



MARIN COUNTY  
 COMMUNITY DEVELOPMENT AGENCY  
 BRIAN C. CRAWFORD, DIRECTOR

**STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR**  
 LV RIDGE LLC LAND DIVISION

Item No:	2	Application No:	LD 10-0119
Applicant:	Laurance Narbut	Owner:	LV Ridge, LLC
Property Address:	5888 Lucas Valley Road, Nicasio	Assessor's Parcel:	121-210-61
Hearing Date:	January 13, 2011	Planner:	Curtis Havel

**RECOMMENDATION:** Approve with Conditions  
**APPEAL PERIOD:** January 27, 2011  
**LAST DATE FOR ACTION:** January 13, 2011

**PROJECT DESCRIPTION**

The project applicant, Laurance Narbut, is proposing to subdivide Parcel C of the Las Cumbres Land Division into two lots. Please refer to the table below.

<b>Parcel C (Existing)</b>	<b>Parcel C-1 (Proposed)</b>	<b>Parcel C-2 (Proposed)</b>
320 acres	115 acres	205 acres

Access to Parcel C-1 would be provided from Camino Margarita. Access to Parcel C-2 would be provided from Via Gonzales. Sewage disposal would be provided by on-site individual septic systems and water service would be provided by the "east well" as established in the existing "Agreement for Use and Maintenance of Water Facilities; and Easements." No residential development is proposed at this time and all future residential development would be considered through separate Design Review applications.

**PROJECT SETTING**

The 320-acre property is located at 5888 Lucas Valley Road (Assessor's Parcel 121-210-61), approximately 1.8 miles southeast of Nicasio Square as the crow flies and approximately 3.5 miles along Lucas Valley Road. Current access to Parcel C-2 is along a paved ranch road (named "Via Gonzales" on the Tentative Map) off of Lucas Valley Road. Parcel C-2 is not immediately adjacent to Lucas Valley Road and Via Gonzales extends approximately 4,000 linear feet from Lucas Valley Road. Parcel C-1 is arrived at through the Rancho Santa Margarita Subdivision and utilizes an existing driveway extension at the end of La Canada Road for access. The site is surrounded by low-density, rural-residential development, including the Rancho Santa Margarita subdivision.

The topography of the subject property consists of a ridgeline extending along an east-west axis with slopes ranging from 30 to 50 percent (less at the building sites) and elevations ranging from approximately 1,300 feet at the highest point to 300 feet at the lowest point to the south. The property is vegetated with a variety of plant communities including open grassland meadows, mixed chaparral shrub, mid-successional forest, and mature coniferous forest. Although the property was used as a cattle ranch in the past, there currently is no active ranching or other agricultural operations being conducted on the property.

Countywide Plan: AG1 (Agricultural, minimum lot size 31-60 acres) with a small portion of Proposed Parcel C-1 in AG2 (Agricultural, minimum lot size 10-30 acres).

Zoning: ARP-60 (Agricultural, Residential, one unit per 60 acres maximum density) with small portions of Proposed Parcels C-1 and C-2 in ARP-20 and ARP-10.

Community Plan: Nicasio Valley Community Plan

## **BACKGROUND**

In May of 2006, the Marin County Board of Supervisors approved the Las Cumbres Master Plan and Land Division (Tentative Map) for the subdivision of an existing 832-acre site into four residential parcels: Parcel A – 24 acres, Parcel B – 45 acres, Parcel C – 323 acres, and Parcel D - 440 acres. The approved Master Plan included consideration for, and conditions of project approval applicable to, the potential future subdivision of Parcel C and Parcel D, where the accessory building envelopes C2 and D2 would be utilized as single family residential building envelopes. The two additional parcels and residences were not proposed as part of the Tentative Map at that time to avoid additional costs associated with the processing of a Final Map.

The Initial Study prepared for the Las Cumbres Master Plan and Land Division (Tentative Map) analyzed potential environmental impacts of the future subdivision of Parcels C and D because they constituted reasonably foreseeable development. The Initial Study (and subsequently, the Negative Declaration of Environmental Impact) adopted by the Board of Supervisors included mitigation measures related to project design, maximum building area and size, location of building envelopes, habitat preservation, geological stability, fire protection, access, water supply and sewage disposal that are applicable to the further subdivision of Parcels C and D. These mitigations were incorporated into Conditions of Project approval for the Las Cumbres Master Plan and Land Division (Tentative Map).

This project is a proposal to divide Parcel C into two lots. The existing 320-acre property (Parcel C) is proposed to be divided into a 115-acre property (Parcel C-1) and 205-acre property (Parcel C-2), respectively. Pursuant to the approved Las Cumbres Master Plan and Land Division (Tentative Map), the further subdivision of Parcel C is subject to Land Division (Tentative Map) and Precise Development Plan approvals. The applicant is requesting that the requirement for a Precise Development Plan/Design Review concurrent with the Land Division be deferred to a future date, with a finding that the Land Division is in conformance with the approved Las Cumbres Master Plan.

Staff has provided findings contained in the recommended resolution that an application for a Precise Development Plan is not necessary at this time because the proposed project has clarified the location of the building envelopes as well as access routes consistent with the Las Cumbres Master Plan and Land Division (Tentative Map). Additionally, the conditions of approval established

in the Las Cumbres Master Plan and Land Division (Tentative Map) provide clear design standards for future development of Parcels C-1 and C-2. Any future Design Review applications for development on Parcels C-1 and C-2 would be subject to the conditions of approval of this decision, and of the Las Cumbres Master Plan and Land Division (Tentative Map).

## **PUBLIC COMMENT**

The Community Development Agency provided public notice identifying the applicant, describing the project and its location, and giving the earliest possible decision date in accord with California Government Code requirements. This notice was mailed to all property owners within 600 feet of the subject property.

Prior to the circulation of the public notice, staff received comments from the Nicasio Design Review Board and Sylvia Carlson and Russell Craig expressing concerns about the following issues: water supply; emergency access escape routes through Parcel C-2; maintenance of La Canada Road during construction; feasibility of second units; and, the location of the leach field for Parcel C-2 with respect to a potential spring.

### *Water Supply*

Commenters have expressed concerns about the availability of water to serve the proposed project. Chapter 7.28 of the Marin County Code establishes requirements for provision of water for new residential development and is administered by the Environmental Health Services Division of the Marin County Community Development Agency (EHS). Staff from EHS has reviewed the proposed project and determined that adequate quality and quantities of water are available to serve Parcels C-1 and C-2, consistent with the requirements of Chapter 7.28 and according to well test logs provided by the applicant.

This issue of water supply was analyzed during the processing of the Las Cumbres Master Plan and Land Division. Findings were made that adequate water was available to serve the four parcels being created by the Las Cumbres Land Division, and the future potential subdivision of Parcels C and D of the Las Cumbres Land Division. As discussed above, the project has demonstrated that adequate quality and quantity of water is available to serve the project based on pump tests provided by the applicant.

### *Emergency Access*

Commenters have expressed concerns that future development of Parcel C-2 may obstruct emergency egress for residents in the immediate vicinity. The Marin County Fire Department (MCFD) has reviewed the application and verified that adequate access is available for emergency vehicles. Furthermore, the proposed tentative map depicts a dedicated 40-foot wide emergency vehicle access easement laid over an existing graded ranch road that provides access through Parcel C-2 in the case of an emergency. Finally, the project applicant has indicated that future development will not obstruct the driveway through Parcel C-2.

### *La Canada Road*

Commenters have suggested use of an existing graded ranch road be utilized to access Parcel C-1 instead of La Canada Road, primarily to avoid an existing solar array located in the middle of the 40-foot wide access easement depicted on the Lands of Hoppe Parcel Map (17 PM 86) and to avoid

potential construction damage to La Canada Road. The issue of access to Parcel C-1 was addressed in the Las Cumbres Master Plan and Land Division, and it was determined that development of the existing ranch road would create significant amounts of new impermeable surfaces and would cause unnecessary site disruption due to grading, widening and retaining wall improvements. Furthermore, the Marin Countywide Plan and Nicasio Valley Community Plan contain policies that encourage use of existing common driveways to serve multiple residences to minimize introduction of new impermeable surfaces and grading, particularly where the construction of multiple driveways to serve multiple residences would result in more grading/site disturbance than an individual driveway.

Staff has made findings and modified a condition of approval carried over from the Las Cumbres Master Plan to allow for minor modifications to the 40-foot wide access easement depicted on the Lands of Hoppe Parcel Map. These modifications are intended to provide the project applicant and neighboring property owner with a measured amount of regulatory flexibility to adjust the location of the easement, if necessary, to provide driveway access while also meeting the requirements of the Las Cumbres Master Plan. Finally, conditions of project approval have been carried over from the Las Cumbres Master Plan requiring the repair of La Canada Road in the event of construction damage.

#### *Second Units*

Commenters have expressed concerns about whether second units are feasible at the project site. The Las Cumbres Master Plan and Land Division contained a condition of approval requiring second units be constructed on Parcels C and D, presumably in furtherance of provision of affordable housing. The attached resolution contains a condition of approval requiring the project applicant satisfy affordable housing requirements consistent with Chapter 22.22 prior to the recordation of the Parcel Map. The payment of the in-lieu participation fee will obviate the need for the requirement for construction of second units.

However, if a future property owner wishes to construct a second unit, an application may be submitted for review and consideration to the Community Development Agency. Section 22.32.140 of the Marin County Code establishes requirements for the creation of new second units. Project development issues related to water supply, sewage disposal, parking and access would be addressed at that time.

#### *Location of Septic Leach Field*

Commenters have expressed concerns that the proposed leachfield for Parcel C-2 may be located near a spring. Staff reviewed maps from the Natural Diversity Database as well as records on file related to creeks, wetlands, watercourses and sensitive habitats (including the Negative Declaration of Environmental Impact for the Las Cumbres Master Plan and Land Division). There is no evidence to indicate that the leachfield for Parcel C-2 is located near or within a spring and/or stream or wetland conservation area.

## **CONCLUSION**

The LV Ridge Land Division is consistent with the requirements of Chapter 22.84 of the Marin County Code, as well as the Las Cumbres Master Plan. Staff from Environmental Health Services has confirmed that adequate water supply and sewage disposal is available to serve the project. Staff from Department of Public Work and the Marin County Fire Department have

verified that adequate access is available to serve the project. The requirement for a Precise Development Plan is not necessary at this time because the project will be required to comply with the design standards and building envelopes already established by the Las Cumbres Master Plan and Land Division. The development of Parcels C-1 and C-2 are subject to Design Review, and will be required to satisfy the conditions of approval set forth by this determination and the Las Cumbres Master Plan and Land Division.

**RECOMMENDATION:**

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and adopt the attached resolution approving the LV Ridge LLC Land Division (Tentative Map).

- Attachments:
1. Proposed Resolution recommending approval of the LV Ridge LLC Land Division (Tentative Map)
  2. Assessor's Parcel Map
  3. Location Map
  4. Narbut Tentative Map prepared by ILS Associates, Inc, dated March 23, 2010
  5. Topographic Survey Parcel C, Building Envelope C-1, prepared by DMG Engineering, Inc., dated January 2010
  6. Topographic Survey Parcel C, Building Envelope C-2, prepared by DMG Engineering, Inc., dated November 2009
  7. Approved Ordinance and Resolution for Las Cumbres Master Plan and Land Division (Tentative Map)
  8. Notice of Determination (Negative Declaration of Environmental Impact), May 24, 2006
  9. Agreement for Use and Maintenance of Water Facilities; and Easements, recorded June 5, 2009
  10. Roadway Maintenance Agreements and Declaration of Conditions, Covenants and Restrictions, recorded June 5, 2009
  11. Letter from John C. Hom & Associates, Inc., April 16, 2010
  12. Environmental Health Services Interdepartmental Transmittal (for both water and sewage), November 18, 2010
  13. Department of Public Works Inter-Office Memorandum, October 5, 2010
  14. Nicasio Design Review Board letters, September 15 and 10, 2010
  15. Letters from Russel Craig and Sylvia Carlson, September 27 and 10, 2010
  16. Letter from Laurance and Maura Narbut, September 25, 2010

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION APPROVING THE LV RIDGE LLC  
LAND DIVISION (TENTATIVE MAP)  
LUCAS VALLEY ROAD, NICASIO  
ASSESSOR'S PARCEL 121-210-61

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**SECTION I: FINDINGS**

I. WHEREAS the applicant, Laurance Narbut, is proposing to subdivide Parcel C of the Las Cumbres Land Division into two lots. Please refer to the table below.

<b>Parcel C (Existing)</b>	<b>Parcel C-1 (Proposed)</b>	<b>Parcel C-2 (Proposed)</b>
320 acres	115 acres	205 acres

Access to Parcel C-1 would be provided from Camino Margarita. Access to Parcel C-2 would be provided from Via Gonzales. Sewage disposal would be provided by on-site individual septic systems and water service would be provided by the "east well" as established in the "Agreement for Use and Maintenance of Water Facilities; and Easements." No residential development is proposed at this time and all future residential development would be considered through separate Design Review applications. The subject property is located at 5888 Lucas Valley Road, Nicasio and is further identified as Assessor's Parcel 112-112-15.

II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing January 13, 2011, to consider the merits of the project, and hear testimony in favor of and in opposition to the project.

III. WHEREAS the Marin County finds that the proposed project is exempt from the requirements of the California Environmental Quality Act, per Section 15162 because the potential environmental impacts of this land division were addressed through the Las Cumbres Negative Declaration of Environmental Impact and Initial Study, and it has been determined that no further environmental review is required. The division and development of the subject properties will incorporate mitigations from the Negative Declaration of Environmental Impact that minimize or eliminate any 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 (CWP) and Nicasio Valley Community Plan (NVCP) for the following reasons:

A. The project is consistent with the all applicable policies regarding species and habitat preservation (Policy BIO-1.1; Policy BIO-1.3; and Policy BIO-2.4) because the building envelopes are located in portions of the property that avoid sensitive habitats and protect all land that is of high value to wildlife.

- B. The project is consistent with Policy BIO-3.1 (WCA) because no wetlands have been identified in any area proposed for future development.
- C. The project is consistent with Policy BIO-4.1 (SCA) because the building envelopes are located well over 100 feet from any creeks on the property.
- D. The project is consistent with all policies regarding the avoidance of erosion and sedimentation (Policy WR-2.3 and Policy BIO-4.15) because conditions of approval established through the Las Cumbres Master Plan and Land Division (Tentative Map) and applicable to this project require future development to provide a comprehensive drainage plan that shows how runoff will be infiltrated on-site and will minimize erosion and siltation.
- E. The project is consistent with all policies regarding the avoidance of hazards (Policy EH-2.1, Policy EH-2.3, and Policy EH-3) because the building envelopes have been sited in geologically stable portions of the property as verified by the project applicant's geotechnical engineer, John C. Hom & Associates, Incorporated. The property is not located within an Earthquake Study Zone and no active faults were identified on the property. Conditions of approval require that any future development applications include the submittal of a "Stability Report" prepared by a qualified engineer with recommendations relative to all aspects of grading, filling, foundation design, pavement design, and subsurface and surface drainage.
- F. The project is consistent with all policies regarding the protection of structures from fire (Policy 4.1). Conditions of approval from the Las Cumbres Master Plan and Land Division (Tentative Map) along with Uniform Fire Code requirements administered through the Building Permit process will ensure that development on the property will incorporate appropriate fire protection measures into construction.
- G. The project is consistent with all policies regarding the protection of visual resources (Policy DES-1.2, and Policy DES-4.1) since the building envelopes are located in areas that are not visually prominent as viewed from off-site locations, including neighboring properties or the public.
- H. The project is consistent with all policies regarding the reduction of greenhouse gas emissions and protection of the atmosphere (Policy AIR-4.1) since the proposed project would not result in potentially significant impacts on air quality relating to greenhouse gas emissions with implementation of development standards for energy conservation and use of renewable energy systems in future development applications.
- I. The project is consistent with the AG1 (Agricultural, minimum lot size 31-60 acres) land use designation because the resultant development would have a density of 1 unit per approximately 150 acres. Additionally, all areas that are proposed for development are located outside of various open space and conservation easements/agreements protecting the remainder of the property. All remaining subdivision potential of Parcel C will be extinguished through approval of this Land Division.

V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve the LV Ridge LLC Land Division (Tentative Map) application pursuant to Marin County Code Section 22.84.060 for the reasons listed below.

**A. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the Marin Countywide Plan, and any applicable Community Plan and Specific Plan, and that none of the findings for denial in Subsection D below (Findings Requiring Denial) can be made. The findings shall apply to each proposed parcel as well as the entire subdivision, including any parcel identified as a designated remainder in compliance with Map Act Section 66424.6.**

The project is consistent with the Marin Countywide Plan and Nicasio Valley Community Plan based on the findings that are noted in Finding IV above. The proposed project involves a two-lot Land Division, and future construction of two single-family residences, which are principally permitted uses consistent with the Marin Countywide Plan and the Nicasio Community Plan. None of the findings requiring denial of the Tentative Map could be made, based on the Subsection D below.

**B. In addition to the findings required for approval of a Tentative Map by Subsection A above (Required Findings for Approval), the following findings are also required when they are applicable to the specific subdivision proposal.**

**1. It is in the interest of the public health and safety, and it is necessary as a prerequisite to the orderly development of the surrounding area, to require the construction of road improvements within a specified time after recordation of the Parcel Map, where road improvements are required (see Section 22.82.080).**

Road improvements are not proposed or required in conjunction with the two-lot Land Division application at this time. For Parcels C-1 and C-2 of the Tentative Map, detailed road improvement plans to the future residential development would be required at the time of the subsequent review of a Design Review application. Driveway improvements for Parcels C-1 and C-2 would be required in conjunction with subsequent Design Review for any future residences.

**2. Any findings required by Sections 22.88.030 (Condominium Conversions) for condominium conversions.**

This finding is not applicable to the project.

**C. If waiver of a Parcel Map has been requested with the Tentative Map application, the review authority shall determine whether the findings required by Section 22.86.030 (Waiver of Parcel Map) can also be made.**

Since the project does not include a request for a Parcel Map waiver, this finding does not apply to the project.



**D. The following findings for denial of a Tentative Map and as required by State Subdivision Map Act Section 66474, cannot be made for the project.**

**1. The proposed subdivision including design and improvements is inconsistent with the Marin Countywide Plan or an applicable Community Plan or Specific Plan.**

As discussed above in Finding IV above, the proposed Land Division is consistent with the Marin Countywide Plan and the Nicasio Valley Community Plan. The proposed Land Division would be consistent with the Marin Countywide Plan, the Nicasio Community Plan, and zoning standards because the two proposed residential lots would result in an overall density of one unit per 160 acres. The Land Use Designations allows for a maximum of 1 unit per 31-60 acres, and the zoning allows for maximum density of 1 unit per 60 acres.

**2. The site is not physically suitable for the type or proposed density of development.**

The site is physically suitable for the type and proposed density of development. Each of the two proposed lots would have sufficient land area (a minimum of 60 acres), with building envelopes underlain by adequate geological materials to support future residential development with County-approved access, utilities, and services, without resulting in a significant disruption to the surrounding natural and built environments. The project would not create any adverse environmental impacts relating to physical suitability of the sites or building envelopes.

**3. The design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or injure fish or wildlife or their habitat.**

The design of the Land Division and improvements will not cause substantial adverse environmental damage, or substantially injure fish or wildlife or their habitat. The development footprint impacts less than one percent of the total area of the project site, with the remainder of the area remaining in permanent open space. The areas proposed for development have been selected, and the project has been conditioned, to avoid any significant and adverse effects on streams, wetlands, or other sensitive habitat areas for special status species of plants or animals consistent with the adopted Negative Declaration of Environmental Impact.

**4. The design of the subdivision or type of improvements is likely to cause serious public health or safety problems.**

The design of the Land Division and improvements will not cause serious public health problems because there will be adequate provision of water, sewage, drainage, fire protection, and emergency vehicular services to the future residential development. The applicant has met the requirements for individual sewage disposal systems and domestic water wells consistent with Chapters 18.06 and 7.28 of the Marin County Code, respectively. Additionally, the future

development would utilize fire-resistant materials in conformance with the latest Fire Code requirements, vegetation management techniques would be incorporated to minimize fire hazards, and new landscaping and development would be restricted to designated building envelopes.

- 5. The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large for access through or use of, property within the proposed subdivision. This finding may not be made if the review authority finds that alternate easements for access or use will be provided, and that they will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record, or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to the review authority to determine that the public at large has acquired easements of access through or use of property within the proposed subdivision.**

The design of the land division and access improvements will not conflict with existing easements. The existing conservation easements and open space agreements will remain in effect and will not be diminished by the project. The project will allow for minor modifications to the existing private access easement on the neighboring Carlson property (APN 121-210-39) established in the Lands of Hoppe Parcel Map (17 PM 86) in order to continue to provide access to Parcel C-1 so that the existing solar array on APN 121-210-39 may remain in its current location.

- 6. The proposed subdivision is not consistent with all applicable provisions of this Development Code, any other applicable provisions of the County Code, and the Map Act.**

The proposed project is consistent with all applicable provisions of the Marin County Code and the Map Act as discussed in these findings. The project will incorporate conditions of approval from the Las Cumbres Master Plan and Land Division that address project design, drainage, erosion control, natural resources, grading, access, and utilities and services consistent with the requirements of the Marin County Development Code.

- VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings for Master Plan/Precise Development Plan Waiver (Marin County Code Section 22.44.040) because the Las Cumbres Master Plan and Land Division has already established development standards related to home design (including overall building size, height and location), drainage and erosion control, grading, access, and habitat protection and preservation that are incorporated into this decision. The LV Ridge Land Division application is consistent with the Las Cumbres Master Plan and Land Division, and conditions of approval from the Las Cumbres Master Plan and Land Division would be applicable to any future development on Parcels C-1 and C-2. Additionally, staff has reviewed the Tentative Map and the applicant has provided all required information for a determination that the Master Plan/Precise Development Plan can be waived for the following reasons:

- A. The project entails the creation of no more than two lots with no potential for further subdivision consistent with the Las Cumbres Master Plan and Land Division;

- B. The applicant has proposed a Tentative Map depicting private open space agreements, access easements, conservations easements, and building and sewage development envelopes consistent with the Las Cumbres Master Plan and Land Division (Tentative Map);
- C. The project has been reviewed through a previous Initial Study and it has been determined that the project is adequately served by public safety personnel and equipment; the project would not result in adverse noise, hazardous waste, or flooding; the development areas are located outside any resource protection areas and would not impact rare, threatened or endangered species; and the project would preserve views from public and private viewing points;
- D. Any future development would be subject to Design Review and evaluated at the time of application to address all current development code standards regarding structural design, drainage, erosion, grading, and landscaping; and
- E. The project does not involve Transfer of Development Rights and will extinguish any further development potential of Parcel C of the Las Cumbres Parcel Map.

**SECTION II: CONDITIONS OF PROJECT APPROVAL**

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the LV Ridge LLC Land Division 10-0119 subject to the following conditions:

Marin County Community Development Agency, Planning Division

- 1. Pursuant to Chapter 22.84 (Tentative Maps) of the Marin County Development Code, the LV Ridge LLC Land Division 10-0119 hereby approves the division of Parcel C of the Las Cumbres Land Division into Parcels C-1 and C-2.

<b>Parcel C (Existing)</b>	<b>Parcel C-1 (Approved)</b>	<b>Parcel C-2 (Approved)</b>
320 acres	115 acres	205 acres

Access to Parcel C-1 is approved to be provided from Camino Margarita. Access to Parcel C-2 is approved to be provided from Via Gonzales. Sewage disposal is approved to be provided by on-site individual septic systems and water service is approved to be the “east well” as established in the “Agreement for Use and Maintenance of Water Facilities; and Easements.” No residential development is proposed at this time and all future residential development will be considered through separate Design Review applications. The subject property is located off of Lucas Valley Road, Nicasio and is further identified as Assessor's Parcel 121-210-16.

- 2. Except as modified herein, the required Parcel Map and site improvements shall substantially conform to plans on file with the Marin County Community Development Agency, Planning Division identified as follows:
  - a. Exhibit A, “Narbut Tentative Map,” consisting of one sheet, prepared by ILS Associates, Inc., dated March 23, 2010 and revised August 6, 2010;

- b. Exhibit B, "Topographic Survey Parcel C, Building Envelope C-1, Las Cumbres Land Division," consisting of one sheet, prepared by DMG Engineering, Inc., dated January 26, 2010 and revised March 3, 2010; and,
  - c. Exhibit C, "Topographic Survey Parcel C, Building Envelope C-2, Las Cumbres Land Division," consisting of one sheet, prepared by DMG Engineering, Inc., dated November 30, 2009.
3. Pursuant to Marin County Section 22.44.040, no development, land improvements and/or building construction shall commence until Design Review is approved for the respective parcel (Parcel C-1 and/or C-2).
4. The applicant must submit Parcel Map Checking applications separately to the Community Development Agency Planning Division and to the Department of Public Works Land Use and Water Resources Division. Approval of the Parcel Map is required from the Planning Division and from Department of Public Works County Surveyor. After approval of the Parcel Map, the applicant shall file a Parcel Map with the County Recorder to record the Land Division map as approved. The required Parcel Map must be in substantial conformance with Exhibits A, B and C, including, but not necessarily limited to, the approved boundary lines, utility and access easements. Parcel Map data and form must be in compliance with provisions of Chapter 22.86 of Marin County Code. No development, land improvements and building construction shall commence until the Parcel Map is approved.
5. BEFORE RECORDATION OF THE PARCEL MAP, the applicant shall clearly and precisely define and designate on the map the area(s) on each lot to be preserved as permanent private open space in addition to the approved building envelope locations. Minor adjustments to the boundaries of the private open space area and building envelopes may be approved at the discretion of the Community Development Agency Director or through the Design Review process. Substantive changes or relocation of building envelopes approved herein shall require approval of an amendment to this approval. The applicant will list those activities and changes (for example, erosion control, grazing, and crop growing) that are permitted in the open space area(s) consistent with the previously approved activities and changes. In general, uses and activities with the private open space area shall be limited to agriculture, equestrian, and passive recreation. The designated private open space shall be maintained in an open and natural condition, with the exception that small-scale structures and other minor improvements accessory and reasonably related to the conduct or management of open space activities (for example, horse corral/shelter or small agricultural equipment shed) may also be permitted in open space areas, subject to approval of the Community Development Agency Director. Such structures or improvements may be subject to Design Review and/or an agricultural management plan. Otherwise, structural development, new roads, etc., shall be prohibited within the open space areas. Removal of existing trees or native vegetation shall be prohibited, except to comply with local and State fire safety regulations, to prevent the spread of disease as required by the County and the State Food and Agriculture Department, and to prevent safety hazards to people and property as approved by the County. The Marin County Community Development Agency has the authority to access the parcels for inspection, monitoring, and compliance purposes.
6. BEFORE RECORDATION OF THE PARCEL MAP, the Notice of Decision shall be recorded on the title of the subject property.

7. BEFORE RECORDATION OF THE PARCEL MAP, an “Additional Information” plan sheet shall be included with the plans containing these conditions of approval as well as the original Las Cumbres Master Plan and Land Division conditions of project approval.
8. Except for conveyance of land to a governmental agency, public entity, or public utility, further subdivision of Parcels C-1 and/or C-2 are prohibited consistent with the original Las Cumbres Master Plan and Land Division. This prohibition shall be written on the Parcel Map.
9. The LV Ridge LLC Land Division approval must be vested with the recordation of the required Parcel Map in compliance with all conditions of approval within three years after the date it is conditionally approved by the County of Marin. The Community Development Agency Director may administratively authorize extensions to this mandatory vesting period upon written request by the applicant and payment of the appropriate extension fee for a period not to exceed an aggregate of five years beyond the expiration date. Extension of the Land Division approval may also be permitted pursuant to applicable State laws.
10. Pursuant to California Government Code Section 66474.9(b), the County of Marin shall require that the applicant defend, indemnify, and hold harmless the County or its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers and employees to attack, set aside, void, or annul, the approval by the County of the LV Ridge LLC Land Division, which action is brought within the time period provided for in California Government Code Section 66499.37. The County shall promptly notify the applicant of any claim, action, or proceeding and the County shall cooperate fully in the defense. If the County fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
11. BEFORE RECORDATION OF THE PARCEL MAP, the applicant shall submit to the Community Development Agency, a park fee in-lieu of land dedication for future park improvements. The fees shall be determined in accordance with the provisions of Marin County Development Code Section 22.98.040 (Parkland Dedication and Fees) that provide the formula for determining the in-lieu fee based upon the fair market value of land that would otherwise be required for dedication, plus 20 percent toward costs of off-site improvements.
12. BEFORE RECORDATION OF THE PARCEL MAP, the applicant shall submit to the Community Development Agency an in-lieu participation fee for the construction of affordable housing. The fee shall be determined at the time the Parcel Map is filed in accordance with the provisions of Marin County Development Code Chapter 22.22 (Affordable Housing Regulations), which requires that proposed projects resulting in the development of two or more units or parcels shall provide 20 percent of the total number of units or parcels for the development of affordable housing. The fee shall be based on 0.40 of a full unit.

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

Parcel	Street Address
C-1	120 La Canada Road, Nicasio
C-2	5765 Lucas Valley Road, Nicasio

The applicant shall be required to erect a street sign within the 40-foot wide roadway easement clearly indicating the roadway as Via Gonzales Road consistent with the approved Parcel Map.

Development

Future development of Parcels C-1 and C-2 of the LV Ridge LLC Land Division (Tentative Map) shall be subject to the following requirements:

- 14. All future development shall be subject to Design Review and other applications mandated under County Code at the time of development processing. Roadways and utility improvements shall be subject to Improvement Plan and Grading Permit approval by the Department of Public Works.
- 15. All future development shall conform to the County's Single Family Residential Design Guidelines, the policies of the Nicasio Valley Community Plan, the Marin County Single Family Dwelling Energy Efficiency Ordinance, and other regulations in effect at the time of development processing.
- 16. Except as otherwise specified in these conditions, total structural development area within any building envelope, including garages and accessory structures, shall be limited to a potential maximum of 7,000 square feet. Actual allowed square footage in any building envelope may be less, depending on specific and design information provided in the Design Review process.
  - A. Total structural floor area in building envelope C1 is limited to a potential maximum of 3,500 square feet.
- 17. Any structure(s) located within building envelopes C2 shall not exceed a maximum height of 18 feet unless it can be conclusively demonstrated through the Design Review process (with story poles, visual simulations, etc.) that the structure(s) maintains a one-story appearance from off-site view.
- 18. Construction vehicles accessing Parcel C-1 shall utilize the existing paved roadway identified as La Canada Road and are prohibited from using the unpaved dirt ranch road.
- 19. All development shall minimize changes in topography and overall grading.
- 20. Exterior lighting shall be minimized with respect to number and light output, and shall be shielded from offsite view to the greatest extent possible.

21. All relevant Conditions of Approval for the Las Cumbres Master Plan and Land Division adopted by the Marin County Board of Supervisors under Ordinance 3449 and Resolution 2006-63 shall apply.
22. Finalized boundaries of all building envelopes shall be included in any future development plans, including a survey that clearly identifies topography, drainage, trees, and other visible natural features (e.g., rock outcroppings) located within the building envelope. The number of trees proposed for removal shall not exceed the number of each species shown in the Las Cumbres Master Plan/Tentative Map plans as proposed for removal within the building envelopes, unless the Community Development Agency Director finds that additional tree removal is warranted to develop the approved Las Cumbres Master Plan and Land Division and said work complies in all respects with the findings and conditions herein and in the approved Negative Declaration for the Las Cumbres Master Plan and Land Division.
23. BEFORE RECORDATION OF THE PARCEL MAP, the applicant shall provide information demonstrating that the certain portion of the 40-foot wide right-of-way easement recorded in Pages 243 and 244 of Book 3642 of Official Records (3642 OR 243 and 244) and depicted on the Lands of Hoppe Parcel Map (17 PM 86) that is located approximately 1,400 feet to the north and west of the intersection of Camino Margarita and La Canada Road has been modified consistent with hand-drawn revisions on the "Narbut Tentative Map." The modified access easement should closely conform to the previously established access easement providing vehicular access that utilizes the existing paved driveway of the adjoining property owner(s) to the east, commencing at the intersection of the driveway and Camino Margarita and extending to a point located approximately 500 feet from the proposed building envelope, where the existing paved driveway and existing dirt road are in close proximity (100 feet or less apart). The neighboring driveway shall serve as vehicular access to building envelope C1 to this upper point. This requirement does not supersede or otherwise invalidate Condition 15 of Board of Supervisors Ordinance 3449.
24. Measures to protect California newts (*Taricha torosa*) shall be incorporated into the design of and construction activities for the driveway to building envelope C1. Said measures shall incorporate but not be limited to: elimination of curbs, retaining walls, or other impediments to overland newt movement within 100 feet of any stream course, seasonal restrictions on construction activities, and provision of an approximately 50 foot bridge spanning both water courses where the access driveway crosses the confluence of two streams, providing clear bridge span beyond the banks of the water courses to minimize streambed and bank disturbance and allow unrestricted newt passage.
25. Development within any accessory building envelope shall clearly be accessory and subordinate to the primary building envelope for that parcel.

#### Geotechnical and drainage

26. Design Review application submittal materials for any single family residence or accessory structure, or Grading Permit application submittal, shall include a "Stability Report", prepared by a Registered Civil Engineer with soils engineering expertise or a Registered Geotechnical Engineer for review and approval by Department of Public Works staff. A detailed final soils investigation and report that includes field investigation and laboratory test with detailed information and recommendations relative to all aspects

- of grading, filling, and other earthwork, foundation design, pavement design, and subsurface and surface drainage shall be provided. The report shall direct the applicant in how to avoid unstable areas and shall include actions that will prevent structural damages to improvements, control erosion, and prevent sedimentation or damage to off-site property.
27. In accordance with Countywide Plan and Nicasio Valley Community Plan policies, mitigation emphasis shall be placed on low-impact, non structural, and location selection approaches versus structural design approaches, to minimize disruption to and impacts on existing natural features. All aspects of the roadway/driveway and residential improvements shall minimize cut and fill, grading, and overall ground disturbance.
  28. The improvement plans submitted in connection with grading and/or building permits for each dwelling shall be reviewed and approved by a Registered Civil Engineer with soils expertise or a Registered Soils Engineer in order to verify proposal feasibility, adequacy, and compliance with engineering standards. Certification shall be either by the engineer's stamp and signature on the plans or by stamped and signed letter.
  29. Design Review, Building Permit, and Grading Permit plans shall be submitted providing complete information consistent with Countywide Plan and Nicasio Valley Community Plan policies and recommended measures in the geotechnical report(s).
  30. As part of the Design Review submittals for the respective parcels, the applicants shall provide Stormwater Runoff Pollution Control plan(s) describing the proposed drainage and stormwater treatment programs for building envelopes C1 and C2, and the access roadways/driveways to those building envelopes. The level of detail in those reports shall be adequate to ensure general accordance with "Baseline Urban Runoff Control Plan for the Cities and County of Marin" (now identified as "Marin County Stormwater Pollution Prevention Program - Action Plan 2010").
  31. Before issuance of grading permits, building permits, or approval of other improvement plans, the applicant shall submit a Stormwater Pollution Prevention Plan (SWPPP) which complies with MCSTOPPPP/Phase II Attachment 4 standards and best management practices to minimize offsite runoff, address erosion control and rock stabilization provisions during construction, and provides long-term permanent erosion control mechanisms throughout the property. For example, the design of the drainage system shall meet standard civil engineering specifications in Marin County Code Sections 24.04.520 through 24.04.550, and Sections 24.04.620 through 24.04.627. Best Management Practices (BMP's) are to be in accordance with the "Baseline Urban Runoff Control Plan for the Cities and County of Marin" (now identified as "Marin County Stormwater Pollution Prevention Program - Action Plan 2010") and the "Manual of Standards for Erosion and Sediment Control Measures" of the Association of Bay Area Governments. Standards, specifications, and practices include: adequate sizing of drainage facilities to accommodate runoff and prevent erosion impacts, structurally sound design, minimize grading, linking of BMP's, and provide adequate surety for installation of improvements.
  32. For all frequency storm events up to 100-year, all project improvements shall minimize flood hydrograph peak flow or flood volume increases into drainage courses. To this end, design features including, but not limited to: porous pavement, pavers, maximizing overall permeability, drainage infiltration, disconnected impervious surfaces, swales,



biodetention, green roofs, etc., shall be integrated into all projects, including future project phases. Increases in peak flow shall be held to less than 1 (one) percent.

33. Where the project design and resulting local conditions (e.g., steep slope, soil composition and ground stability) preclude reinfiltration in the immediate area, the applicant must demonstrate through review and approval of the improvement plans that existing erosion-causing runoff-related conditions on the project parcel have been abated so as to minimize overall increases in runoff and erosion into the drainage system from the parcel. Increases in peak flow shall be held to less than 1 (one) percent.
34. Before issuance of any Design Review approval, grading permits, building permits, or approval of improvement plans, the applicant shall submit a pre-and post-project hydrology and hydraulic report detailing the amount of new impervious surface area and accompanying surface runoff from all improvement areas including driveways, to confirm that increases in peak flow shall be held to less than 1 (one) percent.
35. All components of the project design and drainage system shall be oriented to minimize changes in the hydrograph (peak level and flood volume of runoff) over existing conditions. Design elements shall include where possible detention basins, dry wells, gravel surfacing, pervious/porous paving, mitigation of existing erosive conditions related to surface runoff (for example, existing fire road erosion), and all other BMP measures as recommended by a hydrological engineer to minimize peak flows and total runoff volume.
36. Grading shall not occur in the rainy season from October 15 through April 15, unless an erosion control plan which implements best management practices is approved before the onset of the rainy season by the Department of Public Works, for limited work items to prevent erosion and downslope transport of sediments. This plan shall be included in the grading permit or building permit plans submitted to the Department of Public Works, Land Use and Water Resources Division for their review and approval.
37. The location of all pipelines and utilities shall be selected to minimize site disturbance and maximize restoration after disturbance. To that end, existing road cuts shall be used for utilities wherever possible, trenches or other disturbances shall be located to go around tree groves or other sensitive natural habitat, equipment shall be used to create trenches and install utilities that minimizes overall disturbance, and a protection and restoration plan shall be developed for each utility site, with site-specific measures for achieving the above.
38. The location of all pipeline routes, appropriate water line easements, and water distribution pipes shall be shown and easements and agreements shall be recorded concurrent with the Parcel Map.
39. All utilities shall be undergrounded.
40. Before issuance of any grading permits, building permits, or approval of Improvement Plans, the applicant shall submit detailed roadway/driveway improvement plans, including profiles, centerline slopes, cross-sections with cut-and-fill detailed, retaining wall plans including complete elevations, turnouts and emergency vehicle turnarounds. Road improvements shall be designed to minimize cut and fill, grading, and overall

ground disturbance wherever feasible. Design of the driveways/roadways shall meet standard civil engineering specifications in Marin County Code, and shall incorporate Best Management Practices. This plan shall be submitted to the Department of Public Works, Land Use and Water Resources Division for their review and approval.

41. Ongoing maintenance of the portion of the roadway outside of the private common roadways shall be the applicant's (and future property owner's) responsibility. The project sponsor shall submit a maintenance agreement(s) that provides for the ability of the drainage and roadway improvements to be maintained by the associated parcels, to be provided to the Department of Public Works for review and approval (when in acceptable form). The agreements shall be recorded concurrent with the Parcel Map.
42. Prior to recordation of the Parcel Map, the project sponsor shall sign and record an agreement running with the land in a form acceptable to the County that permanently and irrevocably binds the property owners to pay their proportionate share of common private road maintenance expenses.
43. All improvements shall conform to Title 24 of the Marin County Code or as approved by the Department of Public Works and the Fire Department. For all new roadway or driveway sections, plans must show the profile, cross section, slope, drainage, and intersection approaches. Written approval from the Fire Department must be obtained prior to issuance of building or grading permits.
44. The current condition of any existing paved roadways shall be documented prior to initiating any permitted work. A condition report shall be prepared by a qualified civil engineer, with photographic information, and submitted to the Department of Public Works prior to initiating construction. Any damage caused by construction shall be repaired at the applicant's expense prior to final approval.
45. The landscape plan shall incorporate predominantly fire-resistive, native, and drought tolerant plant species.
46. Any new water tanks installed to serve new development shall be screened with respect to location, color, vegetation, and other effective screens to minimize visual impacts.
47. If archaeological resources are discovered during grading, trenching, or other construction activities all work at the site shall stop immediately, and the project sponsor shall inform the Marin County Environmental Coordinator of the discovery. A registered archaeologist, chosen by the County and paid for by the project sponsor, shall assess the site and shall submit a written report to the Marin County Community Development Agency Director advancing appropriate mitigations to protect the resources discovered. No work at the site may recommence without approval of the Director. All future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the Director.
48. Any changes or additions to the project shall be submitted to the Community Development Agency - Planning Division for review to determine whether a Master Plan Amendment is required.

Marin County Department of Public Works (DPW)

49. Improvement plans shall be prepared in accordance with Article-VI of the Marin County Development Code and must conform to Title 24 (Development Standards) of the Marin County Code, or as approved by the Department of Public Works.
50. Prior to any development plans for the sites (grading and/or building permits) a geotechnical stability report shall be required. The report shall not only address standard geotechnical site conditions for building construction, but also shall include evaluation and mitigation of any land slides that may potentially impact current and future site improvements.
51. Except as otherwise established in these Conditions of Approval, all future site improvements shall conform to the Conditions of Approval established under the Las Cumbres Master Plan 05-01 and Land Division 00-7, passed and adopted on May 16, 2006.

Environmental Health Services Division

52. BEFORE RECORDATION OF THE PARCEL MAP, the applicant will be required to describe/depict how water will be served to Parcels C-1 and C-2, and obtain one or more domestic water permits.

Marin County Fire Department

Access

53. Access roads and driveways must meet Marin County Title 24 standards and California Code Regulations, Title 14, Sections 1270, 1276. Roads and driveways must meet minimum widths, slope, surface, turnarounds.
54. Marin County Fire Department (MCFD) approval for gates on the access road and/or driveway, including provision of a Knox rapid entry system if the gate is locked in any fashion, is required PRIOR TO FRAMING INSPECTION, to ensure compliance with Fire Department standards.
55. Defensible space and fire apparatus clear zone is required along access roads and driveways. Vegetation shall be cleared to a minimum of 15 feet vertically (no exceptions) and 10 feet horizontally (no exceptions first 5 feet).

Addressing

56. Numbers must be posted at the intersection of the road and driveway to each structure and on the structures themselves. Numbers are to be a minimum of 4 inches in height with a 3/8 inch stroke, on a sharply contrasting background, and shall be installed prior to MCFD final inspection and approval.

## Defensible Space

57. A defensible space zone meeting the MCFD standards is required for all structures, and must be in place PRIOR TO FRAMING. The specific requirements for each zone are available from the MCFD. Annual maintenance is required. Trees shall not be planted in a location where they may eventually contact overhead power lines. The minimum defensible space zone required is:
- |             |             |
|-------------|-------------|
| 75' to 100' | Down slope  |
| 50' to 75'  | Cross slope |
| 30' to 50'  | Up slope    |
58. All chimney openings must have an approved spark-arresting screen with openings of not more than ½ inch.

## Fire Protection Water Supply

59. A minimum fire water supply of 10,000 gallons per residence must be in place and tested PRIOR TO FRAMING. A temporary water supply may be acceptable, subject to the written approval of MCFD. Plans for the tank and water system must be submitted to the fire department and include required construction details. Two single wharf head hydrants are required to supply water in the event of a fire to the three structures. If the water system is not operational when framing begins, provisions must be made for an acceptable temporary water supply. Maintenance of the tank and water supply system shall be the permanent responsibility of the property owners. An agreement running with the land and guaranteeing permanent maintenance of the water tank and supply system must be received by the County and found to be acceptable prior to issuance of any building permits.
60. All new residences shall be equipped with an automatic sprinkler system. Sprinklering systems are to be reviewed and approved by the Community Development Agency - Building Division.

## Propane tanks

61. Any Liquid Propane Gas tanks must be installed at least 20 feet from any structure, and at least 10 feet from the driveway and roads. Seismic bracing, automatic earthquake shutoff, and defensible spacing requirements must be followed. County standards for location, installation, and maintenance of and around any Liquid Petroleum Gas tanks must be detailed on the building permit plans and receive approval with those plans.

**SECTION III: VESTING AND APPEAL RIGHTS**

NOW, THEREFORE, BE IT RESOLVED that the LV Ridge LLC Land Division (Tentative Map) shall be valid for a period of 3 years from the date of the adoption of this resolution (until January 13, 2014). The LV Ridge LLC Land Division (Tentative Map) shall be vested by filing and recording a Parcel Map and related bonds and improvement agreements with the County Surveyor in compliance with Chapter 22.86 of the Marin County Code. Extensions of time not to exceed a maximum of five (5) one-year extensions may be granted by the Community Development Agency Director pursuant to Marin County Code Section 22.84.140 upon written request by the subdivider and payment of the appropriate extension fee at least 30 days before the date of expiration of the approval or previous extension.

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 January 27, 2011.**

**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 13<sup>th</sup> day of January, 2011.

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JEREMY TEJIRIAN  
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

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Joyce Evans  
DZA Secretary