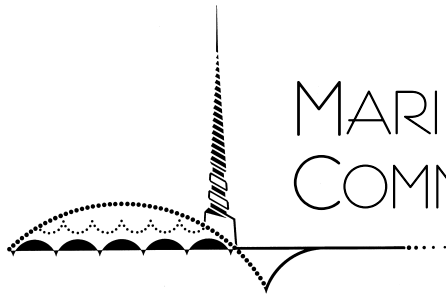
SECTION IV: ACTION

PASSED AND ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 11th day of February, 2010.

JOHANNA PATRI, AICP
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
Deputy Zoning Administrator Secretary



MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY
BRIAN C. CRAWFORD, DIRECTOR

NOTICE OF DECISION

Applicant's Name: **TOMALES COMMUNITY SERVICE DISTRICT**

Application (type and number): Coastal Permit (CP 10-17) and Design Review (DR10-40):

Assessor's Parcel Number: 102-130-10

Project Location: Irwin and Tomales Road, Tomales

For inquiries, please contact: Veronica Corella Pearson, Planner

Decision Date: February 11, 2010

DETERMINATION: Approved with Conditions

Minutes of the February 11, 2010, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-9.

Marin County Community Development Agency

Johanna Patri, AICP
Hearing Officer

**C2. COASTAL PERMIT (CP 10-17) AND DESIGN REVIEW (DR 10-40):
TOMALES COMMUNITY SERVICE DISTRICT**

VCP

A proposal to consider the Tomales Community Service District Coastal Permit (CP 10-14) and Design Review (DR 10-40) request for Coastal Permit approval for the placement of ground mounted solar arrays near the existing treatment pond at the corner of Irwin Road and Tomales Road. The solar arrays would have a maximum height of 4-feet, and would be 1,930 square feet in size, and would be approximately 70.5-feet in length and 36-feet in width. The anticipated output is 23.37 kW. The solar arrays would maintain a setback of 10 feet from the northern property line, and 16 feet from the western property line. The piers that support the arrays would be 4-feet in depth, and 12-inches in diameter. The associated equipment would be located within an existing building near the treatment ponds. The parcel is zoned C-ARP-20 (Coastal, Agriculture, 1 unit per 20 acres). The subject property is located **near the intersection of Irwin Road and Tomales Road, Tomales**, and is further identified as **Assessor's Parcel 102-130-10**.

In response to the Hearing Officer, staff acknowledged receipt of e-mails from the Department of Public Works, making changes to Conditions of Approval 9 and 10. The new Condition of Approval Number 9 requires that the applicant map all access easements on the site plan.

Michel Jeremias, Department of Public Works, stated that metes and bounds on the Grant of Easement do not coincide with the site plan.

The public testimony portion of the hearing was opened.

Karl Drexel, administrator of the Tomales Community Services District, questioned the need to plot parcels 1 through 6 in the grant deed when only Parcel 2 is involved with the access. The other parcels are for utilities for the high school and middle school and do not effect this project.

DPW stated that only the access easements need to be shown.

The public testimony portion of the hearing was closed.

The Hearing Officer, after making a site visit, concurred with staff's recommendations and approved the project with modifications.

The Hearing Officer approved the Tomales Community Service District Coastal Permit and Design Review, based on the Findings and subject to the Conditions as set forth in the modified Resolution.

The Hearing Officer informed all parties of interest that this action may be appealed to the Marin County Planning Commission within five (5) working days, excluding the Monday holiday, to February 19, 2010.

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 10-107

A RESOLUTION APPROVING
THE TOMALES COMMUNITY SERVICE DISTRICT COASTAL PERMIT (CP 10-17) AND DESIGN
REVIEW (DR 10-40)
IRWIN ROAD, TOMALES
ASSESSOR'S PARCELS 102-130-10

SECTION 1: FINDINGS

- I. WHEREAS the applicant, American Solar, has applied on behalf of the owners, Tomales Community Service District, for Coastal Permit and Design Review approval for the placement of ground mounted solar arrays near the existing treatment pond at the corner of Irwin Road and Tomales Road. The solar arrays would have a maximum height of 4- feet, and be approximately 1,930 square-feet in size, and would be approximately 70.5-feet in length and 36-feet in width. The anticipated output is 23.37 kW. The solar arrays would maintain a setback of 10 feet from the northern property line, and 16 feet from the western property line. The piers that support the arrays would be 4-feet in depth, and 12-inches in diameter. The parcel is zoned C-ARP-20 (Coastal, Agriculture, 1 unit per 20 acres). The associated equipment would be located within an existing building near the treatment ponds. The subject property is located near the intersection of Irwin Road and Tomales Road, Tomales and identified as Assessor's Parcels 102-130-10.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on February 11, 2010, 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 per Section 15303, Class 3 of the CEQA Guidelines, the project is Categorically Exempt from the requirements of the California Environmental Quality Act because it entails construction that does not result in adverse grading or excavation, and is not located near special status species or sensitive habitat areas, and therefore would not result in adverse impacts to the environment.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan because:
 - A. The project complies with *CWP* natural systems policies requiring the enhancement, protection, and management of native habitats and the protection of woodlands, forest, and tree resources (*CWP Policies BIO-1.1 and BIO-1.3*).
 - B. The project is consistent with *CWP* natural systems policies supporting vegetation and wildlife disease management programs and promoting the use of native plant species (*CWP Policies BIO-1.4, BIO-1.5 and BIO-1.6*).
 - C. The project will not result in impacts to special-status species (*CWP Policies BIO-1.1, BIO-2.1, and BIO-2.2*).

- D. The project will not significantly impact the ecotones on the project site, or natural transitions between habitat types on the project site and those ecotones on other lands adjacent to the project site, or impact corridors for wildlife movement (*CWP Policies BIO-2.3 and BIO-2.4*).
 - E. No wetlands or stream conservation areas will be affected by the project (*CWP Policies BIO-3.1 and CWP BIO-4.1*).
 - F. The project will not result in significant stormwater runoff to downstream creeks or soil erosion and discharge of sediments into surface runoff (*CWP Policies WR-2.1, WR-2.2, WR-2.3, and WR-2.4*).
 - G. The project avoids hazardous geological areas and is not subject to Building Permit application review pursuant to California Government Code 53091 (*CWP Policies EH-2.1, EH-2.3, and CD-2.8*).
 - H. The project is exempt from compliance with building ordinances pursuant to Government Code 53091. The project has been sited to meet all requirements for defensible space and clearance of vegetation around the proposed structure (*CWP Policy EH-4.h*).
 - I. The project proposes no exterior lighting and will have no impacts on light pollution, light trespass, and glare. (*CWP Policy DES-1.h*).
 - J. The project is not located in an area that would negatively impact the visual quality, scenic quality and views of the natural environment (*CWP Policy DES-4.1*).
- V. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve a Coastal Permit (Section 22.56.130 of the Marin County Code) for the reasons specified below:

A. Water Supply:

The proposed project is not located in an area that would negatively impact existing water supplies.

B. Septic System Standards:

The project would not impact the operation of the water treatment facility as determined by Tomales Community Service District.

C. Grading and Excavation:

The proposed project requires a minimal amount of excavation for the placement of the panel piers and electrical conduit and would not result in adverse impacts.

D. Archaeological Resources:

Review of the Marin County Archaeological Sites Inventory indicates that the subject property is located in an area of archaeological sensitivity. However, a minimal amount of site disturbance is proposed and the site is a substantial distance from any known archeological or historical sites. Conditions of project approval would require that in the event that cultural resources are discovered during site preparation or construction of this project, all work shall immediately be stopped and the services of a qualified consulting archaeologist shall be engaged to assess the value of the resource and to develop appropriate response measures to meet Local Coastal Program requirements.

E. Coastal Access:

The project site is not located adjacent to the shoreline, and therefore this finding does not apply

F. Housing:

The proposed project will not impact the availability of affordable housing to households of lower or moderate income because it does not entail the demolition of any housing or the conversion of affordable housing to market rate housing.

G. Stream Conservation Protection:

The project site is not situated in an area subject to the streamside conservation policies as identified on the National Resources Map for Unit II of the Local Coastal Program or near any ephemeral or intermittent stream.

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 California Natural Diversity Database, prepared by the State Department of Fish and Game, indicates that the proposed project is not located near any known special status animal species.

J. Protection of Native Plant Communities:

A search of the California Natural Diversity Database found no special status species listed on the subject property, but listed Baker's larkspur (*Delphinium bakeri*), Wolly-headed gilia (*Gilia capitata ssp. tomentosa*), and Golden larkspur (*Delphinium luteum*) as potentially being near the subject property. Baker's larkspur requires partial shade and moist soils, and would therefore not be found on the site. Golden larkspur and Wolly headed gilia are located in coastal bluff habitat areas, which is not present on the site.

K. Shoreline Protection:

The proposed project would not occur within the shoreline protection zone, and therefore this finding does not apply

L. Geologic Hazards:

The project site is not located within the Alquist-Priolo Special Study Zone or in a location that is subject to landslides. Therefore, the project would not be subject to unusual geologic hazards.

M. Public Works Projects:

This proposed project does not entail expansion of public roads, flood control projects, or utility service and will not affect any public works projects.

N. Land Division Standards:

No land division is proposed as part of this project.

O. Visual Resources:

The height, scale, and design of the proposed photovoltaic system would comply with the standards of the governing zoning and will be compatible with the established character of the surrounding community.

P. Recreation/Visitor Facilities:

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

Q. Historic Resource Preservation:

The subject parcel is not located within the a historic resource preservation area in the Local Coastal Program, Unit II, and therefore this finding does not apply

VI. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the following mandatory findings to approve a Design Review application (Marin County Code Section 22.82.040) for the following reasons:

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

The project is located in the C-ARP-20 (Coastal, Agricultural, 1 unit per 20 acres) zoning district, and is not subject to a minimum lot size, or minimum setback requirements. The arrays will have a height of approximately 4 feet, and meets the maximum height standards. As discussed above, the project meets all the requirements of the Local Coastal Program, Unit II, and the project is outside of the Tomales Community Plan area and is not subject to the Tomales Community Plan.

- B. 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 located near the existing water treatment ponds and would be compatible with the existing use of the property. The arrays are of a height that would not be visibly obtrusive, and maintains large setbacks from structures on adjacent properties.

- C. 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 large setbacks to adjacent structures and would therefore not interfere with their light, air or privacy. The project is conditioned to insure that the structures are not located near any rights-of-way, or public lands.

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

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

- E. The proposed development will be properly and adequately landscaped with maximum retention of trees and other natural materials;**

The proposed project entails no tree or landscape removal, and proposes a minimal amount of excavation for the solar array piers.

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

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

Please see B, C and F above.

- 2. Drainage systems and appurtenant structures;**

The proposed project proposes a minimal amount of excavation, which requires no appurtenant structures or a drainage plan.

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

The proposed project does not propose retaining walls or bulkheads.

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

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

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

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

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

The project entails locating all electrical equipment within an existing structure.

SECTION 2: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Tomales Community Service District Coastal Permit (CP 10-17) and Design Review (DR 10-40) subject to the following conditions:

Marin County Community Development Agency, Planning Division

1. The Tomales Community Service District Coastal Permit (CP 10-17) and Design Review (DR 10-40) is approved for the placement of ground mounted solar arrays near the existing treatment pond at the corner of Irwin Road and Tomales Road. The solar arrays will have a maximum height of 4-feet, and will be 1,930 square-feet in size, and will be approximately 70.5-feet in length by 36-feet in width. The anticipated output is 23.37 kW. The solar arrays will maintain a setback of 10 feet from the northern property line, and 16 feet from the western property line. The piers that support the arrays will be 4-feet in depth, and 12-inches in diameter. The associated equipment would be located within an existing building near the treatment ponds. The subject property is located near the intersection of Irwin Road and Tomales Road, Tomales and identified as Assessor's Parcels 102-130-10.
2. Tomales Community Service District is exempt from building permit approval pursuant to California Government Code Section 53091. In the event that Tomales Community Service District submits a Building Permit application, then except as modified herein, plans submitted for Building Permits shall substantially conform to plans on file in the Marin County Community Development Agency, Planning Division identified as Exhibit A, "TVCSO Waste Water Treatment Plant – Tomales Road and Irwin", consisting of 5 pages, received on November 3, 2009.
3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the Site Plan or other first sheet of the office and job site copies of the Building Permit plans to list the below conditions of approval.

4. All construction activities shall comply with the following standards:
 - a. Construction activity is only permitted between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and 9:00 a.m. and 5:00 p.m. on Saturday. No construction shall be permitted on Sundays and the following holidays (New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day). Loud noise-generating construction-related equipment (e.g., backhoes, generators, jackhammers) can be maintained, operated, or serviced at the construction site from 8:00 a.m. to 5:00 p.m. Monday through Friday only. Minor jobs (e.g., painting, hand sanding, sweeping) with minimal or no noise impacts on the surrounding properties are exempted from the limitations on construction activity. At the applicant's request, the Community Development Agency staff may administratively authorize minor modifications to these hours of construction.
 - b. It shall be the responsibility of the applicant to ensure that all construction materials and equipment are stored on-site (or secured at an approved off-site location) and that all contractor vehicles are parked in such a manner as to permit safe passage for vehicular, pedestrian, and bicycle traffic at all times.
5. All utility connections and extensions serving the project shall be installed underground. Modifications to this condition may be considered by the Community Development Director at the written request of the applicant.
6. If archaeological, historic, or prehistoric resources are discovered during construction, construction activities shall cease, and the Community Development Agency staff shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may occur in compliance with State and Federal law. A registered archeologist, chosen by the County and paid for by the applicant, shall assess the site and shall submit a written report to the Community Development Agency staff advancing appropriate mitigations to protect the resources discovered. No work at the site may recommence without approval of the Community Development Agency staff. All future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the Community Development Agency staff. If the report identifies significant resources, amendment of the permit may be required to implement mitigations to protect resources. Additionally, the identification and subsequent disturbance of an Indian midden requires the issuance of an excavation permit by the Department of Public Works in compliance with Chapter 5.32 (Excavating Indian Middens) of the County Code.
7. Any changes or additions to the project shall be submitted to the Community Development Agency, Planning Division for review and approval before the contemplated modifications may be initiated.
8. The applicant/owner hereby agrees to defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul an approval of this Coastal Permit, for which action is brought within the applicable statute of limitations.

Marin County Department of Public Works, Land Use and Water Resources Division

Prior to Vesting of the Coastal Permit and Design Review, the applicant shall:

9. Map the location of all access easements on the site plan.

SECTION 3: VESTING AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest the Tomales Community Service District Coastal Permit (CP 10-17) and Design Review (DR 10-40) approval with the substantial completion of all the approved work before February 11, 2012 or all rights granted in this approval shall lapse unless the applicant applies for an extension limited to a maximum of four years, at least 30 days before the expiration date above and the Director approves it.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Planning Commission. A Petition for Appeal and a \$600.00 filing fee must be submitted in the Community Development Agency - Planning Division, Room 308, Civic Center, San Rafael, no later than **4:00 p.m. on February 19, 2010.**

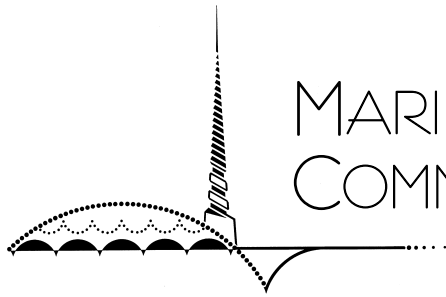
SECTION 4: ADOPTION

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the **11th day of February 11, 2010.**

Attest:

Johanna Patri
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Joyce Evans
Recording Secretary



MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY
BRIAN C. CRAWFORD, DIRECTOR

NOTICE OF DECISION

Applicant's Name: **TOMALES COMMUNITY SERVICE DISTRICT**

Application (type and number): Coastal Permit (CP 10-16) and Design Review (DR10-39):

Assessor's Parcel Number: 104-050-18

Project Location: Cerini Road, Tomales

For inquiries, please contact: Veronica Corella Pearson, Planner

Decision Date: February 11, 2010

DETERMINATION: Approved with Conditions

Minutes of the February 11, 2010, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-9.

Marin County Community Development Agency

Johanna Patri, AICP
Hearing Officer

**C3. COASTAL PERMIT (CP 10-16) AND DESIGN REVIEW (DR 10-39):
TOMALES COMMUNITY SERVICE DISTRICT**

VCP

A proposal to consider the placement of ground mounted solar arrays near the existing treatment pond approximately 2,700 feet from Cerini Road. The solar arrays would have a maximum height of 4-feet, and would be approximately 762 square-feet in size and would be approximately 49-feet in length and 15-feet, 10-inches in width. The anticipated output is 9,225W. The solar arrays would be approximately 40 feet from the existing equipment room, and would be over 100 feet from all property lines. The piers that support the arrays would be 4-feet in depth, and 12-inches in diameter. The associated equipment would be located within an existing building near the treatment ponds. The parcel is zoned C-ARP-20 (Coastal, Agriculture, 1 unit per 20 acres). The subject property is located **near Cerini Road, Tomales** and is further identified as **Assessor's Parcel 104-050-18**.

In response to the Hearing Officer, staff acknowledged receipt of e-mails and correspondence from the applicant, and from the Department of Public Works, revising their Conditions of Approval. The new Condition of Approval #9 requires that the applicant map all access easements on the site plan.

Karl Drexel, administrator of the Tomales Community Services District, discussed the confusion regarding the road easement that was shown on the plot plan submitted, but is not reflected on the County map.

Michel Jeremias, Department of Public Works expressed concerns with the site map and the grant deed that do not match.

The Hearing Officer explained that the grant deed and site plan must be matched to provide good records in the future.

The Hearing Officer approved the Tomales Community Service District Coastal Permit and Design Review, based on the Findings and subject to the Conditions as set forth in the modified Resolution.

The Hearing Officer informed all parties of interest that this action may be appealed to the Marin County Planning Commission within five (5) working days excluding the Monday holiday, to February 19, 2010.

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 10-108

A RESOLUTION APPROVING
THE TOMALES COMMUNITY SERVICE DISTRICT COASTAL PERMIT (CP 10-16) AND DESIGN
REVIEW (DR 10-39)
CERINI ROAD, TOMALES
ASSESSOR'S PARCELS 104-050-18

SECTION 1: FINDINGS

- I. WHEREAS the applicant, American Solar, has applied on behalf of the owners, Tomales Community Service District, for Coastal Permit and Design Review approval for the placement of ground mounted solar arrays near the existing treatment pond approximately 2,700 feet from Cerini Road. The solar arrays would have a maximum height of 4-feet, and would be approximately 762 square-feet in size, and would be approximately 49-feet in length and 15-feet, 10-inches in width. The anticipated output is 9,225W. The solar arrays would be approximately 40 feet from the existing equipment room, and would be over 100 feet from all property lines. The piers that support the arrays would be 4-feet in depth, and 12-inches in diameter. The parcel is zoned C-ARP-20 (Coastal, Agriculture, 1 unit per 20 acres). The associated equipment would be located within an existing building near the treatment ponds. The subject property is located near Cerini Road, Tomales and identified as Assessor's Parcels 104-050-18.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on February 11, 2010, 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 per Section 15303, Class 3 of the CEQA Guidelines because it entails construction that does not result in adverse grading or excavation, and is not located near special status species or sensitive habitat areas, and would therefore not result in adverse impacts to the environment.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan because:
 - A. The project complies with *CWP* natural systems policies requiring the enhancement, protection, and management of native habitats and the protection of woodlands, forest, and tree resources (*CWP Policies BIO-1.1 and BIO-1.3*).
 - B. The project is consistent with *CWP* natural systems policies supporting vegetation and wildlife disease management programs and promoting the use of native plant species (*CWP Policies BIO-1.4, BIO-1.5 and BIO-1.6*).
 - C. The project will not result in impacts to special-status species (*CWP Policies BIO-1.1, BIO-2.1, and BIO-2.2*).

- D. The project will not significantly impact the ecotones on the project site, or natural transitions between habitat types on the project site and those ecotones on other lands adjacent to the project site, or impact corridors for wildlife movement (*CWP Policies BIO-2.3 and BIO-2.4*).
 - E. No wetlands or stream conservation areas will be affected by the project (*CWP Policies BIO-3.1 and CWP BIO-4.1*).
 - F. The project will not result in significant stormwater runoff to downstream creeks or soil erosion and discharge of sediments into surface runoff (*CWP Policies WR-2.1, WR-2.2, WR-2.3, and WR-2.4*).
 - G. The project avoids hazardous geological areas and is not subject to Building Permit application review pursuant to California Government Code 53091 (*CWP Policies EH-2.1, EH-2.3, and CD-2.8*).
 - H. The project is exempt from compliance with building ordinances pursuant to Government Code 53091. The project has been sited to meet all requirements for defensible space and clearance of vegetation around the proposed structure (*CWP Policy EH-4.h*).
 - I. The project proposes no exterior lighting and will have no impacts on light pollution, light trespass, and glare. (*CWP Policy DES-1.h*).
 - J. The project is not located in an area that would negatively impact the visual quality, scenic quality and views of the natural environment (*CWP Policy DES-4.1*).
- V. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve a Coastal Permit (Section 22.56.130 of the Marin County Code) for the reasons specified below:

A. Water Supply:

The proposed project is not located in an area that would negatively impact existing water supplies.

B. Septic System Standards:

The project would not impact the operation of the water treatment facility as determined by Tomales Community Service District.

C. Grading and Excavation:

The proposed project requires a minimal amount of excavation for the placement of the panel piers and electrical conduit and would not result in adverse impacts.

D. Archaeological Resources:

Review of the Marin County Archaeological Sites Inventory indicates that the subject property is located in an area of archaeological sensitivity. The project proposes a minimal amount of site disturbance and the site is a substantial distance from any known

archeological or historical sites. With the required conditions of project approval staff finds that the project will not negatively impact archeological resources.

E. Coastal Access:

The project site is not located adjacent to the shoreline and therefore this finding does not apply.

F. Housing:

The proposed project will not impact the availability of affordable housing to households of lower or moderate income because it does not entail the demolition of any housing or the conversion of affordable housing to market rate housing.

G. Stream Conservation Protection:

The project site is not situated in an area subject to the streamside conservation policies as identified on the National Resources Map for Unit II of the Local Coastal Program or near any ephemeral or intermittent stream.

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 California Natural Diversity Database, prepared by the State Department of Fish and Game, indicates that the proposed project is not located near any known special status animal species.

J. Protection of Native Plant Communities:

A search of the California Natural Diversity Database found Baker's larkspur (*Delphinium bakeri*) listed as potentially being present on the subject property, and Wolly-headed gilia (*Gilia capitata ssp. tomentosa*), and Golden larkspur (*Delphinium luteum*) as potentially being near the property. Baker's larkspur requires partial shade and moist soils, and would most likely not be able to establish in the proposed project area since the wastewater spray field has high soluble salts and nitrogen levels. Golden larkspur and Wolly headed gilia would not be present since they are located in coastal bluff habitat areas, which is not present on the site.

K. Shoreline Protection:

The proposed project would not occur within the shoreline protection zone, and therefore this finding does not apply.

L. Geologic Hazards:

The project site is not located within the Alquist-Priolo Special Study Zone or in a location that is subject to landslides. Therefore, the project would not be subject to unusual geologic hazards.

M. Public Works Projects:

This proposed project does not entail expansion of public roads, flood control projects, or utility service and will not affect any public works projects.

N. Land Division Standards:

No land division is proposed as part of this project.

O. Visual Resources:

The height, scale, and design of the proposed photovoltaic system would comply with the standards of the governing zoning and will be compatible with the established character of the surrounding community.

P. Recreation/Visitor Facilities:

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

Q. Historic Resource Preservation:

The subject parcel is not located within a historic resource preservation area in the Local Coastal Program, Unit II.

VI. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the following mandatory findings to approve a Design Review application (Marin County Code Section 22.82.040) for the following reasons:

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

The project is located in the C-ARP-20 (Coastal, Agricultural, 1 unit per 20 acres) zoning district, and is not subject to a minimum lot size, or minimum setback requirements. The arrays will have a height of approximately 4 feet, and meets the maximum height standards. As discussed above, the project meets all the requirements of the Local Coastal Program, Unit II, and the project is outside of the Tomales Community Plan area and is not subject to the Tomales Community Plan.

- B. 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 located near the existing water treatment ponds and would be compatible with the existing use of the property. The arrays are of a height that would not be visibly obtrusive, and maintains large setbacks from structures on adjacent properties.

- C. 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 large setbacks to adjacent structures and would therefore not interfere with their light, air or privacy. The project is conditioned to insure that the structures are not located near any rights-of-way, or public lands.

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

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

- E. The proposed development will be properly and adequately landscaped with maximum retention of trees and other natural materials;**

The proposed project entails no tree or landscape removal, and proposes a minimal amount of excavation for the solar array piers.

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

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

Please see B, C and F above.

- 2. Drainage systems and appurtenant structures;**

The proposed project proposes a minimal amount of excavation, which requires no appurtenant structures or a drainage plan.

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

The proposed project does not propose retaining walls or bulkheads.

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

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

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

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

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

The project entails locating all electrical equipment within an existing structure.

SECTION 2: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Tomales Community Service District Coastal Permit (CP 10-16) and Design Review (DR 10-39) subject to the following conditions:

Marin County Community Development Agency, Planning Division

1. The Tomales Community Service District Coastal Permit (CP 10-16) and Design Review (DR 10-39) is approved for the placement of ground mounted solar arrays near the existing treatment ponds, approximately 2,700 feet from Cerini Road. The solar arrays will have a maximum height of 4-feet, and will be 762 square-feet in size, and will be approximately 49-feet in length and 15-feet, 10-inches in width. The anticipated output is 9,225W. The solar arrays will be approximately 40 feet from the existing equipment room, and will be over 100 feet from all property lines. The piers that support the arrays will be 4-feet in depth, and 12-inches in diameter. The parcel is zoned C-ARP-20 (Coastal, Agriculture, 1 unit per 20 acres). The associated equipment would be located within an existing building near the treatment ponds. The subject property is located near Cerini Road, Tomales and identified as Assessor's Parcels 104-050-18.
2. Tomales Community Service District is exempt pursuant to California Government Code Section 53091. In the event that Tomales Community Service District submits a Building Permit application, then except as modified herein, plans submitted for Building Permits shall substantially conform to plans on file in the Marin County Community Development Agency, Planning Division identified as Exhibit A, "TVCSW Waste Water Treatment Plant – Tomales Road and Irwin", consisting of 5 pages, received on November 3, 2009.
3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the Site Plan or other first sheet of the office and job site copies of the Building Permit plans to list the below conditions of approval.
4. All construction activities shall comply with the following standards:
 - a. Construction activity is only permitted between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and 9:00 a.m. and 5:00 p.m. on Saturday. No construction shall be permitted on Sundays and the following holidays (New Year's Day, President's Day, Memorial Day,

Independence Day, Labor Day, Thanksgiving Day, and Christmas Day). Loud noise-generating construction-related equipment (e.g., backhoes, generators, jackhammers) can be maintained, operated, or serviced at the construction site from 8:00 a.m. to 5:00 p.m. Monday through Friday only. Minor jobs (e.g., painting, hand sanding, sweeping) with minimal or no noise impacts on the surrounding properties are exempted from the limitations on construction activity. At the applicant's request, the Community Development Agency staff may administratively authorize minor modifications to these hours of construction.

- b. It shall be the responsibility of the applicant to ensure that all construction materials and equipment are stored on-site (or secured at an approved off-site location) and that all contractor vehicles are parked in such a manner as to permit safe passage for vehicular, pedestrian, and bicycle traffic at all times.
5. All utility connections and extensions serving the project shall be installed underground. Modifications to this condition may be considered by the Community Development Director at the written request of the applicant.
6. If archaeological, historic, or prehistoric resources are discovered during construction, construction activities shall cease, and the Community Development Agency staff shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may occur in compliance with State and Federal law. A registered archeologist, chosen by the County and paid for by the applicant, shall assess the site and shall submit a written report to the Community Development Agency staff advancing appropriate mitigations to protect the resources discovered. No work at the site may recommence without approval of the Community Development Agency staff. All future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the Community Development Agency staff. If the report identifies significant resources, amendment of the permit may be required to implement mitigations to protect resources. Additionally, the identification and subsequent disturbance of an Indian midden requires the issuance of an excavation permit by the Department of Public Works in compliance with Chapter 5.32 (Excavating Indian Middens) of the County Code.
7. Any changes or additions to the project shall be submitted to the Community Development Agency, Planning Division for review and approval before the contemplated modifications may be initiated.
8. The applicant/owner hereby agrees to defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul an approval of this Coastal Permit, for which action is brought within the applicable statute of limitations.

Marin County Department of Public Works, Land Use and Water Resources Division

Prior to Vesting of the Coastal Permit and Design Review, the applicant shall:

9. Provide the Grant of Easement for the access easement from Cerini Road, and map the location of the easement on the site plan.

SECTION 3: VESTING AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest the Tomales Community Service District Coastal Permit (CP 10-16) and Design Review (DR 10-39) approval with the substantial completion of all the approved work before February 11, 2012 or all rights granted in this approval shall lapse unless the applicant applies for an extension limited to a maximum of four years, at least 30 days before the expiration date above and the Director approves it.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Planning Commission. A Petition for Appeal and a \$600.00 filing fee must be submitted in the Community Development Agency - Planning Division, Room 308, Civic Center, San Rafael, no later than **4:00 p.m. on February 19, 2010.**

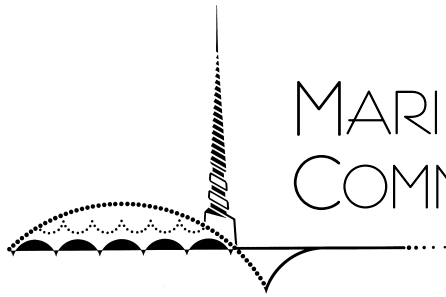
SECTION 4: ADOPTION

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the **11th day of February, 2010.**

Johanna Patri
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
Recording Secretary



MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY
BRIAN C. CRAWFORD, DIRECTOR

NOTICE OF DECISION

Applicant's Name: **JOHN FALL**
Application (type and number): Coastal Permit (CP 09-31), and Design Review (DR 09-64)
Assessor's Parcel Number: 112-232-03
Project Location: 24 Cameron Street, Inverness
For inquiries, please contact: Kristina Tierney, Planner
Decision Date: February 11, 2010

DETERMINATION: Approved with Conditions

Minutes of the February 11, 2010, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-24.

Marin County Community Development Agency

Jeremy Tejrjian, AICP
Hearing Officer

C4. COASTAL PERMIT (CP 09-31) AND DESIGN REVIEW (DR 09-64): JOHN FALL KT

A proposal to construct a 750-square-foot detached second unit on a property that is currently developed with an existing single family residence. The second unit would be served by an onsite sewage disposal system and three onsite parking spaces are provided for the primary residence and second unit. The second unit would be located approximately 67 feet from the front, western property line, 27 feet from the rear, eastern property line, 12 feet from the side, northern property line, and 28 feet west of existing residence. The subject property is located at **24 Cameron Street, Inverness**, and is further identified as **Assessor's Parcel 112-232-03**. A second unit permit will be processed separately.

In response to the Hearing Officer, staff acknowledged additional comment letters from Barbara Jones, Neighbor, expressing concerns with the project. Staff further explained that the expansion of the septic system is for the Second Unit.

The public testimony portion of the hearing was opened.

Barbara Jones, neighbor expressed concerns with the location of the Second Unit, impacts to her visual corridor, possible fire hazards and moving the project to another site on the property.

Dennis Singer, representing the applicant, spoke regarding designing the project within the compliance of code requirements, the placement of the septic and noted that the building will have a sprinkler system to address fire concerns.

The public testimony portion of the hearing was closed.

The Hearing Officer noted that the project location takes advantage of previous grading on the site and avoids additional grading. Relocating the site would pose challenges that would be difficult. He further noted that it would be reasonable to request additional landscaping to protect the privacy of the property. The fire protections district has required fire sprinklers for fire safety.

The Hearing Officer made the following modifications to the resolution:

- SECTION I: FINDINGS 1, add to the end of the second sentence: "The existing septic for the second unit would be legalized as part of this project";
- SECTION I: FINDINGS V (B), add "the second unit would be served by an expanded on-site septic system";
- SECTION I: FINDINGS V (C), change "new septic" to "expanded septic system";
- SECTION I: FINDINGS VI (D), add "however, there is insufficient landscaping between the proposed structure and the property line to assure privacy for the adjacent property, therefore as a Condition of Approval a landscaping plan will be required."
- SECTION II: CONDITIONS OF PROJECT APPROVAL 1, amend the project description to be consistent with the septic expansion;
- SECTION II: CONDITIONS OF PROJECT APPROVAL 4, add in the language for a landscaping plan; and
- SECTION II: CONDITIONS OF PROJECT APPROVAL 10, add in "Before Final Inspection" for the Waiver of Liability.

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

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

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 10-109

A RESOLUTION APPROVING THE FALL COASTAL PERMIT
AND DESIGN REVIEW
24 CAMERON STREET, INVERNESS
ASSESSOR'S PARCEL 112-232-03

SECTION I: FINDINGS

I. WHEREAS Margaret Fall is requesting a Coastal Permit and Design Review approval to construct a 750-square-foot 15-foot-tall detached second unit on a 12,800-square-foot property that is currently developed with an existing single family residence. The second unit would be served by an expanded on-site sewage disposal system, and four onsite parking spaces are provided for the primary residence and second unit. The existing septic system for the second unit would be legalized as part of the project. The second unit would be located approximately 67 feet from the front, western property line, 27 feet from the rear, eastern property line, 12 feet from the side, northern property line, and 28 feet west of existing residence.

The subject property is located at 24 Cameron, Street, Inverness, and is further identified as Assessor's Parcel 112-232-03.

II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing February 11, 2010, to consider the merits of the project and hear testimony in favor of and in opposition to the project.

III. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act, per Section 15303, Class 3 of the CEQA Guidelines because it entails the construction of a new detached second unit, which is 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 Marin Countywide Plan, the Marin County Interim Zoning Ordinance, and the Inverness Ridge Community Plan for the following reasons:

A. The project would be consistent with the C-SF3 (Coastal single-family, 1 to 5 acre minimum lot area, 1 unit/1-5 acres);

B. The project would result in the construction of a detached second unit that supports the use of the property for single-family residential development, a principally permitted use under the governing C-RSP-1 (Coastal, Residential, single-family planned, 1 unit/acre).

C. The project would comply with Marin County standards for flood control, geotechnical engineering, and seismic safety, and include improvements to protect lives and property from hazard. A qualified geotechnical engineer has attested to the stability and lack of hazards at the project site;

- D. The project would comply with governing development standards related to roadway construction, parking, grading, drainage, flood control and utility improvements as verified by the Department of Public Works;
 - E. The project would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services; and
 - F. The project would minimize soil disturbance and maximize the retention of existing vegetation.
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve the Coastal Permit application (Section 22.56.130I of the Marin County Code) as specified below.

A. Water Supply

The existing residence is currently served by the Inverness Community Public Utilities District. The District has indicated that it has adequate capacity to serve the additions to the residence.

B. Septic System Standards

The residence would be served by an expanded on-site septic system, which has been permitted by the Marin County Environmental Health Services and deemed appropriate to serve the project.

C. Grading and Excavation

Total grading and excavation would be limited to the amount necessary to construct the modestly sized second unit and the expanded septic system. The Department of Public Works, Land Use and Water Resources Division, has reviewed and approved the project to ensure consistency with Marin County requirements.

D. Archaeological Resources

A review of the Marin County Archaeological Sites Inventory Maps on file in the Planning Division indicates that the subject property is not located in an area of high archaeological sensitivity. Conditions of 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 would not negatively affect the housing stock of the Inverness community because it does not involve demolition.

G. Stream and Wetland Resource Protection

The proposed project is not situated in an area subject to the County streamside conservation policies as identified on the Natural Resources Map for Unit 2 of the Local Coastal Program or near any ephemeral or intermittent stream identified on the Inverness Quadrangle of the U.S. Geological Survey Maps.

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 located in an area potentially containing rare wildlife species including the pallid bat (*Antrozous pallidus*) and Point Reyes mountain beaver (*A. rufa phaea*). The project would take place in a grassy hillside and would have no impact to those species.

J. Protection of Native Plant Communities

The Natural Resources Map for Unit 2 of the Local Coastal Program and the California Natural Diversity Database indicates that the subject property is located in an area containing the following rare plants: Marin knotweed (*Polygonum marinense*), Lyngbye's sedge (*Carex lyngbyei*), Marin checker lily (*Fritillaria lanceolata* var. *tristulis*), coast lily (*Lilium maritimum*), Marin Hesperian (*Vespericola marinensis*), and the North Coast phacelia (*Phacelia insularis* var. *continentis*). The project site is developed with a single-family residence, driveway, onsite parking, and vegetation at the site consists of disturbed ruderal vegetation that is unlikely to provide habitat for such species.

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 within the delineated boundaries of the San Andreas Fault zone. However, the second unit would be constructed with building permits and built to the standards established by the California Building Code, 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 entails the construction of a modest 705-square foot detached second unit. While the project would be visible to neighbors, it would not impact any neighbors or visual resources in the area.

P. Recreation/Visitor Facilities

The proposed project would 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 have any impact upon recreation or visitor facilities.

Q. Historic Resource Preservation

The subject property is not located within any designated historic preservation boundaries of the Inverness 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 Interim Zoning Ordinance 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 would have a height, mass, and bulk proportionately appropriate to the site and neighboring development, and would not impact visual resources. Further, the project is consistent with the Inverness Ridge Community Plan and therefore would not be incompatible with the neighborhood.

- 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 all 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;**

As proposed, the 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 is located on a developed, landscaped property and would require no tree removal and would conserve non-renewable energy and natural resources; however, there is insufficient landscaping between the proposed structure and the property line to assure privacy for the adjacent property, therefore as a Condition of Project Approval a landscape plan will be required.

- 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 small size of the second unit minimizes the appearance of mass and bulk and 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 detached accessory structure has been designed to minimize adverse visual effects related to design and building massing. It has adequate setbacks to all property lines and designed to blend in to the existing development. The height of the structure, 15 feet, complies with the height limit for accessory structures. While the detached structure does contain two stories, in conflict with 22.70.0601, Section 22.47.0101 *Application of Specific Regulations* allows for the planning director to determine that a proposed development is within the intent and objectives of the zoning district in which the proposed development is located. As the detached accessory structure meets the 15 foot height limit established by the C-RSP zoning

district in Section 22.57.086l.2.e, staff finds that the additional story is in keeping with the C-RSP zoning district standards.

2. Drainage systems and appurtenant structures;

All project plans have been reviewed by the Department of Public Works. The second unit is in conformance with the Single-family Residential 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 project would be required to meet Title 24 and Ordinance 3492 and would not require any tree removal.

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.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Fall Coastal Permit (CP 09-31) and Design Review (DR 09-64), subject to the following conditions:

Marin County Community Development Agency, Planning Division

1. Pursuant to Interim Zoning Code Sections 22.56.130I (Coastal Permits) and 22.82.040I (Design Review), the Fall Coastal Permit and Design Review are approved to construct a 750-square-foot 15-foot-tall detached second unit on a 12,800-square-foot property that is currently developed with an existing single family residence. The second unit shall be served by an expanded on-site sewage disposal system, and four onsite parking spaces are provided for the primary residence and second unit. The existing septic system for the second unit shall be legalized as part of the project. The second unit shall be located approximately 67 feet from the front, western property line, 27 feet from the rear, eastern property line, 12 feet from the side, northern property line, and 28 feet west of existing residence.

The subject property is located at 24 Cameron, Street, Inverness, and is further identified as Assessor's Parcel 112-232-03.

2. Plans submitted for building permits shall substantially conform to plans identified as "Exhibit A," entitled, "Proposed Second Unit In-law Project," consisting of 9 sheets prepared by Singer and Associates and received December 22, 2009, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
3. Approved exterior building materials and colors shall substantially match the existing residence including:
 - a. Siding – natural wood shingles and grey/green clapboard siding
 - b. Windows – white vinyl windows
 - c. Roof – non-combustible composition shingle or similar material, to be approved by the Planning Department

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

4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a complete set of revised plans for review and approval by the Community Development Agency staff depicting the following changes. Once approved, the plans shall be incorporated into the approved project file as "Exhibit A-1" and shall supersede "Exhibit A."
 - a. 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.
 - b. The applicant shall submit a landscape plan, depicting proposed landscaping to adequately screen the second unit from the neighboring property.
5. 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.

6. If archaeological, historic, or prehistoric resources are discovered during construction, construction activities shall cease, and the Community Development Agency staff shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may occur in compliance with State and Federal law. A registered archeologist, chosen by the County and paid for by the applicant, shall assess the site and shall submit a written report to the Community Development Agency staff advancing appropriate mitigations to protect the resources discovered. No work at the site may recommence without approval of the Community Development Agency staff. All future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the Community Development Agency staff. If the report identifies significant resources, amendment of the permit may be required to implement mitigations to protect resources. Additionally, the identification and subsequent disturbance of an Indian midden requires the issuance of an excavation permit by the Department of Public Works in compliance with Chapter 5.32 (Excavating Indian Middens) of the County Code.
7. All construction activities shall comply with the following standards:
 - a. Construction activity is only permitted between the hours of **7:00 a.m. and 6:00 p.m., Monday through Friday**, and **9:00 a.m. and 5:00 p.m. on Saturday**. No construction shall be permitted on Sundays and the following holidays (New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day). Loud noise-generating construction-related equipment (e.g., backhoes, generators, jackhammers) can be maintained, operated, or serviced at the construction site from 8:00 a.m. to 5:00 p.m. Monday through Friday only. Minor jobs (e.g., painting, hand sanding, sweeping) with minimal or no noise impacts on the surrounding properties are exempted from the limitations on construction activity. At the applicant's request, the Community Development Agency staff may administratively authorize minor modifications to these hours of construction.
 - b. It shall be the responsibility of the applicant to ensure that all construction materials and equipment are stored on-site (or secured at an approved off-site location) and that all contractor vehicles are parked in such a manner as to permit safe passage for vehicular, pedestrian, and bicycle traffic at all times.
8. The applicant/owner hereby agrees to defend, indemnify, and hold harmless the County of Marin, the Inverness Public Utilities District and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul approval of the Fall Coastal Permit (CP 09-31) and Design Review (DR 9-64), for which action is brought within the applicable statute of limitations.
9. 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.
10. BEFORE FINAL INSPECTION, the applicant shall record a Waiver of Public Liability holding the County of Marin, other governmental agencies, and the public harmless because of loss experienced by geologic actions.

Department of Public Works, Land Development

PRIOR TO ISSUANCE OF A BUILDING PERMIT:

11. The plans shall be reviewed and approved by Registered Civil Engineer with soils engineering expertise or a Registered Geotechnical Engineer. Certification shall be either by the engineer's stamp and signature on the plans, or by stamp and signed letter.
12. A registered Engineer shall design the site/driveway retaining walls. The drainage and grading plans may be designed by either a registered Engineer or Architect. Plans must have the Engineer's/Architect's wet stamp and signature.
13. A separate Building Permit is required for site/driveway retaining walls with a height more than 4 feet (or 3 feet when backfill area is sloped or has a surcharge). Include engineer calculations showing a minimum of a 1.5 factor-of-safety for sliding and overturning. Also, include cross section references on the site plan to the structural plans for the retaining walls.
14. Provide two additional guest parking spaces. The two guest spaces shall be independently accessible to each other, but may be in tandem with the two resident spaces. All or part of the guest spaces may extend onto the driveway approach (the portion of driveway in the right-of-way), but shall not block the 2nd unit parking space.
15. The resident parking spaces shall be independently accessible to each other and the 2nd unit space shall be independently accessible to all other parking spaces. The proposed 2nd unit parking space appears to interfere with one of the resident spaces. Revise the plans to meet the parking requirements.
16. Submit Erosion and Siltation Control plans.
17. Provide a drainage plan for the project. Drainage at the foundation shall slope a minimum of 5% for 10-feet. Also, provide a means for managing impervious runoff so as not to cause erosion or cross property lines.
18. Provide a drainage plan for the retaining wall back-drain. Show locations of cleanouts and erosion control management at the drainage outfall.
19. The driveway approach (portion of driveway within the right-of-way) shall be paved with asphalt from the edge-of-pavement of Cameron Street, to the property line.
20. Due to the narrow condition of Cameron Street, no parking of construction vehicles or construction equipment shall be allowed on Cameron Street so as to impede vehicular access in any way.
21. A Standard Encroachment Permit shall be required for all work within the road right-of-way.
22. Provide a note on the plans that the Design Engineer/Architect shall certify to the County in writing that all grading, drainage, and retaining wall construction was done in accordance with plans and field directions. Also note that driveway, parking, and other site improvements shall be inspected by a Department of Public Works engineer.

Inverness Public Utility District

- 23. The installation of residential fire sprinklers may require upgrading of the existing water service. If an upgrade is required by the fire sprinkler engineer, then owners will be required to enter into a service agreement with Inverness PUD for the upgrading of the service.
- 24. It is noted that the plans call for a wood shake roof. Such a roof is not permitted in Marin County. All materials must comply with Marin County Building Codes for fire resistance.

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 22.82.130I and Section 22.56.120I of the Interim Zoning Ordinance.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Planning Commission. A Petition for Appeal and a \$600.00 filing fee must be submitted in the Community Development Agency - Planning Division, Room 308, Civic Center, San Rafael, no later than **4:00 p.m.** on **February 19, 2010**.

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 11th day of February 2010.

JEREMY TEJIRIAN
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary