




**STAFF REPORT TO THE MARIN COUNTY  
DEPUTY ZONING ADMINISTRATOR  
Deiter Coastal Permit**

**Recommendation: Approve with conditions**  
**Hearing Date: December 2, 2021**

Application No(s):	P3188	Owner(s):	Raymond Deiter
Agenda Item:	3	Assessor's Parcel No(s):	188-170-41
Last Date for Action:	12/14/2021	Property Address:	288 Mesa Road, Bolinas
		Project Planner:	Immanuel Bereket
		Signature:	

Countywide Plan Designation:	C-AG2 (Coastal Agricultural, 1 unit/10-30 acres)
Community Plan Area:	Bolinas Plan
Zoning District:	C-ARP (Coastal, Agricultural Residential Planned, 1 unit/10 acres)
Environmental Determination:	Exempt per CEQA Guidelines §15303(d), Class 3

**PROJECT SUMMARY**

The applicant requests Coastal Permit approval to construct a new well on a developed lot in Bolinas. The proposed well would have the following setbacks: 142 feet from the western front property line; 95 feet from the northern side property line; more than 200 feet from the southern side and eastern rear property lines.

Coastal Permit approval is required under Section 22.68.060(G) of the Marin County Local Coastal Program Implementation Plan because the project involves the construction of a new water well for domestic consumption.

**PROJECT SETTING**

Characteristics of the site and surrounding area are summarized below:

Total Lot Area:	Total lot area-222,394,000 square feet lot.
Adjacent Land Uses:	Single-family residences to the south and federal land (open space) to the north and privately-owned undeveloped vacant lot to the west.
Topography and Slope:	The site is relatively flat, with an average slope of 11 percent.
Existing Vegetation:	Comprised of a mixture of native and non-native trees and shrubs. Non-native trees include Monterey pine ( <i>Pinus radiata</i> ), Monterey cypress ( <i>Hesperocyparis macrocarpa</i> ), eucalyptus ( <i>Eucalyptus</i> sp.), and a single

Coast redwood (*Sequoia sempervirens*), along with a number of apparently planted elderberries (*Sambucus* sp.). Native trees are limited to a number of native Coast live oak (*Quercus agrifolia*). Non-native shrubs, grass and ground cover include wild oat (*Avena fatua*), Mediterranean barley (*Hordeum murinum*), rip-gut brome (*Bromus diandrus*), Italian ryegrass (*Festuca perennis*), blue wild rye (*Elymus glaucus*), dogtail (*Cynosurus echinatus*), velvet grass (*Holcus lanatus*), rattlesnake grass (*Briza maxima*), and Harding grass (*Phalaris aquatica*). The vegetation found in a swale running along the western edge of the property includes California blackberry and velvet grass. Other species include poison oak, sheep sorrel (*Rumex acetosella*), Coastal burnweed (*Senecio minimus*), pennyroyal (*Mentha pulegium*), and patches vegetated with rushes (*Juncus* sp.) and sedges (*Carex* sp.), among other species.

Environmental Hazards: The project site is located in a high fire risk zone, and high seismic susceptibility.

The project site is a corner lot accessed from Mesa Road and is developed with a 2,584 square foot single-family residence, a septic system, a detached accessory structure, a 6,000-gallon water tank, and a well that was installed in 1983. The well installed in 1983 has the pump for the well stuck 30 feet below ground. The site slopes from north to south and contains an ephemeral stream without a defined bed and bank, and it traverses the western portion of the property and drains toward a culvert that passes under Mesa Road. The ephemeral drainage becomes a more significant stream to the west of Mesa Road with a defined bed and bank.

## **BACKGROUND**

A Coastal Permit and Use Permit application was submitted on June 1, 2021. Upon receipt, the project was transmitted to the Department of Public Works (DPW), Environmental Health Services (EHS), the California Coastal Commission (CCC), and posted online. The project was deemed incomplete on June 30, 2021. On July 26, 2021, the applicant was granted a 60-day extension. The applicant submitted revised materials on September 20, 2021, which were promptly recirculated to DPW, EHS, and the CCC. On October 14, 2021, the application was deemed complete.

A notice was posted on the project site on June 1, 2021, identifying the applicants and describing the project and its location. A site visit was conducted on the same day the notice was posted. Upon deeming the project complete, a Notice and Referral was posted online on October 14, 2021, requesting any interested organizations or individuals to provide comments on the proposal. The Community Development Agency mailed public notice on November 10, 2021, identifying the applicant, describing the project and its location, hearing date, and location per California Government Code requirements. Said notice was mailed to all property owners within 300 feet of the subject property.

## **RECOMMENDATION**

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and approve the Deiter Coastal Permit.

Attachments:

1. Recommended resolution
2. Uniformly Applied Conditions 2021
3. CEQA exemption
4. Department of Public Works, Inter-Office memorandum, dated June 23, 2021
5. Environmental Health Services, Inter-Office memorandum, dated June 24, 2021
6. Project plans

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. \_\_\_\_\_  
A RESOLUTION APPROVING THE Deiter COASTAL PERMIT  
288 MESA ROAD, BOLINAS  
ASSESSOR'S PARCEL: 188-170-41

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SECTION I: FINDINGS

1. **WHEREAS**, the applicant and property owner, Mr. Raymond Deiter, has submitted a Coastal Permit application to install a domestic water well on the property in the present location of a test well. The water from the proposed well is to replace the existing well. The proposed well would have the following setbacks: 142 feet from the western front property line; 95 feet from the northern side property line; more than 200 feet from the southern side; and eastern rear property lines.

The property is located at 288 Mesa Road, Bolinas, and is further identified as Assessor's Parcel 188-170-41.

2. **WHEREAS**, on December 2, 2021, the Marin County Deputy Zoning Administrator held a duly noticed public hearing to take public testimony and consider the project.

3. **WHEREAS**, the project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15303, Class 3 of the CEQA Guidelines because the proposed project will not result in a potentially significant impact on the environment.

4. **WHEREAS**, the project is consistent with the mandatory findings for Coastal Permit approval (Marin County Local Coastal Program, Implementation Plan Section 22.70.070).

**A. Coastal Access. The proposed project, as conditioned, is consistent with the applicable policies contained in the Public Coastal Access section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.180 (Public Coastal Access). Where the project is located between the nearest public road and the sea, a specific finding must be made that the proposed project, as conditioned, is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act (commencing with Section 30200 of the Public Resources Code)**

The project is consistent with the LUP public coastal access policies (C-PA-3, C-PA-4, C-PA-17, C-PA-21) and this finding because the project site is not near a bluff and would not interfere or impact coastal access as it is not located on a coastal bluff.

**B. Biological Resources. The proposed project, as conditioned, is consistent with the applicable policies contained in the Biological Resources section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.050 (Biological Resources).**

The Marin County Land Use Plan includes policies to protect environmentally sensitive habitat areas (ESHAs), including C-BIO-1:

As documented in the biological site assessment (BSA) report prepared by Huffman-Broadway Group, Inc., dated August 17, 2021, an ephemeral watercourse runs from the adjacent property to the north, enters the project site along the northwest property boundary and flows through the site in a shallow ephemeral swale to where it enters a culvert near the southwest corner of the site. It then flows through the culvert under Mesa Road. It exits on the west side of Mesa Road as a larger stream with a defined bed and bank that eventually carries the drainage into Alder Creek, located approximately 370 feet south of the property, and on into the Pacific Ocean. The ephemeral watercourse within the project site lacks a defined bed and bank throughout most of its length throughout the property. The ephemeral watercourse becomes a more significant stream with a defined bed and bank west of the Mesa Road, whereas the ephemeral watercourse lacks a defined bed and bank within the project site.

The vegetation found in the ephemeral watercourse on the property includes vegetation often found in stream environments and riparian corridors or wetlands. The vegetation in the swale is dominated by California blackberry and velvet grass. Other species include poison oak, sheep sorrel (*Rumex acetosella*), Coastal burnweed (*Senecio minimus*), pennyroyal (*Mentha pulegium*), patches vegetated with rushes (*Juncus* sp.), and sedges (*Carex* sp.), among other species. There are no trees typical of a riparian canopy.

As illustrated in Sheet 1 of the project plans and Figure 6 of the BSA, both the existing well and the proposed location for a new well are located within the eastern edge of the 100-foot ESHA buffer zone from the wetland swale. As shown in Figures 5 and 6, the existing well is located 88 feet from the mapped edge of the wetland swale, approximately 12 feet within the 100-foot wetland buffer zone, and the proposed well would be located 95 feet from the mapped edge of the wetland swale, approximately 5 feet within the 100-foot wetland buffer zone. Installation of the project would remove a patch of non-native grasses and herbaceous plants, resulting in little to no impact on wildlife populations in the area.

Additionally, per the BSA, the project site provides potential habitat to support wildlife species, including trees that can provide nesting and roosting sites for birds, and vegetation cover and foraging habitat for species of birds, mammals, reptiles, and amphibians. The ephemeral swale provides wildlife habitat that includes a seasonal source of water and, especially when water is present, serves as a movement/migration corridor and foraging and breeding habitat for various aquatic and terrestrial wildlife species. Many of the trees on the property provide potential cavities that could serve as nesting sites for cavity-nesting birds or as roost sites for any number of bat species.

Although special status animal species, such as monarch butterfly (*Danuas plexippus*), California red-legged frog (CRLF, *Rana draytonii*), Northern spotted owl have the potential to occur in the project vicinity, the project site does not contain any special status animals. The BSA concludes that no plant or animal of special status species occur on the project site where the well is proposed for construction. Therefore, the project would not result in any significant adverse impacts on special status plant or animal species and would not substantially reduce the number or restrict the range of a rare, endangered, or threatened species of fauna.

Therefore, the project is consistent with the LUP biological resources policies for the protection of natural transitions and connections associated with streams, wetlands, and coastal dunes (C-BIO-1, C-BIO-2, C-BIO-3, C-BIO-7, C-BIO-8, C-BIO-14, C-BIO-23) and

this finding because the project would not substantially alter the margins along environmentally sensitive habitat areas including riparian corridors, wetlands, baylands, woodlands, or coastal dunes where none currently exist on the project site. Further, the project would not entail the irreplaceable removal of groves of trees.

The Marin County Land Use Plan includes policies to protect environmentally sensitive habitat areas (ESHAs) under C-BIO-19, including:

1. A buffer adjustment to less than 100 feet may be considered only if it conforms with zoning and:
  - a. It is proposed on a legal lot of record located entirely within the buffer; or
  - b. It is demonstrated that permitted development cannot be feasibly accommodated entirely outside the required buffer; or
  - c. It is demonstrated that the permitted development outside the buffer would have greater impact on the wetland and the continuance of its habitat than development within the buffer; or
  - d. The wetland was constructed out of dry land for the treatment, conveyance or storage of water, its construction was authorized by a coastal permit (or pre-dated coastal permit requirements), it has no habitat value, and it does not affect natural wetlands.

Analysis: The project would occur on a property that is a legal lot of record developed with a single-family residence, and the proposed well would support a use principally permitted by the zoning district. Based on the field tests and yield results, the applicant's preferred well location would encroach by 12 feet into the required 100 feet ESHA buffer zone, and the least preferred locations were outside of the 100 ESHA buffer zone where water yields fell below the minimum required to meet the project objectives. The proposed well location, which would encroach by five feet into the 100-foot ESHA buffer, was selected because the test results demonstrate that the selected site would result in acceptable yields to support the residence while limiting site disturbance within the ESHA and throughout the project site by utilizing the existing underground water mains.

2. A buffer adjustment may be granted only if supported by the findings of a site assessment which demonstrate that the adjusted buffer, in combination with incorporated siting, design or other mitigation measures, will prevent impacts that significantly degrade the wetland and will be compatible with the continuance of the wetland ESHA.

Analysis: The requested buffer adjustment would result in a project that would minimize impacts to the wetland ESHA. As conditioned herein, the project would be subject to all applicable Best Management Practices related to well installation. Strict compliance with and adherence to of the policies and regulations contained the Best Management Practices will ensure that no soil migration occurs towards the wetland swale and limit siltation within stormwater runoff that could adversely affect the water quality of the sensitive areas. Additionally, the project is conditioned to reseed all areas around the newly-created well and all access routes for the drilling equipment to ensure the continuance of the wetland ESHA.

3. A Coastal Permit authorizing a buffer adjustment shall require measures that create a net environmental improvement over existing conditions, in addition to what is otherwise required by minimum applicable site development standards. Such

measures shall be commensurate with the nature and scope of the project and shall be determined at the site level, supported by the findings of a site assessment or other technical document. Work required in accordance with this Policy shall be completed prior to occupancy. Appropriate measures may include but are not limited to:

- a. Retrofitting existing improvements or implementing new measures to reduce the rate or volume of stormwater runoff and improve the quality of stormwater runoff (e.g., use of permeable "hardscape" materials and landscape or site features designed to capture, absorb, and filter stormwater; etc.);
- b. Elimination of on-site invasive species;
- c. Increasing native vegetation cover (e.g., expand continuous vegetation cover, reduce turf areas, provide native groundcover, shrubs and trees; etc.);
- d. Reduction in water consumption for irrigation (e.g., use of drought-tolerant landscaping or high-efficiency irrigation systems, etc.); and
- e. Other measures that reduce overall similar site-related environmental impacts.

Analysis: Installation of the proposed well will require the removal of non-native grasses and soil disturbance to construct a pad for the new well. As conditioned herein, the applicant will be required to prepare a vegetation replacement plan that will require removal of on-site invasive species and replacement of such species with native vegetation.

4. The buffer shall not be adjusted to a distance of less than 50 feet in width from the edge of the wetland.

Analysis: This Coastal Permit would authorize the reduction of the required 100 foot ESHA buffer zone by no more than five feet, which would be more in compliance when compared to the existing well.

**C. Environmental Hazards. The proposed project, as conditioned, is consistent with the applicable policies contained in the Environmental Hazards section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.060 (Environmental Hazards).**

On July 13, 2021, the Board of Supervisors voted to activate the certified Local Coastal Program (LCP) Amendments. All portions of Marin's LCP Amendments have been approved by the Board of Supervisors and certified by the Coastal Commission with the exception of chapters related to environmental hazards, which remain the subject of on-going work and public input. As a result, those sections of the original versions of the LCP, certified by the Coastal Commission in 1980 (Unit I) in 1981 (Unit II) and the Marin County Interim Code Sections 22.56.130I.H, 22.56.130I.K, and 22.56.130I.L still apply to environmental hazards and are further discussed in section 1.5 below.

**D. Agriculture and Mariculture. The proposed project, as conditioned, is consistent with the applicable policies contained in the Agriculture and Mariculture sections of the Marin County Land Use Plan and the applicable agricultural and maricultural standards contained in Chapter 22.32.**

The project entails the construction of a domestic well. It is located within an area governed by a conventional residential zoning district, C-ARP (Coastal, Residential Agricultural Planned). As the project does not entail agricultural or maricultural uses, this finding does not apply.

**E. Water Resources. The proposed project, as conditioned, is consistent with the applicable policies contained in the Water Resources section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.080 (Water Resources).**

As discussed in Section 4B above, the site contains an ephemeral watercourse that traverses the western portion of the property and drains toward a culvert that passes under Mesa Road. The ephemeral watercourse lacks a bed and bank throughout most of its length through the property. Flow continues through the culvert under Mesa Road. It then exits on the west side of Mesa Road as a larger stream with a defined bed and bank that eventually carries the drainage into Alder Creek, located approximately 370 feet south of the property, and on into the Pacific Ocean. The ephemeral watercourse becomes a more significant stream with a defined bed and bank west of the Mesa Road, whereas the ephemeral stream lacks a defined bed and bank within the project site.

Though the project entails site grading that would result in soil disturbance and removal of non-native vegetation, the project, as conditioned herein, is sited to avoid significant biological resources, including the Alder Creek swale. As such, the project is consistent with the standards related to water quality, grading, and excavation because it entails adequate water quality and erosion control measures, and associated grading would be the minimum necessary for the project. Additionally, installation of the new well would not result in filling (direct impacts) to any area that would be subject to the Clean Water Act jurisdiction of the U.S. Army Corps of Engineers, the Porter-Cologne Act jurisdiction of the SFBRWQCB, the Section 1602 Fish and Game Code jurisdiction of CDFW, or to regulation by Marin County under the Local Coastal Program.

**F. Community Design. The proposed project, as conditioned, is consistent with the applicable policies contained in the Community Design section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.100 (Community Design).**

The project site is located within a developed residential neighborhood in Bolinas. Further, the project entails the installation of a well to support an existing residence. Since no improvement is proposed that would require design review, this criterion is inapplicable.

**G. Community Development. The proposed project, as conditioned, is consistent with the applicable policies contained in the Community Development section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.110 (Community Development).**

The project site is located within a developed residential neighborhood in Bolinas. Further, the project entails the installation of a well to support an existing residence and does not involve addition to or construction of a new residence. Therefore, the project is consistent with LUP policy C-BOL-1 because the project would maintain the existing character of the residence.

**H. Energy. The proposed project, as conditioned, is consistent with the applicable policies contained in the Energy section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.120 (Energy).**

The project would be required to satisfy all energy-saving standards as required by the County's Building and Safety Division prior to the issuance of a building permit. Therefore,



the project is consistent with the LUP energy policies (LUP Policies EH-2.1, EH-2.3, and CD-2.8) and this finding because it would be constructed in conformance with County energy efficiency standards, as verified during review of the Building Permit application.

**I. Housing. The proposed project, as conditioned, is consistent with the applicable policies contained in the Housing section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.130 (Housing).**

The proposed project would not result in the removal or demolition of low and/or moderate-income housing. Therefore, the project is consistent with the LUP housing policies to address low- and moderate-income housing needs in the Coastal Zone (LUP Policies C-HS-1) because the project does not entail the demolition of existing deed-restricted affordable housing and would not affect the available housing stock in the surrounding community.

**J. Public Facilities and Services. The proposed project, as conditioned, is consistent with the applicable policies contained in the Public Facilities and Services section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.140 (Public Facilities and Services).**

The proposed project would not impact public facilities and services because it entails the construction of a well on private property to support an existing residence.

**K. Transportation. The proposed project, as conditioned, is consistent with the applicable policies contained in the Transportation section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.150 (Transportation).**

The project is currently accessed from Mesa Road and would not entail any alterations or impacts to existing roadway facilities or public parking facilities. Therefore, the project is consistent with the LUP transportation policies (C-TR-1 and C-TR-2) and this finding because the project would not entail any alterations to existing roadway facilities or adversely impact the scenic quality of Highway One.

**L. Historical and Archaeological Resources. The proposed project, as conditioned, is consistent with the applicable policies contained in the Historical and Archaeological Resources section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.160 (Historical and Archaeological Resources).**

The project site is not located within any designated historic district boundaries, as identified in the Marin County Historic Study for the Local Coastal Program. Therefore, the project is consistent with the LUP historical and archaeological resources policies (C-HAR-2, C-HAR-8) and this finding because the project site is not located within any mapped historic district boundaries and would not affect historical, archaeological, or paleontological resources.

**M. Parks, Recreation, and Visitor-Serving Uses. The proposed project, as conditioned, is consistent with the applicable policies contained in the Parks, Recreation, and Visitor-Serving Uses section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.170 (Parks, Recreation, and Visitor-Serving Uses).**

The project occurs entirely on a residentially zoned private property and would not encroach into any public park or open space. The project does not entail any construction of development that would encroach into existing public access points to and from surrounding public parks, recreation, or visitor-serving uses, and the project site is located within a residential zoning district. Therefore, the project is consistent with the LUP policies for parks, recreation, and visitor-serving uses (C-PK-1 and C-PK-3) and this finding because the project is proposed entirely on an existing residential property that is not located within a mixed-use coastal village commercial/residential zone and does not entail any construction of development that would encroach into existing public access points to and from surrounding public parks, recreation, or visitor-serving uses.

5. **WHEREAS**, the project is consistent with the mandatory findings for Coastal Permit approval pursuant to Marin County Interim Code Sections 22.56.130I.H, 22.56.130I.K, and 22.56.130I.L.

**A. Dune Protection (Marin County Interim Code Section 22.56.130I.H)**

While there are dunes on Bolinas Beach, there are no dunes on the project site. Therefore, the project is consistent with this finding because no dunes are located on the site, and the project has been sited landward from the sandy beach to the greatest extent possible.

**B. Shoreline Protection (Marin County Interim Code Section 22.56.130I.K)**

The proposed project is not located within a bluff erosion zone, and it does not impact coastal access.

**C. Geologic Hazards (Marin County Interim Code Section 22.56.130I.L)**

The proposed project would be constructed in accordance with the applicable requirements. As the project is potentially subject to geologic hazards, a condition of approval shall be placed on the project stating, "The applicant shall record a Waiver of Public Liability holding the County of Marin, other governmental agencies, and the public harmless related to losses experienced due to geologic and hydrologic conditions and other natural hazards."

**SECTION II: ACTION**

NOW, THEREFORE, BE IT RESOLVED that the project described in condition of approval 1 is authorized by the Marin County Deputy Zoning Administrator and is subject to the conditions of project approval.

This planning permit is an entitlement to apply for construction permits, not a guarantee that they can be obtained, and it does not establish any vested rights. This decision certifies the proposed project's conformance with the requirements of the Marin County Development Code and in no way affects the requirements of any other County, State, Federal, or local agency that regulates development. In addition to a Building Permit, additional permits and/or approvals may be

required from the Department of Public Works, the appropriate Fire Protection Agency, the Environmental Health Services Division, water and sewer providers, Federal and State agencies.

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

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Deiter Coastal Permit, subject to the conditions as specified below:

#### **CDA-Planning Division**

1. This Coastal Permit approval authorizes the installation of a water well on the property in the present location of a test well. The proposed well shall have the following setbacks: 142 feet from the western front property line; 95 feet from the northern side property line; more than 200 feet from the southern side and eastern rear property lines.
2. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled "Deiter Residence," consisting of 11 sheets prepared by Raymond Deiter, received in final form on June 1, 2021, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
  - a. The applicant shall prepare a vegetation management plan that shall include the removal of invasive, non-native vegetation and replacement with native vegetation. This plan shall cover all areas impacted by the implementation of the proposed project.
  - b. The applicant shall reseed all areas around the newly-created well and all access routes created to access the drilling equipment with native grasses and groundcovers.
3. The project shall conform to the Planning Division's "Uniformly Applied Standards 2021" with respect to all of the standard conditions of approval.

### **SECTION IV: VESTING**

NOW, THEREFORE, BE IT RESOLVED that unless conditions of approval establish a different time limit or an extension to vest has been granted, any permit or entitlement not vested within three years of the date of the approval shall expire and become void. The permit shall not be deemed vested until the permit holder has actually obtained any required Building Permit or other construction permit and has substantially completed improvements in accordance with the approved permits, or has actually commenced the allowed use on the subject property, in compliance with the conditions of approval.

### **SECTION V: APPEAL RIGHTS**

NOW, THEREFORE, BE IT RESOLVED that this decision is final unless appealed to the Marin County Planning Commission. A Petition for Appeal and the required fee must be submitted in the Community Development Agency, Planning Division, Room 308, Civic Center, San Rafael, no later than ten business days from the date of this decision.

**SECTION VI: ADOPTION**

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 2<sup>nd</sup> day of December 2021.

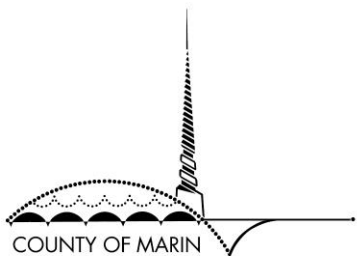
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MICHELLE LEVENSON  
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

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Michelle Reid  
DZA Recording Secretary



**MARIN COUNTY UNIFORMLY APPLIED CONDITIONS  
FOR PROJECTS SUBJECT TO DISCRETIONARY PLANNING PERMITS**

**2021**

**STANDARD CONDITIONS**

1. The applicant/owner shall pay any deferred Planning Division fees as well as any fees required for mitigation monitoring or condition compliance review before vesting or final inspection of the approved project, as determined by the Director.
2. The applicant/owner shall defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul an approval of this application, for which action is brought within the applicable statute of limitations. The County of Marin shall promptly notify the applicant/owner of any claim, action, or proceeding that is served upon the County of Marin, and shall cooperate fully in the defense.
3. Exterior lighting for the approved development shall be located and shielded to avoid casting glare into the night sky or onto nearby properties, unless such lighting is necessary for safety purposes.
4. Building Permit applications shall substantially conform to the project that was approved by the planning permit. All Building Permit submittals shall be accompanied by an itemized list of any changes from the project approved by the planning permit. The list shall detail the changes and indicate where the changes are shown in the plan set. Construction involving modifications that do not substantially conform to the approved project, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications is obtained by the applicant.

**SPECIAL CONDITIONS**

1. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a signed Statement of Conformance prepared by a certified or licensed landscape design professional indicating that the landscape plan complies with the State of California's Model Water Efficient Landscape Ordinance and that a copy of the Landscape Documentation Package has been filed with the Community Development Agency.
2. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall mark or call out the approved building setbacks on the Building Permit plans indicating the minimum distance of the building from the nearest property line or access easement at the closest point and any of the following features applicable to the project site: required tree protection zones, Wetland Conservation Areas, or Stream Conservation Areas.

3. 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 Community Development Agency staff. Exterior lighting visible from off-site shall consist of low-wattage fixtures, and shall be directed downward and shielded to prevent adverse lighting impacts to the night sky or on nearby properties. Exceptions to this standard may be allowed by the Community Development Agency staff if the exterior lighting would not create night-time illumination levels that are incompatible with the surrounding community character and would not shine on nearby properties.
4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall record a Waiver of Public Liability holding the County of Marin, other governmental agencies, and the public harmless related to losses experienced due to geologic and hydrologic conditions and other natural hazards.
5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit written confirmation that the property owner has recorded the "Disclosure Statement Concerning Agricultural Activities," as required by Section 23.03.050 of the Marin County Code.
6. BEFORE ISSUANCE OF A BUILDING PERMIT for any of the work identified in the project approval, the applicant shall install 3-foot high temporary construction fencing demarcating established tree protection zones for all protected trees that are not being removed in the vicinity of any area of grading, construction, materials storage, soil stockpiling, or other construction activity. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency. Acceptable limits of the tree protection zones shall be the dripline of the branches or a radius surrounding the tree of one foot for each one inch diameter at breast height (4.5 feet above grade) of the tree trunk. The fencing is intended to protect existing vegetation during construction and shall remain until all construction activity is complete. If encroachment into the tree protection zone is necessary for development purposes, additional tree protection measures shall be identified by a licensed arborist, forester, or botanist, and the tree specialist shall periodically monitor the construction activities to evaluate whether the measures are being properly followed. A report with the additional measures shall be submitted for review and approval by the Planning Division before any encroachment into a tree protection zone occurs.
7. BEFORE FINAL INSPECTION, if encroachments into a tree protection zone have been approved, then the tree specialist shall submit a letter to the Planning Division verifying that the additional tree protection measures were properly implemented during construction activities.
8. BEFORE ISSUANCE OF A BUILDING PERMIT, temporary construction fencing shall be installed on the subject property at edge of the Wetland Conservation Area and/or Stream Conservation Area, as applicable to the site. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency. The construction fencing shall remain until all construction activity is complete. No parking of vehicles, grading, materials/equipment storage, soil stockpiling, or other construction activity is allowed within the protected area. If encroachment into the protected area is necessary for development purposes, additional protection measures shall be identified by a qualified biologist and the biologist shall periodically monitor the construction activities to evaluate whether the measures are being properly followed. A

report with the additional measures shall be submitted for review and approval by the Planning Division before any encroachment into a protected area occurs.

9. BEFORE FINAL INSPECTION, if encroachments into a protected area have been approved, then the biologist shall submit a letter to the Planning Division verifying that the additional protection measures were properly implemented during construction activities.
10. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant must provide written evidence that all appropriate permits and authorizations have been secured for this project from the Bay Conservation and Development Commission, the California Department of Fish and Game, the Regional Water Quality Control Board, the California Coastal Commission, the California State Lands Commission, the Bay Area Air Quality Management District, and/or the United States Army Corps of Engineers.
11. BEFORE CLOSE-IN INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper surveying certification prepare and submit written (stamped) Floor Elevation Certification to the Planning Division confirming that the building's finished floor elevation conforms to the floor elevation that is shown on the approved Building Permit plans, based on a benchmark that is noted on the plans.
12. BEFORE FINAL INSPECTION, the project shall substantially conform to the requirements for exterior materials and colors, as approved herein. Approved materials and colors shall substantially conform to the materials and colors samples shown in "Exhibit A" unless modified by the conditions of approval. The exterior materials or colors shall conform to any modifications required by the conditions of approval. All flashing, metalwork, and trim shall be treated or painted an appropriately subdued, non-reflective color.
13. BEFORE FINAL INSPECTION, the applicant shall install all approved landscaping that is required for the following purposes: (1) screening the project from the surrounding area; (2) replacing trees or other vegetation removed for the project; (3) implementing best management practices for drainage control; and, (4) enhancing the natural landscape or mitigating environmental impacts. If irrigation is necessary for landscaping, then an automatic drip irrigation system shall be installed. The species and size of those trees and plants installed for the project shall be clearly labeled in the field for inspection.
14. BEFORE FINAL INSPECTION, the applicant shall submit a Certificate of Completion prepared by a certified or licensed landscape design professional confirming that the installed landscaping complies with the State of California's Model Water Efficient Landscape Ordinance and the Landscape Documentation Package on file with the Community Development Agency.
15. BEFORE FINAL INSPECTION, the applicant shall submit written verification from a landscape design professional that all the approved and required landscaping has been completed and that any necessary irrigation has been installed.
16. BEFORE FINAL INSPECTION, utilities to serve the approved 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.
17. BEFORE FINAL INSPECTION, the applicant shall call for a Community Development Agency staff inspection of approved landscaping, building materials and colors, lighting and

compliance with conditions of project approval at least five business days before the anticipated completion of the project. Failure to pass inspection will result in withholding of the Final Inspection approval and imposition of hourly fees for subsequent reinspections.

### CODE ENFORCEMENT CONDITIONS

1. Within 30 days of this decision, the applicant must submit a Building Permit application to legalize the development. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.
2. Within 60 days of this decision, a Building Permit for all approved work must be obtained. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.
3. Within 120 days of this decision, the applicant must complete the approved construction and receive approval of a final inspection by the Building and Safety Division. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.



WHEN FILED MAIL TO:

**Marin County Community Development  
Agency, Environmental Review Division  
3501 Civic Center Drive, #308  
San Rafael, Ca 94903**

**Attn: Don Allee**

THIS SPACE FOR RECORDER'S USE ONLY

## NOTICE OF CEQA EXEMPTION

November 19, 2021

1. **Project Name:** Deiter Coastal Permit (P3188)
2. **Project Location:** 288 Mesa Road, Bolinas (APN: 188-170-41)
3. **Project Summary:**

The project consists of a Coastal Permit to allow for the construction of a water well in the coastal zone, for domestic use.

4. **Public Agency Approving Project:** Community Development Agency
5. **Project Sponsor:** Raymond Deiter
6. **CEQA Exemption Status:** CEQA Guidelines section 15303, Class 3
7. **Reasons for Exemption:**

This project is Categorical Exempt because it entails the new construction of a water well that would not result in potentially significant impacts to the environment.

Project Planner:



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Immanuel Bereket  
Senior Planner

Reviewed by:

---

Rachel Reid  
Environmental Planning Manager

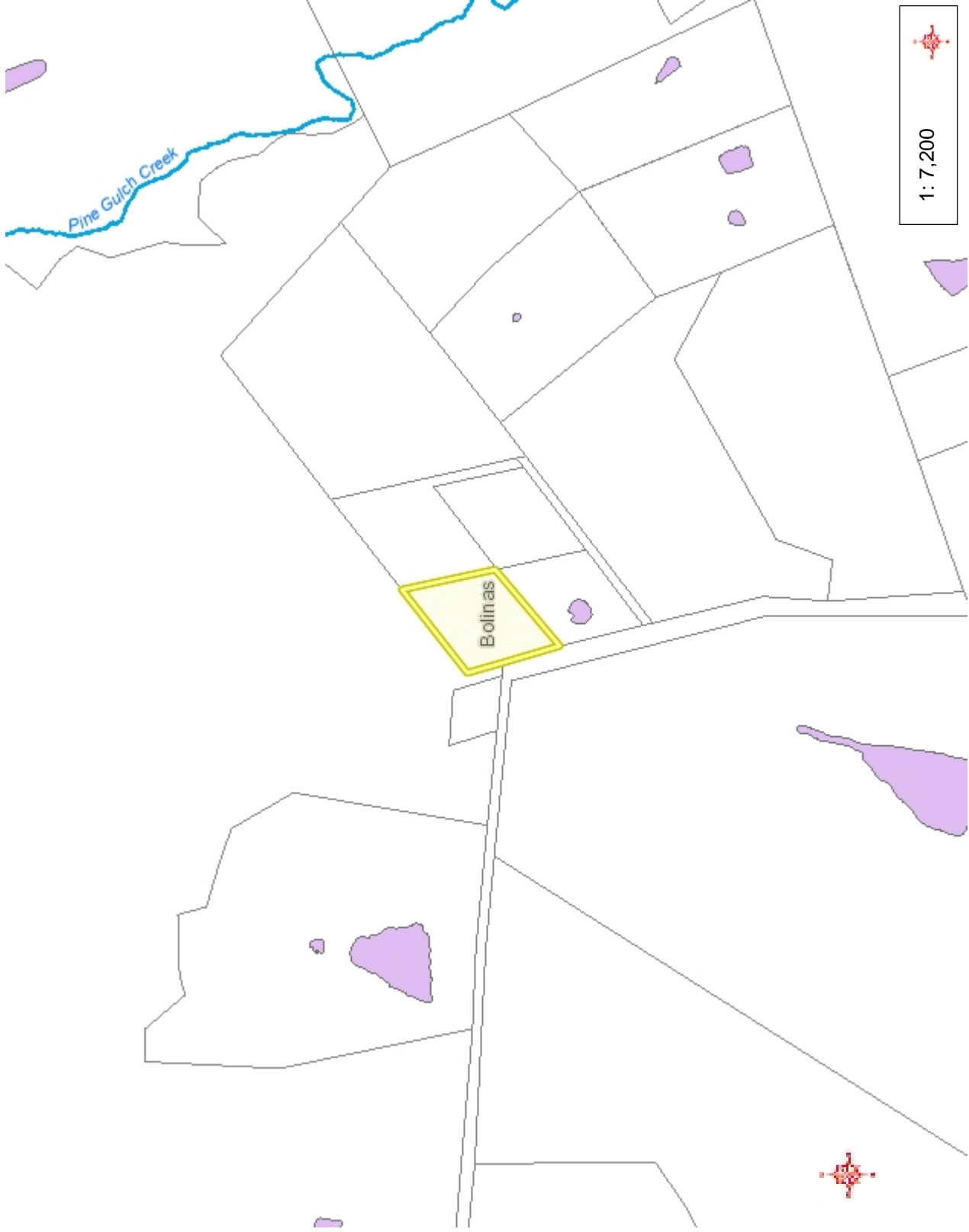
# Vicinity Map



**Legend**

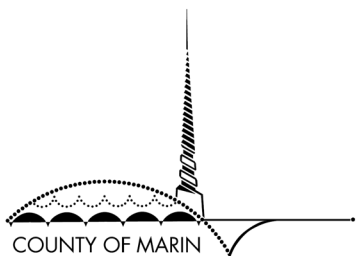
- Condominium Common Area
- Mobile Home Pad
- City
- Community
- Marin County Legal Boundary
- Other Bay Area County
- Ocean and Bay
- Address
- Parcel Secured
- Stream - Perennial
- Waterbody (NHD)
- Estuary
- Lake/Pond
- Reservoir
- Stream/River
- Swamp/Marsh
- <all other values>

**Notes**  
288 Mesa Road, Bolinas  
APN: 188-170-41



1: 7,200

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
**THIS MAP IS NOT SURVEY ACCURATE**



## PROJECT STATUS

Via email

June 30, 2021

Ray Deiter  
288 Mesa Road  
Bollinas, CA 94924

**RE:** Deiter Coastal Permit  
288 Mesa Road, Bollinas  
Assessor's Parcel 188-170-41  
Project ID P3188

Dear Ray,

The Planning Division and reviewing agencies have examined your application and have determined that it is incomplete because additional information is required.

### **Incompleteness Items**

Please carefully review the list of required items below and, unless specified otherwise, submit two copies of full sized plans, and two copies of any required documents, and pdfs of all project materials within the next 30 days.

Marin County Community Development Agency, Planning Division (Kathleen Kilgariff, (415) 473-7173, [kkilgariff@marincounty.org](mailto:kkilgariff@marincounty.org))

1. In conformance with submittal checklist item 36, please provide a biological site assessment (BSA). The BSA must be prepared by a qualified biologist and provide evidence regarding the presence of sensitive biological site resources, determine the property's habitat value relative to any special status species and provide conclusions regarding how the project may affect those resources. Please refer to pages 21 and 22 for further information about the BSA and its requirements.
2. In conformance with submittal checklist item 12, provide a composite constraints map that shows the proposed site boundaries and improvements overlain by environmental constraints and adequate buffers surrounding significant environmental features shall be prepared by the project architect or civil engineer in consultation with other technical specialists working on the project. These buffers shall be based on County environmental protection polices, where appropriate, and on the environmental studies required for the application. Further information about the constraints map can be found on pages 12 and 13 of the submittal checklist.

**Submittal**

Please submit all of the requested information together to the Planning Division at one time. The review of your application may be delayed if you submit information directly to the agency that requested the information. The time period required by State law for us to review the additional information will not commence until all of the required items are submitted to our office. If you require additional time to collect the information listed above, please send me a written request for an extension for a specific period of time. It is important to ask for an extension if you need one because your application will automatically expire unless an extension of time is requested and granted.

**Appeal Rights**

If you disagree with this decision regarding the incompleteness of your application, you may appeal it to the Planning Commission. A Petition for Appeal and the required fee must be submitted in the Community Development Agency, Planning Division, Room 308, Civic Center, San Rafael, no later than five business days from the date of this decision.

**Questions and Contacts**

Please do not hesitate to call me at (415) 413.7173 or contact me via email at [kkilgariff@marincounty.org](mailto:kkilgariff@marincounty.org) as questions arise regarding your application or the development review process. I will return voicemail messages before the end of the next business day. Please do not visit our office expecting to meet with me without an appointment. If you wish to discuss your application in person, please contact me to schedule a time when we can meet. I will try to schedule an appointment within five business days. If you have questions about comments from another agency, please contact the staff from that agency directly. Thank you.

Sincerely,

*Kathleen Kilgariff*

Kathleen Kilgariff  
Planner

Attachments:

1. Planning Application Review, Department of Public Works, June 23, 2021
2. Interdepartmental Transmittal, Environmental Health Services, June 24, 2021

## PLANNING APPLICATION REVIEW

DEPARTMENT OF PUBLIC WORKS

Inter-office Memorandum - First Transmittal

DATE: June 23, 2021

DUE: June 28, 2021

TO: Kathleen Kilgariff

FROM: Ali Iqbal

APPROVED: 

RE: Deiter

P3188

APN: 188-170-41

ADDRESS: 288 Mesa Rd

Bolinas, CA

**TYPE OF DOCUMENT**

DESIGN REVIEW

COASTAL PERMIT

LAND DIVISION

VARIANCE

USE PERMIT

ADU PERMIT

ENVIRONMENTAL REV.

OTHER:

**Department of Public Works Land Use Division  
has reviewed this application for content and:**

- Find it **COMPLETE**
- Find it **INCOMPLETE**, please submit items listed below
- Find it **NEEDS SUBSTANTIAL MODIFICATIONS TO CONFORM**

**Comments Included (Inc.) or  
Attached (Att.) from other DPW  
Divisions:**

- Traffic
- Flood Control
- Other: \_\_\_\_\_

DPW Land Development has reviewed this application for a new well. DPW has no comments.

-END-

**INTERDEPARTMENTAL TRANSMITTAL  
MARIN COUNTY ENVIRONMENTAL HEALTH SERVICES  
ROOM 236, 415-473-6907**

**DATE:** June 24, 2021

**TO:** Kathleen Kilgariff, Planner

**FROM:** Celina Montgomery, REHS

**RE:** Deiter Coastal Permit, Project ID P3188

**AP#:** 188-170-41

**ADDRESS:** 288 Mesa Rd, Bolinas

<b>TYPE OF DOCUMENT</b>
DESIGN REVIEW
LAND DIVISION
USE PERMIT
VARIANCE
MASTER PLAN
<input checked="" type="checkbox"/> <b>COASTAL PERMIT</b>
LOT LINE ADJ.
OTHER

<b>THIS APPLICATION HAS BEEN REVIEWED FOR THE FOLLOWING ITEMS:</b>
--

**WATER**

SEWAGE

SOLID WASTE

POOLS

HOUSING

FOOD ESTABLISHMENT

<b>THIS APPLICATION IS FOUND TO BE:</b>
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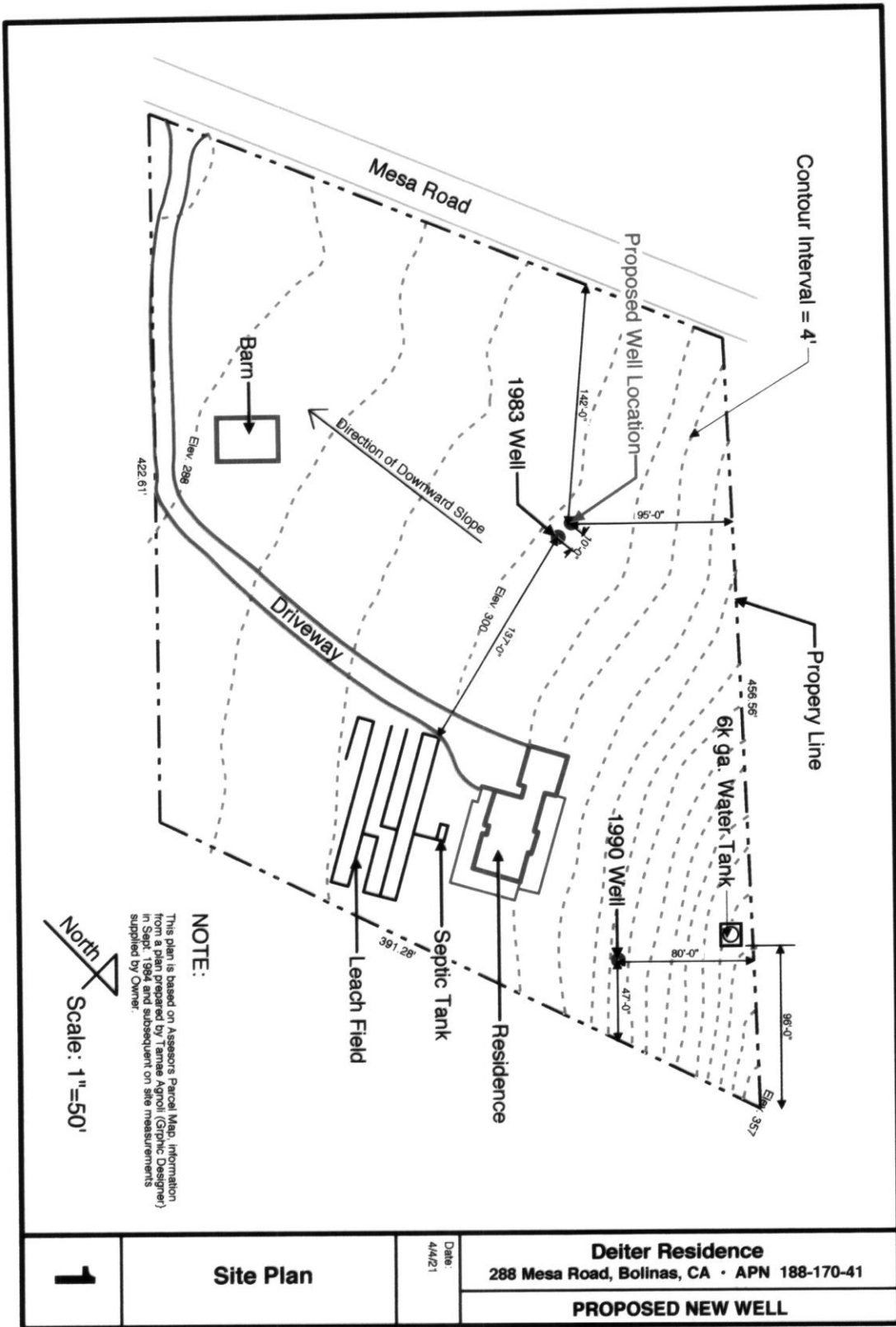
FIND IT COMPLETE.

FIND IT INCOMPLETE UNTIL THE ITEMS LISTED BELOW HAVE BEEN SUBMITTED.

**FIND IT ACCEPTABLE AS PRESENTED, WITH THE FOLLOWING CONDITIONS.**

RECOMMEND DENIAL FOR THE REASONS LISTED BELOW.

- EHS finds this proposal acceptable, however, Marin County EHS recommends a 100' setback to property lines in the Coastal Zone. Due to the undeveloped nature of the adjacent parcel the current 95' setback should not impose developmental restrictions.








**NOTE:**  
 This plan is based on Assessor's Parcel Map information from a plan prepared by Tamee Agnoli (Graphic Designer) in Sept. 1984 and subsequent on site measurements supplied by Owner.

North  
 Scale: 1"=50'

<b>1</b>	<b>Site Plan</b>	Date: 4/14/21	<b>Deiter Residence</b> 288 Mesa Road, Bolinas, CA • APN 188-170-41
		<b>PROPOSED NEW WELL</b>	



# Legend

-  Study Area/APN 188-170-41
-  2-Foot Contours
-  Ephemeral Creek (W=1.5 Feet)
-  Palustrine Emergent Wetlands
-  100-Foot Buffer



## Project Site Plan, Location of the Existing Well and Proposed Well in Relation to Coastal Act Wetlands and the 100-foot Wetland Buffer Zone

288 Mesa Road in Bolinas, Marin County, California