

**MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DIVISION**

M E M O R A N D U M

TO: Marin County Planning Commission

FROM: Johanna Patri, AICP, Senior Planner

RE: **Item No. 8: February 28, 2005, Planning Commission Agenda
Ratification of Resolution Conditionally Approving the Moritz Master Plan Waiver Request,
Coastal Permit, Design Review and Use Permit Applications
5675 Horseshoe Hill Road, Bolinas
Assessor's Parcel 188-090-13**

DATE: February 23, 2005

On January 24, 2005, the Planning Commission conducted a public hearing and considered public testimony regarding the proposed Moritz Master Plan Waiver Request, Coastal Permit, Design Review and Use Permit. Following the close of the public hearing and consideration of the administrative record, the Commission expressed their intent to approve the project and voted to direct staff to prepare a revised Resolution supporting conditional approval of the project and a revised Easement based on testimony received at the January 24, 2005 hearing. All revisions are shown in strike-through and underline text.

Attached for the Planning Commission's consideration are a revised Resolution conditionally approving the Moritz Master Plan Waiver Request, Coastal Permit, Design Review and Use Permit Applications, a revised Agricultural Conservation and Production Easement and Declaration of Restrictions for recommendation to the Board of Supervisors, and a revised Moritz Agricultural Worker Housing Deed Restriction.

The proposed substantive changes made in the revised Resolution and Easement from the January 24, 2005 staff report consist of the following:

RESOLUTION

Section I: Findings

Finding I (Page 1)

The size of the existing single-family residence to be converted to a guesthouse has been revised to 1,410 square feet to reflect the size of the structure as measured by the owner's architect.

Finding IX (I) (Page 6)

Reference to the potential presence of salmon and steelhead within Pine Gulch Creek, located on the "Lands of the Bolinas Community Public Utility District" has been added.

Finding X (Page 7)

Design Review Finding A. relating to the consistency of the project to relevant policies of the Countywide Plan, the Local Coastal Program, Unit I, and the Bolinas Community Plan has been added.

Finding XIII (Page 10)

All references to the requirement that the owners must designate the new residence as their principal place of residency during the remaining term of the Williamson Act contract, as evidenced by the filing of a Homeowner's Tax Exemption with the County have been removed.

SECTION II: CONDITIONS OF PROJECT APPROVAL

CONDITION 3

The requirement that the Agricultural Production and Stewardship Plan shall establish sustainable grazing practices on the Moritz property and shall extend to the "Lands of the Bolinas Community Public Utility District (BCPUD) so long as the owners of the Moritz property exercises grazing rights over the BCPUD lands has been added.

CONDITION 24

This condition has been modified to require the preparation of a Stream Conservation Area Stewardship Plan (SCASP) for Pine Gulch Creek subject to the review of the Marin County Community Development Agency, after consultation with the Marin County Department of Public Works, Creek Naturalist and the Bolinas Community Public Utility District.

In consultation with the Marin County Department of Public Works Creek Naturalist, this condition has been modified to prohibit the grazing of animals within a minimum 30-foot buffer zone from the top of the creek bank.

Furthermore, the revised condition requires that the SCASP shall be implemented prior to final inspection of the new single-family residence.

Condition 25 (b.)

Condition 25 (b.) requiring the owners to record with the County a Homeowner's Tax Exemption has been eliminated.

EASEMENT

RECITALS

ITEM 2 (B) (2): AFFIRMATIVE RIGHTS AND INTERESTS CONVEYED TO GRANTEE (PAGE 4)

The words, "on an annual basis" have been added to clarify that monitoring will be performed on an annual basis.

Item 2 (d): Affirmative Rights and Interests Conveyed to Grantee (Page 5)

This item has been clarified to reflect that the monitoring is to be paid by the Owners “not to exceed eight hours per annual monitoring event”.

Item 5, Paragraph 1: Baseline Data (Page 6)

The meaning of this paragraph has been revised to indicate that the Baseline Data will be prepared within one year after the recording of the Easement. The words, “a qualified biologist, range management specialist, or other qualified specialist approved by the Grantee” have been added and that the cost of preparing the Baseline Documentation Report by the Grantor shall not exceed \$7,500.00.

The requirement that the Baseline Data shall include an overall assessment of the trees within the oak woodlands has been eliminated on the basis that this amount of detailed information regarding the conditions of the trees within the Preservation Zone is not within the scope of a “Baseline Documentation Report”.

Item 8, Paragraph 1: Agricultural Production and Stewardship Plan (Page 7)

The proposed revision that the Grantors shall consult with the Marin Resource Conservation District in preparing the Agricultural Production and Stewardship Plan (APSP) is based on the recommendation of the Marin County Department of Public Works Creek Naturalist.

The proposed addition that the APSP shall incorporate the Stream Conservation Area Stewardship Plan required by the conditional approval of the project is to assure consistency between the two documents.

Item 8, Paragraph 2: Agricultural Production and Stewardship Plan (Page 7)

The language has been simplified with the intent that the Grantee and Grantors shall “consult with relevant experts such as the staff of the University of California Cooperative Extension, the Marin Resource Conservation District and the Marin County Agricultural Advisory Committee” for resolution of any conflict that may arise during the preparation of the APSP. Should a resolution not be forthcoming between the two parties, the disagreement will be subject to mediation pursuant to Item 9, Mediation.

Exhibit D: Prohibited Uses and Practices: Item 12 (d) (Page D-2)

In consultation with the Marin County Department of Public Works Creek Naturalist, this item has been revised so that grazing of animals is prohibited within a minimum 30-foot buffer zone from the top of the creek bank of Pine Gulch Creek and that grazing of animals shall comply with all provisions of the approved Agricultural Production and Stewardship Plan required in Item 8 of the Easement.

RECOMMENDATION

Staff recommends that the Marin County Planning Commission review the revised Resolution, the revised Agricultural Conservation and Production Easement and Declaration of Restrictions, and the revised Deed Restriction and: (1) conduct a continued public hearing limited to the revisions to the proposed Resolution, Agricultural Conservation and Production Easement and Declaration of Restrictions and Deed Restriction; (2) conditionally approve the Moritz Master Plan Waiver, Coastal Permit, Design Review and Use Permit applications; and (3) recommend approval to the Board of Supervisors of the Agricultural Conservation and Production Easement and Declaration of Restrictions.

ATTACHMENTS

1. Revised Resolution Approving with Conditions the Moritz Master Plan Waiver, Coastal Permit, Design Review, and Use Permit Applications
2. Draft Mortiz Deed of Agricultural Conservation and Production Easement and Declaration of Restrictions

3. Moritz Agricultural Worker Housing Deed Restriction
4. Cela O'Connor letter, February 14, 2005

MARIN COUNTY PLANNING COMMISSION

RESOLUTION _____

A RESOLUTION APPROVING WITH CONDITIONS
THE MORITZ MASTER PLAN WAIVER,
COASTAL PERMIT, DESIGN REVIEW, AND USE PERMIT APPLICATIONS
5675 HORSESHOE HILL ROAD, BOLINAS
ASSESSOR'S PARCEL 188-090-13

SECTION I: FINDINGS

I. WHEREAS, the applicant, Fernau and Hartman, Architects, on behalf of the property owners, Michael Moritz and Harriet Heyman, is proposing to construct a new 2,996 square foot single-family residence with approximately 1,230 square feet of porch area and a 979 square foot detached garage and storage structure on a oak woodland knoll upslope and south of the existing development on the 84.33-acre subject property. A new approximately 660-foot long driveway, extending from the existing driveway will provide access to the proposed building site, located approximately 800 feet west of the front (eastern) property line and the existing entrance off Horseshoe Hill Road. The project includes construction of improvements to the existing driveway such as turnouts for emergency vehicles.

The proposed residence, sited approximately 300 feet from the existing historic residence, would have a maximum height of 25 feet above natural grade. The proposed garage, sited 50 feet east of the proposed residence, would have a maximum height of 22.16 feet above natural grade through section and 25 feet at the downslope elevation. Exterior finishes consist of wood cedar siding stained soft, neutral greens, ochre, and amber colors, and an oxidized copper metal roof, that will blend with the natural environment.

The applicant also is proposing to legalize and convert to agricultural worker housing an existing "as-built" 1,500 square foot single-family residence located off the existing driveway east of the historic development on the subject property. In addition, the applicant is proposing to convert the existing, 1,410 square foot primary single-family residence to a guesthouse by removing the kitchen, including cooking facilities and cabinets, and demolish said structure after the life-time estate granted to the previous owner ceases. The applicant is proposing to demolish two existing guest houses: (a) a 400 square foot structure southwest of the agricultural worker housing unit; and (b) a 420 square foot structure east of the proposed guest house.

The proposed new residence will be served by construction of an on-site sewage disposal system located down slope and east of the proposed residential site and two 10,500-gallon water storage tanks north of the new residential site. The existing development will be served by construction of a new on-site sewage disposal system located at the lower portion of the property. The project includes improvements such as emergency vehicle turnouts to the existing driveway. All development and some of the agricultural use will be served by an existing on-site well. The remainder agricultural uses will be served by an off-site spring on lands owned by the Bolinas Community Public Utility District (BCPUD) with grazing and water rights granted to the Moritz property by an easement over the BCPUD lands (recorded document Book 3668 OR Page 317). The Moritz proposal precludes the withdrawal or use of water from Pine Gulch Creek, except in an emergency.

The property owners propose to continue the existing cattle grazing operation on the Moritz and the BCPUD parcels. The cattle grazing operation is owned and managed by the current ranch manager who also occupies the agricultural worker residence. The owners propose to convey to the County an Agricultural Conservation and Production Easement and Declaration of Restrictions over an identified "Agriculture Production Zone" to: (a) provide permanent preservation of potential agricultural lands; and (b) restrict and maintain the agricultural worker housing unit at a below market rental rate as determined by the County in

consultation with the Marin Housing Authority for use by farm workers who are actively engaged in agriculture production in Marin County

The property is currently subject to the provisions of Land Conservation Contract No. 15313 (Williamson Act) entered into with the County on May 14, 1971.

The subject property, zoned C-APZ-60 (Coastal, Agricultural Production Zone, Planned District, one primary dwelling unit per 60 acres maximum density), is located at **5675 Horseshoe Hill Road, Bolinas**, and is further identified as **Assessor's Parcel 188-090-13**.

- II. WHEREAS, the Marin County Planning Commission held a duly-noticed public hearing on August 23, 2004, to consider the merits of the project, and hear testimony in favor of, and in opposition to, the project and continued the public hearing to November 15, 2004, at the request of the applicant, further continued the matter to the public hearing of December 13, 2004, and at the request of the applicant, further continued the matter to the public hearing of January 24, 2005 to consider the merits of the project, and hear testimony in favor of, and in opposition to, the project.
- III. WHEREAS, the Marin County Planning Commission finds that the conditionally approved project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15303, Class 3 (a) of the CEQA Guidelines because the project entails: (a) construction of a new single-family residence; (b) the legalization of an existing "as-built" single-family residence to be used as agricultural worker housing; and (c) conveyance to the County of an Agricultural Conservation and Production Easement and Declaration of Restrictions, which provides permanent preservation of potential agricultural lands within the coastal agricultural production zone such that the project will not result in any potentially significant impacts on the environment.

All development would be located outside of the County required 100-foot wide Stream Conservation Area and riparian protection and stream buffer area along Pine Gulch Creek. Construction of the project requires minimal tree removal (two (18-inch and 36-inch) California bay laurel, three (12-inch, 12-inch, and 9-inch) Coast live oaks), grading (780 cubic yards of cut and 630 cubic yards of fill), and site disturbance (1.25 acres).

The Preliminary Geotechnical Evaluation, prepared by SalemHowes Associates that logged 15 test borings to the depth of the siltstone bedrock, ranging between 3 and 4 feet below the topsoil layer, and reviewed by the DPW staff, concludes that construction of the proposed residential development and new driveway is feasible from a geotechnical standpoint. The project is exempt from the provisions of the Alquist-Priolo Earthquake Fault Zoning Act per Section 2621.6 (2) (a and b) because the proposal consists of the construction and legalization of two single-family, wood-frame residences, not exceeding two stories in height, and before issuance of a building permit requires submittal of a final soils stability report to be reviewed by the Marin County Department of Public Works (DPW) staff. Standard Marin County Community Development Agency - Building Inspection regulations require that the structures be designed to withstand moderate to strong ground shaking associated with a moderate to intense earthquake in accordance with seismic safety regulations of the County adopted building codes.

During the building permit process, building permit plans will be reviewed by DPW staff to verify that design elements conforming to the Bay Area Stormwater Management Agencies Association, "Start at the Source Design Guidance Manual for Stormwater Quality Protection" have been incorporated into the project. In addition, County DPW standards will require that final drainage and grading plans be designed in accordance with the recommendations contained in the final soils stability report and the provisions of Marin County Code, Title 24.

Marin County Environmental Health Services (EHS) staff preliminarily has approved the location and design for construction of an on-site sewage disposal system to serve the new residence and one to serve the existing development. DPW and the Bolinas Fire Protection District (BFPD) staffs have approved the new driveway design and improvements to the existing driveway.

The project would not cause significant adverse effect to agricultural resources because the resultant total development would be sited on less than 5% of the 84.33 gross acreage (approximately 2.75 acres or 3%, including driveways); preserves the most viable agricultural lands for current and future agricultural use; and does not result in the loss of prime soils. In addition, the approved development would not impact coastal visual resources or natural resources.

- IV. WHEREAS, the Marin County Planning Commission finds pursuant to Marin County Code Section 22.47.010(2), that a waiver from the Master Plan requirement may be granted based on the conditional approval because: (1) the proposed project would result in one primary single-family residence, a principally permitted use in the governing C-APZ zoning district, pursuant to MCC Section 22.57.032(2), and an agricultural worker housing unit supportive of the agricultural use of the property, a conditionally permitted use, pursuant to MCC Section 22.57.033 (1); (2) the project, as recommended by conditions of approval, will implement the goals and policies of the Marin Countywide Plan, the Local Coastal Program, Unit I, and the Bolinas Community Plan with respect to site design, preservation of natural resources, agricultural lands, and visual resources; (3) the proposed project and submittal materials allow for the review and action of the full development potential of the subject property as the 84.33-acre parcel, zoned C-APZ-60, does not allow for any further subdivision; (4) the subject property, small in size with steep oak woodland slopes, has limited agricultural production value and potential; (5) all requirements of the Master Plan application for the proposed residential development and agricultural worker housing unit, including, but not limited to, siting, design, preliminary grading, drainage, infrastructure, and access and parking, as well as the agricultural use of the land and consistency with the C-APZ development standards have been reviewed by the County through the Coastal Permit, Design Review, and Use Permit applications for consistency with MCC Chapters 22.57 (Coastal District Regulations), 22.82 (Design Review), and 22.88 (Use Permits); (6) the project's preliminary Agricultural Management Plan for a limited livestock grazing operation and proposed development have been reviewed by the Marin County Agricultural Advisory Committee, which acknowledges the limited agricultural production value of the subject property and finds the proposed and existing development reasonable as long as the property is limited to two residences with one residence deed restricted for agricultural worker housing; (7) the project is consistent with the LCP, Unit I Agricultural Resources Policies in that all residential development is loosely clustered and would be sited on less than 5% (approximately 3%) of the gross acreage to retain the maximum amount of land for agricultural production and/or natural open space; (8) the project is sited to minimize impacts on scenic resources, wildlife habitat and streams, and adjacent agricultural operations; (9) the residential development is sited in close proximity of the existing driveway road and Horseshoe Hill Road; (10) the project does not result in a loss of potential agriculture and provides for permanent protection, stewardship, and preservation of agricultural lands and the long-term potential agricultural use of said lands; (11) conditions of approval required the property owner to prepare and implement a stewardship plan for the protection of Pine Gulch Creek on the adjacent grazing lands owned by the Bolinas Community Public Utility District; and (12) the project includes the conveyance to the County of an Agricultural Conservation and Production Easement which will: (a) provide permanent preservation of potential agricultural lands and the oak woodlands, thus promoting the long-term preservation of agricultural, open space, and natural habitat lands; and (b) restrict and maintain the agricultural worker housing unit at a below market rental rate as determined by the County in consultation with the Marin Housing Authority for use by Marin County agricultural workers who are actively engaged in the production of agriculture.
- V. WHEREAS, the Marin County Planning Commission finds that the approved project, including the conveyance to the County of an Agricultural Conservation and Production Easement and Declaration of Restriction, and subject to the conditions of approval, is consistent with relevant Marin Countywide Plan policies. The project is consistent with the Countywide Plan's Agricultural (AG-1, one unit per 31 to 60 acres) land use designation for the property (Policy CD-8.8) because it would result in a conforming residential density of one unit per 60 acres. (An additional dwelling unit for agricultural worker housing is allowed within the C-APZ zoning district as a conditional use subject to a County granted Use Permit.) The proposed development would conform to the 100-foot Streamside Conservation Area setback (Policies EQ-2.3 and EQ-2.4), would retain natural vegetation, prevent water pollution, and minimize flood hazards from runoff (Policy EQ-3.21), would not result in substantial amounts of excavation, grading, and filling on the

property (Policy EQ-3.16), and would preserve existing mature trees (Policy EQ-3.14). The continuation of the livestock grazing operation and conveyance of an Agricultural Conservation and Production Easement to the County would further CWP policies in the Agriculture Element by: (a) promoting the preservation of agricultural lands for long-term agricultural use and productivity (Policy A-1.4); and (b) maintaining the agricultural zoned parcel in a size large enough to sustain agricultural production and discourage the conversion of agricultural land to non-agricultural uses (Policy A-1.1). Additionally, the location and scale of the proposed residential development would not conflict with the character of the Bolinas community (Policies EQ-3.8 and EQ-3.25). Within the context of the entire 84.33-acre property, the project is sufficiently clustered with the historic ranch development by siting the new residence in a location well off of the ridgeline and upper elevations of the property and within an oak woodland area whereby the most viable agricultural land and visual and natural resources are preserved and geological hazards are avoided.

- VI. WHEREAS, the Marin County Planning Commission finds that the approved project, including the conveyance to the County of an Agricultural Conservation and Production Easement and Declaration of Restriction, and subject to the conditions of approval, is consistent with the relevant policies of the Local Coastal Program, Unit I (LCP) because the project will result in permanently preserving the productive agricultural lands and oak woodlands on the property with the conveyance of an Agricultural Conservation and Production Easement to the County. The non-agricultural residential uses would not conflict with potential agricultural lands or the rural character of the coastal zone. The siting of the proposed residence will not result in visual impacts to the natural and built environments as viewed off-site from Horseshoe Hill Road or Federal parklands because the new development would be screened by the oak woodlands and the heights of the new residence and detached garage are below the oak tree canopies. Furthermore, the project is consistent with the development standards of the governing C-APZ zoning, which was established to implement the relevant LCP policies as discussed below and all mandatory findings to approve the Coastal Permit pursuant to Marin County Code Section 22.56.130 can be made
- VII. WHEREAS, the Marin County Planning Commission finds that the approved project, including the conveyance to the County of an Agricultural Conservation and Production Easement and Declaration of Restriction, and subject to the conditions of approval, is consistent with the relevant policies of the Bolinas Community Plan because it would preserve the rural setting of the prevailing agricultural lands and open space, preserve and enhance agricultural land uses, provide for agricultural production of the property, result in residential development that would not conflict with the scale, design, materials, and texture of other residential development within the Bolinas community, provide protection for Pine Gulch Creek, and provide an additional agricultural worker housing unit to the housing stock of the Bolinas community. The new residence has been sited so that it would not result in significant visual impacts as seen from State Highway One, Stinson Beach, or other off-site views due to its proximity to the oak woodlands and use of existing scattered oak trees as screening, as well as the use of natural exterior building materials and colors that would blend with the natural environment. The design of the structure utilizes a low-profile rural architectural vernacular that is compatible and gentle on the landscape.
- VIII. WHEREAS, the Marin County Planning Commission finds that the approved project, including the conveyance to the County of an Agricultural Conservation and Production Easement and Declaration of Restriction, and subject to the conditions of approval, complies with the C-APZ zoning because it would preserve agricultural lands by designating agricultural use as the principally permit land use (Marin County Code (MCC) Sections 22.57.031 (Purpose) and 22.57.032 (Principal Permitted Uses)). The approved new residential development would constitute the principally permitted residence and the agricultural worker-housing unit would be permitted only for the use as agricultural worker housing in support of agricultural production. Approved development would be accessory, incidental, or in support of the agricultural land uses. The proposed new residential development, consisting of a 2,996 square foot single-family residence (which would become the primary residence) and a 979 square foot detached garage and storage structure, conversion of an existing residence to a guest house appurtenant to the primary residence, and legalization of an existing residence for agricultural worker housing, is a reasonable-sized development on the subject 84.33-acre property and would be incidental, and not detrimental, to the agricultural use of the property.

Furthermore, the proposed new development, including construction of the new driveway, while located upslope from the existing development compound, together with the existing development to remain would be sited on approximately 3% (approximately 2.5 acres) of the 84.33 gross acreage of the subject property. This area is less than the 5% of the gross acreage allowed by Section 22.57.035 (1) of the MCC, thereby retaining the maximum amount of land in agricultural production or available for agricultural use. Pursuant to MMC Section 22.57.036 (1), the proposed development will not conflict with the continued or future agricultural use of the property or disturb the prime agricultural lands, while allowing for the development of a reasonable-sized residence. Pursuant to MCC Section 22.57.024 (a) (Design Guidelines), the proposed development has been sited upslope from the existing development utilizing existing woodlands to screen the development from any off-site views and avoiding any visual impacts to surrounding Federal parklands, while minimizing driveway construction, infrastructure extension, grading, and tree removal and maximizing the amount of undivided agricultural land as required by MCC Section 22.57.024 (d) (Design Guidelines).

- IX. WHEREAS, the Marin County Planning Commission finds that the approved project, subject to conditions of approval, 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. The residential development would be served by a permitted on-site well in compliance with the regulations of the Marin County Environmental Health Services.
 - B. The new residential development would be served by the construction of a permitted on-site sewage disposal system and the existing and modified residential development would be served by construction of a permitted on-site sewage disposal system in compliance with the regulations of the Marin County Environmental Health Services.
 - C. Construction of the on-grade driveway, parking area and new structures would require minimal excavation with excavation and fill to be balanced on site and there will be no off-haul.
 - D. Review of the Marin County Archaeological Sites Inventory indicates that the subject property is located in an area of high archaeological sensitivity. 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 mitigation measures to meet Local Coastal Program requirements.
 - E. The site is not located on a coastal area identified by the Local Coastal Program Unit I, where public access is desirable or feasible. The site is not located on any tidelands or submerged lands subject to the public trust doctrine.
 - F. The proposed project would not result in any net loss of housing stock within the community of Bolinas and would provide an agricultural worker dwelling unit in perpetuity with the construction of one principal residence.
 - G. Located along the southwestern boundary of the property is Pine Gulch Creek, a perennial stream mapped as a blue line creek on the USGS Bolinas Quad map. The proposed residence and accessory improvements are located well outside of the riparian protection and stream protection buffer required by the Local Coastal Program Unit I. The applicant is not proposing to withdraw or use any water from Pine Gulch Creek other than for emergency purposes.
 - H. The project site is not located in a dune protection area as identified by the Natural Resources Map for Unit I of the Local Coastal Program.
 - I. The Natural Resources Map for Unit I of the Local Coastal Program indicates that the subject property is not located in an area of sensitive wildlife resources. A review of the California Natural Diversity

Data Base, prepared by the State Department of Fish and Game, indicates that no threatened, rare, or endangered animal species potentially exist within the vicinity of the subject property. The 2002 Environmental Assessment, prepared by Dr. Jeffrey A. Creque and referenced as part of the application, did not identify any threatened, rare, or endangered animal species on the subject property. The Natural Resources Map for Unit I of the Local Coastal Program and the California Natural Diversity Data Base, do identify the potential for the presence of salmon and steelhead, identified as endangered species, within Pine Gulch Creek, located on the "Lands of the Bolinas Community Public Utility District" (BCPUD) adjacent to the Moritz property. No structures are being proposed for development on the BCPUD lands and project approval requires a designated 100-foot wide Stream Conservation Area.

- J. The Natural Resources Map for Unit I of the Local Coastal Program indicates that the subject property is not located in an area containing rare plants. A 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 the habitat area for rare, threatened, or endangered plant species. The 2002 Environmental Assessment, prepared by Dr. Jeffrey A. Creque, and referenced as part of the application, did not identify any threatened, rare, or endangered animal species on the subject property.
- K. The project site is not located adjacent to the shoreline or within a bluff erosion zone.
- L. The project site is not located on a fault trace, but is located within the Alquist-Priolo Special Studies Zone, an area of geologic hazards as indicated on Geologic Hazards Map for Unit I of the Local Coastal Program. The applicant has submitted a Geotechnical Engineering Review, prepared by SalemHowes Associates that concludes that the subject site is suitable for the proposed development.

The project is exempt from the provisions of the Alquist-Priolo Earthquake Fault Zoning Act per Section 2621.6 (2) (a and b) because the proposal consists of the construction and legalization of two single-family, wood-frame residences, not exceeding two stories in height, and before issuance of a building permit requires submittal of a final soils stability report to be reviewed by the Marin County Department of Public Works (DPW) staff. Standard Marin County Community Development Agency - Building Inspection regulations require that the structures be designed to withstand moderate to strong ground shaking associated with a moderate to intense earthquake in accordance with seismic safety regulations of the County adopted building codes.

- M. The approved project will not entail or affect any public works projects.
- N. No land division or property line adjustment is proposed as part of this project.
- O. The height, scale and design of the proposed development would not conflict with the established character of the surrounding community. The new residential development, with a maximum height of 25 feet, is sited within the oak woodlands and below the tree canopy in order to minimize any potential visual impacts as seen from State Highway One and off-site views, particularly Federal parklands by utilizing existing mature Coast live oak trees for screening of the development. The structures utilize shed roofs and exterior finishes consisting of subdued colors to blend with the natural environment. Local Coastal Program Unit I Visual Resource Policy 21
- P. The approved project would result in no significant effects to recreation, commercial, and visitor facilities within the Coastal Zone.
- Q. The approved project will not affect any historically significant buildings.
- X. WHEREAS, the Marin County finds that the proposed revised project, subject to conditions of approval, is consistent with the mandatory findings for approval of a Design Review pursuant to Marin County Code Section 22.82.040, as follows.

- A. The project is consistent with the Countywide Plan's (CWP) Agricultural one unit per 31 to 60 acres (AG-1) land use designation for the property (Policy CD-8.8) because the project will result in one principal single-family residence and accessory structures and one existing residence to be used exclusively for agricultural worker housing, subject to the grant of a Use Permit. The project will conform to the CWP 100-foot wide Stream Conservation Area setback (Policies EQ-2.3 and EQ-2.4), and will retain natural vegetation, prevent water pollution, and minimize flood hazards from runoff (Policy EQ-3.21). The continuation of the livestock grazing operation and conveyance of an Agricultural Conservation and Production Easement to the County will further CWP policies in the Agriculture Element relative to the preservation of agriculture lands.

The project is consistent with the relevant policies of the Local Coastal Program, Unit I because the project will result in permanently preserving the productive agricultural lands and oak woodlands on the property. The project will not result in any visual impacts to the natural environment as viewed off-site from Horseshoe Hill Road or Federal parklands.

The project is consistent with the relevant policies of the Bolinas Community Plan because it will preserve the rural setting of the prevailing agricultural lands and open space, provide for agricultural production on the property, and provide protection for Pine Gulch Creek.

- B. The approved new residential development will properly and adequately perform and satisfy its functional requirements without being unsightly or create a substantial disharmony with its locale and surroundings. The proposed improvements would not be unsightly or conflict with the character of the surrounding Bolinas community and agricultural properties because the project would: (1) conform with all property development standards applicable to the C-APZ-60 zoning district including principally-permitted structures and uses and maximum building heights; (2) function and harmonize with the site and other properties in the vicinity with respect to siting of the structures; (3) incorporate characteristics of scale, architectural design, and exterior color and building materials that are compatible with the surrounding rural character; and (4) minimize the extent of grading by siting the alignment of the driveway along the site's topography.

The agricultural worker housing unit results in a structure of a height, mass and bulk proportionately appropriate to the site and provides adequate setbacks from property lines and other buildings on the subject property and surrounding properties. The agricultural worker housing unit has been located appropriately on one of the most accessible portions of the property and does not result in visual or privacy impacts to adjacent properties. Construction of the residence required minimal grading for construction of the foundation. The residence is well screened from off-site locations by the existing woodlands on the subject property and would not be visible from any public lands. The design of the residence is compatible with those of other similar buildings in the vicinity, respects the surrounding natural environment, and does not adversely affect the views, light or privacy of adjoining properties.

- C. The project will not impair, or interfere with, the development, use, or enjoyment of other property in the vicinity, or the orderly and pleasing development of the neighborhood as a whole, including public lands and rights-of-way. The proposal utilizes an architectural vernacular with building forms and materials that are complementary to the rural character of the Bolinas community and surrounding agricultural properties. The project would not result in view, light, air, and privacy impacts to surrounding residences or public areas because: (1) the proposed structures maintain adequate setbacks to all property lines and maximize screening provided by mature on-site landscaping; and (2) the height, bulk, and mass of the improvements have been designed to preserve the use and enjoyment of surrounding properties and are reasonable and appropriate given the size of the property.
- D. The approved project will not directly, indirectly, or in a cumulative 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 discussion contained in Findings X. A. and X. B. is supportive of this finding.

- E. The approved project will be properly and adequately landscaped with maximum retention of trees and other natural material. All major vegetation and trees will be preserved to screen the existing development as viewed off-site.
- F. The approved project will minimize or eliminate adverse physical or visual effects, which might otherwise result from unplanned or inappropriate development, design, or juxtaposition of buildings. The proposed improvements have been thoughtfully designed to function and harmonize with the site and other properties within the vicinity in regards to scale, height, setbacks, architectural design, exterior color, and building materials. The structures have been sited to minimize visual, air, light, and privacy impacts to surrounding properties and rights-of-way and would maintain adequate setbacks to property lines.

The primary residence will have a maximum height of 25 feet above natural grade and the accessory structure will have a maximum height of 22.16 feet. Marin County Code, Sections 22.57.035 (Development Standards and Requirements C-APZ zoning district) and 22.57.024 (Design Standards) (B) (Building Height) limits primary residences to a height of 25 feet and accessory structures to a height of 15 feet. However, these requirements may be waived upon presentation of evidence that a deviation from these standards will not violate the intent of Marin County Code Section 22.47.101 as it relates to impacts to visual resources and the public benefit. In this case, the small (979 square feet) accessory structure with a maximum height of 22.16 feet, 2.84 feet below the maximum height for new residential development allowed in the Coastal Zone will not impact any public views and will be screened from off-site views by the canopies of the existing oak trees.

Conditions of approval stipulate that field fencing on the Moritz property shall be limited to a post and wire strand design. As part of the Building Permit review, the Department of Public Works will review the grading and drainage plans to ensure that the project incorporates suitable drainage systems that would adequately collect, convey, and distribute surface run-off into appropriate drainage systems. Grading would be limited to excavation for construction of the driveway, the buildings' foundations and related site grading. The project would not encroach onto adjoining private properties, public lands, or private and public easements, and rights-of-way, and ample off-street parking would be provided for occupants and guests. The approved project would not prevent the development, use, or enjoyment of other properties in the vicinity because no detriment with respect to light, air, privacy, height, bulk, mass, and land use would result.

- G. The buildings have been designed to incorporate roof overhang, roofing material, and siding materials that are compatible with the prevailing rural residential architectural styles in the Bolinas community. Energy and resource saving systems and designs have been incorporated into the design of the residence. Conditions of project approval require the applicant to implement the County's recommended Building Energy Efficient Structures Today (Best) Practices in preparing construction drawings to be reviewed and approved by Planning Division staff, including the use of low-flow water fixtures and other water-saving devices.
- XI. WHEREAS, the Marin County Planning Commission finds that the conditionally approved project will result in an agricultural use, consisting of the livestock operation, consistent with the principally permitted agricultural uses of the property under the governing C-APZ-60 zoning district. The Agricultural Management Plan contemplates the continued lease of the land for livestock grazing activities. In addition, the conveyance by the owners to the County of the Agricultural Conservation and Production Easement and Declaration of Restrictions over the subject property will: (a) protect the agricultural value of the property; (b) protect the natural resources of the oak woodlands; and (c) maintain one housing unit on the property as agricultural worker housing in perpetuity. A condition of approval requires the applicant to submit a manure and grazing management plan for review and approval by the County to ensure protection of water quality, to minimize soil erosion, and to provide for the maintenance of the natural foraging areas on the property for sustainable grazing use by rotating grazing to allow for natural reseeding and recovery of grazed areas. The intent of this requirement is to ensure that the proposed agricultural use adheres to best management practices in the agricultural industry for control of polluted run-off, manure management, and

overall maintenance of sustainable grazing practices. Through the terms of the Easement, conditional approval requires the property owners to practice good stewardship of the land in establishing the agricultural uses in order to maintain and sustain the potential agricultural and environmental qualities of the subject property including, but not limited to, grazing and foraging uses.

XII. WHEREAS, the Marin County Planning Commission finds that the mandatory findings per Chapter 22.88 and Section 22.57.033 (1) of the Marin County Code can be made to grant a Use Permit for the agricultural worker housing unit on the subject property for the reasons cited below.

- A. The establishment, maintenance or conducting of the use for which a Use Permit is sought will not, in this case, be detrimental to the health, safety, morals, comfort, convenience, or welfare of persons residing or working in the neighborhood of this use and will not, under the circumstances of this case, be detrimental to the public welfare or injurious to property or improvements in said neighborhood.
- B. The agricultural worker housing unit will be used exclusively in perpetuity for an agricultural worker engaged in agricultural production on the subject property or within the County of Marin as reviewed by the Marin County Agricultural Advisory Committee which supports agricultural worker housing in Marin County.
- C. The agricultural worker-housing unit is in support of the current agricultural production on the subject property consisting of the continuation of a cattle-grazing operation.
- D. The agricultural worker housing does not adversely impact the environment and will not create a safety hazard to the subject or neighboring properties.
- E. The design of the residence is compatible with the existing residential development of the site and the surrounding neighborhood.
- F. The existing residence does not inhibit investment or improvements on neighboring parcels nor future development of the neighborhood as a whole.
- G. The use of the residence as agricultural worker housing is not expected to generate noise levels any different than other residences in the neighborhood.
- H. Conditions of approval require that in order to vest the Moritz Use Permit the owner must: (1) obtain building permits and final inspections from the Building and Safety Division and comply with all Environmental Health Services regulations to assure compliance with all County codes; and (2) implement the agricultural uses of the property in compliance with the conditions of approval.
- I. Conditions of approval require the conveyance to the County of an Agricultural Conservation and Production Easement and Declaration of Restrictions preserving and maintaining in perpetuity the agricultural worker housing unit at a below market rental rate as determined by the County staff for use by agricultural workers engaged in agricultural production on the subject property or agricultural workers elsewhere in Marin County who are actively engaged in the production of agriculture.

XIII. WHEREAS, the Marin County Planning Commission finds that Special Condition 25 (written Notice of Non-renewal of the current Williamson Act Contract [Land Conservation Contract No. 15313] in accordance with the provisions of the State Government Code, Section 51245) is appropriate for this project for the reasons listed below.

- A. The proposed project, as recommended for approval, is: (1) incidental and compatible with the preservation of agricultural lands and natural resources associated with the property; and (2) consistent with all pertinent County policies and ordinances, including the C-APZ governing zoning district regulations.

- B. While the proposed project meets the Countywide Plan policies and zoning requirements for agricultural preservation, the existing contract should not be renewed for the purpose of providing tax benefits for agricultural production because of the limited agricultural production of the proposed project and the property.
- C. Recordation of the Agricultural Conservation and Production Easement and Declaration of Restrictions meets the intent of the Williamson Act for the purpose of preserving agricultural and natural resource lands.
- D. During the remaining period of the contract, only agricultural/open space lands will be assessed under the tax benefits granted by the Williamson Act contract.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Marin County Planning Commission hereby approves the Moritz Coastal Permit (04-26), Design Review (04-56), and Use Permit (04-26) applications subject to the conditions as specified below.

SECTION II: CONDITIONS OF PROJECT APPROVAL

Marin County Community Development Agency - Planning Division

- 1. Pursuant to Marin County Code Chapters 22.56, 22.57, 22.82, and 22.88 and Section 22.57.033 (1), the Moritz Coastal Permit (CP 04-26), Design Review (04-56), and Use Permit (04-26) applications are hereby approved for the following development and agricultural land use components.

- a. *New Residential Development*

This approval authorizes construction of a new 2,996 square foot single-family residence with approximately 1,230 square feet of porch area and a 979 square foot detached garage and storage structure sited on an oak woodland knoll upslope and south of the existing development located approximately 800 feet west of the front (eastern) property line and the existing entrance off Horseshoe Hill Road. The approved residence shall have a maximum height of 25 feet above natural grade. The approved garage, sited 50 feet east of the approved residence, shall have a maximum height of 22.16 feet above natural grade through section and 25 feet at the downslope elevation. Approved exterior finishes shall consist of wood cedar siding stained soft, neutral greens, ochre, and amber colors, and an oxidized copper metal roof, that will blend with the natural environment. All flashing, metal work and trim shall be appropriately subdued and non-reflective colors.

- b. *New Driveway and Improvements to Existing Driveway*

This approval authorizes construction of a new approximately 660-foot long driveway off the existing driveway to provide access to the approved new building site and improvements to the existing driveway.

- c. *Agricultural Worker Housing*

This approval authorizes legalization and conversion to agricultural worker housing of an existing "as-built" 1,500 square foot single-family residence located off the existing driveway east of the historic development on the subject property.

- d. *Guest House*

This approval authorizes conversion and remodeling of the existing 1,410 square foot primary single-family residence to a guest house by removal of the kitchen, including cooking facilities and cabinets, and requires demolition of said structure after the life-time estate granted to the previous owner ceases.

e. *Demolition of Existing Structures*

This approval authorizes demolition of two existing guest houses: (a) a 400 square foot structure southwest of the agricultural worker housing unit; and (b) a 420 square foot structure east of the proposed guest house.

f. *Infrastructure*

This approval authorizes construction of an on-site sewage disposal system located down slope and east of the proposed residential site to serve the new residence and construction of a new on-site sewage disposal system located at the lower portion of the property to serve the agricultural worker housing and guest house.

This approval authorizes construction of a minimum of 12,000 gallons of water storage exclusively for fire suppression for the new residence at the upslope site and 3,000 gallons of water storage exclusively for fire suppression of existing development at the lower level of the property.

g. *Agricultural Land Use and Preservation and Stewardship*

This approval allows the continuation of the existing cattle grazing operation consisting of a maximum 25-head of cattle.

This approval requires conveyance to the County of an Agricultural Conservation and Production Easement and Declaration of Restrictions: (1) for protection over two land use zones identified as: (a) "Agriculture Production Zone"; and (b) "Preservation Zone" to provide permanent preservation of potential agricultural lands and preservation of the oak woodlands respectively; and (2) to restrict and maintain in perpetuity the agricultural worker housing unit at a below market rental rate as determined by the County in consultation with the Marin Housing Authority for use by Marin County farm workers who are actively engaged in the production of agriculture.

h. *Approved Site Disturbance*

This approval permits: (a) a maximum removal of five trees:(two California bay laurel, three Coast live oaks) due to construction activities unless modifications are permitted through the Tree Removal Plan (Condition 7); and (b) a maximum site disturbance of 1.25 acres.

The subject property is located at 5675 Horseshoe Hill Road, Bolinas, and is further identified as Assessor's Parcel 188-090-13.

2. Except as modified herein, plans submitted for a Building Permit shall substantially conform to: (a) plans received in the Community Development Agency July 1, 2004 and collectively identified as "Exhibit A" on file in the Community Development Agency, consisting of the following: (1) 13 sheets, entitled "Vierra Ranch", prepared by Fernau & Hartman, Architects; and (2) seven sheets entitled "Vierra Ranch," prepared by Riechers Spence & Associates, Consulting Civil Engineers; (b) the Arborist Report, prepared by Tree Shapers, LLC; and (c) all conditions contained herein.
3. Except as modified herein by Conditions of Approval, use and operation of the property shall be in substantial conformance with the documentation and provisions contained in the preliminary Agricultural Management Plan on file in the Marin County Community Development Agency office and referred to as "Exhibit B." Modifications required by these conditions of approval to be incorporated into the final Agricultural Production and Stewardship Plan (APSP) required under the Agricultural Conservation and Production Easement shall consist of revisions as required by the terms of the final Moritz Deed of Agricultural Conservation and Production Easement and Declaration of Restrictions discussed in Condition 1. (g) above and the designation of two protection zones identified as the: (a) "Agriculture Production Zone; and (b) "Preservation Zone". The APSP shall establish sustainable grazing practices on the Moritz property

and shall extend to the “Lands of the Bolinas Community Public Utility District (BCPUD) so long as the owners of the Moritz property exercises grazing rights over the BCPUD lands.

4. IT SHALL BE THE RESPONSIBILITY OF THE APPLICANT TO PROVIDE THE FOLLOWING on the Building Permit Plans submitted with the Building Permit Application(s) PRIOR TO THE ISSUANCE OF ANY BUILDING PERMIT.
 - a. The Building Permit Plans shall list these Coastal Permit, Design Review, and Use Permit Conditions of Approval as notes on the first sheet;
 - b. The Building Permit Plans shall depict the location and type of exterior lighting for review and approval by the Community Development Agency. Exterior lighting shall be permitted for safety purposes only, must consist of low wattage fixtures, and must be directed downward and hooded. The applicant must submit a cut sheet with specifications of the exterior lighting fixture(s);
 - c. The Building Permit Plans shall show low-flow water serving fixtures; and
 - d. The Building Permit Plans shall implement the Building Energy Efficient Structures Today (Best) Practices in preparing construction drawings to be reviewed and approved by Planning Division staff, such as installation of attic ventilation systems, use of engineered lumber sheathing to reduce the need for large diameter old-growth trees, and use of finishes utilizing low-volatile, organic compounds to minimize the toxicity of indoor air quality.
5. Exterior building colors and materials for the new residential development shall be in substantial conformance with the color and material board identified as “Exhibit C” on file in the Community Development Agency and consisting of wood siding stained muted neutral greens, ochre, and amber colors, and an oxidized copper metal roof. All flashing, metal work, and trim shall be appropriately subdued and non-reflective. Substantial deviations from the approved exterior materials and colors shall be submitted for review and approval by the Community Development Director.
6. BEFORE THE ISSUANCE OF ANY DEMOLITION PERMIT FOR THE TWO ACCESSORY STRUCTURES AND/OR BUILDING/CONSTRUCTION PERMITS, the project sponsor shall submit a recycling/reuse plan prepared by a salvage contractor, architect and/or qualified consultant, which assesses the building materials of the existing structures for their structural value and integrity and architectural elements and features to determine the feasibility of reusing any of the materials or elements contained in the existing structures as construction materials. The report shall identify appropriate criteria to protect and/or reuse the resources on site, if feasible. Any structures or materials not reused on site shall be transported to a recycling center or a resale facility for reuse as outlined in the report. The project may have to be revised accordingly and submitted to the CDA – Planning Division for review should existing materials on site be deemed feasible for reuse in the subject project. Demolition of the accessory structures shall be subject to the Bay Area Air Quality Management District permit notification for hazardous substances.
7. BEFORE THE ISSUANCE OF ANY BUILDING PERMIT FOR THE NEW RESIDENCE OR DRIVEWAY, the applicant shall comply with the following requirements.
 - a. The applicant shall submit a tree removal, replacement plan, and management plan prepared by a certified arborist for review and approval by the Marin County Community Development Agency - Planning Division, which specifically shows all trees to be removed. The Plan shall show that all native trees proposed for removal shall be replaced with native trees at a ratio of 2:1 with a minimum size of 15-gallon trees and shall be located at the development site. Said replacement trees shall be located on the plan.
 - b. The applicant shall install staked barrier fencing around the canopies of the trees to be preserved at and near the construction site and submit photos to the Planning Division verifying the installed

barriers which are to remain in place during the duration of the construction. The barrier fencing shall be a minimum of four feet in height and clearly marked to prevent inadvertent encroachment by heavy machinery. All fencing should be in place prior to any site grading, or construction.

8. BEFORE THE ISSUANCE OF A BUILDING PERMIT FOR THE AGRICULTURAL WORKER HOUSING OR FIRST STRUCTURE, the applicant shall submit a specific manure and grazing management plan for review and approval by the Community Development Director, in consultation with the University of California, Agriculture and Natural Resources Service. The plan shall incorporate the following components: (1) the location(s) for manure storage and composting, which shall be located away from surface drainage ways; (2) measures proposed to prevent contamination of surface water run-off; (3) the location(s) for storage of fertilizers; (4) measures taken to prevent the importation of noxious weed seeds as part of any imported feed; and (5) an agricultural runoff plan which identifies the areas where run-off would be directed and measures to prevent contamination of surface water. A certified rangeland manager shall prepare the grazing plan. The overall goal of the manure and grazing management plan is to ensure the protection of water quality, the minimization of soil erosion, and the maintenance of the natural foraging areas on the property for sustainable grazing use by rotating grazing to allow for natural reseeding and recovery of grazed areas. The intent of this requirement is to ensure that the proposed agricultural use and the property owner adheres to best management practices in the agricultural industry for control of polluted run-off, manure management, and overall maintenance of sustainable grazing practices both on the Moritz property and the "Lands of the Bolinas Community Public Utility District so long as the owners of the Moritz property exercise grazing rights over the BCPUD lands.
9. Field fencing outside of the building areas shall be limited to wire strand and metal or wood post field fence design. Any gates at the entrance of the subject property shall be of a simple, agricultural style. A design of any fencing and gates at the driveway entrance shall be submitted to the Community Development Agency for review and approval prior to installation.
10. PRIOR TO FINAL INSPECTION AND OCCUPANCY OF THE NEW RESIDENCE, the applicant shall submit building permit plans and convert the 1,200 square foot existing residence to a guesthouse by removing the kitchen. The applicant shall call for a Community Development Agency staff for inspection of the guesthouse at least five working days before the anticipated final inspection of the new residence. Failure to pass inspection will result in withholding of the occupancy and imposition of hourly fees for subsequent reinspections.
11. During construction activities and until final inspection, the following provisions shall be met by the developer:
 - a. All construction/demolition activity (grading, paving, landscaping) shall maintain a Tree Protection Zone (TPZ) around trees to be protected. The TPZ shall be a distance of one-foot radial distance from the trunk for each one-inch of trunk diameter. Exceptions to this standard may occur depending upon the age and condition of individual trees.
 - b. All arboricultural and related work shall be performed under the supervision of a Certified Arborist, qualified landscape architect or biologist.
 - c. The Contractor shall maintain the protection fencing and prohibit all access to fenced areas by construction personnel or equipment until all construction work is completed.
 - d. All structures including construction trailers, equipment storage areas and any other construction traffic are prohibited within fenced areas.
 - e. Grading cuts or trenching within the TPZ of a retained tree trunk may require special trenching procedures. Trenches shall be dug manually or with the use of a root cutting machine, rock cutter, or other approved root-pruning equipment.

- f. Foundation construction within the TPZ of retained trees is recommended to be either a pier and grade beam construction which bridges root areas, cantilevered structures, or raised foundations using pier footings.
 - g. All grading shall be designed to provide positive drainage away from the base of the tree trunk, and not create ponding with the TPZ.
 - h. Drainage features such as v-ditches and French drains shall be utilized upslope from existing trees to divert runoff away from roots and the TPZ.
 - i. Trees identified by the supervising arborist to be affected by sudden oak death shall be removed from the site to an appropriate landfill and shall not be used for chipping, soil amendment, or firewood. Brush and wood chips generated from tree and brush removal from trees not affected by sudden oak death as identified by the supervising arborist may be used on site.
12. All new utility lines serving the subject property and proposal shall be installed underground.
 13. Construction activity is permitted only between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday, 9:00 a.m. and 4:00 p.m. on Saturday. No construction activity shall be permitted on Sundays or Holidays. The Community Development Director at the written request of the applicant may consider modifications to this condition.
 14. During construction, the applicant shall take all appropriate measures, including watering of disturbed areas and covering the beds of trucks hauling fill to or spoils from the site, to prevent dust from grading and fill activity from depositing on surrounding properties.
 15. All soils disturbed by development of the project shall be reseeded with native grasses or wildflowers to control erosion.
 16. The applicant shall be responsible for ensuring that all construction vehicles, equipment and materials are stored on site and off the street so that pedestrian and vehicles can pass safely at all times. The number of construction vehicles shall be limited to the minimum number necessary to complete the project.
 17. If any archaeological resources are discovered during construction activities, all work at the site shall stop and the property owner or 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 Director advancing appropriate measures to protect the resources discovered. No work at the site may recommence without the approval of the Director. All future development of the site must be consistent with the findings and recommendations of the archaeological report as approved by the Director.
 18. Provisions for domestic water use shall be provided by an on-site well. Provisions for water for the livestock operation may be provided from an off-site spring on Assessor's Parcel 188-090-13. This approval does not allow the withdrawal or use of water from Pine Gulch Creek, except for emergency fire suppression purposes.
 19. PRIOR TO FINAL INSPECTION AND OCCUPANCY OF THE NEW RESIDENCE, a copy of the Notice of Decision for the Moritz Coastal Permit (04-26), Design Review (04-56) and Use Permit (04-26) approvals shall be recorded against the title to the subject property by the Community Development Agency.
 20. To correct the address numbering along Horseshoe Hill Road, the future address of the subject property, in accordance with approval of the Bolinas Fire Protection District, the Marin County Sheriff Department, and the Bolinas Postmaster shall be 875 Horseshoe Hill Road, and this address shall be posted and situated so as to be plainly visible and legible from Horseshoe Hill Road.

21. Any changes or additions to the project shall be submitted to the Community Development Agency for review and approval or to determine if an amended application is required before the contemplated modifications may be initiated.

SPECIAL CONDITIONS

22. BEFORE ISSUANCE OF A BUILDING PERMIT FOR THE NEW RESIDENCE, the Moritz Deed of Agricultural Conservation and Production Easement and Declaration of Restrictions (Easement) shall be accepted by the Marin County Board of Supervisors and recorded by the County. The Easement shall revise the terms of the easement to comply with all conditions of approval as necessary and shall include the following provisions:
 - a. The applicant shall work with the Marin County Affordable Housing Strategist to determine how the rental of the unit can be structured at a below market rental rate for use by agricultural workers in Marin County who are actively engaged in the production of agriculture. The Easement shall include the following terms:
 - (1) The residence shall be used exclusively and in perpetuity as below-market-rate housing for agricultural workers who are actively engaged in agricultural production either on the subject property or within the County of Marin.
 - (2) Agricultural production shall be maintained as the primary use of the property.
 - (3) Only one additional dwelling unit to the primary residence shall be available on the subject property. This additional dwelling unit shall be the agricultural worker housing.
 - b. The Easement shall designate two protection zones as shown on an attached exhibit identified as the (1) "Agriculture Production Zone; and (2) "Preservation Zone".
23. VESTING AND MAINTENANCE OF THE 1,500 SQUARE FOOT AGRICULTURAL WORKER HOUSING UNIT on the property is subject to the requirements listed below.
 - a. WITHIN 60 DAYS OF THE DATE OF APPROVAL, the applicant/owner shall submit plans and apply for a Building Permit for the as-built construction of the residence.
 - b. WITHIN 150 DAYS OF RECEIPT OF A BUILDING PERMIT, the applicant/owner shall complete all improvements and other work required by the building permit, comply with all requirements of Building Inspection and Environmental Health Services and call for a final inspection from the Marin County Community Development Agency - Building Inspection Division. The Community Development Agency Director at his sole discretion may grant a time extension for cause.
 - c. PRIOR TO FINAL INSPECTION, the owners shall record an Agricultural Worker Housing Deed Restriction against the title of the property stipulating: (a) the owners shall work with the Marin County Affordable Housing Strategist to determine how the rental of the agricultural worker housing unit shall be structured at a below market rental rate for use by agricultural workers in Marin County who are actively engaged in the production of agriculture; and (b) the residence shall be used exclusively and in perpetuity as housing for agricultural workers who are actively engaged in agricultural production either on the subject property or within the County of Marin.
24. The property owners are required to prepare and implement a Stream Conservation Area Stewardship Plan (SCASP) for the Pine Gulch Creek riparian corridor subject to the review of the Marin County Community Development Agency, after consultation with the Marin County Department of Public Works, Creek Naturalist and the Bolinas Community Public Utility District. The Stream Conservation Area shall be located a minimum of 100 feet from the top of the creek bed or from the edge of the riparian vegetation,

whichever is more restrictive. The stewardship plan shall include conservation and management measures, such as fencing and control of livestock grazing within a stream buffer area, wildlife habitat and maintenance of migration routes and wildlife access to the stream, preservation of riparian vegetation, control of sediments and pollutants, and erosion control and stream bank stability. Grazing of animals is prohibited within a minimum 30-foot buffer zone from the top of the creek bank. Public agencies, such as the Marin Resource Conservation District, and other organizations with appropriate technical expertise in this area should be consulted in the preparation and implementation of the stewardship plan. The SCASP shall be implemented prior to final inspection of the new single-family residence.

25. BEFORE ISSUANCE OF A BUILDING PERMIT FOR THE NEW RESIDENCE, written Notice of Non-renewal of the current Williamson Act Contract (Land Conservation Contract No 15313) with the County shall be served in accordance with the provisions of the State Government Code, Section 51245.
26. BEFORE FINAL INSPECTION OF THE SINGLE-FAMILY RESIDENCE, the owners shall comply with the requirements listed below.
 - a. All fencing and stewardship provisions of the approved SCASP must be in place as required in Condition 24 above.

Department of Public Works - Land Use and Water Resources

27. BEFORE ISSUANCE OF A BUILDING PERMIT FOR EITHER THE NEW RESIDENCE OR THE AGRICULTURAL WORKER HOUSING, the applicant shall submit a final soils stability report for the approved project. Building Permit plans shall conform to all recommendations contained in said soils stability report.
28. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicant shall submit the following information as part of the Building Permit plans:
 - a. As required by Marin County Code, Section 24.04.285, the driveway vertical transition shall start at least four feet back from the edge of the adjoining road. Show profile to centerline of street.
 - b. Show on plans that the driveway approach shall be paved to the property line or the first 30 feet, whichever is greater.
 - c. An encroachment permit shall be required for work within the right of way and subject to Road Commissioner's approval.
 - d. A separate Building Permit is required for site/driveway retaining walls with height more than 4' (or 3' when backfill area is sloped).
 - e. The plans shall be reviewed and approved by a Registered Soils Engineer. Certification shall be either by the engineer's stamp and signature on the plans, or by stamp and signed letter.
 - f. Submit engineer's calculations for site/driveway retaining walls, signed and stamped by the engineer.
 - g. A registered Civil Engineer shall design the site/driveway retaining walls, drainage, and grading plans. Plans must have the engineer's signature and stamp.
 - h. Submit Erosion and Siltation Control plans. Plans shall indicate total acreage of site disturbance.
 - i. 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. Describe all field changes. Also note that driveway, parking, and other site improvements shall be inspected by a Department of Public Works engineer.
 - j. Applicant shall obtain all necessary permits from other agencies.
 - k. Prior to issuance of a building permit or grading permit, provide earthwork calculations and detailed site plan design of "spoils disposal sites" for review and approval by DPW.

Environmental Health Services

29. Water: BEFORE ISSUANCE OF A BUILDING PERMIT FOR THE FIRST STRUCTURE, the applicant shall complete a water yield test for the approved two residences and guest house and submit an application

to operate an individual water system for the three structures. An operating permit is required prior to any building permit approvals.

30. Sewage: BEFORE ISSUANCE OF A BUILDING PERMIT FOR THE FIRST STRUCTURE, permitted sewage disposal system(s) are needed for the primary residence, the agricultural worker housing, and the guesthouse prior to the issuance of any building permit approvals. Please note that the farm worker house is limited to two bedrooms and the guesthouse is limited to two bedrooms. The primary residence is limited to four bedrooms. The setback of the septic tank to the cut(s) for the driveway and turnaround area(s) must comply with Environmental Health Services Standards. BEFORE FINAL INSPECTION OF THE AGRICULTURAL WORKER HOUSING, THE GUEST HOUSE AND THE NEW RESIDENCE, the applicant shall comply with all requirements.

Bolinas Fire Protection District

31. BEFORE INSURANCE OF ANY BUILDING PERMIT, the applicant shall include all District requirements on the building permit plans. BEFORE FOUNDATION INSPECTION, the applicant shall comply with fuel modification plan and fuel management plan requirements. BEFORE FINAL INSPECTION, the applicant shall submit to the Community Development Agency written verification that all of the District's requirements have been completed including: (a) signage for the new address; (b) driveway improvements, including construction of turnouts on the existing driveway; (c) installation of fire sprinklers; (d) installation of fire hydrants; (e) fuel modification plan and fuel management plan; (f) provision for 12,000 gallons of water storage for fire suppression at the upper building site and 3,000 gallons at the lower building site; (g) installation of propane gas tank; (h) fuel modification plan and fuel management plan.

Bolinas Community Public Utility District

32. BEFORE ISSUANCE OF ANY BUILDING PERMITS, the applicant shall submit written confirmation from the District that all requirements have been met including the mapping on the site plan of any building permit application identifying the 10-foot wide floating recorded access easement (Book 3668 OR Page 317), accepted by the District Board (Book 3668 OR Page 330), over the subject property benefiting Assessor's Parcel 188-090-14, owned by the District.

SECTION III: VESTING AND PERMIT DURATION

NOW, THEREFORE BE IT FURTHER RESOLVED that the Moritz Coastal Permit (04-26), Design Review (04-56) and Use Permit (04-26) approvals must be vested by complying with the conditions of approval. The applicant must vest the Moritz Coastal Permit (04-26) and Design Review (04-56) approvals for the construction of the approved single-family residence, detached garage, and site improvements by securing a building permit and other permits for all of the approved work and by substantially completing the improvements in accordance with the secured permits by January 24, 2007, or all rights granted in this approval shall lapse unless the applicant applies for an extension and pays fees at least 30 days before the expiration date above and the Agency Director approves it. An extension of up to four years may be granted for cause pursuant to Sections 22.56.120 and 22.82.130 of the Marin County Code.

The applicant must vest the Moritz Coastal Permit (04-26), Design Review (04-56) and Use Permit (04-26) approvals for the agricultural worker housing unit by securing a Building Permit for all of the approved work, receiving a final inspection from Building Inspection, and meeting all conditions of approval within the time frames specified in the above Condition of Approval, or all rights granted in this approval shall lapse unless the applicant/owner applies for an extension at least 30 days before the expiration date and the Community Development Agency Director approves it. The Agency Director may grant one extension of up to 30 days for cause.

The Moritz Use Permit shall be valid for the remaining life of the agricultural worker unit so long as the current owner or subsequent owners of the subject property comply with the conditions of project approval. In the event that the terms of the Moritz Use Permit are violated or that the approved uses are carried on in such a manner as to adversely affect the health, welfare, or safety of persons residing in the neighborhood, the Moritz Use Permit could be revoked or suspended in accordance with the terms and provisions of Chapter 22.88 of the Marin County Code.

SECTION IV: APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that these decisions are final unless appealed to the Marin County Board of Supervisors. A petition for Appeal and a \$700.00 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 31, 2005.

SECTION V: VOTE

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Marin, State of California, on the 24th day of January 2005.

AYES:
NOES:
ABSTAIN:
ABSENT:

STEVE C. THOMPSON, CHAIRMAN
MARIN COUNTY PLANNING COMMISSION

Attest:

Jessica Woods
Planning Commission Recording Secretary

Cur/jp/PC/Moritz, February 28, 2005 Revised Resolution