



## Property Development Standards: Outdoor Construction Activities & Installing Utilities

All outdoor construction activities that require Building Permits shall meet the standards contained within the Marin County Development Code, Title 22 Section 22.20.040 – Outdoor Construction Activities. In addition, utilities to serve proposed development shall be placed underground, pursuant to Marin County Development Code, Title 22, Section 22.20.10 – Undergrounding of Utilities. Below is a summary of these standards.

**Construction Signs:** Post a publicly visible sign with the construction supervisor's name, telephone number, and address to contact regarding dust control, noise control, or other complaints about the construction activities. Unless otherwise specified by the conditions of approval for a development project, construction signage shall consist of a single yard sign with a maximum area of six feet and a maximum height of six feet and the sign shall remain on site until the outdoor construction activities are completed.

**Landscape Irrigation Efficiency:** During the Building Permit review process for a project that includes landscape irrigation, an applicant shall provide written verification from the local water district to the Community Development Agency that all landscape irrigation complies with the water district's irrigation efficiency requirements or is exempt from those requirements.

**Dust Control:** The following dust control measures shall apply to projects involving ground disturbance that are subject to environmental review:

1. All unpaved exposed surfaces (e.g., parking areas, staging areas, soil piles, and graded areas, and unpaved access roads) shall be watered two times a day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to a maximum of 15 miles per hour.
5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California Airborne Toxics Control Measure Title 13, Section 2485 of California of Regulations). Clear signage shall be provided for construction workers at all access points.

7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified emissions evaluator.

**Building verification:** The following verifications shall be required during construction, under the conditions specified below, unless the Director waives or modifies the requirement due to unusual circumstances or conformance with the conditions of approval for a development project:

1. Setback verification is required for setback distances when structural development is located up to or within one foot of the minimum required setback on conventionally zoned properties and when the structural development is located within five feet of a property line, right of way, or access easement on planned district zoned properties. In these cases, the applicant shall have a licensed land surveyor or civil engineer with proper surveying certification verify that the project complies with the approved setback distances as shown on the approved building permit plans and submit a written (stamped) Building Setback Certification to the Planning Division.
2. Building height verification is required if the building height is within two feet of the maximum height allowed for projects located on conventionally zoned properties. In these cases, the applicant shall have a licensed land surveyor or civil engineer with surveying certification submit a written (stamped) building Roof Elevation Certification confirming that the building conforms to the roof ridge elevations that are shown on the approved Building Permit plans, based on a benchmark that is noted on the plans.
3. Floor area ratio verification is required if the floor area ratio resulting from a project would be within two percent of the maximum floor area ratio allowed for projects located on conventionally zoned properties. In these cases, the applicant shall submit a written (stamped) building Floor Area Certification from the project surveyor or engineer confirming that the floor area of the building conforms to the floor area that is shown on the approved Building Permit plans.

**Archaeological, Historical, and Paleontological Resources.** In the event that archaeological, historic, or paleontological resources are discovered during any construction, construction activities shall cease, and the Agency shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may occur in compliance with State and Federal law. The disturbance of an Indian midden may require the issuance of an Excavation Permit by the Department of Public Works, in compliance with Chapter 5.32 (Excavating Indian Middens) of the County Code.

**Roosting Bat Protection Measures:** For the purposes of protecting roosting bats, outdoor construction activity that involves tree removal in an area where a biological assessment has identified a high probability of roosting bats on site are subject to the requirements below before and during site preparation and construction activities, unless separate project mitigation measures have been adopted that override these requirements. These standards apply only to tree removal that takes place during the nesting seasons of March 1 and April 15 or between September 1 and October 15.

1. Trees identified as containing suitable roost habitat shall be removed using a two-step process if they are removed during the nesting season. Trees removed during the nesting

season shall be felled the first day and left overnight before the felled trees are removed the following day or later.

2. A qualified biologist shall be responsible for overseeing the removal of trees that provide suitable bat habitat and will submit written confirmation to the County verifying that these measures have been undertaken.

**Nesting Bird Protection Measures (excluding Northern Spotted Owl):** For the purposes of protecting nesting birds, outdoor construction activity that involves tree removal, grading, or other site disturbances in an area where a biological assessment has identified a high probability of the presence of nesting birds are subject to the requirements enumerated below before and during site preparation and construction activities, unless separate project mitigation measures have been adopted that override these requirements.

1. Construction activities that may disturb birds shall be conducted outside the nesting season, which generally occurs between February 1 and August 15.
2. If commencing construction activities between August 16 and January 31 is infeasible and ground disturbance or tree removal needs to occur within the nesting season, a pre-construction nesting bird survey of the property shall be conducted by a qualified biologist. If no nesting birds are observed by the biologist, no further action is required, and construction activities shall occur within one week of the survey.
3. If active bird nests are observed during the pre-construction survey, a disturbance-free buffer zone shall be established around the nest tree(s) until the young have fledged, as determined by a qualified biologist.
4. To delineate the buffer zone around a nesting tree, orange construction fencing shall be placed at the specified radius from the base of the tree within which no machinery or workers shall intrude. After the fencing is in place, there will be no restrictions on grading or construction activities outside the prescribed buffer zones, but County staff during routine site inspections may verify that fencing remains in place.
5. Pre-construction surveys will be documented and provided to the County by the qualified biologist. If construction fencing is required, photographs of the fencing, directly after installation, will be submitted to the County.

**Northern Spotted Owl:** For the purposes of protecting Northern Spotted Owls, outdoor construction activity that involves tree removal, grading, or other site disturbances in an area where a biological assessment has identified a spotted owl nest within 500 yards of a project are subject to the requirements enumerated below before and during site preparation and construction activities, unless separate project mitigation measures have been adopted that override these requirements.

1. Construction activities that may disturb Northern Spotted Owls shall be conducted outside the nesting season, which occurs between February 1 and July 9.
2. If conducting construction activities between July 10 and January 31 is infeasible and construction or tree removal needs to occur within the nesting season, a pre-construction survey shall first be conducted by a qualified biologist. If no Northern Spotted Owls are

observed by the biologist, no further action is required, and construction activities shall occur within one week of the survey.

3. If active bird nests are observed during the pre-construction survey, a disturbance-free buffer zone of 500 yards shall be established around the nest tree(s) until the young have fledged, as determined by a qualified biologist.
4. To delineate the buffer zone around a nesting tree, orange construction fencing shall be placed at the specified radius from the base of the tree within which no machinery or workers shall intrude.
5. Pre-construction surveys will be documented and provided to the County by the qualified biologist. If construction fencing is required, photographs of the fencing, directly after installation, will be submitted to the County.

**Installing Utilities.** Utilities to serve proposed development shall be placed underground except where the Director determines that the cost of undergrounding would be so prohibitive as to deny utility service to the development.