

RESOLUTION NO. 2010-_____
RESOLUTION OF THE MARIN COUNTY BOARD OF SUPERVISORS
A RESOLUTION APPROVING WITH CONDITIONS THE DILLON VISION (BRADER-MAGEE)
COASTAL PERMIT, DESIGN REVIEW, AND USE PERMIT
17990 STATE ROUTE 1, MARSHALL
ASSESSOR'S PARCEL 106-220-20

SECTION I: FINDINGS

- I. WHEREAS, the applicant is requesting Coastal Permit, Design Review, and Use Permit approvals to establish a new agriculture operation and to construct a new single-family residence and garage, equipment barn, brandy production barn, two sheep shelters, green house, and hop barn on the 149.76-acre parcel. The property would be managed for the following agricultural uses: livestock production, hop production, grape and limited brandy production, and crops for local farmers' markets. A new road would be constructed near the northwestern entrance, off of the private access road, and would traverse the northern property line to serve the equipment barn and residence. All buildings are proposed outside of the stream, wetland, and riparian protection areas. Also proposed is a new well located near the northern property line, five 4,950-gallon water tanks for fire suppression, agricultural use, and domestic use, and three 250-gallon propane tanks near the equipment barn, residence, and brandy barn. The proposed structures would maintain the following setbacks from the nearest property lines: 1) residence, side (north) 223 feet; 2) equipment barn, side (north) 71 feet; 3) brandy barn, front (west) 86 feet; 4) sheep shelter #1, side (south) 133 feet; 5) sheep shelter #2, front (west) 166 feet; and 6) hopyard shelter, side (south) 289 feet. The total area of residential development would be less than 1 acre, which is less than one percent of the total area of the 149.76 acre lot. The table below indicates the area calculations for the proposed structures and agricultural uses.

Table 1: Summary of Development Characteristics

	Floor Area (Sq.Ft.)	Coverage (Sq.Ft)	Maximum Height (Feet)
Residence			
Single-family Residence	3,165		22
Attached Garage	648		
Agricultural Structures			
Brandy Barn	1,456	496	14.8
Equipment Barn	1,792		15
Shed		960	13.5
Hops Shelter	N/A	896	15
Sheep Shelters # 1 and # 2	N/A	1,500	7
Greenhouse	N/A	600	8.5
Land Use			
Hop Cultivation	N/A	6 +/- acres	
Grazing	N/A	50 +/- acres	
Vineyard	N/A	6 acres	
Greenhouse and Crop Garden	N/A	2.3 acres	
Hopyard	N/A	6 acres	

Residential Development

The applicant proposes construction of a new residence that would be accessory to the agricultural use of the property. The new residence would step up the hillside and would be clustered near the equipment barn and brandy shelter, within an area of approximately 6 acres in the northwestern portion of the property. The residence would be finished in batten-board/shiplap wood siding that would be dark tan in color, and the window trim and roof would be dark green. The roofing would be metal, and treated to be non-reflective.

Agricultural Operation

The applicant proposes the following agricultural uses: hop production, livestock production, grape and brandy production, and crop production. The brandy barn and equipment barn would be finished in colors and materials similar to the proposed residence, and all exterior lighting would be downward directed and hooded. The equipment barn would be used to store implements and equipment for the agricultural operations, and would have an equipment shop. The equipment barn would be 1,792 square feet in size with a 960 square foot shed. Within the covered open area would be chicken coops. The equipment barn would maintain a maximum height of 15 feet above grade.

Hopyard

The hopyard would occupy approximately 6 acres along the southern property line and would contain the hops shelter and processing area. The open-sided, 896 square foot shelter would attain a maximum height of 15 feet above grade and would utilize a green non-reflective metal roof. The structure would be sited near the existing agricultural road on the southern end of the property.

Vineyard and Brandy Production

The vineyard would be located near the northern property line and would occupy approximately 6 acres. The applicant proposes to cultivate English Dessert Wine Grapes near the northern property line, on the south-facing slope. Approximately 3,000 vines would be planted, and it is anticipated that it would take several years before the vines would produce grapes suitable for fermentation. The grapes grown on site would be distilled and aged to produce an estate brandy. Anticipated yield would be 100 cases per year. All products would be sold regionally. Products would also be sold on-site during reservation-only public tours. The appointment-only tours would be scheduled on Saturdays for a maximum of three per week, between the hours of 11:00 am and 3:00 pm. Each tour would be limited to a maximum of eight adults. No on-site consumption is proposed. The brandy barn would have approximately 140 square feet of retail space located within it. The production of brandy would be seasonal. The lees (stems, skins and leaves) would be used as compost on-site. Wastewater would be segregated, and high strength waste would be collected and stored in a polytank within 100 feet of the building, to be used for on-site fertilization. The liquid waste would be disposed of in the farm's septic system. The brandy barn would be located approximately 100 feet from State Route One. The barn would be approximately 1,456 square feet in size, with 496 square feet of covered area, and would attain a maximum height of 14.8 feet above grade.

Livestock Production

Approximately 50 acres of land would be used for sheep grazing. The applicant proposes to introduce a flock of 25 "feeder sheep" that would be sold in the summer of the following year. Gradually they would increase their inventory with two rams, and plan to have a flock of 25 ewes for lambing. The flock would be rotated through five different paddocks, and feed would be supplemented during the dry season.

The applicant proposes to install temporary livestock fencing seasonally during the portion of the year when erosion and waste runoff potential is highest. The fencing would be located 100 feet from the edge of all wetlands on the property. The applicant proposes to allow the livestock to forage in and around the wetlands on the property during the dry season. The applicant also proposes short term, intensive (every two to three years) grazing in selected riparian areas surrounding the blue line stream on the property.

The sheep would be moved into either of the two sheep shelters at night, which would be predator proof. Two to four horses would reside on the property for moving livestock. Chickens would be free range, and would be cooped in the shed adjacent to the equipment barn.

Crop Production

The applicant proposes to utilize approximately 2.3 acres of the site for crop production, located on the central, western edge of the property. The site would be accessed by existing farm roads. Produce would be cultivated for local farmers' markets, and a green house would be constructed. The greenhouse would be a 20-foot by 30-foot, tube framed structure with a polyfilm cover. Approximately 600 artichoke plants would be located in the southern grassland area, as would other crops that would be determined at a later date.

Site Improvements

Site improvements include construction of: (1) an approximately 850 foot long driveway off a private driveway that parallels State Route One, leading to the equipment barn and residence; (2) a sewage disposal system; (3) five 4,950-gallon water storage tanks; (4) a new well near the northern property line; and (5) underground utilities. Coastal Permit approval is requested for a new domestic well. The existing well would be used for all agricultural activities. In addition, a new septic field would be installed near the northern property line and all sewage produced from the brandy facility, equipment barn, and residence would be pumped uphill to this location. The new driveway would be constructed of a coarse aggregate base and out-sloped to a grass-lined swale which would allow for runoff to infiltrate on-site. The road would result in a balanced amount of cut and fill. The total cut and fill for the equipment barn, residence, and brandy barn would be 1,710 and 1,230 cubic yards respectively, the remaining soil would be distributed on site. A drainage plan has also been provided, which shows that all runoff from impervious surfaces would be collected and dispersed on-site.

Agricultural Management

The project proposes three main agricultural activities on-site. In planning their agricultural operation, the applicant involved the expertise of the following entities: Colorado State University Hop Cultivation Program, the Oregon Hop Growers Guild, Marin County Agricultural Commissioner, and other agricultural producers in the area. Based on their research, the applicant developed an Agricultural Management Plan. The plan would be implemented utilizing the labor of Tony Magee and Clarissa Brader, and one additional skilled agricultural worker. During the harvest season, up to five temporary employees may be needed.

The applicant would use the existing seasonal farm roads around the property. During the wet season, when the roads are inoperable, travel around the property would be by horses. Movement through the stream and wetland buffer areas would only be for agricultural purposes. The applicant would fence a majority of the stream and riparian areas, and wetland buffer areas, in addition to 1,100 feet of perimeter fencing on the western boundary along State Route One, and replacing existing fencing as necessary. The applicant has already

installed 2,300 lineal feet of pasture fencing along the southern edge of the western riparian wetland edge. The applicant has developed a structured rotational grazing calendar, which would be modified as needed during the seasons based on observations and experience. There are three springs on the property, two of which would be utilized for watering the sheep. The existing well would serve all agricultural needs on the southern end of the property. Corrals would also be constructed adjacent to the sheep barns.

Agricultural Conservation Agreement

The applicant has proposed to convey to the County an Agricultural Conservation Easement and Declaration of Restrictions with provisions for a variety of perpetual uses and restrictions as summarized below.

1. The terms of the Easement include the imposition of a perpetual obligation for the active conduct of agricultural production within a designated Agricultural Production Zone that would be delineated and recorded in accordance with the Agricultural Management Plan.
2. The terms of the Easement establish a process whereby an outside agricultural operator may lease the subject property at reasonable rates in the event the owner of the property is unable or unwilling to continue active agricultural production on the property.
3. The terms of the Easement establish permitted and prohibited uses, and practices to which the property owner would be bound to adhere to.
4. Finally, the easement would extinguish all residual zoning potential on the property.

Provisions contained in the Easement to enforce the above terms include the right of the County to inspect, observe, and study the subject property with respect to the Baseline Data, to monitor the owners' compliance with the terms of the Easement, including the uses and practices, the right to prevent any activity on, or use of, the property that is inconsistent with the purposes of the Easement, and, should the owners fail to utilize the property for agricultural production or fail to select an agriculture production operator, the County may pursue obtaining an operator and/or enter into a lease on behalf of the Owners. Leased lands could be managed as grazing range for livestock, at a sustainable level based on the Marin County Agriculture Commissioner's guidelines for the available forage present and the residual matter required for prudent stewardship of the land.

The subject property is zoned C-APZ-60 (Coastal, Agricultural Production Zone, Planned District, one primary dwelling unit per 60 acres maximum density). The property is located at 17990 State Route 1, Marshall and is further identified as Assessor's Parcel 106-220-20.

- II. WHEREAS, the Marin County Planning Commission held a duly noticed public hearing on April 12, 2010 to consider the merits of the project, and hear testimony in favor of and in opposition to the project and voted (7-0) to grant conditional approval of the project based on the project's compliance with policies of the Marin Countywide Plan, Local Coastal Program, Unit II, East Shore Community Plan, and the Marin County Interim Code.
- III. WHEREAS, on April 19, 2010, Robert F. Epstein on behalf of Scott Kivel, filed a timely appeal of the Planning Commission's decision asserting that the Planning Commission erred in granting project approval because: 1) the proposed project does not qualify for a Categorical

Exemption from CEQA under Section 15303, Class 3; 2) the project does not meet the requirements for a Master Plan waiver; and 3) the Local Coastal Program, Unit II findings regarding Water Supply, and Visual Resources and Community Character cannot be made.

- IV. WHEREAS, the Marin County Board of Supervisors held a duly noticed public hearing on May 11, 2010 to consider the merits of the project and hear testimony in favor of, and in opposition to, the project.
- V. WHEREAS, the Marin County Board of Supervisors finds that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15303, Class 3 of the CEQA Guidelines, which allows for the construction of small facilities or structures, and their associated equipment, including single-family residences and accessory structures, provided that their construction would not result in significant amounts of grading and vegetation removal that could result in potentially significant impacts on the environment. All proposed development is located outside of wetland, stream and riparian protection areas. No special status species were found within the proposed project areas, and no impacts to sensitive habitat areas would occur. No development would occur in areas that contain known archaeological resources, and the project would not result in a significant increase in traffic, or result in traffic hazards. In addition the Board of Supervisors has determined that the residence and agricultural structures are accessory to the agricultural use of the property, and the project was determined by the Board of Supervisors to be "minor and incidental in nature."
- VI. WHEREAS, the Marin County Board of Supervisors finds that the project is consistent with the Marin Countywide Plan for the following reasons. The proposed project is consistent with the Countywide Plan's Agricultural (C-AG-1, one unit per 31 to 60 acres) land use designation for the property because it would result in a conforming residential density below one unit per 60 acres. The project proposes one dwelling unit that would be located on less than 5% of the total land area. The applicant would reside in the residence and manage all labor on the property (Policy AG-1.1 and 1.6). The residence would be located within 600 feet of the equipment and brandy barn, and within a site that could not be utilized for crop production or grazing, leaving the remaining land for agricultural related structures and agricultural activities (Policy AG-1.6). The applicant would also enter into an Agricultural Conservation Easement that would relinquish the residual development potential on the property and would preserve all useable agricultural lands (Policy AG-1.2, AG-1.3, AG-1.8). The Agricultural Management Plan proposes a project that includes small-scale row crop production for local farmers' markets, and diversified agricultural activities (Policy AG-2.3), which assists to ensure the continued economic viability of the county agricultural industry (Policy AG-2.4, AG-2.5 and AG-2.6). The applicant has provided a Site Assessment that confirms that all development would be located outside of the Stream and Wetland Conservation Areas, and would not impact sensitive habitat areas or special status species (BIO-1.1, BIO-3.1, BIO-2.1, BIO-2.2, BIO-2.3, BIO-2.7, and BIO-4.1, and BIO-4.2). The applicant has provided engineering plans that demonstrate that all surface runoff would be infiltrated on-site, and the project would not result in increased sedimentation and pollution to the watershed (Policy WR-1.1 through 1.4). The project has been sited in an area deemed suitable from a geotechnical perspective. The new driveway would be constructed in an area that would not require large retaining walls, or excessive grading and site alterations (EH-2.1). The proposed Vegetation Management Plan identifies vegetation that would be removed or reduced to minimize the fire hazard potential (EH-4.1 and 4.2). The applicant has also provided an archeological report, and all proposed

development is located away from known archaeological resources, and there is no potential for impacts to known archaeological sites (HAR-1.3).

- VII. WHEREAS, the Marin County Board of Supervisors finds that the project is consistent with the relevant policies of the East Shore Community Plan because the proposed project would ensure that all development is outside of sensitive habitat areas, and would preserve the entire southern portion of the property, which is the best suited for grazing. In addition, the residence has been sited in a location that would not conflict with the public's and applicant's ability to access agricultural structures, and structures would be sited way from ridgelines and clustered near existing adjacent development, thereby preserving a majority of the open grasslands and mixed woodlands. All development would be sited outside of sensitive habitat areas, and the project has been designed to not result in adverse effects to water resources. The applicant has provided a detailed Agricultural Management Plan that demonstrates the applicant's ability to maintain the property for the production of food and fiber. Also provided was a traffic study that determined that the entrance to the property would provide adequate sight distance along State Route One, and the project would contribute an insignificant amount of traffic.
- VIII. WHEREAS, the Marin County Board of Supervisors finds pursuant to Marin County Code Section 22.56.026I, that a waiver from the Master Plan requirement is granted based on the conditional approval because: (1) the proposed project would result in one appropriate-sized primary single-family residential development, a principally permitted use in the governing C-APZ zoning district pursuant to MCC Section 22.57.032.2I; (2) the proposed development is minor and incidental in nature and within the scope of the local coastal plan pursuant to MCC 22.56.026(C)I; (3) the project, as conditioned, would implement the goals and policies of the Marin Countywide Plan, and the Local Coastal Program, Unit II, with respect to site design, preservation of natural resources, agricultural lands, and visual resources; (4) the proposed project and submittal materials allow for the review and action of the full development potential of the subject property, and all residual development potential would be relinquished with a recorded Agricultural Conservation Easement; (5) all requirements of the Master Plan application for the proposed residential development including, but not limited to, siting, design, preliminary grading, drainage, infrastructure, and access and parking, as well as the agricultural use of the land and consistency with the C-APZ development standards have been reviewed by the County through the Coastal Permit, Design Review, and Use Permit applications for consistency with MCC Chapters 22.57I (Coastal District Regulations), 22.82I (Design Review), and 22.88I (Use Permits); (6) the Master Plan requirement applies only to the subject parcel as no other contiguous parcel is under the same ownership; (7) the project's Agricultural Management Plan has been reviewed by the Marin County Agricultural Advisory Committee, which has found that the proposed agricultural activities utilize the maximum potential of the agricultural lands and the project to be reasonable; (8) the project is consistent with the LCP, Unit II Agricultural Resources Policies in that all residential development is clustered on less than 5% (approximately 4%) of the gross acreage to retain the maximum amount of land for agricultural production; (9) the project is sited to minimize impacts on natural and scenic resources; (10) the residential development is sited in close proximity to State Route One; (11) the project does not result in a loss of potential agricultural lands and provides for permanent protection, stewardship, and preservation of agricultural lands and the long-term potential agricultural use of said lands through the conveyance to the County of an Agricultural Conservation Easement.

IX. WHEREAS, the Marin County Board of Supervisors finds that the proposed project is consistent with the mandatory findings to approve a Coastal Permit (Marin County Code Section 22.56.130I) and finds that this project conforms to the requirements of Local Coastal Program, Unit II, as follows:

A. Water Supply:

The Marin County Community Development Agency – Environmental Health Services has reviewed the well reports for the existing well, and has determined that it could adequately serve all the proposed uses. A proposed second well would serve all development near the northern property line, would reduce the pressure on the existing well, and would be reviewed during the building permit stage to ensure that it could supplement the existing well adequately to serve the project.

B. Septic System Standards:

The Marin County Community Development Agency - Environmental Health Services has reviewed the septic system and leachfield design plans and has conditionally approved the plans, based on the applicant receiving approval of the septic design plans for the brandy facility from the State Regional Water Quality Control Board.

C. Grading and Excavation:

The project would result in 1,710 cubic yards of cut and 1,230 cubic yards of fill for the equipment barn residence and brandy barn. The balance of the cut would be utilized throughout the property, and would result in a balance achieved on-site. The conditions of approval require an Erosion and Siltation Control Plan that addresses pre- and post-construction activities. The proposed project has been designed to fit the site's topography and existing soil, geological, and hydrological conditions so that grading, cut and fill, and site disturbance have been kept to the minimum amount necessary to preserve the natural landforms and to allow structures to blend into the existing topography.

D. Archaeological Resources:

The applicant has provided an Archaeological Report that confirms that the project as approved would not disturb known archaeological sites. Conditions of project approval require that, in the event that cultural resources are uncovered during site preparation, all work be stopped immediately, and the services of a qualified consulting archaeologist be engaged to assess the value of the resource and to develop appropriate mitigation measures

E. Coastal Access:

The property is located on the east side of State Route One, and on the west side of the Highway and to the north of the property, are lands owned by the State of California that provide safe public access points to baylands. Potential future public access would not be impacted by the proposed project. Due to public safety issues

and protection of the viable agricultural production of the property, the County is not requiring the dedication of a public access trail.

F. Housing:

Construction of a new single-family residence and associated improvements would increase the housing stock in Marshall.

G. Stream and Wetland Resource Protection:

The property contains one unnamed blue line stream, and there are two springs near the northern property line. A Site Assessment was conducted and return visits were made to assess the springs during various times of the year. During a large storm event, the spring closest to the northeastern property line had water flowing out of the spring box and running within a swale, until it reached the existing access road. It was determined that there is no visible channel associated with the swale, and there is no wetland or riparian vegetation. It was further determined that it is not representative of a creek, drainage, or other waterway. The stream, riparian areas, and stream buffer have been documented. The stream protection policies of the LCP, Unit II do not allow development in streams or in stream buffer areas. The applicant does not propose development in a stream or stream buffer area. In addition, a condition of approval would prohibit grazing of livestock within the Stream Conservation Area on the property.

A Site Assessment was conducted by a qualified biologist, and wetlands that meet the California Coastal Commission's definition have been identified and the wetland protection area has been documented. There are seven identified wetlands on the property. The LCP, Unit II does not allow development in wetlands or wetland buffer areas. No development in wetlands or wetland buffer areas is proposed.

The applicant has proposed grazing during the dry season within wetland areas on the property. The LCP does not allow grazing within wetlands, specifically stating in LCP, Unit II Natural Resources policy 4.c that "no grazing or other agricultural uses shall be permitted in wetlands except in those reclaimed areas presently used for such activities." No evidence has been submitted that the wetlands on the property were reclaimed and used for the historic cattle grazing operation on April 1, 1981, when LCP Unit II was adopted by the Coastal Commission. Therefore staff has recommended a condition of approval that would require that the applicant revise the Agricultural Management Plan to state that no grazing activity would occur within the wetlands on the property, unless the applicant submits evidence that livestock grazing occurred in the wetlands on approximately April 1, 1981.

H. Dune Protection:

The project site is not located in a dune protection area as identified by the Natural Resources Map for Unit II of the Local Coastal Program.

I. Wildlife Habitat Protection:

The Natural Resources Map for Unit II of the Local Coastal Program indicates that the property is not located in a mapped area containing rare and endangered wildlife. A search of the California Natural Diversity Database (CNDDDB), prepared by the California Department of Fish and Game, was conducted. A list was created of 19 special status wildlife species with potential to be located within the vicinity. Of the 19 species, it was found that 16 special status species had habitat that could occur on the property. The Site Assessment determined that the un-named blue-line stream provides suitable habitat for the California red-legged frog, foothill yellow-legged frog and western pond turtle. It was also determined that there is potential for California freshwater shrimp, Coho salmon, steelhead, and Tomales roach to inhabit the stream. Currently Coho salmon, and Steelhead are not known to occur on the property. The other special status species are known to occur in the area, and their habitat would be protected by the wetland and stream buffer areas, where no development is proposed. It was further determined that the project would not result in adverse impacts to these habitat areas or to known special status wildlife species populations because the proposed development would provide adequate setbacks from sensitive habitat areas and the project incorporates an Erosion and Sediment Control Plan and Drainage Plan. A Manure Management Plan would also be required, as will details on pre- and-post erosion control measures, which would eliminate point source pollution that could degrade waterways.

J. Protection of Native Plant Communities:

The Natural Resources Map for Unit II of the Local Coastal Program indicates that the property is not located in a mapped area containing rare and endangered plants. A review of the California Natural Diversity Data Base, prepared by the State Department of Fish and Game, indicates that the property is not located in an area of designated special status plant species. A search of the California Natural Diversity Database (CNDDDB), prepared by the California Department of Fish and Game, was conducted. A list was created of 28 special status plant species with potential to be located within the vicinity. Of the 28 plant species, it was found that 12 had habitat that could occur on the property. The site was surveyed for all special status species with potential habitat, and none were observed. Surveys were conducted throughout the property in March, April, May, July and September of 2008. In March and June of 2009, the proposed development area was resurveyed. None of the targeted special status plant species were observed near the location of the house, access road, and other proposed structures. Approximately 20 plants of Marin checker lily (California Native Plant Society, List 1B) were identified near the pond, just southwest of the southern end of the dam, but they are not located within an area proposed for development.

K. Shoreline Protection:

The development site is not located within a coastal bluff area, and is not located within an area with a stability zone of 3 or 4.

L. Geologic Hazardous Areas:

The development site is not located in an area of geologic hazards as indicated on Geologic Hazards Map for Unit II of the Local Coastal Program, and is located 980 feet

from the delineated boundaries of the San Andreas Fault zone as identified on the Alquist-Priolo Special Studies Zone Map.

M. Public Works Projects:

The proposed project does not involve improvements to Highway 1 or other public roadways and would not create distraction from the scenic characteristics of the roadway. The applicant has provided a traffic study, which determined that the entrance to the property would provide adequate site distance along State Route One, and the project would contribute an insignificant amount of new traffic. The project has been reviewed by the Department of Public Works, which has found all roadway improvements to be feasible, and an Erosion and Sediment Control Plan that incorporates pre- and post-construction activities would be required to ensure that the construction of a new road would not adversely impact waterways and wetlands. The applicant has also provided a Drainage Plan and all runoff from impervious surfaces would be collected and dispersed on site, away from sensitive habitat areas. The project would be served by an existing and new well, and a new septic system and would not require the expansion of public services.

N. Land Division Standards:

No land division or property line adjustment is proposed as part of this project. The applicant has agreed to enter into an Agricultural Conservation Easement, which would relinquish the development potential for one remaining residential unit under the C-APZ-60 on the subject property.

O. Visual Resources and Community Character:

Impacts to visual resources were analyzed through the use of story poles that were constructed for all proposed structures, and visual simulations were provided from the following public vantage points: Marconi Center Meadow Trail, Mt. Vision Road parking lot at Perth Fire Lane in the Point Reyes National Seashore, Hearts Desire Beach in Tomales Bay State Park (west side of Tomales Bay), northbound Hwy 1, and the California State Parks Boat Launch (east side of Tomales Bay). The applicant has demonstrated that the siting, size, height, and mass of the proposed residence and agricultural structures would not obstruct significant views and visual resources as seen from public viewing points. The structures have been designed to be in keeping with the rural community character, and the residence has been designed to be compatible with the natural contours of the landscape. In accord with Marin County Code Section 22.56.130(O), a condition of approval requires that all new utility lines serving the project site be placed underground.

P. Recreation/Commercial/Visitor Facilities:

The proposed project would not provide commercial or recreational facilities, and the subject property is not governed by VCR (Village Commercial Residential) zoning regulations, which require a mixture of residential and commercial uses.

Q. Historic Resource Preservation:

The project site not located within a historic preservation area.

- X. WHEREAS, the Marin County Board of Supervisors finds that the proposed project is consistent with the following mandatory findings to approve a Design Review application (Marin County Code Section 22.82.040) for the following reasons

A. It is consistent with the countywide plan and any applicable community plan and local coastal program;

Please refer to Sections IV and V for policy consistency findings.

B. The proposed development will properly and adequately perform or satisfy its functional requirements without being unsightly or creating substantial disharmony with its locale and surroundings;

The project as conditioned would perform its functions without being unsightly, creating disharmony with the local and surrounding, or interfering with the development or use of adjacent properties and public lands. As mentioned above in Section I, the project components have been located to allow for agriculture to be the primary use of the property. The project components, as conditioned, are consistent with the Design Standards of MCC 22.57.024I because development has been clustered in the most geologically stable portion of the property, in an area that minimizes visual impacts, and to minimize disruption of agricultural uses. Structures are located over 3,500 feet from a visually prominent ridgeline. The project has been designed in conformance with the recommendations of the provided Geotechnical Report, and the Department of Public Works has reviewed the project for conformance with the requirements of Title 24 in regards to roads and driveways design. Roads have been located in an area that would minimize grading and the need for retaining walls. A Vegetation Management Plan has been provided, and the project would be reviewed during the building permit stage to ensure compliance with all codes regarding fire hazards. All buildings meet the height restrictions for the subject zoning district, and the applicant has provided grading and drainage plans that as condition would control pre- and post-construction activities.

C. The proposed development will not impair, or interfere with the development, use, or enjoyment of other property in the vicinity, or the orderly and pleasing development of the neighborhood as a whole, including public lands and rights-of-way;

The project is most visible from northbound traffic on State Route One, for a distance of approximately 400 feet. During this time, the structures would be observable, but for the most part are broken up by mature trees along the highway and on the slope up to the private driveway. The applicant has provided visual simulations and erected story poles of all proposed structures. The visual simulations demonstrated that the structures would have minimal visibility from the Marconi Center Meadow Trail, Hearts Desire Beach, and the Mount Vision Road parking lot at Perth Fire Lane. As a result of the review of the visual simulations and story poles, the applicant revised the site design location by moving the access for the garage to the eastern elevation of the residence, and removing the balcony and its overhanging roofing on the western elevation. This allows for the residence to follow the natural contours of the hillside behind it and to complement the natural landscape. The agricultural structures are sited in an area that is easily accessible to the owners and to the visiting public. The

nearest residence to the property is 100 feet from the property line and 200 feet from the equipment barn. There is a significant amount of vegetation that has been planted along the property line on the adjacent parcel, as well as on the subject parcel. The vegetation is beginning to mature, and within the foreseeable future it should be able to screen headlight activity. In addition, the neighboring residence on APN 106-210-72 faces the west and has no windows or decks towards the subject property.

- D. The proposed development will not directly, or in a cumulative fashion, impair, inhibit, or limit further investment or improvements in the vicinity, on the same or other properties, including public lands and rights-of-way;**

The proposed project is located entirely on the subject property and would not impact further investments in the vicinity, since the project would generate an insignificant amount of new traffic and would not interfere with agricultural operations on other properties.

- E. The proposed development will be properly and adequately landscaped with maximum retention of trees and other natural material;**

The project does not propose the removal of any trees or major vegetation. No landscape plan has been provided. The residence would be located in an area where the existing vegetation does not provide adequate landscaping to allow for the residence to fully integrate into the natural setting, rendering it inconsistent with this finding. Therefore a condition of approval has been added that requires a landscape plan. The landscape plan would require the integration of native Marin County evergreen shrubs and trees along the northern, western, and southwestern elevations of the residence, rendering it consistent.

- F. The proposed development will minimize or eliminate adverse physical or visual effects which might otherwise result from unplanned or inappropriate development, design or juxtaposition. Adverse effects may include, but are not limited to, those produced by the design and location characteristics of:**

1. The scale, mass, height, area, and materials of buildings and structures;

The proposed structures meet all height requirements of the subject zoning district, and the applicant proposes colors and materials that are in keeping with the natural environment. As mentioned in C above, the residence has been designed to follow the natural contours of the hillside behind it and to complement the natural landscape .

2. Drainage systems and appurtenant structures;

The applicant has provided a drainage plan that shows that all runoff would be collected and distributed to infiltrate on-site. The road has been designed so that retaining walls would not be needed.

3. Cut and fill or the reforming of the natural terrain, and structures appurtenant thereto such as retaining walls and bulkheads;

The project has been designed to minimize the amount of cut and fill. The project as designed proposes 1,710 cubic yards of cut, and 1,230 cubic yards of fill. The remaining soil would be distributed on-site. All retaining walls for structures would face inward, and would have minimal visibility to the public.

4. Areas, paths, and rights-of-way for the containment, movement or general circulation of animals, conveyances, persons, vehicles, and watercraft; and

The proposed project is located entirely on the subject parcel and would be conditioned to ensure that proposed construction would not be located within rights-of-way or affect the movement of people or vehicles. The project would not impede the safe movement of wildlife.

5. Other developments or improvements which may result in a diminution or elimination of significant sun and light exposure, views, vistas and privacy.

As noted in B and C above, the project would not result in the loss of light, views, or privacy to adjacent residences.

G. The proposed development may contain roof overhang, roofing material, and siding material that are compatible both with the principles of energy-conserving design and with the prevailing architectural style in the neighborhood.

The applicant has proposed a structure that would meet the Green Building Residential Certification Rating of "Platinum" and the project would be required to meet Title 24 and Ordinance 3492 during the building permit review.

- XI. WHEREAS, the Marin County Board of Supervisors finds that the proposed project is consistent with the mandatory findings to approve the Use Permit application (Marin County Code Section 22.88.020.3I) as stated below.

The establishment, maintenance or conducting of the use for which a use permit is sought will not, under the particular case, be detrimental to the health, safety, morals, comfort, convenience, or welfare of persons residing or working in the neighborhood of such use and will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in the neighborhood.

The proposed brandy facility and greenhouse are subject to Use Permit approval in accordance with MCC 22.57.033.9I. These facilities would not be a detriment to the public or neighborhood because the brandy facility would have limited, reservation-only public tours with no tastings. No buses or vans would be allowed, and no signage is proposed. The appointment-only tours would be limited to a maximum of three per week, between the hours of 11:00 am and 3:00 pm, and each tour would be limited to a maximum of eight adults ages 21 and over only. On-site sales would be allowed. The total square footage of the retail sales area would be approximately 140 square feet, and the total size of the brandy barn would be 1,456 square feet. The greenhouse would be a 20-foot by 30-foot, tube framed structure with a polyfilm cover and no public sales would occur at that site.

A traffic study was provided that concluded that brandy tours would result in an average of 15 new trips per week, which would result in a maximum increase of 0.59% in the daily volume of traffic. Traffic data for the last 7 years was reviewed, and it was found that there have only been two collisions reported at this location, and no recurring patterns were found. The sight distance from the access road at State Route One to the north or south is

greater than 350 feet and exceeds the Caltrans minimum sight standards of 250 feet. Therefore, the brandy facility would not result in a use that could result in adverse impacts to the public due to increased traffic congestion. Further, the brandy barn is sited to be easily accessible to those residing and working on the property and those visiting the site.

The greenhouse and brandy barn are located entirely on the subject property and outside of all sensitive habitat areas. The conditions of approval would require the applicant to provide a permit from the State Department of Alcohol and Beverage Control, and at the building permit stage all structures would be reviewed to ensure compliance with all State requirements for handicapped accessibility, and fire regulations. The facility would be served by the proposed new septic system, which has been reviewed by the Environmental Health Service, and is found to be consistent with all applicable Marin County Codes and State regulations, and the conditions of approval require that the applicant receive final approval from the State Water Resources Control Board for the wastewater disposal plans for the brandy facility prior to construction. In addition EHS has found that the existing well exceeds the estimated water demand for the project, and the proposed second well, located in a different location, may reduce stress on the aquifer and does not pose a concern.

XII. WHEREAS, the Marin County Board of Supervisors denies the Kivel Appeal for the following reasons:

The appellant asserts that the Planning Commission inappropriately used the Categorical Exemption in Section 15303, Class 3 from CEQA. The appellant states that this section is for a “single-family residences and accessory structures,” and “the equipment barn, brandy barn, and hop barn cannot be classified as accessory to a single-family home, and that the residence must be accessory to the agricultural use.”

California Environmental Quality Act Guidelines, Section 15303, Class 3 (New Construction or Conversion of Small Structures) exempts the “construction and location of limited numbers of new, small facilities or structures.” Examples of this exemption include but are not limited only to, one single-family residence and accessory (appurtenant) structures.

Marin County Interim Code Section 22.57.030I (C-APZ: Coastal Agricultural Production Zone Districts) states, in part, that “The principal use of lands in the C-APZ districts shall be agriculture. Development shall be accessory, incidental, or in support of agricultural land uses...” The project applicant submitted a development application for the establishment of an agricultural operation. The Planning Commission reviewed and approved the proposed Agricultural Management Plan and determined that the primary use of the property would be agriculture, and all proposed structures would be accessory to the agricultural operation. The Planning Commission also determined that the construction of appurtenant agricultural improvements and a single-family residence are “minor and incidental” because they are accessory to the primary agricultural land use. Consequently, the proposed structures fall under the types of structures covered by the Categorical Exemption.

The Planning Commission acted appropriately in issuing a Categorical Exemption from CEQA because the project does not result in any potentially significant impacts. Section 15378 of the CEQA Guidelines requires that the whole of the action is considered during the review process. The project qualifies for an exemption because the project has been carefully designed to avoid

sensitive habitat areas, special status species, and no development would occur in areas that contain known archaeological resources. Finally, the appellant has not provided any evidence based upon factual data that the project would result in significant impacts to the environment.

The appellant asserts that the project requires a Master Plan because the waiver requirements under Section 22.56.026I do not apply to the project since more than one single-family dwelling unit is proposed and the project cannot be classified as “minor or incidental in nature.”

The Planning Commission found that a Master Plan waiver can be granted and determined the project to be “minor and incidental in nature and within the intent and objectives of the local coastal plan” pursuant to Interim Code Section 22.56.026(C)I. This determination was made on the basis that the project as conditioned entails the following components: 1) agriculture would be the primary use of the property and the project would preserve 95% of the land for agriculture; 2) the conveyance of an Affirmative Agricultural Easement to the County would relinquishing all residual residential development potential on the property; 3) the residence and non-agricultural uses would be located on less than 1% of the total land area and clustered near existing development; and 4) all development is proposed outside of wetland, stream, and riparian protection areas. The other findings for Master Plan waiver are not required to be made so long as at least one finding is relevant to the project.

The appellant asserts that the Planning Commission failed to adequately address the findings of Section 22.56.130I(A)(1) Water Supply, and Section 22.56.130I(O) Visual Resources and Community Character of the Marin County Interim Code. The appellant states that the Planning Commission resolution fails to address any of the requirements for a new domestic well, and that the proposed equipment barn and driveway is “located atop a prominent ridge” and impede public views, and that an existing road would best preserve visual resources.

Marin County Interim Code Section 22.56.130.A (Water Supply) states that “coastal project permits shall be granted only upon a determination that water service to the proposed project is of an adequate quantity and quality to serve the proposed use,” and that “individual water wells shall be allowed within the zone in conformance with Chapter 7.28 (Domestic Water Supply) of the Marin County Code” and that “wells or water sources shall be at least one hundred feet from all property lines.” The Environmental Health Services, Water Division has reviewed the proposed project for conformance with Chapter 7.28 of the Marin County Code and has determined that based on the information provided by the applicant, which includes well yield data and plans that shown the location of all existing and proposed new wells, the existing well can accommodate all proposed uses and meet fire and safety requirements. In addition, a new well would also be used to serve the development to the north of the property. The new well would not be located in an area that has coastal resources and would be over 100 feet from all property lines.

Marin County Interim Code Section 22.56.130I (O) states that “development shall be designed and sited as not to impair or obstruct existing coastal views from Highway 1.” It also states that “structures shall be designed to follow the natural contours of the landscape and sited so as not to obstruct significant views as seen from public viewing places.” The section makes no reference to development located “atop a prominent ridge.” The subject property ranges in elevation from 20 to 490 feet above sea level. The siting of the equipment barn is at approximately 98 feet, which is roughly the same elevation as the appellant’s residence that is located approximately 200 feet to the north. The road follows the natural contours of the hillside

and terminates at approximately 100 feet in elevation. No part of the development is located between Highway 1 and Tomales Bay. The Planning Commission found that the location of the equipment barn and road do not obstruct significant views as seen from public viewing places, and that use of the proposed new road is preferable as it would avoid unnecessary site disturbance and modifications to the existing road in order to protect wetland, stream, and riparian protection areas and to reduce site disturbance.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Board of Supervisors hereby approves the Dillon Vision (Brader-Magee) Coastal Permit, Design Review, and Use Permit pursuant to Marin County Code Chapters 22.57I (Coastal Permit), 22.82I (Design Review) and 22.88I (Use Permit), subject to the following conditions:

Marin County Community Development Agency, Planning Division

1. This Coastal Permit, Design Review, and Use Permit approval authorizes the construction of the following agricultural and residential improvements.

Approval for the construction of a new single-family residence and garage, equipment barn, brandy production barn, two sheep shelters, green house, and hop barn on the 149.76-acre parcel. The lot will be managed for the following agricultural uses: livestock production, hop production, grape and limited brandy production, and crops for local farmers' markets. A new road will be constructed near the northwestern entrance, off of the private access road, and will traverse the northern property line, and will serve the equipment barn and residence. Also approved is a new well located near the northern property line, five 4,950 gallon water tanks for fire suppression, agricultural use, and domestic use, and three 250-gallon propane tanks near the equipment barn, residence, and brandy barn. The proposed structures will maintain the following setbacks from the nearest property lines: 1) residence, side (north) 223 feet; 2) equipment barn, side (north) 71 feet; 3) brandy barn, front (west) 86 feet; 4) sheep shelter #1, side (south) 133 feet sheep; 5) hopyard shelter, side (south) 289 feet; and 6) shelter #2, front (west) 166 feet. The below chart summarizes the approved size of all new structures.

Table 1: Summary of Development Characteristics

	Floor Area (Sq.Ft.)	Coverage (Sq.Ft)	Maximum Height (Feet)
Residence			
Single-family Residence	3,165		22
Attached Garage	648		
Agricultural Structures			
Brandy Barn	1,456	496	14.8
Equipment Barn	1,792		15
Shed		960	13.5
Hops Shelter	N/A	896	15
Sheep Shelters # 1 and # 2	N/A	1,500	7
Greenhouse	N/A	600	8.5
Land Use			
Hop Cultivation	N/A	6 +/- acres	
Grazing	N/A	50 +/- acres	

Vineyard	N/A	6 acres
Greenhouse and Crop Garden	N/A	2.3 acres
Hopyard	N/A	6 acres

Residential Development

The residence will be finished in batten-board/shiplap wood siding that will be dark tan in color, and the window trim and roof will be dark green.

Agricultural Operation

The brandy barn and equipment barn will be finished in colors and materials similar to the proposed residence, and all exterior lighting will be downward directed and hooded. The equipment barn will be used to store implements and equipment for the agricultural operation. The hops shelter and sheep shelters will have non-reflective metal roofing colored green.

Brandy Production

Use Permit approval is granted to allow for the grapes grown on site to be distilled and aged to produce an estate brandy that can be sold and distributed during on-site, reservation-only educational tours. The only educational tours permitted by this approval are those associated with the brandy facility. The appointment-only tours are limited to a maximum of three tours per week, between the hours of 11:00 am and 3:00 pm, with a maximum per tour of eight adults (only) ages 21 and over. No on-site consumption is allowed.

Site Improvements

Site improvements include construction of: (1) an approximately 850 foot long driveway off a private driveway that parallels State Route One, leading to the equipment barn and residence; (2) a sewage disposal system; (3) five 4,950-gallon water storage tanks; (4) new well near the northern property line; and (5) underground utilities. Coastal Permit approval is granted for the new domestic well. The existing well will be used for agricultural activities, and the proposed new well will serve the residence, brandy barn, equipment barn, and vineyard. In addition, a new septic field is approved to be installed near the northern property line, and all sewage produced from the brandy facility, equipment barn, and residence will be pumped uphill to this location. The new driveway will be constructed of a coarse aggregate base and out-sloped to a grass-lined swale that will allow for water infiltration.

The property is located at 17990 State Route One, Marshall, and is further identified as Assessor's Parcel 106-22-20.

2. Plans submitted for a Building Permit shall substantially conform to plans identified as "Exhibit A," entitled, "Brader-Magee Farm" prepared by ILS Associates, dated August 24, 2009 and received on October 16, 2009, consisting of 14 sheets, and with plans prepared by Ronald L. Casassa, entitled "Brader-Magee Farm," dated May 19, 2009, and received on October 16, 2009, consisting of 16 sheets, with revisions received on January 6, 2010, consisting of 5 sheets, and on file with the Marin County Community Development Agency.
3. PRIOR TO ISSUANCE OF ANY 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.

4. PRIOR TO ISSUANCE OF A GRADING PERMIT, the proposed berm shown on plans prepared by ILS Associates shall be eliminated. All references to the berm on Sheets 2 through 4, and 6 shall be removed from building permit plans. All road grading shall be consistent with the natural contours of the landscape, and fill shall not be placed near the adjacent property at APN 106-210-72 or within the Stream Conservation or Wetland Conservation Areas.
5. PRIOR TO FINAL INSPECTION OF THE RESIDENCE,, the applicant must receive a Final Inspection approval of the equipment barn and a sheep shelter.
6. PRIOR TO FINAL INSPECTION OF THE RESIDENCE, the applicant shall revise the Agricultural Management Plan (Agriculture Production and Stewardship Plan for 17990 Shoreline Highway at Marconi Cove, May 2009) to state that no grazing activity will occur within the Stream Conservation or Wetland Conservation Area on the property, unless the applicant submits evidence that livestock grazing was occurring in the wetlands on approximately April 1, 1981.
7. All agricultural uses on the proposed property shall be in substantial conformance with the uses approved in the Revised Agricultural Management Plan.
8. PRIOR TO FINAL INSPECTION OF THE RESIDENCE, the applicant shall submit an offer for an Agricultural Conservation Easement and Declaration of Restrictions, using the model Agricultural Conservation Easement approved by the Marin County Board of Supervisors, with provisions for a variety of perpetual uses and restrictions. The terms of the Easement include: 1) the imposition of a perpetual obligation for the active conduct of agricultural production within a designated Agricultural Production Zone that will be delineated and recorded in accordance with the Revised Agriculture Management Plan and in conformance with mandatory agricultural provisions; 2) affirmative rights and interests conveyed, whereby an outside agricultural operator may lease the subject property at reasonable rates in the event the owner of the property is unable or unwilling to continue active agricultural production on the property; 3) establishment of permitted and prohibited uses, and practices to which the property owner will be bound to adhere; and 4) extinguishment of all residential potential under zoning on the property. Should the owners fail to utilize the property for agricultural production or fail to select an agriculture production operator, the County may pursue obtaining an operator and/or enter into a lease on behalf of the Owners. Leased lands will be managed as grazing range for livestock, at a sustainable level based on the Marin County Agriculture Commissioner's guidelines for the available forage present and the residual matter required for prudent stewardship of the land.
9. PRIOR TO FINAL INSPECTION OF THE BRANDY BARN, the applicant shall provide written verification from the State Department of Alcohol and Beverage Control granting approval for the on-site sale of alcohol.
10. All flashing, metal work, and trim shall be painted or coated with an appropriately subdued, non-reflective color.
11. PRIOR TO ISSUANCE OF A BUILDING PERMIT FOR THE RESIDENCE, the applicant shall submit a Landscape and Irrigation Plan to the Community Development Agency Director for review and approval that integrates the use of coastal native evergreen shrubs

and trees along the northern, western, and southwestern elevations of the residence. The plan shall incorporate vegetation that is a minimum container size of 24 inches, and all plantings shall be labeled by their scientific and common names.

12. If archaeological, historic, or prehistoric resources are discovered during construction, construction activities shall cease, and the Community Development Agency staff shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may occur in compliance with State and Federal law. A registered archeologist, chosen by the County and paid for by the applicant, shall assess the site and shall submit a written report to the Community Development Agency staff advancing appropriate mitigations to protect the resources discovered. No work at the site may recommence without approval of the Community Development Agency staff. All future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the Community Development Agency staff. If the report identifies significant resources, amendment of the permit may be required to implement mitigations to protect resources. Additionally, the identification and subsequent disturbance of an Indian midden requires the issuance of an excavation permit by the Department of Public Works in compliance with Chapter 5.32 (Excavating Indian Middens) of the County Code.
13. All construction activities shall comply with the following standards:
 - a. Construction activity is only permitted between the hours of **7:00 a.m. and 6:00 p.m., Monday through Friday**, and **9:00 a.m. and 5:00 p.m. on Saturday**. No construction shall be permitted on Sundays and the following holidays: New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. Loud noise-generating construction-related equipment (e.g., backhoes, generators, jackhammers) can be maintained, operated, or serviced at the construction site from 8:00 a.m. to 5:00 p.m. Monday through Friday only. Minor jobs (e.g., painting, hand sanding, sweeping) with minimal or no noise impacts on the surrounding properties are exempted from the limitations on construction activity. At the applicant's request, the Community Development Agency staff may administratively authorize minor modifications to these hours of construction.
 - b. It shall be the responsibility of the applicant to ensure that all construction materials and equipment are stored on-site (or secured at an approved off-site location) and that all contractor vehicles are parked in such a manner as to permit safe passage for vehicular, pedestrian, and bicycle traffic at all times.
14. It shall be the responsibility of the applicant to store all construction materials and equipment at the site (or secured at an approved off-site location) in such a manner as to permit safe passage for vehicular traffic at all times. Every effort shall be made by the holder of the building permit to strictly limit the number of vehicles used to transport workers and materials to the site to the minimum number necessary.
15. BEFORE FINAL INSPECTION OF THE RESIDENCE, the applicant shall install all landscaping and an automatic drip irrigation system in accordance with the approved landscape plan. The applicant shall call for a Community Development Agency staff inspection of the landscaping at least five working days before the anticipated completion of

the project. Failure to pass inspection will result in withholding of the Final Inspection and imposition of hourly fees for subsequent reinspections.

16. BEFORE FINAL INSPECTION, the applicant shall submit a signed Statement of Completion confirming that the project has been designed and constructed in compliance with all of the measures that were used to meet the "Platinum " rating under the Marin Green Home: New Home Green Building Residential Design Guidelines.
17. BEFORE FINAL INSPECTION OF THE RESIDENCE, the Community Development Agency shall record this Notice of Decision, including all conditions of project approval, with the Marin County Recorder's Office to advise future property owners of the special use/development restrictions.
18. All utility connections and extensions (including but not limited to electric, communication, and cable television lines) serving the development shall be undergrounded from the nearest overhead pole from the property, where feasible as determined by the Community Development Agency staff.
19. The applicant/owner hereby agrees to defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul an approval of this application, for which action is brought within the applicable statute of limitations.
20. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated. Construction involving modifications that do not substantially comply with the approval, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications are obtained by the applicant.
21. The Dillon Vision (Brader-Magee) Use Permit is subject to revocation procedures contained in Chapter 22.88.040I of the Marin County Code in the event any of the terms of this approval are violated or if the uses are conducted or carried out in a manner so as to adversely affect the public health, safety, morals, comfort, convenience, or welfare of the County.

Marin County Community Development Agency, Environmental Health Services (EHS) Food Service

22. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicant shall submit complete, easily readable plans drawn to scale and specifications to the Environmental Health Services for review, and shall receive plan approval before starting any new construction or remodeling of a tasting room or any facility for use as a retail food facility.

Marin County Community Development Agency, Environmental Health Services (EHS) Sewage

23. Applicant to submit a complete Report of Waste Water Discharge to the State Regional Water Quality Control Board, (Blair Allen), for the waste water generated by the Brandy production.

24. PRIOR TO ISSUANCE OF A BUILDING PERMIT FOR THE BRANDY BARN, the RWQCB must also approve the Brandy production waste disposal plan.

Marin County Community Development Agency, Environmental Health Services (EHS) Water

25. PRIOR TO ISSUANCE OF ANY BUILDING PERMIT, the applicant must submit an application to EHS to operate one or both wells in a domestic water system, and obtain a valid domestic water system permit. A detailed water system map will be required for the water system permit. Domestic storage tank(s) capacity shall be IN ADDITION TO fire control requirements.

26. Fencing requirements shall be determined during an on site inspection of the wells. The minimum distance between the fence and well source (25 to 100 ft.) can be determined during the new well's sanitary seal inspection.

27. PRIOR TO FINAL INSPECTION, the water system must be completed and inspected.

Department of Public Works – Land Use & Water Resources

28. All improvements shall conform to Title 24 of the Marin County Code or as approved by DPW and the Fire Department. Site plans shall be drawn to scale acceptable to the County (generally 1"=20' or greater).

BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall comply with the following:

29. Plot proposed easements, if any, on the site plan.

30. Parking requirements for the brandy barn shall comply with MCC 24.04.340 and MCC 24.04.360. Include a table summarizing proposed uses and the minimum required parking spaces based on the aggregate of individual uses.

31. If brandy bar will be open to the public the following items will apply.

- a. Revise accessible parking stall location to comply with federal and state guidelines.
- b. Add the following note on the site plan, "Accessible path of travel as indicated on plan is a barrier free access route without any abrupt level changes exceeding ½ inch beveled at 1:2 max slope, or vertical level changes not exceeding ¼ inch max and at least 48-inches wide. Surface is slip resistant, stable, firm, and smooth. Cross slope does not exceed 2% and slope in the direction of travel is less than 5% unless otherwise indicated."
- c. Add the following note on the site plan, "Contractor to verify that all barriers in the path of travel have been removed or will be removed under this project, and path of travel complies with CBC 1133B."
- d. Provide accessible parking stall signs
- e. Provide "Tow-Away" signs along with the contact information.
- f. Plans must clearly show the path of travel.
- g. Provide a continuous bank of detectable warning surface where a walk crosses or adjoins a vehicular way, and the walking surface is not separated by curbs, railings, or other elements.
- h. The minimum improved width of a driveway serving non-residential uses shall be eighteen feet. MCC 24.04.260 (d).

32. Driveways over eighteen percent shall be surfaced with PCC and given a broomed or otherwise roughened finish MCC 24.04.300. Applicant shall consider utilizing pervious material where slopes are under eighteen percent.
33. Submit a manure management plan and fertilizer control plan in accordance with the best management practices. For additional information you may reference the following links: www.mcstoppp.org less toxic pest control, <http://mcstoppp.org/acrobat/Horse%20Manure%20Mangement.PDF>
34. Specify the total area of site disturbance on the site plan. If the area exceeds 1 acre, provide a copy of the Notice of Intent filed with the State Water Resources Control Board.
35. A separate building permit is required for site retaining walls with a height of 4 feet or taller or 3 feet when backfill areas is sloped or has a surcharge (measured from the bottom of footing to the top of the wall).
36. A registered engineer shall design the site retaining walls, drainage and grading plans. Plans must have the engineer's signature and stamp.
37. Provide engineering calculations for the retaining walls, calculations shall show a minimum of 1.5 factor of safety for sliding and overturning.
38. Provide a cross-sectional details for the proposed walls.
39. Submit an Erosion and Siltation Control Plan which addresses both interim (during construction) and final (post construction) control measures. MCC 24.04.625 and 24.04.627.

Marin County Fire Department

40. All conditions must be met to comply with California Public Resources Code Section 4290 and 4291, and the 2001 California Fire Code Sections 901.2 - 902.2.4.2, 903, and 16, and 17 of Appendix II-A, including access, addressing, defensible space, and fire protection water supply, propane tank installation (Note that if a gate is contemplated, Fire Department approval for gates on the access road and/or driveway is required. If the gate is locked in any fashion, a MCFD Knox rapid entry system is mandatory).
41. Fire Department holds will be placed on the building permit for this project. The defensible space must be in-place prior to releasing the Fire Department foundation inspection hold. The building department will not inspect the foundation before the fire department has released the hold. The final hold will be lifted when all Fire Department requirements are met, including payment of all required fees.

SECTION III: VESTING AND PERMIT DURATION

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Dillon Vision (Brader-Magee Coastal Permit, Design Review, and Use Permit approvals must be vested by complying with the conditions of approval and by securing a building permit and other permits for all of the approved work and by substantially completing the improvements in accordance with the

secured permits by May 11, 2012, or all rights granted in this approval shall lapse unless the applicant applies for an extension and pays fees at least 30 days before the expiration date above and the Deputy Zoning Administrator approves it. An extension of up to four years may be granted for cause pursuant to Section 22.56.050I, 22.82.130I, and 22.88.050I of the Marin County Interim Code.

The Dillon Vision (Brader-Magee) Use Permit shall be valid for the remaining life of the brandy barn and greenhouse, so long as the current owner or subsequent owners of the subject property comply with the conditions of project approval. In the event that the terms of the Dillon Vision Use Permit are violated or that the approved uses are carried on in such a manner as to adversely affect the health, welfare, or safety of persons residing in the neighborhood, the Dillon Vision Use Permit could be revoked or suspended in accordance with the terms and provisions of Chapter 22.88I of the Marin County Interim Code.

SECTION V: VOTE

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held on this ____th day of _____, 2010, by the following vote:

AYES: SUPERVISORS

NOES:

ABSENT:

PRESIDENT, BOARD OF SUPERVISORS

ATTEST:

CLERK