MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 22-122
A RESOLUTION APPROVING THE STINSON BEACH COUNTY WATER DISTRICT
COASTAL PERMIT
WILLOW CAMP FIRE ROAD, STINSON BEACH
ASSESSOR’S PARCEL: 195-260-32

* * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * *

SECTION I: FINDINGS

1. WHEREAS, Stinson Beach County Water District submitted a Coastal Permit to replace an existing failing water well with a new water well within the Stinson Beach County Water District service area that provides domestic water for the community of Stinson Beach. The proposed well has been drilled approximately 40 feet from the existing well and has the following setbacks: 201 feet from the northwestern property line; over 1,000 feet from the northeastern property line; 23 feet from the southeastern property line; and over 100 feet from the southwestern property line.

The applicant received Emergency Coastal Permit approval on November 23, 2021, for the drilling of the well pursuant to Marin County Local Coastal Program, Implementation Plan Section 22.70.140. Coastal Permit approval is required pursuant to Marin County Land Use Plan section 22.68.060 for the drilling of and use of new water wells.

2. WHEREAS, on November 17, 2022, 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 15301, Class 1 and Section 15302, Class 2 of the CEQA Guidelines because it would not result in any significant environmental impacts.

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 Land Use Plan (LUP) public coastal access policies (C-PA-2, C-PA-15 and C-PA-16) and this finding because the project site is not located near a coastal bluff or beach access, and therefore, would not interfere or impact existing coastal access.

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).

Stinson Beach County Water District Coastal Permit
Attachment No. 1
DZA Hearing November 17, 2022
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 WRA Environmental Consultants dated July 2021, a perennial watercourse flows roughly northeast to southwest where it terminates at Bolinas Bay. The stream meets jurisdictional requirements under Section 404 of the Clean Water Act, and is an ESHA. Riparian areas dominated by California bay associated with Stinson Gulch are located approximately 75 feet west of the proposed well.

As illustrated in Sheet 1 and 2 of Exhibit A and Figure 3 of the BSA, both the existing well and the proposed replacement well are located within the eastern edge of the 100-foot ESHA buffer zone from the Stinson Gulch. As shown in Sheet 1 and 2, the existing well is located approximately 35 feet from the top-of-bank, approximately 65 feet within the 100-foot buffer zone, and the proposed well would be located 60 feet from the from the top-of-bank, approximately 40 feet within the 100-foot buffer zone. Installation of the well occurred on the hard compacted earth and gravel surface road resulting in little to no impact on wildlife populations in the area. Furthermore, no tree removal is proposed.

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. Stinson Gulch 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 Central California Coast Steelhead, Foothill yellow-legged frog, California red-legged frog, Northern spotted owl have the potential to occur in the project vicinity but are unlikely to be found on the project site. The BSA concludes that no special status plant or animal species occur on the project site. 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.

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 or vegetation.

The Marin County Land Use Plan includes policies to protect 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 existing water related infrastructure. All developed and disturbed portions of the project site are within the 100 foot ESHA buffer zone. The non-developed portions of the site are very steep and within 100 feet ESHA buffer zone as well. The proposed well location, which would encroach 40 feet into the 100-foot ESHA buffer, was selected because the proximity to the existing development, area of disturbance, and Stinson Gulch. Placement of the proposed well at the most southeastern edge of the disturbed portion of the site allows for the greatest distance between Stinson Gulch and the proposed well. Furthermore, the location is relatively flat with no vegetation, with the existing access road and tank in-between the proposed well and Stinson Gulch. The test results demonstrate that the selected site would result in acceptable yields while limiting site disturbance within the ESHA.

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 riparian ESHA. During well drilling the applicant implemented Best Management Practices such as use of straw waddles to encompass the work boundary and staging area, to ensure no water or sediment left the limits of the area where the work was conducted. Additionally, all equipment stayed within the existing access road and disturbed areas.

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;

   3 Stinson Beach County Water District Coastal Permit
   Attachment No. 1
   DZA Hearing November 17, 2022
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:** To ensure a net environmental improvement over existing conditions, a condition of approval has been added, requiring the applicant to remove invasive species in or around the disturbed portion of the project site. This will help prevent invasive species spreading around the project site or along the access road to the site.

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 40 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 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 22.56.130.I.H, 22.56.130.I.K, and 22.56.130.I.L still apply to environmental hazards and are further discussed in the Interim Code section of this report.

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 is located within an area governed by the C-OA (Coastal, Open Area) zoning district and the project entails the installation and operation of a new replacement well on a property with other water supply infrastructure. As the project does not entail commercial operations related to 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 a perennial stream that traverses the northeastern portion of the property and flows roughly northeast to southwest where it
terminates at Bolinas Bay. The proposed well is located 60 feet from the from the top-of-bank and approximately 100 feet from the water course itself.

The project entails no grading and no vegetation removal, the project is sited to avoid significant biological resources, including the Stinson Gulch. 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 for the project. Additionally, installation of the new well did 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 Chapter 22.66 (Community Design).

The project site is located near undeveloped uplands near Stinson Beach. Further, the project entails the installation of a well to support the community of Stinson Beach. Since no improvement are 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 in undeveloped uplands near Stinson Beach. Further, the project entails the installation of a replacement well to support Stinson Beach County Water District water infrastructure and does not involve addition to or construction of a new residence. Therefore, the LUP community development policies are not applicable.

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 proposed 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 and would not affect the available housing stock in the surrounding communities. Therefore, the project is consistent with the LUP housing policies to address low- and moderate-income housing needs in the Coastal Zone (LUP Policy C-HS-1).
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 replace an existing failing water well with a new water well within the Stinson Beach County Water District service area that provides domestic water for the community of Stinson Beach. The proposed project is not intended to increase the water supply in the service area or include new development that would require a domestic water supply. Therefore, the project is consistent with the LUP policies C-PFS-2 and C-PFS-13. The project site and proposed project does not include any sewage disposal or structures that require sewage disposal. Therefore, LUP policies C-PFS-1, C-PFS-5, C-PFS-6 C-PFS-7, C-PFS-8, C-PFS-9, C-PFS-10, C-PFS-11, and C-PFS-12 are not applicable.

Consistent with LUP policy C-PFS-13 the applicant provided a hydrology study prepared by Stetson Engineers Inc. The study compared the operation of the existing well versus the proposed replacement well. The proposed replacement well was drilled to a depth of 230 feet, which is intended to optimize the ability to efficiently pump water from the deeper water bearing formations. The proposed replacement well is also drilled deeper within the fracture zone than the existing well, which allows for ground water collection rather than surface water. It is believed that most of the water produced from the proposed replacement well exists in the water-bearing formations that are below 187 feet from the ground surface.

Additionally, static water levels for the existing well were indicated at a depth of 23 feet below the ground surface, which is similar to the elevation of Stinson Gulch. Whereas the static water level for the proposed replacement well was measured at 46 feet. The deeper static water level indicated for the proposed replacement well is less likely to be hydraulic connected to Stinson Gulch than the existing well. The proposed replacement wells drawdown was also significantly greater over a shorter period of time, which further indicates that the formation of the proposed replacement well is drawing water from is less likely to be connect to Stinson Gulch. With no other wells in the vicinity, the decommissioning of the existing well and the characteristics and placement of the proposed replacement well would not result in cumulative impacts on coastal resources, including groundwater basins, aquifers, and streams. Therefore, the project is consistent with LUP policy C-PFS-13.

Marin County Local Coastal Program LUP policy C-PFS-16 requires wells to be at least 100 feet from all property lines, unless a finding is made that no development constraints are placed on neighboring properties. The proposed well is 23 feet from the southeastern property line. The 100-foot well setback would encroach into APN 195-260-34. APN 195-260-34 is part of the Golden Gate National Recreation Area (GGNRA) and is heavily vegetated, with no development and zoned C-OA (Coastal, Open Area). In the immediate proximity to the well on APN 195-260-34 the ground is very steep and not suitable for development. Additionally, the GGNRA is a recreational area intended for the preservation of natural resources. Therefore, it is very unlikely that future development would be proposed on the property within the vicinity of the proposed well, being located closer than 100 feet to property line would not prohibit future development of APN 195-260-34 and is consistent with LUP policy C-PFS-16.
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 site is currently accessed from fire road off of Highway 1 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 result in impacts to the scenic quality of Highway 1.

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 in an identified historic area and does not involve modifications to existing structures. Thus, the project does not involve alterations to a pre-1930s structure. 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 would be on private property owned by the Stinson Beach County Water District 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. 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 property utilized for water infrastructure purposes, 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 22.56.130.I.H, 22.56.130.I.K, and 22.56.130.I.L.

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

There are no naturally occurring dunes in the project area or in the immediate surrounding area and no structures are proposed.

B. Shoreline Protection (Marin County Interim Code Section 22.56.130.I.K)
The proposed project does not include any structure located adjacent to the shoreline or within a bluff erosion zone.

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 County of Marin Coastal Permit subject to the conditions as specified below:

CDA-Planning Division

1. This Coastal Permit approval authorizes a new replacement well to that provides domestic water for the community of Stinson Beach. The proposed well has been drilled approximately 40 feet from the existing well and has the following setbacks: 201 feet from the northwestern property line; over 1,000 feet from the northeastern property line; 23 feet from the southeastern property line; and over 100 feet from the southwestern property line.

2. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled "Proposed Well," consisting of 2 sheets prepared by Stetson Engineers Inc, received in final form on July 28, 2022, 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 and non-native vegetation. This plan shall cover the developed area of the project site.

3. The project shall conform to the Planning Division’s “Uniformly Applied Standards 2022” 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 10 business days from the date of this decision (September 1, 2022).

SECTION VI: ADOPTION

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 17th day of November 2022.

Immanuel Bereket
IMMANUEL BEREKET
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Michelle Reed
DZA Recording Secretary