



**STAFF REPORT TO THE MARIN COUNTY DEPUTY ZONING ADMINISTRATOR**

**ESTERO MUTUAL WATER COMPANY COASTAL PERMIT,  
USE PERMIT, AND DESIGN REVIEW,**

Item:	2	Project ID:	2010-0276
Applicant:	Jan Lee	Owner:	Estero Mutual Water Company
Property Address:	100 Ocean View Drive, Dillon Beach	Assessor's Parcel:	100-100-58
Hearing Date:	August 25, 2011	Planner:	Neal Osborne

<b>RECOMMENDATION:</b>	<b>Approve with Conditions</b>
<b>APPEAL PERIOD:</b>	<b>Five working days to the Planning Commission</b>
<b>LAST DATE FOR ACTION:</b>	<b>September 6, 2011</b>

**PROJECT DESCRIPTION:**

The project is a proposal to install a 246,000-gallon, 42-foot diameter, 24-foot tall steel water tank on a 15.02-acre lot to replace a leaking 226,000-gallon steel tank in use for the Oceana Marin Subdivision's domestic water supply. The new tank would be located adjacent to the existing tank on a new concrete pad constructed on a level area at the same elevation as the existing pad that would be created by excavating 210 cubic yards of soil. The excavated soil would be distributed downslope from the pad and planted with native plants collected before site disturbance. The project site is surrounded by wire fences and contains a pump house, pressure tank, and reservoir.

**GENERAL INFORMATION:**

Countywide Plan

Land Use Designation: C-AG1 (Coastal, Agriculture, one unit per 30 acres to 60 acres)

Zoning: C-APZ-60 (Coastal, Agricultural Production Zone, one unit per 60 acres maximum density)

Lot size: 15.02 acres

Adjacent Land Uses: Agricultural grazing, North Marin Water District sewage treatment ponds, Dominguez Water Company well

Vegetation: Coastal prairie dominated by perennial tufted hairgrass, iris, and coyote brush

Topography and Slope: On the top of a knoll with moderate 5% to 15% slopes towards the northwest, west, east, and southeast

Environmental Hazards: Proximity to the San Andreas and Rodgers Creek Fault Zones

## **ENVIRONMENTAL REVIEW:**

The Environmental Coordinator determined that this project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15302, Class 2(c) of the CEQA Guidelines. The project is exempt because it is the replacement of an existing water tank with a tank of similar size and location that would result in minor amounts of grading, vegetation removal, and no potentially significant impacts on the environment.

## **PUBLIC NOTICE:**

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and giving the public hearing date in accord with California Government Code requirements. This notice has been mailed to all property owners within 600 feet of the subject property. No comments have been received by staff in response to the public notice for the proposed project.

## **PLAN CONSISTENCY:**

The project is consistent with the goals and policies of the Marin Countywide Plan and the Local Coastal Program Unit II because the project consists of the replacement of a leaking water tank with a new water tank where it would have minor effects on coastal resources and would be compatible with surrounding land uses. Please refer to the project analysis and recommended resolution for detailed findings.

## **PROJECT ANALYSIS:**

The project is a proposal to install a new steel water tank to replace the existing steel water tank adjacent to the north for continued supply of domestic water to the Ocean Marin Subdivision. The primary issues are vegetation removal and grading.

### *Vegetation Removal and Grading*

The project would involve approximately ¼-acre of site disturbance for construction access and excavation of the water tank pad at an elevation of 343 feet. Approximately 210 cubic yards of excavation and balanced fill would create a level pad within the top of the existing knoll. The project site contains coastal prairie vegetation and also exotic species based on the botanical surveys completed by Joan Schwan (refer to Attachment 10). No special status species were found within the area of propose site disturbance. One plant species found in the vicinity, the harlequin lotus (*Lotus formosissimus*), is on the California Native Plant Society's watch list (List 4.2: limited distribution and fairly endangered in California). However, most regulatory agencies do not characterize this species to be a special status species. One harlequin lotus plant was observed within the area of proposed grading with thousands more on the project site to the south. The botanist recommends that ground disturbance should be limited to smallest area possible and that the harlequin lotus plant should be collected and protected along with other perennial plants and native seeds from the site.

The applicant has stated the willingness to work with a local native plant nursery to collect perennial plants and native seeds from the site for propagation at the nursery for use in revegetation of the site after construction of the tank. However, Sheet One of Exhibit A has a note (item 13) in the Erosion

Control Notes to hydroseed with *Bromus mollis*, *Trifolium hirtum*, *Achillea millefolium*, *Eschscholzia californica*, *Linum lewisii*, and *Lupinus succulentus*. Instead of hydroseeding as indicated with this note, staff recommends planting the fill and cut banks with native perennials including harlequin lotus and germinated seeds that have been collected from the site. Accordingly, staff recommends conditions of approval stipulating that before any site disturbance and grading activities occur, the native plants and seeds shall be collected and maintained at a native plant nursery. After grading is complete, the collected native plants shall be returned to the site and planted within the disturbed soil areas. Staff recommends that the current tank will be removed and the tank recycled, and the pad area restored with native vegetation.

### *Community Comments*

The Oceana Marin Association reviewed the project proposal and has no objections. (refer to Attachment 11). No additional comments have been received.

### *Exterior Color*

The exterior of the water tank would be painted Sky Blue, a subdued light gray/blue color that would blend into the surroundings.

### **RECOMMENDATION:**

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and approve the Estero Mutual Water Company Coastal Permit, Use Permit, and Design Review for a replacement water tank based on the findings and subject to the conditions contained in the attached resolution.

- Attachments:
1. Proposed resolution recommending approval of the Estero Mutual Water Company Coastal Permit, Use Permit, and Design Review
  2. CEQA Categorical Exemption
  3. Assessor's Parcel Map
  4. Record of Survey
  5. Site Plan, Vicinity Map, and Notes
  6. Plan View and Section
  7. Michel Jeremias, DPW, Land Development memorandum, 7/29/11
  8. Scott Callow, CDA Environmental Health services memorandum, 6/16/11
  9. Jan Lee, Estero Mutual Water Company letter, 6/2/11
  10. Joan Schwan, Prunuske Chatham, Inc. Follow-up Botanical Survey Results and Botanical Survey Results, 6/1/11 and 10/26/10
  11. Richard Kapash, Oceana Marin Association letter, 9/29/10
  12. John Brezina, Estero Mutual Water Company Permit Application Statement, Site Photographs, and Topographic Map, 9/2/10
  13. Dennis H. Furby, Preliminary Geotechnical Evaluation, 8/13/10

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**MARIN COUNTY DEPUTY ZONING ADMINISTRATOR**

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

**A RESOLUTION APPROVING  
THE ESTERO MUTUAL WATER COMPANY COASTAL PERMIT,  
USE PERMIT, AND DESIGN REVIEW  
PROJECT ID: 2010-0276**

**ASSESSOR'S PARCEL 100-100-58**

**100 OCEAN VIEW DRIVE, DILLON BEACH**

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**SECTION 1: FINDINGS**

- I. WHEREAS, the project is a proposal submitted by Jan Lee, on behalf of the Estero Mutual Water Company, to install a 246,000-gallon, 42-foot diameter, 24-foot tall steel water tank on a 15.02-acre lot to replace a leaking 226,000-gallon steel tank in use for the Oceana Marin subdivision domestic water supply. The new tank would be located adjacent to the existing tank on a new concrete pad constructed on a level area at the same elevation as the existing pad that would be created by excavating 210 cubic yards of soil. The project site is surrounded by wire fences and contains a pump house, pressure tank, and reservoir. The subject property is within the C-APZ-60 zoning district and is located at 100 Ocean View Drive, Dillon Beach, further identified as Assessor's Parcel 100-100-58.
- II. WHEREAS, the Marin County Deputy Zoning Administrator held a duly noticed public hearing on August 25, 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 Deputy Zoning Administrator finds that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA), per Section 15302, Class 2(c) of the CEQA Guidelines because it is the replacement of a water tank for the Estero Mutual Water Company adjacent to an existing leaking tank that would not result in adverse grading, vegetation removal, or other potentially significant impacts on 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 proposed project would result in the replacement of a leaking water tank for use of the Oceana Marin subdivision in an agricultural area consistent with the uses allowed under the governing C-AG1, Coastal Agriculture Countywide Plan land use designation.
  - B. The proposed project would comply with governing development standards related to grading, flood control, drainage and utility improvements as verified by the Department of Public Works.

- C. The proposed project would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or their services.
  - D. The proposed project would minimize soil disturbance and maximize protection of natural vegetation, wetlands, and drainage courses.
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings for Coastal Permit approval pursuant to the requirements and objectives of the Local Coastal Program, Unit I (§22.56.130I of the Marin County Code) as described below

A. Water Supply:

The Community Development Agency, Environmental Health Services Division staff determined that the public water system of the Estero Mutual Water Company is currently regulated by the California Office of Drinking Water. The tank replacement is needed to not only reduce water loss from leaks, but associated inlet and outlet design improvements will also improve disinfectant contact times to better meet design standards under the Surface Water Treatment Rule.

B. Septic System Standards:

The project does not include a septic system.

C. Grading and Excavation:

The project site has a moderate 14% slope and grading is proposed for 210 cubic yards of excavation that would be balanced on site over a total area of 9,063 square feet. The excavation would occur for installation of a concrete pad and water tank foundation. All grading and excavation work would be subject to the review and approval of the Department of Public Works, Land Development Division, to ensure consistency with Marin County requirements.

D. Archaeological Resources:

Review of the Marin County Archaeological Sites Inventory indicates that the subject property is not located in an area of archaeological sensitivity. However, the small grading could disturb unknown cultural resources. A project condition of approval requires that in the event cultural resources are discovered during construction, all work shall stop immediately and the services of a qualified consulting archaeologist shall be engaged to assess the value of the resource and to develop appropriate protection measures.

E. Coastal Access:

The project is located more than 3/4-mile inland of the Pacific Ocean at an elevation of approximately 340 feet and would not impede coastal access.

F. Housing:

The proposed project would not result in the removal of any residential units and would not affect the availability of affordable housing within the Dillon Beach community.

G. Stream Conservation Protection:

The project site is not located near a creek or in an area subject to the streamside conservation policies of the Marin Countywide Plan or Local Coastal Program.

H. Dune Protection:

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

I. Wildlife Habitat:

The Natural Resources Map for Unit II of the Local Coastal Program indicates that the subject property is not located in an area of sensitive wildlife resources. Also, review of the California Natural Diversity Data Base, prepared by the State Department of Fish and Game, indicates that the subject property is not located in an area of sensitive resources.

J. Protection of Native Plant Communities:

The Natural Resources Map for Unit II of the Local Coastal Program indicates that the subject property is located in an area containing rare plants associated with coastal prairie. A review of the California Natural Diversity Data Base, prepared by the State Department of Fish and Game, indicates that the subject property is located in the habitat area for 30 special-status species. Botanical surveys were completed in October 2010, April 2011, and May 2011 by Joan Schwan, M.S. Vegetation Ecologist with Prunuske Chatham, Inc. and Doreen Smith of the California Native Plant Society (CNPS). The dominant species at the project site is native perennial tufted hair grass (*Deschampsia cespitosa* var. *holciformis*) and iris (*Iris douglasiana* and *Iris macrosiphon*). The spring surveys found one plant species on the CNPS watch list (List 4.2) – the harlequin lotus (*Lotus formosissimus*). One individual was located in the northwestern portion of the project site, several within 15 feet, and thousands were observed nearby. The applicant has stated a willingness to hire a local native plant nursery to collect perennial plants and native seeds from the project site for propagation at the nursery and use in site restoration after construction. This will be required as a condition of project approval. The affected harlequin lotus plant would be included in this effort and transplanted at the site after construction of the new tank and removal of the old tank. With the implementation of these project components and conditions of approval, the project would not have an adverse impact on the habitat of native plant communities.

K. Shoreline Protection:

The subject property is not adjacent to the shoreline, and the proposed project would not result in adverse effects to the shoreline. The project would not require additional shoreline protection.

L. Geologic Hazards:

The project site is not located within the Earthquake Study Zone along the San Andreas Fault Zone but would be subjected to strong ground shaking during a proximate seismic event. The applicant submitted a geotechnical evaluation prepared by Dennis h. Furby, PE

that determined the project to be feasible and safe if constructed with properly engineered structural components.

M. Public Works Projects:

The proposed project would replace a leaking 226,000 water tank with a new 246,000-gallon water tank for the Estero Mutual Water Company domestic water supply for the Oceana Marin subdivision and would utilize existing access roads and existing water distribution infrastructure.

N. Land Division Standards:

No land division is proposed as part of this project.

O. Visual Resources:

The project would be located in the northwest portion of the property 15 feet south of the existing water tank to be removed. The new water tank would be comparable in size to the existing tank, and would not result in substantial new visual effects from public vantage points. The nearest residential properties are located a quarter more to the west on the opposite side of the hill and would not see the water tank from their properties. The visual effect is not found to be adverse and would be comparable to the visual effects of the existing tank. The exterior color of the tank would be a subdued light gray/blue.

P. Recreation/Visitor Facilities:

The project site is governed by C-APZ-60 (Coastal, Agricultural Production Zone) zoning regulations that allows for water utility facilities with a Use Permit. The project would have no affect on recreation or visitor facilities.

Q. Historic Resource Preservation:

The existing water tank was constructed for the Oceana Marin subdivision in the 1960s and is not historically significant.

VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project, as modified herein, is consistent with the mandatory findings to approve a Use Permit (Section 22.88.020.3 I of the Marin County Code), as specified below:

**A. The establishment, maintenance or conducting of the use for which a use permit is sought will not, under the particular case, be detrimental to the health, safety, morals, comfort, convenience, or welfare of persons residing or working in the neighborhood of such use and will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvement in the neighborhood.**

The water tank is for a public utility company, the Estero Mutual Water Company, which provides domestic water supply for the Oceana Marin subdivision. A public utility water tank use is listed as conditionally permitted pursuant to Marin County Code Sections 22.88.010.2 I and 22.57.033(17) I in the C-APZ-60 zoning district.

The project would be compatible with other surrounding land uses, would minimize visual impacts, and is necessary for the public health, safety, and welfare.

The project would not result in potentially adverse impacts regarding additional land disturbance, additional impermeable surface area, visual impacts, traffic, or noise.

The grant of the proposed Use Permit for the replacement water tank would conserve water and improve overall efficiency of the provision of clean domestic water to the Oceana Marin subdivision. The water tank would not be detrimental to the public health, safety, convenience, or welfare of the County, or injurious to the property or improvements in the neighborhood.

VII. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings for Design Review approval (Section 22.82.040I) of the Marin County Code) as described below

The project is consistent with the required findings cited above because the water tank would result in a structure with height and bulk proportionately appropriate to the site and would provide adequate setbacks from property lines and other buildings on surrounding properties. Construction of a water tank for the Estero Mutual Water Company service to the Oceana Marin subdivision would conform to conditionally permitted uses in the zoning district that governs the subject property and would be situated solely on the subject property. The proposed water tank would minimize drainage alterations, grading and excavation, and other potentially adverse physical effects on the natural environment. Finally, the design of the proposed water tank would be compatible with the surroundings, would respect the surrounding natural environment, and would not adversely affect views from other properties in the vicinity.

## **SECTION 2: ACTION**

NOW, THEREFORE, LET IT BE RESOLVED, that the Deputy Zoning Administrator approves the Estero Mutual Water Company Coastal Permit, Use Permit, and Design Review (Project ID: 2010-0276), for the construction of a 246,000-gallon water tank to replace an existing 226,000-gallon water tank at 100 Ocean View Drive, Dillon Beach, pursuant to Marin County Code Sections 22.56.130 Interim, 22.88.010.2 Interim, and 22.82.040 Interim.

## **SECTION 3: CONDITIONS OF PROJECT APPROVAL**

1. The approved project shall substantially conform to plans on file in the Marin County Community Development Agency, Planning Division, identified as Exhibit A, "Notes, Details and Cover Sheet Lands of Estero Mutual Water Company, Water Tank Site, APN 100-100-58, Dillon Beach, California," consisting of two sheets prepared by Steven J. LaFranchi & Associates, Inc. Civil Engineers ~ Land Surveyors ~ Land Planners date stamped received June 6, 2011.

The approved exterior light gray/blue color shall substantially conform to the with color sample which is identified as "Exhibit B," on file with the Marin County Community Development Agency.

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

2. BEFORE COMMENCEMENT OF SITE DISTURBANCE, the applicant shall submit a detailed Native Vegetation Protection and Restoration Plan to the CDA Planning Division for review and



approval consistent with the recommendations in the Botanical Surveys prepared by Joan Schwan of Prunuske Chatham, Inc. The plan shall specify the procedures and timing of native plant and seed collection from the project site, storage and germination at a native plant nursery, and restoration of the disturbed soil areas with these native plants after construction of the new water tank and removal of the old water tank. The Restoration Plan shall include a provision for long-term monitoring and reporting to the CDA Planning Division regarding the success and management of the revegetation work completed.

3. BEFORE COMMENCEMENT OF SITE DISTURBANCE, the applicant shall submit a detailed plan to the CDA Planning Division for review and approval that indicates additional silt fences around the perimeter of the area of site disturbance and the areas of construction equipment staging and access. After approval of the fence plan, the applicant shall install the fence pursuant to the plan and submit photographs to the CDA Planning Division to verify installation.
4. BEFORE COMMENCEMENT OF SITE DISTURBANCE, the applicant shall obtain a County of Marin Building Permit or submit a copy of an issued Permit to Construct from the California Department of Public Health, Public Water Supply Division or other state permitting agency as appropriate to the CDA Planning Division.
5. BEFORE COMMENCEMENT OF SITE DISTURBANCE, the applicant shall submit revised plans that indicate accurate topography to verify existing and finished grades proposed and the areas of native plant restoration indicated. The revised plans shall include four elevation drawings and sections at ¼-inch equals one foot scale to verify the height and tank diameter. The revised plans shall also indicate the location of Assessor's Parcel 100-100-32.
6. BEFORE COMMENCEMENT OF SITE DISTURBANCE, the applicant shall submit verification of access rights for the portion of the existing driveway on the Saint Anthony's Monastery property.
7. BEFORE COMMENCEMENT OF CONSTRUCTION, the applicant shall protect the access driveway and construction staging areas from erosion with placement of gravel or other materials based on standard Best Management Practices.
8. BEFORE CLOSE-IN OR FINAL INSPECTION, the applicant shall submit a certification letter from a licensed land surveyor that verifies the maximum height does not exceed 24 feet above finished grade (368 feet asl).
9. Within 60 days of the new water tank receiving final inspection approval and becoming operational, the existing water tank shall be removed from the site and recycled at an approved recycling facility. The applicant shall provide written verification to the CDA Planning Division from the appropriate state agency that final inspection approval has been obtained for construction of the new tanks, and verification that the old tank has been recycled.
10. Within 30 days after removal of the old water tank from the site, the applicant shall install all replacement vegetation to all the disturbed soil areas and schedule an inspection with the CDA Planning Division. Based upon the staff observations of the site conditions during this inspection, additional site remediation work may be required to further stabilize disturbed soil areas, improve driveway conditions, minimize erosion, and provide additional native plants.
11. Exterior lighting shall be permitted for safety purposes only and shall be manually operated, low intensity, hooded, and directed downward to minimize visual effects. No exterior lighting is approved on the water tank.

12. Construction activity is only permitted during the dry season of May through September 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.
13. 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.
14. The applicant/owner hereby agrees to defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul the approval of the water tank replacement, for which action is brought within the applicable statute of limitations.
15. 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.
16. Utility extensions or connections shall be underground.
17. The applicant shall be responsible for ensuring that the number of construction vehicles is limited to the minimum number necessary to complete the project.
18. If archaeological resources are discovered during site preparation or construction, all work at the site shall stop and the applicant shall contact the Marin County Environmental Coordinator. A registered archaeologist, chosen by the County and paid for by the applicant, shall assess the site and shall submit a written report to the Community Development Director advancing appropriate mitigations to protect the resources discovered. No work at the site may recommence without approval of the Community Development Director. All future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the Community Development Director. If the report identifies significant resources, amendment of the permit may be required to implement mitigations to protect resources.
19. This Use Permit is subject to revocation procedures in the event any of the terms of this approval are violated or if the uses are conducted or carried out in a manner so as to adversely affect the health, welfare, or safety of persons residing or working in the neighborhood.

Department of Public Works

Based on Government Code Section 53091(d), the applicant is not required to apply for a Building Permit from the County of Marin. The applicant is responsible for complying with all other state agencies regulations. If the applicant decides to have Marin County be the reviewing agency, the following information shall be provided and addressed.

20. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall satisfy the following:

- a. Provide the area (SF) of site disturbance on the site plan.
- b. The site plan shows a 1% slope away from the proposed tank foundation, we recommend that the grading and drainage along the foundation comply with 2007 CBC 1803.3, which state drain 5% away from the structure for a minimum of 10-feet. If perimeter drains are installed provide erosion protection at the outfall of the perimeter drain dispersion.
- c. No title report was provided, if there are any existing easement plot them on the site plan.
- d. Note that all construction plans submitted to the county pursuant to any permit application shall consider the potential for erosion and sedimentation at the construction site and shall comply with 24.04.625 and 24.04.627.
- e. To minimize slope bank disturbance and prevent erosion, we recommend that the proposed silt fence shown on sheet 2, be relocated away from the reservoir top of bank.

**SECTION 3: VESTING, PERMIT DURATION, AND APPEAL RIGHTS**

NOW, THEREFORE BE IT RESOLVED that the applicant must vest the Estero Mutual Water Company Coastal Permit, Use Permit, and Design Review (Project ID 2010-0276) approval by obtaining a Building Permit or other required construction permits from the California Department of Public Health, Public Water Supply Division. The applicant shall substantially complete all work pursuant to the conditions of approval before August 25, 2013, or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 30 days before the expiration date and the Community Development Director approves it.

NOW, THEREFORE BE IT FURTHER RESOLVED that this Use Permit shall be valid in perpetuity unless the conditions of approval are violated, in which case the Use Permit may be revoked.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Planning Commission. A Petition for Appeal and a \$600.00 filing fee must be submitted in the Community Development Agency, Planning Division, Room 308, Marin County Civic Center, San Rafael, no later than 4:00 p.m. on September 1, 2011.

**SECTION 4: DECISION**

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 25<sup>th</sup> day of August, 2011.

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JEREMY TEJIRIAN  
DEPUTY ZONING ADMINISTRATOR

Attest:

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Joyce Evans  
Deputy Zoning Administrator Secretary

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