

### EXHIBIT 3

#### EASTON POINT MODIFIED MASTER PLAN CONDITIONS OF APPROVAL

Except as modified by these conditions of approval, future development applications for the property including: design review, tentative maps, final maps and improvement plans, grading and building plans, as well as, road, water storage tanks, radio communications equipment, water and sewer lines, and other utility installation and construction shall be based on plans that conform with 'Exhibit A' and these conditions of approval.

1. Exhibit A consists of six drawing sheets labeled L-0, L-1, L-2, L-3, C-1 and C-2 and stamped received by the Marin County Community Development Agency Planning Division on June 6, 2017. Drawing Sheet labeled L-1 was modified on August 4, 2017. All modifications to the six drawing sheets resulting from the Board of Supervisors decision are depicted on the official drawing set maintained by the Marin County Community Development Agency Planning Division.
2. Approval of the Easton Point Modified Master Plan authorizes the creation of 43 minimum one-half acre single family residential lots, 2 parcels for Marin Municipal Water District (MMWD) water storage tank construction, a parcel for possible future use as a radio communications site by the Marin Emergency Radio Authority (MERA), 2 open space parcels, residential roads and access points, and pedestrian access easements on the approximately 110 acre project site. Future design review, tentative map and other construction applications shall be consistent in layout, form and size with Exhibit A, as modified.
3. Each residential lot authorized by this approval contains a Landscape Envelope (shown as a shaded area within each lot on Sheet L-1). All residential development and improvements including: driveways, parking areas, houses, decks, accessory structures, pools, tennis courts, gazebos, introduced landscaping and etc. shall be contained within the boundaries of the Landscape Envelope as shown on Sheet L-1. All areas of the lot outside the boundaries of the Landscape Envelope shall remain in a natural state.
4. The Landscape Envelopes shown on Sheet L-1 for Lots 5 through 9 shall be reduced in size. The Landscape Envelope on Lots 5 & 6 should not extend upslope beyond elevation 540, for Lots 7 & 8 the envelope should not extend upslope beyond elevation 534 and on Lot 9 should not extend upslope beyond elevation 532. Limiting the Landscape Envelopes to these elevations is consistent with Marin County Development Code Section 22.16.030(F)(2) that prohibits construction on visually prominent ridges. Adjustments can be made to the elevation limitation by the County of Marin through its design review/tentative map process provided the adjustments in elevation limitations still protect the visually prominent ridges.
5. The proposed maximum house size and building footprint size requested for each lot listed in Exhibit B, and also on page 14, of the Easton Point Project Narrative stamped received on March 30, 2009 is hereby **denied**. The design and maximum square footage of future homes proposed for construction shall be determined through the residential design review process. Future homes must be found compliant with Marin Countywide Plan Policy HS 2.2 which promotes home designs that fit into the neighborhood context

and enhances neighborhood identity and sense of community by requiring new homes to be compatible in scale and form with homes in the surrounding area.

6. The proposed Architectural and Landscape Design Guidelines for Easton Point contained in Exhibit D and pages 15 through 22 of the Easton Point Project Narrative stamped received on March 30, 2009 is hereby **denied**. Future development including architecture, landscape design and planting shall be consistent with Marin County's adopted Single Family Residential Design Guidelines including Appendices A – P of said guidelines.
7. The requested exceptions to Marin County's Subdivision Standards on page 26 and elsewhere in the Easton Point Project Narrative stamped received on March 30, 2009 is hereby **denied**. All future subdivision improvements should comply with Marin County's adopted subdivision standards and regulations, as required by the Marin County Department of Public Works.
8. Buildings constructed on lots within 300 feet horizontally or within 100 feet vertically of visually prominent ridges as identified in Exhibit 4.0-1 of the 2008 Easton Point Residential Development EIR shall not exceed a maximum height of 18 feet as required by Sections 22.16.030(F)(2) and 22.16.030(K)(1)(c) of the Marin County Development Code.
9. The project shall conform to the Planning Division's "Uniformly Applied Conditions 2017" with respect to all of the standard conditions of approval.
10. **BEFORE DESIGN REVIEW/TENTATIVE MAP APPROVAL**, the applicant shall provide a minimum 4 foot wide public pedestrian access easement traversing Ridgeline C in the same area as that shown on Sheets C-5 and C-11 of the original application. The applicant shall provide signing to direct the public to the easement. No fencing or other barriers to delineate the boundaries of the pedestrian access easement will be allowed. A pedestrian access easement at this location addresses the concern raised by Marin County Parks that pedestrians will be inclined to use Tam View Court to access Old Saint Hillary's Preserve in an area that supports special status plant species.

#### *TRANSPORTATION*

11. **BEFORE APPROVAL OF THE FINAL SUBDIVISION MAP**, The applicant shall pay the project's prorated share of planned lane improvements at the Redwood Highway Frontage Road / Tiburon Boulevard intersection and Trestle Glen / Tiburon Boulevard intersection, consistent with traffic mitigation fees to be determined by the Town of Tiburon and the County of Marin. Additionally, the applicant shall pay the project's prorated share of planned signalization of the Mar West / Tiburon Boulevard intersection, consistent with traffic mitigation fees to be determined by the Town of Tiburon and the County of Marin. The resulting acceptable LOS is shown in **Exhibits 5.1-36** and **5.1-37** for these three intersections.

The applicant shall also pay the project's fair share for provision of overlapping phasing for the southbound left turn Rock Hill Drive to Tiburon Boulevard. The fair share calculation shall be done by the Town of Tiburon. Resulting mitigated intersection LOS this intersection is shown in **Exhibits 5.1-39** and **5.1-40**.

MM 5.1-2, 5.1-2(a), 5.1-2(b)

12. **BEFORE DESIGN REVIEW/TENTATIVE MAP APPROVAL**, the applicant shall submit for review a right-of-way improvement plan. The improvement plan shall clearly show that adequate sight distance would be provided and shall include the following measures:

- Improve the Forest Glen Court / Paradise Drive intersection to provide a minimum of 158 feet of sight distance in both directions for outbound vehicles. This would slightly exceed the 150 feet of sight distance, as recommended by the applicant's traffic engineer, and is used to comply with the stopping site distance standard cited in **Exhibit 5.1-41**.
- Widen Paradise Drive to include four-foot shoulders with minimum 60-foot taper at the proposed Forest Glen Court intersection.

MM 5.1-3

13. **BEFORE DESIGN REVIEW/TENTATIVE MAP APPROVAL**, the applicant shall submit to Marin Department of Public Works for review an approval an improvement plan clearly showing measures to reduce impacts on bicyclists on Paradise Drive and shall include the following measure:

- Show areas of proposed widening of the shoulder pavement along the project frontage on Paradise Drive beginning at least 60 feet south of the proposed Lots 40-43 driveway, and extending at least 60 feet north of the proposed Forest Glen Court intersection.

MM 5.1-6, 5.1-6(a)

14. **BEFORE DESIGN REVIEW/TENTATIVE MAP APPROVAL**, the applicant shall submit to Marin County Department of Public Works for review and approval an improvement plan indicating the locations of Class III bike route signs, Countywide Bicycle Route Guide Signs, and appropriate warning and advisory signs along the property frontage on Paradise Drive and for the northbound traffic, along the opposite side of Paradise Drive (east side of the project frontage of Paradise Drive). To improve conditions for northbound traffic, the plan shall show, wherever possible, propose widening of the shoulder pavement along the east side of the project frontage of Paradise Drive within the public right-of-way. Improvements shall be coordinated with the improvements proposed along the frontage of the Swahn property.

MM 5.1-6(b), 5.1-6(c)

15. **BEFORE DESIGN REVIEW/TENTATIVE MAP APPROVAL**, the applicant shall submit to Marin DPW for review and approval an improvement plan showing the following off-site road improvements, consistent with MCC Section 24.04.510:

- Consistent with the project description, the applicant shall improve the Forest Glen Court / Paradise Drive intersection. Consistent with Mitigation Measure 5.1-3 improvements shall provide the maximum amount of widening and paved refuge area for pedestrians.

- The applicant shall design the Lots 40 to 43 driveway / Paradise Drive intersection to provide the maximum amount of widening and paved refuge area for pedestrians.
- The applicant shall provide paved shoulder widening along both sides of Paradise Drive along the project frontage of Paradise Drive within the public right of way, to address traffic added by the project to both sides of the road. Improvements shall be as described in Mitigation Measure 5.1-6(a), (b), and (c). These intersections and widened shoulders would provide additional refuge areas for pedestrians consistent with the safety improvements described in Marin County and Town of Tiburon planning documents for Paradise Drive.

MM 5.1-7, MM 5.1-7(a)

16. **BEFORE DESIGN REVIEW/TENTATIVE MAP APPROVAL**, the applicant shall submit to the Town of Tiburon an improvement plan to implement project proposed measures along Hill Haven neighborhood streets to improve safety. These improvements shall include:

- Post signs prohibiting parking along both sides of Diviso Street and along other residential streets narrower than 20 feet wide.
- Provide stop or yield sign control for the side streets intersecting Ridge Road.
- Prohibit placement of dumpsters along Lyford's Cove / Old Tiburon and Hill Haven neighborhood streets if the dumpster would intrude into the travel lanes. This would effectively prohibit the placement of dumpsters along streets narrower than 28 feet wide.

Although these measures would not address pedestrian safety for all segments of the Lyford's Cove / Old Tiburon and Hill Haven neighborhood streets, conditions in these neighborhoods would be improved due to the project. Implementation of Mitigation Measure 5.1-7(b) would address many sections of the narrow, winding roads that would be used by project traffic, and would be considered to reduce project impacts to a less-than-significant level; implementation of these measures would improve existing pedestrian safety by maximizing the width of the travel way on Lyford's Cove / Old Tiburon and Hill Haven neighborhood streets. Implementation of this condition of approval is at the discretion of the Town of Tiburon and not the County of Marin.

MM 5.1-7(b)

17. **BEFORE DESIGN REVIEW/TENTATIVE MAP APPROVAL**, the applicant shall submit for review and approval an improvement plan showing on-site improvements, consistent with MCC sections 24.04.440(b) and (c) regarding sidewalks and 24.04.490 regarding sidewalk grades. These improvements shall include the following:

- The applicant shall provide a sidewalk or all-weather surface pathway along Ridge Road - Tam View Court on one side of each road.
- The applicant shall provide a public pathway connecting Ridge Road to Old St. Hilary's Open Space Preserve.

- All-weather surface pathways shall be consistent with the *CWP* trail plan.

MM 5.1-7(c)

18. **BEFORE DESIGN REVIEW/TENTATIVE MAP APPROVAL**, the applicant shall revise improvement plans to provide turnouts per Tiburon Fire Protection District (TFPD) requirements for driveways. All turnouts shall be posted with “no parking” signs. Close the temporary construction access road to all use after cessation of construction, unless specifically approved by the TFPD for emergency use.

MM 5.1-9

19. **BEFORE DESIGN REVIEW/TENTATIVE MAP APPROVAL**, the applicant shall revise the construction management plan to include the following additional measure:

- Prohibit parking of dumpsters along Lyford’s Cove / Old Tiburon and Hill Haven neighborhood streets if the dumpster would intrude into the travel way. This would effectively prohibit the parking of dumpsters along streets narrower than 28 feet wide.

MM 5.1-10

20. **BEFORE DESIGN REVIEW/TENTATIVE MAP APPROVAL**, the applicant shall revise the roadway improvement plans to incorporate the following measures:

- Design the three on-site roads (Ridge Road, Tam View Court and Forest Glen Court) in compliance with county standards. The Marin County standard for minor residential roads is a minimum 28-foot paved width including four-foot shoulders on each side, unless narrower dimensions are allowed by the County based on its review of specific road segments.
- Provide pedestrian sidewalks or all-weather pathways on one side of all roads.

MM 5.1-11

21. **BEFORE DESIGN REVIEW/TENTATIVE MAP APPROVAL**, the streets in the Modified Master Plan have been redesigned to meet the County’s standards and provide for on-street parking along the roadway. The addition of on-street parking combined with the proposal to provide 4 parking spaces on each residential lot (2 covered spaces and 2 spaces in driveway) implements the objective of EIR mitigation measure 5.1-12.

MM 5.1-12

22. **BEFORE ISSUANCE OF ANY BUILDING, GRADING, OR OTHER CONSTRUCTION PERMITS**, the applicants shall submit a detailed construction management plan to Marin DPW for review and approval. The applicant shall implement all measures regarding the construction access road as proposed by Ghilotti Construction Company, Red Horse Constructors, Incorporated, and the additional safety measures provided in the November 17, 2011 W-Trans report listed below.

*Ghilotti Construction Company (Included in Draft EIR page 267):*

- The actual construction of this 1,600 foot road may require staging points every 400-500 feet, which may encroach beyond the dashed lines shown on Sheet C-10 and may require initially utilizing Ridge Road for access.
- Installation of some type of barrier (Temporary K-Rail, Metal Beam Guard Rail, etc.) to be securely anchored on the outboard and downward edges of all road curves.
- As a precautionary measure, provide for the installation of an emergency stop / crash cushion array located in the center of the Forest Glen Court cul-de-sac.
- One-way radio controlled access to be maintained during construction activity.

*Red Horse Constructors, Inc. (Included in Draft EIR page 268):*

- Upon review of the CSW Stuber-Stroeh design documents and Ghilotti letter of April 9, 2009, the construction access road as designed appears to be suitable for use as access to the upper areas of the site from Forest Glen Court for the purposes of individual lot development and residence construction. The care and custody of the road as outlined in the Ghilotti letter would be mimicked, i.e., radio controlled access, stop / crash cushions, etc., and we would *also institute construction speed limit signs, access protocols and emergency vehicle access procedures as part of the overall site safety program*. The fact that the road will be paved will provide an all-weather access and not require dust [suppression]. The traffic control and construction access management plan that will be drafted for the project's construction will be greatly served by this road access off of Paradise which avoids sensitive neighborhood streets.
- Another desirable aspect of this road is the ability to have a secured and controlled access point during buildout which will assist in site traffic control during construction hours and security of the site in off hours.

*W-Trans (additional recommendations provided in November 17, 2011 report not included in Draft EIR):*

- Establish speed limits for construction traffic, and strict speed enforcement measures
- Prohibit construction vehicle queuing in an active travel lane; shoulder areas wide enough for stacking of construction traffic should be identified prior to commencement of construction activity.

MM 5.1-13(a)

23. **BEFORE THE ISSUANCE OF ANY BUILDING, GRADING, OR OTHER CONSTRUCTION PERMITS**, the applicant shall revise the construction management plan to include the following additional measures:

- Prohibit construction worker, construction vehicle and all other construction activity through existing residential neighborhoods.
- Control all uses of the temporary construction access road as a constant safety precaution.
- Implement all project traffic control elements including consolidating delivery of construction materials using routes approved by Marin County and Town of Tiburon, informing Town of Tiburon residents of construction activities and duration, and providing a comprehensive network of flag persons along construction routes. Specifically, care shall be taken to insure safe passage of trucks along designated routes (such as Paradise Drive) by use of flag trucks traveling in front of and behind wide trucks (trucks which may intrude into the opposite direction travel lane). Flag persons shall be stationed along all road segments which may require stopping through traffic for safe truck passage or guiding trucks through existing streets.
- During the project's initial construction phase, construct a Paradise Drive northbound left-turn lane, widen the Forest Glen Court eastbound intersection approach, and grade back the hillside to provide adequate sight distances (minimum 158 feet in each direction). Throughout this phase, flag persons shall be used to insure safety and optimize the flow of through traffic along Paradise Drive.
- Include provisions in contractors' construction contracts to prohibit parking of construction vehicles anywhere other than on-site.
- In the unlikely event that construction vehicles arrive at the proposed Forest Glen Court site access in sufficient numbers to result in trucks queuing (stacking) in the Paradise Drive through traffic lane, post flagmen on both sides of the queue to coordinate the safe flow of through traffic past the Forest Glen Court site entrance.
- Repair any deteriorated pavement along Tiburon Drive - Paradise Drive identified in cooperation with the Town of Tiburon and Marin County by a before and after pavement evaluation program which shall determine if project-generated truck traffic caused any additional pavement deterioration.
- Obtain County and Town approval for construction truck haul routes and establish haul truck hours for project construction traffic.

MM 5.1-13(b)

*AIR QUALITY*

24 **BEFORE DESIGN REVIEW/TENTATIVE MAP APPROVAL**, the Construction Management Plan (CMP) found in Exhibit F of the Easton Point Project Narrative stamped received on March 30, 2009 shall be updated and submitted to the Marin County Department of Public Works. The updated CMP shall be modified to mitigate construction air quality impacts as follows:

- to require use of off-road construction equipment greater than 50 horsepower in size to meet U.S. EPA Tier II standards or newer.
- to prohibit the use of “dirty” equipment. Opacity is an indicator of exhaust particulate emissions from off-road diesel-powered equipment. The project shall ensure that emissions from all construction diesel-powered equipment used on the project site do not exceed 40-percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40-percent opacity (or Ringelmann 2.0) and shall be repaired immediately. In essence, any piece of equipment that emits dark smoke for more than three minutes would be in violation of Mitigation Measure 5.2-1.
- to ensure that diesel equipment standing idle for more than five minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate, or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were on-site.
- to include the following PM<sub>10</sub> control measures:
  - Prevent visible tracking of mud or dirt on to public roadways or immediately sweep dirt or mud tracked on to roadways.
  - Sweep public streets daily (with water sweepers) if visible soil material is carried onto public streets.
  - Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
  - All haul trucks transporting soil, sand or other loose material shall be covered.
  - All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
  - All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
  - post a publicly visible sign with the telephone number and person to contact at the County regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District’s phone number shall also be visible to ensure compliance with applicable regulations.

(MM 5.2-1)

*NOISE*

25 **BEFORE DESIGN REVIEW/TENTATIVE MAP APPROVAL**, the CMP found in Exhibit F of the Easton Point Project Narrative stamped received on March 30, 2009 shall be updated and submitted to the Marin County Department of Public Works. The updated CMP shall be modified to mitigate construction noise impacts as follows:



- Modify the construction hours to be consistent with Section 6.70.030(5) of the Marin County Code. Construction hours shall be:
  - Hours for construction activities and other work undertaken in connection with building, plumbing, electrical, and other permits issued by the Community Development Agency shall be limited to the following:
    - Monday – Friday: 7:00 AM to 6:00 PM
    - Saturday: 9:00 AM to 5:00 PM
    - Prohibited on Sundays and holidays (New Year’s Day, President’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day).
    - Loud noise-generation construction-related equipment (e.g., backhoes, generators, jackhammers) can be maintained, operated, or serviced at a construction site for permits administered by the Community Development Agency from 8:00 AM to 5:00 PM Monday to Friday only
- Utilize “quiet” models of air compressors and other stationary noise sources where technology exists.
- Locate stationary noise-generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.
- Prohibit unnecessary idling of internal combustion engines.
- Prohibit audible construction workers’ radios on adjoining properties.
- Notify neighbors of the construction schedule prior to the beginning of each phase that would generate substantial noise (i.e., five dBA or more above ambient levels and exceeding 60 dBA  $L_{eq}$ ).

(MM 5.3-1)

*GEOLOGY*

26. **PRIOR TO THE ISSUANCE OF ANY BUILDING, GRADING, OR OTHER CONSTRUCTION PERMITS**, the applicant shall address the following mitigation measure that would be required to mitigate significant impacts related to landsliding:

Prior to the issuance of any grading permit a design level comprehensive geotechnical report shall be prepared and submitted to Marin County CDA-Building & Safety Division or Marin County Department of Public Works. The geotechnical report shall include an engineering geologic and geotechnical investigation on a lot-by-lot basis before development of roadways and utilities and within proposed building sites of each individual lot. The report shall include a comprehensive design-level grading plan including a landslide stabilization program on all lots and a long-term maintenance program for the stabilization program. The repair program shall be implemented by the applicant. Furthermore:

- All landslides shall be eliminated, repaired, improved, or avoided in accordance with Marin County landslide mitigation policy and the landslide criteria and mitigation policy established for this project by Miller Pacific Engineering Group.
- For each landslide present on the project site the limits shall be verified.
- Landslide 9 shall be completely repaired in accordance with Miller Pacific's criteria for landslide repair. Landslide 9 is less than 100 feet from the proposed building site for Lot 42. This landslide is only scheduled for improvement. This would be inconsistent with the project's landslide mitigation policy. Stabilizing this small landslide would eliminate the inconsistencies present in the conceptual repair plan. Considering the topographic conditions, the direction of potential movement of Landslide 9 is not toward the development. The closest portion of the landslide is about 75 feet from the planned structure and risk of damage from reactivated landslide movement is low. The landslide is within a natural drainage ravine and construction damage for repair could be significant. Consider pier and grade beam stabilization that would improve stability to "repair" level and minimize disturbance.
- Lots 19 and 20 in the Modified Master Plan will encroach nearer to the head/source area for Landslide 4. Therefore the upper portion of Landslide 4 shall be stabilized via construction of a drilled-pier supported grade beam with new subsurface drainage improvements.
- The proposed pier/grade beam and subsurface drainage previously recommended for the eastern portion of Landslide 3, shall be moved further upslope along the lot line for Lot 21 in the Modified Master Plan as a means of further avoiding the mapped wetlands between Lots 20 and 21 in the Modified Master Plan.
- The previously mapped colluvial swale within Lot 39 in the Modified Master Plan exhibits evidence of shallow-seated soil creep and possible landslide activity. The colluvial swale has been labeled as Landslide 4. Lot 39 shall be stabilized via construction of a pier-supported grade beam with new subsurface drainage. Should Lot 39 be reconfigured in response to MMWD's proposal to exchange the existing Forest Glen 1-million gallon water storage tank for a new water tank to be located at a higher elevation a new geotechnical evaluation shall be undertaken for the reconfigured Lot 39.
- The geotechnical report shall include stability calculations for landslides or portions of landslides within 100 feet of the building sites or public improvements to confirm that proposed repair methods would provide a factor of safety of at least 1.5 for static conditions and greater than 1.0 for pseudo-static (seismic conditions).
- For landslides that shall not be repaired or improved it shall be documented that the proposed project will not have an adverse impact on the existing landslide and that the project will either improve or not further exacerbate the landslide.

- Pier and grade beam systems on Lots 12 through 25 (along Ridge Road) in the Modified Master Plan shall be locally relocated=slightly (as shown in Figure GR-1 dated received on June 6, 2017) to better fit the new lot configurations.
- A long-term maintenance program that provides for periodic inspections and maintenance of the recommended landslide stabilization program during the life of the project shall be included. The maintenance program shall provide for:
  - Periodic geologic inspections
  - Monitoring of geotechnical and hydrologic mitigation measures to assure effectiveness.
  - A schedule for routine cleaning and maintenance of drainage devices.
  - Provisions to provide recommendations for additional erosion control or mitigation of any unforeseen hazards which develop in the future.
  - Provision for a regular reporting schedule.
  - The property owner's association shall be responsible for implementation of the long-term maintenance program. This requirement shall also be incorporated into the CC&Rs. Marin County shall be named a third party beneficiary to the CC&Rs with the right, but not the legal obligation, to enforce its terms.

MM 5.4-1

27. **BEFORE DESIGN REVIEW/TENTATIVE MAP APPROVAL**, the applicant shall submit for Marin County review and approval a geologic hazards abatement program that includes monitoring, reporting, and funding the maintenance, remediation, and repair of landslides and landslide hazards within Parcel A. The geologic hazards abatement program shall require at a minimum yearly monitoring and reporting by a licensed geotechnical consultant of the geologic conditions within Parcel A. The report shall include recommendations for mitigating any identified hazards and estimated cost of mitigation implementation.

The Easton Point property owner's association shall be responsible for implementation of the long-term monitoring maintenance program. Including the financial obligation to implement all recommended mitigation measures. This requirement shall be incorporated into the CC&Rs and each prospective purchaser of a lot within the Easton Point project shall be notified of this requirement prior to close of escrow. Marin County shall be named a third party beneficiary to the CC&Rs with the right, but not the legal obligation, to enforce its terms.

28. **BEFORE THE ISSUANCE OF ANY BUILDING, GRADING, OR OTHER CONSTRUCTION PERMITS**, the applicant, individual lot owners, and their respective geotechnical consultants shall implement the following measures in order to mitigate the impacts of low shear strength of some fill soil materials and possible erosion of some slopes:

- Evaluate the strength and other soil index properties of the on-site earth units. In areas that require removal and replacement to create an earth filled buttress, within 100 feet of a proposed building site or public improvement, excavate and replace any loose colluvium or other earth units encountered with certified, engineered compacted fill soil and add proper subdrainage.
- Design drainage facilities, on cut and fill slopes, to include terrace drains every 30 feet of vertical height on all slopes. The terrace drains shall have a minimum flowline gradient of six percent to make them self-cleaning (a minimal tenet of the Uniform Building Code). They also shall be fitted with downdrains every 150 linear feet of terrace length to allow for quick drainage (also UBC).

MM 5.4-2

- 29 **BEFORE THE ISSUANCE OF ANY BUILDING, GRADING, OR OTHER CONSTRUCTION PERMITS**, all site development shall comply with all applicable seismic design provisions of the most recent County-adopted California Building Code criteria for structures in Seismic Zone 4.

MM 5.4-3

- 30 **BEFORE APPROVAL OF THE FINAL SUBDIVISION MAP**, the applicant shall implement the following measures and incorporate them in the CC&Rs for implementation by individual lot owners and lot cluster developers in the future:

- Before preparing site-specific designs and receiving building permits conduct field investigations to determine the presence and limits of such materials in the vicinity of parts of the site proposed for development.
- After receiving grading or site alteration permits from the County, remove and re-compact artificial fill located in or adjacent to areas of proposed grading under the observation and testing of a registered geotechnical engineer.

MM 5.4-5

- 31 **BEFORE THE ISSUANCE OF ANY BUILDING, GRADING, OR OTHER CONSTRUCTION PERMITS**, the applicant, individual lot owners and their respective geotechnical consultants shall implement the following measures to reduce impacts of the site's expansive soils on development to a less-than-significant level:

- Perform plasticity index or expansion index testing as part of the design level investigation to determine the specific shrink-swell potential for development sites as deemed appropriate by the respective geotechnical engineer(s).
- Identify site-specific mitigation which accounts for conditions present at proposed development sites. Typical measures to treat expansive soils shall include the following (or their equivalent):
  - Pre-saturating fill soils and placing wet fill soils (above optimum moisture content) to expand the soil, thereby reducing potential damage to concrete by allowing room for future shrink / swell movement of the soils.
  - Placing a non-expansive imported soil in the upper part of building sites.

- Burying expansive soils deep in fills.
- Treating soil with lime.
- Mixing expansive soils with less expansive soils.
- Designing foundation footing systems to incorporate measured variations of soil swell with effective confinement (dead weight).
- Design residential development on individual lots to account for each site's expansive soils. Measures typically incorporated in building design shall include (or their equivalent):
  - Strengthening foundations (beam).
  - Using suspended wood floors, drilled pier and grade-beam foundations, floating slabs, or pre-stressed (post-tensioned) slabs on-grade.
  - Treating with chemicals.
  - Combining two or more of these techniques.

MM 5.4-6

*HYDROLOGY*

32. **BEFORE THE ISSUANCE OF ANY BUILDING, GRADING, OR OTHER CONSTRUCTION PERMITS**, the applicant shall prepare and submit for review a Stormwater Pollution Prevention Plan (SWPPP) to be implemented during construction to ensure adequate measures would be taken to protect water quality. The SWPPP shall pay particular attention to the following:

- The construction road and associated vehicular pollutants.
- Vehicle wash areas to ensure that sediment is not tracked onto Paradise Drive.
- Fuel and other toxic compound storage.
- BMPs (best management practices) to control sediment and erosion.
- Revegetation.
- Trash control.

Marin County Code Section 24.04.627, provides additional information on SWPPP requirements. Preparation and implementation of a SWPPP is required for approval of coverage under the Construction Activities Stormwater General Permit issued by the State Water Resources Control Board. Construction General Permit coverage would be required for the *2008 Easton Point Residential Development* project since it would disturb more than one acre.

MM 5.5-1(a), MM5.5-3(b)

33. **BEFORE DESIGN REVIEW/TENTATIVE MAP APPROVAL** , the applicant shall submit for review a Stormwater Control Plan including: detaining the post development increase in peak flow rates, directing roof runoff and runoff from other future residential impervious surfaces to bioretention areas, and installing Filterra Bioretention Systems in road catch basins. In addition, the applicant shall prepare a Stormwater Control Plan as a

stand alone document, detailing post-project stormwater control measures. Marin County Code Section 23.18.093, provides additional information on Stormwater Control Plan requirements. The Marin County document, *Design Guidance for Stormwater Treatment and Control for Projects in Marin, Sonoma, Napa, and Solano Counties* should be utilized during preparation of the Stormwater Control Plan. The document provides a Stormwater Control Plan checklist to be utilized during plan preparation. Particular attention should be paid to identify pollutant sources related to lawn care, and for each pollutant source, a source control measure(s) should be identified for use during the development of each lot to reduce identified pollutants to the maximum extent practicable. Source control measures include:

- An irrigation schedule linked to typical seasonal soil moisture levels.
- Provide residents with a list of specific chemical inputs tested and cleared by the USEPA for application to vegetation.
- Indicate frequency and scheduling of the chemical inputs based on site-specific characteristics (such as soil and vegetative cover and rates of uptake) and the acknowledged sensitivity of downstream receiving waters.
- Include homeowner education information to be incorporated in the project's CC&Rs to instruct both the owners and their landscaping contractors in safe chemical handling and application procedures.

In addition to requirements outlined in the *Design Guidance For Stormwater Treatment and Control for Projects in Marin, Sonoma, Napa, and Solano Counties*, the applicant shall incorporate the following site-appropriate BMPs or their equivalents, in the project Stormwater Control Plan for short- and long-term implementation by the applicant and individual lot owners, in order to comply with the requirements of the Phase II NPDES permit:

- The Property Owners' Association (POA) shall privately contract with Mill Valley Refuse Service (MVRS) or its equivalent to undertake monthly street sweeping. MVRS already serves numerous areas on the Tiburon Peninsula.
- The POA shall provide each homeowner with pamphlets or other informative documentation regarding the use of less toxic pest management procedures, including integrated pest management. MCSTOPP.org has related on-line information which also includes descriptions of less toxic pest control products and procedures, the effectiveness of which has been proven in the scientific literature (e.g. see [www.ourwaterourworld.org/](http://www.ourwaterourworld.org/)). The TMDL study on pesticides in urban creeks in the San Francisco Bay Region also references significant recent research into pesticide practices and alternatives to limit their migration to surface waters and San Francisco Bay.
- Each residence shall incorporate a bioswale, or other geotechnically appropriate methods for treatment of runoff from the lot's impervious surfaces. The swale shown on each lot's Conceptual Grading Plan can be used for guidance. Guidelines shall be incorporated into the Stormwater Control Plan from the *Stormwater Quality Manual for Development Projects in Marin County* for sizing treatment facilities (e.g. bioswales).

MM 5.5-1(b), MM 5.5-3(b)

34. **BEFORE FINAL INSPECTION OF ANY BUILDING, GRADING, OR OTHER CONSTRUCTION PERMITS**, the applicant shall implement the following mitigation measures in order to reduce the project's impacts on on-site drainage patterns and off-site flooding along Paradise Drive to less-than-significant levels:

- Following the completion of hillslope grading and retaining wall construction for sight distance improvement, clear stormwater ditch segments along Paradise Drive of extraneous cut material and return ditch cross-sections, slopes and drainage directions and hydraulic capacities to pre-disturbance conditions. Ensure that road culverts are not buried or obstructed by excavation debris.

MM 5.5-2, MM 5.5-3(d), MM5.5-7(a)

35. **BEFORE THE ISSUANCE OF ANY BUILDING, GRADING, OR OTHER CONSTRUCTION PERMITS**, the applicant shall implement Mitigation Measure 5.5-1(a) which includes applying for coverage under the NPDES Construction General Permit for construction activities that disturb more than one acre. The applicant shall add a provision to the project's CC&Rs stating that the Property Owners' Association would be responsible for ensuring that the developer of each lot be required to meet all conditions specified in the General Permit. This would ensure that appropriate erosion control and water quality mitigation measures are implemented at the time each lot is developed.

MM 5.5-3(b)

36. **BEFORE THE ISSUANCE OF ANY BUILDING, GRADING, OR OTHER CONSTRUCTION PERMITS**, the applicants shall submit construction plans showing any areas receiving point discharge from subdrains or detention facilities be protected by means of appropriately sized rip rap receiving pads and / or velocity reducers to control the discharge and protect against slope erosion. A geomorphic evaluation shall be conducted for each point discharge location to ensure that increased peak flow rates, up to the ten-year storm event, would not impact hillslope or drainageway stability at the point of discharge and downslope / downstream. Rip rap may be required around bubble-up boxes to prevent erosion. Level spreaders shall be installed with as little disturbance of downslope areas as possible and installed in a manner to ensure proper distribution of flow across the spreader. Due to the steep site slopes leading down to and below the proposed location of level spreaders, the level spreaders would likely need to be composed of a pipe with evenly placed weep holes drilled through the pipe. The spreader pipe would be placed on contour for even discharge onto the hillslope. Maintenance procedures for clearing sediment from the spreaders shall be established and transferred to the Property Owners' Association for its reference in maintaining these erosion control measures.

MM 5.5-3(c), MM5.5-7(a)

37. **BEFORE THE ISSUANCE OF ANY BUILDING, GRADING, OR OTHER CONSTRUCTION PERMITS**, the applicants shall submit for review the final design of site stormwater runoff detention facilities, position the outlet to provide a runoff storage volume sufficient to mitigate for the volume differential between the pre- and post-

development, two-year rainstorm, i.e. before any outlet flow occurs. This feature would expand the detention function, but would not substantially change the overall design of the structure, since the outlet capacity would remain the targeted ten-year, pre-development peak flow and the total volumetric storage would satisfy the 100-year storm requirement. In addition, runoff detention facilities serving on-site roadways should be sized to accommodate the increased stormwater runoff volumes generated by the expanded 28-foot roadway width stipulated by Mitigation Measure 5.1-11 (Traffic) and the additional off-lot parking spaces stipulated by Mitigation Measure 5.1-12 (Traffic), rather than the project's proposed 20-foot roadway width and parking configuration. To the extent feasible, required off-lot parking spaces should be founded on permeable pavers / pavement, gravel or other permeable materials, in order to minimize required increases in the size of stormwater detention facilities, and to reduce the potential secondary grading and stabilization structure construction impacts that could accrue from expansion of these facilities. Permeable parking spaces should be restricted to areas outside of the recharge area identified for Keil Spring.

MM 5.5-3(e), MM5.5-7(a)

38. **BEFORE DESIGN REVIEW TENTATIVE MAP APPROVAL**, the applicant shall make an offer in writing to the owners of the Keil property to install a water conveyance system to link the landslide improvement area subdrains to the water storage system on the Keil property. Depending on hydraulic constraints, this converted drain water could be conveyed to either the upslope redwood storage tank or the cisterns. Since all Keil property water system components are linked by piping and pumps, the link could be constructed to the upper redwood storage tank. Implementation of this mitigation measure would require the agreement and cooperation of the owners of the Keil property. Should the owners of the Keil property not respond positively to the applicant's offer within 30 days this condition will be deemed infeasible and need not be satisfied.

MM 5.5-6

39. **BEFORE DESIGN REVIEW/TENTATIVE MAP APPROVAL**, the applicant shall assess Paradise Drive culverts draining the site watersheds E (Drainageway 1), H, J (Drainageway 2), L (Drainageway 3), and N for their capacity to convey the ten-year post-project peak flow with a five percent surcharge derived from the capture of deep groundwater and its conversion to surface flow. Where the existing capacity of the culvert is inadequate to pass this augmented design flow without roadway flooding, the project shall be amended to include replacement of the culvert. Any culvert replacements should be designed to the drainage standards of Marin County for the contributing watershed size and should include appropriate energy dissipation measures at the culvert outlets.

MM 5.5-7(b)

40. **BEFORE DESIGN REVIEW/ TENTATIVE MAP APPROVAL**, the cross-sections for driveway sections and Forest Glen Ct., Ridge Drive and Tam View Court (sheet C-1) show retaining wall footings and back drains that extend outside the access and utility easement. Sheet C-2 shows fire hydrants outside the easement. Demonstrate that adequate width for the access and utility easements are provided to contain all roadway improvements.



41. **BEFORE RECORDATION OF THE FINAL SUBDIVISION MAP**, the following shall be addressed:
- Per Marin County Code (MCC) 24.10.005(a), prior to the commencement of any work on improvements covered by this title and before filing any required final subdivision map or parcel map, complete plans for all of those improvements shall be submitted to and approved by the director of Public Works. In addition, landscape and irrigation plans and other plans required by the community development agency shall be approved by the community development agency director (also see MCC 22.100.050 Subdivision improvements and agreements).
  - Per MCC 22.100.060, if the County determines that the improvement work required in compliance with this Chapter is not completed satisfactorily prior to the filing of the Parcel or Final Map, the subdivider shall enter into an agreement with the Board, and provide security to guarantee the performance of the terms of the agreement, as follows. The Agreement shall be entered into concurrently with the approval of the map.
  - Monuments shall be set in accordance with MCC 22.100.070.
  - Project sponsor shall provide information (covenants, conditions and restrictions) regarding the property owner association (POA) to the Department of Public Works (DPW) for review and approval. POA CC&Rs to be recorded concurrent with the final map.
42. **BEFORE DESIGN REVIEW/TENTATIVE MAP APPROVAL**, provide a comprehensive right of way improvement plan on Paradise Drive that demonstrates compliance with mitigation measures 5.1-2, 5.1-2(a), 5.1-2(b), 5.1-3, 5.1-6, 5.1-6(a), 5.1-6(b), 5.1-6(c), 5.1-7, and 5.1-7(a), which addresses intersection, pedestrian refuge and bicycle safety. The improvement plan shall include an updated construction level detail of the realistic widening of Paradise Drive as indicated on “5-12 Exhibit A – Paradise Drive Frontage – “Practical Improvements Alternative” – Sheet P-1 dated March 5, 2012.” Also, provide a comprehensive cost estimate for all proposed improvements on Paradise Drive.

#### *BIOLOGICAL RESOURCES*

43. **BEFORE DESIGN REVIEW/ TENTATIVE MAP APPROVAL**, the applicant shall prepare and submit an updated special status plant species survey to the Marin Community Development Agency to the Marin Community Development Agency Planning Division for review and approval. The redesigned lot layout in the applicant’s Modified Master Plan implements Mitigation Measure 5.6-1(a) based on a special status plant survey conducted in the year 2008. The updated special status plant survey is needed to insure that there has been no expansion in the boundaries of the special status plant species since the year 2008. The design review/tentative map approval must be found consistent with Mitigation Measure 5.6-1(a) of the EIR.
44. **BEFORE DESIGN REVIEW/ TENTATIVE MAP APPROVAL**, the Construction Management Plan (CMP) found in Exhibit F of the Easton Point Project Narrative stamped received on March 30, 2009 shall be updated and submitted to the Marin County Department of Public Works. The updated plan shall be modified to include the provision

that To the extent possible, stockpiling of fill materials during project construction should be done downslope of, or at least a minimum distance of 100 feet away from, sensitive plant habitats. If stockpiling is done upslope of serpentine areas, all fill materials shall be enclosed by debris fencing and/or covered when not actively being utilized to prevent these materials from eroding or down drifting onto and degrading sensitive plant habitats.

[MM 5.6-1(a)]

45. **PRIOR TO APPROVAL OF THE FINAL SUBDIVISION MAP OR THE ISSUANCE OF ANY BUILDING GRADING OR CONSTRUCTION PERMITS**, the applicant has offered to dedicate preserved populations of Marin dwarf flax and serpentine reed grass on-site (Parcel A and Parcel B) to the MCOSD. However, should no agreement be reached with the MCOSD regarding such a dedication, then the applicant shall dedicate these parcels to a public agency or non-profit approved by Marin County, as determined in consultation with all applicable resource agencies (CDFG and USFWS) for control and management.

As an alternative to fee title dedication of all or any portion of Parcel A or Parcel B and with the approval of Marin County, the Property Owners Association may retain ownership of these parcels, or any portion of these parcels and dedicate a conservation easement to a public agency or non-profit approved by Marin County, in consultation with all applicable resource agencies (CDFG and USFWS). Any such parcel(s) shall be subject to the same Resource Management Plan as Parcel A and B (see Mitigation Measure 5.6-1(c) below).

[MM 5.6-1(b)]

46. **BEFORE DESIGN REVIEW/TENTATIVE MAP APPROVAL**, to ensure the in perpetuity preservation and management of special status plant habitat remaining after project development: the applicant shall prepare and submit a Resource Management Plan (RMP) for all sensitive habitats (special status plant habitat, CRLF habitat, native bunchgrass habitat, woodland habitat, and wetlands) preserved within Parcels A and B (or any other parcels created for the purpose of habitat preservation as stated in Mitigation Measure 5.6-1(b)). Marin County CDA Planning Division shall review and approve the RMP in consultation with the MCOSD and all applicable agencies (CDFG, USFWS, USACE, etc.). The RMP shall be written by a qualified biologist with expertise in the various sensitive resources to be covered by the RMP. At a minimum, the RMP shall include the following:

- Allowed and prohibited activities on preserved lands.
- The locations and types of any fencing, signs and / or displays to be constructed on preserved lands.
- A monitoring and management plan for non-native and / or invasive species, or pathogens, considered detrimental to protected resources (weed abatement, invasive species removal, SODS management, CRLF predator control, etc.).
- The types and frequency of any maintenance activities to be conducted on preserved lands (litter removal, fence or sign repairs, etc.).

- A Fuel Management Plan element to ensure that vegetation on preserved areas and adjacent private lots within the project site would be maintained consistent with all current and future fire safety guidelines. The plan shall include provisions for mitigating woodland impacts as a result of fuel management activities through woodland enhancement in unaffected areas of the site.
- A mitigation, monitoring and management plan for any sensitive habitats to be restored, enhanced or created on preserved lands (wetlands, CRLF habitat, etc.) as required by the EIR mitigation measures or that may be required as a result of permit conditions of regulating agencies. The plan shall include the extent of the monitoring period, quantifiable performance measures and success criteria; an adaptive management component with remedial measures should performance measures fall short of success criteria; quantifiable final success criteria; and a once-annual report of findings to be provided to the County and any applicable resource agencies.
- A monitoring plan to monitor the condition of resources occurring on preserved lands and adjacent private lots within the project site. This monitoring plan would help the responsible public agency or non-profit determine if private landowners are engaging in activities which are prohibited under the CC&Rs, and which are having adverse affects on adjacent preserved resources. A component of the monitoring plan would be to ensure that adjacent private lot owners within the project site are managing vegetation on their lots consistent with any current and future fire safety requirements. The plan would include a provision for a once-annual meeting between the POA and the responsible public agency or non-profit staff to discuss results of these monitoring activities and necessary remedial measures.
- Clearly stated short-term and long-term responsibilities of the applicant, the POA, and the MCOSED or other approved public agency or non-profit for the implementation and funding of the RMP.
- Determine a mechanism by which the Resource Management Plan shall be funded in perpetuity in consultation with Marin County, the MCOSED or other approved public agency or non-profit, and all applicable agencies (CDFG, USFWS, USACE, etc.). Such a mechanism would be the establishment by the applicant of a non-wasting endowment, funded by the applicant and / or through monthly POA fees.

[MM 5.6-1(c)]

47. **BEFORE DESIGN REVIEW/TENTATIVE MAP APPROVAL**, the applicant shall submit a detailed California Red-legged Frog (CRLF) Breeding Habitat Plan for the area depicted in the Biological Assessment for the Modified Master Plan (Figure 1) prepared by LSA dated June 5, 2017. The Breeding Habitat Plan shall create a wetland on-site which functions as a breeding habitat for CRLF. The CRLF Breeding Habitat Plan shall be submitted to the Marin Community Development Agency Planning Division for review and approval by Marin County and applicable resource agencies (USFWS, CDFG).

If the creation of a new functional CRFL Breeding Habitat is not deemed feasible, the applicant shall remove, relocate, reduce or reconfigure lots within the Forest Glen area to provide in perpetuity connectivity via a minimum 100-foot wide woodland corridor between preserved woodland habitat in the southern and northern portions of the site. The

corridor area could be contained within the private use area of individual lots outside of any building site areas with a permanent conservation easement established and granted to the MCOSED or other public agency or non-profit; or could be incorporated into Parcel A for dedication to the MCOSED or other public agency or non-profit. Under either option, the corridor shall be monitored and managed pursuant to the RMP.  
MM 5.6-2(a)

48. **BEFORE DESIGN REVIEW/TENTATIVE MAP APPROVAL**, the applicant shall document preservation of CRLF foraging and dispersal habitat on-site at a minimum 3:1 preservation loss ratio. If the on-site preservation of CRLF habitat at a 3:1 (preservation loss) ratio is not feasible, the applicant shall make up any difference in the ratio by purchasing and preserving CRLF habitat off-site in the project region and establishing a conservation easement on the site. A CRLF Mitigation Plan would need to be developed, implemented and funded for the off-site preserved lands as per the same requirements contained in Mitigation Measure 5.6-1(c). This area should be of sufficient acreage and suitable for the frog and would need to be approved by Marin County and the applicable resource agencies (USFWS, CDFG) as suitable for replacing lost foraging and dispersal habitat.  
MM 5.6-2(b)

49. **BEFORE DESIGN REVIEW/TENTATIVE MAP APPROVAL**, the applicant has offered to dedicate Parcel A to the Marin County Open Space District (MCOSED). Should no agreement be reached with the MCOSED regarding such a dedication, the applicant shall dedicate the parcel to another public agency or non-profit approved by Marin County, as determined in consultation with all applicable resource agencies (CDFG and USFWS) for control and management.

As an alternative to fee title dedication of all or any portion of Parcel A or Parcel B and with the approval of Marin County, the POA may retain ownership of these parcels, or any portion of these parcels and dedicate a conservation easement to a public agency or non-profit approved by Marin County, in consultation with all applicable resource agencies (CDFG and USFWS). Any such parcel(s) shall be subject to the same Resource Management Plan as Parcel A and B (see Mitigation Measure 5.6-1(c) below).

MM 5.6-2(c)

50. **BEFORE DESIGN REVIEW/TENTATIVE MAP APPROVAL**, the applicant shall ensure the in perpetuity preservation and management of CRLF habitat remaining after project development by developing, implementing and funding an RMP as set forth in Mitigation Measure 5.6-1(c).

MM 5.6-2 (d)

51. **PRIOR TO ISSUANCE OF BUILDING, GRADING OR CONSTRUCTION PERMITS**, the applicant shall ensure that individual CRLFs are not harmed or killed during project construction by preceding development within the woodland habitats and occurring within 300 feet of any drainageway by pre-construction surveys conducted within 48 hours of initial disturbance activities. For all activities occurring within the bed or bank of drainageways, daily construction monitoring by a qualified biologist will be required to ensure that CRLFs are not harmed or killed.

MM 5.6-2(e)

52. **BEFORE DESIGN REVIEW/TENTATIVE MAP APPROVAL**, the applicant shall submit a report verifying that the design of the subdivision preserves serpentine bunchgrass habitat within Parcels A and/or B at a minimum 3:1 preservation:impact ratio. Under the Modified Master Plan, per LSA's calculations, there are 2.63 acres of this habitat that occurs within private lots and therefore is considered impacted habitat. The "Net Remaining" acreage that will be preserved within Parcels A and B totals 8.63 acres. This exceeds the 3:1 preservation:loss ratio required under this mitigation measure.

MM 5.6-3(a)

53. **BEFORE DESIGN REVIEW/TENTATIVE MAP APPROVAL**, the applicant shall dedicate all preserved serpentine bunchgrass habitat on-site (Parcel A and B) to the MCOSD. Should no agreement be reached with the MCOSD regarding such a dedication, the applicant shall dedicate the parcel to another public agency or non-profit approved by Marin County, as determined in consultation with all applicable resource agencies (CDFG and USFWS) for control and management.

As an alternative to fee title dedication of all or any portion of Parcel A or Parcel B and with the approval of Marin County, the POA may retain ownership of these parcels, or any portion of these parcels and dedicate a conservation easement to a public agency or non-profit approved by Marin County, in consultation with all applicable resource agencies (CDFG and USFWS). Any such parcel(s) shall be subject to the same Resource Management Plan as Parcel A and B (see Mitigation Measure 5.6-1(c) below).

MM 5.6-3(b)

54. **BEFORE FINAL SUBDIVISION MAP APPROVAL**, to ensure the in perpetuity preservation and management of serpentine bunchgrass habitat remaining after project development shall fund the implementation of the RMP as set forth in Mitigation Measure 5.6-1(c).

MM 5.6-3(d)

55. **BEFORE DESIGN REVIEW/TENTATIVE MAP APPROVAL**, Incorporate barriers such as retaining walls along the downslope edges of the building envelopes of Lots 26 and 27 to preclude irrigation and landscape chemicals from making their way downslope onto on-site and off-site preserved serpentine bunchgrass habitats

MM 5.6-3(d)

56. **BEFORE TO DESIGN REVIEW/TENTATIVE MAP APPROVAL**, The applicant shall dedicate all preserved woodland habitat on-site (Parcel A) to the MCOSD. Should no agreement be reached with the MCOSD regarding such a dedication, the applicant shall dedicate Parcel A to another public agency or non-profit approved by Marin County, as determined in consultation with all applicable resource agencies for control and management.

Develop, implement and fund an RMP as set forth in Mitigation Measure 5.6-1(c). The RMP shall be developed to be consistent with Marin County's Oak Woodland Voluntary Management Guidelines. The RMP shall also contain a Fuel Management Plan element

to ensure that vegetation on preserved areas and adjacent private lots with the project site is maintained consistent with all current and future fire safety guidelines. The plan will include provisions for mitigating woodland impacts as a result of fuel management activities through woodland enhancement in unaffected areas of the site.

MM 5.6-4(a)

57. **FINAL SUBDIVISION MAP APPROVAL**, to reduce or eliminate indirect impacts to preserved native trees and woodlands on-site or off-site as a result of project construction or long-term use of individual lots, the CC&Rs for the subdivision shall incorporate the following:

Dispose of cut down trees in ways consistent with the most current recommendations of the University of California Oak Mortality Task Force to reduce the likelihood of the spread of SODS to unaffected areas in the region, or to any potentially unaffected areas of the site (although it is likely that all woodland areas on-site and adjacent to the site are already infected). The applicant shall consult with the Oak Mortality Task Force to obtain a list of their recommendations, and these will be written into the CC&Rs.

During project construction, the applicant or individual lot owners shall be responsible for protecting native trees and other woodland vegetation to be retained by erecting exclusionary fencing around the root zones of trees that will be retained or at the edge of woodland vegetation that will be retained to ensure that retained woodland trees and other vegetation are not removed or indirectly impacted by soil compaction at the root zone by heavy equipment. The applicant shall ensure that these requirements are written into the CC&Rs

MM 5.6-4(b)

58. **BEFORE DESIGN REIVEW/TENTATIVE MAP APPROVAL**, to ensure the in perpetuity preservation of wetlands and drainages remaining after project development:

The applicant shall dedicate all preserved wetland and drainage habitats on-site (Parcel A) to the MCOSD. Should no agreement be reached with the MCOSD regarding such a dedication, the applicant shall dedicate Parcel A to another public agency or non-profit approved by Marin County, as determined in consultation with all applicable resource agencies (USACE, RWQCB, and CDFG) for control and management.

As an alternative to fee title dedication of all or any portion of Parcel with the approval of Marin County, the POA may retain ownership of these parcels, or any portion of these parcels and dedicate a conservation easement to a public agency or non-profit approved by Marin County, in consultation with all applicable resource agencies (CDFG and USFWS). Any such parcel(s) shall be subject to the same Resource Management Plan as Parcel A and B (see Mitigation Measure 5.6-1(c) below).

Also develop, implement and fund an RMP for preserved wetland and drainage habitats as set forth in Mitigation Measure 5.6-1(c).

MM 5.6-5(a)

59. **BEFORE DESIGN REVIEW/TENTATIVE MAP APPROVAL**, the applicant shall Conduct a formal wetland delineation of the site and have it verified by USACE. The applicant shall further calculate the extent of all permanent and temporary impacts to jurisdictional areas and apply to USACE for a Clean Water Act permit to comply with Section 404 of the Clean Water Act, shall obtain a Section 401 Water Quality Certification (or waiver) from the Regional Water Quality Control Board (RWQCB), and shall enter into a Streambed Alteration Agreement with the California Department of Fish and Game (CDFG) to comply with Section 1601 of the California Fish and Game Code.

MM 5.6-5(b)

60. **BEFORE DESIGN REVIEW/TENTATIVE MAP APPROVAL**, the applicant shall prepare a Wetland and Riparian Mitigation and Monitoring Plan to be included in the RMP. The Plan shall include, at a minimum, the following requirements:

- Replacement of lost wetland habitat acreage, including wetland habitat that would be lost as a result of the de-watering of the spring on Lot 8, at a ratio sufficient to retain functions and values. A 2:1 replacement:loss ratio would be expected to off-set wetland resource impacts adequately. Sufficient opportunities appear to be available on-site to carry out this replacement and may be combined with mitigations for a loss of CRLF habitat on-site (see Mitigation Measure 5.6-2).
- Establishment of a minimum 100-foot setback between all drainageways and wetlands from proposed lot building sites and infrastructure development; and the development of a plan to mitigate for all temporary or permanent impacts that encroach within the setback, such as for landslide repairs. Temporary encroachments shall be mitigated through the development of a restoration plan to re-vegetate disturbed areas; while permanent encroachments shall be mitigated through the enhancement of habitat at a minimum 2:1 ratio.
- The development of quantifiable performance measures and final success criteria and remedial measures to be implemented should created, restored or enhanced wetland and drainageway habitats fail to meet performance measures and success criteria.
- Once-annual monitoring of created, restored or enhanced wetland and drainageway habitats for a minimum five-year period (longer should they not meet the final success criteria after five years), until they meet the final success criteria.

MM 5.6-5(b)

61. **BEFORE THE APPROVAL OF ANY BUILDING, GRADING OR CONSTRUCTION PERMITS**, the-applicant shall have a qualified botanist or horticulturist develop a list of all exotic plants which are known to readily naturalize in habitats similar to those found on the project site. Black locust, blue gum, various brooms, periwinkle, pampas grass, non-native annual grasses and other species known to be invasive and difficult to eradicate shall be placed on this list and shall be prohibited from use in landscaping by applicant or individual lot owners by way of CC&R restrictions.

Additionally, at the time of the development of their landscape plans, the applicant and individual lot owners, or their landscape professionals, shall check for any new

occurrences of invasive exotics with the Bay Area Early Detection Network, or other similar resource dedicated to the identification of such species in the project region to ensure that no new such species are being utilized in the plans, and, if so, these species shall be removed from the landscape plans. All applicant or lot owner landscaping plans shall be submitted to Marin County CDA-Planning Division for approval.

MM 5.6-6(a)

62. **BEFORE DESIGN REVIEW/TENTATIVE MAP APPROVAL**, the Resource Management Plan required in MM 5.6-1(c) shall include a monitoring and management plan for non-native and / or invasive species, or pathogens, considered detrimental to protected resources (weed abatement, SODS management, CRLF predator control, etc.).

MM 5.6-6(b)

63. **BEFORE FINAL SUBDIVISION MAP APPROVAL, OR THE APPROVAL OF ANY BUILDING, GRADING OR CONSTRUCTION PERMITS**, the applicant shall add to the project CC&R's or the County shall require of any building, grading or construction permit that construction (roads, buildings, etc.) within 250 feet of trees or scrub habitats (the standard construction buffer) shall require a pre-construction survey for active bird nests if such project disturbance occurs during the breeding season.

Within 14 days of beginning construction during the nesting season (March 1st to August 31st), have a qualified biologist survey construction areas and their immediate vicinity (within 250 feet) for active nests. Surveys shall be conducted according to a protocol developed in consultation with the CDFW.

Mark any active nests discovered during the pre-construction survey on a map and determine and establish an appropriate construction-free setback or buffer around each active nest by means of fencing or stakes with conspicuous flagging. The appropriate size of the buffer will be determined by the biologist based on the species and topography and determined in consultation with DFW. No construction activities shall be permitted within the buffer area until all young have fledged and are observed by a qualified biologist to be foraging independently of the parents-or until the nest fails and the birds do not re-nest.

MM 5.6-7(a)

64. **BEFORE FINAL SUBDIVISION MAP APPROVAL**, the applicant shall implement and add to the project's CC&Rs, for implementation by the individual lot owners, developers of lot clusters, and, subsequently, the POA, the following measures to reduce impacts to special status bats:

- A qualified biologist shall conduct a habitat assessment for bats six months prior to any construction activities that will result in the removal of trees on-site.
- Should the habitat assessment conclude that trees proposed for removal provide potential hibernation and/or maternity habitat for special status bats, tree removal will only be conducted during seasonal periods of bat activity, i.e. September through mid-October and March through mid-April, under the supervision of a qualified biologist. Tree removals shall occur via a two-phased removal conducted over two consecutive days. In the afternoon of the first day, limbs and branches will be



removed by a tree cutter using chainsaws only. Limbs with cavities, crevices or deep bark fissures would be avoided, and only branch or limbs without those features should be removed. On the second day, the entire tree should be removed.

MM 5.6-7(b)

65. **BEFORE APPROVAL OF ANY BUILDING, GRADING OR CONSTRUCTION PERMITS**, the applicant shall be responsible for submitting a report to the County advising on the number of ordinance-size trees to be removed by these activities. Prior to the development of their individual lots, individual lot owners would also be responsible for submitting a report to the County with the number of ordinance size trees that would be removed on their private lots. The requirement that individual lot owners provide this information shall be written into the CC&Rs by the applicant. Currently, it is unknown how many of the 742 trees that would be lost would be considered ordinance-size; however it would not necessarily be required that additional tree surveys are completed as this information can be easily extracted from data collected by the applicant's arborist in 2008 to supplement the original tree survey report.

The applicant and individual lot owners shall be allowed to mitigate up to 25 percent of lost ordinance-size trees by incorporating tree plantings into their landscape plans for approval by the County, consistent with provisions contained in the Marin County Code Chapter 22.27 (Native Tree Protection and Preservation). Any replacement plantings shall consist of SODS-resistant tree species native to Marin County for the remaining 75 percent of ordinance-size trees to be removed, the applicant or individual lot owner shall pay a fee in the amount of \$500 for each ordinance-size tree that will be removed.

The applicant shall be responsible for mitigating the loss of ordinance-size trees as a result of site preparation, landslide repairs and infrastructure development; while the individual lot owners shall be responsible for mitigating the loss of ordinance-size trees as a result of development on their individual lots.

MM 5.6-8

#### *PUBLIC SERVICES*

66. **BEFORE APPROVAL OF ANY BUILDING, GRADING OR CONSTRUCTION PERMITS FOR LOTS 28 THROUGH 42**, if required by the Marin Emergency Radio Authority, the applicant shall provide the land and or construct all required communications equipment on the project site. The communications equipment may include a 10 by 18 foot equipment building, a 45 KW emergency generator and fuel tank, a 65 foot antenna support structure capable of supporting two-six foot microwave dish antennas and three-two way radio whip antennas. These facilities shall be located on a parcel adjacent to the proposed water tank Parcel C.

MM 5.7-1(b)

67. **BEFORE APPROVAL OF ANY BUILDING, GRADING OR CONSTRUCTION PERMITS**, property owners shall pay any fire mitigation fee if such a fee is adopted by the Tiburon Fire Protection District.

68. **BEFORE DESIGN REVIEW/TENTATIVE MAP APPROVAL**, the applicant shall work with the MMWD to make final water system design improvement plans and financial arrangements necessary to meet MMWD domestic service requirements and fire flow requirements specified by the Tiburon Fire District pursuant to the Uniform Fire Code. The applicant shall comply with the Marin Municipal Water District's standards as required. On July 13, 2017 Marin County received a letter from the Water District informing the County that the District intended to condition the project as follows:
- Install Easton Point Tank: Cast-in-place concrete tank (265,000 gallons required to meet fire flow and customer demand with 10% unusable storage; this allows operation of pumps during off-peak hours saving energy) with the following tank and site requirements:
    - a. Base elevation of water in the tank: 570 feet.
    - b. Inlet through bottom of tank into stainless steel circulation system.
    - c. 24" to 12" reducing elbow outlet through bottom of tank.
    - d. Maximum normal operating level of the water in the tank: 16.1 feet.
    - e. Overflow water level: 18.1 feet.
    - f. Overflow through outside of tank with air gap at catch basin.
    - g. Maximum tank roof elevation: 590 feet, as this elevation is visually acceptable since the land behind the tank rises 590 feet at the retaining wall along the boundary and the mountain behind the tank is approximately 615 feet.
    - h. Sited along the ridge; nominal inside dimensions of the tank are 31 feet by 71 feet, and the nominal outside dimensions are 35 feet by 75 feet.
    - i. Include a retaining wall along the property line.
    - j. Include a retaining wall along the outside of tank access road.
    - k. Minimum 15 feet wide access road around the tank for construction, repair, replacement and maintenance.
    - l. Minimum 100 ft. by 200 ft. footprint for the tank, turnaround area, future tank replacement, associated appurtenances, trees and fences.
    - m. Minimum 16 ft road access width, with transition area to the tank lot.
  - Relocate Paradise Drive Tank: Resize tank to 590,00 gallons (reduced from current 1 million gallons; resizing maintains storage adequacy ration of 2.0 or more) and relocate tank to lot with a base elevation of 283 feet. Include Easton Point Tank pump station on the lot: higher elevation reduces pumping cost to Easton Point Tank. The higher elevation of the tank also improves fire flows for Paradise Drive hydrants. Exchange existing Paradise Drive Tank lot for relocated Paradise Drive tank lot; same size lot, same diameter tank, pre-stressed concrete D110 tank, as D110 Tank have a longer life than steel tanks and require less maintenance in the long-term, changes base elevation from 233 feet to 283 feet.
  - Install Easton Point Tank Pump Station: 20 feet by 20 feet by 12 feet concrete pump station building with two variable speed 20 hp pumps and associated appurtenances, Require pump station lot and pump station to supply water to Easton Point Tank. Locate on the relocated Paradise Drive Tank lot at the base elevation of the tank.
  - Install Piping – Kubota ductile iron (DI) piping (with restrained flexible joints): 2,100 feet of 12" pipe and 600 feet of 8" pipe in the subdivision along Tam View Court and Ridge Road, 1,800 feet of 8" pipe in access road to Easton Point Tank and in the proposed subdivision along Forest Glen Road, 350 feet of 6" pipe off Forest Glen Road, 3,500 feet of 8" pipe along Paradise Drive (replaces 6"), and 415 feet of

6" pipe and 175 feet of 2" copper pipe in the court off of Paradise Drive. The Kubota pipe is best for slide areas such as the development and has a longer life. Install 1,100 feet of 12" WSP piping in the existing subdivision surrounding Haven Hill Tank which will be supplied from the proposed Easton Point Tank. Relocate and extend both 12" WSP piping and associated appurtenances onto Forest Glen Road from Paradise Drive to Paradise Drive Tank.

- Install Easton Point Regulator: one regulator vault with two regulators (one 6" regulator and fire flow and one 1" regulator for customer demands) on the 8" pipe from Easton Point Tank to six of the lots proposed in the development near Paradise Drive Tank.
- Access Roads to Easton Point Tank: Establish continuous district use of the access road from near end of lower subdivision to Easton Point Tank for pipe operations, repair and maintenance; tank operations, repair and maintenance, and future tank replacement.
- Service Connections: The individual service connections included in this project will be granted under the District's rules and regulations in effect at the time service is granted. Service with estimated pressures at the structure of less than 40 psi will be required to complete a Low Pressure Water Service Application including completion and notarization of a Low Pressure Agreement. The installation of private pumps, to be owned and maintained by the property owner, will be required for locations with estimated pressures below 30 psi.
- System Protection: All lot and lot owners shall install and maintain backflow protection water services if deemed necessary by the District.
- Cost of Facilities: The developer pays for the entire cost of the installation of water facilities, up front.
- Sinking Fund: Establish a special assessment district in order to provide for the repair, maintenance and future replacement of the proposed water system facilities; includes tanks, pump stations, regulator stations, pipes, pumps, valves, and all appurtenances. The implementation and management of the assessment district would be managed by consulting firm that specializes in assessment district formations and administration.

MM 5.7-7 and MM 5.7-8(c)

69. **BEFORE APPROVAL OF ANY BUILDING, GRADING OR CONSTRUCTION PERMITS**, the applicant if necessary shall Acquire approval of reduced fire flow requirements from the TFPD (as permitted in the 2007 California Fire Code) by implementing structural enhancements to proposed residences including but not limited to:

- Upgrades to building sprinkler systems
- Utilizing non-combustible exterior building materials

MM 5.7-8(a)

70. **BEFORE APPROVAL OF ANY BUILDING, GRADING OR CONSTRUCTION PERMIT** limit the size of proposed houses (total allowable square footage) as needed to meet fire flow requirements.

MM 5.7-8(b)

71. **BEFORE DESIGN REVIEW/TENTATIVE MAP APPROVAL**, the applicant shall submit to Marin County CDA an Open Space Management Plan for parcels A and B. At a minimum the Open Space Management Plan shall include the following elements:
- A description of the maintenance and management methods for the upkeep of the open space.
  - Collusion with the mandatory requirements for sensitive habitats Resource Management Plan required in Mitigation Measure 5.6-1.
  - Determine a mechanism by which the Open Space Management Plan shall be funded in perpetuity in consultation with Marin County and the MCOSD. Such a mechanism would be the establishment by the applicant of a non-wasting endowment, funded by the applicant and / or through monthly POA fees.

MM 5.7-19(b)

#### *VISUAL QUALITY*

72. **BEFORE DESIGN REVIEW/TENTATIVE MAP/FINAL SUBDIVISION PLAN APPROVAL**, the project's CC&Rs and Design Guidelines shall incorporate the following measures in order to reduce the visual impact of the project as viewed from adjacent public open space:
- Limit building height to one story with a maximum of 18 feet on lots that would be visible from the Old St. Hilary's Open Space Preserve in order to minimize view blockage the silhouetting of rooflines as seen from within the open space. A secondary impact of lower building heights would be a larger building footprint or a smaller housing unit.
  - Locate buildings on Lots 5 through 10 in the Modified Master Plan as far from the spine of Ridgeline C as possible. Locate buildings on Lots 11 through 23 as far from the spine of Ridgeline D as possible. However, based on the landslide mitigation policy prepared for the proposed project by Miller Pacific Engineering Group all fill buttresses must be within 100 feet of the proposed building site. In order for the proposed buttresses not to be located within the proposed open space (Parcel A) the amount of flexibility of where to locate the homes along the ridges is very limited.
  - Plant native trees and shrubs in a manner reflecting natural growth patterns on the site in locations that would specifically screen buildings from views from the open space and integrate them with the landscape. While this may reduce the impact of building appearance, it should be noted that over-planting with trees in a formerly grassland landscape would itself create a significant, man-induced visual change. Additionally, urban-wildland interface restrictions would limit the proximity of plantings to homes and other structures.

MM 5.8-1 & MM 5.8-2

73. **BEFORE DESIGN REVIEW/TENTATIVE MAP/FINAL SUBDIVISION PLAN APPROVAL**, the project's CC&Rs and Design Guidelines shall incorporate the following measures in order to reduce the visual impact of the project as viewed from Paradise Drive:
- Locate the building on Lot 18, 19 & 20 in the Modified Master Plan as far down the slope as possible so that they do not appear to be on the top of Ridgeline D and their silhouette is not seen against the sky.
  - Limit chimney heights and widths to avoid their silhouette being seen against the sky.
  - Plant native trees and shrubs in a manner reflecting natural growth patterns on the site in locations that would specifically screen buildings from views from Paradise Drive and integrate them with the landscape. While this may reduce the impact of building appearance, it should be noted that over-planting with trees in a formerly grassland landscape would itself create a significant, man-induced visual change. Additionally, urban-wildland interface restrictions would limit the proximity of plantings to homes and other structures.

Locating buildings on Lots 18, 19 & 20 further down the slope would likely require either additional buttress fill slope repairs and / or buried pile walls to stabilize the landslides. Lowering the elevations of the buildings on these lots would be feasible, however, it would result in a substantial increase in the depth and size of the buttresses and buried walls that would be necessary to create safe building sites. The surplus grading materials and resulting larger areas of disturbance could also cause secondary impacts.

MM 5.8-3

74. **BEFORE DESIGN REVIEW/TENTATIVE MAP APPROVAL**, the applicant shall incorporate the following measures into the project's CC&Rs and Design Guidelines in order to reduce the visual impact of the project:
- Limit building height of homes seen as protruding above the ridgeline and against the sky to one story with a maximum of 18 feet. A secondary impact of lower building heights would be a larger building footprint or a smaller housing unit.
  - Locate buildings on Lot 2 through 10 in the Modified Master Plan as far from the spine of the Ridgeline C as possible. Locate buildings on Lots 11 through 25 in the Modified Master Plan as far from the spine of the Ridgeline D as possible.
  - Plant native trees and shrubs in a manner reflecting natural growth patterns on the site in locations that would specifically screen buildings from view and integrate them with the landscape. While this may reduce the impact of building appearance, it should be noted that over-planting with trees in a formerly grassland landscape would itself create a significant, man-induced visual change. Additionally, urban-wildland interface restrictions would limit the proximity of plantings to homes and other structures.

As discussed for Mitigation Measure 5.8-1, locating buildings on Lots 11 through 25 on the Modified Master Plan further down the slope would likely require either additional buttress fill slope repairs and / or buried pile walls to stabilize the landslides. Lowering the elevations of the buildings on these lots would be feasible, however, it would result in a substantial increase in the depth and size of the buttresses and buried walls that would be necessary to create safe building sites. The surplus grading materials and resulting larger areas of disturbance could also cause secondary impacts.

MM 5.8-4

75. **BEFORE DESIGN REVIEW/TENTATIVE MAP APPROVAL**, the applicant shall incorporate the measures into the project to reduce the visual impact of the proposed landslide repair:

- Re-grade areas where landslides are repaired by removal and replacement methods so that the finished grade mimics the contour of the area immediately adjacent and the surface of the treated area is not unduly uniform or has angular features. Replant or reseed, as appropriate, disturbed areas with species that existed prior to disturbance
- In areas where subsurface landslide repair is implemented, re-grade disturbed surfaces to match the original grade and replant or reseed, as appropriate, with species that existed prior to disturbance.
- Place debris fences as far back from and as far above Paradise Drive as possible. Retain all vegetation between the road and the debris fence and in the area where the fence is installed so as to provide as much screening of the fence from the road as possible. Specify an appropriate dark color for debris fence material including posts and anchors that will minimize any color contrast with the immediate area where the fence will be installed.

MM 5.8-5

76.. **BEFORE DESIGN REVIEW/TENTATIVE MAP APPROVAL**, The applicant shall prepare a Lighting Plan to incorporate into the Precise Development Plan. The lighting plan shall require:

- All light sources shall be shielded from off-site view;
- All lights shall be downcast;
- Escape of light to the atmosphere shall be minimized;
- Low intensity, indirect light sources shall be encouraged
- Motion-activated lighting systems shall be encouraged.
- Security lighting of driveways, parking areas, and garages shall use low-level bollards with shielded light unless this poses a safety hazard (as determined by Marin County), in which case the area shall be lit using as few as possible, motion-activated shielded lights.
- Lighting of outdoor use areas and walkways shall be mounted on low-level elevation bollards or posts.
- Floodlighting shall be prohibited.
- Lighting of outdoor recreation areas, such as tennis courts, sports courts, and other similar outdoor recreational activity areas, shall be prohibited.

- Mercury, sodium vapor, and similar intense and bright lights shall not be permitted except where their need is specifically approved and their source of light is restricted.
- Submittals for Design Review shall include information on the location, types, intensity, and design of exterior lighting consistent with the Lighting Plan.

MM 5.8-6

*CULTURAL RESOURCES*

77. **BEFORE APPROVAL OF BUILDING, GRADING OR CONSTRUCTION PERMITS**, the permits shall be conditioned to require the following cultural impact mitigation measures:

- Workers involved in ground disturbing activities shall be trained in the recognition of archaeological resources (e.g., historic and prehistoric artifacts typical of the general area), procedures to report such discoveries, and other appropriate protocols to ensure that construction activities avoid or minimize impacts to potentially significant cultural resources;
- In the event that archaeological artifacts, features or other cultural deposits are encountered during future grading, excavation, or other land alteration efforts, all work in the immediate vicinity of the find must be terminated until the discovery can be evaluated by an archaeologist. These discoveries may include prehistoric and / or historic materials. Depending on the extent and cultural composition of the materials, it may be advisable for subsequent excavations to be monitored by an archaeologist who would be ready to record, recover, and / or protect significant cultural materials from further damage. In the case of prehistoric resources, consultation with interested Native American groups is advised; and
- In the event that human skeletal remains are discovered anywhere on the site, work in the vicinity of the discovery must be discontinued and the Marin County Coroner must be contacted. If skeletal remains are found to be prehistoric Native American (not modern), the Coroner will call the Native American Heritage Commission in Sacramento within 24 hours; they in turn will identify the person(s) believed to be the "Most Likely Descendant" of the deceased Native American. The Most Likely Descendant would be responsible for recommending the disposition and treatment of the remains. The Most Likely Descendant may make recommendations to the landowner or the person responsible for the excavation work regarding the appropriate treatment and disposition of the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98.

MM 5.9-1

78. **BEFORE DESIGN REVIEW/TENTATIVE MAP APPROVAL**, the applicant shall incorporate and provide the information required in Mitigation Measures 5.5-3(a), (b), & (c) which are incorporated herein as conditions of approval and are intended to reduce impacts associated with potential erosion and downstream sedimentation that could impact sensitive off-site habitats, including Keil Pond, would also be required to reduce the physical impacts that downstream sedimentation would have on Keil Pond which is a key component of the Keil Cove property (an historical resource).

MM 5.9-3(a)

79. Pursuant to California Government Code Section 66474.9(b), the County of Marin shall require that the property owner defend, indemnify, and hold harmless the County or its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers and employees to attack, set aside, void, or annul, the approval by the County of the Easton Point project, which action is brought within the time period provided for in California Government Code Section 66499.37. The County shall promptly notify the property owner of any claim, action, or proceeding and the County shall cooperate fully in the defense. If the County fails to cooperate fully in the defense, the property owner shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
  
80. The Master Plan shall be valid for a period of three years from the date the ordinance approving the Master Plan was adopted. Extensions of time may be granted in compliance with Marin County Code Section 22.70.050.B.3 for a maximum of three years following the original date of expiration provided the applicant files an extension application, accompanied by the appropriate filing fees, prior to the expiration of the Master Plan.