

MARIN COUNTY PLANNING COMMISSION

RESOLUTION _____

A RESOLUTION UPHOLDING THE SCHLESINGER APPEAL AND DENYING THE MCEVOY APPEAL OF THE MCEVOY DESIGN REVIEW 03-67 AND OVERTURNING IN PART AND SUSTAINING IN PART THE DEPUTY ZONING ADMINISTRATOR'S CONDITIONAL APPROVAL OF THE MCEVOY USE PERMIT 03-31 AND DESIGN REVIEW 03-67 ASSESSOR'S PARCELS 125-070-05, -06, AND -16 5935 REDHILL ROAD, PETALUMA

SECTION I: FINDINGS

GENERAL

I. WHEREAS, Russ Morita, on behalf of the property owner, Nan McEvoy, has submitted a Use Permit and Design Review to construct the following improvements on the McEvoy Olive Ranch in Petaluma: (1) a 660 kilowatt (kW), approximately 210-foot tall wind energy conversion system (WECS) for the generation of electricity; (2) an approximately 19.5-foot tall, 1,900 square foot accessory dwelling unit for the assistant orchard manager; and, (3) 1,415 square feet of office and storage additions onto the existing olive pressing barn building. The proposed office and storage additions would match the existing olive pressing barn building. Proposed building materials for the accessory dwelling unit include composition shingle roofing with board and batten siding. As proposed, the accessory dwelling would be located approximately 290 feet from the existing residence to the west and 260 feet from the storage and maintenance building to the southwest.

The proposed wind energy conversion system (WECS) consists of a 40-meter (131.2 feet) tall tubular tower with an 11-foot diameter base mounted with a Vesta V47 wind turbine. The Vesta V47 wind turbine rotor has a radius of 23.5 meters (77 feet). The WECS would have setbacks of 730 feet to the easterly property line, approximately 1,400 feet from the residence located on the Reichel property (Assessor's Parcel 125-070-15), and approximately 1,310 feet from the residence located on the Schlesinger property (Assessor's Parcel 125-520-01). Electricity generated by the wind turbine would feed into a Pacific Gas and Electric connection at the base of the tower, then connect to an existing electrical line on the property. The WECS would be painted with a white matte finish, and would include a shielded uplight on the nacelle of the wind turbine for aircraft safety in compliance with FAA standards.

Use Permit approval is necessary for the expansion of the olive processing facilities. Design Review approval is necessary for the WECS, the addition of additional building area to the existing olive processing facility in excess of 4,000 square feet, and for the agricultural dwelling unit.

The subject property is located at **5935 Redhill Road, Petaluma**, and is further identified as **Assessor's Parcels 125-070-05, -06, and -16**.

II. WHEREAS, on August 25, 2005, the Deputy Zoning Administrator granted conditional approval of the proposed project with modifications to the siting and color of the WECS, and that required the submittal of a report monitoring the avian resources in the area.

III. WHEREAS, on September 6, 2005, Sumner Schlesinger filed a timely appeal of the Deputy Zoning Administrator's decision regarding the Design Review approval for the WECS. The Schlesinger appeal asserts the following: (1) the overall height and scale of the WECS will impact views and vistas in the area; (2) the WECS will generate excessive noise levels; (3) the proposed uplight located on the nacelle (the enclosed part of the wind turbine in which the generator is located) of the WECS will result in

nighttime lighting impacts; (4) the WECS will not be compatible with the rural setting of the general vicinity; (5) the project will impact raptor and other avian resources; and (6) the siting of the WECS, as modified by conditions of approval, would locate the WECS closer to single-family dwellings on adjacent properties, and would violate the setback requirements of the Marin County Development Code for WECS.

- IV. WHEREAS, on September 6, 2005, Russ Morita, applicant and appellant representing property owner, Nan McEvoy, filed a timely appeal of the Deputy Zoning Administrator's decision regarding conditions of Design Review approval for the WECS. The McEvoy Appeal asserts the following: (1) the siting as modified by conditions of approval would be problematic from a geotechnical standpoint due to ridge grade and soil composition at that location and would violate the setback requirements of the Marin County Development Code for WECS; (2) the WECS cannot be painted to comply with conditions of approval because painting over the manufacturer's standard coating may affect the tower's resistance to corrosion and void the manufacturer's warranty; and (3) the WECS cannot be constructed to specifications listed in the proposal considered by the Deputy Zoning Administrator and conditions of approval because the only available WECS for purchase would have a total height of 246 feet (164-foot tall tower and rotor radius of 82 feet), tower base diameter of 12 feet, and maximum turbine power of 750 kilowatts.
- V. WHEREAS, the Marin County Planning Commission held a duly noticed public hearing on October 10, 2005, to consider the above appeals, the merits of the project in its entirety, and hear testimony in favor of, and in opposition to, the project.

FINDINGS UPHOLDING SCHLESINGER APPEAL, DENYING THE MCEVOY APPEAL AND OVERTURING DEPUTY ZONING ADMINISTRATOR'S CONDITIONAL DESIGN REVIEW APPROVAL OF THE WIND ENERGY CONVERSION SYSTEM (WECS)

- VI. WHEREAS, the Marin County Planning Commission upholds the Schlesinger Appeal, denies the McEvoy Appeal, and overturns the Deputy Zoning Administrator's conditional approval of the proposed WECS based upon the following findings.
- VII. WHEREAS, the Marin County Planning Commission finds that, pursuant to the State CEQA Guidelines Section 15270, the requirements of CEQA do not apply to the Design Review proposal for the WECS because that particular component of the project cannot be approved based upon inconsistencies with plan policies and zoning standards, as set out in the findings below.
- VIII. WHEREAS, the Marin County Planning Commission finds that the proposed WECS is inconsistent with the Marin Countywide Plan for the following reasons:
- A. The substantial height and size of the WECS, and its location on a ridgeline, would be incompatible with the visual setting of the surrounding area by detracting from the rural landscape and by having a dominant appearance from neighboring properties and within the viewshed along Red Hill Road. (Countywide Plan Policy EQ-3.11); and
 - B. Due to the substantial height of the WECS, and its location on a ridgeline, the project has not sufficiently demonstrated that the proposed safety lighting required by the Federal Aviation Administration would not result in nighttime lighting impacts on adjacent residents and/or disrupt the rural aesthetic of the immediate vicinity (Countywide Plan Policy EQ-3.26); and
 - C. The project has not sufficiently demonstrated that noise impacts from operation of the WECS would not result in unacceptable noise intrusion based upon the standards adopted in the County zoning ordinance (Marin County Development Code). (Marin Countywide Plan Policy N-1.1.a).

IX. WHEREAS, the Marin County Planning Commission finds that the proposed WECS, although a permitted use in the A-60 zoning district, is inconsistent with Marin County Code Section 22.32.180 for the following reasons: (1) Without further review of alternative locations and/or design options for the WECS and other energy conservation techniques that may or may not be well suited to fulfilling or contributing to the objectives of the project, it cannot be found that the project minimizes the visual prominence of the WECS to the greatest extent feasible given the factors stated in Findings VIII.A and VIII.B above; and(2) it has not been conclusively determined through a site-specific acoustical analysis that the noise produced by operation of the WECS would be within the maximum allowable noise levels established by the above code section ; .

X. WHEREAS, the Marin County Planning Commission finds that the proposed WECS is inconsistent with the mandatory findings to approve a Design Review in accordance with Marin County Code Section 22.42.060 for the following reasons:

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

The substantial height and size of the WECS, as well as its location on a ridgeline, would result in a structure that is excessively visible and out of scale with the surrounding rural setting. Without further, more detailed analysis, the required nighttime lighting may result in light intrusion impacts on adjacent residents and/or create a significant diminution of the nighttime visual setting of the project area.

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

As stated in the above findings, the WECS would result in visual impacts, and may result in noise intrusion, that would substantially interfere with the enjoyment of neighboring properties that are within view and/or an audible distance from the WECS.

C. It will not directly, or cumulative, 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 project is situated well within the boundaries of the project site, and although the proposed WECS would result in impacts to neighboring properties, it is unlikely that the extent of these impacts would be substantial enough to preclude or inhibit further investment or improvements on the same or other properties in the project area.

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

The project will not require the removal of any trees or other vegetation, and will only require minimal grading for the location of the detached agricultural worker accessory dwelling unit.

E. It will be in compliance with the design and locational characteristics listed in Chapter 22.16 (Planned District Development Standards) of the Marin County Development Code.

The standards established in the above chapter of the Marin County Development Code pertain primarily to residential projects and other conventional types of development. However, one of these standards requires the approval of a project to be based in part upon a finding that the

proposal is consistent with policies of the Marin Countywide Plan. As stated in the above findings, the WECS does not comply with Countywide Plan policies regarding visual impacts and noise. Therefore, the above finding cannot be made for the WECS.

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

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

The WECS would not minimize or eliminate adverse visual effects for the reasons stated in the above findings.

2. Drainage systems and appurtenant structures;

Based on the minimal impervious surface area of the WECS and the size of the project site and watershed, the WECS would not result in drainage systems that may cause adverse physical effects.

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

The WECS would not require substantial amounts of grading and appurtenant structures that may result in adverse physical effects.

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

The WECS is situated well within the boundaries of the project site and set back a substantial distance from adjacent properties, pathways and rights-of-way. Therefore, it would not affect the circulation of persons or vehicles. In addition, the project site is not known as a migratory corridor for raptors or other wildlife and the single WECS, with a relatively low speed turbine, should not adversely affect the movement of bird species.

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

As stated in the above findings, the WECS would result in adverse visual effects to neighboring properties and would be out of scale with the rural setting of the project area. However, it would not eliminate views or vistas available to adjacent residents, nor would it affect privacy because of the nature of the land use.

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

The project includes the construction of a 660 kW wind energy conversion system (WECS) which would provide energy for the agricultural and residential uses occurring at the site, and would lower carbon dioxide emissions by 295 tons on an annual basis (per the applicant's energy consultant). However, for the reasons stated in the above findings, the WECS would be out of scale with the rural setting of the project area

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

As stated in the above findings, the WECS would be inconsistent with certain policies of the Countywide Plan and standards of the Marin County Development Code.

- XI. WHEREAS, the Marin County Planning Commission finds that the use of efficient and renewable energy sources is consistent with and encouraged by County policy and standards when the structures, equipment and improvements related to generating such energy are sited and designed in a manner that properly balances other County land use and environmental policy objectives. In that regard, the Planning Commission further finds that a modified project providing a source of efficient and/or renewable energy for the agricultural and other uses on the McEvoy property may resolve the above policy and zoning inconsistencies.

FINDINGS SUSTAINING THE DEPUTY ZONING ADMINISTRATOR'S CONDITIONAL DESIGN REVIEW AND USE PERMIT APPROVALS OF THE DETACHED AGRICULTURAL WORKER DWELLING UNIT AND ADDITION TO OLIVE PROCESSING FACILITY

- I. WHEREAS, the Marin County Planning Commission sustains the Deputy Zoning Administrator's conditional approval of the detached agricultural worker dwelling unit and addition to the existing olive processing facility based upon the following findings.
- II. WHEREAS, the Marin County Planning Commission finds that the proposed detached agricultural worker dwelling unit and addition to the existing olive processing facility are Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA), per Section 15303, Class 3 because these improvements would not result in excessive amounts of grading or tree removal, would not affect sensitive wildlife habitat and would not result in other adverse impacts to the environment.
- III. WHEREAS, the Marin County Planning Commission finds that the proposed detached agricultural worker dwelling unit and addition to the existing olive processing facility are consistent with the Marin Countywide Plan for the following reasons:
- A. The above improvements are incidental to the primary use of the property as an olive farm which is permitted by the AG1 (Agricultural, one unit per 31 to 60 acres) land use designation governing the property;
 - B. The above improvements would be located on previously disturbed portions of the property and would not require removal of trees or significant amounts of grading;
 - C. The above improvements would enhance the long-term agricultural use of the land by allowing the property owner to accommodate the growing demand for high-quality, organic olive oil;
 - D. The above improvements would comply with Marin County standards for flood control, geotechnical engineering, and seismic safety, and include improvements to protect lives and property from hazard;
 - E. The above improvements would comply with governing development standards related to roadway construction, parking, grading, drainage, flood control and utility improvements as verified by the Department of Public Works;

- IV. The above improvements would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services; and,
- V. The above improvements would provide housing opportunities for agricultural workers in the Inland Rural Corridor on an agricultural property site which is served by existing roadways, and necessary public and community facilities within the Inland Rural Corridor.
- VI. WHEREAS, the Marin County Planning Commission finds that the proposed detached agricultural worker dwelling unit and addition to the olive processing facility are consistent with the governing A-60 zoning district because these improvements would further agricultural land uses on the property and would comply with the governing development standards related to setbacks to property lines and building heights (Marin County Development Code Sections 22.08.030 – Table 2-1, 22.08.040 – Table 2-2, and 22.20.060.B).
- VII. WHEREAS, the Marin County Planning Commission finds that, in accordance with the conditions of approval, the mandatory findings for a Use Permit per Section 22.48.040 of the Marin County Code can be made for the following reasons:
 - VIII. The proposed addition to the existing olive processing facility are allowed within the governing A-60 zoning district (Agricultural District, 60 acre minimum lot size);
 - IX. The proposed addition to the existing olive processing facility are consistent with the Countywide Plan for reasons discussed in Section XIII above;
 - X. The proposed addition to the existing olive processing facility are categorically exempt from the CEQA for the reasons discussed in Section XII above;
 - XI. The proposed addition to the existing olive processing facility would be compatible with existing and future land uses in the area because the dwelling unit, and office addition are uses that are incidental to, and supportive of, surrounding agricultural land uses;
 - XII. The proposed addition to the existing olive processing facility would be visually compatible with proposed development on the subject parcel and surrounding parcels because it would utilize an architectural style, building materials and colors that are harmonious with other agricultural buildings in the area; and,
- XIII. The granting of the Use Permit will not be detrimental to the public interest, health, safety, convenience, or welfare of the County, or injurious to the property or improvements in the vicinity and zoning district in which the real property is located because the proposed addition to the existing olive processing facility will meet the setbacks prescribed by the A-60 zoning district and Marin County Development Code Section 22.32.180, and will not obstruct any adjacent neighbor's views, air, light, or privacy. Furthermore, the addition to the existing olive processing facility would be required by the issuance of a building permit to meet Uniform Building Code standards and, therefore, would be constructed in a manner that would preclude potential injury to improvements on the subject property, and improvements on neighboring properties.
- XIV. WHEREAS, the Marin County Planning Commission finds that the proposed agricultural worker dwelling unit and addition to the existing olive processing facility are consistent with the mandatory findings to approve a Design Review in accordance with Marin County Code Section 22.42.060 for the following reasons:
 - A. **The proposed structure will properly and adequately perform or satisfy its functional requirements without being unsightly or creating incompatibility/disharmony with its locale and surrounding neighborhood.**

The proposed detached agricultural worker dwelling unit and addition to the existing olive processing facility will result in structures of height, mass and bulk proportionately appropriate to the 552-acre site. These improvements would be consistent with the existing agricultural operations and incorporate architectural characteristics and building forms that are consistent with other development in the area. They would be constructed using materials and colors, non-reflective and subdued in nature, to better blend with the surrounding natural and built environments.

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

The detached agricultural worker dwelling unit and addition to the existing olive processing facility has been sited on the property to meet all the setback requirements of the Marin County Code and the A-60 zoning district. These improvements are accessory and incidental to agricultural land uses at the subject property and in the area, and the topographical features of the area provide partial screening and privacy. Given the size, configuration, and topography of the subject property, the detached agricultural worker dwelling unit and addition onto the existing olive processing facility will be compatible with the orderly and pleasing development of the surrounding community.

- C. It will not directly, or cumulative, 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 project is situated well within the boundaries of the project site and the detached agricultural worker dwelling unit and addition to the existing olive processing facility will be set back substantial distances from properties. Therefore, these improvements will not affect the ability of other property owners to make further investment in or improvements on their land.

- D. It will be properly and adequately landscaped with maximum retention of trees and other natural features and will conserve non-renewable energy and natural resources.**

The project will not require the removal of any trees or other vegetation, and will only require minimal grading for the location of the detached agricultural worker accessory dwelling unit.

- E. It will be in compliance with the design and locational characteristics listed in Chapter 22.16 (Planned District Development Standards) of the Marin County Development Code.**

The design of the proposed detached accessory dwelling unit and office addition would be compatible with that of other structures in the vicinity, would respect the surrounding natural environment, and would not diminish views from surrounding properties because materials and colors would be used to blend the structures in with the surrounding natural environment and the proposed structures incorporate heights, architectural styles, and sizes that are compatible with the surrounding neighborhood. These improvements would be sufficiently clustered with other existing improvements on the property and would not require significant grading or tree removal. The proposed detached accessory dwelling unit and office addition would not encroach onto adjoining private properties, public lands, or private and public easements and rights-of-way, and ample parking would be provided for occupants of the buildings.

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

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

The detached accessory dwelling unit and office addition would result in development which incorporates architectural characteristics and building forms that are consistent with other development in the area and are harmonious with the surrounding natural and built environments. The detached accessory dwelling unit and office addition would be constructed using materials and colors, non-reflective and subdued in nature, to better blend with the surrounding natural environment as well as the built environment. The detached accessory dwelling unit and office addition maintains adequate separation from other structures and property lines. The overall scale of the detached accessory dwelling unit and office addition is compatible with other development on the property and in the area, and is appropriate given the size and configuration of the property.

2. Drainage systems and appurtenant structures;

The drainage system for the project has preliminarily been reviewed and accepted by the Department of Public Works. 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, distribute surface run-off into appropriate drainage systems.

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

The primary grading to occur on the site is for the construction of the detached agricultural worker accessory dwelling unit and therefore will not disturb the majority of the existing topography. The grading that will occur will enable the detached agricultural worker accessory dwelling unit to maintain a lower profile and minimize its profile as viewed from off-site locations. Site disturbance will be limited to within the building footprint and driveway improvements.

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

The development on the property will not interfere with the containment, movement, or circulation of animals, conveyances, or persons because the project would be located entirely on the subject property, which is not officially designated as a known migratory corridor for raptors or other wildlife.

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

The siting of the detached agricultural dwelling unit and addition to the existing olive processing facility will not eliminate the sun and/or light exposure on adjacent properties, or result in the elimination of views, vistas, or privacy. The building forms are adequately articulated thereby minimizing the visual profile of the structures as viewed from off-site locations. No significant views or vistas would be obstructed by the detached accessory dwelling unit and office addition and the design of the detached accessory dwelling unit and office addition would be compatible with that of other structures in the vicinity, would

respect the surrounding natural environment, and would not diminish views from surrounding properties because materials and colors would be used to blend the structures in with the surrounding natural environment. Finally, the proposed detached accessory dwelling unit and office addition incorporate heights, architectural styles, and sizes that are compatible with the existing development on the subject property.

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

The detached agricultural worker dwelling unit and addition to the existing olive processing facility will be reviewed for compliance with State and County energy conservation requirements through the building permit review process.

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

For the reasons stated in Finding XIII above, the detached agricultural worker dwelling unit and addition to the existing olive processing facility are consistent with the Countywide Plan. In addition these improvements are in support of or related to agricultural production, and thus compatible with the existing and planned uses of the project area. They will be reviewed through the building permit process to ensure compliance with the County's health and safety standards.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Planning Commission hereby upholds the Schlesinger Appeal, denies the McEvoy Appeal and overturns in part and sustains in part the Deputy Zoning Administrator's action by conditionally approving the McEvoy Use Permit 03-31 and Design Review 03-67 subject to the following conditions.

Marin County Community Development Agency, Planning Division

1. EXCEPT AS MODIFIED BY CONDITIONS OF APPROVAL, and pursuant to Marin County Code Sections 22.48.040 and 22.42.060, the McEvoy Use Permit 03-31 and Design Review 03-67 approval hereby authorizes the construction of the following improvements on the McEvoy Olive Ranch in Petaluma:

- a. A 19.5-foot tall, 1,900 square foot accessory staff dwelling unit; and,
- b. A 1,415-square foot office and storage addition onto the existing olive pressing barn building.

The office and storage addition are approved to be constructed at the same height as the existing olive pressing barn building and to utilize existing colors and materials. The accessory staff dwelling unit is approved to utilize composition shingle roofing with board and batten siding. The accessory staff dwelling unit is approved to be located approximately 290 feet from the existing residence to the west and 260 feet from the storage and maintenance building to the southwest. The subject property is located at **5935 Redhill Road, Petaluma**, and is further identified as **Assessor's Parcels 125-070-05, -06, and -16**.

2. EXCEPT AS MODIFIED BY CONDITIONS OF APPROVAL, plans submitted for a building permit shall substantially conform to the following plans on file in the Marin County Community Development Agency:

- a. "Exhibit A," entitled, "McEvoy Ranch, Staff Cottage," consisting of 24 sheets, prepared by BAR Architects, dated May 6, 2002 and revised August 29, 2002, and revised Sheet A2.01 date stamped June 3, 2005;
 - b. "Exhibit B," entitled, "McEvoy Ranch – Olive Barn Office and Storage Addition," consisting of 13 sheets, prepared by Appleton and Associates, Inc., Architects, dated April 11, 2003;
 - c. "Exhibit C," entitled, "Composite Site Map," consisting of 4 sheets, prepared by Dimensions 4 Engineering Inc., dated February 2004;
 - d. "Exhibit D," entitled, "Location Map for Water Springs," consisting of 1 sheet, prepared by Dimensions 4 Engineering Inc., dated March 2005; and,
3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise site plan or other first sheet of the office and job site copies of the Building Permit plans to list these Use Permit and Design Review Conditions of Approval as notes.
 4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the plans to depict the location and type of all exterior lighting for review and approval of the Director. Exterior lighting for the staff dwelling unit and office addition shall be permitted for safety purposes only, must consist of low wattage fixtures, and must be hooded. The Building Plans shall include specifications (cut sheet) for all exterior lights.
 5. BEFORE FINAL INSPECTION, the applicant shall install the project substantially consistent with Exhibits A, B, C, D, and all conditions of approval.
 6. Except for such non-noise generating activities, including but not limited to, painting, sanding, and sweeping, construction activity is only permitted between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday, and 9:00 a.m. and 4:00 p.m. on Saturday. No construction shall be permitted on Sundays or the following holidays (New Year's Day, Martin Luther King Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving, Christmas). If the holiday falls on a weekend, the prohibition on noise-generating construction activities shall apply to the ensuing weekday during which the holiday is observed. At the applicant's request, the Community Development Agency staff may administratively authorize minor modifications to these hours of construction.
 7. All utility connections and extensions serving the project shall be installed underground.
 8. All flashing, metal work and trim for the office addition and detached agricultural worker dwelling unit shall be an appropriately subdued, nonreflective color.
 9. In the event that the terms of this Use Permit approval 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 or working in the neighborhood, or be detrimental to the public welfare or injurious to the property or improvements in the neighborhood, this Use Permit may be revoked or suspended pursuant to Marin County Code, Chapter 22.120.
 10. All relevant Conditions of Approval for the McEvoy Use Permit adopted by the Deputy Zoning Administrator under Resolution 96-098 shall apply.
 11. 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.

Department of Public Works, Land Development

- 12. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide pertinent design information as specified below.**
- a.** Submit a Stability Report prepared by a registered Civil Engineer with geotechnical expertise or by a certified Geotechnical Engineer. The report must attest to the suitability and geological feasibility of placing a building on the site and identify any drainage or soils problems that the design of this project must accommodate.
 - b.** Improvement Plans shall be prepared by a registered Civil Engineer, signed and stamped.
 - c.** Apply for a separate building permit for retaining walls. Submit two sets of structural calculations signed and stamped by the Design Engineer.
 - d.** Plans must be reviewed and approved by the soils engineer. Certification shall be by stamp and signature on the plans or by a stamped and signed letter.
 - e.** Sheet 4 of 4 shall be consistent with sheet 3 of 4 regarding the new 12' wide gravel roadway and proposed parking. Modify plans accordingly.
 - f.** Sheet 2 of 4 does not comply with California Title 24. The disabled parking stall at the Olive Pressing Barn Building shall have the loading/unloading area located on the passenger side of the vehicle. "No Parking" shall be painted on the pavement of both loading/unloading areas.
 - g.** All parking and path of travel shall comply with all federal and state accessibility requirements. Construction documents must be drawn of sufficient clarity to indicate nature and extent of work. Add note on site plan: Contractor to verify that all barriers in the path of travel have been removed or will be remove under this project, and path of travel complies with CBC 1133B.
 - h.** Note on plans that the Design Engineer shall certify to the County of Marin in writing (stamped and signed) that all grading, drainage, retaining wall construction and excavation were done in accordance with approved plans and field directions. Certification letters shall include the project address, assessor's parcel number and building permit number. Also note on plans that prior to final inspection driveway, parking and site improvements shall be inspected by DPW Engineer.

Marin County Environmental Health Services

Sewage

- 13. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall fulfill the following requirements:**
- a.** Obtain Septic Tank Installation Permit(s). Septic tank siting must observe all setbacks.
 - b.** Provide a written statement that the proposed office will be limited to providing space for four or fewer additional employees. The existing mound septic system is designed for the 8 existing employees plus four additional employees (and the flow from the proposed two bedroom residence).

Water

- 14. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall obtain a valid water permit is issued by Environmental Health Services. The applicant must apply directly to EHS for a water system permit.**

Marin County Fire Department

15. PRIOR TO FOUNDATION INSPECTION, the applicant shall provide confirmation to the Planning Division that the Fire Marshal has approved the Vegetation Management/Defensible Space Plan and that the project complies with all applicable fire safety requirements.
16. BEFORE FINAL INSPECTIONS, the applicant shall submit written certification from the District Fire Marshal that the project complies with all District regulations, including, but not limited to the following items listed below.
 - a. Payment of all required fees.
 - b. If a gate is contemplated, Fire Department approval for gates on the access road and/or driveway is required. If the gate is locked in any fashion, a MCFD Knox rapid entry system is mandatory.
 - c. Road signage indicating the address of the new 2nd Unit is required. Numbers are to be a minimum of 4" in height with a 3/8" stroke, on a sharply contrasting background.
 - d. Residential Sprinkler System (design approval and site inspection by the Building Dept.) As part of the sprinkler system installation, a spare sprinkler head cabinet containing two spare sprinkler heads, and the applicable sprinkler head wrench will be required prior to final approval of the sprinkler system.
 - e. Commercial Sprinkler System (if required, design approval and inspection by the Fire Dept.)
 - f. Class "A" Roofing (design approval and site inspection by the Building Dept.)
 - g. Smoke Detection System (design approval and site inspection by the Building Dept.)

SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this Use Permit and Design Review approval by obtaining a Building Permit for the approved work and substantially completing all work before October 24, 2007, or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 10 days before the expiration date above and the Community Development Agency Director approves it. An extension of up to four years may be granted for cause pursuant to Section 22.56.050.B.3 of the Marin County Code. Upon completion of the requirements to vest this application, the Use Permit shall remain valid in perpetuity as long as all the terms of this permit are maintained.

The Building Permit approval expires if the building or work authorized is not commenced within one year from the issuance of such permit. A Building Permit is valid for two years during which construction is required to be completed. All permits shall expire by limitation and become null and void if the building or work authorized by such permit is not completed within two years from the date of such permit. Please be advised that if your Building Permit lapses after the vesting date stipulated in the Use Permit and Design Review approval (and no extensions have been granted), the Building Permit, Use Permit and Design Review approvals may become null and void. Should you have difficulty meeting the deadline for completing the work pursuant to a Building Permit, the applicant may apply for an extension to the Use Permit and Design Review at least 10 days before the expiration of the Use Permit and Design Review approval.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is 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 November 3, 2005.**

SECTION IV: 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 October, 2005, by the following vote to wit:

AYES:

NOES:

ABSENT:

STEVE C. THOMPSON, CHAIR
MARIN COUNTY PLANNING COMMISSION

Attest:

Kim Shine
Planning Commission Secretary

I:Cur/cdh/PC/McEvoyPCFinalDraftRevised10.24.05