

INDEX OF ADOPTED RESOLUTIONS AMMENDING LOCAL COASTAL PROGRAMS I & II

Last updated March 1, 2007

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81-276	9/1/81	Modifies future use of Fisher property AP# 166-202-02 and 166-230-05	II
82-162	5/11/82	Categorical Exclusion Order E-81-6	II
82-256	6/22/82	Modifies historic measures and adds Appendix F	I
82-257	6/22/82	Modifies historic measures and adds Appendix E	II
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84-146	3/26/84	Seadrift – Access & Septic Systems (Area 4)	I
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92-217	8/25/92	Williams Rezoning AP# 112-296-06 & -09	II
(Ord. 3142)	5/18/93	Cleary Rezoning AP# 100-331-19	II
2002-25	3/19/02	Point Reyes Affordable Homes Project Addendum to the final Environmental Impact Report AP# 119-240-45, -46, -57, -58	II
2002-26	3/19/02	Point Reyes Affordable Homes Project Marin Countywide Plan Amendment (PA 00-02) AP# 119-240-45, -46, -57, -58	II

<u>RESOLUTION #</u>	<u>ADOPTED</u>	<u>DESCRIPTION</u>	<u>LCP UNIT</u>
2002-27	3/19/02	Point Reyes Affordable Homes Project Amendment to Local Coastal Program and Zoning Implementation Plan AP# 119-240-45, -46, -57, -58	II
(Ord. 3338)	3/19/02	Point Reyes Affordable Homes Project Rezoning (RZ 00-02) AP# 119-240-45, -46, -57, -58	II
(Ord. 3339)	3/19/02	Point Reyes Affordable Homes Project Master Plan (MP 00-05) AP# 119-240-45, -46, -57, -58	II
2002-28	3/19/02	Point Reyes Affordable Homes Project Coastal Permit and Subdivision Application (DP 00-22, CP 00-28, SD 00-04) AP# 119-240-45, -46, -57, -58	II
2004-121	11/9/04	Point Reyes Affordable Homes Project Proposed Local Coastal Program Amendment AP# 119-240-45, -46, -57, -58	II
(Ord. 3414)	11/9/04	Point Reyes Affordable Homes Project Master Plan (MP 05-3) AP# 119-240-45, -46, -57, -58	II
2004-122	11/9/04	Point Reyes Affordable Homes Project Local Coastal Program Amendment (CP 05-12) AP# 119-240-45, -46, -57, -58	II

BOARD OF SUPERVISORS OF THE COUNTY OF MARIN

RESOLUTION NO. 81-238

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING AND AGREEING TO THE CALIFORNIA COASTAL COMMISSION'S CONDITIONS OF APPROVAL FOR CATEGORICAL EXCLUSIONS IN THE UNIT I COASTAL ZONE OF MARIN COUNTY.

WHEREAS, the Marin County Board of Supervisors adopted the Unit I Local Coastal Plan on August 21, 1979, and

WHEREAS, the California Coastal Commission adopted a Resolution of Certification of the Unit I Local Coastal Plan on April 1, 1980, and

WHEREAS, as part of the final certification process of the Unit I Local Coastal Plan, the California Coastal Commission did adopt, on May 6, 1981, Categorical Exclusion Order No. E-81-2 pursuant to Public Resources Code 30610 (d), and

WHEREAS, Categorical Exclusion Order No. E-81-2 sets forth the conditions whereby specific developments are excluded from the permit requirements of the California Coastal Act of 1976.

NOW, THEREFORE, BE IT RESOLVED that the Marin County Board of Supervisors does hereby acknowledge receipt of Categorical Exclusion Order No. E-81-2, including conditions of approval, and accepts and agrees to the terms and conditions to which the categorical exclusions have been made subject.

PASSED AND ADOPTED by the Marin County Board of Supervisors at its regular meeting held on the 4th day of August, 1981, by the following vote, to wit:

AYES: SUPERVISORS - B. Roumiguere, B. Boxer, A. Aramburu, G. Giacomini
NOES: NONE
ABSENT: SUPERVISOR - G. Wilhelm


CHAIRMAN OF THE BOARD OF SUPERVISORS
COUNTY OF MARIN

Attest:


Clerk of the Board

CATEGORICAL EXCLUSION ORDER E-81-2

(NORTH CENTRAL REGION)

The Commission by a two-thirds vote of its appointed members hereby adopts, by regulation, an order, pursuant to Public Resources Code Sections 30610(e) and 30610.5(b), categorically excluding from the permit requirements of the California Coastal Act of 1976 the categories of development within the specifically defined geographic area described below:

I. CATEGORY OF DEVELOPMENT AND GEOGRAPHIC AREA

This order categorically excludes the following development:

(a) On-site signs (as conditioned) advertising available services or products. An on-site sign is defined as an advertising structure which is located on the property or building occupied by the business, product, or services advertised.

(b) Agriculturally-related development (as conditioned) including:

1. Barns, storage, equipment and other necessary buildings.
2. Dairy pollution projects including collection, holding and disposal facilities.
3. Storage tanks and water distribution lines utilized for on-site, agriculturally-related activities.
4. Water impoundment projects in canyons and drainage areas not identified as blue line streams on USGS 7½ Minute Quad Sheets.
5. Electric utility lines.
6. New fencing for farm or ranch purposes, provided no solid fence designs are used.

Agriculture means the tilling of the soil, the raising of crops, horticulture, viticulture, livestock, farming, dairying, and animal husbandry, including all uses customarily incidental and necessary thereto.

(c) Lot line adjustments not resulting in a change in density or the creation of new parcels.

(d) Traffic control signing and minor roadway improvements (as conditioned) including:

1. Culvert replacement.
2. Guard rails, retaining walls.
3. Slope stabilization.

4. Signs for traffic control and guidance including roadway markings and pavement delineation.
5. Drainage course maintenance and cleaning involving less than 50 cubic yards of excavation.

The exclusion area includes the entire coastal zone in Unit I of Marin County (Southern Marin), except that for agriculturally-related development, the exclusion area shall not include the area between the coast (mean high tide line) and the nearest public road paralleling the sea, or 1/4 mile inland from the coast, whichever is less. The exclusion area is shown on the notarized exclusion maps on file with the Commission, North Central Coast Regional Commission and Marin County.

II. FINDINGS

The Commission hereby finds, for the reasons set forth below, that this exclusion, as conditioned, presents no potential for any significant adverse effect, either individually or cumulatively, on coastal resources or on public access to, or along the coast, and that this exclusion will not impair the ability of local government to carry out the certified Local Coastal Program.

The Commission also finds that the categories of development excluded by this order are projects which the Secretary of Resources has determined are categorically exempt from the provisions of the California Environmental Quality Act of 1970 as having no significant effect on the environment.

The sections of the CEQA Guidelines which exempt these categories are listed below:

<u>Category of Development Excluded</u>	<u>14 Cal. Adm. Code sec.</u>
(a) On site signs	15101(g), 15111(a)
(b) Agriculturally-related development	
1. Necessary buildings	15111
2. Dairy Pollution projects	15101(i), 15102(c)
3. Agriculturally-related storage tanks	15101(m), 15104
4. Water impoundment in certain areas	15101(m), 15104
5. Electric Utility lines	15101(d), 15101(c) and (d), 15103(a)
6. New fencing for farm/ranch property	15103(e), 15104
(c) Lot line adjustments	15105(a)

<u>Category of Development Excluded</u>	<u>14 Cal. Adm. Code sec.</u>
(d) Traffic control	
1. Culvert replacement	15101(d) and (f)
2. Guard rails and retaining walls	15101(d) and (f)
3. Slope stabilization	15101(d) and (f)
4. Roadway markers	15101(f)
5. Drainage courses in maintenance	15101(i), 15102(c)

The Commission finds that the categories of development proposed for exclusion are developments which have posed no significant coastal concerns in the past, and do not now require attention as possibly detrimental to coastal resources. On August 2, 1977, the Commission adopted Categorical Exclusion Order no. E-77-7 which found the categories of development now under consideration were exempt from the requirements for a Commission-issued coastal development permit pursuant to section 30610(d) (now subsection (e)) of the Act.

From the date of exclusion to the present, there have been no significant adverse effects, either individually or cumulatively, on coastal resources or on public access to, or along the coast.

On-Site Signs

Marin County has a sign ordinance governing the height, area, design, and other facets of sign development. The local regulations are lengthy, detailed, and specific. The ordinance requires a local sign permit and local design review. The following sections of the local code are relevant:

Marin County: Chapter 22.69 of Title 22 of the Marin County Code (zoning), including sections 22.69.010 through 22.69.110

Agricultural Activities

Marin County's zoning and other local controls which cover the activities recommended for exclusion are:

The "A District" section of the Marin County zoning code (Agricultural and Conservation Districts) permits normal agricultural activities, including barns and other structures necessary to support the agricultural uses. The proposed exclusion projects are adequately covered by this zoning designation.

Water and other utility projects are permitted subject to approval by appropriate governmental agencies. Grading and excavation activities are governed by the Uniform Building Code, and supplemented by a local excavating ordinance and a dam ordinance. Any excavations in drainage courses or those excavations involving more than 500 cubic yards require a permit from the county. The dam ordinance

covers projects up to 50 acre feet of water and up to 25 feet of spillway height. Above those limits, state laws and regulations are applied.

It is recommended that in Marin County's coastal zone the categorical exclusion apply only where local zoning authorities have designated, "A" districts. Thus A-2 districts (limited agriculture) and R-A districts (suburban agriculture) will not be eligible for categorical exclusion.

Lot Line Adjustments, Traffic Control

Lot line adjustments, traffic control, signing, and minor roadway improvements are routine administrative and technical activities which in and of themselves do not normally impact on actual land uses or the use of coastal resources, but actually serve to facilitate or enhance the enjoyment of approved uses and developments. The Coastal Zone Conservation Commission under Proposition 20, predecessor to this Commission, developed a Blanket Permit for roadway projects based on the experience that certain projects did not impact coastal resources.

Impact of Exclusions Upon Coastal Resources

Category a, Signs, is a development category which relates primarily to the visual resources of the coast. Since the exceptions written into the exclusion (I.B. 1-4) strictly limit excluded signs to those of a small scale, and since local controls provide for the review of even these signs, the recommended categorical exclusions will not have any adverse impacts, either individually or cumulatively, upon the visual and scenic resources of the coast.

The agricultural activities proposed for exclusion in recommendation II A. are the only ones in this referral which impact directly on actual land use and development in the coastal zone. The excluded activities involve land use, water use, water quality and visual impact considerations. This Commission finds, however, that the exclusions will not have any individual or cumulative impacts on these resources and may actually serve to enhance them. This finding is based upon Chapter 3 of the California Coastal Act which establishes policies for the preservation of prime agricultural land. Agriculture utilizes soils resources in a manner consistent with the Coastal Act. This Commission further finds that agricultural activities are a major contributor to the scenic resources of the coastal zone, and that the excluded developments will serve to enhance that resource. (Protection against public view blockage has been reserved by the language of the exceptions to the exclusion.) Similarly, the dairy disposal facilities recommended for exclusion will enhance water quality. Water supply projects will further augment agricultural activity in tune with Coastal Act policy.

Lot line adjustments, as proposed, will have no impact at all on coastal resources. The legal adjustment of existing property lines is of no coastal significance.

Category d developments, in a fashion similar to that of category G, will result in a beneficial impact on coastal resources, since they will add to public safety, facilitate access to recreational and visitor-serving uses, provide for proper drainage, limit erosion, and the like.

Impact on Public Access

The recommended categorical exclusions will neither add to nor detract from the number, location, or quality of public access points to public recreation sites or to public tidelands. They will have no effect upon road capacity or any other means of access. They will, however, in the case of category IV (roadway improvements) facilitate the use of existing and future access points by providing for signing and for public safety.

Significant Effect on the Environment

In addition, the Commission finds that, for the same reasons this exclusion will have no potential for any significant adverse effect, either individually or cumulatively, on coastal resources, this exclusion will have no significant effect on the environment for purposes of the California Environmental Quality Act of 1970.

III. CONDITIONS

In order (1) to assure that adoption of the exclusion will cause no significant change in density, height, or nature of uses in the excluded area and (2) to implement the exclusion, this order is subject to the following conditions:

1. Applicable Zoning

Development pursuant to this exclusion shall conform, unless otherwise limited by this order, to the zoning in effect in Marin County on the date this order is adopted by the Commission.

2. Agricultural Development

Agriculturally-related development permitted by this exclusion is only allowed on parcels zoned A on the date this order is adopted by the Commission.

3. Water Impoundment Projects

No impoundment project excluded by this order shall exceed 10 acre feet, either in actual water impounded or in design capacity.

4. Signs

No sign excluded by this order shall exceed 25 square feet; or use artificial lighting; or if free standing, exceed 15 feet in height; or, if attached, exceed the height of the building.

5. Traffic Control and Guidance

No roadway markings subject to this exclusion shall create more traffic lanes than existing previously.

6. Implementation

The County of Marin shall, at an appropriate stage in the local approval process for development subject to this exclusion, distribute to the applicant for such local approval an instruction sheet and form provided by the Executive Director of the Commission. After obtaining final local governmental approval but prior to commencing construction under this exclusion, such applicant shall send the completed form containing a brief description of the excluded development to the Coastal Commission.

7. Any amendment to the certified Local Coastal Program which affects the land area to which this exclusion applies shall require the approval of the California Coastal Commission pursuant to Commission Regulations and the Coastal Act of 1976 (Public Resources Code Section 30514).
8. The County of Marin shall maintain a record for any other permits which may be required for categorically excluded development which shall be made available to the Commission or any interested person upon request, pursuant to Section 00154 of the Commission Local Coastal Program Regulations.
9. This exclusion shall apply to the permit requirements of the Coastal Act of 1976, pursuant to Public Resources Code Section 30610(e) and 30610.5(b), and shall not be construed to exempt any person from the permit requirements of any other federal, state or local government agency.
10. This exclusion shall not apply to tide and submerged land, beaches, and lots immediately adjacent to the inland extent of any beach, or of the mean high tide line of the sea where there is no beach, potential public trust lands as identified by the State Lands Division in the trust claim maps, or wetlands as identified in the power plant siting wetland resource maps.

IV. RESCISSION AND REVOCATION

Pursuant to 14 Cal. Adm. Code 13243(e), the Commission hereby declares that the order granting this exclusion may be rescinded at any time, in whole or in part, if the Commission finds by a majority vote of its appointed membership after public hearing that the terms and conditions of the exclusion order no longer support the findings specified in Public Resources Code Section 30610(d). Further, the Commission declares that this order may be revoked at any time that the terms and conditions of the order are violated.

BOARD OF SUPERVISORS OF THE COUNTY OF MARIN

RESOLUTION NO. 81-276

A RESOLUTION OF THE MARIN COUNTY BOARD OF SUPERVISORS AMENDING THE LOCAL COASTAL PLAN UNIT II BY MODIFYING THE RECOMMENDED FUTURE USE OF THE FISHER PROPERTY NEAR OLEMA.

WHEREAS: The California Coastal Act of 1976, requires Counties and incorporated cities to prepare a local coastal plan for coastal areas; and

WHEREAS: The Board of Supervisors adopted the Local Coastal Plan, Unit II on December 9, 1980 and the Coastal Commission conditionally approved it on April 1, 1981, and

WHEREAS: The Board of Supervisors held a duly noticed public hearing on September 1, 1981 to consider an amendment to the Local Coastal Plan, Unit II, which amendment would allow a combination of single family residential and resort commercial recreation uses on Assessor's Parcels #166-230-05 and #166-202-02; and

WHEREAS: The Board of Supervisors made the following findings and observations:

1. The RCR zoning recommended by the LCP II would make the existing house a legal nonconforming use. Should the house be substantially damaged, by fire, or earthquake, for example, it could not be rebuilt. The recommended zoning in the LCP II should be revised to acknowledge and permit the existing single family residence.
2. The P.G. & E. substation and the pond located on Inger Fisher's property form a boundary dividing her property into a portion near State Highway 1 and a portion fronting onto Sir Francis Drake Boulevard. The portion of her property west of the pond, closest to Highway 1 should remain designated RCR in the LCP II. However, it is reasonable to consider single family residential use on the portion east of the pond, fronting onto Sir Francis Drake Boulevard.
3. The Fisher property is within the town expansion area.
4. Adjacent residential developments within the town expansion area are primarily on 10,000 square foot lots and are recommended in the LCP II to be rezoned to 20,000 square foot lots.
5. The resulting residential density on the northeast portion of the property as a result of the proposed amendment will be approximately one house per acre.
6. The APZ zone is not directly adjacent to this property.

NOW, THEREFORE, BE IT RESOLVED: That the Marin County Board of Supervisors does hereby approve an amendment to the Local Coastal Plan Unit II by deleting recommendations 4 and 5 on Page 45 and replacing them with the following:

4. Three of the four parcels on the northeast corner of Sir Francis Drake Boulevard and Highway 1, uphill from the Old Olema Hotel, shall be rezoned from H-1 and A-2:B-2 to VCR. These parcels include:

<u>Assessor's Parcel Number</u>	<u>Zoning</u>	
	<u>Existing</u>	<u>LCP</u>
166-202-01	H-1	VCR
166-202-03,04	A-2:B-2	VCR

5. The large 13+ acre parcel upland and north of the Old Olema Hotel, AP #166-193-01 and 02, #166-202-02 and #166-230-05 shall be rezoned to permit the development of a combination of single family residential and resort-commercial recreation uses. There is an existing single family residence at the eastern edge of AP #166-330-05. Four additional single family homes could be developed adjacent to the existing house and still maintain the low density necessary for this environmentally sensitive and very visible portion of land. The eastern most 6 or 7 acres of AP #166-320-05 shall be zoned to permit a total of five single family homes. The rest of AP #166-202-05, together with AP #166-193-01 and 02 and #166-202-02 shall be zoned RCR. The division of AP's #166-230-05 and #166-202-02 to permit the development of single family homes shall not occur unless and until they are merged with AP's #166-193-01 & 02 to consolidate the RCR parcels into one site. All these parcels are owned by a single family.

This property has potential for development as a motel/resort complex, the only parcel with this potential in Olema. The site is large enough for a 20 to 40 unit motel or cottages, a major addition to the town. In order to minimize the impacts of development on this site, the following design standards shall be met.

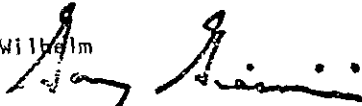
- * Structures shall be clustered on the more level areas of the property, away from the steep road cuts on Highway 1 and off of the upper grassy slopes. These upper slopes shall be maintained open to protect their visual character.
- * Development shall be designed to minimize visual impacts on adjacent federal parklands, Highway 1, and Sir Francis Drake Boulevard. The height of permitted structures shall be in keeping with the character and scale of surrounding development.
- * Pedestrian paths shall be established from the site to nearby federal park activity areas. Minor improvements may be required to Highway 1 in order to safely accommodate such paths.
- * The character of the project shall incorporate and reflect the historic character of Olema and existing recreational uses in the area. Comments from the National Park Service shall be solicited in the process of development plan review by the County.
- * Development shall include adequate on-site sewage disposal.

PASSED AND ADOPTED by the Marin County Board of Supervisors at their regular meeting of September 1, 1981, by the following vote, to-wit:

AYES: Supervisors: Barbara Boxer, Al Aramburu, Gary Giacomini


NOES: Supervisors:

ABSENT: Supervisors: Bob Roumiguere, Gail Wilhelm



CHAIRMAN OF THE BOARD OF SUPERVISORS
COUNTY OF MARIN

ATTEST:



Van Gillespie
Clerk of the Board of Supervisors

BOARD OF SUPERVISORS OF THE COUNTY OF MARIN

RESOLUTION NO. 82-162

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF MARIN ACCEPTING AND AGREEING TO THE
CALIFORNIACOASTAL COMMISSION'S CONDITIONS OF
APPROVAL FOR CATEGORICAL EXCLUSIONS IN THE UNIT II
COASTAL ZONE OF MARIN COUNTY

WHEREAS, the Marin County Board of Supervisors adopted the Unit II Local Coastal Plan on December 9, 1980, and

WHEREAS, the California Coastal Commission adopted a Resolution of Certification on the Unit II Local Coastal Plan on April 1, 1981, and

WHEREAS, as part of the final certification process of the Unit II Local Coastal Plan, the California Coastal Commission did adopt, on January 7, 1982, Categorical Exclusion Order No. E-81-6 pursuant to Public Resources Code 30610(e), and

WHEREAS, Categorical Exclusion Order No. E-81-6 sets forth the conditions whereby specific developments are excluded from the permit requirements of the California Coastal Act of 1976.

NOW, THEREFORE, BE IT RESOLVED that the Marin County Board of Supervisors does hereby acknowledge receipt of Categorical Exclusion Order No. E-81-6, including conditions of approval, and accepts and agrees to the terms and conditions to which the categorical exclusions have been made subject.

PASSED AND ADOPTED by the Marin County Board of Supervisors at its regular meeting held on the 11th day of May, 1982, by the following vote, to wit:

AYES: SUPERVISORS: Bob Roumiguere, Barbara Boxer, Al Aramburu, Gail Wilhelm

NOES: SUPERVISORS: -

ABSENT: SUPERVISORS: Gary Giacomini



CHAIRMAN OF THE BOARD OF
SUPERVISORS, COUNTY OF MARIN

ATTEST:



Clerk of the Board

CATEGORICAL EXCLUSION ORDER E-81-6
MARIN COUNTY, UNIT II

(Northern Portion of County)

The Commission by a two-thirds vote of its appointed members hereby adopts, by regulation, an order, pursuant to Public Resources Code Sections 30610(e) and, 30610.5(b), categorically excluding from the permit requirements of the California Coastal Act of 1976 the categories of development within the specifically defined geographic area described below:

I. CATEGORY OF DEVELOPMENT AND GEOGRAPHIC AREA

This order categorically excludes the following development:

1. Construction of single family residences in the community of Point Reyes Station, Marin County;
2. Land divisions in the community of Point Reyes Station, Marin County (See Exhibit 1)
3. (a) On-site signs (as conditioned) advertising available services or products. An on-site sign is defined as an advertising structure which is located on the property or building occupied by the business, product, or services advertised.

(b) Agriculturally-related development (as conditioned) including:
 1. Barns, storage, equipment and other necessary buildings.
 2. Dairy pollution projects including collection, holding and disposal facilities.
 3. Storage tanks and water distribution lines utilized for on-site, agriculturally-related activities.
 4. Water impoundment projects in canyons and drainage areas not identified as blue line streams on USGS 7½ Minute Quad Sheets.
 5. Electric utility lines.
 6. New fencing for farm or ranch purposes, provided no solid fence designs are used.

Agriculture means the tilling of the soil, the raising of crops, horticulture, viticulture, livestock, farming, dairying, and animal husbandry, including all uses customarily incidental and necessary thereto.

- (c) Lot line adjustments not resulting in a change in density or the creation of new parcels.

Approved 2/5/82

(d) Traffic control signing and minor roadway improvements (as conditioned) including:

1. Culvert replacement.
2. Guard rails, retaining walls.
3. Slope stabilization.
4. Signs for traffic control and guidance including roadway markings and pavement delineation.
5. Drainage course maintenance and cleaning involving less than 50 cubic yards of excavation.

This category of development is excluded in the entire coastal zone of Unit II in Marin County (Northern Marin); except that for agriculturally related development, the exclusion shall not include the area between the coast and the nearest public road paralleling the sea, or 1/2 mile inland from the coast, whichever is less. The exclusion area shall be shown on the notarized exclusion maps on file with the Commission and with Marin County.

Limitations on Exclusion:

This exclusion shall apply to the permit requirements of the Coastal Act of 1976, pursuant to Public Resources Code Section 30610(e) and 30610.5(b), and shall not be construed to exempt any person from the permit requirements of any other federal, state or local government or agency.

This exclusion shall not apply to tide and submerged land, beaches and lots immediately adjacent to the inland extent of any beach, or of the mean high tide line of the sea where there is no beach, potential public trust lands as identified by the State Lands Division in the trust claims maps, wetlands as identified in the power plant siting wetland resources maps.

II. CONDITIONS

This order is subject to the following conditions:

1. Category 1: Single family dwellings in the community of Point Reyes Station Marin County, subject to the following terms and conditions:
 - a. For purposes of this Categorical Exclusion, the "community of Point Reyes Station" is defined as that land area which lies within the community expansion boundary recognized by the Commission. The community expansion boundary is indicated on maps on file with the County and with the Commission. Excluded lots are shown in Exhibit 2, 1-10.
 - b. Project height shall not exceed 24 feet from average finished grade. (The term "average finished grade" is defined in Attachment 1) This condition responds to Section 30251 of the Act regarding protection of scenic areas and public views, and maintenance of community character.

- c. The Exclusion shall apply only to those lots of record lying within the specific Exclusion area designated on Exclusion Map Exhibit 1 and to those parcels created pursuant to Category 2 of this Exclusion Order. Coastal permit review of projects in other areas of the community is required due to issues of density, relationship to commercial uses, traffic circulation, and other coastal planning issues.
 - d. Prior to the issuance of a building permit, the County of Marin shall certify to the Executive Director of the Commission that the applicant for a development subject to the terms of this exclusion order has provided evidence that the height limit of the proposed development does not exceed 24 feet from the average finished grade and that the proposed residential dwelling is set back at least 50' (fifty feet) from any active fault trace as shown on the Alquist-Priolo maps on file with the County.
2. Category 2: Land divisions in the community of Point Reyes Station, Marin County, subject to the specific terms and conditions outlined below.
- a. For purposes of this Categorical Exclusion, the "community of Point Reyes Station" is defined as that land area which lies within the community expansion boundary recognized in the Local Coastal Plan. The community expansion boundary is indicated on the implementation maps.
 - b. Where properties divided pursuant to this Exclusion Order have frontage on State Highway One, there shall be recorded by the applicant/landowner an irrevocable offer to dedicate to any public agency, or to an appropriate transportation agency or to a private association approved by the Commission, an easement consisting of a ten-foot strip contiguous with and paralleling Highway One, which shall be made available to the appropriate agency for the development of bicycle routes, intra- and intercommunity trails, and non-automobile alternatives on and through this property. The offer shall be irrevocable for a period of ten years, running from the date of recording and shall run with the land in favor of the people of the State of California, binding successors and assigns of the applicant and/or landowner. Such offer shall be recorded free of prior liens and encumbrances except tax liens. This requirement is essential for the preservation of planning options for provision of nonautomobile transportation and circulation. The requirement addresses Section 30252 of the Coastal Act regarding public access and transportation alternatives and the Transportation and Road Capacity policy under "Public Services and New Development" of the Marin County LCP.
 - c. The size of parcels resulting from a division under this order shall be no less than the minimum acreage allowed for the zone under the County zoning maps in effect at the time this order is adopted by the Commission.
 - d. The County of Marin shall forward copies of the final parcel map(s) for all projects approved pursuant to this Exclusion to the Executive Director.

3. Development pursuant to this exclusion shall conform, unless otherwise limited by this order, to the zoning in effect in Marin County on the date this order is adopted by the Commission or zoning adopted by the County pursuant to the LCP certified by the Commission.
4. Agriculturally-related development permitted by this exclusion is only allowed on parcels zoned for agricultural use on the date this order is adopted by the Commission.
5. No water impoundment project excluded by this order shall exceed 10 acre feet, either in actual water impounded or in design capacity.
6. No sign excluded by this order shall exceed 25 square feet; or use artificial lighting; or if free standing, exceed 15 feet in height; or, if attached, exceed the height of the building.
7. No roadway markings subject to this exclusion shall create more traffic lanes than existing previously.
8. This order shall be of no force and effect until the effective date of the delegation of development review authority to a local government pursuant to Public Resources Code Section 30519.

III. FINDINGS AND DECLARATIONS

The Commission hereby finds, for the reasons set forth below, that this exclusion, as conditioned, presents no potential for any significant adverse effect, either individually or cumulatively, on coastal resources or on public access to, or along the coast.

The Commission finds that for the same reasons that this exclusion will have no potential for any significant adverse effect, either individually or cumulatively, on coastal resources, this exclusion will have no significant effect on the environment for purposes of the California Environmental Quality Act of 1970.

The Commission further finds and declares as follows:

1. Provisions for Categorical Exclusions

Specifically, Public Resources Code Section 30610(d) states that no coastal development permit shall be required for...

"Any category of development or any category of development within a specifically defined geographic area, that the Commission, by regulation, after public hearing, and by two-thirds vote of its appointed members, has described or identified with respect to which the Commission has found that there is no potential for any significant, adverse effect, either individually or cumulatively, on coastal resources or on public access to, or along the coast and that such exclusion will not impair the ability of the local government to prepare a local coastal program."

Public Resources Code Section 30610.5(b) requires:

"Every exclusion granted shall be subject to terms and conditions to assure that no significant change in density, height or nature of uses will occur without further proceedings under this division and an order granting an exclusion under Subdivision (d) of Section

30610 "...may be revoked at any time by the Commission if the conditions of the exclusion are violated."

It is found that provisions for categorical exclusions are appropriately applied to the subject single family residential development and land divisions. The necessary findings are made as outlined in the following material. This is consistent with the requirement that no exclusion shall be granted for specific areas where coastal resources could be adversely impacted.

2. Visual and Scenic Resources

Public Resources Code Section 30251 states:

"The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas."

Section 30253(5) states:

"Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses."

The protection of the visual and scenic qualities is an important issue identified both in the Marin County Local Coastal Program and in the review of permit applications. In particular, the Coastal Act requires the protection of public views to and along the ocean and in scenic coastal areas. The approval of any significant structure in these areas requires careful consideration of the surrounding topography and the location to the development such that the public views are protected. Therefore, the Commission finds that no exclusion can be granted for certain types of development in areas where public views or scenic coastal areas could be adversely impacted.

As conditioned, this exclusion limits the height of any structure built pursuant to this exclusion within Point Reyes Station to 24 feet from the average finished grade. This condition assures compatibility with existing development structures, maintains the character of development in the area, and protects visual resources. As conditioned, the exclusion will have no potential for adverse impact on visual and scenic coastal resources.

3. Geologic Hazards

Public Resources Code Section 30253 provides:

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The San Andreas Fault runs through a portion of Point Reyes Station, and specifically through the exclusion area. The most damage to life and property would occur if a structure were placed directly over an active fault trace. The lateral or vertical movement along the fault would literally tear apart the structure. Because of this potential for geologic hazard, all single family dwellings subject to this exclusion must be set back a minimum of fifty feet from any active fault trace. While the Alquist-Priolo Act exempts single-story, wood-frame structures from its setback requirements, the Guidelines of the Division of Mines and Geology recommend that such structures be set back as well. As conditioned, the exclusion will have no potential for significant adverse impact and will minimize risks to life and property in areas of geologic instability, in accordance with Section 30253.

4. Location of Development/Adequacy of Services

Public Resources Code Section 30250(a) provides:

- (a) New development, except as otherwise provided in this division shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services, and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

The categorically excluded development within Point Reyes Station is development within the expansion area which the County of Marin has designated in its Local Coastal Program, and which the Commission has certified, with conditions.

Single family homes in Point Reyes Station receive water supply from the North Marin County Water District, and utilize individual septic tank systems for sewage disposal. The Water District presently has the capacity to serve 755 residential units (354 more than those now existing), with generous allocations for current demand and growth in recreational, agricultural, commercial, and governmental uses.

To ensure that the demand for water does not exceed capacity, the Local Coastal Plan requires the County to notify the Water District when 300 more meters have been hooked up in the water district service area. At that point, the Water District may plan its expansion. After a total of 755 units are connected, the County is to cease issuance of building permits. Because the Water District maintains that present capacity is adequate to serve 755 units with generous provision of coastal-priority uses, the exclusion of single-family residences under this order has no potential for adversely affecting uses which are given priority under the Coastal Act.

5. Public Access/Traffic

Public Resources Code Section 30210 provides:

In carrying out the requirement of Section 2 of Article XV of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

The exclusion of these projects from coastal permit requirements will not affect significantly public access to or along the coast. Though some of the projects in Point Reyes Station lie between the sea and the first road, they are some distance removed from the water due to the presence of large agricultural holdings which intervene. There are several County and State owned recreation areas in the immediate vicinity of the community, such as White House Pool, Tomales Bay State Park, and Millerton Point.

Pursuant to condition 3 of this exclusion, where properties divided pursuant to this order have frontage on State Highway One, the development shall be accompanied by an offer to dedicate a ten-foot strip contiguous with and paralleling Highway One which shall be made available to an appropriate agency for the possible development of bicycle routes and community trails, and non-automobile transportation alternatives on and through the property. This requirement is essential for the preservation of planning options for provision of non-automobile transportation and circulation. The requirement addresses Section 30252 of the Coastal Act regarding public access and transportation alternatives. The Local Coastal Program anticipates that some traffic on Highway One may be eliminated by use of non-automobile transportation alternatives.

The Marin County LCP concludes, on the basis of the Highway One capacity study, that no more than 350 units are likely to be built in the next 20 years through the Point Reyes-Olema-Inverness Park area, far below buildout maximums. If sewage disposal constraints are considered for this area, the number will probably not go much higher. Thus, excessive traffic volumes are not expected to become a serious problem. Only downtown Point Reyes Station (removed from Highway One by an arterial) may need further attention.

6. The Commission also finds that Category 3 of development excluded by this order consists of projects which the Secretary of Resources has determined are categorically exempt from the provisions of the California Environmental Quality Act of 1970 as having no significant effect on the environment.

The sections of the CEQA Guidelines which exempt these categories are listed below:

Category of Development Excluded

14 Cal. Adm. Code sec.

(a) On site signs

15101(g), 15111(a)

(b) Agriculturally-related development

1. Necessary buildings	15111
2. Dairy Pollution projects	15101(i), 15102(c)
3. Agriculturally-related storage tanks	15101(m), 15104
4. Water impoundment in certain areas	15101(m), 15104
5. Electric Utility lines	15101(d), 15101(c) and (d), 15103(i)
6. New fencing for farm/ranch property	15103(e), 15104
(c) Lot line adjustments	15105(a)

<u>Category of Development Excluded</u>	<u>14 Cal. Adm. Code sec.</u>
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(d) Traffic control	
1. Culvert replacement	15101(d) and (f)
2. Guard rails and retaining walls	15101(d) and (f)
3. Slope stabilization	15101(d) and (f)
4. Roadway markers	15101(f)
5. Drainage course maintenance	15101(i), 15102(c)

The Commission finds that the categories of development proposed for exclusion are developments which have posed no significant coastal concerns in the past, and do not now require attention as possibly detrimental to coastal resources. On August 2, 1977, the Commission adopted Categorical Exclusion Order No. E-77-7 which found the categories of development now under consideration were exempt from the requirements for a Commission-issued coastal development permit pursuant to section 30610(d) (now subsection (e)) of the Act.

From the date of exclusion to the present, there have been no significant adverse effects, either individually or cumulatively, on coastal resources or on public access to, or along the coast.

a) On-Site Signs

Marin County has a sign ordinance governing the height, area, design, and other facets of sign development. The local regulations are lengthy, detailed, and specific. The ordinance requires a local sign permit and local design review. The following sections of the local code are relevant:

Marin County: Chapter 22.69 of Title 22 of the Marin County Code (zoning), including sections 22.69.010 through 22.69.110

b) Agricultural Activities

Marin County's zoning and other local controls which cover the activities recommended for exclusion are:

The "A District" section of the Marin County zoning code (Agricultural and Conservation Districts) permits normal agricultural activities, including barns and other structures necessary to support the agricultural uses. The proposed exclusion projects are adequately covered by this zoning designation.

Water and other utility projects are permitted subject to approval by appropriate governmental agencies. Grading and excavation activities are governed by the Uniform Building Code, and supplemented by a local excavating ordinance and a dam ordinance. Any excavations in drainage courses or those excavations involving more than 50 cubic yards require a permit from the county. The dam ordinance covers projects up to 50 acre feet of water and up to 25 feet of spillway height. Above those limits, state laws and regulations are applied.

It is recommended that in Marin County's coastal zone the categorical exclusion apply only where local zoning authorities have designated, "A" districts. Thus A-2 districts (limited agriculture) and R-A districts (suburban agriculture) will not be eligible for categorical exclusion.

c) Lot Line Adjustments, Traffic Control

Lot line adjustments, traffic control, signing, and minor roadway improvements are routine administrative and technical activities which in and of themselves do not normally impact on actual land uses or the use of coastal resources, but actually serve to facilitate or enhance the enjoyment of approved uses and developments. The Coastal Zone Conservation Commission under Proposition 20, predecessor to this Commission, developed a Blanket Permit for roadway projects based on the experience that certain projects did not impact coastal resources.

Impact of Exclusions Upon Coastal Resources

Category a, Signs, is a development category which relates primarily to the visual resources of the coast. Since the exceptions written into the exclusion (I.B. 1-4) strictly limit excluded signs to those of a small scale, and since local controls provide for the review of even these signs, the recommended categorical exclusions will not have any adverse impacts, either individually or cumulatively, upon the visual and scenic resources of the coast.

The agricultural activities proposed for exclusion in recommendation II A. are the only ones in this referral which impact directly on actual land use and development in the coastal zone. The excluded activities involve land use, water use, water quality and visual impact considerations. This Commission finds, however, that the exclusions will not have any individual or cumulative impacts on these resources and may actually serve to enhance them. This finding is based upon Chapter 3 of the California Coastal Act which establishes policies for the preservation of prime agricultural land. Agriculture utilizes soil

resources in a manner consistent with the Coastal Act. This Commission further finds that agricultural activities are a major contributor to the scenic resources of the coastal zone, and that the excluded developments will serve to enhance that resource. (Protection against public view blockage has been reserved by the language of the exceptions to the exclusion.) Similarly, the dairy disposal facilities recommended for exclusion will enhance water quality. Water supply projects will further augment agricultural activity in tune with Coastal Act policy.

Lot line adjustments, as proposed, will have no impact at all on coastal resources. The legal adjustment of existing property lines is of no coastal significance.

Category d, developments, in a fashion similar to that of category 6, will result in a beneficial impact on coastal resources, since they will add to public safety, facilitate access to recreational and visitor-serving uses, provide for proper drainage, limit erosion, and the like.

Impact on Public Access

The recommended categorical exclusions will neither add to nor detract from the number, location, or quality of public access points to public recreation sites or to public tidelands. They will have no effect upon road capacity or any other means of access. They will, however, in the case of category IV (roadway improvements) facilitate the use of existing and future access points by providing for signing and for public safety.

IV. IMPLEMENTATION

1. The order granting a categorical exclusion for these categories of development in Marin County, northern portion, pursuant to Public Resources Code Section 30610(e) shall not become effective until the Executive Director of the Coastal Commission has determined in writing that the local government has taken the necessary action to carry out the exclusion order pursuant to Section 13244 of the Coastal Commission regulations.
2. The County of Marin shall, at an appropriate stage in the local approval process for development subject to this Exclusion, distribute to the applicant for such local approval an instruction sheet and form provided by the Executive Director of the Commission. After obtaining final local governmental approval but prior to commencing construction under this exclusion, such applicant shall send the completed form containing a brief description of the excluded development to the Coastal Commission.
3. Maps shall be submitted for the Executive Director's review and approval before the County may implement this exclusion order. Said maps shall show:
 - a. The appropriate approved zone district,
 - b. areas of actual or potential public trust, and
 - c. boundaries of parcels landward of the first public road paralleling the sea.
4. Prior to the issuance of a building permit for a single family residence subject to this exclusion order, the Planning Director, or appropriate official of the County of Marin shall certify to the Executive Director of the Coastal Commission that the height limit and building setback conditions of this order have been met.

5. The County of Marin shall maintain a record for any other permits which may be required for categorically excluded development which shall be made available to the Commission or any interested person upon request, pursuant to Section 00154 of the Commission Local Coastal Program Regulations.

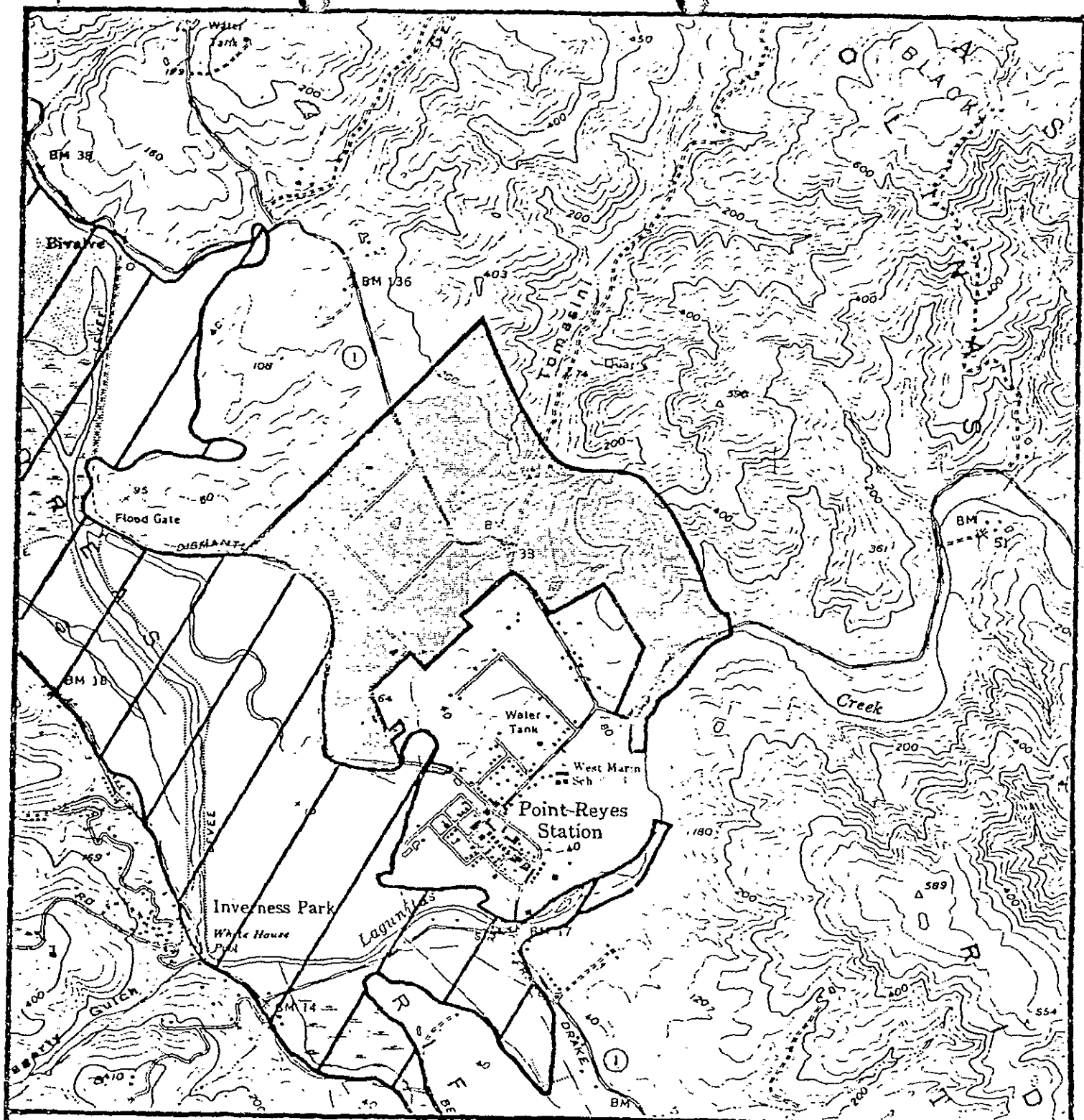
V. RECISSION AND REVOCATION

Pursuant to 14 California Administrative Code 13243(e), the Commission hereby declares that the order granting this exclusion may be rescinded at any time, in whole or in part, if the Commission finds by a majority vote of its appointed membership after public hearing that the terms and conditions of the exclusion order no longer support the findings specified in Public Resources Code Section 30610(d). Further, the Commission declares that this order may be revoked at any time that the terms and conditions of the order are violated.

ATTACHMENT I

Categorical Exclusion Order

"Average existing grade", as used in this Exclusion, is defined as the median elevation point between the highest and lowest points of existing grade within the building pad. Height shall be measured vertically from this point. The highest elevation of the roofline may not exceed the specified height (ie. 24 feet in Point Reyes Station) measured along this axis.



Categorical Exclusion E-81-6
Marin County Unit II



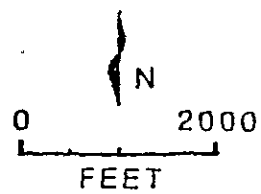
California Coastal Commission



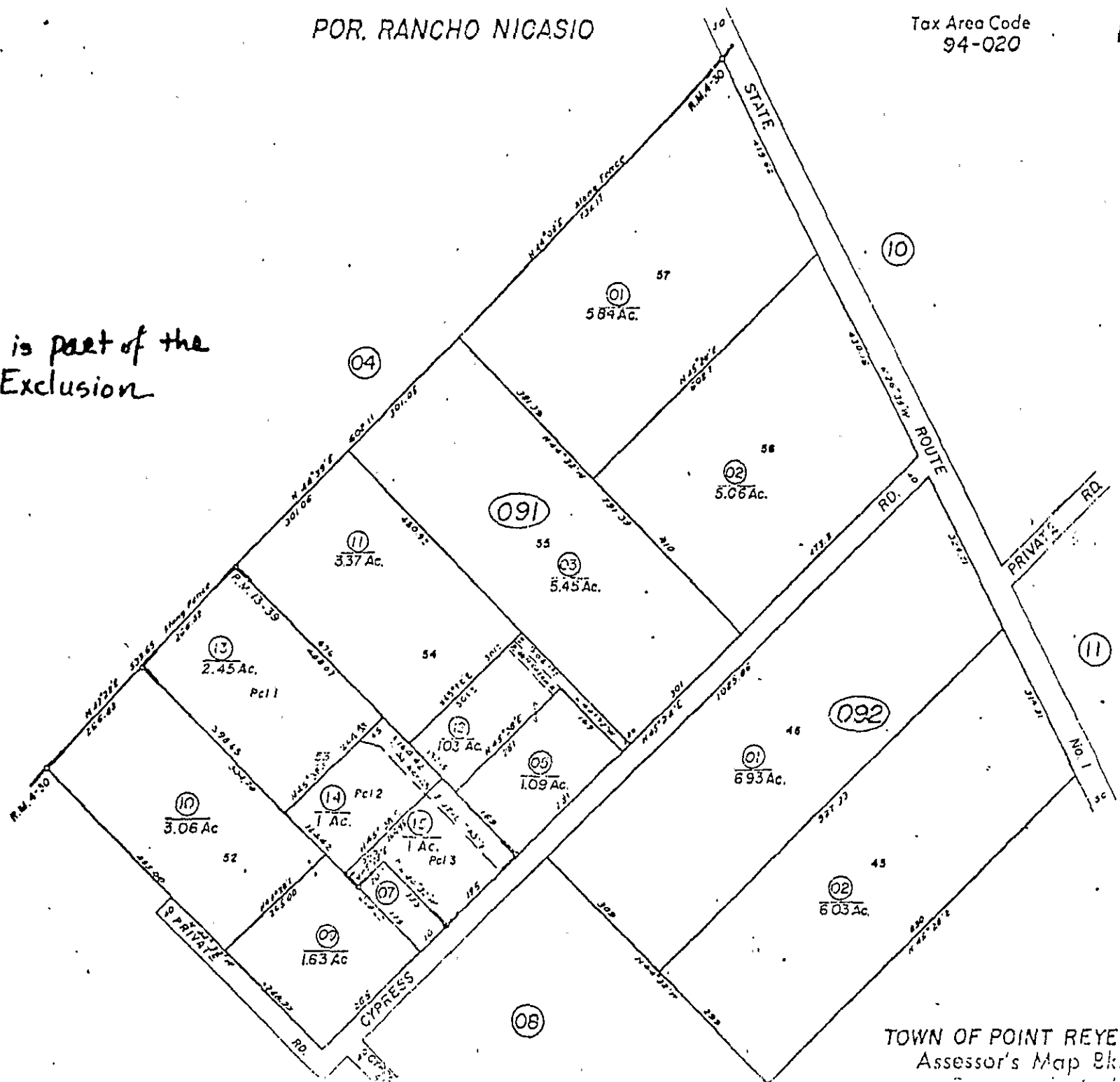
Exclusion Area



Non-excludable Area



This area is part of the
Categorical Exclusion

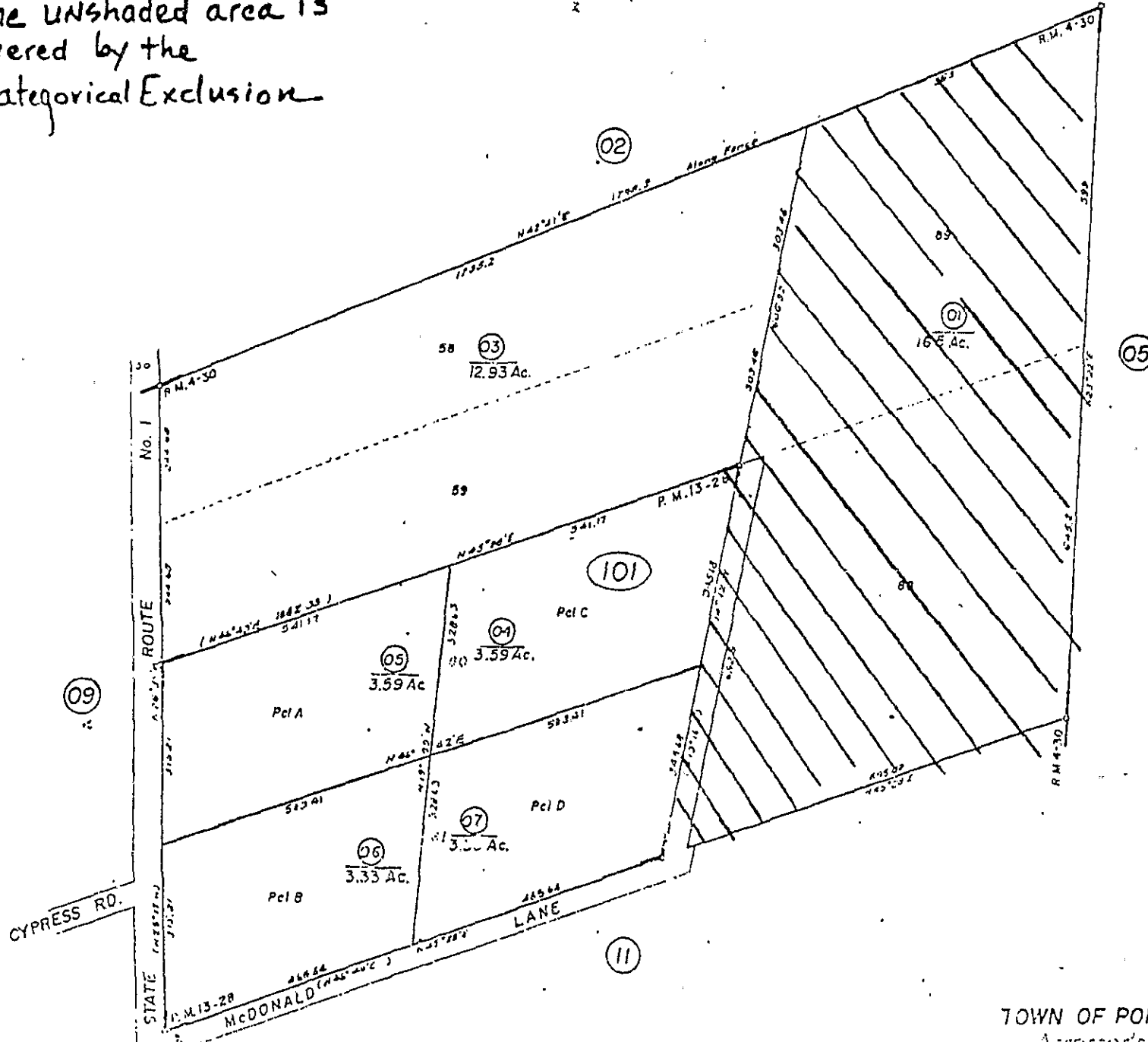


POR. RANCHO NICASIO

Tax Area Code
94-020

119-10

The unshaded area is covered by the Categorical Exclusion

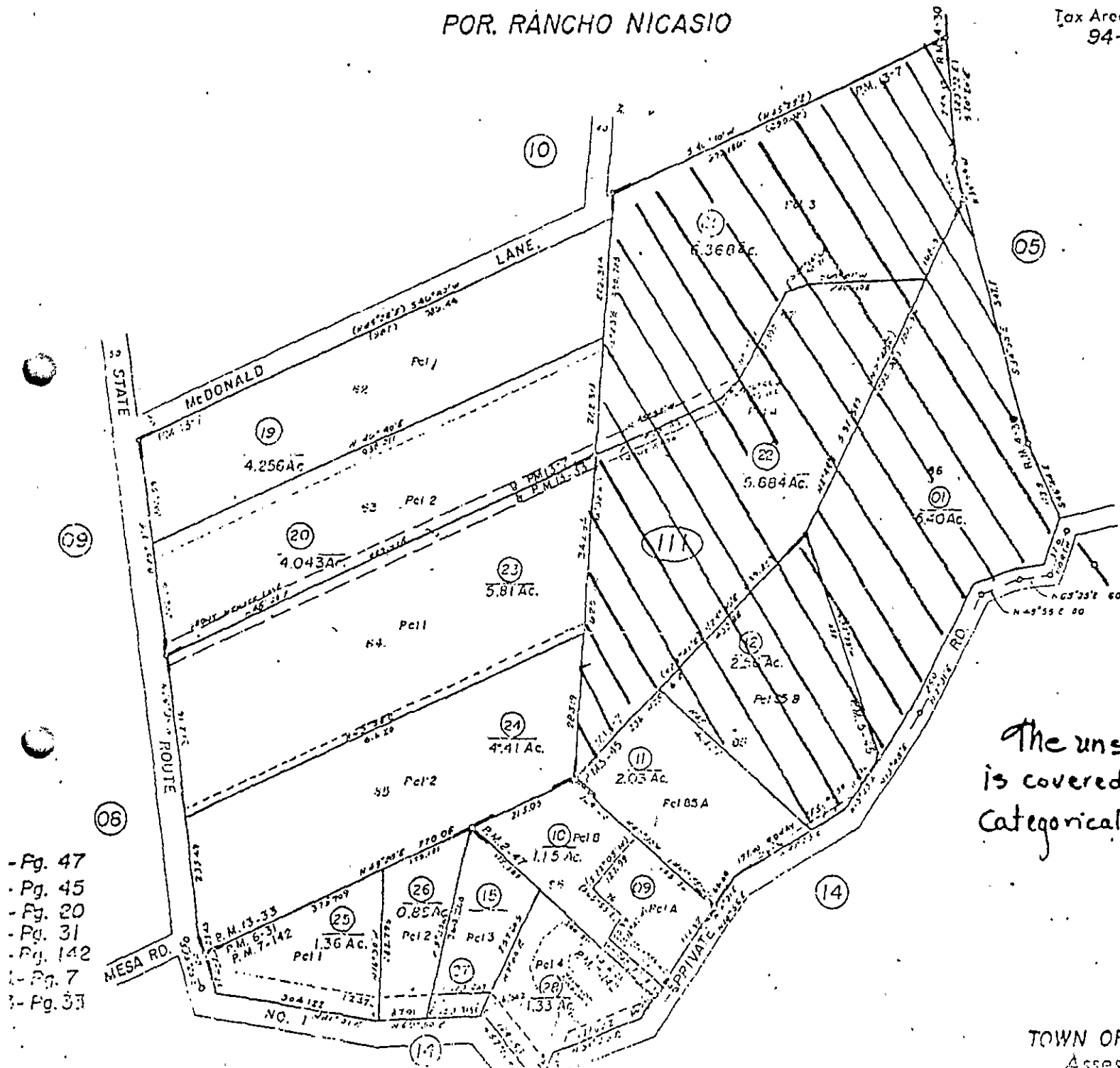


TOWN OF POINT REYES & VICINITY
Aeromagnetic data 25-10-20-10

POR. RANCHO NICASIO

Tax Area Code
94-020

119-11



The unshaded area
is covered by the
Categorical Exclusion

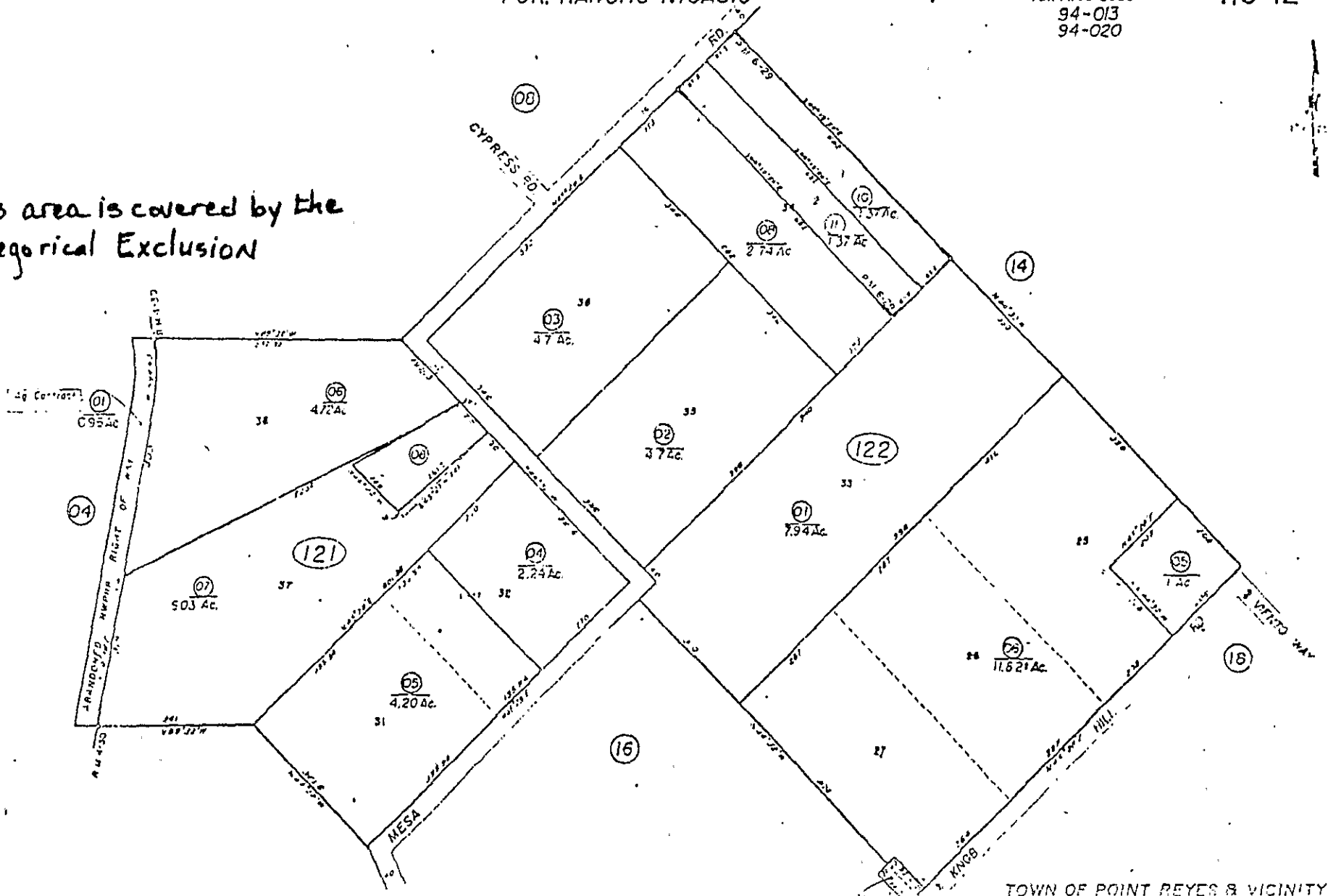
- Pg. 47
- Pg. 45
- Pg. 20
- Pg. 31
- Pg. 142
- Pg. 7
- Pg. 33

POR. RANCHO NICASIO

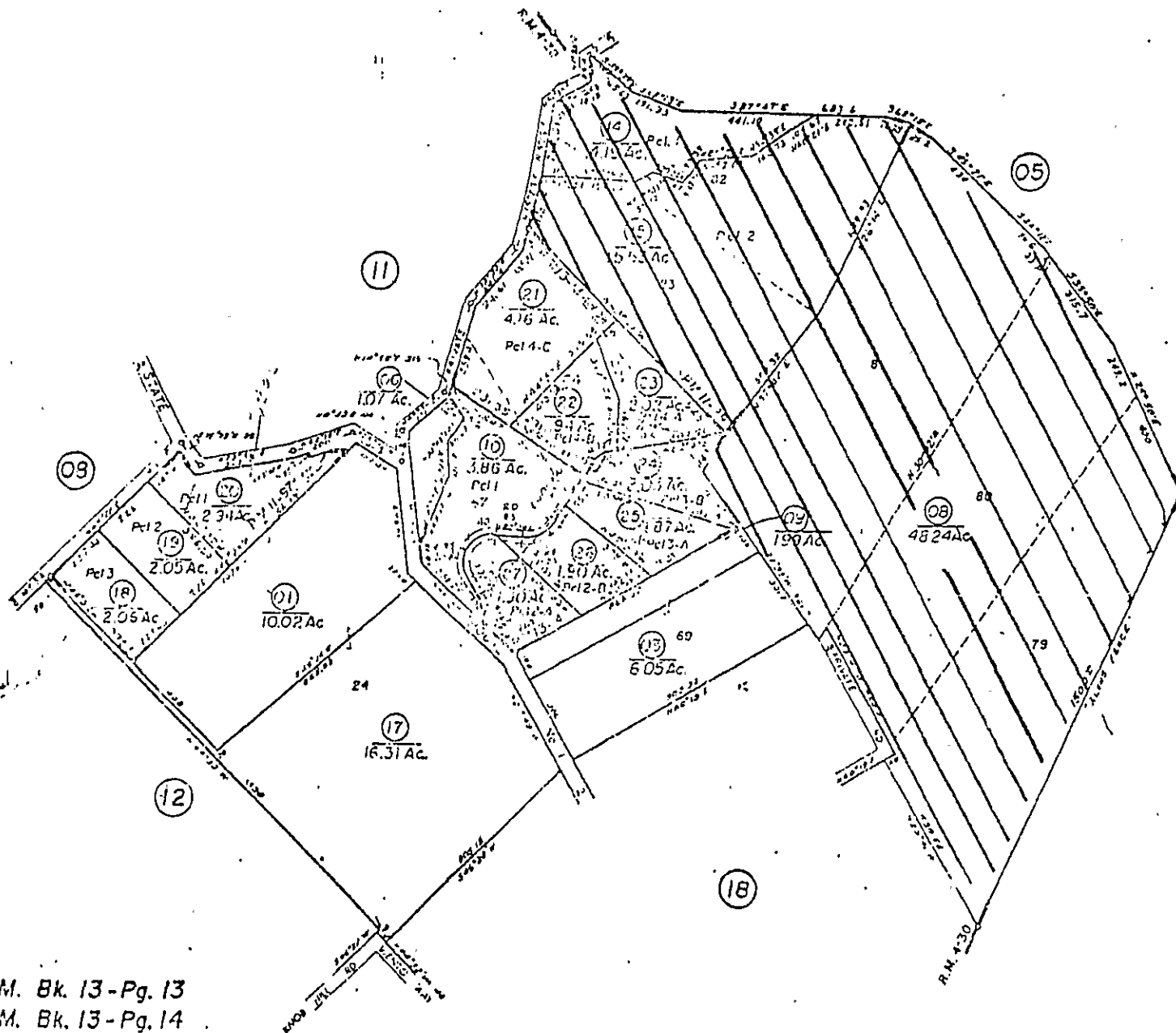
Tax Area Code
94-013
94-020

119-12

This area is covered by the
Categorical Exclusion



TOWN OF POINT REYES & VICINITY

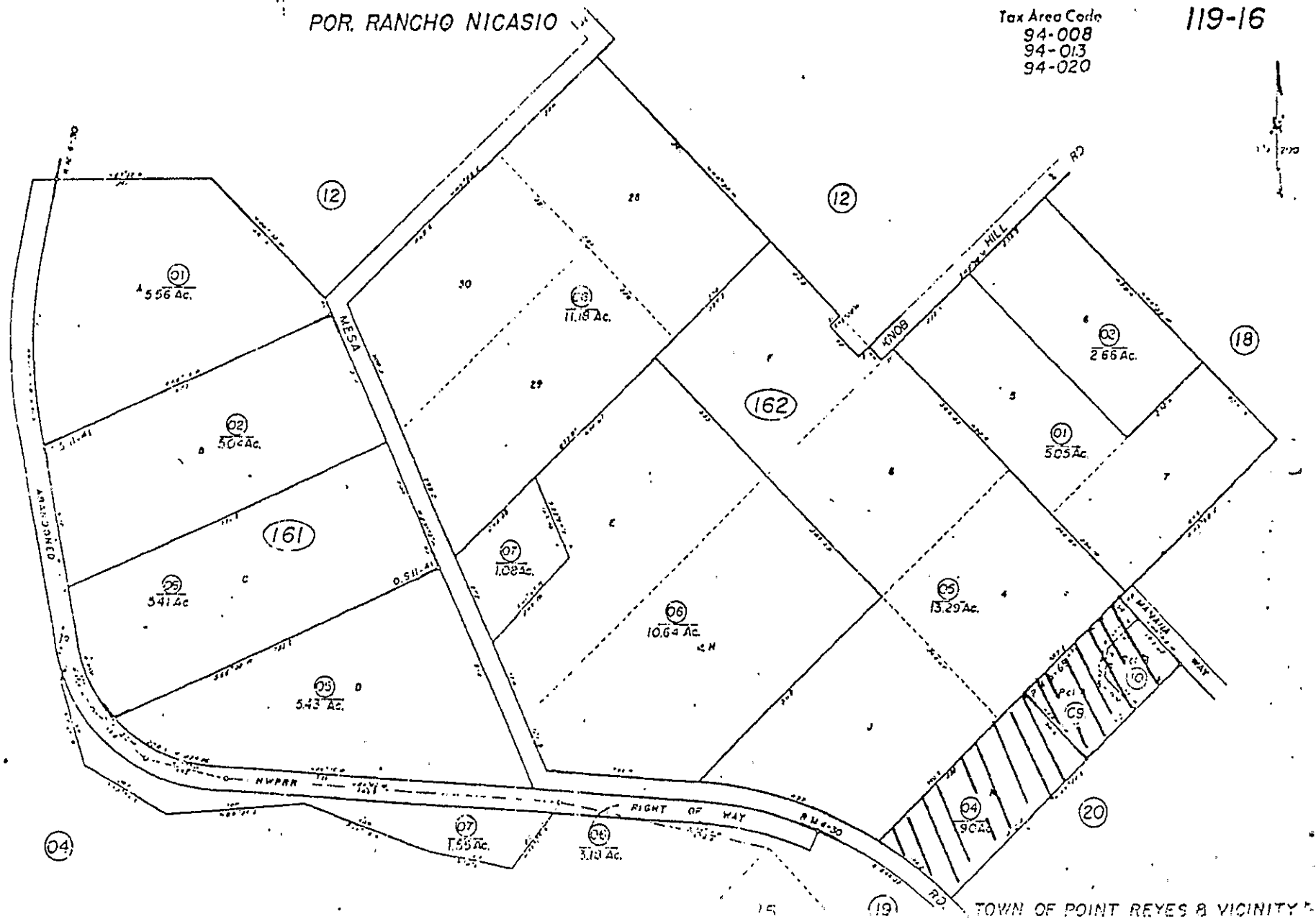


P. M. Bk. 13 - Pg. 13
P. M. Bk. 13 - Pg. 14
P. M. Bk. 11 - Pg. 97
P. M. Bk. 11 - Pg. 29

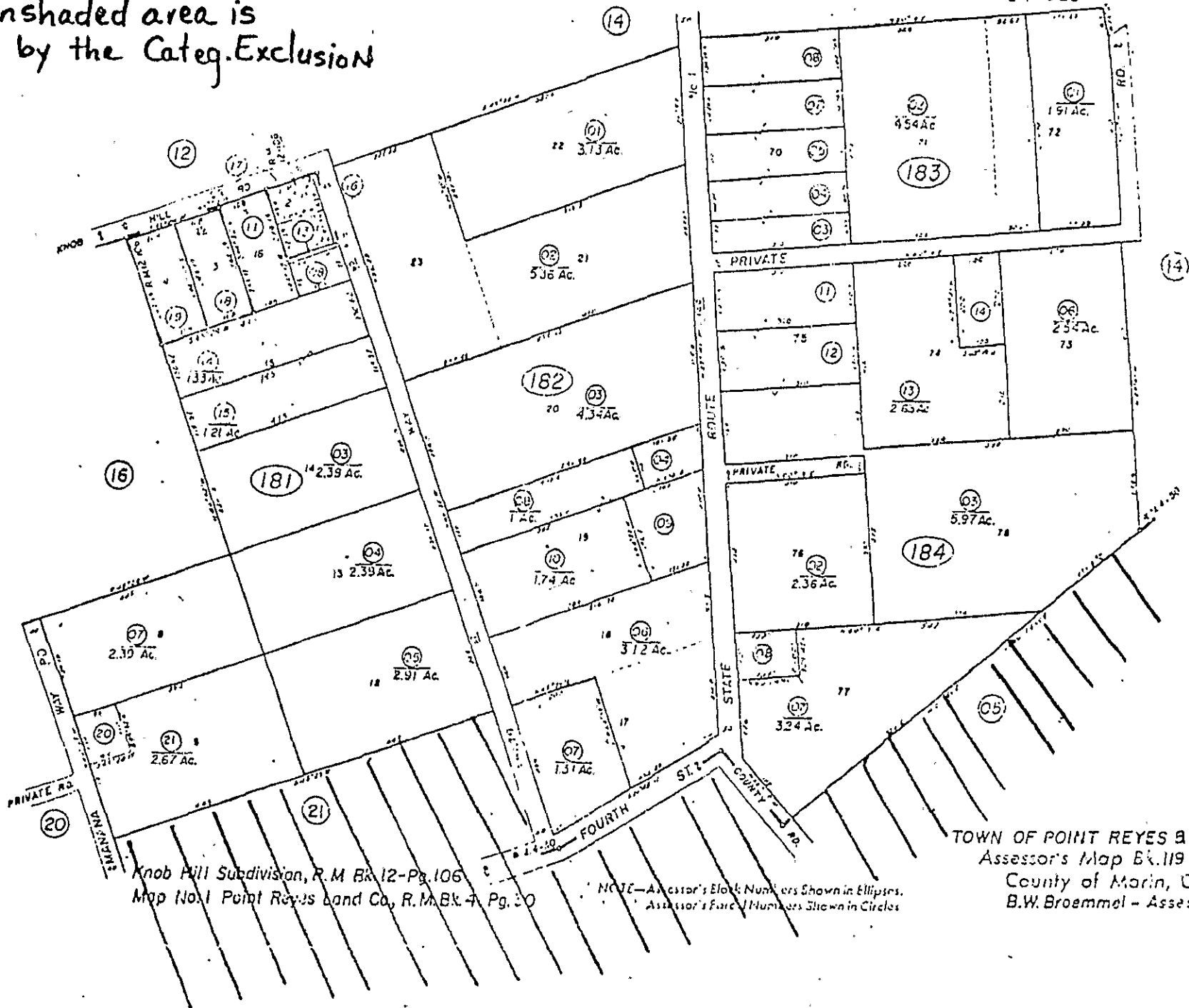
TOWN OF POINT REYES & VICINITY
Assessor's Map Bk.119 -Pg.14

POR. RANCHO NICASIO

119-16



The unshaded area is
covered by the Categ. Exclusion

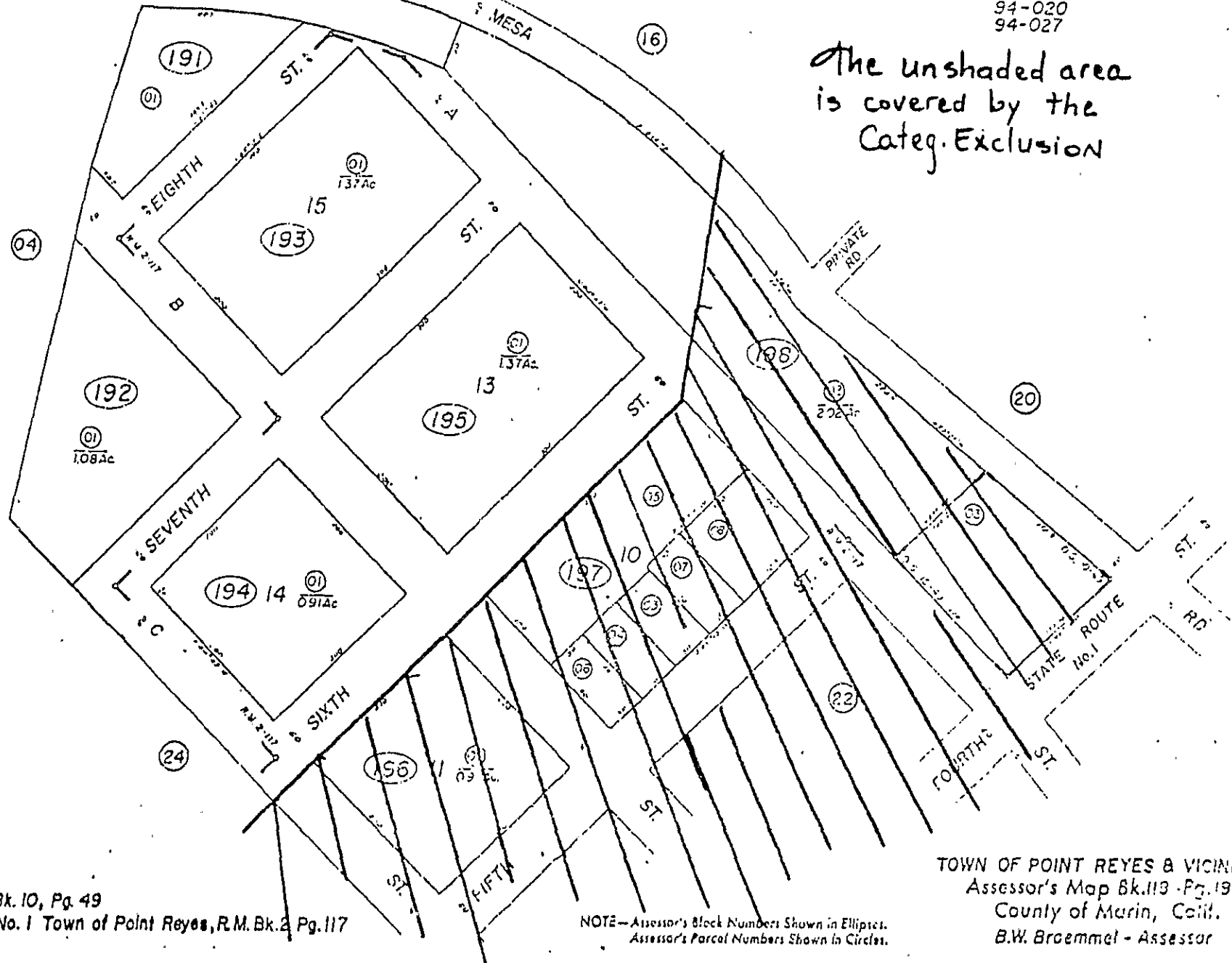


Knob Hill Subdivision, R.M. Bk. 12-Pg. 106
Map No. 1 Point Reyes Land Co., R.M. Bk. 4, Pg. 20

NOTE—Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles

TOWN OF POINT REYES & VICINITY
Assessor's Map Bk. 119-Pg. 18
County of Marin, Cal.
B.W. Broemmell - Assessor

The unshaded area
is covered by the
Categ. Exclusion



O.S. Bk. 10, Pg. 49
Map No. 1 Town of Point Reyes, R.M. Bk. 2 Pg. 117

NOTE—Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.

TOWN OF POINT REYES & VICINITY
Assessor's Map Bk. 119 - Pg. 19
County of Marin, Calif.
B.W. Braemmel - Assessor

Legend : = not part of the Exclusion

Unit I

RESOLUTION NO. 82-256

A RESOLUTION OF THE MARIN COUNTY BOARD OF SUPERVISORS ADOPTING AMENDMENTS TO THE UNIT I LOCAL COASTAL PLAN

- WHEREAS: The California Coastal Commission certified the Marin County Local Coastal Plan Unit I on April 1, 1980, and
- WHEREAS: The Unit I Local Coastal Plan contains policies requiring the preservation of historic structures and the designation of historic preservation areas within the coastal zone, and
- WHEREAS: To implement these policies, the County of Marin has produced a report entitled "Marin County Local Coastal Program Historic Study," and
- WHEREAS: Said report recommends the designation of specific areas within the Unit I Coastal zone as "historic areas", and
- WHEREAS: Said report makes recommendations on LCP policies and guidelines for preserving historic structures, and
- WHEREAS: The Marin County Planning Commission held a duly noticed public hearing on the subject amendments to the Local Coastal Plan Unit I on January 11, 1982, and
- WHEREAS: The Marin County Planning Commission has recommended the amendment of the Unit I Local Coastal Plan, to implement the "Historic Study", and
- WHEREAS: Amendments to the Local Coastal Plan Unit I are considered exempt from the provisions of the California Environmental Quality Act under Section 21080.5 of the Public Resources Code, and
- WHEREAS: The Marin County Board of Supervisors finds that the public necessity, convenience and general welfare do require these amendments to the Local Coastal Plan Unit I.

NOW THEREFORE BE IT RESOLVED: That the Marin County Board of Supervisors does hereby approve and adopt the amendments to the Local Coastal Plan Unit I as set forth herein:

Page 51: Amend the first three paragraphs to read as follows:

Historic Resources

Section 30253 of the California Coastal Act of 1976 mandates the protection of communities and neighborhoods "which, because of their unique characteristics, are popular visitor destination points for recreational uses." The intent of this policy is to protect the unique character of existing coastal communities.

The Unit I coastal communities are historically important and aesthetically unique. The LCP proposes that structures in the coastal zone built prior to 1930 should be reviewed through the coastal permit procedure before being altered or demolished. Additionally the LCP designates specific areas with the Unit I coastal zone as "historic areas". New construction and additions to or demolition of existing structures will require a Coastal Permit.

Boundaries for historic areas were selected to include groups of unique and architecturally significant structures that are visually accessible to both local residents and visitors. Community input and additional historic surveys are encouraged as part of the Coastal Plan. After survey, historic area boundaries could be revised through the public review process.

All pre-1930's structures in the coastal zone are eligible for utilization of the State Historic Building Code, an alternative to the Uniform Building Code. This alternative code can aid property owners in the retention of historic character of buildings that undergo restoration and rehabilitation, and can result in cost savings.

This section illustrates some of the other historic structures in Unit I. These are by no means all of the historic structures in Unit I. The descriptions that follow are based on Discovering Marin (1974).

Page 64: Amend policies 15, 16, and 17 to read as follows:

Historical Resources

15. In order to protect the unique qualities and character of coastal communities in the Unit I coastal zone, historic structures shall be preserved and restored. The following means shall be used to protect and preserve historic structures:
 - a. "Historic areas" shall be established in Stinson Beach and Bolinas. The boundaries of these areas are described and mapped in Appendix F of the Unit I LCP. Within these historic area boundaries, all new construction shall conform in scale, design, materials and texture with the surrounding community character.
 - b. Alterations and Additions. Alterations or additions to any structure built prior to 1930 shall require a coastal project permit; except that, maintenance or repair to restore any pre-1930's structure to its original architectural character shall be exempt from the requirement of a coastal permit. Alterations or additions to any pre-1930 structure shall retain the scale and original architectural features of the structure, especially for the front facade.
 - c. Demolitions. Demolition of any structure built prior to 1930 shall require a Coastal Project Permit; except that, demolition of any secondary or agricultural building built prior to 1930, may be exempted from the requirement for a coastal permit upon a finding by the Planning Director or appropriate hearing body that such structure is not a significant historic resource. Issuance of a Coastal Project Permit for the demolition of any pre-1930 structure may be delayed for a period, not to exceed six months. During this period, the property owner or local historic group or society may attempt to find a purchaser or alternate location for the structure. This six month period may be waived by the Planning Director or appropriate hearing body upon a finding that the structure is not historically significant or cannot be rehabilitated.

16. All Coastal Project Permits for projects located within the boundaries of an historic area, and for projects involving pre-1930 buildings, shall be reviewed in accordance with:
 - a. The "Design Guidelines For Construction in Historic Areas and For Pre-1930 Structures" and,
 - b. The "Historic Review Checklist", both located in Appendix F of the Unit I LCP.
17. All Coastal Project Permits for historic structures shall be reviewed by established local planning or design review groups, where these groups exist.

Add Appendix F to read as follows:

APPENDIX F - HISTORIC PRESERVATION

RECOMMENDED HISTORIC AREA BOUNDARIES

Historic area boundaries were selected for groups of historic structures in areas within coastal communities. Criteria used in defining historic areas were visual access and coherent grouping as well as architectural and historic composition. Groups of non-conforming structures that disrupt the historic quality of an area were excluded. Area boundaries are described in this section, followed by maps of the recommended boundaries.

Bolinas

The historic area in Bolinas includes parcels bordering Wharf Road in downtown Bolinas and some parcels on Brighton Avenue in the 1882 Waterhouse subdivision from Smiley's Bar at (AP #193-061-04), #41 Wharf Road, and three parcels to the west on the Olema to Bolinas Road. Parcels south of Wharf Road from #48 Wharf Road (AP #193-081-09) to Brighton Avenue and parcels up to 11 Olema to Bolinas Road are included. The area also encompasses parcels bordering Brighton Avenue on the east from #1 Brighton Road (AP #193-075-13) to #87 Brighton Avenue (AP #193-102-14).

Stinson Beach

The Stinson Beach historic area encompasses parcels bordering both sides of State Route 1 between Belvedere Avenue and Calle del Mar. Two parcels adjacent to and north of Calle del Mar bordering State Route 1 (AP #'s 195-191-16 and 195-192-05), which includes Airey's, now called the Superette, are also within the historic area.

(MAPS, DESIGN GUIDELINES AND CHECKLIST NOT INCLUDED IN COST OF THIS RESOLUTION)

PASSED AND ADOPTED by the Board of Supervisors at its regular meeting held on the

22nd day of June, 1982 by the following vote, to wit:

AYES: Al Aramburu, Gary Giacomini, Gail Wilhelm

NOES: -

ABSENT: Barbara Boxer, Bob Roumiguere

ATTEST:

Van Gillespie

CLERK

Gail Wilhelm
CHAIRMAN OF THE BOARD OF SUPERVISORS
COUNTY OF MARIN

RESOLUTION NO. 82-257

A RESOLUTION OF THE MARIN COUNTY BOARD OF SUPERVISORS ADOPTING
AMENDMENTS TO THE UNIT II LOCAL COASTAL PLAN.

- WHEREAS: The Unit II Local Coastal Plan contains policies requiring the preservation of historic structures, and the designation of historic preservation areas within the coastal zone, and
- WHEREAS: To implement these policies, the County of Marin has produced a report entitled: "Marin County Local Coastal Program Historic Study", and
- WHEREAS: Said report recommends the designation of specific areas within the Unit II coastal zone as "historic areas", and
- WHEREAS: Said report makes recommendations on LCP policies and guidelines for preserving historic structures, and
- WHEREAS: The Marin County Planning Commission held a duly noticed public hearing on the subject amendments to the Local Coastal Plan Unit II, on January 11, 1982, in accordance with the California Government Code, and
- WHEREAS: The Marin County Planning Commission has recommended the amendment of the Unit II LCP, to implement the "Historic Study", and
- WHEREAS: Amendments to the Local Coastal Plan Unit II are considered exempt from the provisions of the California Environmental Quality Act under Section 21080.5 of the Public Resources Code, and
- WHEREAS: The Marin County Board of Supervisors finds that the public necessity, convenience and general welfare do require these amendments to the Local Coastal Plan Unit II.

NOW THEREFORE BE IT RESOLVED: That the Marin County Board of Supervisors hereby approve and adopt the amendments to the Local Coastal Plan Unit II as set forth herein:

Page 193: Amend the last paragraph to read as follows:

The Unit II coastal communities are historically important and aesthetically unique. The LCP provides that all structures in the coastal zone built prior to 1930 should be reviewed through the coastal permit process, before being altered or demolished. Additionally, the LCP designates specific areas within the Unit II coastal zone as "historic areas". New construction, and additions to or demolition of existing structures, will require a coastal permit.

Boundaries for historic areas were selected to include groups of unique and architecturally significant structures that are visually accessible to both local residents and visitors. Community input and additional historic survey are encouraged as part of the coastal plan. After survey, historic area boundaries could be revised through the public review process.

All pre-1930's structures in the coastal zone are eligible for utilization of the State Historic Building Code, an alternative to the Uniform Building Code.

This alternative code can aid property owners in the retention of historic character of buildings that undergo restoration and rehabilitation, and can result in cost savings.

Page 206: Amend Policies 1a, 1b and 1c, as follows:

1. Historic Resources

- a. In order to protect the unique qualities and character of coastal communities in the Unit II coastal zone, historic structures shall be preserved and restored. The following means shall be used to protect and preserve historic structures:
 - (1) "Historic areas" shall be established in Tomales, Marshall, Point Reyes Station, Olema and Inverness. The boundaries of these areas are described and mapped in Appendix E of the Unit II LCP. Within these historic area boundaries, all new construction shall conform in scale, design, materials and texture with the surrounding community character.
 - (2) Alterations and Additions. Alterations or additions to any structure built prior to 1930 shall require a coastal project permit; except that, maintenance or repair to restore any pre-1930's structure to its original architectural character shall be exempt from the requirement of a coastal permit. Alterations or additions to any pre-1930 structure shall retain the scale and original architectural features of the structure, especially for the front facade.
 - (3) Demolitions. Demolition of any structure built prior to 1930 shall require a Coastal Project Permit; except that, demolition of any secondary or agricultural building built prior to 1930, may be exempted from the requirement for a coastal permit upon a finding by the Planning Director or appropriate hearing body that such structure is not a significant historic resource. Issuance of a Coastal Project Permit for the demolition of any pre-1930 structure may be delayed for a period not to exceed six months. During this period, the property owner or local historic group or society may attempt to find a purchaser or alternate location for the structure. This six month period may be waived by the Planning Director or appropriate hearing body upon a finding that the structure is not historically significant or cannot be rehabilitated.
- b. All coastal project permits for projects located within the boundaries of an historic area, and for projects involving pre-1930 buildings, shall be reviewed in accordance with:
 - (1) The "Design Guidelines for Construction in Historic Areas and for Pre-1930 Structures" and,
 - (2) The "Historic Review Checklist", both located in Appendix E of the Unit I LCP.
- c. All coastal project permits for historic structures shall be reviewed by established local planning or design review groups.

Add Appendix E to read as follows:

APPENDIX E - HISTORIC PRESERVATION

RECOMMENDED HISTORIC AREA BOUNDARIES

Historic area boundaries were selected for groups of historic structures in areas within coastal communities. Criteria used in defining historic areas were visual access and coherent grouping as well as architectural and historic composition. Groups of non-conforming structures that disrupt the historic quality of an area were excluded. Area boundaries are described in this section, followed by maps of the recommended boundaries.

TOMALES

Parcels bordering Highway 1 from the Rectory and the Church of Our Lady of the Assumption (AP #102-030-02,03) on the south to the two ranches (AP #102-010-03,04), north of town are included in the historic area of Tomales. John Street is the eastern most boundary and parcels bordering both sides of Church Street, Carrie Street and Railroad Avenue are the western boundary. Parcels on both sides of First Street to Mound Street are also included.

MARSHALL

Historic structures, primarily old homes of the Greek Revival and Queen Anne styles are scattered along Highway 1 between Nick's Cove and Point Reyes Station. A cluster of structures, located in Marshall along the shoreline, are designated within an historic area. This area includes Marshall Store (AP #106-010-07) to the north, J. Shields and Sons Coal and Feed, and Marshall Tavern (AP #106-020-35) to the south.

POINT REYES STATION

Historic area boundaries in Point Reyes Station encompass the downtown area and extend to C Street to the west. Parcels east of C Street, south of Sixth, east of B Street up to Eighth, parcels bordering both sides of Mesa Road from Lorraine Avenue to First Street and parcels east of Highway 1 up to Lagunitas Creek are included.

OLEMA

The historic area for Olema includes parcels bordering Highway 1 from Olema Inn (AP #166-202-01) to the former Druid's Hall (AP #166-213-02) on the east side, and from 10045 State Route 1 (AP #166-191-04) to the apartment house immediately south of Jerry's Farmhouse (AP #166-201-10) on the west side.

INVERNESS

Boundaries of the historic area in Inverness are restricted to cohesive visual units within public view. The historic area in this community encompasses parcels along Sir Francis Drake Boulevard (SFD) in the vicinity of Inverness Store and parcels along Inverness Way from SFD to its junction with Hawthornden Road. Parcels south of Hawthornden to Park Avenue are included.

(MAPS, DESIGN GUIDELINES AND CHECKLIST NOT INCLUDED
IN COPY OF THIS RESOLUTION)

PASSED AND ADOPTED by the Board of Supervisors at its regular meeting held
on the 22nd day of June, 1982 by the following vote, to wit:

AYES: Al Aramburu, Gary Giacomini, Gail Wilhelm.

NOES: -

ABSENT: Barbara Boxer, Bob Roumiguere



CHAIRMAN OF THE BOARD OF SUPERVISORS
COUNTY OF MARIN

ATTEST:



CLERK

BOARD OF SUPERVISORS OF THE COUNTY OF MARIN

RESOLUTION NO. 82-330

A RESOLUTION OF THE BOARD OF SUPERVISORS OF
THE COUNTY OF MARIN ACCEPTING AND AGREEING
TO THE CALIFORNIA COASTAL COMMISSION'S CONDI-
TIONS OF APPROVAL FOR CATEGORICAL EXCLUSIONS
IN THE UNIT II COASTAL ZONE OF MARIN COUNTY

WHEREAS, the Marin County Board of Supervisors adopted the Unit II Local Coastal Plan on December 9, 1980, and

WHEREAS, the California Coastal Commission adopted a Resolution of Certification on the Unit II Local Coastal Plan on April 1, 1981, and

WHEREAS, as part of the final certification process of the Unit II Local Coastal Plan, the California Coastal Commission did adopt, on January 7, 1982, Categorical Exclusion Order No. E-81-6 pursuant to Public Resources Code 30610(e), and

WHEREAS, at the request of the County of Marin, the California Coastal Commission did amend Categorical Exclusion Order No. E-81-6, and

WHEREAS, Categorical Exclusion Order No. E-81-6, as amended on August 12, 1982, sets forth the conditions whereby specific developments are excluded from the permit requirements of the California Coastal Act of 1976.

NOW, THEREFORE, BE IT RESOLVED that the Marin County Board of Supervisors does hereby acknowledge receipt of Categorical Exclusion Order No. E-81-6, as amended, including conditions of approval, and accepts and agrees to the terms and conditions to which the categorical exclusions have been made subject.

PASSED AND ADOPTED by the Marin County Board of Supervisors at its regular meeting held on the 17th day of August, 1982, by the following vote, to wit:

AYES: Supervisors: Bob Roumiguere, Al Aramburu, Gary Giacomini, Gail Wilhelm

NOES: Supervisors: None

ABSENT: Supervisors: Barbara Boxer



CHAIRMAN OF THE BOARD OF SUPERVISORS,
COUNTY OF MARIN

ATTEST:

ORDER AMENDING
CATEGORICAL EXCLUSION ORDER E-81-6

I. DESCRIPTION OF EXCLUSION

The Commission by a two-thirds vote of its appointed members hereby adopts an order, pursuant to Public Resources Code Section 30610(e) and 30610.5(b), which categorically excludes from the permit requirements of the California Coastal Act of 1976 the categories of development within the specifically defined geographic area described below:

The geographic area is the coastal zone known as Unit II of the County of Marin, except for tide and submerged lands, beaches, and lots immediately adjacent to the inland extent of any beach, or of the mean high tide line of the sea where there is no beach, and all lands and waters subject or potentially subject to the public trust. Within this area the Commission hereby orders that the following developments within the specific area shall not require a coastal development permit:

The construction of single family residences located within the community expansion boundaries of Dillon Beach (except for lots within the Oceana Marin subdivision), Tomales, and Olema, but only as previously identified for exclusion by the California Coastal Commission pursuant to section 30610.1 of the Coastal Act.

The geographic area of exclusion is shown on Exhibit 1 (Map 49, Area 4: Dillon Beach Marin Co.) Exhibit 2 (Map 50, Area 5: Tomales, Marin Co.) Exhibit 3 (Map 51, Area 7: Olema, Marin Co.).

Only developments which meet all applicable policies and criteria of the Marin County Local Coastal Program, Unit II, are proposed for exclusion. Applications for development which are not consistent with the certified local coastal program remain subject to the requirement of a coastal development permit.

II. SPECIAL CONDITIONS

Notwithstanding the provisions of the certified Local Coastal Program for Marin County, the development of single family dwellings on parcels zoned CARP within the exclusion area is exempt from the requirements of a coastal development permit only if the developer complies with the master plan provisions of Chapters 22.45 and 22.47.100 of the Marin County zoning ordinance. Compliance with the master plan provisions is required notwithstanding the language of Marin Zoning Ordinance, Chapter 22.56.020.

III. CONDITIONS

1. This order of categorical exclusion shall not be implemented until the County submits to the Executive Director of the Coastal Commission and the Executive Director approves, in writing, a map depicting all of the following:
 - a. The geographic area excluded by Commission order,
 - b. The zoning designations of the excluded area,
 - c. The areas of potential public trust (areas subject to the public trust are seaward of the line of potential public trust and will be adequately depicted),
 - d. All coastal bodies of water, riparian corridors, and wetlands as may be shown on any Land Use Plan Resources Maps, or Background Studies,
 - e. The boundaries of all lots immediately adjacent to the inland extent of any beach, or of the mean high tide line of the sea where there is no beach,
 - f. A map note which clearly indicates that the written terms of this order should be consulted for a complete listing of non-excludable developments. The note shall, to the maximum extent practicable, indicate the topical areas which are non-excludable. It shall state that no development within one hundred feet from the upland limit of any stream, wetland, marsh, estuary, or lake, is excluded by the terms of this order, regardless of whether such coastal waters are depicted on the exclusion map, or not. The map note shall further state that where the natural resource, environmentally sensitive habitat, open space or other similar policies of the certified Local Coastal Program specify a geographically larger area of concern for natural resources, then no development shall occur in the area described in the Local Coastal Program unless authorized by a coastal development permit.
2. The order granting a categorical exclusion for these categories of development in the County of Marin, pursuant to Public Resources Section 30610, shall not become effective until the Executive Director of the State Coastal Commission has determined in writing that the local government has taken the necessary action to carry out the exclusion order pursuant to Section 13244 of the Coastal Commission regulations.
3. This exclusion shall apply to the permit requirements of the Coastal Act of 1976, pursuant to Public Resources Code Section 30610(e) and 30610.5(b), and shall not be construed to exempt any person from the permit requirements of any other federal, state or local government agency.

4. The County shall maintain a record of any other permits which may be required for categorically excluded development which shall be made available to the Commission or any interested person upon request, pursuant to Section 13248.
5. Within five (5) working days of the issuance of a permit in conformity with this order of categorical exclusion the County shall provide notification of such issuance on a form containing the following information to the office of the North Central Coast District Office, and to any persons who in writing requested such notice. Unless the County provides such notification to the District Office, the development will not be exempted from coastal development permit requirements under this order.
 - i) developer's name,
 - ii) street address and assessor's parcel number of property on which development is proposed
 - iii) brief description of development
 - iv) date of application for other local permit(s)
 - v) all terms and conditions of development imposed by local government in granting its approval.
6. Development under this exclusion shall conform with the County of Marin Local Coastal Program in effect on the date this exclusion is adopted by the Commission or to the terms and conditions of this exclusion where such terms and conditions specify more restrictive development criteria.
7. In the event an amendment of the Local Coastal Program of the County of Marin is certified by the Coastal Commission pursuant to section 30514 of the Coastal Act, development under this order shall comply with the amended Local Coastal Program, except where the terms and conditions of this order specify more restrictive development criteria. However, such amendment shall not authorize the exclusion of any category of development not excluded herein, nor shall such amendment alter the geographic areas of the exclusion.
8. This order does not exempt any development within one hundred feet, measured horizontally, from the high water mark of any coastal body of water, stream, wetland, estuary, or lake, regardless of whether such coastal waters are depicted on the exclusion map, or not.
9. Any development not falling within this exclusion remains subject to the coastal development permit requirements of the Coastal Act of 1976.

IV. RESCISSION AND REVOCATION

Pursuant to Title 14 of the California Administrative Code Section 13243(e) the Commission hereby declares that the order granting this exclusion may be rescinded at any time, in whole or in part, if the Commission finds by a majority vote of its appointed membership after public hearing that the terms and conditions of the exclusion order no longer support the findings specified in Public Resources Code Section 30610(e). Further, the Commission declares that this may be revoked at any time that the terms and conditions of the order are violated.

A RESOLUTION OF THE BOARD OF SUPERVISORS OF
THE COUNTY OF MARIN ACCEPTING AND AGREEING
TO THE CALIFORNIA COASTAL COMMISSION'S CONDI-
TIONS OF APPROVAL FOR CATEGORICAL EXCLUSIONS
IN THE COASTAL ZONE OF MARIN COUNTY

WHEREAS, the County of Marin has a certified Land Use Plan for the Coastal Zone of Marin County, and

WHEREAS, the County has assumed permit authority in the Coastal Zone of Marin County, and

WHEREAS, through the administration of the Coastal Permit process the County has determined that minor additions to single family dwellings generally have no potential for any significant, adverse effect, either individually or cumulatively, on coastal resources or on public access to, or along the coast, and

WHEREAS, the limitations on sewer capacity in the Ocean Marin Subdivision, as stated in Policy 3(e), page 191 for the Unit II LCP, have been addressed by the expansion of the North Marin County Water District's Community sewer system, and

WHEREAS, the Marin County Board of Supervisors did adopt Resolution 82-415 requesting the California Coastal Commission to approve a Categorical Exclusion Order for such development, and

WHEREAS, at the request of the County of Marin, the California Coastal Commission did adopt Categorical Exclusion Order No. E-82-6, and

WHEREAS, Categorical Exclusion Order No. E-82-6, as adopted on March 11, 1983, sets forth the conditions whereby specific developments are excluded from the permit requirements of the California Coastal Act of 1976.

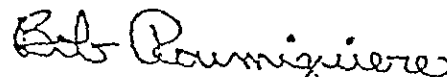
NOW, THEREFORE, BE IT RESOLVED that the Marin County Board of Supervisors does hereby acknowledge receipt of Categorical Exclusion Order No. E-82-6, including conditions of approval, and accepts and agrees to the terms and conditions to which the categorical exclusions have been made subject.

PASSED AND ADOPTED by the Marin County Board of Supervisors at its regular meeting held on the 15th day of March, 1983, by the following vote, to wit:

AYES: Supervisors: Stockwell, Aramburu, Roumiguere

NOES: Supervisors: None

ABSENT: Supervisors: Giacomini, Brown



CHAIRMAN OF THE BOARD OF SUPERVISORS
COUNTY OF MARIN

ATTEST:



CALIFORNIA COASTAL COMMISSION
631 Howard Street, San Francisco 94105 — (415) 543-8555

CATEGORICAL EXCLUSION ORDER E-82-6

Marin County

The Commission by a two-thirds vote of its appointed members hereby adopts an order, pursuant to Public Resources Code Section 30610(e) and 30610.5(b), categorically excluding from the permit requirements of the California Coastal Act of 1976 the categories of development within the specifically defined geographic area described below:

I. BACKGROUND

Section 30610 of the Coastal Act allows the State Commission to adopt a Categorical Exclusion for a specific type of development within a defined geographic area.

Section 30610(e) states:

"Any category of development, or any category of development within a specifically defined geographic area, that the Commission, after public hearing, and by two-thirds vote of its appointed members, has described or identified and with respect to which the Commission has found that there is no potential for any significant adverse effect, either individually or cumulatively, on coastal resources or on public access to, or along, the coast and, where such exclusion precedes certification of the applicable local coastal program, that such exclusion will not impair the ability of local government to prepare a local coastal program."

Public Resources code Section 30610.5(b) additionally requires that the following findings and provisions must be made.

Section 30610.5(b) states in part:

"Every exclusion granted...shall be subject to terms and conditions to assure that no significant change in density, height, or nature of uses will occur without further proceedings under this division and an order granting an exclusion under Subdivision (e) of Section 30610...may be revoked at any time by the Commission if the conditions of the exclusion are violated..."

The County of Marin seeks the exclusion from coastal permit requirements of the categories of development described below. The geographic area for category A is the entire coastal zone, with exceptions as provided by Coastal Act Section

30610.5(b), and for Category B, the Oceana Marin Subdivision as shown in Exhibit 1.

II. CATEGORIES OF DEVELOPMENT, GEOGRAPHIC AREAS, AND CONDITIONS

A. Category of Development

Additions to existing single-family dwellings which would result in an increase of no more than 50% of the floor area of the dwelling before the addition or 1,000 square feet, whichever is less.

Geographic Area of Exclusion

The entire coastal zone, except: tide and submerged lands, beaches, and lots immediately adjacent to the inland extent of any beach, or of the mean high tide line of the sea where there is no beach, and all lands and waters subject to the public trust.

Condition

- 1) Additions shall meet all zoning and development standards of the Marin County Code, including but not limited to the provisions of the Historic Zoning Ordinance.

B. Category of Development

Single-family dwellings in Oceana Marin Subdivision in Dillon Beach.

Geographic Area of Exclusion

Existing parcels in the Oceana Marin subdivision as shown in Exhibit 1.

Conditions

- 1) The exclusion shall apply only to vacant legal lots of record existing on the date of adoption of this exclusion order.
- 2) The applicant shall submit an engineered foundation and site-specific development recommendation prepared by a licensed soils engineer.
These recommendations shall demonstrate that the soils and geologic character of the site can support grading and construction without causing undue hazards to the site or to adjacent sites. The plan shall also include specific provisions for drainage and continuity of the natural landform.
- 3) The project shall have design approval from the Bodega Bay Preserve Design Committee.
- 4) The North Marin County Water District shall certify that sewage treatment capacity exists to serve the proposed residence.

EXHIBIT 1

"Exhibit 1", as used in this document, refers to the map of exclusion areas prepared by the County of Marin for #E-81-2 and E-81-6 and incorporated herein by this reference. The map is on file with both the County and the Commission. The map will be amended to show excludable and non-excludable areas for #E-81-2, E-81-6 and E-82-6. The map shows areas exempted from this request for categorical exclusion under Section 30610.5(b) of the Coastal Act, namely:

Tide and submerged lands, beaches, and lots immediately adjacent to the inland extent of any beach, or of the mean high tide line of the sea where there is no beach, and all lands and waters subject to the public trust.

III. FINDINGS

The findings below support the conclusions that the exclusion has no potential for significant adverse effects, either individually or cumulatively, on coastal resources or on public access to or along the coast and that such exclusion will not result in a significant change in density, height, or nature of uses, as required by Section 30610(e) and 30610.5(b) of the Coastal Act.

A. Minor Additions to Single-Family Dwellings

The coastal zoning ordinance adopted by Marin County to implement its Local Coastal Program contains a provision which exempts from coastal permit requirements very small additions to existing structures, including single-family dwellings (except where sensitive coastal resources could be affected by the addition). To be exempt under this provision, an addition must result in an increase of no more than 10% of the interior floor area of the existing structure. This limit means that even the addition of one or two rooms to a modest-sized home requires a coastal permit. This Categorical Exclusion would eliminate the coastal permit requirement for somewhat larger but still modest-sized additions to single-family dwellings (up to 50% additions). Additions to buildings other than single-family dwellings would not be affected by this Exclusion.

1. Visual Resources. The Marin County coastal zone is a highly scenic area where construction of a dwelling may affect public views or visual quality. Protection of views and visual quality is addressed by the Local Coastal Program zoning ordinance through establishment of height limits for new construction and general policies requiring compatibility of new construction with the character of its surroundings, appropriate landscaping, and other measures. In some zoning districts, design review is required in order to allow case-by-case consideration of potential visual impacts of new construction.

The Categorical Exclusion is subject to a condition requiring that all zoning and development standards of the Marin County Code be met. Therefore, even though an addition to a single-family dwelling may be exempt from the requirement of a coastal permit, the addition must meet all height and design standards of the Marin County Code. These standards serve to protect coastal visual resources.

The historic zoning provisions of the LCP and Zoning ordinance require a coastal permit for additions to structures built prior to 1930 and to structures in designated historic communities. Standards for review of such additions are incorporated in the LCP in order to assure compatibility of new additions with existing historic structures. An addition to a house which is exempt from the requirement of a coastal permit under this Exclusion must, nevertheless, meet the requirements of the historic zoning provisions of the Marin County Code. Therefore, scenic resources based on historic value will be protected under this Categorical Exclusion. As proposed and conditioned, the exclusion of additions to single-family dwellings will not have an adverse impact, either individually or cumulatively, on coastal visual resources.

To be excluded, additions must be modest in size, measuring no more than 50% of the existing floor area or 1000 square feet, whichever is less. No change in

use is allowed by the Exclusion, and only additions to single-family dwellings are covered. Height limits of the existing zoning ordinance must be met. Therefore, this Exclusion will not result in a significant change in density, height, or nature of uses.

2. Adequacy of Services. This Exclusion applies to additions to dwellings, but not to construction of new separate dwelling units. Second, dwelling units on one lot are not covered by the Exclusion. The additional demand on water and other services that would be presented by new households would not result from this Exclusion.

Much of the residential development in the coastal zone is served by on-site sewage disposal systems. Where additions of bedrooms to existing houses are proposed, additional leachfield area for sewage disposal may be required under the Marin County Code. As conditioned, this Exclusion requires that additions to houses meet all development standards of the Marin County Code, including sewage disposal requirements. Therefore, even if a project is excluded from coastal permit requirements, sewage disposal standards must be met. As conditioned, the Exclusion will not have a potential for significant adverse effect, either individually, or cumulatively, on water quality or other resources affected by sewage disposal.

B. Single-Family Dwellings in Oceana Marin.

Under a categorical exclusion in effect prior to the takeover of coastal permit authority by Marin County (E-79-5), construction of single-family dwellings in the Oceana Marin Subdivision at Dillon Beach were exempt from Coastal permits. The County requested that this exemption be extended when the LCP was finally certified. However, limitation on sewage treatment capacity identified in the LCP prevented the Commission from approving the exclusion.

1. Sewage Treatment

Sewage treatment at Oceana Marin is the responsibility of the North Marin County Water District which operates treatment and storage ponds to dispose of sewage through evaporation. When the Unit II LCP was certified, capacity in the evaporation ponds was established to be 125 houses, or 31 houses more than the 94 sewer connections which existed at that time. Since certification of the LCP, permits have been issued for approximately 125 houses. The LCP states that improvements to the system would be necessary to handle more than 125 connections. The North Water NMCWD states as of January, 1983 that the sewage disposal system now has the capacity to safely serve at least 164 homes. The expansion in capacity has occurred through installation of irrigation facilities which accelerate the evaporation process. (Irrigation disposal has been approved for this location by the Regional Water Quality Control Board.) Irrigation was accomplished in the dry season of 1982 (from early August through mid-October) and resulted in a drawdown of the storage ponds sufficient to accommodate all sewage until the next dry season as well as rainfall collected in the ponds. On the basis of this experience, modified by projections of a one in 100 rainfall year, the Water District has calculated that sufficient reserve exists in the system to accommodate 39 additional houses besides the 125 cited in the LCP, or a total of 164 houses.

A total of 252 single-family lots exists at Oceana Marin. Therefore, sewage treatment capacity does not exist at this time to serve all subdivided lots. The Water District states that study of a long-range means of sewage disposal is continuing and that "any solution considered will provide adequate sewage disposal capacity to allow development of all currently annexed lots."

As conditioned, the Exclusion requires that the North Marin County Water District certify that sewage treatment capacity exists in order for new houses to be excluded from permit requirements. The District has so certified for a total of 164 connections. If and when the time comes that 164 connections have been made, additional certification by the District must be made in order to continue this exclusion in effect (assuming that additional improvements to the sewage disposal system have been made by that time). If the additional certification has not taken place at that time, the Exclusion shall cease to have effect, and construction of a single-family dwelling at Oceana Marin shall be subject to individual coastal permit review.

The certified LCP zoning recognized a total of 252 lots for single-family dwellings at Oceana Marin. The findings of certification of the LCP adopted by the Commission concluded that potential build-out of Oceana Marin would be consistent with protection of coastal resources, assuming sewage disposal constraints could be met. This Exclusion covers additional build-out only to the level for which sewage disposal capacity has been determined to exist. Although build-out of the subdivision will continue under this order, the development will continue to consist of a single-family dwelling on each lot. Therefore, the Exclusion will not result in a significant change in density, height or nature of land uses. Construction of a single-family dwelling is allowed by right at Oceana Marin.

2. Geological Hazards. The Oceana Marin subdivision is located on steep slopes and erodible soils where construction of houses could potentially present hazards to life and property. As conditioned, the Exclusion requires that a soils engineer investigate each building site and prepared an engineered foundation plan. The engineer's recommendation shall demonstrate that the site can support grading and construction without causing undue hazards to the site or to adjacent sites. This condition will assure that construction of additional single-family dwellings will minimize risks to life and property, consistent with Section 30253 of the Coastal Act. As proposed and conditioned, the Exclusion has no potential for significant adverse effects, either individually or cumulatively, on coastal resources or on public access to or along the coast.

3. Visual Quality. The Oceana Marin subdivision is located on steep hills where construction is visible from the beach and surrounding areas. As conditioned, the Exclusion requires design review approval by the local property owners' association. That review will assure that new construction is compatible in size and scale with existing development.

IV. CONDITIONS

1) Maps showing excluded areas with:

a. the appropriate approved zoning district,

- b. areas of actual or potential public trust, and
- c. boundaries of parcels immediately adjacent to the inland extent of any beach or of the mean high tide line of the sea where there is no beach, shall be submitted for the review and concurrence of the Executive Director of the Commission before the County may implement the Exclusion.

A map note which clearly indicates that the written terms of this order should be consulted for a complete listing of non-excludable developments. The note shall, to the maximum extent practicable, indicate the topical areas which are non-excludable. The map note shall state that where the natural resource, environmentally sensitive habitat, open space or other similar policies of the certified Local Coastal Program specify a geographically larger area of concern for natural resources, then no development shall occur in the area described in the Local Coastal Program unless authorized by a coastal development permit.

2) The County of Marin shall, at an appropriate stage in the local approval process for development subject to this Exclusion, distribute to the applicant for such local approval an instruction sheet and form provided by the Executive Director of the Commission. After obtaining final local governmental approval but prior to commencing construction under this exclusion, such applicant shall send the completed form containing a brief description of the excluded development to the Coastal Commission.

3) The County of Marin shall maintain a record for any other permit which may be required for categorically excluded development which shall be made available to the Commission or any interested person upon request, pursuant to Section 00154 of the Commission Local Coastal Program Regulations.

4) The order granting a categorical exclusion for these categories of development in Marin County pursuant to Public Resources Code Section 30610(e) shall not become effective until the Executive Director of the Coastal Commission has determined in writing that the local government has taken the necessary action to carry out the exclusion order pursuant to Section 13244 of the Coastal Commission Administrative Regulations.

5) Development under this exclusion shall conform with the County of Marin Local Coastal Program in effect on the date this exclusion is adopted by the Commission or to the terms and conditions of this exclusion where such terms and conditions specify more restrictive development criteria.

6) In the event an amendment of the Local Coastal Program of the County of Marin is certified by the Coastal Commission pursuant to section 30514 of the Coastal Act, development under this order shall comply with the amended Local Coastal Program, except where the terms and conditions of this order specify more restrictive development criteria. However, such amendment shall not authorize the exclusion of any category of development not excluded herein, nor shall such amendment alter the geographic areas of the exclusion.

MARIN COUNTY BOARD OF SUPERVISORS

RESOLUTION NO. 83-253

WHEREAS, the County of Marin has a certified Land Use Plan for the Coastal Zone of Marin County, and

WHEREAS, the County has assumed permit authority in the Coastal Zone of Marin County, and

WHEREAS, through the administration of the Local Coastal Plan (LCP) and the Coastal Permit process the County determined that the existing LCP policies on water wells and Village Commercial Residential Zoning Districts were in need of further study and review, and

WHEREAS, the County has commissioned a Water Well Study, which recommends amendment of the existing LCP policies concerning the use of individual water wells, and

WHEREAS, the Marin County Planning Commission after conduct of a duly noticed public hearing has recommended adoption of the proposed LCP amendments, and

WHEREAS, the Marin County Board of Supervisors finds that the public necessity, convenience and general welfare do require these amendments to the LCP.

NOW, THEREFORE, BE IT RESOLVED, that the Marin County Board of Supervisors hereby adopts of the amendments to the LCP as set forth herein:

LCP Unit I:

Amend Policy 14, page 13 to read as follows:

14. Commercial facilities shall be channeled into the existing properties in Bolinas and Stinson Beach zoned for VCR and commercial uses. In order to maintain the established character of the village commercial area, a mixture of residential and commercial uses shall be permitted within the VCR zone. The principal permitted use of the VCR zone in the two village centers shall include commercial and residential uses. Exclusive residential uses shall be a permitted use subject to coastal permit review; however, in no case shall such use be permitted on more than 25 percent of the lots that are vacant as of the certification date of LCP I (4-1-80). Replacement of any existing residential use destroyed by natural disaster shall be exempt from the above provision and shall be permitted. The development of motels and hotels in the VCR zone shall require a conditional use permit and is therefore not identified as a principal permitted use in that District.

Amend Policy #3, page 48 to read as follows:

3. Within the service area of a community or mutual system the use of individual domestic water wells to serve new construction shall be permitted provided: a) the community or mutual system is unable or unwilling to provide service, or, b) the distribution system improvements are physically and/or economically unfeasible to construct to the site. Additionally, wells or water sources shall

be at least 100 feet from property lines or, a finding shall be made that no development constraints are placed on neighboring properties.

LCP Unit II:

Amend Policy 2(a), page 187 to read as follows:

- 2(a) Type of service. Except as provided herein, new development, including land divisions, outside the service area of a community or mutual water system may utilize individual wells or other private on-site water sources. Within the Inverness Planning Area, individual wells should not be allowed on parcels less than 2.8 acres in size. Exceptions to the 2.8 acre lot size limitation may be granted pursuant to the issuance of a Coastal Permit. In addition to the findings of Chapters 22.56 and 22.86, the applicant must demonstrate to the satisfaction of the Health Officer that a well can be developed on the substandard size parcel in a completely safe and sanitary manner. Within the service area of a community or mutual water system, the use of individual domestic water wells for new development shall be permitted provided: a) the community or mutual water system is unable or unwilling to provide service; or, b) the physical distribution improvements are economically or physically infeasible to extend to the proposed project site. Additionally, wells or water sources shall be at least 100 feet from property lines or, a finding shall be made that no development constraints are placed on neighboring properties. Within the Inverness Public Utility District (IPUD), individual wells for domestic use should not be permitted in the same watershed, at an elevation higher than the IPUD surface water sources existing as of June 14, 1983. All new development shall be required to incorporate low flow water fixtures and other water-saving devices.

PASSED AND ADOPTED by the Marin County Board of Supervisors at its regular meeting held on the 14th day of June 1983 by the following vote, to wit:

AYES: SUPERVISORS Gary Giacomini, Harold Brown, Al Aramburu, Bob Roumiguere
NOES: SUPERVISORS -
ABSENT: SUPERVISORS Bob Stockwell

Bob Roumiguere

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST:

Van Gillespie

CLERK

BOARD OF SUPERVISORS OF THE COUNTY OF MARIN

RESOLUTION NO. 83-349

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN,
STATE OF CALIFORNIA TO ADOPT AMENDMENT TO LCP II

WHEREAS, the County of Marin has a certified Land Use Plan for the Coastal Zone of Marin County, and

WHEREAS, the County has assumed permit authority in the Coastal Zone of Marin County, and

WHEREAS, the Marin County Board of Supervisors held a duly noticed public hearing on August 16, 1983, on a proposed LCP II Amendment, and

WHEREAS, the Marin County Board of Supervisors finds that:

1. Access to public lands will not be impaired by the proposed project.
2. Conditions of approval will protect natural resources from adverse impacts from this project. There are no wetlands or riparian sites affected by this project.
3. Water will be provided by IPUD and sewage disposal will be by individual septic systems subject to Regional Water Quality Control Board Guidelines.
4. The soils report indicates the development will not be at risk with respect to soils or earthquake hazards.
5. The property is zoned Planned District so the visual quality of future development will be ensured through the review process.
6. The LCP Geological Hazards Map indicates that the project does not lie within a hazardous zone.
7. The LCP Natural Resources Map indicates that the project does not lie within a rare and endangered species zone.
8. The Archeological Map for the Inverness area indicates low probability that an archeological site exists in the vicinity.

WHEREAS, the Marin County Board of Supervisors finds that the public necessity, convenience and general welfare do require these amendments to the LCP II.

NOW, THEREFORE, BE IT RESOLVED, that the Marin County Board of Supervisors hereby recommends adoption of the amendment to the LCP II as set forth herein:

LCP Unit II: The Plan is hereby amended to permit a density of one dwelling per two acres on the Kehoe/Brown parcels, A.P. #'s 112-330-03,04, in Inverness.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin, State of California, on the 16th day of August, 1983 by the following vote, to-wit:

AYES: SUPERVISORS Gary Giacomini, Al Aramburu, Bob Roumiguere

NOES: SUPERVISORS -

ABSENT: SUPERVISORS Harold C. Brown, Jr., Bob Stockwell

Bob Roumiguere

CHAIRMAN OF THE BOARD OF SUPERVISORS
COUNTY OF MARIN

ATTEST:

Van Gillespie

Van Gillespie
Clerk of the Board

BOARD OF SUPERVISORS OF THE COUNTY OF MARIN

RESOLUTION NO. 84-5

WHEREAS, the Unit I Local Coastal Plan (LCP) for Marin County was certified by the State Coastal Commission on April 1, 1983, and

WHEREAS, the LCP contains specific policies relating to the development of the Seadrift Subdivision in Stinson Beach, and

WHEREAS, the County of Marin has been involved in litigation with various parties concerning the use and development of certain lots in the Seadrift Subdivision, and

WHEREAS, the County and the plaintiffs in said litigation have been negotiating toward the settlement of said litigation and have now arrived at a tentative agreement, subject to the approval of the Marin County Board of Supervisors and further, subject to specific terms and conditions, and

WHEREAS, the specific terms and conditions of the tentative agreement require the amendment of the Unit I LCP, and

WHEREAS, the Marin County Planning Commission held a duly noticed public hearing on the proposed LCP amendments on September 26, 1983, November 7, 1983, and December 19, 1983, and recommended approval of said amendments, and

WHEREAS, the Board of Supervisors finds that the proposed amendments would result in a substantial reduction in the number of subdivided lots in the Seadrift Subdivision, and

WHEREAS, the Board of Supervisors finds that the public necessity, convenience and general welfare do require these amendments to the LCP.

NOW, THEREFORE, BE IT RESOLVED that the Marin County Board of Supervisors hereby adopts the amendments to the LCP Unit I amendments contained herein:

Policy 36, Page 81:

Amend areas 2 and 4 to read:

Area 2: Those lots generally between Seadrift Lagoon and Seadrift Road (total lots: 94, Separation of areas 2 and 4 occurs at lot lines between AP #195-320-19 and 195-320-57 and AP #195-051-24 and 195-051-23).

Area 4: Those lots fronting on Dipsea Road (total lots: 109). Area 4 is further divided into areas 4A and 4B with the division occurring between parcels AP #195-070-07 and 195-070-08.

Amend 36d to read:

36. d. Area 4. Except as noted herein, properties in area 4 shall be rezoned from the existing 75,000 square foot minimum parcel size to a 112,500 square foot (2.5 acre) minimum parcel size. Contiguous properties under the same ownership shall be merged to create building sites totalling up to this lot size, where possible. This Policy shall be implemented by means of a master plan zoning district.

Based upon a Memorandum of Understanding for the settlement of litigation between the County and, Steven Wisenbaker and the William Kent Estate Company, dated July 12, 1983, the portions of area four (4) listed below shall be subject to the following policies:

1. All of the lots listed herein shall be subject to master plan approval pursuant to Chapter 22.45. Any master plan approval shall include all of the lots listed herein and, be subject to all of the policies contained herein;
2. Lot 201 of Seadrift Lagoon Subdivision No. 2 shall be designated as a non-building site in the master plan. This lot may be combined with an adjacent developed lot or developable lot; however, the resultant combined lot shall be used as a single lot. A lot line adjustment application pursuant to Title 20 of Marin County Code shall be required to accomplish the combining of a non-buildable lot with a developable lot.
3. Lots 167 through 175 of Seadrift Lagoon Subdivision No. 2 shall be consolidated into seven (7) building sites in the master plan. These lots shall be rezoned to C-RSPS-4.5;
4. Lots 95 through 97 of Seadrift Lagoon Subdivision No. 1 and lots 98 through 102 of Seadrift Lagoon No. 2 shall be consolidated into a maximum of five (5) lots in the master plan. These lots shall be rezoned to C-RSPS-3.5;
5. Lots 104 through 145 of Seadrift Lagoon Subdivision No. 2 shall be consolidated into 32 building sites in the master plan. These lots shall be rezoned to C-RSPS 4.39;
6. Lots 186 and 187 shall be consolidated into one (1) building site in the master plan;
7. The consolidation of all lots shall be accomplished via a tentative and final subdivision map pursuant to Title 20 of Marin County Code;
8. The master plan and tentative map approvals shall provide for a mechanism whereby all of the lots included in the master plan shall be assessed an appropriate share of the cost of developing the proposed access over the old causeway. The appropriate share shall be based upon a consideration of all of the lots that will benefit from the proposed access;

9. The master plan and tentative map approvals shall provide that the front property line for lots abutting Dipsea Road shall not be considered property lines for the purposes of establishing setbacks for leach field areas, so that the private road right-of-way or portions thereof may be used for leach field areas for lots abutting that private roadway. Additionally, the owners of such lots shall retain the right to cross the private right-of-way to the unsubdivided parcel for the installation of leach field areas. This may only be done in a manner consistent with Marin County Code 18.06 and "Septic Tank and Leach Field Waivers" dated November 27, 1978, Marin County Department of Public Works. The use of the private road right-of-way and/or the unsubdivided parcel for the installation of leach fields shall only occur if: a) each lot or user has a discrete sewage disposal system b) each lot or user has a recorded easement over the necessary portion of the unsubdivided parcel, and c) no leach fields are located within 100 feet of the mean high tide line of the Bolinas Lagoon.

PASSED AND ADOPTED by the Marin County Board of Supervisors at its regular meeting held on the 3rd day of January, 1984 by the following vote, to wit:

AYES: SUPERVISORS: Bob Stockwell, Gary Giacomini, Harold C. Brown, Al Aramburu

NOES: SUPERVISORS: -

ABSENT: SUPERVISORS: Bob Roumiguere


CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST:



Van Gillespie
Clerk of the Board

RESOLUTION NUMBER 84-72

A RESOLUTION OF THE MARIN COUNTY BOARD OF SUPERVISORS
AMENDING THE MARIN COUNTY UNIT II
LOCAL COASTAL PROGRAM AS IT RELATES TO PUBLIC
ACCESS IN THE VICINITY OF CHICKEN RANCH BEACH, INVERNESS

WHEREAS, during review of the Revised Inverness Ridge Communities Plan, members of the community requested that the Marin County Planning Commission and Board of Supervisors modify and amend the existing language contained within the Unit II Local Coastal Program as it related to public access on privately owned property in the vicinity of Chick Ranch Beach, Inverness, and

WHEREAS, the Planning Commission did recommend revisions to the existing language found on Page 15 of the Unit II LCP which presently states: "LCP recommendations: Agricultural use of the public trust portion of AP #112-042-03, included in the offered easement, should be permitted to continue until such time as the public access offer is accepted and opened for public use", and

WHEREAS, during final consideration of the Revised Community Plan the Board of Supervisors gave further consideration to the recommended revised language at a public hearing attended by the owners of the property encumbered by the public use easement, and

WHEREAS, after due consideration and deliberation the Board of Supervisors adopted the following further revised language for the above noted section: "Agricultural use of the public trust portion of A.P. #112-042-03, included in the accepted easement, should be permitted to continue until such time as the public easement is opened for public use as determined by the County Director of Parks and Recreation", and

WHEREAS, proper legal notice to effect such a proposed amendment to the Unit II Local Coastal Program had not been given prior to taking action on the suggested amendment, and

WHEREAS, public notice advising of the intent of the County to amend that particular section of the Unit II Local Coastal Program has now been provided and the Planning Commission has conducted an additional public hearing to consider such an amendment,

SO, THEREFORE, BE IT RESOLVED by the Marin County Board of Supervisors that the language previously tentatively accepted by the Board of Supervisors be formally adopted and recommended for ratification by the State Coastal Commission.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin, State of California, on the 14th of February 1984, by the following vote to-wit:

AYES: SUPERVISORS Bob Stockwell, Gary Giacomini, Harold Brown, Al Aramburu

NOES: -

ABSENT: SUPERVISOR Bob Roumiguere



CHAIRMAN OF THE BOARD OF SUPERVISORS
COUNTY OF MARIN

ATTEST:



Van Gillespie
Clerk of the Board

BOARD OF SUPERVISORS OF THE COUNTY OF MARIN

RESOLUTION NO. 84-146

WHEREAS, the Unit I Local Coastal Plan (LCP) for Marin County was certified by the State Coastal Commission on April 1, 1980, and

WHEREAS, the LCP contains specific policies relating to the development of the Seadrift Subdivision in Stinson Beach, and

WHEREAS, the County of Marin has been involved in litigation with various parties concerning the use and development of certain lots in the Seadrift Subdivision, and

WHEREAS, the County and the plaintiffs in said litigation have been negotiating toward the settlement of said litigation and have now arrived at a tentative agreement, subject to the approval of the Marin County Board of Supervisors and further, subject to specific terms and conditions, and

WHEREAS, the specific terms and conditions of the tentative agreement require the amendment of the Unit I LCP, and

WHEREAS, the Marin County Planning Commission held a duly noticed public hearing on the proposed LCP amendments on September 26, 1983, November 7, 1983, and December 19, 1983, and the Marin County Board of Supervisors held a duly noticed public hearing on said amendments on January 3, 1984, and

WHEREAS, the California Coastal Commission held a duly noticed public hearings on January 25, 1984 and March 14, 1984 on the proposed amendments, and

WHEREAS, the California Coastal Commission approved said amendments conditioned in the County's favorable consideration of an additional amendment providing for emergency egress for the Seadrift beach and consideration by the Stinson County Water Board of septic permits in area 4 of Seadrift, and

WHEREAS, the Marin County Planning Commission in reviewing the Coastal Commissions proposed amendments has found that the public health and safety will be substantially benefited by having provisions in the LCP Unit I emergency egress in times of high tide and by having local review of septic permits.

NOW, THEREFORE, BE IT RESOLVED that the Marin County Board of Supervisors hereby adopts the LCP Unit I amendments contained herein:

Policy 33, Page 80: "Access Program" shall be revised to include:

"To provide emergency pedestrian egress from the beach and the Seadrift subdivisions, landowners possessing an interest in the roads, including the right to preclude the public from using the roads, in Seadrift shall record an agreement allowing the public emergency egress during periods of highwater or high tides when the beach is impassable. The County shall cause signing of such emergency access opportunity along the Seadrift Spit. Signs should be placed near the public use area along the Seadrift Spit. Signs should be placed near the public use area at Walla Vista adjacent to Seadrift beach and the northwest end of the Seadrift Spit. The County shall request input from the Seadrift Property Owners Association and the Village Association regarding the exact wording of the signs. The County will through applications for new development ensure emergency

vertical egress from the beach to Seadrift Road at the northwest end of the beach and other locations found appropriate."

Policy 36d Subsection ^a8: "Septic Systems" shall be revised to include this phrase to the end of sentence 5.

"... and after an opportunity for review and comment has been provided to the Stinson Beach County Water Board."

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin, State of California, on the 26th day of March, 1984, by the following vote, to-wit:

AYES: Supervisors: Bob Stockwell, Gary Giacomini, Harold Brown, Al Aramburu

NOES: Supervisors: -

ABSENT: Supervisors: Bob Roumiguere



CHAIRMAN OF THE BOARD OF SUPERVISORS
COUNTY OF MARIN

ATTEST:



Van Gillespie
Clerk of the Board

BOARD OF SUPERVISORS OF THE COUNTY OF MARIN

RESOLUTION NO 84-491

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN,
STATE OF CALIFORNIA TO ADOPT AMENDMENT TO LCP II

WHEREAS, the County of Marin has a certified Land Use Plan for the Coastal Zone of Marin County,
and

WHEREAS, the County has assumed permit authority in the Coastal Zone of Marin County, and

WHEREAS, the Marin County Board of Supervisors held a duly noticed public hearing on October 9,
1984, on a proposed LCP II Amendment, and

WHEREAS, the Marin County Board of Supervisors finds that:

1. Access to public lands will not be impaired by the proposed project.
2. Conditions of approval will protect natural resources from adverse impacts from this project.
3. Water will be provided by North Marin County Water District and sewage disposal will be by individual septic systems subject to Regional Water Quality Control Board Guidelines.
4. The LCP Natural Resources Map indicates that the project does not lie within a rare and endangered species zone.
5. The site is not designated for public access, and is not known to have rare biotic species.

WHEREAS, the Marin County Board of Supervisors finds that the public necessity, convenience and general welfare do require this amendment to the LCP II.

NOW, THEREFORE, BE IT RESOLVED, that the Marin County Board of Supervisors hereby recommends that the California Coastal Commission approve the McCarthy Local Coastal Plan Amendment.

LCP Unit II: The Plan is hereby amended to permit a density of one dwelling per five acres on the McCarthy parcel, Assessor's Parcel No. 166-020-35 in Inverness within zoning of C-RSP-.20.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin, State of California, on the 8th day of October, 1984, by the following vote to-wit:

AYES: Supervisors: Bob Stockwell, Gary Giacomini, Bob Roumiguere, Al Aramburu

NOES: Supervisors: -

ABSENT: Supervisors: Harold Brown

ATTEST

Van Gillespie



CHAIRMAN OF THE BOARD OF SUPERVISORS
COUNTY OF MARIN

Van Gillespie
Clerk of the Board

MARIN COUNTY BOARD OF SUPERVISORS

RESOLUTION NO. 84-564

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN
AMENDING THE BOLINAS COMMUNITY PLAN AND THE UNIT I LOCAL COASTAL PLAN

WHEREAS, the Marin County Board of Supervisors adopted the Bolinas Community Plan (BCP) on December 9, 1975 and the Local Coastal Plan (LCP) Unit I on August 21, 1979, and

WHEREAS, both the BCP and the LCP Unit I contain policies recommending the development of a land use plan for the gridded mesa area of Bolinas, and

WHEREAS, after conduct of a duly noticed public hearing the Marin County Planning Commission has recommended to the Board of Supervisors the adoption of the Bolinas Gridded Mesa Plan, and

WHEREAS, the policies of the Gridded Mesa Plan should be incorporated into the appropriate sections of the BCP and the LCP Unit I, and

WHEREAS, the Marin County Board of Supervisors held a duly noticed public hearing on the proposal to adopt the Gridded Mesa Plan as an amendment to the BCP and the Unit I LCP, and

WHEREAS, the Marin County Board of Supervisors finds that the public necessity, convenience and general welfare do require these amendments to the Bolinas Community Plan, and the Unit I LCP.

WHEREAS, the Marin County Board of Supervisors has considered the potential for environmental impacts and has concluded that a Negative Declaration of Environmental Impact be adopted.


NOW, THEREFORE, BE IT RESOLVED that the Marin County Board of Supervisors hereby adopts the Bolinas Gridded Mesa Plan as an amendment to the Bolinas Community Plan and the Unit I LCP. Specific amendments are detailed in the attached Exhibits labelled Exhibit "B" incorporated herein by reference.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin, State of California, on the 27th day of November, 1984, by the following vote to-wit:

AYES: Supervisors Bob Stockwell, Gary Giacomini, Harold Brown, Al Aramburu

NOES: Supervisors -

ABSENT: Supervisors Bob Roumiguere



CHAIRMAN OF THE BOARD OF SUPERVISORS
COUNTY OF MARIN

ATTEST:



Van Gillespie
Clerk of the Board

EXHIBIT "B"

Replace Pages 77-78 (Location and Density of New Development) of LCP Unit I with the following:

Bolinas

The Bolinas Gridded Mesa Plan was subdivided in 1927 into more than 5,400 two thousand square foot lots, which were sold for \$69.50 each to persons who subscribed to the San Francisco Bulletin. Since the original subdivision, some parcels have been consolidated into larger lots, while many remain their original size. Some 384 dwellings have been built on parcels of varying size. In 1976, the Mesa was rezoned to R-A:B-2 (10,000 square foot minimum lot size) to conform with the policies of the Community Plan. However, all parcels are considered to have development potential due to the fact that they have been subdivided since 1927 and are considered exceptions to Title 22 of the Marin County Code. In 1984, the Bolinas Gridded Mesa Plan was adopted by the County as an amendment to the Bolinas Community Plan. This Plan identified a residential development potential of approximately 75 units. The Gridded Mesa Plan includes three zoning designations; C-R-A-B2, C-R-A-B3 and C-R-A-B4. These zones are based on the capacity of the soils to accept on-site disposal systems. The three zones require minimum parcel sizes of 10,000 square feet, 20,000 square feet and 40,000 square feet respectively.

The Mesa is provided water service by the Bolinas Community Public Utility District. That District has had a moratorium on new water meter connection since 1971; since then a few homes have been built with wells. Waste disposal on the Mesa is by septic system. Existing older systems on lots of less than 6,000 square feet (larger in certain geologic and topographic circumstances) do not meet current County requirements for septic systems and may, therefore, be a hazard to the Mesa's groundwater. The street network in the Mesa (the "grid") is unpaved, except for Elm Avenue Overlook and parts of Ocean Parkway, and suffers from poor drainage.

The problems of the Mesa are hidden by the limited development resulting from the water moratorium. Many existing vacant lots may be effectively unbuildable because they cannot meet the County septic tank requirements. Still other lots may be too close to the bluffs which are experiencing erosion at a fairly rapid rate or are in or adjacent to the major drainageways. The problems of bluff erosion are described in Chapter II. The conditions of the existing good network makes access to most of the undeveloped parcels difficult. The 1984 Gridded Mesa Plan includes a program to prepare a circulation plan for the Mesa which will address the problems caused by limited access.

The County zoning of the Gridded Mesa was determined during preparation of the Bolinas Gridded Mesa Plan and is based on the 1983 report "Bolinas Mesa On-Site Wastewater Disposal Investigation" prepared by Questa Engineering Corporation. Buildout under this zoning does not seem to threaten the ability of Mesa Road to serve the Palomarin Trailhead. Table 5 summarizes potential buildout that would be allowed under this LCP.

Zoning is not a total answer to the problems of the Gridded Mesa, which includes lots lying within the bluff erosion area; potentially inadequate septic systems on legal, substandard lots; and the inadequate street system. It may also prove to be inadequate to deal with future cumulative septic tank impacts on small lots and the relation of the Mesa to the new park lands. For these reasons, the County identifies the Gridded Mesa

as an area requiring public action to resolve existing development problems. This identification is necessary to make the Mesa eligible for restoration funding by the State Coastal Conservancy (Section 31201 of the Public Resources Code), or a similar public or private body. Any restoration proposal for the Mesa should include the study of bluff erosion, the cumulative impacts of septic systems on the Mesa, the possibility of including low income housing, coastal access, and the ability of public facilities to support the new development.

Table 5

<u>Use</u>	<u>Sub Area</u>	<u>Acres</u>	<u>Existing Dwellings July 1974</u>	<u>Additional Dwellings Possible</u>	<u>Total Dwellings Possible</u>
Agriculture and Open Space	Rural Area	2,675	17	64	81
	Dogtown	69	7	11	18
	Horseshoe Flat	280	9	29	58
	Gospel Flat	168	9	15	24
Single-family Residential and Commercial	Downtown				
	Wharf & Brighton	30	68	15	83
	Roads	54	53	33	86
	Terrace Avenue	32	35	48	83
	Little Mesa	326	384	75 *	459
Total		<u>3,634</u>	<u>602</u>	<u>290</u>	<u>892</u>

* Estimate based on remaining undeveloped lot pattern, 10,000 - 40,000 square feet minimum site size, legal non-conforming lots, remaining and probable effects of slope, cliff erosion, drainage pattern and other environmental policies--without redevelopment.

Non-Community Plan Areas

Lands outside the three villages are all in public ownership, with the exception of Audubon Canyon Ranch. All of these lands, including the Ranch, are designated Open Area for LCP land use purposes.

Replace Policy 40, Page 86 (Location and Density of New Development), LCP Unit I with:

40. Redevelopment/rehabilitation of existing structures and new construction on the Bolinas Gridded Mesa shall be permitted in accordance with the adopted policies of the Bolinas Gridded Mesa Plan (adopted by the Marin County Board of Supervisors on November 27, 1984).

MARIN COUNTY BOARD OF SUPERVISORS

RESOLUTION NO. 87-360

A RESOLUTION OF THE BOARD OF SUPERVISORS APPROVING
LOCAL COASTAL PLAN AMENDMENTS TO ADD LCP TEXT AND TO REZONE
VARIOUS ASSESSOR'S PARCELS IN THE COASTAL ZONE IN ACCORDANCE
WITH THE RECOMMENDATIONS OF THE EAST SHORE COMMUNITY PLAN
EXHIBIT 'C'

* * * * *

- I. WHEREAS the Marin County Board of Supervisors held a duly noticed public hearing to consider amendments to the Local Coastal Plan Unit II and rezonings on June 2, 1987, and October 13, 1987 and
- II. WHEREAS the California Coastal Commission unanimously approved the Local Coastal Plan Unit II Amendments on September 8, 1987, and
- III. WHEREAS the Marin County Board of Supervisors finds that the Planning Commission held a duly noticed public hearing to consider the East Shore Community Plan, Goals, Objectives, Policies, Programs, Recommendations and Rezonings on April 7, 1987, and
- IV. WHEREAS the Board of Supervisors finds that the East Shore Community Plan and rezonings are internally consistent and consistent with Local Coastal Plan, and
- V. WHEREAS the Board of Supervisors finds that the East Shore Community Plan and rezonings maintain a balance of local and visitor serving facilities in the Coastal Zone and do not significantly modify the priority given to visitor serving uses, and
- VI. WHEREAS the Board of Supervisors finds that the East Shore Community Plan, rezonings and Local Coastal Plan Amendment will not result in significant environmental impacts to the environment and a Negative Declaration of environmental impact is hereby approved, and
- VII. WHEREAS the Board of Supervisors finds that an amendment to the Local Coastal Plan and Title 22 Zoning Code within the Local Coastal Plan area is necessary to implement the recommendation of the East Shore Community Plan, and
- VIII. WHEREAS the Board of Supervisors finds that proposed rezonings and Coastal Plan Amendment are necessary to preserve the existing residential/commercial mixed use in the Marshall and Post Office/Marshall Boatworks area and to allow processing of mariculture products in the Northshore Boats area, and
- IX. WHEREAS the Board of Supervisors finds that the goals of the plan to protect the existing environmental quality of the East Shore Community while carefully planning for a moderate amount of new development are appropriate given the existing environmental factors and development trends.

NOW THEREFORE, BE IT RESOLVED that the Marin County Board of Supervisors hereby approves the following text amendments to the Local Coastal Plan Unit II as set forth herein:

1. On page 48, section (e), amend as follows:

Areas with expansion potential include the property known as Jensen's Oyster Beds, Nick's cove, Synanon, and Marconi Cove Marina. The town of Marshall and the Marshall Boatworks are recommended for local serving and limited visitor serving facilities allowed by C-VCR zoning.

2. On page 48, section (3), amend as follows:

(3) Marshall. Existing commercial zoning in Marshall, C-1-H, shall be changed to a planned commercial district so that future expansions or developments are subject to master plan review. Existing commercial zoning in Marshall, C-CP, shall be changed to C-VCR to maintain and encourage the present residential/commercial mixed use and to encourage locally serving commercial uses.

3. On page 49, section (3), amend as follows:

Commercial zoning on A.P. #106-40-03, a parcel sited amidst residential uses, shall be changed to a planned residential district.

(3) (b) Marshall Boatworks. The Marshall Boatworks/Post Office area shall be rezoned from C-VCR with the Boatworks as a permitted use. This will encourage continuation of this area as a residential/commercial mixed use while supporting its potential as a community activity center and gathering place.

- 4) On page 215, amend section e. (2) as follows:

Changes in commercial land use and zoning as specified in LCP Policy 3 (e) on Recreation and Visitor-Serving Facilities, page 48, shall be adopted. In addition, the Marshall Boatworks and North Shore Boats shall be rezoned A-2 to RCR.

THEREFORE, that the Marin County Board of Supervisors hereby further approves the Local Coastal Plan Unit II amendment consisting of the following Title 22 Zoning Code amendments within the coastal zone:

<u>Assessor's Parcel</u>	<u>Location</u>	<u>Existing Zoning</u>	<u>Proposed Zoning</u>
104-170-23	N. Shore Boats	C-RSP-0.5	C-ARP-2
106-010-02	Marshall	C-CP	C-VCR
106-010-03	Marshall	C-CP	C-VCR
106-010-05	Marshall	C-CP	C-VCR
106-010-06	Marshall	C-CP	C-VCR
106-010-07	Marshall	C-CP	C-VCR
106-010-08	Marshall	C-CP	C-VCR
106-010-09	Marshall	C-CP	C-VCR
106-010-10	Marshall	C-CP	C-VCR
106-010-11	Marshall	C-CP	C-VCR
106-020-01	Marshall	C-CP	C-VCR
106-020-14	Marshall	C-CP	C-VCR
106-020-27	Marshall	C-CP	C-VCR
106-020-34	Marshall	C-CP	C-VCR
106-020-35	Marshall	C-CP	C-VCR
106-020-36	Marshall	C-CP	C-VCR
106-050-01	Post Office/Boatworks	C-ARP-2	C-VCR
106-050-02	Post Office/Boatworks	C-ARP-2	C-VCR
106-050-11	Post Office/Boatworks	C-RCR	C-VCR
106-050-12	Post Office/Boatworks	C-RCR	C-VCR

Definition of Zoning:

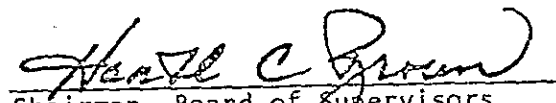
C-RSP-0.5 = Coastal Residential Single Family Planned
C-CP = Coastal Commercial Planned
C-RCR = Coastal Resort Commercial Recreation
C-ARP-2 = Coastal Agricultural Residential Planned (2 acres/unit)
C-VCR = Coastal Village Commercial

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin, State of California, on the 13th day of Oct., 1987, by the following vote to wit:

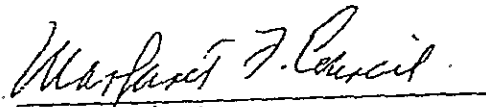
AYES: Supervisors: Al Aramburu, Bob Stockwell, Bob Roumiguere, Harold Brown

NOES: Supervisors: None

ABSENT: Supervisors: Gary Giacomini


Chairman, Board of Supervisors

Attest:


Clerk

MARIN COUNTY BOARD OF SUPERVISORS

RESOLUTION NO. 88-333

A RESOLUTION OF THE BOARD OF SUPERVISORS DECLARING ITS
INTENT TO ADOPT A RESOLUTION TO APPROVE
AMENDMENTS TO THE LOCAL COASTAL PROGRAM UNIT 2,
IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE
DILLON BEACH COMMUNITY PLAN

- I. WHEREAS the Planning Commission held noticed public hearings to consider the Dillon Beach Community Plan (Plan) and amendments to the Local Coastal Program, Unit 2, (LCP) on September 7, 1988, and November 28, 1988; and
- II. WHEREAS the Board of Supervisors conducted a noticed public hearing on the Plan and amendments to the LCP on December 20, 1988; and
- III. WHEREAS the Board of Supervisors finds that the amendments to the LCP will not result in significant adverse environmental impacts and a Final Environmental Impact Report for the Plan and amendments to the LCP has been certified; and
- IV. WHEREAS the Board of Supervisors finds that amendments to the LCP are necessary to preserve and maintain the coastal village character of the community, ensure safe and environmentally-sound development, and update the LCP; and
- V. WHEREAS the Board of Supervisors finds that the amendments to the LCP to protect the existing environmental quality of the Dillon Beach Planning Area while carefully planning for a moderate amount of new development in keeping with the coastal village character of the community is appropriate given existing development patterns, the policies of the Marin Countywide Plan and Local Coastal Program, Unit 2, environmental characteristics of the area, and desires of the community; and
- VI. WHEREAS the County of Marin will issue Coastal Development Permits consistent with the Local Coastal Program, Unit 2, in a manner fully consistent with the California Coastal Act;

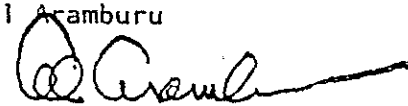
NOW, THEREFORE, BE IT RESOLVED that the Marin County Board of Supervisors hereby declares its intent to adopt amendments to the Local Coastal Program, Unit 2 as shown in Attachment 1, subject to final review and approval by the California Coastal Commission.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin, State of California, on the 20th day of December, 1988, by the following vote, to wit:

AYES: SUPERVISORS Gary Giacomini, Bob Stockwell, Al Aramburu

NOES: None

ABSENT: SUPERVISORS Harold Brown, Bob Roumiguere



CHAIRMAN OF THE BOARD OF SUPERVISORS
COUNTY OF MARIN

ATTEST:



MARGARET COUNCIL, Clerk of the Board

attachment

ATTACHMENT 1:

AMENDMENTS TO THE LOCAL COASTAL PROGRAM UNIT 2,
IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE
DILLON BEACH COMMUNITY PLAN

Existing text and amendments are shown side-by-side.
Existing text is on the left; amendments are on the right.

Deleted text is crossed-out; additions are underlined.

88-333

Attachment to Marin County Board of Supervisors Resolution No. ~~2989~~ : A Resolution
of the Board of Supervisors Declaring its Intent to Adopt A Resolution to Approve
Amendments to the Local Coastal Program Unit 2, in Accordance with the
Recommendations of the Dillon Beach Community Plan (December 20, 1988)

I. PUBLIC ACCESS AND RECREATION

PUBLIC ACCESS

- c. North of Walker Creek. Recommendations for the area north of Walker Creek are listed from south to north in two segments.

(1) Location: Walker Creek to Dillon Beach.

Description: This area includes extensive agricultural holdings and the popular recreational areas at Lawson's Landing and Dillon Beach. Public access is available to and along the shoreline north of Tom's Point for recreational clamming, boating, fishing, and walking. Public use south of Tom's Point is less but the shoreline is suitable for walking. There are several small marshes in the vicinity of the Point and three large oyster allotments offshore. An offer of dedication of a lateral easement was required as a condition of coastal permit approval by the Regional Coastal Commission on AP #104-040-25.

LCP recommendations: The offered easement on AP #104-040-25 should be accepted and opened to the public.

Lateral access shall be required on all undeveloped parcels on the shoreline between Dillon Beach, AP #100-100-46, and the Walker Creek delta, AP #104-040-03.

(2) Location: Dillon Beach to Estero Americano.

Description: The Oceana Marina subdivision is located immediately north of the ~~community of~~ Dillon Beach. There is public use of the shoreline in this area; however, low bluffs make access somewhat difficult. North of the subdivision, the terrain becomes quite steep and vertical access to the water is not possible except in a few places. High coastal bluffs offer impressive views of the ocean and the Esteros. Public pedestrian use has been made of an existing dirt road to reach the Estero de San Antonio. North of this Estero, the land is quite inaccessible.

LCP page 22: replace strike-out with:
village area in

LCP recommendations: Lateral and/or bluff top access easements shall be required on all parcels north of AP #100-100-46 at Dillon Beach. ^{insert}

LCP page 22: Insert underlined words: parcels including and north of

Vertical access shall be provided on AP #100-100-30, adjacent to the Oceana Marin subdivision.

Public pedestrian access to the Estero de San Antonio shall be maintained on the existing dirt road through AP #100-100-57 and 100-040-33.

RECREATION AND VISITOR-SERVING FACILITIES

Private recreational facilities.

There are relatively few privately owned areas offering recreational opportunities to the public in the Unit II coastal zone. The major private facilities are Lawson's Landing, north of Tomales Bay, and the Olema Ranch Campground in Olema. Four sites on Tomales Bay have facilities for small boat launching, while two areas allow beach use, nature study, and wildlife observation.

LAWSON'S DILLON BEACH RESORT/LAWSON'S LANDING

The Lawson ~~resort~~ complexes near Dillon Beach include approximately 20 to 40 acres of developed facilities as well as extensive sandy beach and dune areas. The resorts offer unique opportunities for clamming, boating, fishing, and walking in a very scenic and striking setting. In addition, the largest concentration of overnight accommodations in Unit II is located at Lawson's Landing on Sand Point: 46 campsites and 231 trailer and RV spaces. The number of informal campsites often greatly exceeds the existing spaces, a situation which has created sewage disposal problems in the past. At Lawson's Dillon Beach Resort, located just south of the town of Dillon Beach and owned by another Lawson family, day use of the beach and parking are available for a small fee. Overnight accommodations in this location consist of 25 trailer spaces ~~and four cottages~~. The trailer spaces are usually rented a full year at a time.

LCP page 29: delete "resort" and "and four cottages".

There are currently 688 overnight accommodations in the coastal zone: 331 trailer/RV spaces, 235 campsites, 82 motel/hotel/ B & B rooms, and 40 hostel beds. The majority of accommodations are supplied by the private sector. As noted earlier, public parks provide only 46 campsites and one hostel, for an average of 1 campsite per 1500 acres of public open space. Most private campsites are located at the northern and southern ends of the Unit II coastal zone, at Lawson's Landing and the Olema Ranch Campground. Marconi Cove Marina also has a limited number of campsites adjacent to its parking lot. The remaining overnight accommodations, motel/hotel/B & B rooms, are found on the Inverness Ridge, with the exception of a small guest house in Tomales, ~~and a few cottages in Dillon Beach~~. Inverness Ridge offers a total of 70 motel/hotel/B & B rooms in five different locations. One of the motels, the Inverness Valley Inn, has an approved permit to expand its present 9 units to 30 units.

(Table not shown.)

LCP page 30: delete "and a few cottages in Dillon Beach".

LCP page 31, Table 4: delete reference to "4" rooms for Lawson's Dillon Beach Resort, and correct total for "Hotel/Motel/Bed and Breakfast (B & B) rooms" from "82" to 78.

As the table shows, the seven commercial zones cover ~~approximately 230 acres of land, almost one-half of which is in Olema. There are a total of 171 commercial parcels, with 120 developed and 51 undeveloped.~~ The percentage of developed parcels in the communities ranges from a low of 57% in Tomales to 100% in Dillon Beach. Several factors affect the accuracy of these numbers, however, and should be kept in mind. Not all of the developed parcels are developed with commercial uses - approximately 25% are residential, as permitted in the VCR zone. Similarly, several existing commercial uses are sited on lands zoned for agricultural or residential use. In either case, the existing use could be converted to something else, adding to or subtracting from the total commercial pool. The numbers also do not reflect parcels which could be created by land division or the potential for new or expanded development on already developed parcels, such as ~~Lawson's Landing and Marconi Cove Marina~~. Both these factors would indicate that more parcels could be made available for commercial development than indicated.

LCP page 35, replace words with strike-out with the following corrections: approximately 530 acres of land, of which more than one-half is in Dillon Beach. There are a total of 176 commercial parcels, with 124 developed and 52 undeveloped. Delete "Lawson's Landing and".

(Table not shown.)

LCP page 36, Table 6: correct figures for Dillon Beach and a few figures and footnotes as follows:

RCR	<u>280 acres</u>	<u>2 parcels</u>	<u>0 parcels</u>	<u>2 parcels</u>	<u>100%</u>
RMPC	<u>33</u>	<u>3</u>	<u>0</u>	<u>3</u>	
TOTALS	<u>535</u>	<u>124</u>	<u>51</u>	<u>175</u>	<u>71%</u>

Footnote (2) to column-heading "# Parcels": (2) Except for Point Reyes Station and Tomales, number of parcels was determined by ownership, rather than individual assessor's parcels.

Footnote (3) to column-heading "% Commercial parcels developed": (3) Note this does not reflect potential for new or expanded development on individual parcels.

DILLON BEACH/OCEANA MARIN

~~The only commercial zoning the Dillon Beach area, including Lawson's Landing, is 9.5 acres of RCR in the center and on the west side of the village. The property consists largely of sandy beach and dunes and is developed with a parking area, restrooms, store, and trailer sites. The zoning was adopted about 15 years ago. Lawson's Landing, located on Sand Point to the south, is currently zoned A-60.~~

~~The Countywide Plan has no comment on additional visitor-serving facilities in the Dillon Beach area. The Coastal Pilot Program recommends a small 23-unit motel or cabins at Lawson's Dillon Beach Resort (the village area zoned RCR) and an expansion of campsites, RV spaces, and trailers at Lawson's Landing (the Sand Point area zoned A-60). The Interpretive Guidelines of the Regional Coastal Commission recommend moderate expansion of visitor-serving facilities at Lawson's Landing. The Guidelines give priority to development proposals that would maintain Lawson's Landing as a moderately priced resort and as a fishing, swimming, and clamming area.~~

LCP page 39, replace crossed-out text with: Two distinct commercial zones exist in Dillon Beach -- Lawson's Dillon Beach Resort and Lawson's Landing. Lawson's Dillon Beach Resort includes approximately 17 acres that are zoned C-RCR and include the village store and trailer sites between Dillon Beach Road and Dillon Beach Creek, as well as the beach, parking lot, and restrooms on the west side of town. In addition, Lawson's Dillon Beach Resort includes approximately 33 acres that are zoned C-RMPC and are primarily undeveloped. This area includes the site of the former Pacific Marine Station operated by the University of the Pacific. To the south of Lawson's Dillon Beach Resort, is Lawson's Landing, which includes approximately 230 acres that are zoned C-RCR and heavily used for water-oriented recreation.

The Dillon Beach Community Plan contains conservation and development policies for both Lawson's Dillon Beach Resort and Lawson's Landing. The policies require new commercial development to be compatible with the scale and character of current recreation and visitor-serving uses.

8. Dillon Beach. Lawson's Dillon Beach Resort, located immediately south of old Dillon Beach, and Lawson's Landing, located on Sand Point, shall be retained as public recreational areas. Both facilities have the potential for expanded visitor-serving development, although providing for adequate water supply and sewage disposal may be problematical.

- (1) Lawson's Dillon Beach Resort. ~~Lawson's Dillon Beach Resort and lands south, up to and including the Pacific Marin Station, would be an appropriate site for new development of a modest scale, including a small 20 to 30 unit motel, a restaurant and day use facilities. Additionally, the vacant buildings of a Pacific Marin Station offer opportunities for community services, a conference center, or youth hostel. Limited residential development would also be appropriate in this area, provided that it is developed as a secondary use in conjunction with visitor-serving uses. All development shall demonstrate adequate water supply and sewage disposal and shall be sited out of sand dunes and other environmentally sensitive areas. Building heights shall be limited to that which is compatible with the scale and character of the area. Existing RCR zoning in this area shall be retained and A.P. #100-100-46, the beach front recreation parcel, shall be rezoned to RCR to reflect historic and present and use. A-2 zoning on the single parcel to the south up to the Pacific Marin Station, shall be changed to permit mixed commercial and residential uses. Zoning on the Marin Station property, also A-2, shall be similarly changed. A.P. #100-100-47 - A vacant 12-acre dune parcel contiguous and east of the community expansion boundary is recommended for APZ-60 zoning (presently zoned A-60). This parcel may be considered for rezoning to RMPC at such future time as a master plan is submitted, including the adjacent RMPC Lawson's Resort property, which master plan clearly demonstrates appropriate uses and densities for this constrained parcel.~~

LCP page 51, policy 3g: replace crossed-out text with the following: Lawson's Dillon Beach Resort, including all properties zoned C-RCR and C-RMPC between Dillon Beach Road and Dillon Creek, would be an appropriate site for new development of a modest scale, including a small motel; cafe, delicatessen, or restaurant; and day-use facilities. Due to the proximity of the site of the former Pacific Marine Station to the shoreline, it is an especially suitable area for facilities where many people can enjoy its prime location. The site offers opportunities, for example, for community services, a conference center, and youth hostel. Limited residential development would be appropriate in Lawson's Dillon Beach Resort, provided it is developed as a secondary use in conjunction with visitor-serving uses. All development shall demonstrate adequate water supply and sewage disposal, and shall be sited out of sand dunes and other environmentally-sensitive areas. Building heights shall be limited to that which is compatible with the scale and character of the area. Existing C-RCR and C-RMPC zoning shall be maintained.

- (2) Lawson's Landing. Lawson's Landing is an appropriate site for limited expansion of boating facilities and overnight accommodations. Any such expansion shall be based on thorough planning studies which identify the environmental resources and constraints of the site, including wildlife, vegetation, and archeological resources, geologic and wave hazards, and public service constraints. Measures to protect the site's resources, particularly sand dunes and dune tansy vegetation, shall be included in any development plan. Any such plan shall also include improvements in sewage disposal facilities, in accordance with the recommendations of the Regional Water Quality Control Board. ~~Existing A-60 zoning on A.P. #100-100-49 shall be changed to RCR in the Sand Point area and to a resource protection and/or agricultural zone on the remainder of the parcel. A.P. #100-100-49, the beach front recreation parcel, as well as all parcels presently zoned A-2 which constitute the campground sites, shall be rezoned to RCR to reflect historic and present land use.~~

LCP page 52, policy 3g: replace crossed-out text with the following:
Existing C-RCR and C-APZ-60 zoning shall be maintained.

II. RESOURCE PROTECTION

NATURAL RESOURCES

The Marin County General Plan designates the Esteros Americano and de San Antonio as "conservation zones." However, specific plans for implementation of this concept do not presently exist. The lands surrounding the esteros are designated "agricultural" and are zoned ~~A-60~~ except for several hundred acres between the Estero de San Antonio and the Oceana Marin subdivision to the south, zoned A-2. In the agricultural component, the LCP proposes that this zoning be changed both to preserve agricultural uses of these lands and to protect the water quality and resources of the esteros.

LCP page 70: replace crossed-out text with: C-APZ-60.

AGRICULTURE

The community of Dillon Beach is subject to numerous expansion criteria according to the Countywide Plan. These include the location of lands zoned for agriculture, utility service areas, natural barriers, flood plains and seismic hazards, and existing subdivisions. The plan notes that some additional residential development may be feasible there. North and south of the existing developed area, i.e. Oceana Marin subdivision and old Dillon Beach, large areas of undeveloped land are presently zoned A-2. To the north, over 400 acres of agricultural land fall under this zoning, with a full buildout potential of more than 200 units. It is clear that development at this density would eliminate agriculture on the site and extend the community boundary far beyond its existing location. Contrary to the policies contained in Sections 30231, 30240, 30251, and 30253 of the Coastal Act, such development would also be likely to adversely affect the water quality and the habitat of the Estero de San Antonio and the area's scenic resources, and be subject to erosion hazards along the coastal bluffs. The adequacy of public water, sewer, and road services for further development is also in question. In light of the many constraints which exist in the area and the conflicts which development under A-2 zoning raises with Coastal Act policies, it is apparent that the community expansion boundary should be drawn at or close to the line of existing development. A determination of the exact location of this boundary will be based on land use and public service studies for the community.

To the south of old Dillon Beach, approximately 100 acres of grassy undeveloped land is also zoned A-2. This area is immediately east of the sand dunes fronting Dillon Beach and west of the agricultural lands on Sand Point. Full buildout under A-2 zoning would add some 30 to 50 residential units to an area which is heavily used for public recreation. This would conflict with Section 30255 of the Coastal Act, giving priority to coastal-dependent development, and Sections 30220-30222 on recreation. The visual quality of the area would also be substantially affected, contrary to Section 30251. In addition, the availability of public services for such development is in question as is the geologic stability and safety of the site. As with the lands north of Dillon Beach, these southern properties have numerous and significant development constraints which indicate that the County's existing informal expansion boundary for this area needs adjustment north. A more precise location will be determined when community planning studies are completed.

One final area of Dillon Beach needs review for a possible expansion boundary adjustment. To the east of the community lie several undeveloped parcels ranging in size from 3 to 35 acres. All are zoned A-2 but are subject to Williamson Act contracts. These parcels should be more closely studied for possible exclusion from the expansion area.

LCP pages 93 and 94: replace crossed-out text with: According to the Dillon Beach Community Plan, the community expansion boundary for Dillon Beach extends from the Oceana Marin subdivision on the north to the southern end of Lawson's Dillon Beach Resort, and from the shoreline on the west to the eastern side of Oceana Marin, the Village, and Lawson's Dillon Beach Resort. The 12-acre parcel east of and contiguous to the initial community expansion boundary along Lawson's Dillon Beach Resort (A.P. #100-100-47) was included within the expansion boundary in 1988, as part of adoption of the Dillon Beach Community Plan. Areas to the north and east of the community expansion area are zoned as agricultural production zones with a maximum of one unit per 60 acres (C-APZ-60) in order to protect agricultural uses, the water quality and habitat of Esteros Americano and de San Antonio, and the area's scenic resources. The area from the expansion boundary south to Tomales Bay (Lawson's Landing) is zoned for resort and commercial recreation (C-RCR), but is also used during part of the year for grazing cattle.

IV. PUBLIC SERVICES AND NEW DEVELOPMENT

PUBLIC SERVICES

Water Supply

Dillon Beach and Oceana Marin.

BACKGROUND

Water service to old Dillon Beach, the Portola Beach area to the south of town, and the Oceana Marin subdivision to the north is supplied by two separate private water companies: the Coast Springs Water Company and the Estero Mutual Water Company. Because Coast Springs is private, it comes under the jurisdiction of the State Public Utilities Commission (PUC). Coast Springs, the older company, services Dillon Beach, Portola Beach, and Units I, part of Unit III, and IV in Oceana Marin. Estero Mutual, the newer company, serves Units V and part of III in Oceana Marin. (There is no Unit II.) There has been some discussion in the past of eventually merging these two systems under the management of the North Marin County Water District but thus far, no action on this proposal has been taken.

WATER SOURCES

Coast Springs draws its water from eight wells located on property owned by the company in the hills east and northeast of Dillon Beach. The company has easements over grazing land surrounding the wells for access and pipeline connections. The safe yield of the Coast Springs wells is not known, since no groundwater tests have been done in the area and because the wells cycle, i.e. they are not continuously pumped but rather, are used alternately when the water level in any one well drops below a minimum point. The manager of the company conservatively estimates the safe yield of the wells to be 50,000 gpd, based on a maximum historic use of 43,000 gpd. He feels that withdrawals could probably go higher, but can't guarantee higher yields in the absence of supporting information.

The only professional assessment of well yield was made approximately 10 years ago by engineers from the PUC. They field checked the system when Coast Springs applied to the PUC for permission to expand its service area to include first, Unit I in Oceana Marin, and then, part of Unit II and all of IV. The PUC approved both expansions based on findings that there was adequate supply in the Coast Springs wells to serve both the then current service area and the lots in Oceana Marin that were proposed for inclusion. Coast Springs has never experienced a water shortage and had adequate water to serve all customers during the drought.

LCP pages 154 to 161: replace text with the following.

Dillon Beach.

Water service to the community within the Dillon Beach community expansion boundary is presently (in 1988) supplied by two private water companies: Coast Springs Water Company and Estero Mutual Water Company. Coast Springs supplies water to a portion of the Oceana Marin subdivision, to the Village and to the 13 dwellings between Cliff Street and Bay Drive. Estero Mutual's service area is limited to properties within Oceana Marin. In addition to providing joint water service to the Oceana Marin subdivision, the two companies share some of the same source areas for water supply. While the systems are individually managed and operated, a one-inch plastic line physically connects the two for emergency purposes.

Estero Mutual. Estero Mutual Water Company presently serves about 60 residences in Oceana Marin. The total number of potential connections in its service area is 170. Estero Mutual's system was originally designed to serve 600 or more units, in large measure from its water rights to the Estero de San Antonio proper. However, the quality of this water was subsequently found to be unacceptable because of agricultural runoff, and a smaller diversion of surface water was established from an unnamed tributary.

Estero Mutual has two wells which together supply approximately 10,000 gallons per day (gpd). In addition to the two wells, the company has the facilities and necessary permits to divert water from a stream tributary of the Estero de San Antonio. The amount of supply available depends upon rainfall. Estero Mutual's pumps can divert up to 400 gallons per minute (gpm) from the tributary. The water is transported uphill to a reservoir with a storage capacity of 16 million gallons, or 49 acre-feet (AF).

Estero Mutual also draws its water from wells, located immediately east of Oceana Marin. The company has two wells, only one of which is normally used since the second well has a very low yield and is located within 200' of the subdivision's sewage treatment ponds. Although coliform contamination of this second well has been a concern, recent water quality tests showed no evidence of coliform bacteria. Well yield is generally 4.5 gpm from the larger well and 1 gpm from the smaller well. The manager of the system estimates the reliable well yield to be about 6000 gpd or 2.2 million gallons per year (6.7 AF). There is a third well on company property with a potential yield of 1 gpm although it has never been used and is not developed for municipal use.

To augment this marginal water supply, Estero Mutual plans to divert water from a tributary to the Estero de San Antonio, located approximately 4 mile to the north of the subdivision. The water would be diverted during the winter when flows are high, pumped uphill 400' and transported

pipeline south, and then stored in a reservoir for subsequent treatment and summertime use. The reservoir has a storage capacity of 16 million gallons or 49 AF. The water company has a water rights permit on file with the Division of Water Rights of the State Water Resources Control Board to divert and store 400 AF per year from the estero between October 1st and June 1st, although this source has not been tapped to date due to lack of need. Because the water company is reaching the limits of its well sources, however, it plans to begin diverting estero water this coming winter. (1980). The built facilities necessary for this diversion, including pumps, pipelines, and reservoir, have been installed and are ready for operation.

The reliability of the estero source is somewhat of an unknown, but the limited information available suggests that it is adequate for build-out. Staff of the Division of Water Rights has noted that an assessment of supply was part of the application for a water rights permit. Because the withdrawals are limited to winter months and because the estero drains a large watershed, ample water is expected to meet the 400 AF per year demand. Staff of the Department of Fish and Game has indicated that the company's proposed approach to water supply, winter capture and storage for summertime use, is considered acceptable for systems as small as Estero Mutual. No significant impacts on in-stream resources are anticipated from the diversion because of its small scale and timing during the wet season. The manager of the water company points out that the water system was originally intended to serve 600+ units planned for development in Oceana Marin during the early 1970's. Buildout figures for the Estero Mutual service area have since been reduced to approximately 170. Thus, Estero Mutual appears to have adequate water supply from its sources to serve buildout.

The company reports that it cannot a. astely su 7 its current service area with existing equipment. Several problems are inherent in the operation of this system. Water storage is limited because the reservoir leaks and about 25 percent of its capacity is lost to evaporation annually. In low rainfall years, as little as 15 to 20 percent of the surface water diverted from the estero may actually be available supply in the system. Also, there is no electricity at the pump and the cost of pumping water with propane from the point of diversion, some 450-feet downslope at the Estero, has been estimated to be about 15 times the cost for an equivalent amount of well water.

Water quality concerns in the Estero Mutual system relate to the proximity of Oceana Marin sewage ponds to its two wells and water storage reservoir. No evidence of public health impacts exists, however, the situation poses risks that should normally be avoided.

Estero Mutual has two treatment plants. One filters and chlorinates water from one of its wells (water from the second well does not require filtering). The second treats water stored in the reservoir and can filter 72,000 gpd or 50 gpm. Filtered water is stored in two tanks which have a combined capacity of 310,000 gallons. Water supply available to Estero Mutual from the well and stream sources together is a maximum of 82,000 gpd: 10,000 gpd from the wells and 72,000 gpd from the treatment plant filtering the tributary stream water.

While the 1980 discussion of water supply in the LCP estimated water use per unit for Oceana Marin at about 130 gpd, with peak use approaching three times that figure, average daily use in Estero Mutual's service area in May and June 1982 was found to be only 95 gpd. Both of these use figures are low compared to typical single-family homes in an urban area, due to the seasonal occupancy (weekends and summer) of most of the units in Oceana Marin. Full-time occupancy rates of the subdivision have been estimated at 15 to 38 percent; average annual occupancy of all units has been estimated by the North Marin Water District at 48 percent.

Coast Springs. Coast Springs Water Company presently has 200 service connections in Dillon Beach. Water demand per dwelling unit for average and peak day use in 1985 were recorded at 96 gpd and 170 gpd respectively. These rates are considered typical coastal resort/second home communities that experience low weekday occupancy and high weekend use. Coast Springs obtains its water supply from three principal sources, described below.

EXISTING WATER SYSTEMS: FACILITIES AND CAPACITY

Coast Springs has pumping and treatment, storage and pipeline distribution facilities, all of which are currently functioning well. The maximum overall capacity of the built system is 45 gpm or 64,800 gpd, as determined by the pumping capacity of the system's nine well-head pumps. This amounts to 72 AFY. Water quality has not been a problem with the system. Reported chemical levels meet state standards although the manganese level is close or at the level suggested by the state. To treat the water, Coast Springs has three small treatment plants which provide filtration, chlorination, and aeration. Their capacity is estimated to be about 96 gpm or 138,200 gpd. At the present time, turbidity readings of filtered water are slightly high; however, this is a minor problem which the company is working to correct. Storage capacity of the system exceeds 1 million gallons. Three tanks furnish 158,000 gallons of storage while a small reservoir on company property provides another 1,500,000 gallons or 4.6 AF of storage. The reservoir is full most of the time, fed primarily by rainwater and to a lesser extent, by springs and seepage. It provides a large water reserve to handle emergency or peak condition needs. Lastly, gravity-fed pipelines in the system consist of 22,535 feet of 2" to 6" standard screw, asbestos cement, and polyvinyl chloride pipe. Although some of the pipelines are old, they are considered to be in good condition.

Coast Springs also provides water for fire protection to its service area. According to the County Fire Chief, the fire protection situation in old Dillon Beach is not satisfactory. Except for one 6" pipeline through the center of town, required as a permit condition by the Fire Chief in 1978, all other pipelines in Dillon Beach are 2" in size and considered substandard for adequate fire protection. The town could also use several large standard fire hydrants, in addition to the numerous smaller hydrants which exist. Dillon Beach is potentially a serious fire area because it is developed so densely (3,000 sq. ft. lots and smaller) and because of the old wooden frame construction of the homes. Catching a fire in its early stages is critical for preventing wide-spread damage. Response time by County fire trucks stationed in Tomales ranges from 15 to 18 minutes. Throughout Oceana Marin, by contrast, existing 6" mains and hydrants are considered adequate for fire protection needs.

Estero Mutual is a relatively new system that was sized for buildout of the development. As such, the size and condition of the built facilities are not limiting on production capacity at buildout. The system's four pumps have a combined capacity of 1300 gpm or close to 2 million gpd. Water treatment facilities include two chlorination and filter plants, one to treat well water and the other to treat water diverted from the estero. The treatment plant for estero water has not yet been used or

Dillon Creek Gulch: The largest source for Coast Springs Water Company is from a shallow well (referred to as the "Well" or Well #4) located in the channel of Dillon Creek Gulch, immediately south of the Village, in Lawson's Dillon Beach Resort. The yield from this well has declined from an average of 25,000 to 18,000 gpd, but fluctuates according to the creek flow.

Hilltop Wells: Coast Springs maintains six vertical-drill wells located in the hilltop area above Dillon Beach and Oceana Marin. Three of these wells were constructed in 1964 to serve Oceana Marin.

Infiltration Tunnel: The oldest feature of the system is a hand-dug tunnel that extends some 100-feet into the hillside above Dillon Beach Road to the east of the Village. The tunnel collects groundwater and seepage from the sandstone formation. A network of perforated pipes outside the tunnel also collect shallow hillside seepage and percolated runoff.

These sources have been estimated to be capable of providing a sustained yield of 33 gallons per minute (gpm). However, the owner of the Coast Springs Water Company has indicated that actual yield fluctuates depending upon rainfall and the extent of pumping. A study by JDR Utility Consulting, Inc. in 1986 concluded that Coast Springs would be capable of supplying the average day demand of 290 customers from its present sources and peak day use for approximately six days.

Additionally, Coast Springs owns land in a spring area immediately east of its infiltration tunnel, and has identified this as the logical site to explore for additional water supply. Measurements of the spring flow from the area in November 1987 indicated a flow of 2 gpm. Coast Springs has suggested that this flow can be representative of the minimum expected yield from the spring area. A higher flow might be obtained through the use of horizontal wells.

Water storage for the Coast Springs system is provided by a 125,000-gallon steel tank located in the ravine that roughly divides Oceana Marin and the Village. This tank is slated for replacement in order to meet State safe drinking water standards. Additionally, pre-treatment storage is provided by a 25,000 concrete tank, although because of the tank's construction, only one-third of this capacity is usable at any one time. Another 7,500-gallon concrete tank stores a small amount of backwash water. These concrete tanks are located above Dillon Beach Road east of the Village.

tested, si until re ntly, there was no need for water from that source. Total capacity of the plants is 50 gpm or 72,000 gpd (80 AFY), the smallest capacity component in the built system. Storage consists of two tanks with a total capacity of 310,000 gallons, plus a raw water reservoir of 16 million gallons (49 AF). Pipelines include 14,829 feet of 3" to 8" polyvinyl chloride and asbestos cement pipe.

WATER REQUIREMENTS: CURRENT AND FUTURE

The Coast Springs Water Company presently has 200 active services, 197 of which are single-family residential and 3 of which are commercial. Coast Springs also used to serve the Pacific Marine Station south of Dillon Beach, its largest customer, but since that facility closed down, such service is no longer provided. The system serves a fluctuating population of summer cottage dwellers, weekend visitors, and a few permanent residents. Buildout projections for the Coast Springs service area under existing zoning yield a total of 262 possible residential units, or 62 more than presently exist, an increase of 31%. Most of these potential units would be built in Oceana Marin. A breakdown of existing and potential residential units by location is given in the table below.

Table 20. EXISTING AND POTENTIAL RESIDENTIAL UNITS IN THE COAST SPRINGS WATER COMPANY SERVICE AREA*

Location	Active connections	Potential additional units	Total buildout (existing zoning)
Oceana Marin			
Unit I	40	28	68
Units III, IV	12	15	27
Total	52	43	95
Dillon Beach			
Old Dillon	134	15	149
Portola	14	4	18
Total	148	19	167
TOTALS	200	62	262

*All service connections are residential except for 3 commercial, 1 in Oceana Marin and 2 in Dillon Beach.

There are currently 217 connections in the Coast Springs service area and another 30 units in the service area. At an average daily demand of 100 gpd, total water demand would be 24,700 gpd. Peak demand, at 182 gpd would be 45,000 gpd. The State Health Department has indicated that Coast Springs must demonstrate adequate capacity and treatment facilities to expand beyond 220 connections.

Water treatment is essential to the Coast Springs system as the water supply locations are subject to a variety of pollution sources and natural water quality problems, including high bacteriological levels and turbidity from surface water infiltration; high natural mineral content; and possible contamination from septic systems serving the Village. In addition, several of Coast Springs' wells on the hilltop are close to the unlined sewage ponds that are part of the Oceana Marin wastewater system.

Presently there are three separate water treatment units in the Coast Springs system. Coast Springs is developing a new water treatment system which will consolidate its water treatment operations into a single plant, using a mixed-media filtration unit, iron manganese removal and chlorination. The new system is currently in partial use, but will not become fully operational until the new water storage tank is in place.

Lawson's Dillon Beach Resort. In 1986, a hydrologic study of the Lawson's Landing area was conducted for Lawson's Dillon Beach Resort, Inc. by Aqua Resources, Inc. to determine the availability of potential groundwater supplies to serve new development on property lying between the town of Dillon Beach and Lawson's Landing. The study concluded that substantial groundwater reserves appear to exist in the vicinity of the Lawson's Landing wells. The aquifer from which the Lawson's Landing wells draw water has an estimated potential annual yield of 620 AF or 550,000 gpd. The study also estimated the recharge for a somewhat larger area of the dunes to be in the neighborhood of 950 acre-feet per year. This supply represents a potential yield of nearly 850,000 gpd. The study also concluded that additional groundwater extraction in the vicinity of the present Lawson Landing wells could be accomplished free of contamination hazards from a dune wastewater disposal system if properly managed.

The study by Aqua Resources found that further development of groundwater in the upland areas or the stream alluvium along Dillon Creek is probably not possible due to the limited storage and recharge capabilities of these aquifers and the existing level of water extraction by the Coast Springs and Estero Mutual Water Companies. Additional hydrologic studies are currently underway to identify the boundaries of the water supply within the Lawson's Dillon Beach Resort property and secondly to assess the capacity.

The 20 customers of the Coast Springs Water Company currently use 14,600 gallons on an average day based on 1979 meter readings, or 5.3 million gallons per year (16 AFY). Consumption per connection averages 73 gallons on an average day and 182 gallons on a peak day. These use levels are quite low, reflecting the part-time residency of most consumers. The highest use occurs on peak days and amounts to 36,390 gpd for the system as a whole. Current average daily use at 14,600 gallons is approximately 29% of the system's estimated capacity of 50,000 gpd, while peak day use, at 36,390 gallons, is 73% of total capacity. There have been no problems supplying current demand with the existing facilities.

Future water consumption at buildout has been estimated based on the per residential unit consumption values of 73 and 182 gpd. Using these values, the existing Coast Springs system, both in terms of the natural source and the built system, is capable of supplying all 262 units at buildout with a small capacity left over. At buildout, average daily use would increase to 19,126 gpd or 38% of system capacity (50,000 gpd), while peak day use would increase to 47,671 gpd or 95% of system capacity, as shown in the table below. These projections assume that new customers in the system will consume at the same rate as those presently served, an assumption which may not be completely correct, given the trend towards permanent residency of second homes. However, the fact that the Pacific Marine Station is no longer served by Coast Springs has added capacity to the system. Also, higher water rates and the drought experience have made consumers more aware of the amount of water they use. The manager of Coast Springs feels quite confident that the system can serve all 43 lots in Oceana Marin and the few in Portola Beach (for which a main extension contract has been signed), as well as the remaining 15 lots in Dillon Beach.

(Table not shown.)

Estero Mutual currently has 46 meter connections, 36 of which are in use and 10 of which represent homes under construction. The majority of units are used on weekends or in the summer only. All existing and potential development in the service area is residential. 134 additional units are possible in the service area for a total of 170, an increase of 372%. 12 of these units would be built in Unit III while the remaining 122 would be built in Unit V, and on large parcels. The buildout figures count three large parcels, currently zoned for multiple unit development, as sites for only one single-family dwelling each, as recognized by Estero Mutual. Development on these sites conceivably could be more intense if the necessary services could be provided. Existing and projected units are shown in the table below.

Development of potential additional groundwater supplies in interdune aquifer will need to address access provisions from adjoining property owners; factors influencing ultimate well yield and appropriate well locations; effects of groundwater withdrawal on seasonal wetlands; and potential water quality problems from seawater intrusion, nitrate loadings from upslope agricultural operations and sewage effluent from possible wastewater disposal in the dune area.

Lawson's Landing. Three wells with a combined capacity of 53.3 gpm currently serve the Lawson's Landing area. Sustained yield has not been established for any of the wells. The wells are pumped for a short time each day to supply the estimated 20,000 gpd maximum water demands from the approximately 200 connections at Lawson's Landing.

Summary. Residential water demands are highly variable in the Dillon Beach community. Records indicate a slight increasing trend in water use rates that may be attributable to increasing full-time occupancy and/or larger and more modern new houses. A recent study found newer houses to have water use rates about 16 percent higher than older homes in Dillon Beach (JDR 1986).

Each of the existing water systems are considered to be at, or very near, capacity. The Coast Springs and Estero Mutual systems have very limited capacity, but are able to serve a relatively large number of connections mainly as a result of low demand in this community of high part-time occupancy. Additional water supply will need to be identified and developed for any additional significant development in the community. Several options may exist for doing so, however additional field testing will be necessary to verify the extent and quality of water available.

Table #22 EXISTING AND POTENTIAL RESIDENTIAL UNITS IN THE ESTERO MUTUAL WATER COMPANY SERVICE AREA

<u>Location</u>	<u>Active connections</u>	<u>Potential additional units</u>	<u>Total buildout (existing zoning)</u>
Unit III	9	12	21
Unit V	27	119	146
Multiple unit sites	0	3	3
TOTALS	36	134	170

The 36 customers of Estero Mutual currently use 4680 gallons on an average day, or 1.7 million gallons per year (5.2 AFY). Consumption per connection is 130 gpd, a relatively low figure which reflects weekend and vacation use. Given the source capacity of the wells at 6000 gpd, current use at 4680 represents 78% of capacity. When the 36 connections are increased to 46 by homes under construction, consumption will increase to 5980 gpd or 99% of capacity. Clearly, the system's supply must be augmented with water from the estero if further development is to be served. Peak use figures are not available although the manager of the system estimates that peak day use can reach 15,000 gpd, a tripling of the average use and considerably in excess of well capacity. Peak demands are met by the use of storage - together, the two existing storage tanks hold 310,000 gallons. Following a peak use weekend, the tanks fill up again in about five days.

At buildout in the service area, 170 units would use 22,100 gpd, based on a per unit consumption of 130 gpd. This is equivalent to approximately 8 million gallons per year. Since the storage capacity of the reservoir is 16 million gallons, there appears to be ample water to serve demand at buildout. The manager of the system notes that evaporative loss from the storage reservoir has been estimated at 25% of storage capacity of 16 million gallons, leaving 12 million gallons from the surface estero source. When combined with the 2 million gallons provided by the wells, total source capacity is 14 million gallons per year. With the increased occupancy anticipated as more units are used full-time, average daily use will increase. The manager of the system estimates that the 14 million gallons per year available will probably about equal water use at buildout.

As far as peak use demands are concerned, they can easily be met at buildout even with the existing storage tanks, provided that supplies are available during the week to recharge storage. The 15,000 gpd used by the 36 customers at the present time would increase to 70,833 gpd for 170 customers or approximately 142,000 gallons over a two-day weekend. Storage tank capacity is now 310,000 gallons.

SUMMARY AND CONCLUSIONS

Both the source of supply for the Coast Springs Water Company, its eight wells, and its treatment, storage, and distribution facilities appear adequate to serve buildout in the service area. Well capacity has been conservatively estimated at 50,000 gpd, 29% of which is currently used on an average day and 73% of which is used on a peak day. At buildout, 38% of capacity would be used on an average day and 95% on a peak day. The capacity of the built system, at 64,800 gpd, exceeds that of the source and is thus not a limiting factor on system output. According to the manager of Coast Springs, well yields at buildout would be near their maximum levels, based on existing information, and yields could not be substantially increased since the wells are already drilled as deep as they can be. Providing water for more than the 262 units in the service area would thus require some assessment of groundwater availability and possibly, the development of new sources.

As far as reserving water supply for visitor-serving uses is concerned, as required by the Coastal Act in water short areas, this does not seem necessary in the case of the Coast Springs Water Company. The conservative estimate of supply at 50,000 gpd yields a 62% margin of extra capacity at buildout for average day use and a 5% margin, or 2329 gpd, for peak day use. Although the 5% margin is small, it is equivalent to 13 residential units at peak day consumption. It seems unlikely that visitor uses requiring this much water will be built in the Coast Springs service area. Present zoning in the service area is exclusively residential except for 9.5 acres of RCR (Resort-Commercial-Recreation). Of this 9.5 acres, 4.5 acres are beach and the remaining 4 acres are largely sand dunes, none of which are suitable for intensive commercial development. The residentially zoned land also has little potential for visitor development because vacant lots are scattered among existing houses, most of them in Oceana Marin. The one area with some commercial potential, the Portola Beach area, including the site of the Pacific Marine Station, could probably be served with the available excess capacity.

The fire protection situation in parts of the Coast Springs service area is adequate, according to the County Fire Chief. This situation could be remedied through permit conditions in the future. The Fire Chief recommends that all building permits be referred to him so that conditions requiring necessary fire protection improvements may be added.

In the case of Estero Mutual Water Company, the source of supply and the system's built facilities also appear adequate to serve build-out in its respective service area. The existing water sources, two wells, are near their maximum capacity but the company plans to divert additional necessary water from a tributary to the Estero de San Antonio.

The company has water rights to 400 AF per year for this purpose, to be diverted during the wet season. The water will be stored in a reservoir and subsequently tapped during the summer. All of the necessary built facilities for this diversion and storage project have been built and are ready for operation. It is anticipated that when buildout is reached in the service area (170 units), the total available water supply of 14 million gallons from the estero and the wells will approximately equal water needs. No reservation of water for visitor-serving facilities or other priority uses under the Coastal Act is needed for Estero Mutual since potential development in the service area is exclusively residential.

Sewage Disposal

Dillon Beach/Oceana Marin/Lawson's Landing.

BACKGROUND

Two methods of sewage disposal are used in the Dillon Beach area: the Oceana Marin subdivision receives sewer service from the North Marin County Water District, while the community of old Dillon Beach, Portola Beach, and Lawson's Landing utilize on-site sewage disposal, including septic systems, holding tanks, and seepage pits. The sewer system serving Oceana Marin is relatively new, having been installed in the early 1970's when the subdivision was developed. In the Dillon Beach area, on-site sewage disposal has been used for over 50 years.

LCP pages 179 to 181: replace crossed-out text with the following.

Dillon Beach.

BACKGROUND

Sewage treatment and disposal in most of Oceana Marin is provided by a centralized sewer system. Treatment and disposal in the Village, Lawson's Dillon Beach Resort, and Lawson's Landing is handled by individual on-site septic systems. Additional treatment and disposal capacity will be needed for additional development in Oceana Marin, Lawson's Dillon Beach Resort, and Lawson's Landing. Several alternatives have been considered for expanding the current system serving Oceana Marin. These alternatives include expanding capacity on the hilltop east of Oceana Marin, and constructing a treatment facility in the southwest corner of the subdivision that would then discharge treated effluent to a leachfield in the sand dunes on Lawson's Landing. Neither alternative is clearly preferable at this time, nor have they been evaluated considering potential communitywide needs. The background text below describes the current systems and studies conducted to date.

EXIST SEWER SYSTEM: FACILITIES AND CAPACITY

The sewer system serving Oceana Marin consists of 22,784 feet of 6", 8", and 10" collection lines, 1 lift station with two pumps of 100 gpm combined capacity (144,000 gpd), and 2 treatment and storage ponds with 18 Acre Feet of total capacity (6 million gallons). Raw sewage is collected and flows by gravity to the lift station where it is aerated and pumped 383 feet through a force main to treatment and storage ponds located on a relatively flat ridge above the development. Because of the small number of units presently served, the ponds are large enough to serve as evaporation ponds and no other facilities are necessary. However, as buildout proceeds in the future and the volume of sewage comes to exceed the capacity of the ponds to handle disposal through evaporation, additional facilities for storage, chlorination, and spray disposal will be necessary.

According to the staff at North Marin, the capacity of existing treatment and storage ponds to dispose of effluent through evaporation will be reached within approximately two years. To address this limitation, NMCWD has reviewed the system to determine what additional facilities are necessary, has prepared a tentative schedule of improvements, and is arranging for project financing with the State and the U.S. Environmental Protection Agency. The planned improvements will also include structural modifications to the sewer ponds to correct an existing leakage problem which threatens to pollute water wells owned by Estero Mutual Water Company, the company that serves Oceana Marin. NMCWD has been working with the Regional Water Quality Control Board on the improvement plan and expects to commence construction after an engineering feasibility report and Environmental Impact Report are completed. The District notes that state and federal funding rules require that in doing the feasibility analysis, all viable alternatives be investigated. One of these, listed in the District's Initial Study as Plan B, would result in abandonment of the existing treatment ponds and lift station, and construction of a new treatment facility south of Dillon Beach. This option would resolve the pollution threat, eliminate the costly 383-foot pumping lift, and could be built sufficiently large to accommodate sewage generated at Lawson's Landing. The major issues raised by this proposed transfer include the impact of the sewage facility on environmentally sensitive sand dune habitats, the scenic quality of the area, public access and recreational activities, and potential growth-inducing impacts.

Oceana Marin Sewage Disposal. Individual septic systems were allowed initially in the first unit of Oceana Marin, but fear of exposure to sewage effluent on the beach below the houses instigated construction of a communitywide sewer system which serves all homes (with the exception of residences on the lower side of Oceana Drive). Sewer service to the Oceana Marin subdivision is now provided by the North Marin Water District (NMWD). The gravity system flows to a lift station (located west of Oceana Drive) which has a pumping capacity of 100 gpm. Flows from the sewerage lift station are discharged into two 3-million gallon ponds located on the ridge top east of the subdivision. The ponds provide two-stage facultative treatment. Treated wastewater is pumped from the second pond to a 9-acre subsurface irrigation field located north of the ponds. Seepage occurring on the southerly perimeter of the ponds caused NMWD to install an interceptor trench. The small amount of water accumulated in this trench is also pumped to the 9-acre subsurface irrigation disposal site. A small amount of water escapes the ponds through subsurface percolation. Over time, however, the ponds have developed a seal and the amount of the water percolating by this mechanism is estimated to be relatively small.

This system was designed to be built in stages, with the original segment designed to serve 112 residences. The system currently serves 129 dwellings and, as currently configured, is capable of serving 164 dwelling units. Construction of additional phases is necessary to serve the buildout requirements of the Oceana Marin subdivision. NMWD owns the necessary land to expand the hilltop system to accomplish this purpose.

Capacity is based upon assumptions of an average daily flow of wastewater of 75 gallons per person per day, an average 48 percent occupancy rate for residents and one in 25-year seasonal precipitation total of 34 inches. Based on annual flow records of NMWD, average flow per dwelling unit in Oceana Marin is 90 gpd, including infiltration and inflow. Peak summer occupancy assumes 30 percent full time residents at 2.5 persons per household; 60 percent vacationing residents at 4.5 persons per household; and 10 percent major holiday users at 8 per persons per household. Peak winter occupancy assumes the same full-time residency percentage and household size as summer; 7 percent vacationing residents at 3 persons per household. Peak winter occupancy assumes the same full-time residency percentage and household size as summer; 7 percent vacationing residents at 3 persons per household; and 35 percent major holiday users at 3.5 persons per household. Although NMWD had indicated that 60 gallons per capita per day (gpcd) rates are achievable with the institution of reasonable water conservation measures (including ultra-low flush toilets), reductions in wastewater flows below this rate would be increasingly more difficult to achieve and probably not a reliable basis for wastewater facility planning.

The sewer system in Oceana Marin has 94 residential connections, including one house located in Dillon Beach which was annexed to the District. In addition, there are seven houses under construction. Full buildout of undeveloped lots in the subdivision would permit 252 total units, 151 more than currently exist or are under construction, an increase of 150%. The four parcels in the subdivision zoned for multiple units are not counted in this tally since NMWD has no commitment to provide sewer service to these sites. Estero Mutual Water Company recognizes them for single-family dwelling sites, so it is likely that at least four individual units will be built and annexed to NMWD. Development on these sites conceivably could be more intense if water service were available. Limited additional development (8 - 12 units) is also likely on the large agricultural parcel north of the subdivision. Considering these possibilities, a minimum of 170 additional units would require sewer service from NMWD. The District states that a very substantial cost would be required to provide sewer service.

In 1979, the 94 active residential connections generated 4.5 million gallons of sewage for an average daily flow of 12,300 gpd, or 131 gpd per unit. During a peak wet week, flows reached 40,000 gpd. These are rough estimates since accurate meter readings for the system are not available. Total treatment and storage pond capacity is 6 million gallons or 1.5 million gallons more than total flows in 1979. The remaining capacity of 1.5 million gallons could serve approximately 31 additional residences according to the staff at NMWD (1.5 million gallons per year is equivalent to 4110 gpd, or 31 dwelling units generating 131 gpd per unit.) After a total of 125 units are built, the volume of sewage generated will likely exceed the capacity of the treatment and storage ponds to handle waste disposal through evaporation, and additional facilities for spray irrigation will be necessary. These irrigation facilities have not yet been constructed. Until they are, the maximum number of units permitted in the service area should be limited to 125, the existing capacity of the system.

The present disposal system consists of a network of perforated pipe. In order to provide the 252-unit capacity, this system will need to be extended (approximately 50 percent). Other currently planned expansion to the system includes lining the sewage ponds and activating an aeration system in the treatment ponds to accommodate treatment of increased waste loading as the project builds out. The Oceana Marin gravity sewer system currently experiences an increase in wet weather flows of approximately 40,000 gallons per day, or 8,140 gallons per mile of sewer collection system, due to infiltration. This is well within the acceptable range of sewer collection system performance as defined by Environmental Protection Agency standards for infiltration/inflow (NMWD 1988).

Capacity Expansion Alternatives. While the gravity sewage collection system and lift station have adequate capacity to carry flows for build-out of the 252 single-family lots in the Oceana Marin subdivision, the treatment and disposal system would need expansion. Currently, no additional storage for wastewater in the wet weather season is needed. The State Water Quality Control Board can be expected to require safeguards, such as lining the ponds, to minimize potential contamination of groundwater if the existing hilltop pond facility is expanded.

State regulations require land disposal for any sewage treatment system in the area. NMWD presently owns 17.27 acres of land to the north and east of Oceana Marin for sewage ponding and irrigation disposal purposes. This is sufficient to treat and dispose of the wastes generated by the full development of Oceana Marin's 252 single-family lots. Additional development on multi-family parcels (which are currently not within the service area of North Marin Water District and would have to be annexed) will need to provide additional pond storage as well as subsurface irrigation disposal. Additional land would have to be acquired for the additional irrigation disposal area.

Several alternatives have been studied by NMWD to increase the system capacity to serve all of the 252 residential lots in the present service area. These are:

- o Ponds with spray irrigation, involving lining the existing ponds, constructing an additional pond, and developing a spray irrigation system at the 8-acre disposal field.
- o Ponds with subsurface disposal, involving the same pond improvements as described above, along with expansion of the network of shallow sub-surface leaching trenches to meet ultimate summer disposal needs estimated at about 85,000 gpd.

- o A conventional leachfield system involving conversion of the current pond system to a back-up role and the transfer of wastewater disposal to the dune area south of the former University of the Pacific Marine Laboratory site. Treatment would occur in a series of septic tanks followed by conventional leachfield disposal over a long stretch of the dunes.
- o Secondary treatment of wastewater by an extended aeration package plant with disposal of the treated and chlorinated effluent to a seepage bed located in the dune area immediately south of the old University of Pacific Marine Laboratory site. The subsurface disposal area required would be much less than the size of a conventional leachfield system.

Dune Disposal. Initially, a NMWD study of cost comparisons and concerns about contamination of the groundwater supply for Lawson's Landing relative to a dunes disposal system favored upgrading and expanding the existing hilltop facilities. Subsequent study has satisfied the District that a subsurface seaward gradient in the dunes would protect groundwater supplies from both contamination and seawater intrusion. However, the District does not favor expansion of its hilltop facility beyond currently defined capacity because of pumping costs. A 1985 study by Bracewell Engineering for a proposed 88-unit multiple-family development in Oceana Marin concluded that secondary treatment and dune disposal was feasible and the least expensive alternative to accommodate the proposed project.

A leachfield site for a dunes disposal system has been proposed by the foredunes immediately southwest of the former University of Pacific Marine Station. The disposal system in the dunes would consist of two parallel disposal beds constructed approximately 200 feet apart and each being 300 feet long. The area is generally bounded by the beach to the west and the Lawson's Landing Road to the east. Current land uses are recreational and limited cattle grazing.

The shape and location of the shoreline south of Dillon Beach has changed considerably since 1960. Sand accretion has gradually moved the shoreline westward 400 to 700 feet, while seasonal erosion and deposition of sand have also recurrently changed the shape and location of the shoreline on an annual basis. Moreover, the dunes which constitute the site of the proposed leachfield did not occur naturally, but were created by plantings of European beach grass in order to stabilize the area behind them for grazing purposes. Therefore, location of a sewerage treatment and disposal system in this area will need to carefully consider the dynamic nature of the site.

Possible impacts associated with a dune disposal system include significant wind erosion of dunes during winter storms resulting from loss of protective dune vegetation from leachfield construction; seismic hazards from the San Andreas Fault which lies just offshore; bluff erosion from the necessity for a trunkline from Oceana Marin along the cliff to the site; and major dune erosion which would expose portions of the leachfield system in the infrequent event (once in fifty years) of a tsunami large enough to breach the 20-foot foredunes. In extreme cases, major dune erosion could also result in significant changes to the physical character of the dunes, lowland flooding and potential danger to the Lawson Landing entrance road and recreational facilities.

A study by Questa Engineering Corporation to explore groundwater conditions in the proposed dune disposal area found that due to groundwater elevations, and a seaward gradient in this area, there is little likelihood of seawater intrusion into a series of wells in the area. (This conclusion assumed a static state, i.e., that water was not being drawn from these wells.) Because the nature of dune sands would not provide sufficient disinfection of effluent, especially during winter storm periods if the erosion of beach sands exposes the water table above the mean tide level, secondary treatment and disinfection of effluent prior to dune disposal would most likely be required by the Marin County Environmental Health Services and the San Francisco Bay Regional Water Quality Control Board.

Additionally, two basic sewage disposal options have been proposed for the Lawson's Dillon Beach Resort area. One involves on-site leachfield systems (either individual or community); the other involves off-site community disposal in the dune area to the southwest of the project site (in approximately the same area proposed for the Oceana Marin dunes disposal plan). Sewer connection to the Oceana Marin hilltop treatment and disposal system for possible future development of the Lawson property is generally considered infeasible due to capacity limits. However, NMWD has indicated that annexation of the Lawson property to the District is a possibility.

An onsite leachfield system could use either individual septic systems or community systems. Individual systems would require containment of septic tanks, piping and trenches on separate parcels or easements specifically dedicated to individual residences, creating a complex situation if solid and other siting characteristics require concentration of disposal in areas which are not immediately contiguous to housing. If community systems (e.g., for five or more units) are used, joint septic tank piping and leachfield facilities would allow for a more efficient design; however, ownership and operation of such facilities by an appropriate public agency (e.g., NMWD, a County service area or a new utility district) would be required.

site would be the hydraulic effects on groundwater levels, affecting existing septic systems in the area and seasonal wetlands in the southwestern portion of the area; water quality consideration for Dillon Creek, the water supply well of the Coast Springs Water Company in the Dillon Creek channel alluvium and the existing and proposed well fields on the Lawson's Landing property to the south; substantial increases in nitrates in groundwater causing unpredictable vegetation enrichment; and disturbance of existing dune vegetation leading to possible erosion.

Onsite septic tank leachfield systems are regulated by the Marin County Environmental Health Services Department and the San Francisco Bay Regional Water Quality Control Board. These agencies have standards for siting and design of septic systems which address such factors as soil depth, percolation rates, groundwater separation, slopes and setbacks from streams and wells. (Most of the existing septic systems in Dillon Beach were developed before current regulations were in effect and probably do not conform with the requirements which would be applied to new development.) Based on the presumed coarse, sandy texture of the dune deposits, vertical separation distances of 10 to 20 feet between leachfields and groundwater would likely be required for this area.

Due, however, to the lack of fine soil particles (silt and clay) in sand dunes, these areas offer minimal protection against bacteriological contamination of surface and groundwater supplies. Therefore, investigation of the subsurface nature of the dunes would be needed to clarify the capabilities and constraints for leachfield disposal systems. If subsurface investigations showed insufficient treatment capabilities in the dunes, additional wastewater treatment, such as sand filtration or extended aeration followed by a disinfection process could be considered.

An alternative to onsite sewage disposal for the Lawson's Dillon Beach Resort property would be development of a subsurface disposal field in the long shore dune area which has been studied as a possible expansion area for the Oceana Marin wastewater disposal system, as previously discussed.

An extended aeration batch system which would provide sufficient treatment for effluent is the most simple to expand as it does not require a large land area and provisions for an additional unit can be made during construction. Expandability of sewage treatment facilities is relevant with regard to build-out of Oceana Marin as well as any other future development plans for the area south of the town of Dillon Beach. NMWD has estimated a required leachfield size of 4.8 acres for the 252 single-family Oceana Marin lots. However, extrapolation of the Bracewell Engineering study would indicate that considerably smaller leachfield site, of approximately only 0.9 acres, would be needed for the same number of units. This is due to differing assumptions regarding effluent treatment, dune filtration and percolation capabilities.

ON-SITE SEWAGE DISPOSAL

On-site sewage disposal in various forms is used in ~~old Dillon Beach and Portola Beach~~. Most septic systems consist of a redwood box which functions both as a holding tank and seepage pit. Very few systems have any form of leachfield to service the tank. The relatively few system failures which have occurred in the past have primarily been the result of the redwood tanks deteriorating and collapsing from age - most systems are 40 years old or older. A very few number of other systems have failed because of overuse. Widespread failures or problems have not, however, been experienced in Dillon Beach.

Altogether, there are 148 residential units in Dillon Beach and Portola Beach, and two commercial units. The potential for additional development is very low since most lots have already been build upon: only 19 additional units are possible, 15 in Dillon Beach and 4 in Portola Beach, bringing the total to 167 or 13% more than presently exist. If the area south of Portola Beach were subdivided to its full potential under existing A-2 zoning, another 30 units could be added. However, because there is no water to serve this area, it has not been considered here.

Further development in Dillon Beach utilizing on-site sewage disposal raises the issue of cumulative impacts on groundwater resources and water quality. The community is immediately inland and upslope of a private recreation area, Dillon Beach, which is managed for public use. Most lots in old Dillon Beach measure less than 3,000 square feet and all houses are on cesspools, seepage pits, or septic tanks. As noted earlier, most systems are 40 years old or older. In spite of the dense development, there have been no indications of pollution from existing on-site disposal systems in the community and no widespread system failures. The community is situated on deep sandy soils which provide very rapid percolation. Depth to groundwater is unknown but tests for individual systems did not find groundwater at 16 feet during wet weather. Also, ~~some 70%~~ of the homes are utilized on an infrequent basis as weekend or summer homes. There is no risk of contaminating community water supplies from the development since the community obtains its water from the Coast Springs Water Company which draws water from upland wells.

The Marin County Zoning Code states that "No development shall be permitted in the sensitive coastal dune habitats in order to preserve dune formations, vegetation and wildlife habitats." Additionally, the LCP states that "A transfer of Oceana Marin's sewage treatment ponds to an area south of Dillon Beach ... could be consistent with LCP policies provided that the ponds are sited out of environmentally sensitive habitat area, screened from public view, and sited so as not to interfere with recreational or agricultural uses in the area."

LCP page 181 (Onsite Sewage Disposal): replace "old Dillon Beach and Portola Beach" with the Village, Lawson's Dillon Beach Resort, and Lawson's Landing.

LCP page 181: delete second full paragraph.

LCP page 181: replace "some 70%" with most.

~~Thus, it can be concluded that~~ buildout of the remaining 19 lots in ~~Dillon Beach and Portola Beach~~ can occur on septic systems without a threat to community water supplies or significant adverse impacts on groundwater quality. However, all lots should be considered "problem" lots which require engineer-designed septic systems in order to meet County code.

In the Lawson's Landing area, existing sewage disposal for trailers, rest rooms, and shower facilities is provided by septic systems. ~~Because these systems were installed without the necessary County permits and have never been inspected, their operational adequacy is unknown.~~ Sandy soils and a high water table in the area indicate that conditions are unsuitable for conventional subsurface sewage disposal. Indeed, water quality tests performed as part of an EIR on expansions to the resort in 1977 showed that activity in the area is contributing pollutants to Tomales Bay. The Regional Water Quality Control Board has indicated that it will not approve any further development which would add contaminants to Tomales Bay, and that future development would require substantial upgrading of existing systems and/or an approved waste treatment system operated and maintained by a recognized public agency. The County has concurred with the Regional Board's position.

SUMMARY AND CONCLUSIONS

Oceana Marin is served by a community sewer system operated by NMCWD. The old town of Dillon Beach, Portola Beach, and Lawson's Landing utilize on-site sewage disposal methods. Because of the very few additional units which could be built in Dillon Beach - 19 total - and the success there with on-site disposal in the past, cumulative impacts are not anticipated if buildout continues. In the case of Oceana Marin, disposal facilities currently limit buildout numbers to 125 units, 24 more than currently exist or are under construction and 131 less than are possible. The 6 million gallon capacity of the treatment and storage ponds is 1.5 million gallons short of being reached. This remaining capacity is equivalent to 31 additional dwelling units. Therefore, until spray disposal facilities are constructed, new construction should be limited to 24 additional units. Reservation of capacity for visitor-serving and other priority uses under the Coastal Act is not necessary since potential development in the service area is exclusively residential. In the Lawson's Landing area, existing sewage disposal facilities should be brought up to code and/or a community system should be constructed. Any expansion of the resort should be conditioned upon the proper disposal of sewage wastes. The possibility of constructing a consolidated community system serving not only Lawson's Landing, but Oceana Marin and Dillon Beach as well, should be further explored.

LCP page 181: delete "Thus, It can be concluded that" replace "Dillon Beach and Portola Beach" with the Village; and to end of paragraph, add Additional development in Lawson's Dillon Beach Resort should consider the potential for additional water development from the Resort and adjacent portions of Lawson's Landing, in order to avoid potential groundwater contamination.

LCP page 182, first paragraph: delete second sentence.

LCP page 182: replace last paragraph with the following.

Summary. The sewerage treatment and disposal system operated by NMWD has the capacity, with certain improvements, to serve 164 single-family units of the Oceana Marin subdivision. Additional development in this area and any development beyond the small number of individual lots in the Village will require development of additional sewerage treatment and disposal facilities.

The possible location and design of additional facilities have been investigated by NMWD and others. Estero Mutual Water Company has recommended that a long-term solution to water supply and wastewater treatment and disposal in Dillon Beach should involve use of the "coastal side of the hilltop drainage area" for water supply and the "back side" for disposition of sewage effluent from treatment systems. This is consistent with the existing mode of operation practiced by NMWD. However NMWD does not favor expansion of its hilltop facilities. NMWD prefers an alternative that would dispose treated sewage in a leachfield in sand dunes in Lawson's Landing. This alternative, however, has not been evaluated considering potential communitywide needs and may pose significant environmental concerns. Additional study will be necessary before specific recommendations regarding additional sewage treatment disposal and capacity can be made. In such studies it will be necessary to consider communitywide needs, and to examine potential trends toward more full-time occupancy. Additional development at Lawson's Landing, or a trend to a greater intensity of use, will likewise require system improvements and likely expansion.

d. Dillon Beach and Oceana Marin. This area is served by two water companies: Coast Springs Water Company serves Dillon Beach, Portola Beach, and Units I, part of II, and IV in Oceana Marin; Estero Mutual Water Company serves Units V and part of III in Oceana Marin. Both the sources of supply for Coast Springs and its treatment, storage, and distribution facilities are adequate to serve buildout in its service area, with adequate provisions for anticipated visitor-serving and commercial uses. Estero Mutual is adequate to serve buildout of 170 units in its service area if water is drawn from the Estero de San Antonio as planned.

Recently, Estero Mutual drilled a new well 100 feet from one of the Coast Springs wells, without a coastal permit. The effect of this new well, if tapped, on Coast Springs sources is not known and will be evaluated through the coastal permit process. Depending on the results of that evaluation, the above LCP policy on adequate water in Dillon Beach and Oceana Marin may be revised.

Adequate water is not presently available to serve intensive multiple-unit development in Oceana Marin, as allowed under County zoning. Development on multiple unit parcels must demonstrate that water is available before densities greater than 1 unit per parcel are permitted.

d.

Dillon Beach. Due to the lack of recent field testing and uncertainty regarding occupancy trends in Dillon Beach, the availability of water for additional development is uncertain. Consequently, proposed development in residential planned districts that are in the coastal zone in the Dillon Beach Planning Area, which is described in the Dillon Beach Community Plan, must demonstrate that water is available before densities greater than 1 unit per parcel are permitted. Similarly, proposed commercial development in commercial planned districts (C-RMPC and C-RCR) must demonstrate that water is available before additional development is permitted.

~~Dillon Beach/Oceana Marin/Lawson's Landing. The old town of Dillon Beach and Portola Beach utilize on-site sewage disposal systems. Because of the very few additional units which could be built in Dillon Beach, cumulative impacts are not anticipated if buildout proceeds.~~

~~Oceana Marin is served by a community sewer system operated by North Marin County Water District. Sewer system capacity is limited to serve an additional 24 units or 125 total. However, buildout in the service area would permit approximately 250 units. Therefore, to ensure that sewage will be disposed of adequately as buildout proceeds, the County shall cease issuing building permits after 24 more units have been built, or 125 total, unless NMCWD certifies that capacity is available.~~

~~A transfer of Oceana Marin's sewage treatment ponds to an area south of Dillon Beach is now being investigated by NMCWD. The southern location would provide substantial savings in energy costs to the district. Such a transfer could be consistent with LCP policies provided that the ponds are sited out of environmentally sensitive habitat areas, screened from public view, and sited so as not to interfere with recreational or agricultural uses in the area. The potential growth inducing impacts of the new site would also have to be evaluated.~~

~~The methods of sewage disposal at Lawson's Landing have caused problems in the past. As part of any expansion or redevelopment plan for the area, improvements in sewage disposal facilities shall be required, in accordance with the recommendations of the Regional Water Quality Control Board.~~

LCP page 191, Sewage Disposal Policy 3e: replace first three paragraphs of the policy with the following.

- e. Dillon Beach. The single-family lots in Oceana Marin are served by a community sewer system operated by North Marin Water District (NMWD). The multi-family parcels are not in NMWD's service area, and would have to be annexed to NMWD to receive service. Based on current information, there is remaining system capacity for approximately 30 more units than are built today. Construction of additional phases will be necessary to serve all 252 single-family lots in the present service area. To ensure that sewage will be disposed of adequately as buildout proceeds, the County shall continue to require certification of adequate capacity from NMWD prior to issuing building permits for new units.

Several system expansion alternatives exist, including expanding the existing system on the hilltop above Oceana Marin and constructing a new system in the dunes south of the Village. Neither alternative is considered superior at this time. There are considerable trade-offs between the energy costs associated with pumping uphill and potential environmental impacts of constructing a pipeline from Oceana Marin to the dunes and the leachfield itself. The system expansion must be sited out of environmentally sensitive habitat areas, screened from public view, and sited so as not to interfere with recreational or agricultural uses in the area. The potential growth-inducing impacts would also have to be evaluated.

The Village, Lawson's Dillon Beach Resort, Lawson's Landing, and the surrounding agricultural areas rely on individual, onsite septic systems. The combination of sandy soils and seasonal occupancy has so far allowed most septic systems to function effectively.

The methods of sewage disposal at Lawson's Landing, however, have caused problems in the past. As part of any expansion or redevelopment plan for Lawson's Landing, improvements in sewage disposal facilities shall be required, in accordance with the recommendations of the Regional Water Quality Control Board.

Due to the potential for substantially greater development on the multi-family parcels in Oceana Marin and at Lawson's Dillon Beach Resort, proposed development in all planned districts in these areas (C-RMP, C-RMPC, and C-RCR) shall demonstrate prior to approval that safe and environmentally-sound sewage disposal is available.

TABLE 24. RESIDENTIAL BUILDOUT FIGURES FOR THE UNIT II COASTAL ZONE UNDER EXISTING COUNTY AND COMMUNITY PLAN ZONING, AND THE LCP

	Potential additional units				LCP zoning (estimate)
	Existing units	Vacant lots	Additional lots by subdivision	Total additional	Full buildout
Olema ..	27			103	130
Point Reyes Station	186			615	801
Inverness Ridge					
Inverness Park/Silver Hills	115	65	18	83	198
PRE	85	109	3	112	197
IPUD	460(1)	105	46	151	611
Well areas	70	40	32	72	142
Hamilton	10	1	1	2	12
Mutual					
TOTAL	740	320	100	420	1160
Marshall/east Tomales Bay	70	56	4	60	130
Tomales	72			88	160
Dillon Beach/Oceana Marin					
Old Dillon Beach	134	15	0	15	149
Portola Beach	14	4	0	4	18
Oceana Marin	93	173	241	414	507
TOTAL	241	192	241	433	674
TOTALS	1336			1719	3055

(1) Includes some units on wells

LCP page 200, Table 24: replace figures for Dillon Beach, TOTAL, and TOTALS with the following.

Dillon Beach (2)						
Oceana Marin	133	138	0	172	305	305
Village	151	19	0	19	170	170
Lawson's Dillon Beach Resort	13	6	0	44	57	57
TOTAL	297	163	0	235	532	532
TOTALS	1392			1521	2913	2630

(2) From Dillon Beach Community Plan, Appendix I, Table I-7. Each planned district is counted as a single lot for the purposes of this LCP table.

Location and Density of New Development

Dillon Beach/Oceana Marin. The Dillon Beach area, including the Oceana Marin subdivision, has approximately 240 existing units, with the potential for an increase of 280% to 674. This counts the development of 245 multiple units in Oceana Marin, in addition to the 262 subdivided single-family lots which already exist there. A community expansion boundary for the area has never been defined and extensive unsubdivided lands zoned A-2 are located to the north, south, and east of the presently developed area. Public services in the community, including water supply and sewer service, are limited to serve only a portion of potential buildout. Very limited commercial development and zoning exists, located immediately south of old Dillon Beach.

The major issues with new development in this area include the location of the expansion boundary and the appropriate density of development in Oceana Marin. The expansion boundary drawn in the LCP excludes most acreages zoned A-2 to the north and south of town, as well as limited A-2 zoned lands to the east. The proposed boundary will promote the concentration of development, protect agricultural lands, and the water quality of Estero de San Antonio, prevent development adjacent to eroding coastal bluffs and in sensitive sand dune habitats, protect the scenic resources of the area as well as opportunities for public recreation, and ensure that new development can be served by existing or planned public service capacities.

Reductions have been made in the density of multiple unit sites in order to reflect public service and geologic constraints. The four multiple unit sites alone could add 245 units on approximately 25 acres to the 262 single-family units permitted on existing subdivided lots. Development on the sites at an average density of 10 units per acre in Oceana Marin is not in keeping with limitations on water and sewer capacities or the very marginally stable topography of these sloping areas. The LCP proposes maximum densities of four units per acre for these multiple sites, reducing the total development potential from 245 to 110 units. The four unit per acre density (10,000 sq ft lots) is a rough average of existing lot sizes in the subdivision which range from 6800 sq ft to 15,000 sq ft. The planned district designation (RMP-residential-multiple-planned) has been retained for these multiple sites so that a master plan is required for their development, along with design review, and so that clustered, attached units may be built.

LCP pages 204 and 205: replace crossed-out text with the following.

Dillon Beach. The Oceana Marin, Village, and Lawson's Dillon Beach Resort areas of Dillon Beach together contain approximately 300 existing units, with the potential for an increase of nearly 100% to 593 units. This includes 134 new single-family units and 22 to 56 multi-family units in Oceana Marin, 19 new units in the Village, and 39 to 81 new units in Lawson's Dillon Beach Resort. Public services in the community, including water supply and sewage disposal, are limited to serve only a portion of potential buildout. Limited commercial development and zoning exists in Lawson's Dillon Beach Resort (C-RCR and C-RMPC), and south of the community expansion boundary in Lawson's Landing (C-RCR).

The major issues with new development in Dillon Beach include the appropriate density of development on multi-family parcels in Oceana Marin, and the density of residential and commercial development in Lawson's Dillon Beach Resort. Reductions have been made in the density of multi-family parcels in Oceana Marin in order to recognize the environmental characteristics of the sites and public service constraints. The planned district designation (C-RMP) for three of the four multi-family parcels has been retained and the single-family planned district designation (C-RSP) recommended for the fourth parcel (Parcel M). For the first time, residential densities for development in the C-RMPC planned district of Lawson's Dillon Beach Resort have been established. As with Oceana Marin, these densities are based on the environmental characteristics of the site and public service constraints. The Dillon Beach Community Plan also includes commercial density requirements for the C-RCR and C-RMPC districts of Lawson's Dillon Beach Resort.

LCP POLICIES REGARDING NEW DEVELOPMENT AND LAND USE

h. Dillon Beach/Oceana Marin.

- (1) The community expansion boundary for this area shall be drawn at the existing boundary of the Oceana Marin subdivision to the north and east and at the southerly end of the Pacific Marine Station to the south.
- (2) Changes in commercial land use and zoning shall be adopted as specified in Policy 3(g) on Recreation and Visitor-Serving Facilities, page 51.

- (3) Agricultural lands currently zoned A-2 shall be rezoned to APZ-60, as follows:

A.P. Number	Zoning	
	Existing	LCP
100-040-32,33	A-2	APZ-60
100-100-30,55,56,57,58	A-2	APZ-60
100-230-03,04	A-2	APZ-60
100-220-06	A-2	APZ-60

- (4) The four multiple unit parcels known as Parcels J, K, L, and M shall be rezoned to a maximum density of four units per acre in keeping with the density of the remaining parcels in the subdivision, as follows:

A. P. Number	Zoning	
	Existing	LCP
Parcel J 100-331-19	RMP-6	RMP-4
Parcel K 100-300-02,07	RMP-11	RMP-4
Parcel L 100-300-03	RMP-6	RMP-4
Parcel M 100-311-27	RMP-6	RMP-4

Before any development or division of these parcels can proceed, adequate water supply and sewage disposal shall be demonstrated.

LCP pages 216 and 217: replace New Development and Land Use Policy 8h with the following.

h. Dillon Beach.

- (1) The community expansion boundary for Dillon Beach shall be drawn from the northern boundary of the Oceana Marin subdivision on the north to the southern end of Lawson's Dillon Beach Resort on the south, and from the shoreline on the west to the eastern side of Oceana Marin, the Village, and Lawson's Dillon Beach Resort. Lawson's Dillon Beach Resort parcel A.P. Number 100-100-47 is included within this area.

- (2) Current C-RCR and C-RMPC zoning designations shall be retained, as described in Policy 3g on Recreation and Visitor-Serving Facilities on pages 51 and 52.

- (3) Current C-APZ-60 zoning shall be retained on coastal agricultural lands in the planning area.

- (4) The four multi-family unit parcels known as Parcels J, K, L, and M in Oceana Marin shall be rezoned to a maximum density in keeping with the characteristics of each site, surrounding development, and public service constraints. The densities are as follows:

A. P. Number	Zoning	
	Existing	New
Parcel J 100-331-19	C-RMP-4	C-RMP-1.5
Parcel K 100-300-02,07	C-RMP-4	C-RMP-0.85
Parcel L 100-300-03	C-RMP-4	C-RMP-0.8
Parcel M 100-311-27	C-RMP-4	C-RSP-0.4

Before any development or division of these parcels can proceed, adequate water supply and sewage disposal shall be demonstrated.

~~(5) Lawson's Dillon Beach Resort. Land use and zoning shall be adopted as specified in Policy 3g(1) on Page 51.~~

(5) Densities for C-RMPC parcels in Lawson's Dillon Beach Resort shall be established as follows:

<u>A. P. Number</u>	<u>Zoning</u>	
	<u>Current</u>	<u>New</u>
<u>100-141-11</u>	<u>C-RMPC</u>	<u>C-RCR</u>
<u>100-141-13:</u>		
<u>SW corner only</u>	<u>C-RMPC</u>	<u>C-RCR</u>
<u>100-100-47</u>	<u>C-APZ-60</u>	<u>C-RMPC-1.2</u>
<u>100-141-07, 08, 10</u>	<u>C-RMPC</u>	<u>C-RMPC-1.2</u>
<u>100-174-03</u>	<u>C-RMPC</u>	<u>C-RMPC-1.2</u>
<u>100-183-02, 03</u>	<u>C-RMPC</u>	<u>C-RMPC-1.2</u>
<u>100-184-01</u>	<u>C-RMPC</u>	<u>C-RMPC-1.2</u>
<u>100-185-01</u>	<u>C-RMPC</u>	<u>C-RMPC-1.2</u>
<u>100-186-01</u>	<u>C-RMPC</u>	<u>C-RMPC-1.2</u>
<u>100-187-01</u>	<u>C-RMPC</u>	<u>C-RMPC-1.2</u>
<u>100-188-01</u>	<u>C-RMPC</u>	<u>C-RMPC-1.2</u>
<u>100-192-01</u>	<u>C-RMPC</u>	<u>C-RMPC-1.2</u>
<u>100-194-01</u>	<u>C-RMPC</u>	<u>C-RMPC-1.2</u>
<u>100-205-02</u>	<u>C-RMPC</u>	<u>C-RMPC-1.2</u>
<u>100-207-02</u>	<u>C-RMPC</u>	<u>C-RMPC-1.2</u>
<u>100-220-05</u>	<u>C-RMPC</u>	<u>C-RMPC-1.2</u>
<u>100-191-03</u>	<u>C-RMPC</u>	<u>C-RMPC-0.7</u>
<u>100-193-01, 02, 03</u>	<u>C-RMPC</u>	<u>C-RMPC-0.7</u>

~~(6) Lawson's Landing Resort. Land use and zoning shall be adopted as specified in Policy 3g(2) on Pages 51 and 52.~~

(6) Current land use policy and zoning designations shall be retained for Lawson's Landing.

MARIN COUNTY BOARD OF SUPERVISORS

RESOLUTION NO. 92-217

**A RESOLUTION OF THE MARIN COUNTY BOARD OF SUPERVISORS TO ADOPT AN
AMENDMENT TO THE LOCAL COASTAL PROGRAM, UNIT II, IMPLEMENTATION PROGRAM**

- I. WHEREAS the County of Marin has a certified Land Use Plan for the Coastal Zone of Marin County; and
- II. WHEREAS the County has assumed permit authority in the Coastal Zone of Marin County; and
- III. WHEREAS the Williams Rezoning, Inverness Ridge Communities Plan Amendment, Coastal Permit, Use Permit, Design Review, and Lot Line Adjustment proposal is subject to all provisions of the Local Coastal Program, Unit II, Implementation Program; and
- IV. WHEREAS the Williams proposal requires an amendment to the Local Coastal Program, Unit II, Implementation Program which affects both the certified Land Use Plan maps permitting a land use change and the Implementation Plan to allow the rezoning of 3,407 square feet of parcel APN 112-296-06 and 1,339 square feet of parcel APN 112-296-09 from C-RSP 1.0 (Coastal, Single-family Residential, Planned District, 1 unit per acre) to C-CP (Coastal, Commercial, Planned District); and
- V. WHEREAS the Marin County Planning Commission held a duly noticed public hearing on August 10, 1992, on the Williams proposed Local Coastal Program, Unit II, Implementation Program Amendment and unanimously recommended approval to the Board of Supervisors; and
- VI. WHEREAS the Marin County Board of Supervisors held a duly noticed public hearing on August 25, 1992, on the Williams proposed Local Coastal Program, Unit II, Implementation Program Amendment; and
- VII: WHEREAS the Marin County Board of Supervisors finds that:
 - A. The proposed project is consistent with the Marin Countywide Plan and the intent of the Inverness Ridge Communities Plan as amended and the intent of the Local Coastal Program, Unit II as amended; and
 - B. The site is not designated for public access; and
 - C. Access to public lands will not be impaired by the proposed project; and
 - D. No natural resources, including coastal resources, will be adversely impacted by this project; and
 - E. Water is provided by the Inverness Public Utility District; and
 - F. Sewage disposal will be by individual septic systems subject to Regional Water Quality Control Board Guidelines; and

- G. The LCP Natural Resources Map indicates that the project site is not located in an area identified as providing wildlife habitat for rare and endangered species, and none have been found on the site; and
- H. The LCP Natural Resources Map indicates that the project site contains no known rare or endangered plant species, and none have been found on the site; and
- I. There are no wetlands or riparian sites affected by this project; and
- J. The property is zoned Planned District so the visual quality of future development will be ensured through the County review process; and
- VIII. WHEREAS the property is zoned Planned District and all future development is subject to the County review process thereby assuring the implementation of the Local Coastal Program, Unit II; and
- IX. WHEREAS the Marin County Board of Supervisors finds that an amendment to the Local Coastal Plan, Unit II, Implementation Program is necessary to implement the Williams proposal.
- X. WHEREAS the Marin County Board of Supervisors finds that the public necessity, convenience and general welfare do require this amendment to the Local Coastal Program, Unit II.

NOW, THEREFORE BE IT RESOLVED that the Marin County Board of Supervisors hereby recommends that the California Coastal Commission approve the Williams Local Coastal Program, Unit II, Implementation Program Amendment permitting the rezoning of 3,407 square feet of parcel APN 112-296-06 and 1,339 square feet of parcel APN 112-296-09 from C-RSP 1.0 (Coastal, Single-family Residential, Planned District, 1 unit per acre) to C-CP (Coastal, Commercial, Planned District) as shown on Exhibit "A" of the Resolution.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin, State of California on the 25th day of August, 1992, by the following vote to wit:

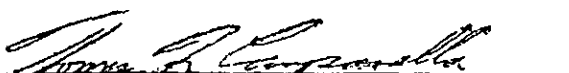
AYES: Supervisors Brady Bevis, Al Aramburu, Gary Giacomini, Harold Brown

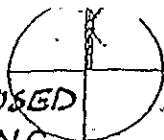
NOES: Supervisors

ABSENT: Supervisors Bob Roumiguiera

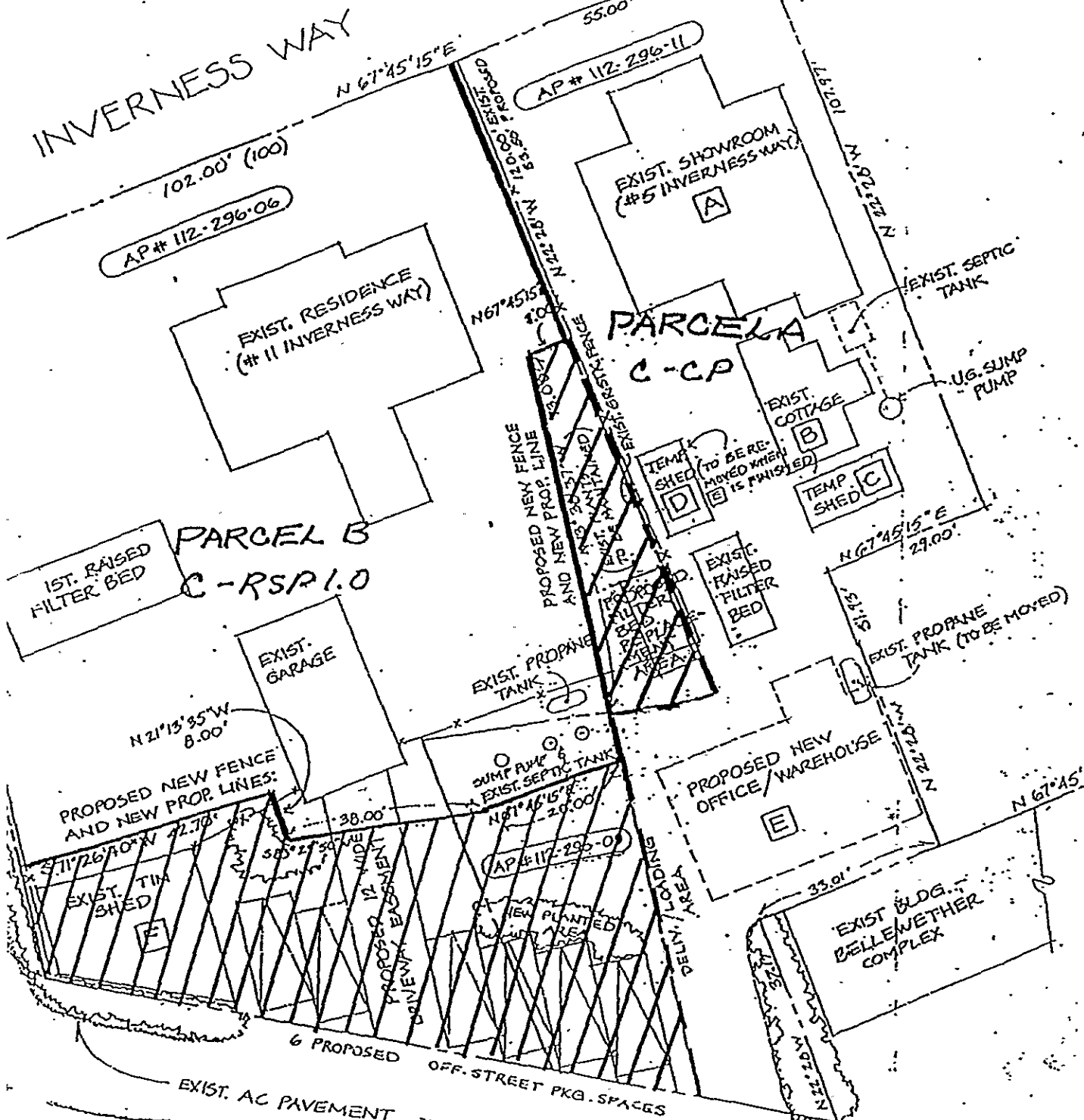

CHAIRMAN, BOARD OF SUPERVISORS
COUNTY OF MARIN

ATTEST:


Thomas F. Campanella
Clerk of the Board of Supervisors



AREAS PROPOSED
FOR REZONING
FROM C-RSP 1.0 to
C-CR



THE 3 PARCELS WHOSE AP NUMBERS ARE SHOWN.
AND REZONING (SHOWN WITH HEAVY DASHED)
COMMERCIAL ZONED AP# 112-296-11 ALLOWING
2D FOR OFF ST. PKG. AND FOR POSSIBLE EXPA-
NED. THE RESIDENTIALLY ZONED AP# 112-296-06
"IC TANK ON A SEPARATE PARCEL AS IT DOES.

ALDER LANE

MARIN COUNTY BOARD OF SUPERVISORS

ORDINANCE NO. 3142

AN ORDINANCE APPROVING THE CLEARY REZONING OF
ASSESSOR'S PARCEL NOS. 100-331-19 FROM C-RMP 1.5 to C-RMP-2.2

SECTION I: FINDINGS

- I. WHEREAS the Marin County Board of Supervisors adopted the Dillon Beach Community Plan on December 20, 1988; and
- II. WHEREAS, on December 14, 1992, the Marin County Planning Commission considered the Cleary Rezoning application and after hearing public testimony made a recommendation to the Marin County Board of Supervisors to grant approval of the Rezoning.
- III. WHEREAS the Marin County Board of Supervisors held a duly noticed public hearing to consider the rezoning of the subject property from C-RMP-1.5 to C-RMP-2.2 on January 19, 1993 and May 18, 1993; and
- IV. WHEREAS, the California Coastal Commission held a duly noticed public hearing on April 16, 1993 approving the Local Coastal Program Amendment required for the Rezoning; and,
- V. WHEREAS the Marin County Board of Supervisors has adopted a Negative Declaration of Environmental Impact as prepared by the Marin County Planning Department which determined that potential impacts relating to Geophysical, Biotic Community, Community/Cultural, Transportation/Circulation and Utility Factors are avoided or mitigated to the point where clearly no significant effects would occur because modifications to the project have been suggested as conditions of project approval and there is no evidence that the project would have a significant effect on the environment; and
- VI. WHEREAS the Marin County Board of Supervisors finds that the Plan contains policies applicable to Assessor's Parcel Number 100-331-19 (Parcel J) and this property was rezoned from C-RMP-4.0 (Residential, Multiple-family Planned District, 4 dwelling units per acre) to C-RMP 1.5 (Residential, Multiple-family Planned District, 1.5 dwelling units per acre) in accordance with these policies with the adopted Ordinance and permitted a density range of 2 to 5 units on the subject property if the applicant could demonstrate that there would be no significant adverse environmental effects; and
- VII. WHEREAS, the Marin County Board of Supervisors finds that the proposed density range is consistent with the policies set forth in the Dillon Beach Community Plan; and
- VIII. WHEREAS, the Marin County Board of Supervisors finds that after approval of a rezoning, the permitted density will increase from two to three units; and
- IX. WHEREAS the Marin County Board of Supervisors finds that the proposed Cleary Rezoning is generally consistent with the objectives, goals, and policies of The Marin Countywide Plan, The Local Coastal Plan, Unit II, The Dillon Beach Community Plan and Title 22 (Zoning) of the Marin County Code; and,

- X. WHEREAS, the Marin County Board of Supervisors finds that the proposed development is physically suitable for the site and would be compatible with the surrounding land uses in the area.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Board of Supervisors adopts the attached Resolution approving a rezoning of the 1.37 acre property from C-RMP-1.5 to C-RMP-2.2 to create three separate residential properties as shown on Exhibit "A" of the Cleary Vesting Tentative Map, Precise Development Plan, and Coastal Permit subject to the conditions contained in Exhibit 1. This rezoning is not to be considered vested until the final Parcel Map has been recorded in compliance with all conditions required through the Vesting Tentative Map.

SECTION III: PUBLICATION

This Ordinance shall be and is hereby declared to be in full force and effect as of thirty (30) days from and after the date of its passage and shall be published once before the expiration of fifteen (15) days after its passage, with the names of the Supervisors voting for and against the same, in the *Marin Independent Journal*, a newspaper of general circulation published in the County of Marin.

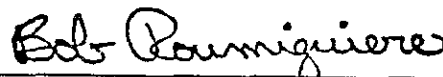
SECTION IV: VOTE

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin, State of California, on this 18th day of May, 1993, by the following vote to wit:

AYES: SUPERVISORS Annette Rose, Gary Giacomini, Harold Brown, Bob Roumiguere

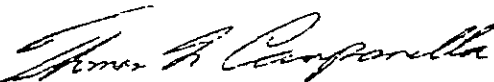
NOES:

ABSENT: SUPERVISOR Brady Bevis



BOB ROUMIGUIERE, CHAIRMAN
MARIN COUNTY BOARD OF SUPERVISORS

ATTEST:



Thomas F. Campanella
Clerk of the Board of Supervisors

RE: District Attorney: Increase in appropriations in the District Attorney's budget as follows: Extra Hire - \$20,000, Contract Employees - \$82,000, Services and Supplies - \$20,000, offset by a reduction to the Reserve for Major Cases - \$122,000.

AYES: ALL

ABSENT: SUPERVISOR Brown

The Board met in Closed Session at 11:30 a.m., recessed at 12:10 p.m., and reconvened at 2:35 p.m. at which time Supervisor Brown was absent.

#26 (CONTINUED) HEARING: APPEAL OF PLANNING COMMISSION'S DENIAL OF DESIGN REVIEW AMENDMENT - MERIT HOME BUILDERS, 105 CAMINO MARGARITA, NICASIO, A.P. #121-210-05

By letter dated January 19, 1993, Planning staff submitted his report and recommended that, after review of the administrative record and conduct of a public hearing, the Board consider the following alternative actions:

- (a) Move to deny the Merit Home Builders' appeal and sustain the Planning Commission's action denying the Merit Home Builders' Design Review Amendment No. 93-022; or
- (b) Move to approve the Merit Home Builders' appeal in part and overturn the Planning Commission's action denying the Merit Home Builders' Design Review Amendment No. 93-022 subject to the conditions as recommended by the Camino Margarita Property Owners Association.

Supervisor Giacomini noted that the Camino Margarita Property Owners Association met with the applicant and negotiated a modified design as conditioned in the proposed resolution under alternative "b".

M/s Giacomini-Bevis, to adopt Resolution No. 93-19 approving the Merit Home Builders' appeal in part and overturning the Planning Commission's denial of the Merit Home Builders' Design Review Amendment.

The hearing was declared open for public comment. There being no comment, the hearing was closed and the vote on the pending motion was

AYES: ALL

ABSENT: SUPERVISOR Brown

#27 HEARING: CLEARY REZONING, PRECISE DEVELOPMENT PLAN, VESTING TENTATIVE MAP, AND COASTAL PERMIT, PARCEL "J", MAUI LANE, DILLON BEACH, A.P. #100-331-19

Planning staff summarized the information contained in her letter dated January 19, 1993, regarding the above-captioned item and recommended that, after review of the administrative record and conduct of a public hearing, the Board adopt the proposed resolution approving the Negative Declaration of Environmental Impact, a motion of intent to approve the project, and direct staff to forward the motion of intent to the California Coastal Commission for action. She indicated that, in response to two major concerns raised at the Planning Commission, a visual analysis was prepared by Jim McDonald demonstrating no significant visual impact from future development, and the issue of community compatibility was addressed through a number of conditions incorporated under the development plan.

For discussion purposes, M/s Giacomini-Bevis, to approve staff recommendations.

The Planning Director noted that, after the California Coastal Commission has acted on the Local Coastal Program, Unit II, Implementation Program Amendment, this item will return to the Board for adoption of the proposed ordinance rezoning the subject property from C-RMP-1.5 to C-RMP-2.2 and adoption of the proposed resolution approving the Cleary Precise Development Plan, Vesting Tentative Map, and Coastal Permit applications subject to the conditions contained in Exhibit 1.

The hearing was declared open to received public comment.

Two residents of the Oceana Marin subdivision in Dillon Beach addressed the Board in opposition to the proposed project and expressed concern regarding the steepness of the site, visual and traffic impacts, the water table and potential flooding, earthquake hazards, the impact of this action on future rezoning requests, community conflicts, the application process and notification to adjacent property owners, Mr. Roberto's status as planning consultant for the Oceana Marin Homeowners Association, density and compatibility with the existing coastal plan for Dillon Beach and Lawson's Landing.

In response to Supervisor Roumiguere's inquiries, the Planning Director advised that notification was sent to property owners in a 300-foot radius of the Cleary property, plus a list of clubs including the Oceana Marin Homeowners Association, and indicated that he was not aware that the Oceana Marin recorded covenants and restrictions contained conditions prohibiting resubdivision of lots.

John Roberto, planning consultant for Frances Cleary, addressed the Board regarding density compatibility with the community plan and the geotechnical, hydrologic, and visual analysis of the proposed project. He stated that he believed the project would have no significant effects on the environment, noting that Ms. Cleary agreed to pay traffic mitigation fees, and indicated that it was his understanding that the Oceana Marin covenants and restrictions contained no limitation on resubdivision. Thereafter, he clarified his status as planning consultant for the Oceana Marin Homeowners Association.

The hearing was closed.

Supervisor Giacomini indicated that he believed the proposed subdivision was in perfect conformity with the existing coastal plan, noting the Planning Commission's unanimous recommendation, and urged that the Board sustain the Planning Commission.

M/s Giacomini-Rose, to adopt Resolution No. 93-20 approving the grant of Negative Declaration of Environmental Impact for the Cleary Rezoning, Vesting Tentative Map, Precise Development Plan, and Coastal Permit.

AYES: ALL

ABSENT: SUPERVISOR Brown

M/s Giacomini-Rose, a motion of intent to approve the Cleary Rezoning, Precise Development Plan, Vesting Tentative Map and Coastal Permit, and direct staff to forward this motion of intent to the California Coastal Commission for action on the Local Coastal Program, Unit II, Implementation Program Amendment.

Supervisor Roumiguere stated that he could not support the proposed motion because he believed alteration of the existing subdivision plan may be unfair to the community. Thereafter the vote on the pending motion was

AYES: SUPERVISORS Rose, Giacomini, Bevis

NOES: SUPERVISOR Roumiguere

ABSENT: SUPERVISOR Brown

The Planning Director noted that, following action by the California Coastal Commission, staff would re notice this item for final action by the Board.

The meeting was adjourned at 3:01 p.m.

SINE DIE

CHAIRMAN

ATTEST:

CLERK

MARIN COUNTY BOARD OF SUPERVISORS

RESOLUTION NO. 2002-25

A RESOLUTION ADOPTING AN ADDENDUM TO THE FINAL ENVIRONMENTAL IMPACT
REPORT FOR THE POINT REYES AFFORDABLE HOMES PROJECT

857 MESA ROAD, POINT REYES STATION
ASSESSOR'S PARCELS 119-240-45, -46, -57, -58

SECTION 1: FINDINGS

- I. WHEREAS on February 2, 2000, Point Reyes Affordable Homes, Inc., (hereinafter, "Point Reyes Affordable Homes") submitted Countywide Plan Amendment, Community Plan Amendment, Local Coastal Program Amendment, Rezoning, Master Plan, Precise Development Plan, Coastal Permit, and Subdivision applications for the development of a 36-unit mixed-residential project on an 18.6-acre property located at 857 Mesa Road, Point Reyes Station, on property further identified as Assessor's Parcels 119-240-45, -46, -57, and -58.
- II. WHEREAS the County of Marin determined that the applications represent a project pursuant to CEQA (Public Resources Code Sections 21000-21178.1) and prepared an Environmental Impact Report ("EIR").
- III. WHEREAS the project applications were determined complete in May 2000. The Marin County Environmental Coordinator determined that a full scope Environmental Impact Report (EIR) was required for the proposed project. In conformance with CEQA regulations (CEQA Guidelines Section 15060(d)), an Initial Study was not prepared. The County selected an environmental consultant and the project sponsor submitted the funds necessary to initiate preparation of the project EIR. A Notice of Preparation (NOP) for the project EIR was circulated on May 8, 2000, to public agencies and all interested parties for a 30-day review and comment period on the scope of the EIR ending June 7, 2000.
- IV. WHEREAS the County selected an EIR consultant in July 2000 to prepare the Point Reyes Affordable Homes project EIR. On August 14, 2000, a public scoping session on the EIR was conducted at an evening meeting in the community to further identify environmental issues and concerns of the public for evaluation in the EIR.
- V. WHEREAS the Draft EIR and a Notice of Completion (NOC) and notice of public hearing on the Draft EIR were distributed on May 9, 2001, to members of the Planning Commission, Board of Supervisors, State Clearinghouse, state and local agencies and special districts, surrounding property owners, and other interested groups and individuals. The NOC and notice of public hearing was published in a newspaper of general circulation to begin a 45-day public review and comment period on the adequacy of the Draft EIR. The public review and comment period ended on June 22, 2001.
- VI. WHEREAS on June 4, 2001, the Marin County Planning Commission conducted a public hearing to receive testimony on the adequacy of the Draft EIR. Oral and written comments were presented at the hearing. Following the close of the public hearing, the Planning Commission directed that a Final EIR Response to Comments be prepared after the close of the comment period on the Draft EIR.

- VII. WHEREAS on June 22, 2001, the public review and comment period on the Draft EIR was closed, and written comments were received on the Draft EIR until 4:00 p.m. on that date.
- VIII. WHEREAS on November 29, 2001, the Final EIR Response to Comments, and a notice of distribution of the Final EIR for review and notice of a public meeting of the Planning Commission to consider recommendation for certification of the Final EIR were distributed to members of the Planning Commission, Board of Supervisors, State Clearinghouse, federal, state and local agencies and special districts, EIR commentors, and other interested groups and individuals. Notice of distribution of the Final EIR for review and notice of the public meeting of the Planning Commission to consider recommendation for certification of the Final EIR was published in a newspaper of general circulation to begin a two-week public review and comment period on the Final EIR, which concluded on December 13, 2001.
- IX. WHEREAS on December 13, 2001, the review and comment period on the Final EIR Response to Comments was closed, and written comments were received on the Final EIR until 4:00 p.m. on that date. These comments primarily addressed concerns regarding the merits of the project and/or design considerations for approval or disapproval. In some instances comments required minor clarification or amplification of information, impact analysis or mitigation measures in the Final EIR. A response by the EIR consultant has been provided for each of the issues raised in the comments. The responses to comments on the Final EIR have been adopted as an amendment to the Final EIR (entitled Final EIR Response to Comments Attachment) to complete the Final EIR as adequate for certification. Since the comments and responses result in only minor clarifications and insignificant changes to the Final EIR, they do not trigger CEQA requirements for recirculation of the document for additional public review and do not prevent certification of the EIR as adequate and complete. On January 4, 2002, copies of the Final EIR Response to Comments Amendment and a courtesy reminder notice of the Planning Commission meeting to consider recommendation for certification of the Final EIR were distributed to members of the Commission, Board of Supervisors, Agencies, EIR commentors and other interested parties.
- X. WHEREAS on January 14, 2002, the Marin County Planning Commission conducted a public meeting to consider recommendation to the Board of Supervisors to certify the Final EIR. The Final EIR Volumes I and II and the Final EIR Response to Comments Amendment, together with staff's report recommending certification of the Final EIR, were provided to the Commission. The Response to Comments Amendment to the Final EIR is part of the certified Final EIR and was fully considered by the Planning Commission and the Board when making an informed decision on the project.
- XI. WHEREAS at the January 14, 2002, Planning Commission meeting on certification of the EIR, a letter from John Sharp, Attorney, was presented alleging that the public did not have a meaningful opportunity to review or comment on a new project alternative in the Final EIR (apparently in reference to the Mitigated Alternative Option 2 added to the Final EIR in response to comments received to the Draft EIR), arguing that the alternative represents new information and recirculation of the EIR is required, and citing case law and CEQA Guidelines Section 15088.5. The letter was provided to the Planning Commission for consideration. The Planning Commission determined that the letter misinterprets CEQA regulations. CEQA Guidelines Section 15088.5 requires recirculation when significant new information is added to an EIR before certification. However, Section 15088.5 expressly provides that "new information added to an EIR is not significant unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement." None of these provisions

apply to the information or changes made to the Final EIR, including the alternatives. As discussed above, the new information merely clarifies or amplifies or makes insignificant modifications to the EIR. There are no changes to the project or circumstances surrounding the project that will result in new or more severe impacts and no substantially different mitigations or alternatives which the project sponsor declines to adopt.

- XII. WHEREAS the Marin County Planning Commission reviewed and considered the information in the Draft EIR, Final EIR, Final EIR Appendices, EIR administrative record, Final EIR Staff Report and Final EIR Response to Comments Amendment for adequacy, completeness and compliance with CEQA, State CEQA Guidelines, and County Environmental Review Procedures.
- XIII. WHEREAS the Marin County Planning Commission by Resolution No. PC02-001 recommended that the Marin County Board of Supervisors certify that the Final EIR for the Point Reyes Affordable Homes project is adequate and complete in compliance with CEQA, the State CEQA Guidelines, and the County Environmental Review Procedures, and is adequate and complete for consideration in making a decision on the merits of the project.
- XIV. WHEREAS the Final EIR Volumes I and II and Response to Comments Amendment were circulated to the public, Board of Supervisors, State Clearinghouse, federal, state and local agencies and special districts, surrounding property owners, and other known interested parties and a notice of the Final EIR availability and Board of Supervisors certification action meeting date was published in a newspaper of general circulation.
- XV. WHEREAS on January 29, 2002, the Marin County Board of Supervisors reviewed and considered the information in the Final EIR and Response to Comments Amendment, the Staff Report and Planning Commission Resolution No. PC02-001, and the EIR administrative record for adequacy, completeness and compliance with CEQA, State CEQA Guidelines, and County Environmental Review Procedures and adopted Resolution No. 2002-18 which certified the Final EIR for the Point Reyes Affordable Homes Countywide Plan Amendment, Community Plan Amendment, Local Coastal Program Amendment, Rezoning, Master Plan, Precise Development Plan, Coastal Permit, and Subdivision. All project-related significant, adverse effects have been discussed in the EIR and all mandatory mitigation measures have been incorporated into the recommended conditions of project approval contained in the approval resolutions. In taking action to certify the EIR, the Board of Supervisors found based on its independent review and judgment that the Final EIR provides adequate information and analysis pursuant to CEQA and the County's EIR Review Guidelines for an informed decision to be made on the environmental effects of the original project design or any of the alternatives or combination of alternatives that were evaluated in the EIR.
- XVI. WHEREAS at the January 29, 2002 Board of Supervisors public meeting on the certification of the EIR, John Sharp, Attorney, submitted a letter alleging that recirculation of the EIR is required because the public did not have a meaningful opportunity to review or comment on the new project alternative (Mitigated Alternative Option 2) that has been added to the Final EIR in response to comments received. Mr. Sharp submitted an engineering report prepared by Fall Creek Engineering Inc. for Mr. Sharp that alleged new and more severe environmental impacts with respect to the potential for surfacing of sewage effluents, potential water quality impacts to the North Marin Water District's water supply wells and Lagunitas Creek, inadequate analysis of project and cumulative impacts to groundwater and surface water quality from additional nitrates, and inadequate analysis of cumulative impacts relating to stormwater runoff and erosion.

- XVII. WHEREAS, after certification of the Final EIR, Point Reyes Affordable Homes modified its application and submitted plans for merits consideration that are based on the Mitigated Alternative Option 2 which was evaluated in the Final EIR. The housing component includes construction of 27 affordable rental apartments and 7 affordable for-sale single-family residences, and creation of a market rate residential lot for future development of one single-family residence, cottage, and a barn. The project also includes reservation of land for the development of a 20-room, 17,000 square foot lodge or a similar visitor-serving use and a 12-space public parking lot and public restrooms, and the preservation of approximately 2.58 acres of land for permanent open space purposes. A proposed Vesting Tentative Map would subdivide the property into 13 lots that correspond with the individual project components. The project as modified requires amendments to the Marin Countywide Plan, Point Reyes Station Community Plan, the Local Coastal Program Unit II, and Marin County Code Title 22 for a Rezoning of portions of the property from the Coastal, Suburban Agricultural (C-R-A:B-3) and Coastal, Village Commercial Residential (C-VCR:B-2) zoning districts to a Coastal, Residential Multiple Planned (C-RMP) and Coastal, Residential Multiple Planned Commercial (C-RMPC) zoning district.
- XVIII. WHEREAS the Community Development Agency prepared an Addendum to the Point Reyes Affordable Homes Final EIR. The Addendum includes a response to comments raised during the public meeting held on January 29, 2002 by the Board of Supervisors as well as responses to the issues raised from the project engineer which clarify and amplify the analysis of stormwater and wastewater issues contained in the Final EIR. The Addendum reflects minor technical changes or additions to the EIR, consistent with the requirements of CEQA Guidelines Section 15164 and does not identify new or substantially increased impacts that would require a supplemental or subsequent EIR pursuant to CEQA Guideline 15162. The Addendum consists of a letter prepared by Fall Creek Engineering, Inc., dated January 28, 2002 and a response from Questa Engineering Corp., dated February 4, 2002.
- XIX. WHEREAS at the February 11, 2002 Marin County Planning Commission hearing on the merits of the project, John Sharp, Attorney, summarized a letter prepared by Fall Creek Engineering and dated February 10, 2002 which responded to the Questa Engineering Corp. letter of February 4, 2002 and raised alleged inadequacies with respect to the following topical issues: (1) onsite disposal of wastewater and stormwater runoff; (2) hydrogeologic investigation; (3) cumulative impacts to groundwater and surface water quality; and (4) stormwater management. Following conduct of a public hearing, the Marin County Planning Commission adopted Resolution PC02-007 which recommended that the Board of Supervisors adopt the Addendum to the Final EIR for the project prior to taking action on the merits of the project.
- XX. WHEREAS the Community Development Agency revised the Addendum referenced in Section XVIII above to include the Fall Creek Engineering, Inc. letter of February 10, 2002 as well as a letter response prepared by Questa Engineering Corp. dated March 5, 2002 which clarifies and amplifies the analysis of stormwater and wastewater issues contained in the Final EIR. The Addendum also includes a letter indicating that third party peer review was conducted and the validity of the Questa conclusions was confirmed by Psomas, the EIR consultant's engineer. The Addendum also includes a letter from Fall Creek Engineering, Inc. dated March 18, 2002 which does not raise new issues not previously raised in its prior letters. The Addendum reflects minor technical changes or additions to the EIR, consistent with the requirements of CEQA Guidelines Section 15164 and does not identify new or substantially increased impacts that would require a supplemental or subsequent EIR pursuant to CEQA Guideline 15162.

XXI. WHEREAS the Marin County Board of Supervisors makes the following findings:

- A. With respect to the current proposed development, which is based on the Mitigated Alternative Option 2 that was evaluated in the EIR, since certification of the Final EIR, there have not been significant changes to the design of the stormwater and wastewater systems for the project beyond minor technical changes and clarifications and modifications to the systems to enhance their function. These changes were all addressed in the EIR before the Mitigated Alternative Option 2 was added to the Final EIR and were applicable to the original project design as well as the original Mitigated Alternative in the Draft EIR. When Mitigated Alternative Option 2 was added to the Final EIR, these same changes were also applied to the Mitigated Alternative Option 2 design. From the standpoint of stormwater collection and dispersal and wastewater treatment, the proposed project does not differ from that which was evaluated in the Draft EIR. The main changes to the Mitigated Alternative that are included in Mitigated Alternative Option 2 pertain to the reconfiguration of the buildings and roadway design to maintain a 100-foot setback to all on-site wetlands and to more closely approximate a modified grid street pattern. The basic design, layout, and function of the stormwater and wastewater treatment and disposal systems are the same as those which were previously presented and evaluated in the Draft EIR.
- B. The current design of the stormwater and wastewater systems for the project has been found to either comply with applicable County standards or is required to comply with County standards as mitigation measures that were identified in the EIR and incorporated as conditions of project approval. The County Environmental Health Services Division and the Regional Water Quality Control Board have not adversely commented on the EIR or raised any concerns with respect to the adequacy of the County standards relative to stormwater and wastewater treatment and disposal. The issues raised in the Fall Creek Engineering letters that are addressed in the Addendum do not represent new information since the same concerns have been raised by concerned parties in response to the Draft EIR, the Final EIR, and the comments to the Final EIR. The EIR opponents and Fall Creek Engineering had a meaningful opportunity to raise their issues in comments on the Draft EIR and Final EIR and did not submit any comments addressing these issues during the Draft EIR and Final EIR public review and comment periods. The Fall Creek Engineering letters and comments from Mr. Sharp do not present any argument that the Mitigated Alternative Option 2 design changes for wetland setback or grid street pattern result in any new or more severe impacts not addressed in the EIR. No substantial evidence has been presented in the Fall Creek Engineering letters or Mr. Sharp's letter that the project as designed in Mitigated Alternative Option 2 and currently proposed would result in new or more severe environmental impacts. Instead, their comments reflect a difference of opinion amongst experts about the design of the stormwater and wastewater treatment and disposal systems. CEQA Guidelines Section 15151 "Standards for Adequacy of an EIR" provides that an EIR does not need to resolve a disagreement amongst experts to be adequate but should identify the main points of disagreement to allow a choice by the decision-makers among differing opinions presented in the study.
- C. The comments from Fall Creek Engineering Inc. and the responses and clarifications to the stormwater and wastewater design from Questa Engineering Corp. do not meet the requirements for preparation of either a Subsequent EIR or a Supplement to the EIR pursuant to CEQA Guidelines 15162 and 15163, respectively, because the information presented does not constitute new information of substantial importance that was not previously available or known at the time the EIR was prepared, the information presented

does not necessitate revisions to the EIR to address new or more severe significant environmental impacts, and the information does not reflect a substantial change to the circumstances under which the project is undertaken. The information does not identify any feasible project alternative or mitigation measure considerably different from others previously analyzed that would clearly lessen any significant environmental impacts that the applicant declines to adopt. Furthermore, the information presented does not trigger the requirements for recirculation of the EIR pursuant to CEQA Guidelines Sections 15088.5, 15162, or 15163 because no new information has been presented where the public has been denied the opportunity to comment on during review of the review of the Draft EIR, the Final EIR, and the Responses to the Final EIR, and there are no changes to the project and no new or more severe impacts or substantially different mitigations or alternatives that have been identified since certification of the Final EIR for which the applicant has declined to adopt.

- XXII. WHEREAS the Marin County Board of Supervisors finds that the proposed project does not involve, or result in, substantial changes in the project or substantial changes to the circumstances under which the project was undertaken that results in new or more severe impacts than those in the Final EIR or significant new information of substantial importance that identifies new or more severe impacts or mitigation measures or alternatives that would reduce impacts that the project proponent declines to adopt. Therefore, no new information relating to new or more severe impacts in addition to those addressed in the previously certified Environmental Impact Report have been presented. Furthermore, the information presented after certification of the Final EIR does not require additional mitigation or substantial changes to the mitigation measures in the previously certified Environmental Impact Report and does not make other alternatives previously found to be unfeasible now feasible or substantially reduce one or more significant effects. Therefore, pursuant to CEQA Guidelines Section 15164, an Addendum to the previously adopted Environmental Impact Report is the appropriate method for reviewing the project for CEQA compliance.

SECTION II: ACTION

NOW, THEREFORE, LET IT BE RESOLVED that the Marin County Board of Supervisors hereby makes the following findings:

- I. Notice of the initial public review period and hearing on the project was given as required by law and said hearing was conducted pursuant to Sections 15164(d) of the State CEQA Guidelines and the County CEQA process.
- II. All individuals, groups and agencies desiring to comment on the Addendum to the Environmental Impact Report were given the opportunity to address the Marin County Board of Supervisors.
- III. The Addendum to the Final Environmental Impact Report for the project consists of those items identified in Recitals XVII and XX above.
- IV. The Addendum to the Final EIR was completed in compliance with the intent and requirements of CEQA, the State CEQA Guidelines, and the County's CEQA process.
- V. Adoption of the Addendum does not constitute recertification of the Final EIR, but rather will be considered by the Board of Supervisors with the Final EIR prior to the decision to approve the proposed project, as required by CEQA Guideline Section 15164(d).

LET IT BE FURTHER RESOLVED that the Marin County Board of Supervisors adopt the Addendum to the previously certified Final Environmental Impact Report for the Point Reyes Affordable Homes project as an adequate and complete environmental document for purposes of approving the project and declares that the Addendum to the certified Environmental Impact Report has been completed and considered in conjunction with the comments thereto, in compliance with CEQA, the State CEQA Guidelines, and the County's CEQA process.

SECTION 3: VOTE

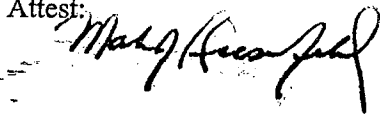
PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin, State of California, on the 19th day of March, 2002, by the following vote to wit:

AYES: SUPERVISORS John B. Kress, Harold C. Brown, Jr., Steve Kinsey,
Annette Rose, Cynthia L. Murray, President
NOES: NONE
ABSENT: NONE



CYNTHIA MURRAY, PRESIDENT
MARIN COUNTY BOARD OF SUPERVISORS

Attest:



MARK J. RIESENFELD
CLERK OF THE BOARD OF SUPERVISORS

MARIN COUNTY BOARD OF SUPERVISORS

RESOLUTION NO. 2002-26

A RESOLUTION WITH FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL
QUALITY ACT AND WITH FINDINGS FOR APPROVAL OF THE POINT REYES AFFORDABLE
HOMES PLAN AMENDMENT (PA 00-02) APPLICATION TO AMEND THE MARIN
COUNTYWIDE PLAN AND POINT REYES STATION COMMUNITY PLAN
857 MESA ROAD, POINT REYES STATION
ASSESSOR'S PARCELS 119-240-45, -46, -57, -58

SECTION 1: CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

- I. WHEREAS an Environmental Impact Report (hereinafter, "EIR") was prepared for the Point Reyes Affordable Homes, Inc. ("Point Reyes Affordable Homes") project by EDAW, environmental consultant to the Marin County Community Development Agency - Planning Division, pursuant to requirements of the California Environmental Quality Act ("CEQA," Public Resource Code Sections 21000-21177), State CEQA Guidelines, and County CEQA procedures.
- II. WHEREAS on January 29, 2002, the Marin County Board of Supervisors adopted Resolution No. 2002-18 which certified the Final EIR for the Point Reyes Affordable Homes project as adequate for purposes of taking an action on the project.
- III. WHEREAS, based on the Final EIR and an Addendum, the Marin County Board of Supervisors hereby makes findings pursuant to CEQA as contained in "Exhibit 1" attached to this resolution and incorporated herein by reference.

SECTION 2: FINDINGS RELEVANT TO AMENDMENT OF THE MARIN COUNTYWIDE PLAN AND THE POINT REYES STATION COMMUNITY PLAN

- I. WHEREAS the Marin County Board of Supervisors finds that Point Reyes Affordable Homes submitted an application for a Countywide Plan Amendment to change the project site's land use designation. Currently the eastern portion of the site carries a C-SF4 (Coastal, Single Family Residential; one to two units per acre) land use designation. The C-SF4 category is intended to allow for single-family residential development at a lower range of densities. The C-SF4 land use category does not allow multiple-family residential development, such as the Papermill Creek Apartments. The proposed development within the C-SF4 would exceed the allowable density. Therefore, the proposed project includes a Countywide Plan Amendment to change the site's C-SF4 land use designation to a Coastal, Multiple-Family (C-MF-2), one to four units per acre. The amendment would modify Community Development Policy CD-15.18 and Map 7.9 to incorporate the C-MF-2 land use designation. This land use category is intended to allow for multiple-family development, including apartments.
- II. WHEREAS the Marin County Board of Supervisors hereby makes findings for project approval and for determination of project consistency with applicable County plans as contained in "Exhibit 2" attached to this resolution and incorporated herein by reference.

SECTION 3: RESOLUTION APPROVING THE POINT REYES AFFORDABLE HOMES PLAN AMENDMENT APPLICATION, SUBJECT TO CONDITIONS OF APPROVAL AND IMPLEMENTATION OF A MITIGATION MONITORING AND REPORTING PROGRAM

NOW, THEREFORE BE IT RESOLVED that the Marin County Board of Supervisors hereby adopts this resolution which approves the Point Reyes Affordable Homes Plan Amendment (PA 00-02) application to amend the Marin Countywide Plan and the Point Reyes Station Community Plan to change the land use designation for the project site, subject to the Conditions of Approval contained in "Exhibit 3" and the specific terms of the amendments as set forth in detail therein, and implementation of the Mitigation Monitoring and Reporting Program contained in "Exhibit 4" of this resolution to the extent the mitigation measures contained therein are related to this approval. Both Exhibit 3 and Exhibit 4 are attached to this resolution and incorporated herein by reference.

SECTION 4: VOTE

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin, State of California, on the 19th day of March 2002, by the following vote to wit:

AYES: SUPERVISORS John B. Kress, Harold C. Brown, Jr., Steve Kinsey,
Annette Rose, Cynthia L. Murray, President

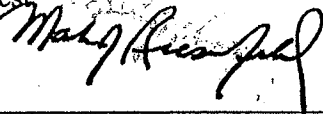
NOES: NONE

ABSENT: NONE



CYNTHIA MURRAY, PRESIDENT
MARIN COUNTY BOARD OF SUPERVISORS

Attest:



MARK J. RIESENFELD
CLERK OF THE BOARD OF SUPERVISORS

MARIN COUNTY BOARD OF SUPERVISORS
RESOLUTION NO. 2002-27

A RESOLUTION WITH FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL
QUALITY ACT AND WITH FINDINGS RECOMMENDING ADOPTION OF AN AMENDMENT TO
THE LOCAL COASTAL PROGRAM AND ZONING IMPLEMENTATION PLAN TO THE
CALIFORNIA COASTAL COMMISSION
857 MESA ROAD, POINT REYES STATION
ASSESSOR'S PARCELS 119-240-45, -46, -57, -58

SECTION I: CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

- I. WHEREAS an Environmental Impact Report (hereinafter, "EIR") was prepared for the Point Reyes Affordable Homes, Inc. ("Point Reyes Affordable Homes") project by EDAW, environmental consultant to the Marin County Community Development Agency - Planning Division, pursuant to requirements of the California Environmental Quality Act ("CEQA," Public Resource Code Sections 21000-21177), State CEQA Guidelines, and County CEQA procedures.
- II. WHEREAS on January 29, 2002, the Marin County Board of Supervisors adopted Resolution No. 2002-18 which certified the Final EIR for the Point Reyes Affordable Homes project as adequate for purposes of taking an action on the project.
- III. WHEREAS based on the Final EIR and an Addendum, the Marin County Board of Supervisors hereby makes findings pursuant to CEQA as contained in "Exhibit 1" attached to this resolution and incorporated herein by reference.

**SECTION 2: FINDINGS RELEVANT TO A LOCAL COASTAL PROGRAM AMENDMENT
AND FINDINGS FOR PROJECT APPROVAL AND FOR DETERMINATION OF
PROJECT CONSISTENCY WITH APPLICABLE COUNTY PLANS**

- I. WHEREAS the Marin County Board of Supervisors finds that Point Reyes Affordable Homes submitted a Local Coastal Program Amendment application seeking to add a new Policy 8(b) to the Local Coastal Program Unit II, New Development and Land Use Policy which would read:

Development of the 18.59-acre property consisting of Assessor's Parcels 119-240-45, -46, -57, and -58 and consisting of Areas A, B, C, D, E and F as depicted on Exhibit E; shall be subject to the following land use designations, as defined in the Marin Countywide Plan and further incorporated as Appendix G to the Local Coastal Program: The land use designation for Areas A and B shall be C-MF-2 (Coastal, Multiple-family, one to four units per acre maximum residential density). The land use designation for Area C shall be C-SF-4 (Coastal, Single-family Residential, one to two units per acre). The land use designation for Areas D and E shall be C-RS (Coastal, Residential Commercial, one to 20 units per acre maximum residential density, 30% to 50% commercial floor area ratio). The land use designation for Area F shall be C-OS (Coastal, Open Space).

The site shall be subject to an overall single site development plan for the entire 18.59-acre area that consists of Areas A, B, C, D, E, and F. The site development plan shall be subject to the review and approval of the California Coastal Commission as an amendment to the LCP. Any coastal development permit or permits for development of any portion of the site shall be consistent with the approved site development plan. The site development plan shall indicate the kinds, locations, and intensities of uses allowable in accordance with the following requirements.

- A. *The total number of residential units on the entire 18.6-acre area shall not exceed 36.*
- B. *Area A shall be developed with a maximum of seven detached affordable for-sale units ranging in size from approximately 900 to 1,155 square feet.*
- C. *Area B shall be developed with a maximum of 27 rental affordable units ranging in size from approximately 1,440 to 1,720 square feet, with a manager's unit/community building of approximately 2,180 square feet.*
- D. *No more than two residential dwelling units may be developed within Area C.*
- E. *A minimum of 12 public parking spaces shall be provided within Area D.*
- F. *A minimum of two acres shall be reserved for a future overnight visitor-serving facility, preferably providing lower cost services to the maximum extent feasible, or an alternative commercial use deemed appropriate by the Coastal Commission within Area E.*
- G. *Future use of the approximate 18.59-acre area depicted on Exhibit E, including all wetlands shall be consistent with the Local Coastal Program, including provisions which mandate a 100-foot minimum buffer as measured landward from the edge of the wetlands.*
- H. *No coastal development permit for a subdivision or division of the approximate 18.59-acre area depicted on Exhibit E shall be approved without the owner(s) of all such assessor parcels agreeing to grant or offer to dedicate a conservation easement over all wetland and wetland buffer areas prior to issuance of any coastal development permit for subdivision or division of the 18.59 acre area depicted on Exhibit E.*

II. WHEREAS a Rezoning of the affected areas from the existing Coastal, Village Commercial Residential (C-VCR:B-2) and Coastal, Suburban Agricultural (C-RA:B-3) zoning districts to a Coastal, Residential Multiple Planned Commercial (C-RMPC) and Coastal, Residential Multiple Planned zoning districts would also be considered as part of the LCP Amendment through the Zoning Implementation Plan, and further depicted in the proposed zoning plan.

III. WHEREAS the Marin County Board of Supervisors hereby makes findings for project approval and for determination of project consistency with applicable County plans as contained in "Exhibit 2" attached to this resolution and incorporated herein by reference.

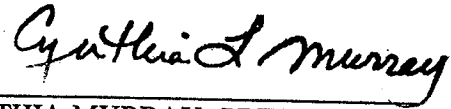
SECTION 3: RESOLUTION RECOMMENDING APPROVAL OF THE POINT REYES AFFORDABLE HOMES LOCAL COASTAL PROGRAM AMENDMENT APPLICATION, SUBJECT TO CONDITIONS OF APPROVAL AND IMPLEMENTATION OF A MITIGATION MONITORING AND REPORTING PROGRAM

NOW, THEREFORE BE IT RESOLVED that the Marin County Board of Supervisors hereby withdraws Board of Supervisors Resolution 2000-129 and adopts this new resolution recommending approval of the proposed amendment to the Local Coastal Program and Zoning Implementation Plan as generally described herein and more particularly described and, subject to the Conditions of Approval contained in "Exhibit 3" and implementation of the Mitigation Monitoring and Reporting Program contained in "Exhibit 4" of this resolution to the extent the mitigation measures contained therein are related to this approval. Both Exhibit 3 and Exhibit 4 are attached to this resolution and incorporated herein by reference.

SECTION 4: VOTE

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin, State of California, on the 19th day of March 2002, by the following vote to wit:

AYES: SUPERVISORS John B. Kress, Harold C. Brown, Jr., Steve Kinsey,
Annette Rose, Cynthia L. Murray, President
NOES: NONE
ABSENT: NONE



CYNTHIA MURRAY, PRESIDENT
MARIN COUNTY BOARD OF SUPERVISORS

Attest:



MARK J. RIESENFELD
CLERK OF THE BOARD OF SUPERVISORS

APPENDIX G

The following land use categories and densities have been incorporated from the Marin Countywide Plan.

1. Coastal, Single-family Residential Land Use Category and Density.

Single-family residential development shall be provided at a range of lower densities, recognizing physical hazards and development constraints, the necessity to protect natural resources, and the availability of public services and facilities. Other consistent uses may include parks, playgrounds, crop and tree farming, nurseries and greenhouses, home occupations, schools, libraries, museums, community centers, churches, hospitals, retreats, educational, philanthropic and charitable institutions, cemeteries, golf courses, country clubs, stables and riding academies, and day care centers for six or more children.

Single-family 4. 1 to 2 units per acre. Commercial floor area ratio: 10% to 15%. Consistent zoning includes: C-RA:B-3.

2. Coastal, Multiple-family Residential Land Use Category and Density.

Predominantly multi-family development shall be provided in areas where increased density can be accommodated due to a full range of urban services and location near collector and arterial streets, transit service and neighborhood, community and regional shopping facilities. Other consistent uses may include lodges, fraternity and sorority houses, museums, motels, hotels, apartments and incidental businesses, hospitals, rest homes, sanitariums and clinics, educational, philanthropic and charitable institutions, child care centers, offices, libraries, churches, community centers and cemeteries.

Multiple-family 2. 1 to 4 units per acre. Commercial floor area ratio: 10% to 30%. Consistent zoning includes C-RMP-1 to C-RMP-4.

3. Coastal, Residential Commercial Land Use Category and Density.

Consistent uses include crop and tree farming, nurseries, greenhouses, stores, shops, offices, banks, restaurants, hospitals, meeting halls, community centers, schools, libraries, churches, museums, child care centers, educational, philanthropic and charitable institutions, and residential dwellings.

Coastal, Residential Commercial. 1 to 20 units per acre. Commercial floor area ratio: 30% to 50%. Consistent zoning includes C-RMPC.

4. Public and Quasi-public Land Use Category and Intensity.

Land shall be designated for both public and quasi-public institutional purposes, including open space, schools, hospitals, cemeteries, government facilities, correctional facilities, power distribution facilities, sanitary landfills, and water facilities. Only publicly owned lands may be designated for open space unless subject to deed restrictions or other agreements. Lands designated as public or quasi-public facilities may be combined with another land use designation and zoned for consistency with use as a public facility and for another use.

Coastal, Open Space. Consistent zoning includes C-OA.

MARIN COUNTY BOARD OF SUPERVISORS

ORDINANCE NO. 3338

AN ORDINANCE WITH FINDINGS PURSUANT TO THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT AND WITH FINDINGS FOR PROJECT APPROVAL
AND FOR DETERMINATION OF PROJECT CONSISTENCY WITH APPLICABLE
COUNTY PLANS THAT APPROVES THE
POINT REYES AFFORDABLE HOMES REZONING (RZ 00-02) APPLICATION
857 MESA ROAD, POINT REYES STATION
ASSESSOR'S PARCELS 119-240-45, -46, -57, -58

The Board of Supervisors of the County of Marin ordains as follows.

SECTION I: CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

- I. WHEREAS an Environmental Impact Report (hereinafter, "EIR") was prepared for the Point Reyes Affordable Homes, Inc. ("Point Reyes Affordable Homes") project by EDAW, environmental consultant to the Marin County Community Development Agency - Planning Division, pursuant to requirements of the California Environmental Quality Act ("CEQA," Public Resource Code Sections 21000-21177), State CEQA Guidelines, and County CEQA procedures.
- II. WHEREAS on January 29, 2002, the Marin County Board of Supervisors adopted Resolution No. 2002-18 which certified the Final EIR for the Point Reyes Affordable Homes project as adequate for purposes of taking an action on the project.
- III. WHEREAS, based on the EIR and an Addendum, the Marin County Board of Supervisors hereby makes findings pursuant to CEQA as contained in "Exhibit 1" attached to this resolution and incorporated herein by reference.

**SECTION 2: FINDINGS RELEVANT TO REZONING AND FINDINGS FOR
PROJECT APPROVAL AND FOR DETERMINATION OF PROJECT
CONSISTENCY WITH APPLICABLE COUNTY PLANS**

- I. WHEREAS the Marin County Board of Supervisors finds that Point Reyes Affordable Homes submitted a Rezoning application for the project. A Rezoning approval is required in order to allow the site layout, density, and land uses proposed as part of the Point Reyes Affordable Homes project. The Rezoning application seeks approval to rezone the affordable housing portions of the site to a Coastal, Residential, Multiple Planned (C-RMP) zoning district. The land area designated for development of the visitor-serving lodge and public parking area is proposed to be rezoned from the Coastal, Village Commercial Residential (C-VCR:B-2) to a Coastal, Residential Multiple Planned Commercial (C-RMPC) zoning district. The proposed market rate residential lot would retain its current C-R-A:B-3 zoning.
- II. WHEREAS the Marin County Board of Supervisors hereby makes findings for project approval and for determination of project consistency with applicable County plans as contained in "Exhibit 2" attached to this resolution and incorporated herein by reference.

SECTION 3: ORDINANCE APPROVING THE POINT REYES AFFORDABLE HOMES REZONING APPLICATION, SUBJECT TO CONDITIONS OF APPROVAL AND IMPLEMENTATION OF A MITIGATION MONITORING AND REPORTING PROGRAM

NOW, THEREFORE BE IT RESOLVED that the Marin County Board of Supervisors hereby enacts an ordinance amending Title 22 (Zoning) of the Marin County Code, which amendment rezones Assessor's Parcels 119-240-45, -46, -57, and -58 to the following zoning districts pursuant to Marin County Code Chapter 22.90 and Exhibit "D" of the Point Reyes Affordable Homes project, subject to the Conditions of Approval contained in "Exhibit 3" and implementation of the Mitigation Monitoring and Reporting Program contained in "Exhibit 4" of this resolution to the extent the mitigation measures contained therein are related to this approval. Both Exhibit D, Exhibit 3, and Exhibit 4 are attached to this resolution and incorporated herein by reference.

- A. A Coastal, Residential Multiple Planned (C-RMP-3.2), 3.2 units per acre maximum density zoning district shall govern the land area designated for the Williams Street Apartments as shown in Exhibit "D".
- B. A Coastal, Residential Multiple Planned (C-RMP-4.3), 4.3 units per acre maximum density zoning district shall govern the land area designated for the Papermill Creek Apartments and Homes as shown in Exhibit "D".
- C. A Coastal, Residential Multiple Planned Commercial (C-RMPC) zoning district shall govern the land area designated for future development of a public parking lot, restrooms, and visitor-serving lodge uses as shown in Exhibit "D".
- D. A Coastal, Open Area (C-OA) zoning district shall govern the land area designated for open space conservation as shown in Exhibit "D".

SECTION 4: ACTION AND VOTE

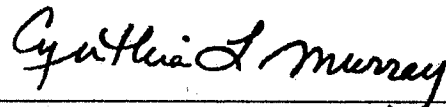
This Ordinance shall be and is hereby declared to be in full force and effect as of thirty (30) days from and after the date of its passage, and shall be published once before the expiration date of fifteen (15) days after its passage, with the names of the Supervisors voting for and against the same in the Marin Independent Journal, a newspaper of general circulation published in the County of Marin.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin, State of California, on the 19th day of March 2002, by the following vote to wit:

AYES: SUPERVISORS John B. Kress, Harold C. Brown, Jr., Steve Kinsey,
Annette Rose, Cynthia L. Murray, President

NOES: NONE

ABSENT: NONE



CYNTHIA MURRAY, PRESIDENT
MARIN COUNTY BOARD OF SUPERVISORS

Attest:



MARK J. RIESENFELD
CLERK OF THE BOARD OF SUPERVISORS

Map of the City of San Francisco showing various planning areas. The map includes labels for C-RMP-3.2, C-RA-B-3, C-RA, C-OA, C-RMPC, and C-RMP-4.3. A north arrow is located in the top right corner. The map also shows the coastline, major roads, and various landmarks.

MARIN COUNTY BOARD OF SUPERVISORS

ORDINANCE NO. 3339

AN ORDINANCE WITH FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND WITH FINDINGS FOR PROJECT APPROVAL AND FOR DETERMINATION OF PROJECT CONSISTENCY WITH APPLICABLE COUNTY PLANS THAT APPROVES THE POINT REYES AFFORDABLE HOMES MASTER PLAN (MP 00-05) APPLICATION 857 MESA ROAD, POINT REYES STATION ASSESSOR'S PARCELS 119-240-45, -46, -57, -58

The Board of Supervisors of the County of Marin ordains as follows.

SECTION I: CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

- I. WHEREAS an Environmental Impact Report (hereinafter, "EIR") was prepared for the Point Reyes Affordable Homes, Inc. ("Point Reyes Affordable Homes") project by EDAW, environmental consultant to the Marin County Community Development Agency – Planning Division, pursuant to requirements of the California Environmental Quality Act ("CEQA," Public Resource Code Sections 21000-21177), State CEQA Guidelines, and County CEQA procedures.
- II. WHEREAS on January 29, 2002, the Marin County Board of Supervisors adopted Resolution No. 2002-18 which certified the Final EIR for the Point Reyes Affordable Homes project as adequate for purposes of taking an action on the project.
- III. WHEREAS, based on the EIR and Addendum, the Marin County Board of Supervisors hereby makes findings pursuant to CEQA as contained in "Exhibit 1" attached to this resolution and incorporated herein by reference.

SECTION 2: FINDINGS RELEVANT TO MASTER PLAN AND FINDINGS FOR PROJECT APPROVAL AND FOR DETERMINATION OF PROJECT CONSISTENCY WITH APPLICABLE COUNTY PLANS

- I. WHEREAS the Marin County Board of Supervisors finds that Point Reyes Affordable Homes submitted a Master Plan application for the project. Master Plan approval is required by Sections 22.57.072 and 22.57.142 of Marin County Code for single- and two-family residential, public parking lot, and overnight lodging buildings and uses in the proposed Coastal, Residential Multiple Planned (C-RMP) and Coastal, Residential Multiple Planned Commercial (C-RMPC) zoning districts.
- II. WHEREAS the Marin County Board of Supervisors hereby makes findings for project approval and for determination of project consistency with applicable County plans as contained in "Exhibit 2" attached to this resolution and incorporated herein by reference.

SECTION 3: ORDINANCE APPROVING THE POINT REYES AFFORDABLE HOMES MASTER PLAN APPLICATION, SUBJECT TO CONDITIONS OF APPROVAL AND IMPLEMENTATION OF A MITIGATION MONITORING AND REPORTING PROGRAM

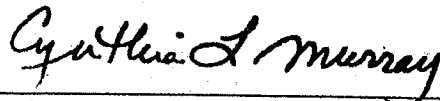
NOW, THEREFORE BE IT RESOLVED that the Marin County Board of Supervisors hereby enacts an ordinance which approves the Point Reyes Affordable Homes Master Plan (MP 00-05), subject to the Conditions of Approval contained in "Exhibit 3" and implementation of the Mitigation Monitoring and Reporting Program contained in "Exhibit 4" of this resolution. Both Exhibit 3 and Exhibit 4 are attached to this resolution and incorporated herein by reference.

SECTION 4: ACTION AND VOTE

This Ordinance shall be and is hereby declared to be in full force and effect as of thirty (30) days from and after the date of its passage, and shall be published once before the expiration date of fifteen (15) days after its passage, with the names of the Supervisors voting for and against the same in the Marin Independent Journal, a newspaper of general circulation published in the County of Marin.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin, State of California, on the 19th day of March 2002, by the following vote to wit:

AYES: SUPERVISORS John B. Kress, Harold C. Brown, Jr., Steve Kinsey,
Annette Rose, Cynthia L. Murray, President
NOES: NONE
ABSENT: NONE



CYNTHIA MURRAY, PRESIDENT
MARIN COUNTY BOARD OF SUPERVISORS

Attest:



MARK J. RIESENFELD
CLERK OF THE BOARD OF SUPERVISORS

MARIN COUNTY BOARD OF SUPERVISORS

RESOLUTION NO. 2002-28

A RESOLUTION WITH FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND WITH FINDINGS FOR PROJECT APPROVAL AND FOR DETERMINATION OF PROJECT CONSISTENCY WITH APPLICABLE COUNTY PLANS THAT APPROVES THE POINT REYES AFFORDABLE HOMES PRECISE DEVELOPMENT PLAN, COASTAL PERMIT, AND SUBDIVISION APPLICATIONS (DP 00-22, CP 00-28, SD 00-04)
857 MESA ROAD, POINT REYES STATION
ASSESSOR'S PARCELS 119-240-45, -46, -57, -58

SECTION I: CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

- I. WHEREAS an Environmental Impact Report (hereinafter, "EIR") was prepared for the Point Reyes Affordable Homes, Inc. ("Point Reyes Affordable Homes") project by EDAW, environmental consultant to the Marin County Community Development Agency – Planning Division, pursuant to requirements of the California Environmental Quality Act ("CEQA," Public Resource Code Sections 21000-21177), State CEQA Guidelines, and County CEQA procedures.
- II. WHEREAS on January 29, 2002, the Marin County Board of Supervisors adopted Resolution No. 2002-18 which certified the Final EIR for the Point Reyes Affordable Homes project as adequate for purposes of taking an action on the project.
- III. WHEREAS, based on the EIR and an Addendum, the Marin County Board of Supervisors hereby makes findings pursuant to CEQA as contained in "Exhibit 1" attached to this resolution and incorporated herein by reference.

SECTION 2: FINDINGS RELEVANT TO PRECISE DEVELOPMENT PLAN, COASTAL PERMIT, AND SUBDIVISION AND FINDINGS FOR PROJECT APPROVAL AND FOR DETERMINATION OF PROJECT CONSISTENCY WITH APPLICABLE COUNTY PLANS

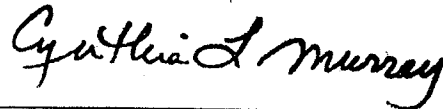
- I. WHEREAS the Marin County Board of Supervisors finds that Point Reyes Affordable Homes submitted an application for Precise Development Plan, Coastal Permit, and Subdivision (Vesting Tentative Map) approval. The Precise Development Plan and Coastal Permit applications are required for design approval of all on-site project features, including the Williams Street Apartments, the Papermill Creek Apartments, and the Papermill Creek Homes. A Subdivision (Vesting Tentative Map) application is required for the proposed division of the 18.6-acre property into 13 lots.
- II. WHEREAS the Marin County Board of Supervisors hereby makes findings for project approval and for determination of project consistency with applicable County plans as contained in "Exhibit 2" attached to this resolution and incorporated herein by reference.

SECTION 3: RESOLUTION APPROVING THE POINT REYES AFFORDABLE HOMES PRECISE DEVELOPMENT PLAN, COASTAL PERMIT, AND SUBDIVISION APPLICATIONS, SUBJECT TO CONDITIONS OF APPROVAL AND IMPLEMENTATION OF A MITIGATION MONITORING AND REPORTING PROGRAM

NOW, THEREFORE BE IT RESOLVED that the Marin County Board of Supervisors hereby adopts this resolution which approves the Point Reyes Affordable Homes Precise Development Plan (DP 00-22), Coastal Permit (CP 00-28), and Subdivision (SD 00-04) applications, subject to the Conditions of Approval contained in "Exhibit 3" and implementation of the Mitigation Monitoring and Reporting Program contained in "Exhibit 4" of this resolution. Both Exhibit 3 and Exhibit 4 are attached to this resolution and incorporated herein by reference.

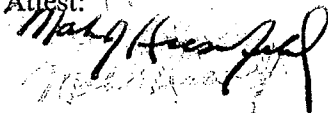
SECTION 4: VOTE

AYES: SUPERVISORS John B. Kress, Harold C. Brown, Jr., Steve Kinsey,
Annette Rose, Cynthia L. Murray, President
NOES: NONE
ABSENT: NONE



CYNTHIA MURRAY, PRESIDENT
MARIN COUNTY BOARD OF SUPERVISORS

Attest:



MARK J. RIESENFELD
CLERK OF THE BOARD OF SUPERVISORS

"EXHIBIT 1"

FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT Point Reyes Affordable Homes, Inc. Countywide Plan Amendment, Community Plan Amendment, Local Coastal Program Amendment, Rezoning, Coastal Permit, Master Plan, Precise Development Plan, and Subdivision

I. OVERVIEW

A. Purpose of the Findings

These findings relate to the Point Reyes Affordable Housing Project and its alternatives, all of which have been evaluated in the final environmental impact report (FEIR). The FEIR was certified by the Marin County Board of Supervisors (Resolution No. 2002-18). The certified FEIR was addended by the Addendum to the FEIR. The FEIR and its Addendum are collectively referred to herein as the "EIR"). The EIR found that the Project resulted in unavoidable significant effects on the environment that warranted consideration of an alternative design for approval. The environmentally superior alternative that meets the Project's basic objectives, Mitigated Alternative Option 2, has been brought forward for approval. These findings are made and adopted by the Marin County Board of Supervisors in satisfaction of State and local requirements relative to the environmental review, analysis, consideration, and approval of Mitigated Alternative Option 2, and its environmental, planning, zoning, and development documents. These findings provide the written analysis and conclusions of the Board of Supervisors regarding Mitigated Alternative Option 2, which has been found to result in less than significant impacts with respect to potential policy conflicts. They are divided into general sections. Each of these sections is further divided into subsections, each of which addresses a particular impact topic and/or requirement of law. At times, these findings refer to materials in the administrative record, which are either attached to these findings or are readily available for review at the County.

B. The Applicant and the Proposed Project

The applicant is Point Reyes Affordable Homes, Inc. The Proposed Project involves conversion of the existing corral and grazing land to residential and future visitor serving commercial uses, community parking with restrooms, and community open space. Mitigated Alternative Option 2 involves the same uses as the original Project, with minor variations in the design to respond to less than significant environmental impacts of the Project. Characteristics of the Project as originally designed are described first, followed by a description of Mitigated Alternative Option 2.

Residential Units. A total of 36 residential units are proposed, including 27 affordable rental units, 7 affordable for-sale units, and two market rate units. Twenty-seven housing units would be built as rental units for very low and low income households. The Williams Street Apartment, proposed for the western end of the site, would consist of 4 duplexes and 4 single family homes, totaling 12 units with 24 bedrooms. The Papermill Creek Apartments, proposed for the southwestern portion of the project site, would consist of 3 duplexes, 2 triplexes, 2 single family homes, and 1 manager unit, totaling 15 units with 28 bedrooms. The 7 Papermill Creek Homes, proposed for the eastern portion of the project site, would include 4 two-bedroom and 3 three-bedroom single family housing units to be sold to low and

moderate low income households. One 5.39-acre lot would be developed and sold at market rate. This property would include 1 three-bedroom main house, 1 one-bedroom guest house (cottage), and a barn.

Future Visitor-Serving Commercial Use. Approximately 2.13 acres of the site would be reserved for a future visitor-serving commercial use, expected to be a bed-and-breakfast inn, youth hostel, or other similar visitor-serving use. It is expected that the future building size would range from 13,000 to 17,000 square feet and would include two stories. The commercial use is included in the proposed Master Plan for the project, and the project would include construction of the water, wastewater, drainage, and road access improvements needed for the visitor-serving commercial development. No other physical improvements for this future use are proposed as part of the initial development.

The building, parking areas, and landscaping for the future commercial use are not anticipated to be constructed until after January 1, 2006, and would be subject to their own precise development plan review and approval. Once the precise development plan for the commercial parcel is submitted, Marin County CDA will conduct a preliminary environmental review (in accordance with Section 15060 of the State CEQA Guidelines) to determine whether any of the design details would require subsequent environmental review. For the purposes of presenting a complete project description with reasonably foreseeable impacts, this EIR analyzes the potential environmental effects resulting from the parcel's infrastructure improvements, and from future development of a two-story, 17,000-square-foot bed-and-breakfast consisting of 20 guest rooms. This use represents a reasonably foreseeable example of a possible future use of that portion of the project site.

Community-Serving and Conservation Uses. The Project includes an approximately 0.83-acre parcel for use as a 32-space unpaved, aggregate-surfaced public parking lot with public restrooms. Additionally, approximately 2.58 acres of the site is proposed to be dedicated as permanent open space that would contain a wetland restoration and preservation area. The project would include a 30-foot-wide unimproved public pedestrian easement extending from the public parking lot/restroom area to the northeast boundary of the site.

Roadways. The Project includes construction of Williams Street to provide access from Shoreline Highway to the Williams Street Apartments and to the market rate residence and farm. The street would be 24 feet wide from Shoreline Highway to the Williams Street Apartment complex, and would be 16 feet wide thereafter. (The EIR has found that a roadway in the Williams Street right-of-way from Shoreline Highway could not be feasibly constructed to avoid existing wetlands and a required 100-foot buffer around the wetlands, which has led to consideration of modifications in accordance with Mitigated Alternative Option 2, as discussed in the following section.) The project would also include construction of Papermill Creek Road, a private 28-foot wide internal road providing access to the Papermill Creek Apartments and Homes from Mesa Road, north of Commodore Webster Drive. The Project includes construction of 24-foot wide Bostick Avenue to provide access to the public parking lot and restrooms. Williams Street would be paved up to the driveway entrance to the Williams Street Apartments, all of the Papermill Creek roadway would be paved (not including the parking areas), and the initial 30 feet of Bostick Avenue would be paved. The remaining portions of roadway would have an unpaved aggregate surface.

Water Supply Facilities. The Project includes construction of either a new 8-inch or 12-inch water line to serve the project site. The water line is required to provide adequate fire flows within the project site. The new water line would be installed parallel to and in replacement

of an existing 6-inch line from Point Reyes-Petaluma Road to the vicinity of the Williams Street right-of-way. The project's internal water line would connect to the new water line near this point, continue eastward, through the project site, and connect to an existing 8-inch line located within Commodore Webster Drive to form a system loop.

Wastewater Treatment System. Each of the 12 wastewater generating parcels would be served by its own on-site wastewater treatment and disposal system. Septic tanks would be provided for primary treatment. Standard sub-surface leachfields would provide treatment and disposal for all the parcels except the farm parcel, which would be served by a mound system. Shallow perched groundwater in the northeast portion of the project site precludes the use of standard leachfield within the farm parcel. Low-flow water fixtures would be used in the public restrooms and all affordable residential units. The fixtures for the farm parcel would be designed by the buyer, and the fixtures for the future commercial use would be determined when the facility is designed in the future. The Project includes an on-site stormwater collection and treatment system that includes the use of infiltration trenches, rock drain trenches, and grassy swales.

On August 14, 2000, the County of Marin held a public scoping session (meeting) regarding the Project. Approximately 50 people attended and many people commented on a number of issues. Comments received during the public scoping session were used to help identify potentially significant environmental effects to be analyzed in depth in the Environmental Impact Report for the Project. On May 9, 2001 a Draft Environmental Impact Report was released for a 45-day public review period. Written and verbal comments received on the Draft EIR were collected by the County and responded to in a Final EIR published on November 29, 2001. On January 14, 2001, the Marin County Planning Commission held a planning commission meeting regarding the Project's Final EIR and unanimously recommended that the Board of Supervisors certify the Point Reyes Affordable Housing Final EIR as adequate and complete pursuant to CEQA.

As part of the analysis of the environmental impacts of the Project, alternatives to the Project were evaluated in the EIR at a similar level of detail as the project to allow consideration of project revisions to incorporate the provisions of mitigated alternatives without additional CEQA review. Mitigated Alternative Option 2 was developed to provide an alternative that avoids permanent surface encroachment within the 100-foot wetland buffers, and to provide an alternative street layout that continues the modified grid pattern from the adjacent village core onto the project site. The alternatives analysis in the EIR found that the Mitigated Alternative Option 2 would be environmentally superior among all the alternatives that meet the project objectives.

Subsequent to the January 14, 2001 Planning Commission meeting, County staff recommended that the project applicant modify the Project's site layout to more closely conform to the Mitigated Alternative Option 2.

C. Mitigated Alternative Option 2

Because the Project, as designed in the original proposal, would result in unavoidable significant effects related to the filling of wetlands and encroachment into the buffer around wetlands, Mitigated Alternative Option 2 was put forward by the applicant for adoption by the Board of Supervisors. The Findings described below address the environmental effects of Mitigated Alternative Option 2. The minor differences between the description of Mitigated

Alternative Option 2 and the Project as designed in the original proposal are presented, as follows.

Mitigated Alternative Option 2 would include the same number of housing units as the original Project, but would have 72 total bedrooms, rather than 73 as per the Project as designed in the original proposal. Similar to the Project as originally designed, Mitigated Alternative Option 2 would include the Papermill Creek Homes, market rate residential parcel, public parking lot (12 spaces) and restrooms, future commercial use, roadway improvements, onsite storm water and wastewater collection and treatment systems, a new water line constructed in Shoreline Highway and the Williams Street right-of-way, and dedication of permanent open space area. The Williams Street Apartments would be designed to avoid encroachment within 100 feet of the wetlands in the northwest corner of the project site. Six duplex apartment buildings (12 units total) would be spread over a larger portion of the site than the original Project, with larger expanses of undeveloped land between the buildings. No central commons would be constructed. A total of 35 resident and guest parking spaces would be provided. The Williams Street Apartment complex would house its own laundry facilities (under the Proposed Project, all laundry facilities would be located at the Papermill Creek Apartments). Bostick Avenue would be constructed in a manner that avoids encroachment within the wetland buffer. To minimize indirect impacts to the northwestern onsite wetland, the water line would be constructed during the dry season, would be located downgradient of the wetlands, and 3:1 compensatory mitigation would be performed for all wetland areas within 100 feet of the buried water line.

The layout of the Papermill Creek Apartments would also be slightly modified. Seven duplexes and a manager unit (a total of 15 units) would be spread over a larger portion of the site than the original Project. The apartment buildings would be generally oriented in an east-west trending direction. A total of 35 resident and guest parking spaces, including 4 parking spaces for the manager's unit, would be provided. The layout for the Papermill Creek Homes would be modified such that all of the homes would be aligned in a row along the north and east side of Papermill Creek Drive, and would generally face outward toward the USCG housing complex and Lagunitas Creek (i.e., Papermill Creek).

The wastewater and storm water treatment and collection system would be modified from the Project's preliminary design. Descriptions of these systems are provided in Appendix D of the EIR. The Williams Street Apartments leachfield and the commercial parcel leachfield would be located in generally the same locations as the Proposed Project, but have been reconfigured to avoid encroachment within the 100-foot wetland buffers. The leachfields for the Papermill Creek Apartments and the Papermill Creek Homes have been relocated and reconfigured to maintain a 100-foot wetland setback. The leachfield area for the public restrooms would be relocated slightly to the north, and would be shorter and wider than the Project.

A grass swale would be constructed north of the Williams Street Apartments to collect and route storm water runoff from the West Marin School toward the central open space area. Grass swales within the Williams Street Apartment complex would route storm water from the complex toward the central open space area.

As with the original Project, Mitigated Alternative Option 2 would include a Marin Countywide Plan Amendment, Point Reyes Station Community Plan Amendment, Local Coastal Plan Amendment, Rezone, Master Plan, Precise Development Plan, Subdivision Vesting Tentative Map, and a Coastal Permit. Similar to the Proposed Project, the project site

would be rezoned for the affordable housing portions of the site to Coastal, Residential, Multiple Planned Commercial (C-RMPC) and Coastal, Residential, Multiple Planned (C-RMP) zoning districts. The market rate farm residence parcel would retain its current C-R-A:B-3 zoning. As with the Project as originally proposed, this alternative would include a Countywide Plan Amendment to change the site's C-SF4 land use designation to C-MF2, which allows multiple-family residential development. Similar to the original Project, the applicant will submit a separate Precise Development Plan application for development of the future commercial use.

This Project would maintain permanent access along the existing onsite pathway for residents of the USCG housing complex and includes dedication of a 10-foot-wide public pedestrian access easement that would connect the eastern end of Papermill Creek Road to the USCG housing complex.

D. Defined Terms

To provide consistency in the use of terms and to increase readability, these findings often provide short parenthetical terms for certain longer, more encompassing terms or concepts. Unless the context requires a different meaning, any term or phrase used in these findings, which has its first letter capitalized shall have that meaning given to it by these findings. Certain such terms and phrases are referenced below, while others are defined where they appear in the text of these findings.

Applicant - Point Reyes Affordable Homes, Inc.

CEQA - The California Environmental Quality Act: Public Resources Code §21000 et seq.

Condition - An adopted Condition of Approval for the Point Reyes Affordable Housing Project contained in "Exhibit 3" of the approval resolution and incorporated herein by reference.

County - The County of Marin.

Countywide Plan - The *Marin Countywide Plan*, which is the County's General Plan indicating land use designations and plan policies.

EIR - The term "EIR" (environmental impact report) is a general reference to the Final Environmental Impact Report, and other documents incorporated by reference into the Final EIR, including the Appendices (Volume II), Amendment to the Final EIR, and other documents incorporated by reference into the Final EIR and the Addendum to the Final EIR.

Mitigation Measures -- CEQA requires that, where feasible, significant impacts of a project be avoided or mitigated. Measures to avoid or mitigate such impacts are referred to herein as Mitigation Measures.

MMRP - The term "MMRP" (Mitigation Monitoring and Reporting Program) refers to a mitigation monitoring program that is adopted if a project is approved with an EIR that identifies significant environmental impacts pursuant to Public Resources Code §21081.6. The MMRP, derived from Appendix C of the EIR and contained in "Exhibit 4" of the approved resolutions and incorporated herein by reference, is designed to ensure project compliance with adopted Mitigation Measures during project implementation.

Proposed Project - The Point Reyes Home, Inc., development proposal for the Point Reyes Affordable Housing Project as described in Section I.B. above. This is the "Project" pursuant to CEQA §21065 and State CEQA Guidelines §15378.

State CEQA Guidelines -- The State regulations implementing CEQA; California Code of Regulations, Title 14, Chapter 3 §15000 et seq.

E. Severability

If any term, provision, or portion of these findings or the application of same to a particular situation is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of these findings, or the application of the same to other situations, shall continue in full force and effect unless amended or modified by the County.

F. Project EIR

The EIR was prepared to examine the environmental impact of a specific development project pursuant to the State CEQA Guidelines §15161. It is intended to serve as the environmental documentation for the Proposed Project, consisting of all the discretionary actions necessary for project implementation. The EIR provides a complete evaluation of not only the Project, but also the cumulative impacts of the Project along with other existing and proposed uses, and alternatives to the Project, including the mitigated alternative and mitigated alternative option 2, which were evaluated at a similar level of detail as the project and minor modifications which were adopted in conformance with Mitigated Alternative Option 2. The EIR is also intended to serve as the environmental documentation for all County and other public agency actions subsequent to the actions in the resolutions to which these findings are attached, including approvals, permits, or other entitlements granted or issues in connection with the planning, approval, construction, operation, and maintenance of the development contemplated by the Proposed Project.

The planning and project review process of Marin County provides for various development permit applications, including but not limited to Master Plans, Use permits, Tentative and Final Subdivision Maps, Precise Development Plans, Improvement Plans, and grading and building permits. A project sponsor may file development applications necessary for a project concurrently or in stages at succeeding steps of the planning and development plans, rather than detailed, specific design-level plans required for a Precise Development Plan application and development applications of later stages of the planning and project review process. Often, design-level plan applications are not prepared and filed until after Master Plan approval. Point Reyes Affordable Homes, Inc. has filed Master Plan and Precise Development Plan applications for the Proposed Project, with the exception of precise plans for the future commercial use, which will be submitted at a later date.. The EIR was prepared to address all phases of project implementation, including planning, approval, construction operation and maintenance of the development contemplated by the Proposed Project, consistent with provisions of State CEQA Guidelines §15146 for degree of specificity required in the EIR. Therefore, the EIR is written to serve as a project-specific EIR consistent with the provisions of State CEQA Guidelines ' 15161.

II. FINDINGS ARE DETERMINATIVE

WHEREAS the Board of Supervisors recognizes that there may be differences in and among the different sources of information and opinions offered in the documents and testimony that make up the EIR and the administrative record; that experts can disagree; and that the Board of Supervisors must base its decisions and these findings on the substantial evidence in the record that it finds most compelling. Therefore, by these findings, the Board of Supervisors ratifies, clarifies, and/or makes insignificant modifications to the EIR and resolves that these findings and the Mitigation Monitoring and Reporting Program contained in Exhibit 4 of the approval resolutions, as implemented by the Conditions of Approval contained in Exhibit 3 of the approval resolutions, shall control and are determinative of the significant impacts of the Project and requirements imposed specifically on Mitigated Alternative Option 2 in response to those impacts. Both Exhibits 3 and 4 are incorporated herein by this reference as if set forth herein in full.

IV. MITIGATION MEASURES AND CONDITIONS OF APPROVAL IN FULL

WHEREAS the Board of Supervisors has modified the Project as originally proposed, by the approval of Mitigated Alternative Option 2, and adoption of Conditions of Approval (Exhibit 3), Mitigation Monitoring and Reporting Program (Exhibit 4), and these findings, to attempt to avoid or mitigate to a less-than-significant level all environmental impacts, and to otherwise consider, address and resolve all of the environmental concerns raised during public review of the EIR. The discussion which follows under the caption "Facts" for each significant impact recites some of the background environmental impact information related to Mitigated Alternative Option 2; the finding made by the Board of Supervisors is set forth under the caption "CEQA §21081(a) Finding; "and the discussion under the caption "Evidence Supporting the Finding" contains substantiating information about what mitigation is provided and how it reduces the significant impact. Therefore, The Board of Supervisors finds that the specific references to Mitigation Measures and Conditions of Approval provided herein are intended to indicate where the particular measure or condition can be found and not to indicate that adoption of the precise mitigation or condition is limited to the information in the findings, where instead, the referenced Mitigation Measures and Conditions of Approval are adopted in full.

V. CONCURRENCE WITH POTENTIAL IMPACTS DETERMINED TO BE LESS-THAN-SIGNIFICANT IMPACTS WITHOUT NEED FOR IMPOSITION OF MITIGATION

WHEREAS the Board of Supervisors has reviewed and considered the information in the EIR, including Chapters 4, 5, and 6, addressing environmental effects, mitigation measures, and alternatives, and said chapter identifies certain conclusions that Mitigated Alternative Option 2 would cause environmental impacts that are less-than-significant without imposition of mitigation. Therefore, the Board of Supervisors, relying on the facts and analysis in the EIR, which was presented to the Board of Supervisors and reviewed and considered prior to any approvals for the development pursuant to the minor modifications made to conform with Mitigated Alternative Option 2, concurs with the conclusions of the EIR regarding the less-than-significant environmental impacts of the Proposed Project.

VI. CEQA §21081(a) FINDINGS REGARDING SIGNIFICANT IMPACTS

WHEREAS the EIR identifies certain significant environmental impacts caused by Mitigated Alternative Option 2 and recommends specific mitigation measures to reduce these impacts to a less-than-significant level and the Board of Supervisors has certified the EIR as being adequate according to CEQA and has reviewed and considered the information in the EIR and in the entire record; therefore, the Board of Supervisors makes specific findings, as follows, for each significant impact, pursuant to CEQA

§21081(a), based not only on the EIR, but on the evidence in the entire record, including written and oral testimony to the Board of Supervisors.

According to CEQA §21081 no public agency shall approve or carry out a project for which an environmental impact report has been certified which identified one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur:

1. The public agency makes one or more of the following findings with respect to each significant effect:
 - a. Changes or alternations have been required in, or incorporated into, the project, which mitigate or avoid the significant effects on the environment (referred to herein as: "Finding 1: The impact is mitigated to a less-than-significant level.")
 - b. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency (referred to herein as "Finding 2: Another public agency can and should mitigate the impact.")
 - c. Specific economic, legal, social, technological, or other considerations, including consideration for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report (referred to herein as: "Finding 3: Specific consideration make mitigation measures or alternatives infeasible." or if the impact is partially mitigated, but not to a less-than-significant level; "Finding 3: The impact would be mitigated, but not to a less-than-significant level. Special considerations make further mitigation measures or alternatives infeasible.")
2. With respect to the significant effects, which were subject to Finding 3 described above, the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

The following facts, findings, and substantial evidence supporting the Findings related to significant effects of Mitigated Alternative Option 2 do not repeat the full analysis of impacts and description of mitigation measures contained in documents making up the administrative record. Instead, the following discussion specifically references particular locations in documents containing such information (e.g., specific pages in the EIR or specific conditions of approval). The referenced documents are either included or attached herein, or are readily available to the public for review at the Marin County Community Development Agency - Planning Division, 3501 Civic Center Drive, Room 308, San Rafael, California. The numerical assignments used in these facts, findings, and substantial supporting evidence corresponds exactly to the numbering system used in the EIR.

IMPACT 4.4-2: COMPLIANCE WITH COUNTY STANDARDS - SEPTIC TANK VENTS.

Facts

The EIR found that the design for the proposed septic tanks does not include the MCEHS-required 2-inch vent that must be placed to the top of each septic tank's baffle wall. Without these vents, the septic systems could overflow, creating potential public health hazards. This impact is discussed on page 6-60 of the EIR.

CEQA §21081(A) FINDING

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based upon the EIR and the entire record, this septic tank vents impact is mitigated to a less-than-significant level by the imposition of Condition 67, which implements Mitigation Measure 4.4-2 found in the MMRP and on page 4.4-15 of the EIR. With the mitigation measure, this impact would be reduced to a less-than-significant level because the applicant shall construct a two-inch vent on the baffle wall of all septic tanks to comply with county standards.

IMPACT 4.4-3: POTENTIAL OVERFLOW OF WASTEWATER TREATMENT SYSTEM.

Facts

The EIR found that the proposed design for these systems depicts an overflow pipe to an emergency storage tank, but the plan does not specify the size of the dosing chambers or emergency storage tanks. If the dosing chambers or emergency storage tanks are not properly sized, the septic systems could overflow during a power outage or pump failure, creating potential public health hazards. This impact is discussed on pages 6-60 and 6-61 of the EIR.

CEQA §21081(A) FINDING

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based upon the EIR and the entire record, this potential overflow of wastewater treatment system impact is mitigated to a less-than-significant level by the imposition of Condition 68, which implements Mitigation Measure 4.4-3 found in the MMRP and on page 4.4-16 of the EIR. With the mitigation measure, this impact would be reduced to a less-than-significant level because the dosing chambers and overflow tanks for the pressurized systems shall be sized to accommodate the peak day wastewater generation volume for the corresponding land use to ensure compliance with County standards. In addition, Condition 68 requires that the following measures shall be implemented by the applicant: (1) high water alarms shall be installed in all wastewater pumping systems, in accordance with County standards, to alert the operator or maintenance staff of a high level in the pump tank; (2) all pumping systems shall include provisions for extended operation during general power outages using a portable emergency generator; and (3) scheduled and emergency maintenance of pressurized systems shall be performed by a licensed septic system, pump, or plumbing contractor, septic system pumping service, or other qualified maintenance person as identified in an Operating Permit, if issued for the system by the County.

IMPACT 4.4-4: COMPLIANCE WITH COUNTY STANDARDS - SEPTIC TANK SIZING.

Facts

The EIR found that if the septic tanks were not designed to meet MCEHS standards for sizing, Mitigated Alternative Option 2 would not be in compliance with MCEHS standards. The project sponsor has not

provided information regarding proposed septic tank sizes for Mitigated Alternative Option 2. This impact is discussed on page 6-61 of the EIR.

CEQA §21081(A) FINDING

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based upon the EIR and the entire record, this septic tank sizing impact is mitigated to a less-than-significant level by the imposition of Condition 69, which implements Mitigation Measure 4.4-4 found in the MMRP and on page 6-61 of the EIR. With the mitigation measure, this impact would be reduced to a less-than-significant level because the project shall include septic tank capacity sufficient to provide 2 days of detention volume for all parcels to comply with county standards for septic tank design.

IMPACT 4.4-5: COMPLIANCE WITH COUNTY STANDARDS - PUBLIC RESTROOM WASTEWATER TREATMENT SYSTEM.

Facts

The EIR found that if ultra low flush and very low flow fixtures are not used for the public restrooms, the proposed leach field might not meet MCEHS Standards for sizing and could compromise the effectiveness of the system. This impact is discussed on page 6-61 of the EIR.

CEQA §21081(a) Finding

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based upon the EIR and the entire record, this public restroom wastewater treatment system impact is mitigated to a less-than-significant level by the imposition of Condition 70, which implements Mitigation Measure 4.4-5 found in the MMRP and on page 4.4-17 as Mitigation Measure 4.4-6 of the EIR. With the mitigation measure, this impact would be reduced to a less-than-significant level because the project proponent shall design the project's wastewater treatment system for the public restrooms according to one of the following: (1) ultra low flush urinals and very low flow toilets that generate an average of 2 gpd/person or less shall be used for the public restrooms; or if (2) low flow fixtures that generate an average of 3.5 gpd/person or less shall be used, a 2,500-gallon septic tank shall be installed, and a 5,040 square-foot leachfield shall be constructed for the public restrooms. In addition, the project sponsor shall provide documentation to MCEHS sufficient to demonstrate compliance with MCEHS standards for leachfield sizing.

IMPACT 4.5-2: INCREASED OFFSITE SURFACE RUNOFF - OVERLAND FLOWS.

Facts

The EIR found that construction-induced and project-related contaminants and sediment could potentially clog the trench media, reducing the infiltration capacity of the trenches. A reduction of infiltration capacity would increase offsite flow rates, potentially contributing to localized flooding in offsite downgradient areas. This impact is discussed on page 6-62 of the EIR.

CEQA §21081(a) Finding

Finding 1: This impact is mitigated to a less-than-significant level.

EVIDENCE SUPPORTING THE FINDING

Based upon the EIR and the entire record, this increased offsite surface runoff impact is mitigated to a less-than-significant level by the imposition of Condition 71, which implements Mitigation Measure 4.5-2 found in the MMRP and on pages 6-64 and 6-65 of the EIR. With Mitigation Measure 4.5-2, this impact would be reduced to a less-than-significant level because: (1) the capacity of the proposed retention facilities shall be sized to accommodate any school runoff to accommodate surface runoff from the West Marin School; and (2) surface runoff shall be filtered prior to reaching the infiltration trenches to reduce contaminants and sediment that could clog the trench media to promote a long design life of the infiltration trenches. Filtering devices may include, but not be limited to, biofilter strips and vegetated channels. These features shall be subject to review and approval by Marin County prior to implementation.

During construction, additional measures shall be taken to provide additional protection against the failure of the infiltration trenches such as providing adequate protection from siltation of trench drains through the use of best management practices (BMP), revegetating exposed soils, and washing drain rock prior to installation into the excavations.

IMPACT 4.5-4: CONSTRUCTION-RELATED WATER QUALITY DEGRADATION.

Facts

The EIR found that project-related construction would expose onsite soils to wind and water erosion that could result in sediment being carried into Lagunitas Creek. In addition, stormwater contact with construction materials and potential leaks of fuels or fluids from construction vehicles or equipment could contaminate surface or groundwater. This impact is discussed on page 6-62 of the EIR.

CEQA §21081(a) Finding

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based upon the EIR and the entire record, this construction-related water quality degradation impact is mitigated to a less-than-significant level by the imposition of Condition 72, which implements Mitigation Measure 4.5-4 found in the MMRP and on page 4.5-5 of the EIR. This mitigation measure requires the applicant to implement erosion and sedimentation Best Management Practices to protect the water quality of Lagunitas Creek and local groundwater, in accordance with Marin County Code Chapters 23.08 and 24.04. BMPs are subject to review and approval by Marin County Department of Public Works and shall be implemented during project construction. According to Marin County Code Section 24.04.625, grading shall not be conducted during the rainy season (October 15 through April 15) without prior approval by Marin County Department of Public Works.

In addition, Condition 72 also requires the applicant to implement the following measures in accordance with the Local Coastal Plan: (1) sediment basins (including debris basins, desilting basins, or silt traps) shall be installed on the project site in conjunction with initial grading operations and maintained through the development process to remove sediment from runoff waters; (2) temporary vegetation, seeding,

mulching, or other suitable stabilization methods shall be used to protect soils exposed during grading; (3) all topsoil removed by grading operations shall be stockpiled for reuse onsite and shall be protected from compaction, wind, and erosion during stockpiling.

IMPACT 4.5-6: GROUNDWATER QUALITY DEGRADATION FROM WASTEWATER TREATMENT SYSTEMS.

Facts

The EIR found that if ultra-low flush urinals and very low flow toilets are not used for the public restroom, the proposed leachfield would not meet MCEHS standards for sizing and could result in groundwater quality degradation from insufficient wastewater treatment. This impact is discussed on page 6-62 of the EIR.

CEQA §21081(A) FINDING

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based upon the EIR and the entire record, this groundwater quality degradation impact is mitigated to a less-than-significant level by the imposition of Condition 70, which implements Mitigation Measure 4.5-6 found in the MMRP and on page 4.5-35 of the EIR. With this mitigation measure, this impact would be reduced to a less-than-significant level because the applicant would be required to implement Mitigation Measure 4.4-5 found in the MMRP and on page 4.4-17 as Mitigation Measure 4.4-6 of the EIR. As a result, if ultra low flush and low flow fixtures were not used, the applicant would be required to design the project's wastewater system for the public restrooms in compliance with MCEHS sizing standards for the public restroom septic tank and leachfield reducing the risk of groundwater quality degradation from insufficient wastewater treatment.

IMPACT 4.5-9: EFFECTS ON WATER QUALITY OF LAGUNITAS CREEK FROM GROUNDWATER.

Facts

The EIR found that inadequate treatment of wastewater poses a risk of degrading the groundwater beneath the project site, which could potentially degrade the water quality of Lagunitas Creek. If ultra-low flush urinals and very low flow toilets are not used for the public restroom, the proposed leachfield would not meet MCEHS standards for sizing and could result in insufficient wastewater treatment. This impact is discussed on page 6-63 of the EIR.

CEQA §21081(a) Finding

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based upon the EIR and the entire record, this water quality impact is mitigated to a less-than-significant level by the imposition of Condition 70, which implements Mitigation Measure 4.5-9 found in the MMRP and on page 4.5-35 of the EIR. With this mitigation measure, this impact would be reduced to a less-than-significant level because the applicant would be required to implement Mitigation Measure 4.4-5

found in the MMRP and on page 4.4-17 as Mitigation Measure 4.4-6 of the EIR. As a result, the applicant would be required to design the project's wastewater system for the public restrooms to comply with MCEHS sizing standards for the public restroom septic tank and leachfield reducing the risk of water quality degradation.

IMPACT 4.5-12: CUMULATIVE CONSTRUCTION-RELATED WATER QUALITY DEGRADATION.

Facts

The EIR found that construction of the cumulative projects would expose onsite soils to wind and water erosion that could result in sediment being carried into Lagunitas Creek. In addition, stormwater contact with construction materials and potential leaks of fuels or fluids from construction vehicles or equipment could contaminate surface or groundwater. This impact is discussed on pages 6-63 and 6-64 of the EIR.

CEQA §21081(A) FINDING

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based upon the EIR and the entire record, this cumulative construction-related water quality degradation impact is mitigated to a less-than-significant level by the imposition of Condition 72, which implements Mitigation Measure 4.5-12 found in the MMRP and on page 4.5-35 of the EIR. With this mitigation measure, this impact would be reduced to a less-than-significant level because the applicant would be required to implement Mitigation Measure 4.5-4. As a result, the applicant shall implement Best Management Practices to protect the water quality of Lagunitas Creek and local groundwater.

IMPACT 4.5-14: CUMULATIVE EFFECTS ON WATER QUALITY OF LAGUNITAS CREEK.

Facts

The EIR found that if the wastewater and surface runoff from the cumulative projects are not properly treated, these projects could have cumulative impacts on the water quality of Lagunitas Creek. This impact is discussed on page 6-64 of the EIR.

CEQA §21081(a) Finding

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based upon the EIR and the entire record, this cumulative water quality impact is mitigated to a less-than-significant level by the imposition of Condition 71, which implements Mitigation Measure 4.5-14 found in the MMRP and on page 4.5-36 of the EIR. With this mitigation measure, this impact would be reduced to a less-than-significant level because the applicant would be required to implement Mitigation Measures 4.4-2, 4.4-3, 4.4-4, and 4.4-5 (Conditions 67, 68, 69, and 70) found in the MMRP and on pages 4.4-15, 4.4-16, 6-61, and 4.4-17 as Mitigation Measure 4.4-6 of the EIR. As a result, the project's wastewater treatment systems including septic tanks, dosing chambers, overflow tanks, and leach fields, would be designed in accordance with the County's standards to ensure proper treatment of wastewater and captured runoff.

IMPACT 4.6-2: EARTHQUAKE GROUND SHAKING.

Facts

The EIR found that Mitigated Alternative Option 2 would likely to be subjected to at least one moderate to severe earthquake that would cause strong to very strong earthquake groundshaking and could cause substantial damage to proposed structures, and in extreme cases, loss of life. This impact is discussed on page 6-65 of the EIR.

CEQA §21081(a) Finding

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based upon the EIR and the entire record, this earthquake ground shaking impact is mitigated to a less-than-significant level by the imposition of Conditions 73 and 74, which implement Mitigation Measure 4.6-2 found in the MMRP and on pages 4.6-15 and 4.6-16 of the EIR. With the mitigation measure, this impact would be reduced to a less-than-significant level because: (1) the project applicant shall secure a California-Certified Engineering Geologist and Civil Engineer to provide the project Structural Engineer with seismic design criteria and recommendations based on State and County regulations for development in areas exposed to moderate to severe earthquakes, which shall be approved by the County of Marin Public Works Division; (2) the Applicant would be required to use appropriate grading and design, in accordance with UBC and Marin County Code requirements; (3) fill used during construction of the project shall be properly designed with subsurface drainage and adequately compacted to significantly reduce fill settlement; and (4) prior to issuance of any grading or construction permits the applicant shall submit for review and approval by the County a design-level geotechnical investigation.

IMPACT 4.6-8: EXPANSIVE SOIL.

Facts

The EIR found that the isolated zones of slightly to moderately expansive soil are located within the project site and Mitigated Alternative Option 2, therefore, has the potential to expose people and structures to damage from expansive soil. This impact is discussed on page 6-66 of the EIR.

CEQA §21081(a) Finding

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based on the EIR and the entire record, this expansive soil impact is mitigated to a less-than-significant level by the imposition of Condition 75, which corresponds to Mitigation Measures 4.6-8 found in the MMRP and on page 4.6-16 of the EIR. With this mitigation measure, this impact would be reduced to a less-than-significant level because specific recommendations for mitigation of expansive soils under pavements and structures shall be provided, as part of the design-level geotechnical report. In addition, geotechnical and foundation design features to avoid the potential for expansive soil damage shall be implemented, as approved by the County of Marin Building Inspection Division.

IMPACT 4.7-2: CONSTRUCTION-RELATED LIGHTING.

Facts

The EIR found that Mitigated Alternative Option 2 could result in construction lighting during nighttime hours, which could be considered obtrusive to residential and commercial uses adjacent to the project site, and could also temporarily contribute to sky glow. This impact is discussed on page 6-67 of the EIR.

CEQA §21081(a) Finding

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based on the EIR and the entire record, this construction-related lighting impact is mitigated to a less-than-significant level by the imposition of Condition 76, which corresponds to Mitigation Measure 4.7-2 found in the MMRP and on page 4.7-14 of the EIR. With this mitigation measure, this impact would be reduced to a less-than-significant level because construction shall only occur during daylight hours to eliminate the need for nighttime construction lighting.

IMPACT 4.7-4: NIGHTTIME EFFECTS OF VEHICLE HEADLIGHTS.

Facts

The EIR found that headlights from vehicles traveling within the project site would create a new source of nighttime glare for the residences along the western site boundary and the residence adjacent to Bostick Avenue. This impact is discussed on page 6-68 of the EIR.

CEQA §21081(a) Finding

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based on the EIR and the entire record, this impact is mitigated to a less-than-significant level by the imposition of Condition 77, which corresponds to Mitigation Measure 4.7-4 found in the MMRP and on page 4.7-14 of the EIR. With this mitigation measure, this impact would be reduced to a less-than-significant level because the applicant shall implement at least one of the following measures: (1) the landscape plan shall include sufficient shrubbery along the western side boundary and along the western side of the Bostick Avenue right-of-way to screen headlight glare; and (2) fencing shall be installed along the western site boundary and along the western side of the Bostick Avenue right-of-way and shall be between 4 and 6 feet in height. Final fencing design shall be approved by the Marin County Community Development Agency prior to construction.

IMPACT 4.8-4: ADEQUACY OF VISITOR SERVING COMMERCIAL PARKING.

Facts

The EIR found that if the future visitor serving commercial use were to provide inadequate parking spaces, offsite areas could be adversely affected. Site planning for the future visitor serving commercial

use, however, has yet to occur, so parking supply has not been determined. This impact is discussed on page 6-70 of the EIR.

CEQA §21081(a) Finding

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based on the EIR and the entire record, this impact is mitigated to a less-than-significant level by the imposition of Condition 78, which corresponds to Mitigation Measure 4.8-4 found in the MMRP and on page 4.8-21 of the EIR. With this mitigation measure, this impact would be reduced to a less-than-significant level because any future project proposed for the visitor serving commercial use shall include adequate parking spaces sufficient to ensure that offsite areas are not adversely affected.

IMPACT 4.8-8: INTERSECTION SIGHT DISTANCES.

Facts

The EIR found that southeast-bound vehicles entering Papermill Creek Road from Mesa Road would not have adequate visibility to make safe turning decisions, and drivers may not consider looking for northbound Mesa Road traffic before proceeding through the intersection and therefore, this would increase the risk of accidents at the proposed intersection. This impact is discussed on page 6-70 of the EIR.

CEQA §21081(a) Finding

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based on the EIR and the entire record, this intersection sight distance impact is mitigated to a less-than-significant level by the imposition of Condition 79, which corresponds to Mitigation Measure 4.8-8 found in the MMRP and on page 4.8-21 of the EIR. With this mitigation measure, this impact would be reduced to a less-than-significant level because prior to occupation of the project, a stop sign shall be erected at the Mesa Road/Papermill Creek Road intersection to stop northbound traffic.

IMPACT 4.8-11: CONSTRUCTION - RELATED TRAFFIC, PEDESTRIAN, AND BICYCLE IMPACTS (PROJECT SITE).

Facts

The EIR found that additional construction-related trips, which include truck delivery trips and construction worker trips would add vehicles to local residential collector roadways and access to driveways adjacent to Shoreline Highway may be temporarily interrupted on occasion. In addition, the potential for pedestrian or bicycle conflicts could exist. This impact is discussed on page 6-72 of the EIR.

CEQA §21081(a) Finding

Finding 1: This impact is mitigated to a less-than-significant level

Evidence Supporting the Finding

Based on the EIR and the entire record, this construction-related traffic impact is mitigated to a less-than-significant level, by the imposition of Condition 80, which corresponds to Mitigation Measure 4.8-11 found in the MMRP and on page 4.8-21 of the EIR. With this mitigation measure, this impact would be reduced to a less-than-significant level because a construction traffic management plan shall be prepared before the start of construction to minimize construction-related traffic impacts. In addition, a safe "route-to-school" plan should be developed as part of the traffic management plan.

IMPACT 4.9-1: SHORT-TERM INCREASES IN REGIONAL CRITERIA POLLUTANTS.

Facts

The EIR found that project construction and farming activities would temporarily generate NO_x, ROG, and PM₁₀ emissions and that Mitigated Alternative Option 2 does not include Bay Area Air Quality Management District (BAAQMD) construction control mitigation measures as a part of the project. This impact is discussed on page 6-73 of the EIR.

CEQA §21081(a) Finding

Finding 1: This impact is mitigated to a less-than-significant level

Evidence Supporting the Finding

Based on the EIR and the entire record, this short-term impact to air quality is mitigated to a less-than-significant level, by the imposition of Condition 81, which corresponds to Mitigation Measure 4.9-1 found in the MMRP and on pages 4.9-15 and 4.9-16 of the EIR. With these mitigation measures, the impacts would be reduced to a less-than-significant level because applicable BAAQMD Basic and Enhanced Control Measures controls shall be implemented at all construction sites. Specific control measures include watering all active construction areas at least twice daily, covering trucks hauling soil, applying water or soil stabilizers on all unpaved access roads, parking areas, and staging areas, sweeping daily all paved access roads, and sweeping streets daily.

To reduce potential farm-related increases in airborne concentrations of fugitive dust at nearby residential dwellings and the West Marin School, dust control measures shall be implemented such as watering active soil disturbance areas at least twice daily, enclosing, covering, or watering twice daily exposed stockpiles, and limiting vehicle speeds in unpaved areas.

IMPACT 4.10-1: CONSTRUCTION-GENERATED NOISE.

Facts

The EIR found that noise-generating construction activities associated with the project could result in increases in average daily noise levels of 3 dBA or greater at nearby noise-sensitive receptors, which exceeds the County's land use compatibility noise thresholds. In addition interior noise levels at the nearby West Marin School could potentially exceed 45 dBA L_{eq} associated with construction of the proposed Williams Street Apartments. This impact is discussed on page 6-74 of the EIR.

CEQA §21081(a) Finding

Finding 1: This impact is mitigated to a less-than-significant level

Evidence Supporting the Finding

Based on the EIR and the entire record, this construction-generated noise impact is mitigated to a less-than-significant level, by the imposition of Condition 82, which corresponds to Mitigation Measure 4.10-1 found in the MMRP and on page 4.10-13 of the EIR. This mitigation measure requires the construction contractor to limit the hours of construction to the times between 7 a.m. and 5 p.m., Monday through Friday and 9 a.m. and 4 p.m. on Saturday. No construction shall be allowed on Sundays or holidays. Equipment engine doors on motorized equipment shall be closed during equipment operation, as well as all construction equipment shall be equipped with mufflers. Motorized construction equipment shall not be left idling, when not in use. Stationary noise-generating construction equipment shall be located at the greatest distance possible from nearby noise-sensitive lands uses and an acoustic barrier shall be constructed along the northwestern boundary of the project site (along the West Marin School property line).

Additionally, West Marin School shall be given written notice of the following information: (1) the location of proposed construction activities, including haul truck routes; (2) the hours and dates during which construction activities are anticipated to occur; (3) the name and telephone number of a designated onsite representative to be contacted for noise- or safety-related concerns or complaints.

IMPACT 4.12-1: PREHISTORIC RESOURCES.

Facts

The EIR found that construction activities associated with Mitigated Alternative Option 2 could result in the discovery of previously unknown, important prehistoric resources. This impact is discussed on page 6-76 of the EIR.

CEQA §21081(a) Finding

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based on the EIR and the entire record, this prehistoric resources impact is mitigated to a less-than-significant level, by the imposition of Condition 83, which corresponds to Mitigation Measure 4.12-1 found in the MMRP and on pages 4.12-12 and 4.12-13 of the EIR. With this mitigation measure, this impact would be reduced to a less-than-significant level because: (1) in the event that previously unknown archaeological resources are discovered during any land alteration activities, the construction crew shall immediately cease work in the immediate area (i.e., within 20 meters); and (2) a qualified archaeologist, chosen by the County shall be consulted with to evaluate the resource in accordance with state and federal guidelines.

If prehistoric Native American remains are discovered, the State Native American Heritage Commission and affected Native American Groups shall be notified in accordance with State regulations. Mitigation measures consistent with §21083.2 of CEQA shall be devised and a mitigation plan submitted for approval by the Community Development Agency. All archaeological excavation and monitoring activities shall be conducted in accordance with prevailing professional standards as outlined in §21083.2 of CEQA. Mitigation, in accordance with a plan approved by the Marin County Community Development Agency, shall be implemented prior to recommencement of work within the area of the resource found.

IMPACT 4.12-3: EFFECTS OF BUILDING DESIGN (CONSTRUCTION MATERIALS) ON HISTORIC RESOURCES.

Facts

The EIR found that if the final construction materials and level of finish do not reflect the craftsmanship and high-quality of building materials found in the existing downtown core buildings, Mitigated Alternative Option 2 could adversely affect the National Register District eligibility of the Historic Area. This impact is discussed on page 6-77 of the EIR.

CEQA §21081(a) Finding

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based on the EIR and the entire record, this historic resources impact is mitigated to a less-than-significant level, by the imposition of Condition 84, which corresponds to Mitigation Measures 4.12-3 found in the MMRP and on page 4.12-13 of the EIR. With these mitigation measures, the impacts would be reduced to a less-than-significant level because prior to issuance of building permits, the finish details and construction materials shall be approved by the Marin County Community Development Director in consultation with a qualified architectural historian.

IMPACT 4.12-4: EFFECTS OF FUTURE VISITOR SERVING COMMERCIAL FACILITY DESIGN ON HISTORIC RESOURCES.

Facts

The EIR found that if the building design, final construction materials, and level of finish selected for the future use do not reflect the style, mass, scale, craftsmanship, and quality of building materials found in the existing downtown core buildings, the future visitor serving commercial facility could adversely affect the National Register District eligibility of the Historic Area. This impact is discussed on page 6-77 of the EIR.

CEQA §21081(a) Finding

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based on the EIR and the entire record, this historic resources impact is mitigated to a less-than-significant level, by the imposition of Condition 85, which corresponds to Mitigation Measures 4.12-4 found in the MMRP and on page 4.12-13 of the EIR. With these mitigation measures, the impacts would be reduced to a less-than-significant level because prior to Precise Development Plan approval of the future commercial use, the facility's design shall be: (1) reviewed by a qualified architectural historian to determine whether the style, mass, scale, craftsmanship, and quality of building materials characteristic of Point Reyes Station Historic Area would adversely affect the eligibility of the Historic Area as a National Register Historic District; and (2) approved by the Marin County Community Development Director.

IMPACT 4.12-5: CUMULATIVE IMPACTS ON PREHISTORIC AND HISTORIC RESOURCES.

Facts

The EIR found that implementation of the cumulative projects could potentially uncover previously unknown prehistoric or historic resources on the cumulative project sites. This impact is discussed on page 6-77 of the EIR.

CEQA §21081(a) Finding

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based on the EIR and the entire record, this cumulative prehistoric and historic resources impact is mitigated to a less-than-significant level, by the imposition of Condition 83, which corresponds to Mitigation Measure 4.12-5 found in the MMRP and on page 4.12-13 of the EIR. With this mitigation measure, this impact would be reduced to a less-than-significant level because the applicant would be required to implement Mitigation Measure 4.12-1 (Condition 82). If archaeological resources were discovered during land alteration activities, construction shall cease immediately and a qualified archaeologist shall be consulted. If Native American remains are discovered, the State Native American Heritage Commission and affected Native American groups shall be notified in accordance with State regulations.

IMPACT 4.13-3: POTENTIAL DISTURBANCE OF RAPTOR AND OTHER BIRD NESTS.

Facts

The EIR found that the trees on and adjacent to the project site provide potential nest sites for raptors and other birds that are protected under §3503.5 of California Fish and Game Code and the Point Reyes Station Community Plan policy to prevent disturbance of nesting birds. Therefore, implementation of proposed project could result in loss or disturbance of active nests. This impact is discussed on page 6-79 of the EIR.

CEQA §21081(a) Finding

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based on the EIR and the entire record, this potential disturbance of raptor and other bird nests impact is mitigated to a less-than-significant level, by the imposition of Condition 86, which corresponds to Mitigation Measure 4.13-3 found in the MMRP and on pages 4.13-19 and 4.13-20 of the EIR. This mitigation measure requires the following: (1) tree removal shall be avoided during nesting season (February 1 to August 31) to extent possible; (2) if an active nest is found, the nest tree shall not be removed until after the young have fledged, as determined by a qualified biologist; (3) prior to construction during the nesting season, a focused survey for raptor nests shall be conducted by a qualified biologist, no less than 14 days and no more than 30 days prior to construction or tree removal; and (4) if nesting raptors are found during the focused survey, no construction shall occur within 400 feet of an active nest until the young have fledged, as determined by a qualified biologist.

IMPACT 4.13-9: CONSTRUCTION-RELATED IMPACTS TO SEASONAL WETLANDS

Facts

The EIR found that if not properly demarcated and protected, construction activities could inadvertently damage the seasonal wetlands intended to be preserved. This impact is discussed on page 6-80 of the EIR.

CEQA §21081(a) Finding

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based on the EIR and the entire record, this construction-related impact to seasonal wetlands is mitigated to a less-than-significant level, by the imposition of Condition 87, which corresponds to Mitigation Measure 4.13-9 found in the MMRP and on page 4.13-20 of the EIR. With this mitigation measure, this impact would be reduced to a less-than-significant level because temporary orange mesh fencing shall be placed around all seasonal wetlands at the project site, as identified by a qualified wetland specialist and all activities shall be restricted to the outside of these fences by appropriate signage. The fences shall remain in place for the entire construction period and shall be periodically checked to ensure that they remain intact.

IMPACT 4.13-10: POTENTIAL IMPACTS TO SURROUNDING NATURAL COMMUNITIES FROM INTRODUCTION OF INVASIVE SPECIES.

Facts

The EIR found that introduction of invasive species as part of the landscaping associated with proposed project could lead to the spread of invasive species in the Point Reyes area. This impact is discussed on page 6-80 of the EIR.

CEQA §21081(a) Finding

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based on the EIR and the entire record, this potential impact to surrounding natural communities from introduction of invasive species is mitigated to a less-than-significant level, by the imposition of Condition 88, which corresponds to Mitigation Measure 4.13-10 found in the MMRP and on page 4.13-20 of the EIR. This mitigation measure requires the project applicant to revise the landscaping plan, eliminating any species listed in the CalEPPC list (included in Appendix G of the EIR), and develop new plan in accordance with the Point Reyes Station Landscaping Guide (included in Appendix G of the EIR).

VII. FINDINGS REGARDING PROJECT ALTERNATIVES

A. CEQA Alternatives Analysis

CEQA and the State CEQA Guidelines requires that an EIR describe a range of reasonable alternatives to the project, or to the location of the project, which could feasibly attain the basic objectives of the project." (State CEQA Guidelines 15126[d]). The EIR evaluates and compares several alternatives to Project as originally designed, including Mitigated Alternative Option 2, and the Board of Supervisors' findings regarding these alternatives are set forth below.

B. Definition of Feasibility of Alternatives

Public Resources Code §21081(b)(3) provides that when approving a project for which an EIR has been prepared, a public agency may find that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report." Under Public Resources Code §21061.1, the term "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

C. Environmentally Superior Alternative

On page 6-83, the EIR discusses which alternative is environmentally superior, based on the alternatives analysis. The EIR concluded that Mitigated Alternative Option 2 was environmentally superior among all alternatives to the Project that feasibly implement the project's objectives. This alternative would implement all of the applicant's objectives for the Project.

D. Findings on Feasibility of Alternatives

The EIR examined five alternatives to the original Project, including the No Project Alternative - Continued Existing Conditions; No Project Alternative - Current Entitlement; Mitigated Alternative; Reduced Density Alternative; and Mitigated Alternative Option 2. The Mitigated Alternative and Mitigated Alternative Option 2 were evaluated at a similar level of detail as the project.

WHEREAS, for reasons set forth below and considering the entire record, the Board of Supervisors hereby determines that the EIR presents a reasonable range of alternatives, in accordance with CEQA, and approves Mitigated Alternative Option 2 rather than the Project as originally designed and finds that the No Project Alternative - Continued Existing Conditions, No Project Alternative - Current Entitlement, Mitigated Alternative, and Reduced Density Alternative are infeasible within the meaning of these statutes. Each reason set forth below is a separate and independent ground for the Board of Supervisors' determination.

1. No Project Alternative - Continued Existing Conditions

Description of the Alternative

The "No Project Alternative-Continued Existing Conditions" is discussed at pages 6-6 through 6-9 of the EIR. The No Project Alternative-Continued Existing Conditions assumes that existing conditions at the site are continued. Thus, under this alternative, the vacant 18.6-acre site would continue to be used as grazing land. The other improvements associated with the Proposed Project, such as construction of the new water line in Shoreline Highway, provision of onsite stormwater and wastewater collection and treatment, wetland compensation, and dedication of permanent open space area, would not be implemented. Other growth in the area projected in the Marin Countywide Plan would continue with the No Project Alternative-Continued Existing Conditions, but this alternative would not contribute to such cumulative development. This alternative would not foreclose any site development at a later date but assumes maintenance of the *status quo* for the foreseeable future.

Reasons for Rejecting the Alternative

The No Project Alternative-Continued Existing Conditions would be the environmentally superior alternative, because it would avoid all adverse environmental impacts associated with the Proposed Project. This alternative, however, would not meet any of the project objectives, including increasing the supply of affordable housing in western Marin County, because the site would retain its current use as grazing land.

2. No Project Alternative - Current Entitlement

Description of the Alternative

The "No Project Alternative-Current Entitlement" is discussed at pages 6-9 through 6-13 of the EIR. As identified in the EIR, the No Project Alternative-Current Entitlement assumes that the project site would be developed with uses that are consistent with existing land use designations, zoning densities, and lot sizes. The Marin Countywide Plan designates the western 7.6-acre portion of the site as Coastal, Residential Commercial (C-RS; 1 to 20 units per acre) and the eastern 11-acre portion of the project site as Coastal, Single Family Residential (C-SF4; one to two units per acre). The C-SF4 land use designation does not allow multiple-family residences (i.e., apartments).

Under the Marin County Zoning code, the western 8.98 acres of the site is zoned Coastal, Village Commercial Residential (C-VCR:B-2), which requires a minimum lot size of 10,000 square feet. The eastern 9.61 acres of the project site is zoned Coastal, Suburban Agricultural (C-R-A:B-3), which requires a minimum lot size of 20,000 square feet. The C-R-A:B-3 zoning designation does not allow multiple-family residences, and the C-VCR zoning designation requires a conditional use permit for multiple-family residences.

Under current land use and zoning designations, a residential subdivision with a maximum of 59 single-family 3-bedroom units would be allowed. The residences and infrastructure would be situated to avoid wetland fill and maintain wetland buffers to the maximum extent feasible, and the residences would be distributed across the remainder of the project site. The exact design, layout, and number of residential units would be governed by onsite drainage and septic capacity. Similar to the Proposed Project, the No Project Alternative-Current Entitlement would include roadway improvements, onsite storm water and wastewater

collection and treatment systems, dedication of permanent open space areas to preserve the wetlands, and a new water line constructed in Shoreline Highway. The farm parcel, public parking lot and restrooms, and future commercial parcel would not be included.

All proposed development would be consistent with Marin Countywide Plan land use designations, the Marin County Zoning Code, the PRSCP, and the LCP. This alternative would maintain permanent access along the existing onsite pathway for residents of the USCG housing complex.

Reasons for Rejecting the Alternative

The No Project Alternative-Current Entitlement would not be the environmentally superior alternative because it would result in the most intensive use of the project site and a greater degree of environmental effect. As identified in the EIR this alternative would increase significant and less-than-significant environmental impacts related to water usage, storm water runoff, water quality, views of the project site, nighttime lighting, traffic, air quality (construction and operational), noise (construction and operational), land use compatibility, historic resources, schools, and police and fire services. This alternative would not likely avoid wetland fill, so it would not likely be consistent with all applicable County land use plans. Also this alternative would not meet affordable housing goals of the Proposed Project.

3. Mitigated Alternative

Description of the Alternative

The "Mitigated Alternative" is discussed at pages 6-13 through 6-43 of the EIR. The Mitigated Alternative would include the same number of housing units and bedrooms as the Proposed Project. The purpose of the Mitigated Alternative is to make minor modifications to the design as originally proposed to avoid filling any of the onsite wetlands and to provide the maximum practicable setback between the development and the wetlands. Similar to the Proposed Project, the Mitigated Alternative would include the Papermill Creek Homes, farm parcel, public parking lot and restrooms, future commercial use, roadway improvements, onsite storm water and wastewater collection and treatment systems, a new water line constructed in Shoreline Highway, and dedication of permanent open space area. The Williams Street Apartments would be designed to avoid filling of the wetlands in the northwest corner of the project site. Three duplex and two triplex apartment buildings (12 units total) would be spread over a larger portion of the site than the Proposed Project, with larger expanses of undeveloped land between the buildings. No central commons would be constructed. As with the Proposed Project, 32 resident and guest parking spaces would be provided. The Williams Street Apartment complex would house its own laundry facilities (under the Proposed Project, all laundry facilities would be located at the Papermill Creek Apartments). Williams Street would be constructed in a manner that avoids wetland fill and minimizes wetland impacts from encroachment into the wetland buffer. It would be constructed in a u-shaped pattern approximately 25 to 75 feet downslope of the northwestern wetlands.

The layout of the Papermill Creek Apartments would also be modified. Four duplexes, two triplexes, and a manager unit would surround an elongated central commons that would be an island in the center of Papermill Creek Road. The apartment buildings would be generally oriented in an east-west trending direction. As with the Proposed Project, 39 resident and guest parking spaces would be provided.

The wastewater and storm water treatment and collection system would be modified from the Proposed Project design. To accommodate laundry facilities at the Williams Street Apartments and to maintain a 100-foot wetland setback for the primary leachfield, the Williams Street Apartment leachfields would be divided into an upper and lower leachfield. The leachfields for the future visitor-serving commercial parcel and Lot #1 of the Papermill Creek Homes would also be reconfigured to maintain a 100-foot wetland setback, and the Papermill Creek Apartments upper leachfield would be reconfigured to maximize its area. The leachfield area for the public restrooms would be approximately 20% smaller than the Proposed Project design. An infiltration trench would be constructed north of the Williams Street Apartments to collect and treat storm water runoff from the West Marin School. The Mitigated Alternative would include a combined curtain drain/infiltration trench directly upslope from the upper leachfield for the Williams Street Apartments. The four-foot-deep curtain drain is intended to intercept perched groundwater and route it away from the leachfield eastward toward the public open space.

As with the Proposed Project, this alternative would include a Marin Countywide Plan Amendment, PRSCP Amendment, LCP Amendment, Rezone, Master Plan, Precise Development Plan, Subdivision Vesting Tentative Map, and a Coastal Permit. Similar to the Proposed Project, the project site would be rezoned for the affordable housing portions of the site to Coastal, Residential, Multiple Planned Commercial (C-RMPC) and Coastal, Residential, Multiple Planned (C-RMP) zoning districts. The market rate farm residence parcel would retain its current C-R-A:B-3 zoning. As with the Proposed Project, this alternative would include a Countywide Plan Amendment to change the site's C-SF4 land use designation to C-MF2, which allows multiple-family residential development. This alternative would maintain permanent access along the existing onsite pathway for residents of the USCG housing complex.

Reasons for Rejecting the Alternative

The Mitigated Alternative would be environmentally superior to the Proposed Project. It would have many environmental effects similar to the Proposed Project, but would avoid significant unavoidable wetland fill impacts and would reduce other impacts, such as indirect wetland impacts and certain drainage impacts (i.e., interception of stormwater from the upslope school). This alternative would be consistent with all applicable County land use plans. The Mitigated Alternative would meet the basic objectives of the Proposed Project. However, while this alternative avoids filling of wetlands, it cannot avoid encroachment into the 100-foot buffer surrounding wetlands. As a result, the Mitigated Alternative still involves a potential Countywide Plan, Community Plan, and Local Coastal Program policy conflict with respect to the setback from the wetlands (which the EIR determined was a less than significant effect on the wetlands buffer), so it was not determined to be environmentally superior to Mitigated Alternative Option 2. Consequently, the Mitigated Alternative is rejected in favor of the environmentally superior Mitigated Alternative Option 2.

4. Reduced Density Alternative

Description of the Alternative

The "Reduced Density Alternative" is discussed at pages 6-43 through 6-48 of the EIR. This alternative would construct 27 single-family and multiple-family housing units (instead of 36) in a similar layout as the Proposed Project. The Williams Street Apartments would be

constructed in a modified grid pattern with a central commons, similar to the Proposed Project, but would be composed of eight units (instead of 12) situated to avoid filling the seasonal wetlands. The Papermill Creek Apartments would be constructed on the northern side of an oval commons, but would be composed of ten units (instead of 15) to decrease the amount of wastewater and stormwater generated by the apartment complexes. All the Papermill Creek Apartment units would face south or southeast toward Lagunitas Creek (also known as Papermill Creek). All other components of the Proposed Project (i.e., the Papermill Creek single-family homes, the farm parcel, the future visitor-serving commercial parcel, and the public parking lot and restrooms) would be developed. Similar to the Proposed Project, improvements such as an onsite stormwater and wastewater collection and treatment systems, a new water line, dedication of public open space, and roadway improvements, would be implemented. Wetland restoration would not be implemented because the Reduced Density Alternative would avoid all onsite wetlands. Unlike the Proposed Project, no windbreaks would be planted. Similar to the Proposed Project, the project site would be rezoned for the affordable housing portions of the site to Coastal, Residential, Multiple Planned Commercial (C-RMPC) and Coastal, Residential, Multiple Planned (C-RMP) zoning districts. The market rate farm residence parcel would retain its current C-R-A:B-3 zoning. This alternative would maintain permanent access along the existing onsite pathway for residents of the USCG housing complex. Project construction would occur during fall and winter.

Reasons for Rejecting the Alternative

The Reduced Density Alternative would be environmentally superior to the Proposed Project and the Mitigated Alternative, because it would result in less intensive use of the site. This alternative would have similar, but decreased significant and less-than-significant environmental impacts related to water usage, storm water runoff, water quality, views of the project site, nighttime lighting, traffic, air quality (construction and operational), noise (construction and operational), land use compatibility, schools, and police and fire services. The Reduced Density Alternative would result in similar impacts to historic resources as the Proposed Project, and would have similar impacts to biological resources, except that it would avoid wetland fill. It would be consistent with all applicable County land use plans except the LCP policy regarding 100-foot wetland buffers because it would not avoid encroachment within wetland buffers to the maximum extent feasible. This alternative includes only 27 residential units, so it would not fully meet the project affordable housing objectives of developing 34 affordable, along with 2 market rate residential units.

5. Mitigated Alternative Option 2

Description of the Alternative

The "Mitigated Alternative Option 2" is discussed at pages 6-51 through 6-82 of the EIR. Mitigated Alternative Option 2 would make minor changes to the project as originally designed to avoid environmental impacts. It would include the same number of housing units as the Proposed Project, but would have 72 total bedrooms, rather than 73 as per the Proposed Project. Similar to the proposed project, Mitigated Alternative Option 2 would include the Papermill Creek Homes, farm parcel, public parking lot (12 spaces) and restrooms, future commercial use, roadway improvements, onsite storm water and wastewater collection and treatment systems, a new water line constructed in Shoreline Highway and the Williams Street right-of-way, and dedication of permanent open space area. The Williams Street Apartments would be designed to avoid encroachment within 100 feet of the wetlands in the northwest corner of the project site. Six duplex apartment buildings (12 units total) would be

spread over a larger portion of the site than the Proposed Project, with larger expanses of undeveloped land between the buildings. No central commons would be constructed. A total of 35 resident and guest parking spaces would be provided. The Williams Street Apartment complex would house its own laundry facilities (under the Proposed Project, all laundry facilities would be located at the Papermill Creek Apartments). Bostick Avenue would be constructed in a manner that avoids encroachment within the wetland buffer. To minimize indirect impacts to the northwestern onsite wetland, the water line would be constructed during the dry season, would be located downgradient of the wetlands, and 3:1 compensatory mitigation would be performed for all wetland areas within 100 feet of the buried water line.

The layout of the Papermill Creek Apartments would also be slightly modified. Seven duplexes and a manager unit (a total of 15 units) would be spread over a larger portion of the site than the Proposed Project. The apartment buildings would be generally oriented in an east-west trending direction. A total of 35 resident and guest parking spaces, including 4 parking spaces for the manager's unit, would be provided. The layout for the Papermill Creek Homes would be modified such that all of the homes would be aligned in a row along the north and east side of Papermill Creek Drive, and would generally face outward toward the USCG housing complex and Lagunitas Creek (i.e., Papermill Creek).

The wastewater and storm water treatment and collection system would be modified from the Proposed Project's preliminary design. Descriptions of these systems are provided in Appendix D of the EIR (Questa 2001g; Questa 2001h). The Williams Street Apartments leachfield and the commercial parcel leachfield would be located in generally the same locations as the Proposed Project, but have been reconfigured to avoid encroachment within the 100-foot wetland buffers. The leachfields for the Papermill Creek Apartments and the Papermill Creek Homes have been relocated and reconfigured to maintain a 100-foot wetland setback. The leachfield area for the public restrooms would be relocated slightly to the north, and would be shorter and wider than the Proposed Project.

A grass swale would be constructed north of the Williams Street Apartments to collect and route storm water runoff from the West Marin School toward the central open space area. Grass swales within the Williams Street Apartment complex would route storm water from the complex toward the central open space area.

As with the Proposed Project, this alternative would include a Marin Countywide Plan Amendment, PRSCP Amendment, LCP Amendment, Rezone, Master Plan, Precise Development Plan, Subdivision Vesting Tentative Map, and a Coastal Permit. Similar to the Proposed Project, the project site would be rezoned for the affordable housing portions of the site to Coastal, Residential, Multiple Planned Commercial (C-RMPC) and Coastal, Residential, Multiple Planned (C-RMP) zoning districts. The market rate farm residence parcel would retain its current C-R-A:B-3 zoning. As with the Proposed Project, this alternative would include a Countywide Plan Amendment to change the site's C-SF4 land use designation to C-MF2, which allows multiple-family residential development.

This alternative would maintain permanent access along the existing onsite pathway for residents of the USCG housing complex and includes dedication of a 10-foot-wide public pedestrian access easement that would connect the eastern end of Papermill Creek Road to the USCG housing complex.

Reasons for Approving the Alternative

Mitigated Alternative Option 2 would be environmentally superior to the Project as originally proposed. It would have many environmental effects similar to the original Project. Mitigated Alternative Option 2, however, would avoid significant unavoidable wetland fill impacts, would avoid permanent surface encroachment within the 100-foot wetland buffers, would avoid potential policy concerns determined by the EIR to be less than significant environmental impacts for wetlands buffer setback and historic district grid patterns, and would reduce other impacts such as those related to effective treatment of wastewater and stormwater. This alternative would be consistent with all applicable County land use plans. Mitigated Alternative Option 2 would meet the basic objectives of the Project. Therefore, it is the environmentally superior alternative that meets the basic objectives of the project.

"EXHIBIT 2"

**FINDINGS FOR PROJECT APPROVAL AND FOR DETERMINATION OF PROJECT
CONSISTENCY WITH THE MARIN COUNTYWIDE PLAN, POINT REYES STATION
COMMUNITY PLAN, AND LOCAL COASTAL PROGRAM UNIT II**

**Point Reyes Affordable Homes, Inc. Countywide Plan Amendment,
Community Plan Amendment, Local Coastal Program Amendment,
Rezoning, Coastal Permit, Master Plan, Precise Development Plan, and Subdivision**

- I. WHEREAS Point Reyes Affordable Homes, inc. (hereinafter, "Point Reyes Affordable Homes" or "Applicant"), has submitted applications seeking the necessary plan and zoning entitlements for the development of a mixed-density residential project with visitor-serving and conservation uses on an 18.6-acre property in Point Reyes Station. The housing component includes construction of 27 affordable rental apartments and 7 affordable for-sale single-family residences, and creation of a market rate residential lot for future development of one single-family residence, cottage, and a barn.

The Williams Street Apartments consist of six duplex residential structures located on an approximately 3.90 acre proposed lot. The Papermill Creek Apartments consist of seven duplex residential structures and one manager's unit/community building located on an approximately 2.86-acre proposed lot. The Papermill Creek Homes consist of seven single-family residences located on proposed lots ranging in size from 9,080 to 13,535 square feet.

The project also includes reservation of approximately 3.86 acres of land for the development of a 20-room, 17,000 square foot lodge or a similar visitor-serving use and 0.6 acres of land for the development of a 12-space public parking lot and public restrooms, and the preservation of approximately 2.58 acres of land for open space conservation. A proposed Vesting Tentative Map would subdivide the property into 13 lots that correspond with the individual project components. The project would require amendments to the Marin Countywide Plan, Point Reyes Station Community Plan, the Local Coastal Program Unit II, and Marin County Code Title 22 for a Rezoning of portions of the property from the Coastal, Suburban Agricultural (C-R-A:B-3) and Coastal, Village Commercial Residential (C-VCR:B-2) zoning districts to a Coastal, Residential Multiple Planned (C-RMP) and Coastal, Residential Multiple Planned Commercial (C-RMPC) zoning district. The subject properties are located at 857 Mesa Road, Point Reyes Station, on property further identified as Assessor's Parcels 119-240-45, -46, -57, -58.

- II. WHEREAS on February 11, 2002, following the conduct of a public hearing, the Marin County Planning Commission voted to recommend that the Board of Supervisors approve the proposed project.
- III. WHEREAS the Marin County Board of Supervisors conducted a public hearing on March 19, 2002 to consider the merits of the proposed project and hear testimony in favor of, and in opposition to, the project.
- IV. WHEREAS the Board of Supervisors finds that the project, subject to the mandatory EIR (as defined in the resolution to which this Exhibit is attached) mitigation and monitoring measures and the conditions of approval contained herein, is consistent with the goals and applicable policies of the Marin Countywide Plan ("Countywide Plan"), for reasons including, but not limited to, the following:

- A. The subject property is located in the Coastal Recreation Corridor of the CWP where open space, recreational, and agricultural land uses are emphasized along with the preservation of existing coastal communities (Environmental Quality Policy EQ-1.3). The project would maintain the existing Coastal Residential Commercial (C-RS), 1-20 units per acre land use designation over the westerly portion of the property while providing opportunities for open space, visitor-serving and recreational uses through the preservation of approximately 2.68 acres of land for open space and the designation of land area for future development of a visitor-serving use, such as a lodge, and a public parking area with restrooms. Due to the proposed location of the Williams Street Apartments and the lot configuration of the market rate residential lot, adjustments to the C-RS and C-SF-4 land use designations are proposed over the northerly portion of the Williams Street Apartments and the westerly portion of the market rate single-family lot in order to ensure that the proposed land uses are consistent with the governing CWP land use designations. The proposed Williams Street Apartments would include 12 units located in the 3.90-acre portion of the site designated C-RS and result in a conforming density of three units per acre. (*Community Development Policy CD-15.18 and Map 7.9*)
- B. The CWP contains policies that encourage development to provide a mix of housing size and prices to meet the needs of workers employed in the County. Housing should be integrated into commercial areas and located near job opportunities in order to discourage long commutes and lessen traffic congestion. Commercial and higher intensity residential development should be located in nodes where there is high transit accessibility, such as in or near central business districts. Economic development which provides jobs for residents at all income levels should be encouraged. Small-scale visitor-serving uses, such as lodging, are permitted within villages. The supply of affordable housing should be increased through development of higher density housing clustered around the downtown core areas. The project entails the development of a mix of residential, visitor-serving commercial, and open space uses, and affordable ownership and rental housing on a site within downtown Point Reyes Village where accessibility to transit, jobs, and services are readily-available, consistent with the above-referenced policies. (*Community Development Policies CD-2.1, CD-2.2, CD-2.4, CD-2.5, CD-2.6, CD-15.9*)
- C. The proposed project would be consistent with the CWP's Stream Conservation Area ("SCA") policies. The overriding objective of the SCA policies is to preserve, protect, and enhance existing species and habitat diversity from erosion, sedimentation, pollution and habitat destruction. Streams and their riparian and woodland habitat are irreplaceable and should be protected as essential environmental resources because of their values for erosion control, water quality, fish and wildlife, aesthetics, recreation, and the health of human communities. No portion of the project is located over a SCA. The nearest blue-line stream or natural watercourse that would be subject to the SCA is located off-site, more than 400 feet to the east of the site, across the adjoining USCG property. For reasons discussed further in this report, the project would not result in surface run-off, erosion, sedimentation, or contaminants that would impact to wildlife and fisheries resources, water quality, or riparian vegetation located within the SCA for Lagunitas Creek. (*Environmental Quality Policies EQ-2.1 and EQ-2.2, EQ-2.12, EQ-2.19, EQ-2.20, EQ-2.28, EQ-2.29*)
- D. The project would comply with CWP's policies to minimize or prevent air, water, and noise pollution and comply with applicable standards for air quality. The EIR found that the project would generate minimal long-term, operational air emissions and would not cause air quality standards in the County to be exceeded. The project would cause short-term increases in construction-related emissions, and mitigation measures have been identified in the EIR to reduce construction-related emission control measures to less-than significant levels. Projected

generated traffic noise and stationary source noise on new residents were found by the EIR to fall within the normally acceptable 60 dBA Ldn exterior noise standard for these uses. In addition, short-term construction-generated noise impacts would be minimized by limiting the hours of construction to the hours of 7:00a.m. and 5:00p.m., Monday through Friday, and between the hours of 9:00a.m. and 4:00p.m. on Saturday, maintaining and muffling construction equipment, installing an acoustic barrier along the northwestern common boundary of the project with the West Marin School, and by providing notification of the construction activities and times to the school prior to commencement of construction. (*Environmental Quality Policies EQ-2.75, EQ-2.78, EQ-3.2, Noise Policies N-1.1, N-2.1, N-2.4*)

- E. The project would be consistent with the CWP's policies which discourage development in natural resource areas and CWP's restrictions on development in areas which contain special status species and migratory species of the Pacific Flyway and significant natural areas, wetlands, riparian habitats, and freshwater habitats. A diversity and abundance of wildlife and marine life, and to preserve vegetation and animal habitats wherever possible. The EIR found that the project would have less-than-significant impacts on all special-status species and communities, and no impacts to fish, wildlife, vegetation, or animal habitats would result from the project. (*Environmental Quality Policies EQ-2.88, EQ-3.6, Community Development Policy CD-2.7*)
- F. Consistent with applicable CWP policies, the project has been designed to avoid hazards from earthquake, erosion, landslide, floods, and fires, and would result in a built environment which is healthful, safe, quiet, and of good design both functionally and aesthetically. Mitigation measures to limit construction to daytime hours, to screen headlight glare from onsite vehicles, to reduce construction-generated noise levels, and to ensure aesthetic constancy with the existing architecture of Point Reyes Station would ensure compliance with the CWP policies on the built environment. (*Environmental Quality Policy EQ-3.8, Community Development Policy CD-2.7, Environmental Hazards Policies EH-3.1, EH-3.2*)
- G. The project has been designed to avoid or minimize the hazards from earthquakes, erosion, landslides, floods, fire, and accidents consistent with the CWP's Environmental Quality and Environmental Hazards elements. The final project design would be based on geotechnical investigations by civil engineers with soils engineering expertise and soils certified engineering geologists, and would employ engineering measures that avoid and minimize against life and safety risks from seismic ground shaking hazards, including those relating to construction on expansive soils. All grading and structures would conform to applicable minimum earthquake design standards. (*Environmental Quality Policy EQ-3.7, Environmental Hazards Policies EH-3.1, EH-3.2, EH-5.1, EH-5.2, EH-5.4*)
- H. The proposed project would ensure that adequate capacity for the safe handling of surface runoff would be provided. Based on detailed hydrologic and geologic studies that meet minimum County Code requirements, proposed use of biofilter strips, vegetated channels, and infiltration trenches would ensure that the project would not increase pre-development surface run-off conditions and would not introduce contaminants or pollutants into nearby drainage areas and water bodies. (*Environmental Quality Policies EQ-2.19, EQ-2.20, Environmental Hazards Policy EH-8.6*)
- I. The EIR found that the project would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services and facilities. To minimize the risk of fires and ensure adequate fire protection, the Marin County Fire

- Department would ensure that the proposed project meets minimum fire safety codes and standards and incorporates into its design adequate water resources, fire suppressant systems, fire-resistant materials, vegetation clearances from structures, irrigated landscaping, and adequate access. The North Marin Water District has sufficient water supplies to service the proposed development. The Shoreline Unified School District has adequate capacity to accommodate the additional 30 students that is expected to be generated by the proposed project. (*Environmental Quality Policy EQ-3.9*)
- J. The project would comply with applicable policies on preserving the visual qualities of the built environment and to ensure that structures are in scale with environmental constraints and the character of the surrounding neighborhood. The visual impact analysis contained in the EIR evaluated the project's day- and night-time impacts as well as its impacts to the historical character of Point Reyes Station and found that the project would result in less-than-significant impacts. The development has been sited to avoid on-site environmental constraints, including wetlands, and minimal light fixtures are proposed in order to maintain the rural character of the village. (*Environmental Quality Policies EQ-3.11, EQ-3.25, EQ-3.26*)
- K. The project site is comprised of open grasslands. On-site tree removal associated with the project has been minimized to four trees, with the largest tree being 12-inches in diameter. A 20-inch Monterey pine tree located in the Mesa Road right-of-way would be removed for sight distance purposes. No trees with historical importance are known to exist on the site, and no large native trees would be removed. Therefore, the project would be consistent with CWP policies that strive to protect large trees, trees with historical importance, and oak woodland habitats. (*Environmental Quality Policy EQ-3.14*)
- L. The project has been designed to minimize the amount of grading and to limit it to the construction of building pads, streets, and parking areas. Retaining wall construction has either been avoided due to the proposed slopes, or minimized to the extent feasible. The estimated quantity of grading is approximately 5,400 cubic yards, which is consistent with development on gently to moderately-sloped terrain. All excavated material is expected to be used onsite. (*Environmental Quality Policy EQ-3.16*)
- M. The project would comply with applicable CWP policies to protect and preserve wetlands to the maximum extent feasible. With exception to a underground water line extension, no portion of the project would result in filling or encroachment within 100 feet of all identified wetlands on the property. Implementation of on-site wetland compensation at a 3:1 ratio would mitigate short-term impacts associated with construction and disturbance within the 100-foot wetland buffer area associated with the utility line extension. (*Environmental Quality Policies EQ-2.43, EQ-3.27*)
- N. A cultural resources report, which included a literature review and site reconnaissance, found no evidence of archaeological, historical, or cultural resources on the property. The existing abandoned residence on the property was evaluated and found not to be eligible for listing as a historical structure because it does not retain any degree of historic integrity or any materials of historical significance. In general, the proposed buildings incorporate scale, form, and massing that complement the village's existing buildings, while the use of a modified street grid pattern would echo the historic modified grid for the village. The EIR contained mitigations that would protect any resources that may be uncovered during construction in order to ensure compliance with the CWP policies. (*Environmental Quality Policies EQ-3.29, EQ-3.30, EQ-3.31, EQ-3.32, EQ-3.33, Community Development Policy CD-2.10*)

- O. The project would comply with CWP standards for traffic congestion by ensuring that traffic generated by the project would maintain intersection Levels of Service at B or better, while traffic generated by the project and by cumulative development in the area would result in intersection levels of service of C or better, which exceed the CWP's Level of Service D standard. (*Transportation Policy T-1.1*)
- P. The project includes use of energy-saving measures, including compliance with efficiency standards that exceed Title 24 of the California Energy Code through use of at least two of the following energy-saving measures: (1) "Energy Star" rated appliances; (2) avoidance of paints and stains containing Volatile Organic Compounds; (3) automatic light sensors; and (4) use of fluorescent light fixtures for 75% of all lighting fixtures. Water-conserving landscaping and use of low flush toilets and low flow shower heads would reduce the consumption of both water and energy for water distribution. (*Community Development Policies CD-4.2, CD-4.4, CD-4.6*)
- Q. The CWP policies on preservation of agricultural areas would not be affected by the project because the subject property is neither identified as an area containing prime agricultural lands nor zoned under a Coastal Agricultural Production Zone or Coastal Agricultural Residential Planned Districts. The current use of the property for grazing and as a horse pasture would cease as a result of the project. However, small-scale limited agricultural activities, such as crop production and small livestock farming would be allowed under the existing Coastal, Suburban Agricultural (C-RA:B-3) zoning over the market rate residential lot. (*Agriculture Policies A-1.1, A-1.3, A-1.4, A-1.5, A-1.10*)
- R. The project includes a 10-foot wide pedestrian easement that would provide continued access to the West Marin School for future residents as well as access to the downtown Point Reyes Station for residents of the USCG facility over Papermill Creek Road and outside of sensitive habitat area, such as wetlands. The proposed easement reflects consideration of historic users and would not present safety hazards for its intended users. (*Trails Policies TR-1.3, TR-1.4, TR-3.1, TR-3.2, TR-3.3*)
- S. The EIR found that the proposed project would generate approximately 55 tons of solid waste per year which represents less than 0.02% of the annual tonnage that is disposed of at the Redwood Landfill facility, and not expected to exceed or substantially reduce the remaining capacity or life span of the landfill.
- V. WHEREAS the Marin County Board of Supervisors finds that the proposed project, subject to the mandatory EIR mitigation and monitoring measures and the conditions of approval contained herein, is consistent with the goals and applicable policies of the Point Reyes Station Community Plan ("Community Plan"), for reasons including, but not limited to, the following:
- A. The proposed project is generally consistent with the PRSCP because it provides a mixed-use development consisting of housing, commercial, and recreation uses within the Downtown Area and is compatible with the overall goals of the PRSCP as discussed above. The visitor-serving commercial component has been sited adjacent to the Downtown Area and not along Highway 1. Although the project includes proposed Rezonings of the Coastal Village Commercial Residential and Coastal Suburban Agricultural land areas within the downtown area, the project would maintain the downtown area as the commercial and community core of the village through incorporation of a public parking lot and restroom to serve existing downtown businesses, and a future visitor-serving commercial use that would complement the existing commercial uses in the downtown area. Since 34 of the residential units would be restricted for rental and for-sale affordable housing units, the project would provide additional

- affordable housing opportunities, particularly for those persons employed locally. (*Planning Area Policies PA-2.2, PA-2.3, PA-3.2, PA-3.6, Commercial Land Use Policies CL-1.1, CL-1.2, CL-1.3, CL-2.3, CL-4.1i*)
- B. The proposed project provides a reasonable balance between the needs of visitors and local residents because the project provides not only additional affordable housing opportunities for residents and those who work in the area, it would also provide visitor-serving uses, such as a public parking lot that accommodate overflow parking demand from the Downtown Area as well as a future visitor-oriented commercial use, such as a lodge. The 27 units of affordable rental housing would also be maintained as long-term affordable rentals to meet the future needs of residents in the area. (*Planning Area Policy PA-3.3, Residential Land Use Policy RL-1.3*)
 - C. The project utilizes a design that is compatible with the existing visual and architectural character of the community. The proposed buildings would complement the village's existing buildings in scale, form, and massing, while the proposed modified grid street pattern would be complementary to the surrounding street system. A diversity of lot sizes and building densities would be provided by this project, including rental duplexes and for-sale single-family residences. Road widths and outdoor lighting fixtures have been minimized to be compatible with the rural improvement standards found in the surrounding community but still provide for adequate safety. The project would provide pedestrian amenities, through the use of soft aggregate-based shoulder areas, that are compatible with the surrounding rural environment. The design of the project's roads, parking areas, and driveways do not include curbs, gutters, or sidewalks. (*Planning Area Policies PA-3.5, PA-3.7, PA-3.8, Commercial Land Use Policies CL-5.1, CL-5.2, Historic Resource Policy HR-1.3, Transportation Policies T-1.1, T-3.1*)
 - D. The project would be consistent with the PRSCP's general criteria for new development because it would minimize the extent of site disturbance and grading, preserve views from public roads and surrounding properties towards Black Mountain and surrounding ridgelines, protect the sun light, views, and privacy of adjacent properties, and preserve the existing rural community character. Furthermore, the project has been designed to incorporate exterior building design and materials that are compatible with the surrounding community, to comply with the 25-foot height limit and 4,000 square foot maximum floor area limitations, to use of manufactured and natural building materials, to incorporate a variety of lot configurations and sizes, and to minimize the use of exterior lighting to the amount necessary for safety purposes. Predominantly native landscape specimens water low water usage requirements consistent with the Point Reyes Station Landscape Guide, Appendix K would be utilized. (*Residential Land Use Policies RL-3.2, RL-3.3, Natural Resource Policies NR-6.2, NR-7.1, Community Services Policies CS-1.3, CS-1.4*)
 - E. The project would provide additional affordable housing opportunities for West Marin residents at a reasonable scale in comparison with the surrounding community without overburdening local public services. Furthermore, the PRSCP specifically identifies the subject property as suitable for an affordable housing development. The proposed Rezoning would result in a density of 36 units on the 18.6-acre property, which is less than the potential maximum of 59 units under the existing zoning. (*Residential Land Use Policies RL-2.1, Programs RL-2.1a and RL-2.1b*)
 - F. The project would be consistent with policies in the PRSCP which require protection of the water quality of Lagunitas Creek and the North Marin Water District wells from wastewater contamination, surface run-off pollutants, erosion and sedimentation because the all sewage

disposal systems would be required to be designed to meet applicable Marin County standards for sewage disposal, and surface run-off would be filtered through biofilter strips and vegetated channels and infiltration trenches to minimize the potential for pollutant run-off, erosion, or sedimentation impacts to the creek and the wells. (*Natural Resource Policies NR-5.1, NR-5.2*)

- G. The project would not affect special-status species and wildlife communities. Preconstruction surveys would be required to prevent disturbance to nesting birds, and there would be minimal use of fencing that would limit wildlife passage through the property. (*Natural Resource Policies NR-6.3, NR-6.4, NR-6.5*)
- H. In order to ensure the continued health and survival of significant natural areas, the project has been designed to avoid development within the wetland areas on the property and to minimize disturbance of the natural environment (including topography) of the site. (*Natural Resource Policy NR-5.3, Residential Land Use Policy RL-3.2*)
- I. The project would allow for the development of a future public parking lot and restrooms, located within two blocks of the Point Reyes Station downtown and approximately 225 feet from the nearest residence. The design of the restrooms would be required to harmonize with the downtown's historic architectural character and be landscaped to soften views of the facility from nearby areas. (*Community Services Policy CS-4.1*)

VI. WHEREAS the Marin County Board of Supervisors finds that the proposed project, subject to the mandatory EIR mitigation and monitoring measures and the conditions of approval contained herein, is consistent with the goals and applicable policies of the Local Coastal Program, Unit II ("Local Coastal Program"), for reasons including, but not limited to, the following:

- A. The Recreation and Visitor-serving Facilities element of the LCP contain policies that support and encourage the enhancement of public recreational opportunities and the development of visitor-serving facilities that preserve the coast and protect natural resources and agriculture. The proposed project is consistent with these policies by setting aside approximately 2.28 acres of land for future development of a lodge or similar visitor-serving use, and 0.6 acres of land for future development of public parking and restrooms. The public parking lot and restrooms would directly provide additional visitor and recreational facilities and indirectly support the retention of existing visitor-serving commercial establishments within Point Reyes Station. Furthermore, the LCP specifically identifies a portion of the subject property (Assessor's Parcel 119-240-45) as a potential site for a visitor-serving lodge use. These visitor-serving uses would be required under the proposed Master Plan, thereby increasing the degree of certainty for these uses compared with the existing C-VCR zoning. Additionally, the affordable housing component of the project would indirectly support visitor-serving businesses by increasing the stock of housing that would be affordable to those who would more likely work in these businesses. (*Recreation and Visitor Policies 1, 3A, 3C*)
- B. The property supports several small seasonal wetlands totaling approximately 0.25 acres (10,890 square feet). The proposed project is consistent with the Natural Resources element of the LCP because it would avoid filling of seasonal on-site wetlands or surficial encroachments into the 100-foot wetland buffer and would discontinue grazing activity within the wetland and buffer areas. (*Natural Resources Policy 4, Diking Filling and Dredging Policy 1*)
- C. The EIR found that the project would result in less-than-significant impacts on all special-status species and communities on the property. The grassland environment is not considered a sensitive habitat area. The EIR evaluated the potential for impacts on various biological

resources, including grassland habitat, California Red-Legged Frog Habitat, raptor and bird nests, special status wildlife species, Lagunitas Creek, tree removal, and seasonal wetlands and found that the project would not result in any significant impacts. (*Natural Resources Policy 5b*)

- D. The proposed project is consistent with applicable policies contained in the Agriculture element of the LCP. The agriculture policies encourage the preservation of productive agriculture and lands with the potential for agricultural use and require that non-agricultural development not conflict with agricultural uses or result in incompatibilities with the rural character of the County's coastal zone. These policies are also intended to concentrate development in suitable locations, ensure that adequate public services are available for new development, and protect coastal wildlife, habitat, and scenic resources. Pursuant to the LCP, implementation of the agriculture policies would be through the creation of a Coastal, Agricultural Production Zone (C-APZ) zoning and zoning-specific development standards and requirements. The proposed LCP policy would not conflict with the LCP's agriculture policies because the policy would neither affect prime agricultural land nor the C-APZ zoning, both of which do not exist on the property. Additionally, the existing Coastal, Village Commercial Residential (C-VCR) and Coastal, Suburban Agricultural (C-R-A) zoning designations recognize the limited agricultural uses of the property by allowing only limited, small-scale agricultural uses. The proposed Coastal Residential Multiple Planned (C-RMP) and Coastal Residential Multiple Planned Commercial (C-RMPC) zoning would allow for similar limited small-scale agricultural uses. The existing zoning of the property and surrounding areas already contemplates the development of "infill" properties located within Point Reyes Station that would be separate from and provide a buffer to larger agricultural landholdings at the periphery of the community. Additionally, due to the presence of seasonal wetlands and buffers that encumber large, discontinuous portions of the property, development of intensive agricultural uses may conflict with provision of the LCP relating to wetland protection and enhancement. (*Agriculture Policy 1*)
- E. Adequate public services and resources, including water supply, sewage disposal, and road access and capacity) are available to serve the proposed development. The North Marin Water District has confirmed that it has adequate capacity to supply water to the project site for domestic and fire protection purposes. The proposed onsite wastewater treatment system would generally comply with County standards, provided the final design incorporate septic tank sizes and leachfield that comply with County standards. Adequate road access is available from Highway One and from Mesa Road for the project. (*Public Services Policies 1, 2, 3, 4*)
- F. The project is consistent with LCP policies on historic resources because no structures of historic significant would be demolished as part of the project, and the design of the Williams Street Apartments and street pattern is consistent with the LCP's criteria for development within an historic area. (*New Development and Land Use Policy 1*)
- G. No evidence of prehistoric or historic cultural resources have been found on the subject property, and the proposed project would not affect an area of known or suspected archaeological or paleontological significance. (*New Development and Land Use Policy 2*)
- H. The project would result in buildings that are compatible in height, scale, and design with the character of the surrounding natural and built environment, that are sited to follow the natural contours of the landscape, and that are screened with appropriate landscaping which takes into consideration public views so as not to interfere with public views to and along the coast. Although the proposed landscaping would increase the degree of partial view obstruction from offsite public viewing locations toward nearby mountains and other land features, the project

would not interfere with any public views to or along the coast. Utility distribution lines would be placed underground. (*New Development and Land Use Policy 3*)

- I. The project is consistent with the LCP's policies to provide and protect housing opportunities in the coastal zone for persons of low and moderate income because it would provide 34 new affordable housing units with an on-site wastewater treatment system. No units of existing usable housing would be demolished. (*New Development and Land Use Policy 4*)
 - J. The project is consistent with the LCP's policies which require development to be located over areas that are stable and to not create a hazard or diminish the stability of an area. The undergrounding of electrical utility lines would also minimize fire hazards to surrounding areas. (*New Development and Land Use Policy 5*)
 - K. The project has been designed to fit a site's topography, soils, geology, and hydrology, and all grading, cut and fill operations, and other site preparation would be kept to a minimum. Areas of the site which are not suited to development because of known soil, geologic, flood, erosion, or other hazards have been kept in open space. The extent of impervious surfaces have been minimized and all surface run-off would be collected through an onsite stormwater collection and treatment system which includes use of grassy swales and infiltration trenches to facilitate groundwater recharge. Erosion and sedimentation control and slope stability measures would be required prior to the construction during the rainy season. (*New Development and Land Use Policy 5*)
- VII. WHEREAS the Marin County Board of Supervisors finds that the proposed Precise Development Plan, subject to the mandatory EIR mitigation and monitoring measures and the conditions of approval contained herein, complies with the Design Requirements of the Coastal, Residential Multiple Planned (C-RMP), the Coastal, Residential Multiple Planned Commercial (C-RMPC) zoning districts set forth in Sections 22.57.075 and 22.57.144 of the Marin County Code, as follows:

A. Site Preparation

- 1. Grading. Grading for the project has been minimized to a total of 5,400 cubic yards of earth material, which will be balanced on site on the 18.6-acre property. All slopes have been rounded and contoured to blend with the existing topography to the extent feasible.
- 2. Access and Roadways. All roads within the project site have been designed to comply with the maximum allowable slopes.
- 3. Erosion Control. The project would be required to provide an erosion and sediment control plan, consistent with the requirements of Marin County Code Title 23.
- 4. Drainage. The project design utilizes infiltration trenches, rock drainage trenches, and vegetated swales to avoid erosion to ensure that the project would not introduce additional off-site run-off during the 100-year, 24-hour storm flows would filter contaminants on-site to the extent feasible.
- 5. Trees and Vegetation. Tree removal has been minimized to a total of four on-site trees and one off-site trees, which are either ornamentals or non-native in origin.

6. Fire Hazards. The project would be designed to incorporate access roads and adequate water supply to minimize wildfire hazards.
7. Geologic Hazards. The development would be located on portions of the property that are geologically stable.
8. Watershed Areas. The project would not result in any impacts to the surrounding watershed.

B. Project Design

1. Clustering. The development would cluster the buildings in the most accessible, least visually prominent, and most geologically stable portions of the site, consistent with the need for privacy to minimize visual and aural intrusion into surrounding properties. The use of clusters would allow for preservation of over three acres of the property, located in the central portion of the property, as open space both for conservation of wetland resources and for visual purposes.
2. Ridgelines. No portion of the development would be located in a ridgeline area.
3. Landscaping. The project would be required to utilize landscaping that would minimally disturb natural areas, and that are compatible with the surrounding areas, consistent with the community plan's landscape guidelines.
4. Utilities. All roadways and utilities within the project site would be designed to meet minimum safety requirements and improvement standards. Exterior lighting would be permitted for safety and security reasons but would minimize calling attention to the project. All utility extensions and connections to the project would be placed underground.
5. Building Height. The project would utilize one and partial two-story building forms which generally meet the 25-foot height limit. In order to encourage a diversity of building forms, and for purposes of ensuring that the project is compatible with the surrounding Point Reyes Station village, conditions of project approval would provide the applicant with the flexibility of increasing the heights of four of the buildings within the Papermill Creek Apartments and Homes to a maximum height of 26 feet.
6. Materials and Colors. The project would utilize natural exterior materials and colors that blend into the surrounding environment and that are compatible with the historic qualities of the surrounding Point Reyes Station village.
7. Noise. All buildings have been sited to minimize potential noise impacts to surrounding properties and roadways.
8. Facilities. The project would incorporate use of materials, siting, and construction techniques that would minimize consumption of resources such as energy and water; and that would utilize water-conserving appliances.
9. Open Space Dedication. The project would create an approximately 2.68-acre open space lot with wetland resource, visual, and recreational qualities.

10. Open Space Maintenance and Use. A wetland conservation easement would encumber the open space lot that would be created as a result of this project.

- VIII. WHEREAS the Marin County Board of Supervisors finds that the proposed project, subject to the mandatory EIR mitigation and monitoring measures and the conditions of approval contained herein, complies with the purpose of the Coastal, Open Area (C-OA) zoning district to provide for open space, outdoor recreation, and other undeveloped lands, including areas suited for open space and conservation uses, consistent with Chapter 22.57.130 of the Marin County Code.
- IX. WHEREAS the Marin County Board of Supervisors finds that the proposed project, subject to the mandatory EIR mitigation and monitoring measures and the conditions of approval contained herein, would comply with the 20,000 square foot minimum lot size, 100-foot minimum lot size, and setback requirements under the Coastal, Suburban Agricultural (C-RA:B-3) zoning which would remain over the market rate residential lot located in the northeastern portion of the property.
- X. WHEREAS the Marin County Board of Supervisors finds that the proposed Rezoning application, as modified by conditions of approval, would be consistent with the policies contained in the Marin Countywide Plan, the Point Reyes Station Community Plan, and the Local Coastal Program Unit II by establishing appropriate zoning districts to govern the various components of the project.
- XI. WHEREAS the Marin County Board of Supervisors finds that the proposed Master Plan application, as modified by conditions of approval, would be consistent with the policies contained in the Marin Countywide Plan, the Point Reyes Station Community Plan, and the Local Coastal Program Unit II by establishing a general site development plan with the location of land uses, residential densities, and development that corresponds with each component of the proposed Point Reyes Affordable Homes project.
- XII. WHEREAS the Marin County Board of Supervisors finds that the proposed project, subject to the mandatory EIR mitigation and monitoring measures and the conditions of approval contained herein, is consistent with the requirements for approval of a Precise Development Plan for the Williams Street Apartments, Papermill Creek Apartments, and the Papermill Creek Homes for reasons including, but not limited to, the following:
- A. The findings for Design Review contained in Marin County Code Section 22.82.040 can be made for the proposed project because it: (1) would result in structures of a height, mass and bulk proportionately appropriate to the site; and (2) would maintain adequate setbacks from property lines and other buildings on surrounding properties. Construction of the proposed single-family and multiple-family residences would conform to principally-permitted uses in the proposed zoning districts that would govern the subject property and would be situated solely on the subject property. The proposed yard improvements would be located solely within the subject property and would not interfere with access easements and open space areas in the vicinity of the project site. Proposed landscaping would adequately screen the structures from off-site locations, would stabilize and prevent the erosion of graded soils around the structure, and would enhance the privacy of the occupants of the subject and surrounding properties. The proposed improvements would minimize drainage alterations, grading and excavation, tree removal and other adverse physical effects on the natural environment. Finally, the design of the proposed structures would be compatible with that of other houses in Point Reyes Station village, would respect the surrounding natural environment, and would not adversely affect views of other properties in the vicinity.

- B. The proposed project would be consistent with policies contained in the Marin Countywide Plan, the Point Reyes Station Community Plan, and the Local Coastal Program Unit II. Please refer to Sections III through V of this document.

XIII. WHEREAS the Marin County Board of Supervisors finds that the proposed project, subject to the mandatory EIR mitigation and monitoring measures and the conditions of approval contained herein, conforms to the requirements and objectives of the Local Coastal Program, Unit II, and is consistent with the mandatory findings to approve a Coastal Permit pursuant to Marin County Code Section 22.56.130, as specified below:

- A. Upon completion of a water line extension, the project would be provided with a domestic water supply from the North Marin Water District.
- B. The Marin County Environmental Health Services has indicated that an up-to-code sewage disposal system could be constructed to service the proposed development.
- C. The proposed project would result in approximately 5,400 cubic yards of grading on the 18.6-acre property. Grading would be balanced on site to accommodate construction of the roadways and building foundations. A condition of approval will require that all construction activities conform to the erosion and sediment control requirements contained in Title 24 of the Marin County Code.
- D. The project would not impact archaeological, historical, or cultural resources because: (1) no prehistoric resource sites have been recorded within the project area; and (2) the Federated Indians of Graton Rancheria determined that the project site contains no Native American cultural sensitivities. However, because Native American archaeological sites within the western portion of Marin County tend to be located on alluvial flats near sources of fresh water, there is a potential for identifying unrecorded Native American resources on the project site. A mitigation and condition of project approval will require that all work at the site shall stop in the unlikely event that archaeological resources are discovered during construction, and that a qualified archaeologist shall be consulted to evaluate the resource in accordance with state and federal guidelines.
- E. Although the property is not located between the sea and the first public road, or on an area designated by the Local Coastal Program where public access is desirable, the applicant has proposed the dedication of a pedestrian easement over two portions of the property in order to provide improved access between adjoining properties and downtown Point Reyes Station.
- F. The proposed single-family residence would result in an increase the stock of housing for persons of low and moderate income by 34 units, which represents a beneficial effect.
- G. The subject property is not located on or near any perennial or intermittent stream which has been identified on the National Resources Map for Unit II of the Local Coastal Program. Although Lagunitas Creek is located within 400 feet from the southerly boundary of the subject property, the Environmental Impact Report found that the project would not result in significant, unmitigable impacts to the stream's resources. The project has also been designed to avoid fill of on-site wetlands totaling approximately 0.25 acres or surficial encroachments into the 100-foot wide wetland buffer zone.

H. The proposed project would not adversely affect coastal natural resources.

The proposed project would have no significant adverse effects on wildlife, vegetation, and any special-status species (i.e., species listed by the State and federal government as rare, threatened or endangered, or species proposed or considered candidates for such listing). The project site does not provide habitat for special-status species, and none are expected to occur onsite. The project, therefore, would not directly affect any special-status species or their habitats. The proposed project would have a less-than-significant indirect impact on the federally-listed species California red-legged frog, Coho salmon, and steelhead. The project would result in the removal of five trees, including three fruit trees and one Monterey pine tree near the existing abandoned residence and one Monterey pine tree located within the road right-of-way for Mesa Road, near the entrance to the Bostick Avenue roadway. The removal of ornamental and non-native trees was found not to be a significant impact. The project site is located approximately 400 feet north of Lagunitas Creek (at its closest point) and would have no direct impact on the creek or its fish and wildlife species. Based on the discussion of wastewater and drainage issues above, the project would not result in indirect impacts on the water quality of Lagunitas Creek.

The introduction of invasive species as part of the project landscaping could lead to the spread of invasive species in the Point Reyes area. Should the non-native species expand beyond the project area and invade the surrounding vegetative communities, impacts to native flora and fauna could result. A condition of approval would require the applicant to eliminate all invasive species and to utilize landscape species that are recommended in the Point Reyes Station Landscaping Guide that is included as Appendix K to the community plan.

The proposed project and cumulative projects in the area would result in the loss of non-native grassland, avian foraging habitat, and non-native trees. Trees on and adjacent to the property provide potential nest sites for raptors and other birds. In order to ensure that potential impacts on raptors and other tree-nesting birds are reduced to a less-than-significant level, a condition of approval would require the conduct of focused surveys prior to construction during the nesting season (February 1 to August 31), to cease construction within 400 feet of an active nest if nesting raptors are found, to avoid tree removal during the nesting season (February 1 to August 31), and to delay removal of trees where an active nest is found.

- I. The proposed construction does not encompass provisions for revetments, breakwaters, seawalls, or other manmade alterations that would alter the existing shoreline condition or prevent the re-establishment of the existing dune contours because the property is not adjacent to a beach or dune protection area.
- J. The property is not located in an area containing geologic hazards. All improvements will be constructed in accordance with the current building and seismic codes as well as development standards contained in Marin County Code Title 24.
- K. Although the project would result in the replacement of an existing water line within the Highway One right-of-way, this work would not distract from the rural, scenic characteristics of this roadway.
- L. The proposed division of the property into 13 lots would allow for the clustering of future development on the least environmentally sensitive portions of the property and the preservation of open space areas.

- M. The proposed project would not conflict with the visual character of the surrounding Point Reyes Station community because the height, scale, and design of the buildings are compatible with the character of the surrounding natural and built environments. Adequate landscape screening would be utilized in a manner that would not obstruct public views of surrounding mountains. All new utility lines would be installed underground in order to minimize impacts to views from roads and other off-site vantage points.
- N. The proposed project would provide a mix of residential and visitor-serving commercial uses, including a public parking lot, public restrooms, and a visitor-serving overnight lodge or equivalent use on the property.
- O. The western portion of the project is located within the historic preservation boundaries for Point Reyes Station as identified in the Marin County Historic Study for the Local Coastal Program. The proposed Williams Street Apartment component of the development utilizes a street layout that is based on a modified grid, outward oriented duplex structures that are aligned to the modified grid, and an architectural vernacular that incorporates building design, mass and bulk, colors, and materials that are compatible with existing structures in the historic district. Based on this, the project would comply with the Local Coastal Program's Design Guidelines for Construction in Historic Areas.

XIV. WHEREAS the Marin County Board of Supervisors finds that the proposed project, subject to the mandatory EIR mitigation and monitoring measures and the conditions of approval contained herein, is consistent with the requirements to approve a Vesting Tentative Map (Section 20.32.110 of the Marin County Code, Section 66474 of the California Government Code) due to the following reasons.

A. The proposed map is consistent with the applicable general and specific plans.

As discussed in Section III above, the proposed subdivision is consistent with the Marin Countywide Plan. The 18.6-acre property is located within the Coastal Recreation Corridor and is proposed to be subdivided into 13 separate lots that would provide for the development of a mixed-density residential and commercial project, consistent with the mix of residential, visitor-serving, and conservation uses that are encouraged for properties located in the Coastal Recreation Corridor. As discussed in Sections IV and V above, the proposed subdivision is consistent with the Point Reyes Station Community Plan and Local Coastal Program, Unit II, respectively. The proposed map is also consistent with the proposed land use designations in the Marin Countywide Plan, Point Reyes Station Community Plan, and the Local Coastal Program, Unit II.

B. The design or improvements of the proposed subdivision is consistent with applicable general and specific plans.

The proposed subdivision is consistent with the Marin Countywide Plan, Point Reyes Station Community Plan, and the Local Coastal Program, Unit II because the location, layout, and design of the parcels, building envelopes, vehicular access, utilities, and landscaping will: (1) meet design goals and policies established by these plan documents regarding vegetation preservation, grading, ridgeline development, open space, and retention and preservation of the natural beauty and quality of life in the Point Reyes area; and (2) satisfy requirements established in Titles 20 (Subdivision), 22 (Zoning), and 24 (Development Standards),

including those which address building height, off-street parking, and development guidelines minimizing grading and tree removal for future residential improvements.

C. The site is physically suitable for the type of development.

The site is physically suitable for the type of development because each of the development lots would will provide an adequate building site for its intended use with County-approved access, utilities, and services being provided without significant disruption to the surrounding natural landscape and character of Point Reyes Station.

D. The site is physically suitable for the proposed density of development.

The site is physically suitable for the proposed residential density because the proposed subdivision of the 18.6-acre property into 13 parcels would meet maximum density requirements set forth by the existing and proposed zoning districts and would not create adverse environmental impacts relating to unstable soil conditions, archeological disturbances, and drainage alterations. In addition, further geotechnical investigations would be required by the Department of Public Works prior to issuance of any permits for single-family residential development and improvements to ensure that all applicable grading and drainage provisions contained in the county codes are met.

E. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The design of the subdivision and improvements will not cause substantial adverse environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the Environmental Impact Report that was prepared for development of the property concluded that, with the mandatory mitigations, no portion of the project will result in significant and adverse effects on wetlands, sensitive habitat areas, or special status species of plants or animals.

F. The design of the subdivision or the type of improvements is not likely to cause serious public health problems.

The design of the subdivision, proposed improvements, and future development is not likely to cause serious public health problems because there will be adequate provision of water, sewage, drainage, fire protection, and emergency vehicular access improvements. Additionally, proposed and future residential structures would utilize fire-resistant materials in conformance with the latest Fire Code requirements, and vegetation management techniques would be incorporated to minimize fire hazards in conjunction with proposed and required landscaping and restriction of development within designated building envelopes.

G. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

The project includes a proposed public access easement over a portion of the site that is currently used for access from the adjoining United States Coast Guard property to the West Marin School. Additionally, the project includes a six-foot wide pedestrian easement over portions of two lots within the Papermill Creek Home development to provide a continuous

public access from downtown Point Reyes Station to the afore-mentioned neighboring properties.

- XV. WHEREAS the Marin County Board of Supervisors finds that dedication of land or payment of in-lieu fees for neighborhood and community park or recreational purposes, pursuant to Chapter 20.16 of the Marin County Code, would not be required in conjunction with the proposed project due to the following factors: (1) the property is located near the Point Reyes National Seashore, where significant public park and access opportunities already exist; (2) the subject property is not identified in the Marin Countywide Plan, Point Reyes Station Community Plan, or the Local Coastal Program for development of a park or recreational facility; (3) the project consists of the development of an affordable housing project which provides recreational opportunities, such as an on-site playground; and (4) the project would create a parcel of approximately 2.68 acres for open space and wetland conservation purposes.

"EXHIBIT 3"

CONDITIONS OF APPROVAL

**Point Reyes Affordable Homes, Inc. Countywide Plan Amendment,
Community Plan Amendment, Local Coastal Program Amendment,
Rezoning, Coastal Permit, Master Plan, Precise Development Plan, and Subdivision**

Marin County Community Development Agency – Planning Division

GENERAL

1. The Point Reyes Affordable Homes, Inc. Countywide Plan Amendment, Community Plan Amendment, Local Coastal Program Amendment, Rezoning, Coastal Permit, Master Plan, Precise Development Plan, and Subdivision is conditionally approved for the development of a mixed-density residential project with visitor-serving and conservation uses on property located at 857 Mesa Road, Point Reyes Station, on Assessor's Parcels 119-240-45, -46, -57, and -58.
 - A. The Marin Countywide Plan Community Development Policy CD-15.18 is hereby amended to incorporate a Coastal, Multiple Family (C-MF-2), one to four units per acre land use designation. Community Development Map 7.9 for Point Reyes Station is hereby amended as follows: (1) the land area encompassed by the Williams Street Apartments, Papermill Creek Apartments, and Papermill Creek Homes shall be designated with a Coastal, Multiple Family (C-MF-2), one to four units per acre land use designation; (2) the land area designated for open space conservation shall be designated with a Coastal, Open Space (C-OS) land use designation.
 - B. The corresponding Point Reyes Station Community Plan's Land Use Policy Map (Map 7.9 of Appendix M) is hereby amended to incorporate a Coastal, Multiple Family (C-MF-2), one to four units per acre land use designation over the land area encompassed by the Williams Street Apartments, Papermill Creek Apartments, and Papermill Creek Homes and to incorporate a Coastal, Open Space (C-OS) land use designation over the land area designated for open space conservation. The Zoning Map contained in Appendix A is amended to incorporate the following new zoning designations: (1) a Coastal, Residential Multiple Planned (C-RMP-3.2), 3.2 units per acre maximum density zoning district shall govern the land area designated for the Williams Street Apartments; (2) a Coastal, Residential Multiple Planned (C-RMP-4.3), 4.3 units per acre maximum density zoning district shall govern the land area designated for the Papermill Creek Apartments and Homes; (3) a Coastal, Residential Multiple Planned Commercial (C-RMPC) zoning district shall govern the land area designated for future development of a public parking lot, restrooms, and visitor-serving lodge uses; and (4) a Coastal, Open Area (C-OA) zoning district shall govern the land area designated for open space conservation.
 - C. The Local Coastal Program Unit II is amended to incorporate the following new policy 8(b) to New Development and Land Use Policy:

Development of the 18.59-acre property consisting of Assessor's Parcels 119-240-45, -46, -57, and -58 and consisting of Areas A, B, C, D, E and F as depicted on Exhibit E, shall be subject to the following land use designations, as defined in the Marin Countywide Plan and further incorporated as Appendix G to the Local Coastal Program: The land use designation for Areas A and B shall be C-MF-2 (Coastal, Multiple-family, one to four units per acre maximum residential density). The land use designation for Area C shall be C-SF-4 (Coastal, Single-family Residential, one to two units per acre). The land use designation for Areas D and E shall be C-RS

(Coastal, Residential Commercial, one to 20 units per acre maximum residential density, 30% to 50% commercial floor area ratio). The land use designation for Area F shall be C-OS (Coastal, Open Space).

The site shall be subject to an overall single site development plan for the entire 18.59-acre area that consists of Areas A, B, C, D, E, and F. The site development plan shall be subject to the review and approval of the California Coastal Commission as an amendment to the LCP. Any coastal development permit or permits for development of any portion of the site shall be consistent with the approved site development plan. The site development plan shall indicate the kinds, locations, and intensities of uses allowable in accordance with the following requirements.

1. The total number of residential units on the entire 18.6-acre area shall not exceed 36.
2. Area A shall be developed with a maximum of seven detached affordable for-sale units ranging in size from approximately 900 to 1,155 square feet.
3. Area B shall be developed with a maximum of 27 rental affordable units ranging in size from approximately 1,440 to 1,720 square feet, with a manager's unit/community building of approximately 2,180 square feet.
4. No more than two residential dwelling units may be developed within Area C.
5. A minimum of 12 public parking spaces shall be provided within Area D.
6. A minimum of two acres shall be reserved for a future overnight visitor-serving facility, preferably providing lower cost services to the maximum extent feasible, or an alternative commercial use deemed appropriate by the Coastal Commission within Area E.
7. Future use of the approximate 18.59-acre area depicted on Exhibit E, including all wetlands shall be consistent with the Local Coastal Program, including provisions which mandate a 100-foot minimum buffer as measured landward from the edge of the wetlands.
8. No coastal development permit for a subdivision or division of the approximate 18.59-acre area depicted on Exhibit E shall be approved without the owner(s) of all such assessor parcels agreeing to grant or offer to dedicate a conservation easement over all wetland and wetland buffer areas prior to issuance of any coastal development permit for subdivision or division of the 18.59 acre area depicted on Exhibit E.

A Rezoning of the affected areas from the existing Coastal, Village Commercial Residential (C-VCR:B-2) and Coastal, Suburban Agricultural (C-RA:B-3) zoning districts to a Coastal, Residential Multiple Planned Commercial (C-RMPC) and Coastal, Residential Multiple Planned zoning districts would be considered as part of the LCP Amendment through the Zoning Implementation Plan, and further depicted as Exhibit "D."

- D. The Marin County Code Title 22 (Zoning) is hereby amended by rezoning Assessor's Parcels 119-240-45, -46, -57, and -58 as follows: (1) a Coastal, Residential Multiple Planned (C-RMP-3.2), 3.2 units per acre maximum density zoning district shall govern the land area designated for the Williams Street Apartments; (2) a Coastal, Residential Multiple Planned (C-RMP-4.3), 4.3 units per acre maximum density zoning district shall govern the land area designated for the Papermill Creek Apartments and Homes ; (3) a Coastal, Residential Multiple Planned Commercial (C-RMPC) zoning district shall govern the land area designated for future development of a public parking lot, restrooms, and visitor-serving lodge uses; and (4) a Coastal, Open Area (C-OA) zoning district shall govern the land area designated for open space conservation.
- E. Pursuant to Marin County Code Chapters 22.45, 22.56, and 20.32, the Point Reyes Affordable Homes Master Plan, Precise Development Plan, Coastal Permit, and Subdivision applications are approved for the following: (1) the construction of 27 affordable rental apartments and 7

affordable for-sale single-family residences; (2) the reservation of land area for future development of a three-bedroom, up to 2,800 square foot market rate single-family residence, a one-bedroom, up to 750 square foot cottage, and a barn; (3) the reservation of land area for future development of a 20-room, up to 17,000 square foot lodge or a similar visitor-serving use; (4) the reservation of land area for future development of a 12-space public parking lot and a restroom structure; and (5) the reservation of land for open space conservation purposes. A Subdivision (Vesting Tentative Map) to divide the property into 13 separate lots of record is conditionally approved. Any modifications to the project that would eliminate the affordable component shall require an amendment to the Master Plan.

2. Except as modified herein, plans submitted for approval of a Final Map, Improvement Plans, Building Permits, and Grading Permits shall be in substantial conformance with plans identified as "Exhibit A," on file in the Community Development Agency, and consisting of the following:
 - A. Site and landscape plans consisting of three sheets, entitled "Point Reyes Affordable Housing," prepared by Donald L. Blayney and Associates, Landscape Architect, and dated January 25, 2002;
 - B. Architectural plans consisting of three sheets, entitled "Point Reyes Affordable Housing," prepared by Chris Lamen and Associates, Architecture and Planning and Richard H. Olmsted, AIA, Architecture and Planning, Inc., and dated January 2002;
 - C. Vesting Tentative Map and engineering plans consisting of three sheets, entitled "Point Reyes Affordable Housing, prepared by Euphrat Engineering, and dated January 2002; and
 - D. Stormwater and wastewater treatment plans, consisting of two sheets, entitled "Point Reyes Affordable Housing Project," prepared by Questa Engineering Corp., and dated January 17, 2002 and January 25, 2002.

In the event a conflict exists between plans, the dimensions and specifications from the Vesting Tentative Map and engineering plans shall govern. Minor modifications to the development plans may be approved administratively by the Community Development Director provided the modifications are consistent with the Master Plan and the intent and objectives of the original condition. The building heights for the Papermill Creek Apartment Type 4 and the Papermill Creek Homes Type 6 may be increased to 26 feet, at the discretion of the Community Development Director, in order to allow a variety of building heights in the development.

3. Exterior building materials for the Williams Street Apartments, Papermill Creek Apartments, and Papermill Creek Homes shall be in substantial conformance with the color and materials boards on file in the Community Development Agency, entitled "Point Reyes Affordable Housing," identified as Exhibits "C-1", "C-2", and "C-3" and dated January 23, 2002. All exterior flashing, sheet metal, or metal work shall utilize an appropriately subdued, non-reflective color.

The use of photovoltaic (PV) or solar energy systems is permitted for the development, subject to review and approval by the Community Development Director in consultation with the Point Reyes Village Association, provided the following standards are met: (1) the system shall be flushmounted to the roof of the building; and (2) the color of the PV modules shall be dark, consistent with the approved roofing material.

4. The Master Plan shall remain valid and shall run in perpetuity with the subject property. The Precise Development Plan for the Williams Street Apartments, Papermill Creek Apartments, and Papermill

Creek Homes includes Design Review approval for the improvements. The Precise Development Plan and Coastal Permit shall be vested through securing a valid Building Permit and/or other permits related to the approval and substantially completing the improvements in accordance with the secured Building Permit and/or other permits within two (2) years from the date of approval. Upon written request by the applicant and payment of appropriate fees at least 60 days prior to expiration of the initial approval, the Precise Development Plan and Coastal Permit may be extended for a maximum period of four years pursuant to Sections 22.45.063 and 22.56.120 of the Marin County Code if the application is consistent with the Master Plan, the Marin Countywide Plan, the Point Reyes Station Community Plan, and the Local Coastal Program. **CONCURRENT WITH THE RECORDATION OF EACH FINAL MAP**, the applicant shall record a deed disclosure, against the title to each of the lots contained in that Final Map, which identifies the land use restrictions and conditions required herein for purposes of disclosure.

5. Future development and use of all portions of the property shall be subject to the following restrictions and conditions:
 - A. A conservation easement shall apply to all delineated wetlands and a buffer area extending 100 feet from the edge of the wetlands as depicted in the Final Map. Only the water pipeline extension approved herein and uses that are allowed by the Local Coastal Program are permitted within the easement. Fences and other structures shall be prohibited within the conservation easement area. Animal grazing, filling, or other site alterations are prohibited within the easement area. Vegetation shall not be removed, unless for purposes of eradicating non-native, invasive species, to comply with local and State fire safety regulations, to prevent the spread of disease as required by the State Food and Agriculture Department, or to prevent safety hazards to people and property. It shall be the responsibility of the property owner to eradicate non-native, invasive species within the easement area.
 - B. Except for the solid board fencing located within the Bostick Avenue private road easement, no fencing is proposed or approved as part of this project. Future construction of fencing should be minimized to allow movement of wildlife and access to light and views. Fencing shall utilize a wire mesh or similar open-type design. Except for solid enclosures (such as around trash storage areas and propane tanks) and privacy fencing between the side yards for the Papermill Creek Homes, solid board fencing shall not be utilized, unless a finding is made that a solid fence is necessary for safety or for community compatibility purposes. Privacy between properties shall be provided primarily by landscaping.
 - C. Landscaping, low height fencing, boulders, and/or signs shall be utilized to discourage vehicular access into or parking over the septic leachfields associated with the Williams Street Apartments, Papermill Creek Apartments, and the future public restrooms and visitor-serving commercial use.
 - D. Construction management offices are permitted on the project site subject to review and approval by the Community Development Director.
6. Future development and use of the seven lots that comprise the Papermill Creek Homes shall be subject to the following restrictions and conditions:
 - A. Horses, donkeys, mules, and similar livestock animals are not permitted to be kept on any portion of the property.
 - B. The area south of Papermill Creek Road shall be kept open and undeveloped.

- C. Landscaping shall be consistent with the Point Reyes Station Landscaping Guide. Large trees that are not suitable for built-up areas shall be prohibited.
 - D. Use of a temporary office for the sale of the properties may be allowed for maximum period of one year from the issuance of the first building permit for the Papermill Creek Homes or the close of escrow on the last home, whichever occurs first, subject to review and approval by the Community Development Director and findings that the location of the office would not result in a detriment to the surrounding properties and roadways. The office shall be removed no later than 30 days from the expiration date above. At the discretion of the Community Development Director, an extension to the time limits established in this condition may be granted administratively for due cause.
7. Future development of the market-rate residential lot on Lot 9 of the Point Reyes Affordable Homes Subdivision shall require Design Review and Coastal Permit approval pursuant to Sections 22.82.020 and 22.56.055 of the Marin County Code. If a food preparation or kitchen facility is proposed within the one-bedroom cottage on this lot, a Second Unit Use Permit shall be required pursuant to Section 22.98.090 of the Marin County Code. The following restrictions and conditions shall apply to future development of this property.
- A. Any intensification of the residential density on this lot beyond two dwelling units shall require an amendment to the Point Reyes Affordable Homes Master Plan, pursuant to Section 22.45.050(B) of the Marin County Code, and an amendment to the Local Coastal Program, Unit II Recreation and Visitor Serving Policy 8(b) and Zoning Implementation Plan.
8. Future development of the public parking lot, restrooms, and the visitor-serving commercial use on Lots 10 and 12 of the Point Reyes Affordable Homes Subdivision shall require Precise Development Plan and Coastal Permit approval pursuant to Sections 22.45.050(B) and 22.56.055 of the Marin County Code.
9. Future development of the public parking lot and restroom structure on Lot 12 shall incorporate the following conditions and restrictions:
- A. The location, size, and access for the parking lot and restroom structure shall be in general conformance with those which were conceptually depicted on Exhibit "A."
 - B. The parking lot and restroom structure shall be screened from public views with shrubs consistent with the Point Reyes Station Landscaping Guide.
 - C. The width of the driveway entrance shall be minimized to the extent necessary for safety purposes.
10. Future development and use of the visitor-serving commercial use on Lot 10 shall be subject to the following conditions and restrictions:
- A. The following development criteria shall govern the design and layout of the future improvements:
 - 1) Vehicular access shall be provided off Papermill Creek Road, to the extent feasible;
 - 2) The improvements shall be designed and sited to minimize impacts to the modified historical grid in the downtown village area;
 - 3) Structures shall be sited toward the easterly portion of the lot, to the extent feasible, in order to create a more compact development cluster in conjunction with the Papermill Creek Apartments

- 4) The improvements shall be designed and sited to preserve the open character over the westerly portion of the site to the extent feasible.
- B. The use shall consist of the overnight lodge use approved by the Master Plan, or a similar visitor-serving use consistent with the intent and objectives of the Countywide Plan's Coastal Recreation Corridor and the Local Coastal Program and the parameters evaluated in the Environmental Impact Report for the Point Reyes Affordable Homes project.
- C. Development of the visitor-serving commercial use on this property shall not occur sooner than two years following completion of the last residential unit in the affordable housing component of this project, or January 1, 2006, whichever occurs later. As defined herein, development consists of the issuance of construction permits from the County of Marin, including, but not limited to, a Building Permit or a Grading Permit.
11. Future use of Lot 13 which comprises the wetland resources shall be subject to the following conditions and restrictions:
- A. Prior to the initiation of permitted agricultural uses under the Coastal, Open Area zoning, an agricultural and natural resources management plan shall be submitted and reviewed by the Community Development Director, in consultation with the Agricultural Advisory Committee.
- B. The opportunity for permanent public access on this lot shall be provided to the extent that it is consistent with the purpose of the agricultural and natural resources management plan.
- C. PRIOR TO APPROVAL OF THE SUBDIVISION IMPROVEMENT AGREEMENT OR ISSUANCE OF A GRADING PERMIT, the applicant shall demonstrate that a plan for the long-term protection of the wetlands has been submitted and found acceptable by the Regional Board Executive Officer for the Regional Water Quality Control Board. This plan should include measures to preclude adverse impacts to the wetlands that may be associated with occupancy and use of the proposed development, monitoring the conditions of the wetlands, and contingency measures to be taken in the event that the wetlands are adversely impacted in the future.

SUBDIVISION

12. The Vesting Tentative Map shall expire according to the provisions of the Subdivision Map Act and any amendments thereto and applicable provisions of the Marin County Code consistent with the Subdivision Map Act. The Vesting Tentative Map can and likely will employ multiple (phased) Final Maps which shall be prepared in accordance with state and local laws. Because Lots 9, 10, and 13 are designated for development and/or uses that would occur in the near future, the County recognizes that all applicable conditions of approval, except those dictating the form of the Final Maps, have been satisfied regarding the Final Maps creating Lots 9, 10, and 13. The County shall determine which conditions must be satisfied before subsequent Final Maps (other than those Final Maps creating Lots 9, 10, and 13) are approved. Pursuant to the Subdivision Map Act, each filing of a Final Map shall extend the expiration of the remaining Vesting Tentative Map by 36 months (or such other time as may be later provided by the Subdivision Map Act, as amended) from the date of its expiration, or from the date of the previously filed Final Map, whichever is later; however, the multiple Final Maps shall not extend the Vesting Tentative Map more than 10 years. In addition to the foregoing, the applicant may seek extensions of the Vesting Tentative Map pursuant to other provisions of the Subdivision Map Act.

13. The vested rights conferred by this approval to any portion of the project shall last for the collective total of (1) the life of the Vesting Tentative Map given by the Subdivision Map Act; (2) the life given the vested rights by the Subdivision Map Act to the particular Final Map related to such portion; (3) the life of the building permits and their extension related to construction to such portion; and (4) any other extension provided by state or local law. Pursuant to Government Code section 66498.1, if during the life of the Vesting Tentative Map, applicant requests an extension of time allowed by the Subdivision Map Act, the County shall grant the extension without condition except those conditions allowed by Government Code section 66498.1(c).

14. The phasing of the project is not affected by the Lot designations on the Vesting Tentative Map. Lot numbers were assigned for convenience only, not for their sequence of development.

15. 12. Each Final Map to record the Subdivision (Vesting Tentative Map) approved herein shall be recorded with the County Recorder. Each such Final Map must be in substantial conformance with the relevant portion of Exhibit "A" including lot lines, building envelopes, easements, and development standards EXCEPT for the following modifications:

A. Former Lot 13 of the Vesting Tentative Map shall be deleted.

B. A new, modified Lot 13 shall be depicted on the Vesting Tentative Map to incorporate the wetland areas delineated within the central and easterly portions of the property, generally following the lot configuration and lot lines depicted manually on an attachment to Exhibit "A" which is entitled, "Marin County Planning Commission's Recommended Plan, (February 11, 2002)." A permanent public access easement to this lot shall be provided, through a combination of floating or defined access easements through Lots 10, 11, and/or 12. To facilitate provision of potential access to West Marin School in the future, a similar floating easement shall be provided over the westerly "flagged" portion of Lot 9. The proposed access easement along the northeasterly property line of Lot 9 shall be extended to encompass Lots 6 and 7.

C. The southerly lot line for Lot 10 shall extend to the center line of Papermill Creek Road. The portion of Lot 10 south of the center line and extending to the common property line with the United States Coast Guard's Commodore Webster Drive, shall be made part of Lot 8 which encompasses the Papermill Creek Apartments.

D. The Final Map shall identify a conservation easement over the three wetlands and the buffer areas extending outward for 100 feet from the exterior edge of the wetlands.

E. The Final Map shall depict an access easement within the Papermill Creek right-of-way to connect with the 6-foot pedestrian access easement located over Lots 6 and 7.

F. The Final Map shall accurately depict the Bostick Avenue private road easement.

16. 13. PRIOR TO RECORDATION OF THE INITIAL FINAL MAP, the applicant shall submit a copy of a conforming Vesting Tentative Map for review and approval by the Community Development Agency. The Vesting Tentative Map shall incorporate the modifications required in the preceding condition of approval.

17. 14. Pursuant to California Government Code Section 66474.9(b), the County of Marin shall require that the subdivider 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, this approval by the County, which action is brought

within the time period provided for in California Government Code Section 66499.37. The County shall promptly notify the subdivider of any claim, action, or proceeding and the County shall cooperate fully in the defense. If the County fails to promptly notify the subdivider of any claim, action, or proceeding, or if the County fails to cooperate fully in the defense, the subdivider shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

18. ~~15.~~ Improvements required by Title 20 (Subdivision), Title 24 (Development Standards), and any improvements shown on, or required as a condition of approval (including site grading, drainage, utilities, and common access roadway improvements) shall be constructed. Prior to commencement of any construction work, and prior to filing of each Final Map for the residential or visitor-serving commercial uses, the applicant or owner shall submit to the Marin County Department of Public Works, Land Use and Water Resources Division, an Improvement Plan as specified in Title 24. The required subdivision improvements must be completed before the Final Map is filed or before occupancy of any structure within the approved lots if the applicant or owner is able to enter into an Improvement Agreement with the Department of Public Works. Such Agreement would be secured by a good and sufficient improvement security in an amount adequate to cover the estimated cost of improvements.

19. ~~16.~~ Construction of the water line extension shall be restricted to the dry season (April 15 to October 15). PRIOR TO APPROVAL OF THE IMPROVEMENT PLANS OR ISSUANCE OF A GRADING PERMIT, whichever occurs first, the applicant shall submit a monitoring plan, prepared by a qualified wetland biologist, which specifies measures to be undertaken during construction to minimize construction impacts.

20. ~~17.~~ The following restrictions and conditions shall be stated or shown on an addendum page to the Final Map to be filed for record:

A. A conservation easement shall apply to all delineated wetlands and a buffer area extending 100 feet from the edge of the wetlands as depicted in the Final Map for Lot 13. Only the water pipeline extension approved herein and uses that are allowed by the Local Coastal Program are permitted within the easement. Fences and other structures shall be prohibited within the conservation easement area. Animal grazing, filling, or other site alterations are prohibited within the easement area. Vegetation shall not be removed, unless for purposes of eradicating non-native, invasive species, to comply with local and State fire safety regulations, to prevent the spread of disease as required by the State Food and Agriculture Department, or to prevent safety hazards to people and property. It shall be the responsibility of the property owner to eradicate non-native, invasive species within the easement area.

B. Except for Lot 9, further subdivision of any parcel or lot within the subdivision shall not be permitted.

21. ~~18.~~ PRIOR TO RECORDATION OF EACH FINAL MAP, the Final Map must be submitted to the County Surveyor for review and approval. The Final Map data and form must be in compliance with provisions of Chapters 20.36 and 20.40 of the Marin County Code. All building envelopes, approved as shown on the Vesting Tentative Map, shall be designated on an addendum page to the Final Map.

22. ~~19.~~ PRIOR TO RECORDATION OF THE FINAL MAP FOR LOT 13, APPROVAL OF THE SUBDIVISION IMPROVEMENT AGREEMENT, OR ISSUANCE OF A GRADING PERMIT, whichever occurs first, the applicant shall demonstrate that wetland compensation at a ratio of 3:1 shall be provided on-site to compensate for disturbance within the 100-foot wetland buffer area related to the undergrounding of the water line extension. The applicant shall submit a plan, prepared

by a qualified wetland biologist, which includes recommendations for wetland enhancement measures that provide equivalent levels of function and values as those which have been impacted by the construction within the wetland buffer area. This condition would not apply if the water line extension were relocated to avoid encroachment into the wetland buffer area. PRIOR TO FINAL INSPECTIONS OF THE SUBDIVISION IMPROVEMENTS, the applicant shall demonstrate that all measures identified in the approved wetland enhancement plan have been completed to provide adequate compensation for wetland buffer area disturbances, and that a monitoring plan has been implemented to ensure the long-term success of these measures.

~~23.~~ 20. PRIOR TO RECORDATION OF THE FINAL MAPS FOR THE RESIDENTIAL OR VISITOR-SERVING USES, APPROVAL OF THE SUBDIVISION IMPROVEMENT AGREEMENT, OR ISSUANCE OF A GRADING PERMIT, whichever occurs first, the following items shall be submitted to the Planning Division:

- A. A letter of confirmation from the North Marin Water District which confirms that all required legal, financial, and construction agreements have been applied for and completed to provide water extension facilities to the approved lots;
- B. A letter of confirmation from the local provider of electricity (PG&E), which confirms that all required legal, financial, easements, contracts, and construction agreements have been applied for and completed to provide service to the approved lots;
- C. A letter from the North Marin Water District which acknowledges receipt of written confirmation from the agencies with regulatory oversight over the District's water supply wells that all precautionary measures have been incorporated into the design of the project's wastewater systems to minimize potential contamination of the Water District's wells; and
- D. A letter from the Environmental Health Services Division which confirms that sufficient information has been provided by the project engineer to support the methodology and assumptions that form the bases for the design of the wastewater and stormwater systems and which confirms that the design would adequately address the following concerns: (1) adequacy of the design to adequately handle wastewater and stormwater runoff; (2) the adequacy of the hydrogeologic investigation to address concerns relating to viral contamination of Lagunitas Creek; (3) the potential for nitrate contamination of Lagunitas Creek; and (4) the adequacy of the site to accept post-development stormwater run-off. This letter should include written documentation of compliance with County regulations by the Environmental Health Services Division for on-site wastewater systems for all components and aspects of the designs. The compliance letter shall be submitted to the Regional Water Quality Control Board for review and approval by the Regional Board Executive Officer.

~~24.~~ 21. CONCURRENT WITH THE RECORDATION OF EACH FINAL MAP, the following shall be recorded: (1) all conditions of project approval contained herein; (2) a conservation easement which encumbers Lot 13 and all wetland buffer areas extending 100 feet from the perimeter of the delineated wetlands; and (3) the hold harmless agreement. All documents shall be in a form approved by the County Counsel, and shall comply with the Subdivision Map Act.

~~25.~~ 22. PRIOR TO APPROVAL OF THE SUBDIVISION IMPROVEMENT AGREEMENT OR ISSUANCE OF A GRADING PERMIT, whichever occurs first, the applicant shall submit plans for installation of all stormwater treatment and disposal improvements that are shown on Sheet C-1A of "Exhibit A." The applicant shall also demonstrate that an Operation, Maintenance, and Monitoring Plan for the stormwater systems, has been submitted and found acceptable by the Regional Board

Executive Officer for the Regional Water Quality Control Board. This Plan should include identification of which entity will be responsible for maintaining the stormwater systems, and the means to assure that necessary funding to conduct operation, maintenance, and monitoring activities are in place.

26. 23. PRIOR TO APPROVAL OF THE SUBDIVISION IMPROVEMENT AGREEMENT OR ISSUANCE OF A GRADING PERMIT, whichever occurs first, the applicant shall submit construction plans depicting the installation of a solid 6-foot high privacy fence within the Bostick Avenue private road easement, as depicted on Exhibit "A" and the removal of the 20-inch Monterey pine tree located within the Mesa Road right-of-way. (Completion of the improvement required in this condition shall serve to demonstrate compliance with Mitigation 4.7-4 of the project's Environmental Impact Report, as referenced in Condition of Approval 77.)

27. 24. PRIOR TO FINAL INSPECTIONS OF THE SUBDIVISION IMPROVEMENTS, a licensed arborist shall submit a letter report evaluating the effectiveness of all tree preservation measures and providing additional recommendations to ensure the long-term health and well-being of the Cypress trees located on either side at the commencement of Papermill Creek Road.

28. 25. Unless a public emergency services provider recommends otherwise or unique circumstances necessitate a change, street addresses for the approved lots shall be as follows. This approval does not necessarily establish the final street names. Following consultation with the Point Reyes Station Village Association to receive input, the final street names may be submitted as part of the Final Map for this subdivision.

<u>Lot #</u>	<u>Street Address</u>
1	21 Papermill Creek Road
2	23 Papermill Creek Road
3	25 Papermill Creek Road
4	27 Papermill Creek Road
5	29 Papermill Creek Road
6	31 Papermill Creek Road
7	33 Papermill Creek Road
8	5 Papermill Creek Road
9	27 Bostick Avenue
10	1 Papermill Creek Road
11	3 Bostick Avenue
12	1 Bostick Avenue

DEVELOPMENT

29. 26. PRIOR TO ISSUANCE OF A DEMOLITION PERMIT, the applicant shall prepare and submit a Health and Safety Plan for review and approval by the Bay Area Air Quality Management District ("BAAQMD"). This plan shall be prepared in accordance with California Occupational Safety and Health Agency requirements and shall contain the means and methods for controlling and monitoring airborne asbestos.

30. 27. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the site plan or other first sheet of the office and job site copies of the Building Permit plans to list these Conditions of Approval as notes.

31. 28. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the plans to depict the location and type of all exterior lighting for review and approval of the Community Development Director. Exterior lighting shall be permitted for safety purposes only, must consist of low wattage fixtures, and must be directed downward and hooded. A cut (specification) sheet depicting all exterior lights shall be included on the Building Permit plans.
32. 29. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicant shall submit details for all proposed site improvements for the review and approval by the Community Development Director in consultation with the Point Reyes Village Association. The plans shall specify the location and design, if applicable, of all trash enclosures, mailboxes, play area improvements, signage, propane tanks, and fencing.
33. 30. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a construction management and phasing plan for review and approval by the Community Development Director in consultation with the Department of Public Works. The plan shall designate the areas for construction staging activities, including the areas for parking of construction vehicles. The applicant shall be responsible for ensuring that all construction vehicles, equipment and materials are stored on site and off the street so that pedestrian and vehicles can pass safely at all times. The applicant shall be responsible for ensuring that the number of construction vehicles shall be limited to the minimum number necessary to complete the project.
34. 31. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a "Statement of Conformance" prepared by a certified or licensed landscape design professional which confirms that the approved landscaping plan conforms to the design requirements contained in Chapter 23.10 (Water Efficiency in Landscaping) of the Marin County Code. Alternatively, the applicant may satisfy this requirement by submitting a letter from the North Marin Water District confirming project compliance with the district's landscape water efficiency regulations. This requirement is not applicable if the applicant demonstrates that all project landscaping would be irrigated exclusively with reclaimed water or with private well water.
35. 32. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a revised final landscape plan for review and approval by the Community Development Director, in consultation with the Point Reyes Village Association which incorporates the following modifications to Exhibit "A":
- A. The palette of broadleaf and conifer trees shall be deleted and replaced with suitable tree species from the Point Reyes Village Landscaping Guide.
 - B. The trees depicted in the easterly rear yards of Lots 6 and 7 of the Papermill Creek Homes shall be deleted. Smaller, native landscape specimens, consistent with the Point Reyes Station Landscaping Guide, may be planted for privacy screening purposes.
36. 33. PRIOR TO ISSUANCE OF A GRADING PERMIT OR BUILDING PERMIT, whichever occurs first, the applicant shall submit a tree protection plan for the review and approval of the Community Development Director. The plan shall be prepared by a certified arborist and shall include the requirements contained in this condition. The plan shall specify the installation of temporary fencing around the outer dripline of all trees which are located adjacent to the approved improvements. The fencing shall remain until all construction, including utilities, are completed. No construction activity (including grading, access, materials storage, and soil stockpiling) shall occur within the dripline of all protected trees. If utility lines must be located within the dripline, the trenches must be cut by hand and all roots one inch or greater in diameter must be protected and if necessary, sawn but not torn or ripped. If construction access, storage or stockpiling must be located within the dripline, then

at least a 6-inch mulch layer must first be installed. At the end of construction, the area shall be aerated and the tree fertilized. Any tree accidentally damaged during construction shall be inspected and treated by an arborist. In the event the tree is removed or permanently damaged, it shall be replaced with similar tree species on a two to one basis, unless express approval to waive replacement is granted by the Community Development Director.

37. PRIOR TO ISSUANCE OF A BUILDING PERMIT for the Williams Street Apartments or the Papermill Creek Apartments, the applicant shall submit a Below Market Rate Agreement for review and approval by the Community Development Director. The agreement shall be consistent with Section 22.97.050 of the Marin County Code and controlling state law. The agreement shall acknowledge that the project would consist of inclusionary rental units to be occupied by, and affordable to, very low and low income residents for a specified period of at least 55 years. The agreement shall also contain initial and periodic monitoring provisions to verify compliance with the terms of the agreement.
38. PRIOR TO ISSUANCE OF A BUILDING PERMIT for the Papermill Creek Homes, the applicant shall submit a Below Market Rate Agreement for review and approval by the Community Development Director. The agreement shall be consistent with Section 22.97.070 of the Marin County Code and applicable law. The agreement shall acknowledge that the project would consist of inclusionary for-sale units to be sold to residents of very low, low, or moderate income. The agreement shall also contain initial and periodic monitoring provisions to verify compliance with the terms of the agreement.
- ~~39.~~ 36. The only trees approved for removal are those depicted on Exhibit "A," including the 20-inch Monterey pine tree located within the Mesa Road right-of-way within the sight distance for Bostick Avenue. No other existing trees on the subject property shall be removed except to comply with local and State fire safety regulations, to prevent the spread of disease as required by the State Food and Agriculture Department, and to reasonably prevent safety hazards to people and property.
- ~~40.~~ 37. PRIOR TO OCCUPANCY, the applicant shall submit a "Statement of Completion," signed by a certified or licensed landscape design professional, which confirms that the approved landscaping was installed as designed, or written proof from the North Marin Water District that the installed landscaping has been planted in conformance with the plans approved by the district. This requirement is not applicable if the applicant demonstrates that all project landscaping would be irrigated exclusively with reclaimed water or with private well water.
- ~~41.~~ 38. PRIOR TO OCCUPANCY for the Williams Street Apartments, Papermill Creek Apartments, and Papermill Creek Homes, the applicant shall install all proposed and required landscaping. All soils disturbed by development of the project shall be reseeded with native grasses or wildflowers to control erosion. The applicant shall call for a Community Development Agency staff inspection of the landscaping and irrigation at least five working days before the anticipated completion of the project. Failure to pass inspection will result in withholding of the final inspections and imposition of hourly fees for subsequent reinspections.
- ~~42.~~ 39. PRIOR TO OCCUPANCY for the Williams Street Apartments and the Papermill Creek Apartments, the applicant or owner shall submit a maintenance performance agreement to the Community Development Director for review and approval. The agreement shall be secured by a performance bond in the amount of one and one-half times the value of all landscaping to ensure the proper maintenance, care, and establishment of the landscaping for a period of two years following the grant of occupancy for the last building. Any dead landscaping or landscaping in a state of

permanent decline shall be replaced at the end of the two-year maintenance period to the satisfaction of the Community Development Director.

~~43. 40.~~ PRIOR TO OCCUPANCY OF THE LAST AFFORDABLE RESIDENTIAL UNIT, the applicant shall demonstrate that the existing corral and fencing on the property have been removed, and that the existing driveway has been restored and reseeded to reflect a natural condition.

~~44. 41.~~ Any changes or additions to the project shall be submitted to the Community Development Agency for review and approval before the contemplated modifications may be initiated.

Marin County Department of Public Works

~~45. 42.~~ PRIOR TO APPROVAL OF A SUBDIVISION IMPROVEMENT AGREEMENT OR ISSUANCE OF A GRADING PERMIT, whichever occurs first, the applicant shall comply with the following condition. The applicant shall submit improvement plans as specified in Marin County Code Title 24, which shall provide for the required roadways, drainage improvements, traffic improvements, and other relevant improvements. The applicant shall make all arrangements required by the County to ensure that these improvements are completed in conjunction with the proposed development.

~~46. 43.~~ PRIOR TO APPROVAL OF A SUBDIVISION IMPROVEMENT AGREEMENT OR ISSUANCE OF A GRADING PERMIT, whichever occurs first, the applicant shall comply with the following condition. To reduce offsite flood-related impacts to the maximum extent practicable, the capacity of the proposed retention facilities shall be sized such that the project results in no increase in post-development runoff volumes beyond existing runoff volumes from a 100-year, 24-hour storm event. This event represents the largest design event (by volume) commonly used as an industry standard. The following requirements shall be satisfied:

- A. Installation and operation of the drainage system shall be such that the site drainage during construction shall result in no increase in post-development runoff volumes beyond existing runoff volumes from a 100-year, 24-hour storm event.
- B. The drainage and infrastructure design capacity of the proposed retention and infiltration facilities shall accommodate any existing runoff from the West Marin School property.
- C. The drainage and infrastructure design shall be sized to accommodate runoff from paved roads, and future development on the commercial parcel and the public parking parcel.
- D. The applicant shall provide supporting hydrology and hydraulic calculations, references, model studies, reports, or other information necessary to confirm the project's drainage design.

~~44. 47.~~ PRIOR TO APPROVAL OF A SUBDIVISION IMPROVEMENT AGREEMENT OR ISSUANCE OF A GRADING PERMIT, whichever occurs first, the applicant shall comply with the following condition. The project shall have an erosion and sediment control plan which addresses both interim (during construction) and final (post construction) control measures. The specific control measures to be utilized shall be subject to the review and approval of the Department of Public Works and shall be in general accordance with the current "Manual of Standards for Erosion and Sediment Control Measures" published by the Association of Bay Area Governments. The plan shall be implemented by October 15th or earlier if so required by the Department of Public Works. The applicant shall demonstrate that a Notice of Intent to Comply with the statewide NPDES General

Permit for Storm Water Discharges Associated with Construction Activity has been filed. The following requirements shall be met.

- A. All disturbed surfaces including but not limited to cut and fill slopes, building pads, driveways and areas cleared of vegetation shall be protected against erosion by measures approved by the Department of Public Works that are appropriate to the site, phase of construction and time of year.
- B. Grading operations shall not be conducted during the rainy season (October 15th through April 15th) without prior approval from the Department of Public Works. Such approval shall only be given upon clear demonstration, to the satisfaction of the Department of Public Works, that at no stage of the work will there be any substantial risk of increased sediment discharge from the site. When grading operations are permitted during the rainy season, a phasing plan and work schedule shall be required to insure that the smallest practicable area of erodible land is exposed at any one time and the time of exposure is minimized. The phasing plan and work schedule must be approved by the Department of Public Works prior to the start of grading or prior to October 1st at the discretion of the Department of Public Works. A cash bond in an amount approved by Department of Public Works may be required to insure that control measures are implemented and maintained.

48. 45. PRIOR TO APPROVAL OF A SUBDIVISION IMPROVEMENT AGREEMENT OR ISSUANCE OF A GRADING PERMIT, whichever occurs first, the applicant shall submit plans that demonstrate compliance with the following requirements:

- A. The applicant shall submit for review and approval by the County a design-level geotechnical investigation. Plan review and construction observation/testing is required by the project geotechnical engineer. The final design of the proposed improvements shall incorporate the results of the geotechnical investigation approved by the County.
- B. All private streets shall be improved to a 20-foot minimum width and be contained within the roadway easement.
- C. All roadways and parking lots shall be paved. Permeable pavements may be allowed, subject to review and approval by the Department of Public Works.
- D. The plans shall include roadway profiles and cross-sections.
- E. The plans shall indicate the building pad rough grade elevations.
- F. Details for both proposed intersections with Mesa Road shall be provided. These include all proposed improvements, edge of pavement for both sides of street, any driveways in the vicinity of both proposed intersections, and an analysis of sight distance. The project shall comply with all approved mitigations.
- G. Parking spaces shall be dimensioned on the plans. The plans shall include the handicap parking spaces and the parallel spaces on Papermill Creek Road.
- H. Handicap parking shall comply with the California State regulations for disabled access.

- I. The applicant shall indicate on the plans the minimum horizontal setback distance along the property boundaries, structures and septic systems, and vertical setback from ground water, for the infiltration trenches, as approved by the Department of Public Works.
 - J. The plans shall include an easement connecting a future walkway from the public parking lot parcel to Mesa Road.
49. 46. PLANS SUBMITTED FOR FUTURE CONSTRUCTION of the public parking lot and restroom lot shall provide for a future walkway from the parking lot to Mesa Road.
50. 47. PRIOR TO APPROVAL OF A SUBDIVISION IMPROVEMENT AGREEMENT OR ISSUANCE OF A GRADING PERMIT, whichever occurs first, the applicant shall submit documentation from the Fire Marshal approving the roadway/driveway widths and turnarounds.
51. 48. PRIOR TO RECORDATION OF ANY FINAL MAP OR ISSUANCE OF A GRADING PERMIT, whichever occurs first, the applicant shall submit a conforming tentative map for review by the Department of Public Works and the Community Development Agency which indicates conformance with all conditions of project approval. The tentative map shall include the following:
- A. Drainage facilities, including but not limited to, infiltration trenches, sedimentation basins, and conduits, serving multiple parcels shall have drainage and drainage access easements. Sufficient easements shall be required for underground conduits, infiltration trenches, for disposal of surface and storm waters, together with sufficient easements for overflow and ponding, and vehicle access necessary to provide for proper operation and maintenance of drainage facilities. All such easements shall comply with Marin County Title 24 and shall be of sufficient width for the purposes intended, as approved by the Public Works.
 - B. Ownership and easement boundaries shall be shown for the Bostick Avenue private road easement. The applicant shall provide documentation supporting the boundary determination.
52. 49. PRIOR TO RECORDATION OF EACH FINAL MAP, the applicant shall submit a maintenance agreement(s) which provides for the ability of the drainage and roadway improvements to be maintained by the associated parcels. The agreement shall be submitted to the Department of Public Works for review and approval and shall be recorded concurrently with the Final Map.
53. 50. PRIOR TO RECORDATION OF EACH FINAL MAP, the applicant shall enter into an Improvement Agreement for those required improvements that are not constructed prior to recordation of the map.
54. 51. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the Building Permit plans shall be reviewed and approved by a Registered Soils Engineer. Certification shall be either by stamp and original signature on the plans, or by a stamped and signed letter.
55. 52. All work within the County right-of-way shall require an Encroachment Permit from the Department of Public Works.
56. 53. PRIOR TO FINAL INSPECTION OF THE SUBDIVISION IMPROVEMENTS OR GRADING PERMIT, whichever occurs first, the applicant shall conduct a flow verification test of the infiltration trenches, and the engineer shall certify to the Department of Public Works that the infiltration trenches were installed in substantial conformance to the plans and are operational.

Marin County Community Development Agency - Environmental Health Services

57.54. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicant shall obtain the necessary construction permits for the septic systems and comply with all permitting conditions related to the permits. The permit approvals include either a renewable operating permit issued by Environmental Health Services, or Waste Discharge Requirements or waiver thereof issued by the Regional Water Quality Control Board.

55.58. In addition to standard requirements for routine inspection and maintenance, AN Operation, Maintenance, and Monitoring Program and Contingency Plan monitoring and contingency plan shall be required for the project. The plan shall include provisions for water quality monitoring, repair/replacement of malfunctioning equipment, and other remedial measures to handle unexpected problems with the septic leachfields and to prevent contamination of groundwater sources. The plan should include a complete description of all equipment and components of the system, a description of how the system and relevant individual components are intended to work, and all activities needed or recommended in order to ensure proper system performance. The plan should identify procedures for conducting monitoring of ground water quality upslope, within, and downslope of the project site, and other ambient conditions (e.g. rainfall and groundwater levels) in order to demonstrate compliance with original wastewater system design criteria. The contingency component of the plan should include actions to be taken in the event of malfunctioning equipment or system, of unexpected problems, or that the system does not comply with design criteria or ambient condition criteria. The plan should identify the responsible party for the system, how identified plan actions will be implemented, and how identified contingency actions will be funded. The plan shall be submitted for review and approval by the Community Development Director and the Regional Board Executive Officer for the Regional Water Quality Control Board, in consultation with the North Marin Water District, PRIOR TO RECORDATION OF THE FINAL MAP.

56.59. In order to enhance the operation of the septic system and minimize costs for maintenance and repair, the use of kitchen sink garbage disposal units is discouraged in the Papermill Creek Homes, Papermill Creek Apartments, and the Williams Street Apartments. The applicant shall include this restriction as part of the disclosure documents to potential buyers and renters of the homes. PRIOR TO FINAL INSPECTION OF EACH SEPTIC SYSTEM, the Environmental Health Services staff shall conduct an inspection to verify that the kitchens are not equipped with kitchen sink garbage disposal units.

60. When the septic system for the future visitor-serving commercial parcel is designed, it shall be designed to comply with Environmental Health Services regulations.

Marin County Fire Department

61.58. PRIOR TO ISSUANCE OF A GRADING OR BUILDING PERMIT, whichever occurs first, the applicant shall submit written verification from the Fire Marshal that the project complies with all requirements for fire safety, including provision of adequate water for fire protection, road access, and vegetation management.

59.62. PRIOR TO FRAMING INSPECTIONS, the applicant shall submit written verification from the Fire Marshal that adequate fire protection arrangements have been completed for this stage of the development.

63. 60. PRIOR TO OCCUPANCY, the applicant shall submit written verification from the Fire Marshal that all fire protection requirements have been completed.

North Marin Water District

~~64.61.~~ The applicant shall enter into a water service facilities agreement with the District, make all necessary financial arrangements (including payment of connection fees) and construct all necessary off tract and on tract facilities to serve the project.

~~62.65.~~ The project shall comply with North Marin Water District's water conservation Regulation 17. This regulation includes requirements for low flow interior plumbing fixtures, installation of laundry facility washing machines that are Energy Star Rated and restrictions on turf irrigation.

California Department of Transportation

~~63.66.~~ An Encroachment Permit is required for any work or traffic control measures proposed within the State right-of-way at Highway One.

Project Environmental Impact Report Mitigations

The following conditions of approval, numbers 64 through 88, have been derived from mitigations contained in the Environmental Impact Report for the project. All stages of project development shall conform with the adopted Mitigation, Monitoring and Reporting Program, and the County of Marin will verify compliance with each of the required mitigations. The detailed reporting checklist in a table format reflects the specific monitoring, implementation, and timing provision of the Environmental Impact Report mitigation measures and shall serve the purpose of verifying project compliance with the required conditions of approval. Unless otherwise provided, the applicant may implement conditions of approval for a specific geographic area only when improvements are to be constructed or developed in that area. The source of each condition is provided as a bracketed reference at the end of each condition. For example, (Geology #1.1-1) refers to geology mitigation measure 1.1-1 from the EIR.

~~67. 64.~~ PRIOR TO ISSUANCE OF A BUILDING PERMIT, the proposed landscaping plan shall be modified such that no trees or other vegetation are planted in a manner that would block views or sunlight from adjoining properties. (Plan Policy, #4.2-2)

~~68. 65.~~ PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicant shall submit plans demonstrating that all utility distribution lines within the project site, including the proposed road rights-of-way, shall be placed underground. (Plan Policy #4.2-3)

~~69. 66.~~ PRIOR TO RECORDATION OF THE FINAL MAP FOR LOT 9, ISSUANCE OF A GRADING PERMIT, OR ISSUANCE OF A BUILDING PERMIT, whichever occurs first, the project sponsor shall execute a covenant, subject to review and approval by Marin County, prohibiting further subdivision of the market rate farm parcel created by the proposed project beyond the subdivision necessary for the creation of the two lots for the market-rate housing units. (Plan Policy #4.2-5)

~~70.67.~~ PRIOR TO ISSUANCE OF A CONSTRUCTION PERMIT FOR THE SEWAGE DISPOSAL SYSTEM, and in order to comply with county standards for septic tank design, a two-inch vent on the baffle wall of all septic tanks shall be constructed by the applicant. (Wastewater Treatment #4.4-2 and #4.5-14)

~~71.68.~~ PRIOR TO ISSUANCE OF A CONSTRUCTION PERMIT FOR THE SEWAGE DISPOSAL SYSTEM, the dosing chambers and overflow tanks for the pressurized systems shall be sized to

accommodate the peak day wastewater generation volume for the corresponding land use to ensure compliance with County standards. (*Wastewater Treatment #4.4-3 and #4.5-14*)

In addition:

- A. High water alarms shall be installed in all wastewater pumping systems, in accordance with County standards, to alert the operator or maintenance staff of a high level in the pump tank;
- B. All pumping systems shall include provisions for extended operation during general power outages using a portable emergency generator; and
- C. Scheduled and emergency maintenance of pressurized systems shall be performed by a licensed septic system, pump, or plumbing contractor, septic system pumping service, or other qualified maintenance person as identified in an Operating Permit, if issued for the system by the County.

72.69. PRIOR TO ISSUANCE OF A CONSTRUCTION PERMIT FOR THE SEWAGE DISPOSAL SYSTEM, and to comply with county standards for septic tank design, the project shall include septic tank capacity sufficient to provide 2 days of detention volume for all parcels. (*Wastewater Treatment, #4.4-4 and #4.5-14*)

73.70. There are two methods available to ensure compliance with MCEHS sizing standards for the public restroom septic tank and leach field. PRIOR TO ISSUANCE OF A CONSTRUCTION PERMIT FOR THE SEWAGE DISPOSAL SYSTEM, the project proponent shall design the project's wastewater treatment system for the public restrooms according to one of the following. (*Wastewater Treatment, #4.4-5, #4.5-9, and #4.5-14*)

- A. Ultra low flush urinals and very low flow toilets that generate an average of 2 gpd/person or less shall be used for the public restrooms.
- B. Low flow fixtures that generate an average of 3.5 gpd/person or less shall be used, a 2,500-gallon septic tank shall be installed, and a 5,040 square-foot leachfield shall be constructed for the public restrooms. The project sponsor shall provide documentation to MCEHS sufficient to demonstrate compliance with MCEHS standards for leachfield sizing.

74.71. PRIOR TO APPROVAL OF THE SUBDIVISION IMPROVEMENT AGREEMENT OR ISSUANCE OF A GRADING PERMIT, whichever occurs first, the applicant shall comply with the following condition. To reduce offsite flood-related impacts and to maintain the design capacity of the infiltration trenches to the maximum extent practicable, the following mitigation measures shall be implemented. (*Hydrology, #4.5-2 and #4.5-14*)

- A. To accommodate surface runoff from the West Marin School, the capacity of the proposed retention facilities shall be increased to accommodate any school runoff.
- B. To promote a long design life of the infiltration trenches, surface runoff shall be filtered prior to reaching the infiltration trenches to reduce contaminants and sediment that could clog the trench media. Filtering devices may include, but not be limited to, biofilter strips and vegetated channels. These features shall be subject to review and approval by Marin County prior to implementation.
- C. During construction, the following measures shall be taken to provide additional protection against the failure of the infiltration trenches:

1. Adequate protection from siltation of the trench drains shall be provided during construction through the use of best management practices (BMP).
2. Exposed soils shall be revegetated as soon as possible to prevent erosion.
3. Excavated surfaces shall be scarified to promote percolation upslope of the trenches.
4. The drain rock shall be washed prior to installation into the excavations.
5. To prevent surrounding soils from migrating into the trenches, the excavation shall be lined with a permeable filter fabric or a similar filtering device.
6. Inspection wells shall be constructed to allow monitoring of the performance of the trenches.

75.72. PRIOR TO APPROVAL OF THE SUBDIVISION IMPROVEMENT AGREEMENT OR ISSUANCE OF A GRADING PERMIT, whichever occurs first, the applicant shall comply with the following condition. In accordance with Marin County Code Chapters 23.08 and 24.04, the project sponsor shall implement erosion and sedimentation Best Management Practices to protect the water quality of Lagunitas Creek and local groundwater. Best Management Practices (BMPs), designed to protect stormwater quality, are summarized in the *California Storm Water Best Management Practice Handbooks* (Stormwater Quality Task Force 1993) and can be recommended by the Association of Bay Area Governments *Manual of Standards for Erosion and Sediment Control Measures*. BMPs are subject to review and approval by Marin County Department of Public Works shall be implemented during project construction. According to Marin County Code Section 24.04.625, grading shall not be conducted during the rainy season (October 15 through April 15) without prior approval by Marin County Department of Public Works. (*Hydrology, #4.5-4, #4.5-12, and #4.5-14*)

The following measures shall be implemented in accordance with the LCP:

- A. Sediment basins (including debris basins, desilting basins, or silt traps) shall be installed on the project site in conjunction with initial grading operations and maintained through the development process to remove sediment from runoff waters. All sediment shall be retained on site unless removed to an appropriate dumping location.
- B. Temporary vegetation, seeding, mulching, or other suitable stabilization methods shall be used to protect soils exposed during grading. Cut and fill slopes shall be stabilized immediately with approved landscape vegetation.
- C. All topsoil removed by grading operations shall be stockpiled for reuse onsite and shall be protected from compaction, wind, and erosion during stockpiling.

76.73. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicant shall implement the following mitigation measures to reduce Impact 4.6-2 (Earthquake Ground Shaking) to a less-than-significant level. (*Geology, #4.6-2*)

- A. The applicant shall secure a California-Certified Engineering Geologist and Civil Engineer to provide the Project Structural Engineer with seismic design criteria and recommendations (examples below) based on State and County regulations for development in areas exposed to moderate to severe earthquakes. The site-specific recommendations made by the California-Certified Engineering Geologist and Civil Engineer shall be approved by the County of Marin Building Inspection Division prior to implementation at the site.

As an overall performance criterion, seismic design features will be adequate to ensure that the proposed structures withstand the maximum credible earthquake for the San Andreas and Hayward faults. Examples of the seismic design criteria to be provided to the Project Structural Engineer include: (i) identification of the controlling fault for seismic engineering design; (ii) design earthquake magnitude; (iii) distance to energy source (earthquake); (iv) likely duration of strong ground shaking and qualitative discussion of its intensity and frequency (e.g., high vs. low); and (v) discussion of the potential for amplified ground shaking due to local geologic conditions. The specific structural features appropriate for the project would be determined based on the seismic engineering design process.

- B. The applicant shall use appropriate grading and design, in accordance with the UBC and Marin County Code requirements, to reduce the secondary effects of ground shaking on manmade improvements.
- C. Fill used during the construction of the project shall be properly designed with subsurface drainage and adequately compacted (i.e., minimum of 90% relative compaction as defined by the American Society for Testing and Materials (ASTM D1557) to significantly reduce fill settlement.

74.77. PRIOR TO ISSUANCE OF ANY GRADING OR CONSTRUCTION PERMITS, the applicant shall submit for review and approval by the County a design-level geotechnical investigation. Plan review and construction observation/testing is required by the project geotechnical engineer. Final design of the proposed improvements shall incorporate the results of the geotechnical investigation approved by Marin County. (*Geology, #4.6-2*)

78.75. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicant shall comply with the following condition. As a part of a design-level geotechnical report, specific recommendations for mitigation of expansive soils under pavements and structures shall be provided, if moderate or highly expansive soils are found to be present within the development area. Typical mitigation measures include special pavement and foundation design and/or subexcavation of expansive soils. Geotechnical and foundation design features to avoid the potential for expansive soil damage shall be implemented, as approved by the County of Marin Building Inspection Division. (*Geology, #4.6-8*)

79.76. Construction shall only occur during daylight hours to eliminate the need for nighttime construction lighting. (*Visual Resources, #4.7-2*)

80.77. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the project proponent shall implement at least one of the following measures to reduce headlight glare onto adjacent residences from vehicles within the project site. (*Visual Resources, #4.7-4*)

- A. The landscape plan shall include sufficient shrubbery along the western site boundary and along the western side of the Bostick Avenue private road easement to screen headlight glare from within the project site
- B. Fencing shall be installed along the western site boundary and along the western side of the Bostick Avenue private road easement to screen headlight glare from within the project site. The fencing shall be between 4 and 6 feet in height. Final fencing design shall be approved by the Marin County Community Development Agency prior to construction.

81.78. PRIOR TO APPROVAL OF A PRECISE DEVELOPMENT PLAN for the visitor serving commercial lot, the applicant shall demonstrate conformance with the following condition. Any future project proposed for the visitor serving commercial use shall include adequate parking spaces sufficient to ensure that offsite areas are not adversely affected. Implementation of this mitigation measure would reduce potentially significant impacts associated with parking for a future visitor serving commercial facility to a less-than-significant level. (*Transportation and Circulation, #4.8-4*)

82.79. PRIOR TO ISSUANCE OF THE FIRST BUILDING PERMIT, a stop sign shall be erected at the Mesa Road/Papermill Creek Road intersection to stop northbound traffic. (*Transportation and Circulation, #4.8-8*)

83.80. PRIOR TO APPROVAL OF A SUBDIVISION IMPROVEMENT AGREEMENT, ISSUANCE OF A GRADING PERMIT, OR ISSUANCE OF A BUILDING PERMIT, whichever occurs first, the applicant shall demonstrate conformance with the following condition. To minimize construction-related traffic impacts, a construction traffic management plan shall be prepared before the start of construction. (*Transportation and Circulation, #4.8-11*) The plan shall include the following elements:

- A. The number of truck trips;
- B. Time of day and location of street closures, if any;
- C. Time of day arrival and departure of trucks;
- D. Limitations on the size and type of trucks;
- E. Provision of a truck staging area, with limitation on the number of trucks that can be waiting;
- F. Provision of a truck circulation pattern;
- G. Provision of driveway and side-street access plan along Shoreline Highway so that safe vehicular, pedestrian and bicycle movements are maintained (e.g., steel plates, minimum distances of open trenches, location of school bus and private vehicle pick up and drop off areas);
- H. Maintenance of safe and efficient access routes for emergency vehicles;
- I. Manual traffic control when necessary;
- J. Proper advance warning and posted signage concerning street closures;
- K. Notification of affected residences and businesses along Shoreline Highway;
- L. Provisions for pedestrian safety; and
- M. Maintenance of safe and accessible public transit stops.

With the construction management plan, residents and visitors would be expected to be able to cross streets safely and maneuver in and out of driveways with little or no difficulty. Implementation of the construction traffic management plan would also help facilitate safe access and egress along Shoreline Highway at all times during the construction phase.

For the West Main School, a safe "route-to-school" plan should be developed as part of the traffic management plan that includes the designated sidewalks, street crossings, location of crossing guards, location of any proposed signs, queuing areas, and times of day that the plan would be in effect. This safe "route-to-school" plan should include advanced warning signs along all approaches to the school site. An adult crossing guard should be provided at the designated crosswalks in the "route-to-school" plan.

84.81. To reduce construction-related emissions, applicable BAAQMD Basic and Enhanced Control Measures controls shall be implemented at all construction sites. (*Air Quality, #4.9-1*) Specific controls to be implemented include the following:

- A. Water all active construction areas at least twice daily;
- B. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard;
- C. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
- D. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
- E. Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets;
- F. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more);
- G. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.);
- H. Limit traffic speeds on unpaved roads to 15 mph.;
- I. Install sandbags or other erosion control measures to prevent silt runoff to public roadways;
- J. Replant vegetation in disturbed areas as quickly as possible;
- K. Construction equipment shall be maintained in accordance with manufacturers' specifications; and.
- L. To the extent feasible, construction equipment shall not be left idling for periods of more than 10 minutes.

To reduce potential farm-related increases in airborne concentrations of fugitive dust at nearby residential dwellings and the West Marin School, the following dust control measures shall be implemented:

Water at least twice a day all areas where soil disturbing activities (e.g., tilling of soil) is actively occurring: (1) enclose, cover, or water twice daily exposed stockpiles (earth, fertilizers, etc.); (2) limit vehicle speeds in unpaved areas to 15 mph; (3) plant crops or other vegetation in disturbed areas as quickly as possible; and (4) soil disturbing activities shall be suspended when wind speeds exceed 20 mph.

85.82. Construction-generated noises shall be minimized through the following measures. (*Noise, #4.10-1*)

- A. To reduce construction noise impacts, construction contractors shall be required to limit noise-generating demolition and construction activities to between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday, and between the hours of 9:00 a.m. and 4:00 p.m. on Saturday. Construction activities shall be prohibited on Sundays and holidays.
- B. Equipment engine doors on motorized equipment shall be closed during equipment operation.
- C. All construction equipment shall be equipped with mufflers.
- D. When not in use, motorized construction equipment shall not be left idling.
- E. Stationary noise-generating construction equipment (e.g., generators and compressors) shall be located at the greatest distance possible from nearby noise-sensitive land uses.
- F. An acoustic barrier (e.g., lead curtains, wooden sound barriers) shall be constructed along the northwestern boundary of the project site (along the West Marin School property line) to reduce construction-generated noise levels associated with construction of the Williams Street Apartments. The barriers shall be designed to obstruct the line-of-sight between the nearest occupied buildings and onsite equipment. When installed properly, acoustic barriers can reduce construction noise levels by approximately 10 dBA (EPA 1971).
- G. Prior to commencing construction, written notification containing (at a minimum) the following information shall be provided to West Marin School: (1) the location of proposed construction activities, including haul truck routes; (2) the hours and dates during which construction activities are anticipated to occur; (3) the name and telephone number of a designated onsite representative to be contacted for noise- or safety-related concerns or complaints.

86.83. In the event that previously unknown archaeological resources are discovered during any land alterations activities, the construction crew shall immediately cease work in the discovery area (i.e., within 20 meters). A qualified archaeologist approved by Marin County Community Development Agency shall be consulted to evaluate the resource in accordance with state and federal guidelines. If prehistoric Native American remains are discovered, the State Native American Heritage Commission and affected Native American groups shall be notified in accordance with State regulations. Mitigation measures consistent with §21083.2 of CEQA shall be devised and a mitigation plan submitted for approval of the Community Development Agency. All archaeological excavation and monitoring activities shall be conducted in accordance with prevailing professional standards as outlined in § 21083.2 of CEQA. Mitigation, in accordance with a plan approved by the Marin County Community Development Agency, shall be implemented prior to commencement of work within the area of the resource find. (*Archaeological and Historic Resources, #4.12-1, #4.12-5*)

87.84. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the finish details and construction materials shall be approved by the Marin County Community Development Director in consultation with a qualified architectural historian. (*Archaeological and Historic Resources, #4.12-3*)

88.85. PRIOR TO APPROVAL OF A PRECISE DEVELOPMENT PLAN for the future commercial use, the facility's design shall be:

- A. Reviewed by a qualified architectural historian to determine whether the style, mass, scale, craftsmanship, and quality of building materials characteristic of Point Reyes Station Historic

Area would adversely affect the eligibility of the Historic Area as a National Register Historic District; and

- B. Approved by the Marin County Community Development Director. (*Archaeological and Historic Resources, #4.12-4*)

89.86. The following mitigation measures shall be implemented to ensure project impacts on raptors and other tree-nesting birds are reduced to a less-than-significant level. (*Biological Resources, #4.13-3 and #4.13-11*)

- A. Tree removal shall be avoided during the nesting season (February 1 to August 31) to the extent possible. If tree removal is required during the nesting season, a focused survey shall be conducted by a qualified biologist to identify active nests in the trees to be removed.
- B. If an active nest is found, the nest tree shall not be removed until after the young have fledged (as determined by a qualified biologist).
- C. Prior to construction during the nesting season, a focused survey for raptor nests shall be conducted by a qualified biologist during the nesting season to identify active nests in and adjacent to the project site. The survey shall be conducted no less than 14 days and no more than 30 days prior to the beginning of construction or tree removal.
- D. If nesting raptors are found during the focused survey, no construction shall occur within 400 feet of an active nest until the young have fledged (as determined by a qualified biologist).

90.87. PRIOR TO ISSUANCE OF A GRADING PERMIT OR BUILDING PERMIT, whichever occurs first, and to avoid inadvertent impacts to seasonal wetlands during construction, temporary orange mesh fencing shall be placed around all seasonal wetlands at the site and all activities shall be restricted to the outside of these fences by appropriate signage. The fencing location shall be identified by a qualified wetland specialist. The fences shall remain in place for the entire construction period and shall be periodically checked to ensure that they remain intact. Fencing shall be removed following the completion of construction. (*Biological Resources, #4.13-9 and #4.13-11*)

88.91. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the project proponent shall revise the landscaping plan, eliminating any species listed in the CalEPPC list (included in Appendix G of this report), and develop new plan in accordance with the Point Reyes Station Landscaping Guide (included in Appendix G). (*Biological Resources, #4.13-10 and #4.13-11*)

"EXHIBIT 4"

MITIGATION MONITORING AND REPORTING PROGRAM Point Reyes Affordable Housing Project

I. INTRODUCTION

A. Background

Assembly Bill 3180, Statutes of 1988, became law in California on January 1, 1989. This bill requires all public agencies to adopt mitigation or reporting programs when they approve projects with Environmental Impact Reports or Negative Declarations that identify significant environmental impacts. The reporting and monitoring program must be adopted when a public agency makes its findings under the California Environmental Quality Act Chapter 2.6 Section 21081.6 so that the program can be made a condition of approval. The program must be designed to ensure project compliance with mitigation measures during project implementation. If certain project impacts extend beyond the project implementation phase, long-term mitigation monitoring should be provided in the monitoring program.

B. Purpose

The Point Reyes Affordable Housing Project Mitigation Monitoring and Reporting Program ("MMRP") would ensure that all required mitigation measures are completed as part of project construction and maintained in a satisfactory manner during project implementation. This program is designed in a table format for ease of use by the responsible parties. The table identifies the individual impacts, corresponding mitigation measures, individual/agency responsible for implementation, time frame for implementation, and assigns a party responsible to implement, monitor, and confirm the implementation of the mitigation measure. The table will be used by the County of Marin to verify that all required mitigation measures are incorporated into the project, and will provide a convenient tool to determine whether required measures have been fulfilled.

II. MITIGATION MONITORING AND REPORTING PROGRAM

A. Management

The Marin County Community Development Agency (ACDA) will be responsible for overseeing, implementation and administration of the MMRP for the Point Reyes Affordable Housing Project.

A staff member designated by the CDA Director will manage the MMRP. If current staffing in the CDA cannot absorb the task of managing the MMRP, an independent contractor will be hired at the expense of the project applicant. The independent contractor would serve under the direction of the Environmental Coordinator. Duties of the staff member responsible for program coordination, whether a permanent County staff member or independent contractor, would include the following:

1. Conduct routine inspections, plan checking, and reporting activities.

2. Serve as a liaison between County and project applicant regarding mitigation monitoring issues.
3. Coordinate activities of consultants hired by the project applicant when such expertise and qualifications are necessary to implement and monitor mitigation measures.
4. Coordinate with agencies having mitigation monitoring responsibilities
5. Assure follow-up and response to citizen complaints.
6. Complete forms, checklists and other documentation provided by the County for reporting. Maintain reports and other records and documents generated by the monitoring program.
7. Coordinate and assure corrective actions or enforcement measures are taken, if necessary.

B. Baseline Data

The baseline data for each of the environmental impact report (AEIR) mitigation measures to be monitored over the duration of the project is contained in the certified Point Reyes Affordable Housing Project EIR (SCH 2000052112).

C. Dispute Resolution

The overall program goal to ensure compliance with required mitigation measures could create disputes between the County and project applicant over what constitutes compliance. Therefore, a procedure for conflict resolution needs to be established as part of the MMRP. In the event of disagreement about appropriate mitigation measure implementation, the responsible County staff member will notify the Environmental Coordinator via a brief memo and hold a meeting with the project applicant. After assessing the information, the responsible staff member will determine the appropriate method for mitigation implementation and will notify the Environmental Coordinator of the decision. The project applicant, Environmental Coordinator, or any interested member of the public may trigger Planning Commission review by timely appeal or direct referral. The decision of the Planning Commission may be appealed to the Board of Supervisors.

D. Enforcement

The MMRP will be incorporated as a condition of project approval. Therefore, all mitigation measures and monitoring requirements must be compiled with in order to fulfill the requirements of the approval. A number of the mitigation measures will be implemented during the course of the development review process. These measures will be checked in plans, in reports, and in the field prior to granting of subsequent approvals and/or permits (e.g., grading, building, and occupancy permits). If compliance is not found, these approvals and permits would not be granted. The remaining mitigation measures will be implemented during the construction, or project implementation phase. If work were performed in violation of mitigation measures, a stop work order would be

issued. Other mitigation measures will be monitored over time in order to ensure long-term compliance. CDA staff may provide for revisions to mitigation measures if necessary to assure success, subject to the appeal process and compliance with CEQA requirements for subsequent or supplemental review of any significant changes to the project EIR. Mitigation measures and monitoring actions are provided in the attached table.

E. The Program

The attached MMRP table is derived from Appendix C of the project EIR. The table identifies the impact, mitigation measure(s), and level of significance after mitigation. Each impact and mitigation measure number (i.e., Impact 4.9-1, Mitigation Measure 4.9-1) is the same as documented in the EIR for the Point Reyes Affordable Housing Project. Each impact and mitigation measure is summarized. Detailed discussions of the impacts and mitigations can be found in the EIR. The summary format in the table was intended to avoid the creation of a cumbersome, unusable table. In addition, the table identifies the person/agency responsible for implementation and monitoring of the mitigation. The "When Implemented" column identifies at which stage during the review (or construction) process the mitigation should be implemented.

F. Funding

CEQA Section 21081.6 does not provide a specific funding mechanism for implementation of mitigation monitoring and reporting programs. However, public agencies have the authority to levy charges, fees or assessments to pay for the program, just as they currently do for the preparation of EIRs. For the Point Reyes Affordable Housing Project, the project applicant would be responsible for the costs of mitigation monitoring.

POINT REYES AFFORDABLE HOUSING PROJECT MITIGATION MONITORING AND REPORTING PROGRAM					
Impact	Mitigation	Implemented by	When implemented	Monitored by	Verified by and date
4.2 Land Use Plan Consistency					
Policies: RL-3.2 and RL-3.3e. Marin County LCP Unit II Policy: Agriculture 1. Marin Countywide Plan Policy: EQ-3.11.	4.2-2: Reduce Visual Impacts. The proposed landscaping plan shall be modified such that no trees or other vegetation are planted in a manner that would block views or sunlight from adjoining properties.	Applicant (**)	Prior to issuance of a building permit	CDA	
Marin County LCP Unit II Policies: New Development and Land Use 3.d and 5.e.	4.2-3: Underground Utility Distribution Lines. All utility distribution lines within the project site, including the proposed road rights-of-way, shall be placed underground.	Applicant (**)	Prior to issuance of a building permit	CDA	
Marin Countywide Plan Policies: A-1.1, A-1.5, and A-1.5.	4.2-5: Subdivision Covenant. The project sponsor shall execute a covenant, subject to review and approval by Marin County, prohibiting further subdivision of the market rate farm parcel created by the proposed project.	Applicant (**)	Prior to recordation of the Final Map, or issuance of a grading or building permit	CDA	
4.4 Wastewater Treatment and Disposal					
4.4-2: Compliance with County Standards - Septic Tank Vents. Most of the proposed septic tanks comply with MCEHS standards. The design for the proposed septic tanks, however, do not include the MCEHS-required 2-inch vent that must be placed to the top of each septic tank's baffle wall to ensure proper flow through the tank. Without these vents, the septic systems could overflow, creating potential public health hazards. This would be a significant impact.	4.4-2: Compliance with County Standards - Septic Tank Vents. To comply with county standards for septic tank design, a two-inch vent on the baffle wall of all septic tanks shall be constructed by the applicant.	Applicant (**)	Prior to issuance of a construction permit.	MCEHS	

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Marin County Environmental Health Services

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POINT REYES AFFORDABLE HOUSING PROJECT MITIGATION MONITORING AND REPORTING PROGRAM

Impact	Mitigation	Implemented by	When Implemented	Monitored by	Verified by and date
<p>4.4-3: Potential Overflow of Wastewater Treatment Systems. The septic systems for the farm parcel, Papermill Creek Apartments, Williams Street Apartments, public restrooms, and future commercial use require pressurization. This type of system complies with MCEHS standards. In the event of an electrical power failure or pump failure, wastewater would require temporary storage within the dosing chambers (i.e., pressurized pump chambers) and the emergency storage tanks. The proposed design for these systems depicts an overflow pipe to an emergency storage tank, but the plan does not specify the size of the dosing chambers or emergency storage tanks. If the dosing chambers or emergency storage tanks are not properly sized, the septic systems could overflow during a power outage or pump failure, creating potential public health hazards. This would be a significant impact.</p>	<p>4.4-3: Potential Overflow of Wastewater Treatment System. The dosing chambers and overflow tanks for the pressurized systems shall be sized to accommodate the peak day wastewater generation volume for the corresponding land use to ensure compliance with County standards.</p> <p>In addition:</p> <ul style="list-style-type: none"> < High water alarms shall be installed in all wastewater pumping systems, in accordance with County standards, to alert the operator or maintenance staff of a high level in the pump tank. < All pumping systems shall include provisions for extended operation during general power outages using a portable emergency generator. < Scheduled and emergency maintenance of pressurized systems shall be performed by a licensed septic system, pump, or plumbing contractor, septic system pumping service, or other qualified maintenance person as identified in an Operating Permit, if issued for the system by the County. 	Applicant (**)	Prior to issuance of a construction permit.	MCEHS	
<p>4.4-4: Compliance with County Standards - Septic Tank Sizing. MCEHS standards require septic tanks to provide a minimum of 2 days of detention volume. The project sponsor has not provided information regarding proposed septic tank sizes for Mitigated Alternative Option 2. If the septic tanks were not designed to meet MCEHS standards for sizing, this would be considered a significant impact.</p>	<p>4.4-4: Compliance with County Standards - Septic Tank Sizing. To comply with county standards for septic tank design, the project shall include septic tank capacity sufficient to provide 2 days of detention volume for all parcels.</p>	Applicant (**)	Prior to issuance of a construction permit.	MCEHS	

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Impact	Mitigation	Implemented by	When implemented	Monitored by Verified by and date
<p>4.4-5: Compliance with County Standards - Public Restroom Wastewater Treatment System. The use of ultra low flush and very low flow fixtures for the public restrooms are expected to generate 2 gpd/person of wastewater. At this generation rate, the proposed 2,800-square-foot leach field would meet MCEHS standards for sizing. Ultra low flush and very low flow fixtures are not specified for the proposed septic system, however. If these fixtures are not used for the public restrooms, the proposed leach field might not meet MCEHS Standards for sizing and could compromise the effectiveness of the system. This is considered a potentially significant impact.</p>	<p>4.4-5: Compliance with County Standards - Public Restroom Wastewater Treatment System. There are two methods available to ensure compliance with MCEHS sizing standards for the public restroom septic tank and leach field. The project proponent shall design the project's wastewater treatment system for the public restrooms according to one of the following. Ultra low flush urinals and very low flow toilets that generate an average of 2 gpd/person or less shall be used for the public restrooms. Low flow fixtures that generate an average of 3.5 gpd/person or less shall be used, a 2,500-gallon septic tank shall be installed, and a 5,040 square-foot leachfield shall be constructed for the public restrooms. The project sponsor shall provide documentation to MCEHS sufficient to demonstrate compliance with MCEHS standards for leachfield sizing.</p>	Applicant (**)	Prior to issuance of a construction permit.	MCEHS

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POINT REYES AFFORDABLE HOUSING PROJECT MITIGATION MONITORING AND REPORTING PROGRAM

Impact	Mitigation	Implemented by	When implemented	Monitored by	Verified by and date
4.5 Hydrology and Water Quality					
<p>4.5-2: Increased Offsite Surface Runoff - Overland Flows. The proposed system has been designed such that the project would result in no increase in post-development runoff volumes beyond existing runoff volumes from a 100-year, 24-hour storm event. The proposed system includes a grass swale to intercept surface runoff that might flow onto the site from the West Marin School and divert it toward the central open space area. Construction-induced and project-related contaminants and sediment could potentially clog the trench media, reducing the infiltration capacity of the trenches. A reduction of infiltration capacity would increase offsite flow rates, potentially contributing to localized flooding in offsite downgradient areas. This is considered a significant impact.</p>	<p>4.5-2: Reduction of Peak Offsite Runoff Rates. To reduce offsite flood-related impacts and to maintain the design capacity of the infiltration trenches to the maximum extent practicable, the following mitigation measures shall be implemented.</p> <ul style="list-style-type: none"> < To accommodate surface runoff from the West Marin School, the capacity of the proposed retention facilities shall be sized to accommodate any school runoff. < To promote a long design life of the infiltration trenches, surface runoff shall be filtered prior to reaching the infiltration trenches to reduce contaminants and sediment that could clog the trench media. Filtering devices may include, but not be limited to, biofilter strips and vegetated channels. These features shall be subject to review and approval by Marin County prior to implementation. 	Applicant (**)	Prior to approval of the Subdivision Improvement Agreement or issuance of a grading permit.	DPW	

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POINT REYES AFFORDABLE HOUSING PROJECT MITIGATION MONITORING AND REPORTING PROGRAM					
Impact	Mitigation	Implemented by	When implemented	Monitored by	Verified by and date
	<p>During construction, the following measures shall be taken to provide additional protection against the failure of the infiltration trenches:</p> <ol style="list-style-type: none"> 1. Adequate protection from siltation of the trench drains shall be provided during construction through the use of best management practices (BMP). 2. Exposed soils shall be revegetated as soon as possible to prevent erosion. 3. Excavated surfaces shall be scarified to promote percolation upslope of the trenches. 4. The drain rock shall be washed prior to installation into the excavations. 5. To prevent surrounding soils from migrating into the trenches, the excavation shall be lined with a permeable filter fabric or a similar filtering device. 6. Inspection wells shall be constructed to allow monitoring of the performance of the trenches. 	Applicant (**)	During construction.	DPW	
<p>4.5-4: Construction-Related Water Quality Degradation. Construction would expose onsite soils to wind and water erosion that could result in sediment being carried into Lagunitas Creek. Stormwater contact with construction materials and potential leaks of fuels or fluids from construction vehicles or equipment could contaminate surface or groundwater. Construction-related degradation of surface or groundwater quality is considered a significant impact.</p>	<p>4.5-4: Construction Best Management Practices for Water Quality. In accordance with Marin County Code Chapters 23.08 and 24.04, the project sponsor shall implement erosion and sedimentation Best Management Practices to protect the water quality of Lagunitas Creek and local groundwater. Best Management Practices (BMPs), designed to protect stormwater quality, are summarized in the <i>California Storm Water Best Management Practice Handbooks</i> (Stormwater Quality Task Force 1993) and can be recommended by the Association of Bay Area Governments <i>Manual of Standards for Erosion and Sediment Control Measures</i>. BMPs are subject to review and approval by Marin County Department of Public Works shall be implemented during project construction. According to Marin County Code Section 24.04.625, grading shall not be conducted during the rainy season (October 15 through April 15) without</p>	Applicant (**)	Prior to approval of the Subdivision Improvement Agreement or issuance of a grading permit.	DPW	

CDA
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Marin County Community Development Agency
Marin County Department of Public Works
Marin County Environmental Health Services

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Regional Water Quality Control Board
Indicate on Compliance Plan

POINT REYES AFFORDABLE HOUSING PROJECT MITIGATION MONITORING AND REPORTING PROGRAM					
Impact	Mitigation	Implemented by	When implemented	Monitored by	Verified by and date
	prior approval by Marin County Department of Public Works.				
	<p>The following measures shall be implemented in accordance with the LCP:</p> <ul style="list-style-type: none"> < Sediment basins (including debris basins, desilting basins, or silt traps) shall be installed on the project site in conjunction with initial grading operations and maintained through the development process to remove sediment from runoff waters. All sediment shall be retained on site unless removed to an appropriate dumping location. < Temporary vegetation, seeding, mulching, or other suitable stabilization methods shall be used to protect soils exposed during grading. Cut and fill slopes shall be stabilized immediately with approved landscape vegetation. < All topsoil removed by grading operations shall be stockpiled for reuse onsite and shall be protected from compaction, wind, and erosion during stockpiling. 	Applicant (**)	During construction.	DPW & RWQCB	
<p>4.5-6: Groundwater Quality Degradation from Wastewater Treatment Systems. If ultra-low flush urinals and very low flow toilets are not used for the public restroom, the proposed leachfield would not meet MCEHS standards for sizing and could result in groundwater quality degradation from insufficient wastewater treatment. This would be a significant impact to groundwater quality.</p>	<p>4.5-6: Improved Wastewater Treatment - Groundwater. Mitigation Measure 4.4-5 shall be implemented to ensure compliance with MCEHS standards relating to leachfield sizes and to ensure proper wastewater treatment.</p>	Applicant (**)	Prior to issuance of a construction permit.	MCEHS	
<p>4.5-9: Effects on Water Quality of Lagunitas Creek from Groundwater. Lagunitas Creek is located approximately 400 feet south of the project site. Groundwater below much of the project site flows towards Lagunitas Creek. If</p>	<p>4.5-9: Improved Wastewater Treatment - Lagunitas Creek. Mitigation Measure 4.4-5 shall be implemented to ensure proper treatment of wastewater.</p>	Applicant (**)	Prior to issuance of a construction permit.	MCEHS	

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POINT REYES AFFORDABLE HOUSING PROJECT MITIGATION MONITORING AND REPORTING PROGRAM

Impact	Mitigation	Implemented by	When implemented	Monitored by	Verified by and date
ultra-low flush urinals and very low flow toilets are not used for the public restroom, the proposed leachfield would not meet MCEHS standards for sizing and could result in insufficient wastewater treatment. Inadequate treatment of wastewater poses a risk of degrading the groundwater beneath the project site, which could potentially degrade the water quality of Lagunitas Creek. This is considered a significant impact.					
4.5-12: Cumulative Construction-Related Water Quality Degradation. Construction of the cumulative projects would expose onsite soils to wind and water erosion that could result in sediment being carried into Lagunitas Creek. Stormwater contact with construction materials and potential leaks of fuels or fluids from construction vehicles or equipment could contaminate surface or groundwater. Construction-related degradation of surface or groundwater quality is considered a significant impact.	4.5-12: Cumulative Construction-Related Water Quality Degradation. Implement Mitigation Measure 4.5-4 (Construction Best Management Practices for Water Quality).	Applicant (**)	Prior to issuance of a grading permit or approval of the Subdivision Improvement Agreement. During construction.	DPW DPW & RWQCB	
4.5-14: Cumulative Effects on Water Quality of Lagunitas Creek. If the wastewater and surface runoff from the cumulative projects are not properly treated, these projects could have cumulative impacts on the water quality of Lagunitas Creek. This would be a significant cumulative impact.	4.5-14: Cumulative Effects on Water Quality of Lagunitas Creek. Mitigation Measures 4.4-2, 4.4-3, 4.4-4, and 4.4-5 shall be implemented to ensure proper treatment of wastewater and captured surface runoff.	Applicant (**)	Prior to issuance of a construction permit. As specified in the Operating Permit issued by MCEHS.	MCEHS MCEHS	

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Impact	Mitigation	Implemented by	When implemented	Monitored by	Verified by and date
4.6 Geology and Soils					
4.6-2: Earthquake Ground Shaking. During the lifetime of the project, the site would likely be subjected to at least one moderate to severe earthquake that would cause strong to very strong earthquake groundshaking and could cause substantial damage to proposed structures, and in extreme cases, loss of life. This would be considered a potentially significant impact.	<p>4.6-2: Seismic Design Measures. The applicant shall implement the following mitigation measures to reduce Impact 4.6-2 (Earthquake Ground Shaking) to a less-than-significant level.</p> <p>(a) The Applicant shall secure a California-Certified Engineering Geologist and Civil Engineer to provide the Project Structural Engineer with seismic design criteria and recommendations (examples below) based on State and County regulations for development in areas exposed to moderate to severe earthquakes. The site-specific recommendations made by the California-Certified Engineering Geologist and Civil Engineer shall be approved by the County of Marin Building Inspection Division prior to implementation at the site.</p> <p>As an overall performance criterion, seismic design features will be adequate to ensure that the proposed structures withstand the maximum credible earthquake for the San Andreas and Hayward faults. Examples of the seismic design criteria to be provided to the Project Structural Engineer include: (i) identification of the controlling fault for seismic engineering design; (ii) design earthquake magnitude; (iii) distance to energy source (earthquake); (iv) likely duration of strong ground shaking and qualitative discussion of its intensity and frequency (e.g., high vs. low); and (v) discussion of the potential for amplified ground shaking due to local geologic conditions. The specific structural features appropriate for the project would be determined based on the seismic engineering design process.</p> <p>(b) The applicant shall use appropriate grading and design, in accordance with the UBC and Marin County Code requirements, to reduce the secondary effects of ground shaking on manmade improvements.</p>	Applicant (**)	Prior to issuance of a building permit.	DPW	
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Impact	Mitigation	Implemented by	When implemented	Monitored by	Verified by and date
	(c) Fill used during the construction of the project shall be properly designed with subsurface drainage and adequately compacted (i.e., minimum of 90% relative compaction as defined by the American Society for Testing and Materials (ASTM D1557) to significantly reduce fill settlement.		During construction	DPW	
	(d) Prior to the issuance of any grading or construction permits the applicant shall submit for review and approval by the County a design-level geotechnical investigation. Plan review and construction observation/testing is required by the project geotechnical engineer. Final design of the proposed improvements shall incorporate the results of the geotechnical investigation approved by Marin County.		Prior to issuance of a grading permit or approval of the Improvement plan	DPW	
4.6-8: <u>Expansive Soil</u> . Isolated zones of slightly to moderately expansive soil are located within the project site. Damage to structures from expansive soil would be considered a potentially significant impact.	4.6-8: <u>Expansive Soil Foundation Design and Grading</u> . As a part of a design-level geotechnical report, specific recommendations for mitigation of expansive soils under pavements and structures shall be provided, if moderate or highly expansive soils are found to be present within the development area. Typical mitigation measures include special pavement and foundation design and/or subexcavation of expansive soils. Geotechnical and foundation design features to avoid the potential for expansive soil damage shall be implemented, as approved by the County of Marin Building Inspection Division.	Applicant (**)	Prior to issuance of a building permit.	DPW and CDA	
4.7 Visual Resources and Nighttime Lighting					
4.7-2: <u>Construction-Related Lighting</u> . Project construction could include nighttime activity. Construction-related lighting would generally be limited to nighttime hours, except in foggy situations when lighting might be necessary. Because the project site does not currently experience light, high intensity lighting during nighttime hours could be considered	4.7-2: <u>Limit Construction to Daytime</u> . Construction shall only occur during daylight hours to eliminate the need for nighttime construction lighting.	Applicant (**)	During construction.	DPW and CDA	

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Impact	Mitigation	Implemented by	When Implemented	Monitored by	Verified by and date
obtrusive to residential and commercial uses adjacent to the project site. In addition, nighttime construction lighting may also temporarily contribute to sky glow. Therefore, the visual impacts associated with nighttime construction-related lighting would be considered potentially significant.					
<p>4.7-4: Nighttime Effects of Vehicle Headlights. Headlights from vehicles traveling within the project site would create a new source of nighttime glare for the residences along the western site boundary and the residence adjacent to Bostick Avenue. This would be a significant impact.</p>	<p>4.7-4: Headlight Screening. The project proponent shall implement at least one of the following measures to reduce headlight glare onto adjacent residences from vehicles within the project site.</p> <ul style="list-style-type: none"> < The landscape plan shall include sufficient shrubbery along the western site boundary and along the western side of the Bostick Avenue right-of-way to screen headlight glare from within the project site < Fencing shall be installed along the western site boundary and along the western side of the Bostick Avenue right-of-way to screen headlight glare from within the project site. The fencing shall be between 4 and 6 feet in height. Final fencing design shall be approved by the Marin County Community Development Agency prior to construction. 	Applicant (**)	Prior to issuance of a building permit	CDA	

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4.8 Transportation and Circulation

<p>4.8-4: Adequacy of Visitor Serving Commercial Parking. Site planning for the future visitor serving commercial use has yet to occur, so parking supply has not been determined. If the future visitor serving commercial use were to provide inadequate parking spaces, offsite areas could be adversely affected; this would be a potentially significant impact.</p>	<p>4.8-4: Adequate Parking Spaces (Future Visitor Serving Commercial). Any future project proposed for the visitor serving commercial use shall include adequate parking spaces sufficient to ensure that offsite areas are not adversely affected. Implementation of this mitigation measure would reduce potentially significant impacts associated with parking for a future visitor serving commercial facility to a less-than-significant level.</p>	<p>Applicant (**)</p>	<p>Prior to approval of a Precise Development Plan for the commercial use.</p>	<p>CDA and DPW</p>
<p>4.8-8: Intersection Sight Distances. Buildings on the southwest corner of the proposed Mesa Road/Papermill Creek Road intersection would not allow 150-foot stopping distances at this intersection. Southeastbound vehicles entering Papermill Creek Road from Mesa Road would not have adequate visibility to make safe turning decisions, and drivers may not consider looking for northbound Mesa Road traffic before proceeding through the intersection. This would increase the risk of accidents at the proposed intersection and would be a significant impact.</p>	<p>4.8-8: Stop Sign at Proposed Mesa Road/Papermill Creek Road Intersection. Prior to occupation of the project, a stop sign shall be erected at the Mesa Road/Papermill Creek Road intersection to stop northbound traffic.</p>	<p>DPW</p>	<p>Prior to issuance of the first building permit</p>	<p>DPW</p>
<p>4.8-11: Construction - Related Traffic, Pedestrian, and Bicycle Impacts (Protect Site). Construction traffic would access the Point Reyes Affordable Housing project site via Mesa Road and Shoreline Highway. Also, water pipeline construction is necessary in Shoreline Highway. The additional construction-related trips, which include truck delivery trips and construction worker trips would add vehicles to local residential collector roadways. Access to driveways adjacent to Shoreline Highway may be temporarily interrupted on occasion. The potential for pedestrian or bicycle conflicts could exist. For these reasons, the impact of</p>	<p>4.8-11: Construction Traffic Management Plan. To minimize construction-related traffic impacts, a construction traffic management plan shall be prepared before the start of construction. The plan shall include the following elements:</p> <ul style="list-style-type: none"> < The number of truck trips < Time of day and location of street closures, if any < Time of day arrival and departure of trucks < Limitations on the size and type of trucks < Provision of a truck staging area, with limitation on the number of trucks that can be waiting < Provision of a truck circulation pattern 	<p>Applicant (**)</p>	<p>Prior to issuance of a grading permit, building permit, or approval of the subdivision improvement agreement</p>	<p>DPW and CDA</p>

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<p>construction-related traffic would be potentially significant.</p>	<ul style="list-style-type: none"> < Provision of driveway and side-street access plan along Shoreline Highway so that safe vehicular, pedestrian and bicycle movements are maintained (e.g., steel plates, minimum distances of open trenches, location of school bus and private vehicle pick up and drop off areas) < Maintenance of safe and efficient access routes for emergency vehicles < Manual traffic control when necessary < Proper advance warning and posted signage concerning street closures < Notification of affected residences and businesses along Shoreline Highway < Provisions for pedestrian safety < Maintenance of safe and accessible public transit stops <p>With the construction management plan, residents and visitors would be expected to be able to cross streets safely and maneuver in and out of driveways with little or no difficulty. Implementation of the construction traffic management plan would also help facilitate safe access and egress along Shoreline Highway at all times during the construction phase.</p> <p>For the West Main School, a safe "route-to-school" plan should be developed as part of the traffic management plan that includes the designated sidewalks, street crossings, location of crossing guards, location of any proposed signs, queuing areas, and times of day that the plan would be in effect. This safe "route-to-school" plan should include advanced warning signs along all approaches to the school site. An adult crossing guard should be provided at the designated crosswalks in the "route-to-school" plan.</p>	DPW, School District, and Caltrans		
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4.9 Air Quality

4.9-1: Short-term Increases in Regional Criteria Pollutants. Construction and farming activities would result in temporarily emissions of NO_x, ROG, and PM₁₀. Because the proposed project does not include BAAQMD construction control mitigation measures as part of the project, construction emissions would be considered to have a short-term potentially significant air quality impact.

4.9-1: Regional Criteria Pollutant Reduction Measures. To reduce construction-related emissions, applicable BAAQMD Basic and Enhanced Control Measures controls shall be implemented at all construction sites. Specific controls to be implemented include the following:

- < Water all active construction areas at least twice daily.
- < Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
- < Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- < Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
- < Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
- < Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
- < Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- < Limit traffic speeds on unpaved roads to 15 mph.
- < Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- < Replant vegetation in disturbed areas as quickly as possible.
- < Construction equipment shall be maintained in accordance with manufacturers' specifications.
- < To the extent feasible, construction equipment shall not be left idling for periods of more than 10 minutes.

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	<p>To reduce potential farm-related increases in airborne concentrations of fugitive dust at nearby residential dwellings and the West Marin School, the following dust control measures shall be implemented:</p> <p>Water at least twice a day all areas where soil disturbing activities (e.g., tilling of soil) is actively occurring.</p> <ul style="list-style-type: none"> < Enclose, cover, or water twice daily exposed stockpiles (earth, fertilizers, etc.). < Limit vehicle speeds in unpaved areas to 15 mph. < Plant crops or other vegetation in disturbed areas as quickly as possible. < Soil disturbing activities shall be suspended when wind speeds exceed 20 mph. 	Farm operator	As needed during farming operations.	CDA and BAAQMD
4.10 Noise				
<p>4.10-1: Construction-Generated Noise.</p> <p>Depending on the specific construction activities being performed and the equipment used, increases in average daily noise levels at nearby noise-sensitive receptors could potentially exceed the County's land use compatibility noise thresholds and result in an increase in average daily noise levels of 3 dBA or greater. In addition, interior noise levels at the nearby West Marin School could potentially exceed 45 dBA. L_{eq} associated with construction of the proposed Williams Street Apartments. Consequently, construction of the proposed project would be considered to have short-term, potentially significant noise impact.</p>	<p>4.10-1: Construction-Generated Noise.</p> <ul style="list-style-type: none"> < To reduce construction noise impacts, construction contractors shall be required to limit noise-generating demolition and construction activities to between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday, and between the hours of 9:00 a.m. and 4:00 p.m. on Saturday. Construction activities shall be prohibited on Sundays and holidays. < Equipment engine doors on motorized equipment shall be closed during equipment operation. < All construction equipment shall be equipped with mufflers. < When not in use, motorized construction equipment shall not be left idling. < Stationary noise-generating construction equipment (e.g., generators and compressors) shall be located at the greatest distance possible from nearby noise-sensitive land uses. < An acoustic barrier (e.g., lead curtains, wooden sound barriers) shall be constructed along the northwestern boundary of the project site (along the West Marin 	Applicant (**)	During construction.	CDA
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	School property line) to reduce construction-generated noise levels associated with construction of the Williams Street Apartments. The barriers shall be designed to obstruct the line-of-sight between the nearest occupied buildings and onsite equipment. When installed properly, acoustic barriers can reduce construction noise levels by approximately 10 dBA (EPA 1971)				
	< Prior to commencing construction, written notification containing (at a minimum) the following information shall be provided to West Marin School: (1) the location of proposed construction activities, including haul truck routes; (2) the hours and dates during which construction activities are anticipated to occur; (3) the name and telephone number of a designated onsite representative to be contacted for noise- or safety-related concerns or complaints.	Applicant (**)	Prior to site grading	DPW	
4.12 Archaeological and Historic Resources					
4.12-1: Prehistoric Resources. No prehistoric archaeological resources are known to exist on the project site, based on a literature search and cultural resources surveys conducted by Peterson, Patterson, Dietz, and Nelson (1976) and David Chavez & Associates (2000). However, construction activities associated with development of the proposed project could result in the discovery of previously unknown, important prehistoric resources. This would be considered a potentially significant impact.	4.12-1: Construction Cessation If Resources Are Found. In the event that previously unknown archaeological resources are discovered during any land alterations activities, the construction crew shall immediately cease work in the discovery area (i.e., within 20 meters). A qualified archaeologist approved by Marin County Community Development Agency shall be consulted to evaluate the resource in accordance with state and federal guidelines. If prehistoric Native American remains are discovered, the State Native American Heritage Commission and affected Native American groups shall be notified in accordance with State regulations. Mitigation measures consistent with 21083.2 of CEQA shall be devised and a mitigation plan submitted for approval of the Community Development Agency. All archaeological excavation and monitoring activities shall be conducted in accordance with prevailing professional standards as outlined in 21083.2 of CEQA. Mitigation, in accordance with a plan approved by the Marin County Community Development Agency, shall be implemented	Applicant (**)	During grading.	CDA	

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	prior to commencement of work within the area of the resource find.				
<p>4.12-3: Effects of Proposed Building Design (Construction Materials) on Historic Resources. Although no known historic resources are located within the project site, the western portion of the site is located within the Point Reyes Station Historic Area, as delineated in the Marin County Local Coastal Program, Unit II. The details provided in the project=s application are not yet sufficient to render an informed evaluation of the effect of construction materials and level of finish on the National Register District eligibility of the Historic Area. If the final construction materials and level of finish do not reflect the craftsmanship and high-quality of building materials found in the existing downtown core buildings, the project could adversely affect the National Register District eligibility of the Historic Area. This is considered a potentially significant impact.</p>	<p>4.12-3: Finish Details and Building Materials. Prior to issuance of building permits, the finish details and construction materials shall be approved by the Marin County Community Development Director in consultation with a qualified architectural historian.</p>	Applicant (**)	Prior to issuance of a building permit.	CDA	
<p>4.12-4: Effects of Future Visitor Serving Commercial Facility Design on Historic Resources. The future visitor-serving commercial parcel would be located within the Point Reyes Station Historic Area identified in the LCP. Because the future facility has not yet been designed, it is not possible to evaluate the effect of the future facility's building design and materials on the National Register district eligibility of the Historic Area. If the building design, final construction materials, and level of finish selected for the future use do not reflect the style, mass, scale, craftsmanship, and quality of building materials found in the existing downtown core buildings, the project could</p>	<p>4.12-4: Design Review of Future Commercial Use. Prior to Precise Development Plan approval of the future commercial use, the facility's design shall be:</p> <ol style="list-style-type: none"> 1. reviewed by a qualified architectural historian to determine whether the style, mass, scale, craftsmanship, and quality of building materials characteristic of Point Reyes Station Historic Area would adversely affect the eligibility of the Historic Area as a National Register Historic District; and, 2. approved by the Marin County Community Development Director. 	Applicant (**)	Prior to Precise Development Plan approval for the commercial use.	CDA	

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adversely affect the National Register District eligibility of the Historic Area. This is considered a potentially significant impact.					
4.12-5: Cumulative Impacts on Prehistoric and Historic Resources. Implementation of the cumulative projects could potentially uncover previously unknown prehistoric or historic resources on the cumulative project sites. This would be considered a potentially significant cumulative impact.	4.12-5: Construction Cessation If Resources Are Found. Implement Mitigation Measures 4.12-1 (Construction Cessation If Resources Are Found). Application of Mitigation Measure 4.12-1 on a project-by-project basis would reduce potentially significant cumulative impacts to archaeological resources to a less-than-significant level.	Applicant (**)	During grading.	CDA	
4.13 Biological Resources					
4.13-3: Potential Disturbance of Raptor Nests and Other Bird Nests. Trees on and adjacent to the site provide potential nest sites for raptors and other birds. Raptors and their nests are protected under Section 3503.5 of California Fish and Game Code and the Point Reyes Station Community Plan includes a policy to prevent disturbance of nesting birds. Implementation of the proposed project could result in loss or disturbance of active nests. Therefore, this impact would be considered potentially significant.	<p>4.13-3: Impacts to Nesting Raptors and Other Nesting Birds. The following mitigation measures shall be implemented to ensure project impacts on raptors and other tree-nesting birds are reduced to a less-than-significant level.</p> <ul style="list-style-type: none"> < Tree removal shall be avoided during the nesting season (February 1 to August 31) to the extent possible. If tree removal is required during the nesting season, a focused survey shall be conducted by a qualified biologist to identify active nests in the trees to be removed. < If an active nest is found, the nest tree shall not be removed until after the young have fledged (as determined by a qualified biologist). < Prior to construction during the nesting season, a focused survey for raptor nests shall be conducted by a qualified biologist during the nesting season to identify active nests in and adjacent to the project site. The survey shall be conducted no less than 14 days and no more than 30 days prior to the beginning of construction or tree removal. < If nesting raptors are found during the focused survey, no construction shall occur within 400 feet of an active nest until the young have fledged (as determined by a qualified biologist). 	Applicant (**)	Prior to any tree removal occurring during the nesting season (February 1 to August 31).	CDA	
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<p>4.13-9: Construction-Related Impacts to Seasonal Wetlands. If not properly demarcated and protected, construction activities could inadvertently damage the seasonal wetlands intended to be preserved. This would be a significant impact.</p>	<p>4.13-9: Protect Seasonal Wetlands During Construction. To avoid inadvertent impacts to seasonal wetlands during construction, temporary orange mesh fencing shall be placed around all seasonal wetlands at the site and all activities shall be restricted to the outside of these fences by appropriate signage. The fencing location shall be identified by a qualified wetland specialist. The fences shall remain in place for the entire construction period and shall be periodically checked to ensure that they remain intact. Fencing shall be removed following the completion of construction.</p>	<p>Applicant (**)</p>	<p>Prior to issuance of a grading permit or building permit</p>	<p>CDA</p>
<p>4.13-10: Potential Impacts to Surrounding Natural Communities from Introduction of Invasive Species. Introduction of invasive species as part of the landscaping associated with the project could lead to the spread of invasive species in the Point Reyes area. This is considered a potentially significant impact.</p>	<p>4.13-10: Revised Landscaping Plan to Eliminate Potential Invasive Plants. The project proponent shall revise the landscaping plan, eliminating any species listed in the CalEPPC list (included in Appendix G of this report), and develop new plan in accordance with the Point Reyes Station Landscaping Guide (included in Appendix G).</p>	<p>Applicant (**)</p>	<p>Prior to issuance of a building permit</p>	<p>CDA</p>

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RESOLUTION NO. 2004-121
RESOLUTION OF THE MARIN COUNTY BOARD OF SUPERVISORS
RECOMMENDING APPROVAL OF THE
PROPOSED LOCAL COASTAL PROGRAM AMENDMENT
TO THE CALIFORNIA COASTAL COMMISSION

OFF GIACOMINI ROAD AND TOBY STREET, POINT REYES STATION
ASSESSOR'S PARCELS 119-240-45, -46, -57, -58

SECTION I: FINDINGS

- I. WHEREAS the Point Reyes Development Company, LLC submitted an application to amend the Point Reyes Affordable Homes approval in order to eliminate the affordability requirement for the seven for-sale single-family residences. The request will not modify any of the other components of the original project, including the construction of 27 rental affordable apartments and designation of land area for visitor-serving commercial uses, a public parking area with restroom, a single-family residential lot, and wetland conservation. All aspects of the Master Plan, including the project's density, type and location of land uses, building design and location, septic and stormwater infrastructure, and environmental mitigations would remain the same. The applicant and the other project funders have indicated that the 27-unit rental apartment project would remain financially viable only if the residences could be constructed and sold at market-rate prices. The property is located off **Giacomini Road and Toby Street, Point Reyes Station**, and is further identified as **Assessor's Parcels 119-240-45, -46, -57, and -58**.
- II. WHEREAS the Marin County Planning Commission held a duly-noticed public hearing on October 25, 2004 and voted (5-2) to recommend that the Board of Supervisors take the following actions: (1) recommend approval of the proposed Local Coastal Program Amendment to the California Coastal Commission; (2) adopt an ordinance approving the proposed Master Plan Amendment; and (3) adopt a resolution approving the proposed Coastal Permit Amendment.
- III. WHEREAS the Marin County Board of Supervisors held a duly-noticed public hearing on November 9, 2004 to consider the merits of the project, and hear testimony in favor of, and in opposition to, the project.
- IV. WHEREAS the Marin County Board of Supervisors finds that no additional environmental review is required pursuant to Section 15162 of the California Environmental Quality Act (CEQA) Guidelines because the proposed project does not involve new information, substantial changes, or new significant environmental impacts that were not previously considered and mitigated in the certified Environmental Impact Report.

- V. WHEREAS the Marin County Board of Supervisors finds that the proposed project is consistent with the California Coastal Act and the Local Coastal Program Unit II (LCP) because it involves a minor amendment to a site-specific policy that solely affects the affordable nature of the seven for-sale residences. Section 30514(c) of the Coastal Act provides for minor amendments to a certified Local Coastal Program. In conjunction with the original project, the Local Coastal Program was amended through the addition of New Development and Land Use Policy 8(b). This policy established land use designations for the property that reflected the mixture of residential, commercial, and conservation uses and densities as well as the specific location and type of development for each component of the overall development. The reference in Policy 8(b) to the affordable nature of the residences was included to reflect the applicant's original proposal to designate these units for sale at below market rate prices as a community benefit. The proposed Local Coastal Program amendment involves a minor change to the language contained in Policy 8(b) in order to eliminate the reference to the affordable nature of the seven single-family residences.

The project would not modify any physical component of the previously approved development that may affect or conflict with the protection of coastal resources. The proposed amendment would neither change the Coastal, Multi-family land use designation and maximum residential density nor the allowable residential use of the property, consistent with the requirements of Section 30514(d)(1)(B) of the Coastal Act. The Implementation Plan or coastal zoning for the property would remain unchanged, consistent with the previously approved coastal site development plan. The proposed change would not be inconsistent with either the Coastal Act or LCP because neither the Coastal Act nor LCP contain mandates for the creation of new affordable housing. Instead, the LCP recognizes that there is a need for affordable housing in West Marin and acknowledges the applicability of the County's inclusionary housing policies and ordinances in the coastal zone. The proposed project would comply with the County's residential inclusionary ordinance to the extent that 75% of the residential units would remain affordable to very low and low-income families, where the ordinance requires 20% of new residential development to be affordable. Finally, by allowing the residential component of the project to be sold at market rate prices, the project would remain financially viable and ultimately allow for the development of the other 27 affordable rental apartment units. These apartments would indirectly support visitor-serving and agricultural operations in West Marin by increasing the stock of housing that is available locally for those very low and low-income residents who are most likely to be employed in these businesses.

- VI. WHEREAS the Marin County Board of Supervisors finds that the proposed modification to New Development and Land Use Policy 8(b) would not only eliminate the reference to the affordable nature of the for-sale units, it would require that the seven units be sold at market prices. Recognizing that efforts are made concurrently to pursue reinstatement of the Section 8 vouchers for the project and other measures that could reduce project costs and/or increase sources and amounts of funding, the text for New Development and Land Use Policy should only be amended to provide the ability for the for-sale residences to be sold at affordable and/or market rate prices. The recommended text to Policy 8(b) would read: "Area A shall be developed with a maximum of seven detached affordable and/or market-rate for-sale units ranging in size from approximately 900 to 1,155 square feet." The amended text would not preclude the ability to maintain one or more of the residential units at affordable prices should the project financing conditions change.

SECTION II: ACTION

NOW, THEREFORE BE IT RESOLVED that the Marin County Board of Supervisors recommends that the California Coastal Commission adopt an amendment to the Local Coastal Program, Unit II that would replace New Development and Land Use Policy 8(b) with the following policy.

Development of the 18.59-acre property consisting of Assessor's Parcels 119-240-45, -46, -57, and -58 and consisting of Areas A, B, C, D, E and F as depicted on Exhibit E, shall be subject to the following land use designations, as defined in the Marin Countywide Plan and further incorporated as Appendix G to the Local Coastal Program: The land use designation for Areas A and B shall be C-MF-2 (Coastal, Multiple-family, one to four units per acre maximum residential density). The land use designation for Area C shall be C-SF-4 (Coastal, Single-family Residential, one to two units per acre). The land use designation for Areas D and E shall be C-RS (Coastal, Residential Commercial, one to 20 units per acre maximum residential density, 30% to 50% commercial floor area ratio). The land use designation for Area F shall be C-OS (Coastal, Open Space).

The site shall be subject to an overall single site development plan for the entire 18.59-acre area that consists of Areas A, B, C, D, E, and F. The site development plan shall be subject to the review and approval of the California Coastal Commission as an amendment to the LCP. Any coastal development permit or permits for development of any portion of the site shall be consistent with the approved site development plan. The site development plan shall indicate the kinds, locations, and intensities of uses allowable in accordance with the following requirements.

1. The total number of residential units on the entire 18.6-acre area shall not exceed 36.
2. Area A shall be developed with a maximum of seven detached affordable and/or market-rate for-sale units ranging in size from approximately 900 to 1,155 square feet.
3. Area B shall be developed with a maximum of 27 rental affordable units ranging in size from approximately 1,440 to 1,720 square feet, with a manager's unit/community building of approximately 2,180 square feet.
4. No more than two residential dwelling units may be developed within Area C.
5. A minimum of 12 public parking spaces shall be provided within Area D.
6. A minimum of two acres shall be reserved for a future overnight visitor-serving facility, preferably providing lower cost services to the maximum extent feasible, or an alternative commercial use deemed appropriate by the Coastal Commission within Area E.
7. Future use of the approximate 18.59-acre area depicted on Exhibit E, including all wetlands shall be consistent with the Local Coastal Program, including provisions which mandate a 100-foot minimum buffer as measured landward from the edge of the wetlands.

SECTION III: VOTE

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin, State of California, on the 9th day of November, 2004, by the following vote to wit:

AYES: SUPERVISORS: Susan L. Adams, Harold C. Brown, Jr., Annette Rose,
Cynthia L. Murray, Steve Kinsey

NOES: NONE

ABSENT: NONE



PRESIDENT, BOARD OF SUPERVISORS

ATTEST:



CLERK

ORDINANCE 3414

**AN ORDINANCE OF THE MARIN COUNTY BOARD OF SUPERVISORS
APPROVING THE POINT REYES DEVELOPMENT COMPANY
MASTER PLAN AMENDMENT (MP 05-3)**

**OFF GIACOMINI ROAD AND TOBY STREET, POINT REYES STATION
ASSESSOR'S PARCELS 119-240-45, -46, -57, -58**

The Board of Supervisors of the County of Marin ordains as follows.

SECTION I: FINDINGS

- I. WHEREAS the Point Reyes Development Company, LLC submitted an application to amend the Point Reyes Affordable Homes approval in order to eliminate the affordability requirement for the seven for-sale single-family residences. The request will not modify any of the other components of the original project, including the construction of 27 rental affordable apartments and designation of land area for visitor-serving commercial uses, a public parking area with restroom, a single-family residential lot, and wetland conservation. All aspects of the Master Plan, including the project's density, type and location of land uses, building design and location, septic and stormwater infrastructure, and environmental mitigations would remain the same. The applicant and the other project funders have indicated that the 27-unit rental apartment project would remain financially viable only if the residences could be constructed and sold at market-rate prices. The property is located off **Giacomini Road and Toby Street, Point Reyes Station**, and is further identified as **Assessor's Parcels 119-240-45, -46, -57, and -58**.
- II. WHEREAS the Marin County Planning Commission held a duly-noticed public hearing on October 25, 2004 and voted (5-2) to recommend that the Board of Supervisors take the following actions: (1) recommend approval of the proposed Local Coastal Program Amendment to the California Coastal Commission; (2) adopt an ordinance approving the proposed Master Plan Amendment; and (3) adopt a resolution approving the proposed Coastal Permit Amendment.
- III. WHEREAS the Marin County Board of Supervisors held a duly-noticed public hearing on November 9, 2004 to consider the merits of the project, and hear testimony in favor of, and in opposition to, the project.
- IV. WHEREAS the Marin County Board of Supervisors finds that no additional environmental review is required pursuant to Section 15162 of the California Environmental Quality Act (CEQA) Guidelines because the proposed project does not involve new information, substantial changes, or new significant environmental impacts that were not previously considered and mitigated in the certified Environmental Impact Report.

- V. WHEREAS the Marin County Board of Supervisors finds that the proposed project is consistent with the Marin Countywide Plan (CWP) and Point Reyes Station Community Plan (PRSCP) because it would maintain the same number, type, and size of residences that were previously approved on the property, consistent with the respective CWP and PRSCP land use designations. Overall, the project would provide additional housing and job opportunities and promote the preservation of the viability of Point Reyes Station as a small rural working town by providing a balanced, mix-used development consisting of residential, commercial, and conservation uses within the downtown area for Point Reyes Station. The project would still retain a substantial degree of affordability through construction of the 27 affordable apartment units, which represent 75% of the total number of units. This remains consistent with the PRSCP's policies which identify the property as a suitable site for affordable housing development. Additionally, the project would maintain the character of the surrounding community by utilizing an architectural design that would complement the village's existing buildings in scale, form, and massing and ensure the protection of important resources, such as wetlands, creeks, and special status plant and animal species.
- VI. WHEREAS the Marin County Board of Supervisors finds that the proposed project is consistent with the overall goals and objectives of the Point Reyes Affordable Homes Master Plan and would not affect or modify any of the physical parameters for the development, including the project density, type and location of land uses, building design and location, infrastructure, and required environmental mitigations. The overall goals and objectives of the development would still be substantially implemented through ensuring that at least 75% of the residential development remain affordable to very low and low income families, that land would still be set aside for future public-serving uses, including a visitor-serving lodging, parking, and restroom facilities, and that important on-site wetlands and their associated habitat values are protected and enhanced. In order to provide the maximum amount of opportunity for affordable housing, a condition of approval for the Master Plan would require that the applicant pursue in good faith any and all opportunities that are available in order to provide for affordability for part of or all of the seven for-sale residences.
- VII. WHEREAS the Marin County Board of Supervisors finds that the proposed project is consistent with the Local Coastal Program Unit II (LCP) because it involves a minor amendment to a site-specific policy that solely affects the affordable nature of the seven for-sale residences. Because no physical changes are proposed to the overall site development plan, the project would remain consistent with all applicable LCP policies relative to protection of coastal resources, public access, and recreation.
- VIII. WHEREAS the Marin County Board of Supervisors finds that proposed project would not adversely impact the public health, safety, and welfare of residents living and working in the surrounding community and would result in substantial public benefits.

SECTION II: ACTION

NOW, THEREFORE BE IT ORDAINED that the Marin County Board of Supervisors hereby approves the Point Reyes Development Company Master Plan Amendment (MP 05-3) which would amend the Point Reyes Affordable Homes Master Plan (Ordinance 3339), subject to approval of a Local Coastal Program Amendment by the California Coastal Commission and the following conditions.

1. Pursuant to Marin County Code Chapters 22.45, the Point Reyes Development Company Master Plan Amendment (MP 05-3) is approved to amend the Point Reyes Affordable Homes Master Plan (Ordinance 3339) to modify Condition of Approval 1(e), which shall be replaced with the following condition:

Pursuant to Marin County Code Chapters 22.45, 22.56, and 20.32, the Point Reyes Affordable Homes Master Plan, Precise Development Plan, Coastal Permit, and Subdivision applications are approved for the following: (1) the construction of 27 affordable rental apartments and seven affordable and/or market-rate for-sale single-family residences; (2) the reservation of land area for future development of a three-bedroom, up to 2,800 square foot market rate single-family residence, a one-bedroom, up to 750 square foot cottage, and a barn; (3) the reservation of land area for future development of a 20-room, up to 17,000 square foot lodge or a similar visitor-serving use; (4) the reservation of land area for future development of a 12-space public parking lot and a restroom structure; and (5) the reservation of land for open space conservation purposes. A Subdivision (Vesting Tentative Map) to divide the property into 13 separate lots of record is conditionally approved. Any modifications to the project that would eliminate the affordable component shall require an amendment to the Master Plan.

2. Condition of Approval 38 from the Point Reyes Affordable Homes Master Plan shall be replaced with the following condition:

Should one or more of the seven for-sale single-family residences that comprise the Papermill Creek Homes be available for sale as affordable units, the applicant shall first submit a Below Market Rate Agreement for review and approval by the Community Development Director. The agreement shall be consistent with Section 22.97.070 of the Marin County Code and applicable law. The agreement shall acknowledge that the project would consist of inclusionary for-sale units to be sold to residents of very low, low, or moderate income. The agreement shall also contain initial and periodic monitoring provisions to verify compliance with the terms of the agreement.

3. The applicant shall pursue in good faith any and all opportunities that are available, including phased sale of the units, in order to provide for affordability for as many of the seven-unit, for-sale residential component of this project as financially feasible, subject to review and approval by the Community Development Agency Director.
4. With exception to the conditions that are modified herein, all other conditions of project approval for the Point Reyes Affordable Homes Master Plan shall remain valid.

SECTION III: EFFECTIVE DATE

This Ordinance shall be and is hereby declared to be in full force and effect as of thirty (30) days from and after the date of its passage, and shall be published once before the expiration date of fifteen (15) days after its passage, with the names of the Supervisors voting for and against the same in the Marin Independent Journal, a newspaper of general circulation published in the County of Marin.

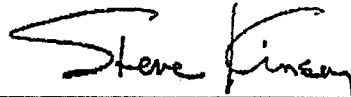
SECTION IV: VOTE

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin, State of California, on the 9th day of November, 2004, by the following vote to wit:

AYES: SUPERVISORS Susan Adams, Harold C. Brown, Jr., Annette Rose, Cynthia L. Murray, Steve Kinsey, President

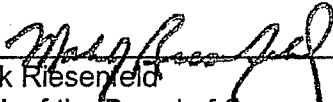
NOES: NONE

ABSENT: NONE



STEVE KINSEY, PRESIDENT
MARIN COUNTY BOARD OF SUPERVISORS

Attest:



Mark Riesenfeld
Clerk of the Board of Supervisors

RESOLUTION NO. 2004-122
RESOLUTION OF THE MARIN COUNTY BOARD OF SUPERVISORS
APPROVING THE POINT REYES DEVELOPMENT COMPANY
COASTAL PERMIT AMENDMENT (CP 05-12)

OFF GIACOMINI ROAD AND TOBY STREET, POINT REYES STATION
ASSESSOR'S PARCELS 119-240-45, -46, -57, -58

SECTION I: FINDINGS

- I. WHEREAS the Point Reyes Development Company, LLC submitted an application to amend the Point Reyes Affordable Homes approval in order to eliminate the affordability requirement for the seven for-sale single-family residences. The request will not modify any of the other components of the original project, including the construction of 27 rental affordable apartments and designation of land area for visitor-serving commercial uses, a public parking area with restroom, a single-family residential lot, and wetland conservation. All aspects of the Master Plan, including the project's density, type and location of land uses, building design and location, septic and stormwater infrastructure, and environmental mitigations would remain the same. The applicant and the other project funders have indicated that the 27-unit rental apartment project would remain financially viable only if the residences could be constructed and sold at market-rate prices. The property is located off **Giacomini Road and Toby Street, Point Reyes Station**, and is further identified as **Assessor's Parcels 119-240-45, -46, -57, and -58**.
- II. WHEREAS the Marin County Planning Commission held a duly-noticed public hearing on October 25, 2004 and voted (5-2) to recommend that the Board of Supervisors take the following actions: (1) recommend approval of the proposed Local Coastal Program Amendment to the California Coastal Commission; (2) adopt an ordinance approving the proposed Master Plan Amendment; and (3) adopt a resolution approving the proposed Coastal Permit Amendment.
- III. WHEREAS the Marin County Board of Supervisors held a duly-noticed public hearing on November 9, 2004 to consider the merits of the project, and hear testimony in favor of, and in opposition to, the project.
- IV. WHEREAS the Marin County Board of Supervisors finds that no additional environmental review is required pursuant to Section 15162 of the California Environmental Quality Act (CEQA) Guidelines because the proposed project does not involve new information, substantial changes, or new significant environmental impacts that were not previously considered and mitigated in the certified Environmental Impact Report.

- V. WHEREAS the Marin County Board of Supervisors finds that the proposed project is consistent with the Marin Countywide Plan (CWP) and Point Reyes Station Community Plan (PRSCP) because it would maintain the same number, type, and size of residences that were previously approved on the property, consistent with the respective CWP and PRSCP land use designations. Overall, the project would provide additional housing and job opportunities and promote the preservation of the viability of Point Reyes Station as a small rural working town by providing a balanced, mix-used development consisting of residential, commercial, and conservation uses within the downtown area for Point Reyes Station. The project would still retain a substantial degree of affordability through construction of the 27 affordable apartment units, which represent 75% of the total number of units. This remains consistent with the PRSCP's policies which identify the property as a suitable site for affordable housing development. Additionally, the project would maintain the character of the surrounding community by utilizing an architectural design that would complement the village's existing buildings in scale, form, and massing and ensure the protection of important resources, such as wetlands, creeks, and special status plant and animal species.
- VI. WHEREAS the Marin County Board of Supervisors finds that the proposed project is consistent with the overall goals and objectives of the Point Reyes Affordable Homes Master Plan and would not affect or modify any of the physical parameters for the development, including the project density, type and location of land uses, building design and location, infrastructure, and required environmental mitigations. The overall goals and objectives of the development would still be substantially implemented through ensuring that at least 75% of the residential development remain affordable to very low and low income families, that land would still be set aside for future public-serving uses, including a visitor-serving lodging, parking, and restroom facilities, and that important on-site wetlands and their associated habitat values are protected and enhanced. In order to provide the maximum amount of opportunity for affordable housing, a condition of approval for the Master Plan would require that the applicant pursue in good faith any and all opportunities that are available in order to provide for affordability for part of or all of the seven for-sale residences.
- VII. WHEREAS the Marin County Board of Supervisors finds that the proposed project is consistent with the Local Coastal Program Unit II (LCP) because it involves a minor amendment to a site-specific policy that solely affects the affordable nature of the seven for-sale residences. Because no physical changes are proposed to the overall site development plan, the project would remain consistent with all applicable LCP policies relative to protection of coastal resources, public access, and recreation.
- VIII. WHEREAS the Marin County Board of Supervisors finds that proposed project is consistent with the requirements for a Coastal Permit pursuant to Marin County Code Section 22.56.130 because all of the findings for approval of a Coastal Permit contained in the Point Reyes Affordable Homes Coastal Permit (Resolution 2002-28) remain applicable to the development. The elimination of the affordability requirement for the seven for-sale single-family residences would allow for the construction of the 27 affordable apartment units which would be targeted at very low and low income households.

SECTION II: ACTION

NOW, THEREFORE BE IT RESOLVED that the Marin County Board of Supervisors hereby approves the Point Reyes Development Company Coastal Permit Amendment (CP 05-12), subject to approval of a Local Coastal Program Amendment by the California Coastal Commission and the following conditions.

1. Pursuant to Marin County Code Chapters 22.45, the Point Reyes Development Company Coastal Permit Amendment (CP 05-12) is approved to amend the Point Reyes Affordable Homes Coastal Permit (Resolution 2002-28) to modify Condition of Approval 1(e), which shall be replaced with the following condition:

Pursuant to Marin County Code Chapters 22.45, 22.56, and 20.32, the Point Reyes Affordable Homes Master Plan, Precise Development Plan, Coastal Permit, and Subdivision applications are approved for the following: (1) the construction of 27 affordable rental apartments and seven affordable and/or market-rate for-sale single-family residences; (2) the reservation of land area for future development of a three-bedroom, up to 2,800 square foot market rate single-family residence, a one-bedroom, up to 750 square foot cottage, and a barn; (3) the reservation of land area for future development of a 20-room, up to 17,000 square foot lodge or a similar visitor-serving use; (4) the reservation of land area for future development of a 12-space public parking lot and a restroom structure; and (5) the reservation of land for open space conservation purposes. A Subdivision (Vesting Tentative Map) to divide the property into 13 separate lots of record is conditionally approved. Any modifications to the project that would eliminate the affordable component shall require an amendment to the Master Plan.

2. Condition of Approval 38 from the Point Reyes Affordable Homes Coastal Permit shall be replaced with the following condition:

Should one or more of the seven for-sale single-family residences that comprise the Papermill Creek Homes be available for sale as affordable units, the applicant shall first submit a Below Market Rate Agreement for review and approval by the Community Development Director. The agreement shall be consistent with Section 22.97.070 of the Marin County Code and applicable law. The agreement shall acknowledge that the project would consist of inclusionary for-sale units to be sold to residents of very low, low, or moderate income. The agreement shall also contain initial and periodic monitoring provisions to verify compliance with the terms of the agreement.

3. The applicant shall pursue in good faith any and all opportunities that are available, including phased sale of the units, in order to provide for affordability for as many of the seven-unit, for-sale residential component of this project as financially feasible, subject to review and approval by the Community Development Agency Director.
4. With exception to the conditions that are modified herein, all other conditions of project approval for the Point Reyes Affordable Homes Coastal Permit shall remain valid.

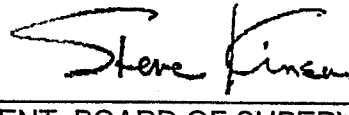
SECTION III: VOTE

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin, State of California, on the 9th day of November 2004, by the following vote to wit:

AYES: SUPERVISORS: Susan L. Adams, Harold C. Brown, Jr., Annette Rose,
Cynthia L. Murray, Steve Kinsey

NOES: NONE

ABSENT: NONE



PRESIDENT, BOARD OF SUPERVISORS

ATTEST:



CLERK