

MEMORANDUM

TO: Marin County Deputy Zoning Administrator
FROM: Erin Yattaw, Planner
DATE: June 5, 2024
RE: Yerington Coastal Permit & Design Review
20 Oak Road, Bolinas
APN 191-261-21
Project ID P4211

The purpose of this memorandum is to provide public comments received since the staff report was published, and to provide discussions regarding the project and its consistency with the “Animal Keeping” standards contained in Section 20.32.035 of the Marin County Coastal Zoning Code, as well as the agricultural production land uses that are allowed on the site.

1. Public Comments Received Since Staff Report Publication.

Three emails were received from Melinda Griffith on June 3, 2024, June 4, 2024, and June 5, 2024, respectively, since the staff report was published. The emails have been provided as Attachment 1.

2. “Animal Keeping” Standards-Section 20.32.035 of the Marin County Coastal Development Code.

The property is zoned C-RA-B2 (Coastal Residential Agriculture, minimum lot size 10,000 square feet), the lot size is 18,000 square feet, and the average slope according to the County GIS database is approximately 20.6 percent. “Livestock operations-large animals” and “small animals” are permitted uses in the C-RA-B2 zoning district pursuant to Table 5-2-a of the Coastal Zoning Code. Standards related to the keeping of small and large animals are contained in Section 20.32.035-Animal Keeping of the Coastal Code. Table 3-6 and Table 3-7 contained in this section of the code include requirements for animal keeping.

Pursuant to Section 20.32.035(B), certain lot area requirements are needed to keep large animals. Because the lot area of the site is 18,000 square feet and has a 21 percent average slope, large animals cannot be kept on the site. Based on Table 3-6, since the property is zoned C-RA and no primary residential land use exists or is proposed, livestock operations-small animals would also not be allowable on the site.

3. Agricultural Production Land Use.

Agricultural production is a permitted land use in the C-RA zoning district. Agricultural production includes the following uses: livestock and poultry; livestock and poultry products;

field, fruit, nut, and vegetable crops; plant nurseries; aquaculture and mariculture; viticulture; vermiculture; forestry crops; commercial gardening; and beekeeping (Marin County Coastal Code Section 20.130.030). As explained above, livestock and poultry, and livestock and poultry products uses would not be allowable on the site due to the requirements contained in the animal keeping standards. However, other activities listed under agricultural production would be feasible on the site.

Staff proposes changes to the resolution language to reflect that livestock operations are not allowed on the site. Additionally, the resolution will be updated to reflect that agricultural production is an allowable primary land use on this site, and that the proposed agricultural accessory structures must be used in conjunction with an agricultural production land use.

ATTACHMENTS:

1. Emails from Melinda Griffith, June 3, 2024, June 4, 2024, and June 5, 2024
2. Proposed changes to the recommended staff resolution

Erin Yattaw

From: Melinda Griffith <melinda.griffith@gmail.com>
Sent: Wednesday, June 5, 2024 11:57 AM
To: Erin Yattaw
Cc: Leslie.velasquez@coastal.ca.gov; Stephanie.rexing@coastal.ca.gov; Scott A. Stephens
Subject: Re: Yerington Coastal Permit Application 20 Oak Road, Bolinas - Report by Licensed Land Surveyor
Attachments: William Schroeder Licensed Land Surveyor - Report on 20 Oak Road June 4 2024.pdf

Dear Erin - To supplement my earlier submission, I am attaching a report dated June 4, 2024 prepared by William Schroeder, of William Schroeder & Associates Land Surveyors. Mr. Schroeder is a licensed land surveyor, and is very familiar with this particular block of Nymph Road. As he details in the attached letter, he previously surveyed three properties in this area of Nymph Road, including the lands of Bransten and my properties.

Mr. Schroeder's letter clearly demonstrates the importance of requiring a survey from the applicant performed by a licensed surveyor for any matter where setbacks and property lines are a critical factor.

Much more importantly, based on Mr. Schroeder's expert opinion, it is clear that this project cannot be approved and the June 6th hearing should either be continued or a denial recommendation issued.

Kind regards, Melinda Griffith

On Tue, Jun 4, 2024 at 9:36 AM Melinda Griffith <melinda.griffith@gmail.com> wrote:

Dear Erin:

Thank you for your note. It is unfortunate that Applicant knowingly submitted inaccurate sitemaps which you relied on to make your recommendation of approval. To maintain the integrity of the planning process, it is important that Thursday's hearing be postponed until complete and accurate information is provided to the Coastal Commission and the County. Alternatively, in light of the inaccurate submissions, the Yerington application should be denied and the building structures required to be removed.

Kind regards,

Melinda Griffith

On Mon, Jun 3, 2024 at 3:11 PM Erin Yattaw <Erin.Yattaw@marincounty.gov> wrote:

Hello Melinda,

Thank you for your public comment. It will be added to the project file.

Best regards,

Erin Yattaw

PLANNER

She/her

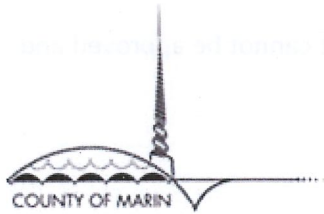
County of Marin

Community Development Agency

3501 Civic Center Drive, Suite 308

San Rafael, CA 94903
415 473 3535 T

Erin.Yattaw@marincounty.gov



From: Melinda Griffith <melinda.griffith@gmail.com>
Sent: Monday, June 3, 2024 10:11 AM
To: Erin Yattaw <Erin.Yattaw@MarinCounty.gov>
Cc: Leslie.velasquez@coastal.ca.gov; Stephanie.rexing@coastal.ca.gov
Subject: Yerington Coastal Permit Application 20 Oak Road, Bolinas (P4211)

Dear Ms. Yattaw - I am writing to provide comments and photographs in response to the application submitted by Matthew and Janis Yerington for coastal permit and design review approval to construct two buildings on 20 Oak Road, Bolinas. The following three photographs clearly demonstrate that the sitemap contained in the Yeringtons' application dated March 22, 2024 is inaccurate as it misidentifies the "Current Bluff Edge". It is important to correct the record, as you have based your recommendation of approval on an inaccurate submission. The hearing on June 6th should be delayed until accurate, stable, and complete information is submitted as part of the application.

Photo 1. This photograph was taken within a month after the cliff slide at the end of Oak Road in February, 2019, leading to the condemnation of the house at 20 Oak Road. As is evident, the coastal bluff edge is within feet of the front door. Marin County's notice prohibiting occupancy is visible near the front door. On the notice, dated Feb. 26,

2019, County Inspector P. Clary noted *"Soil movement is evident immediately adjacent to the main entrance and the foundation at the southwest corner of the residence."*

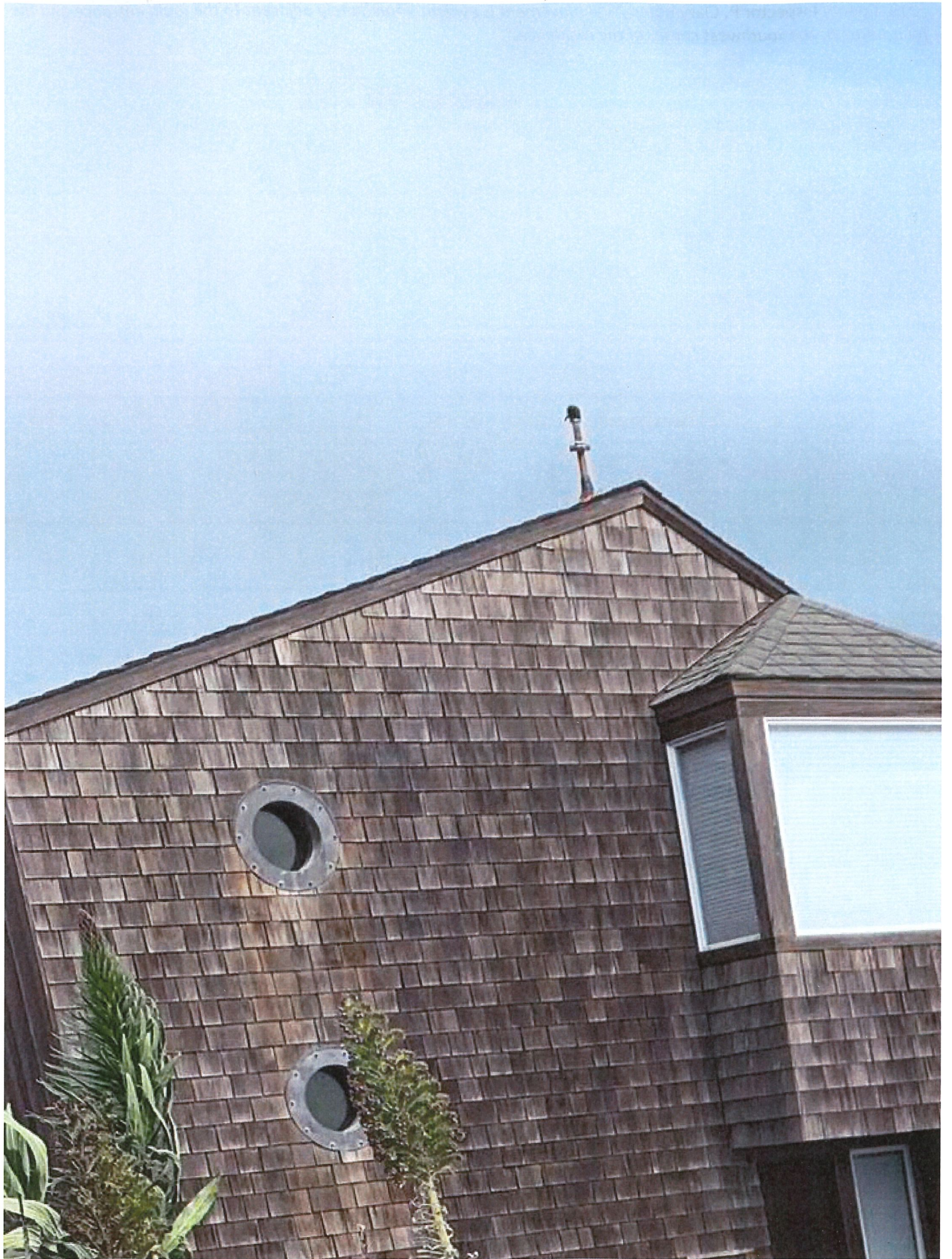


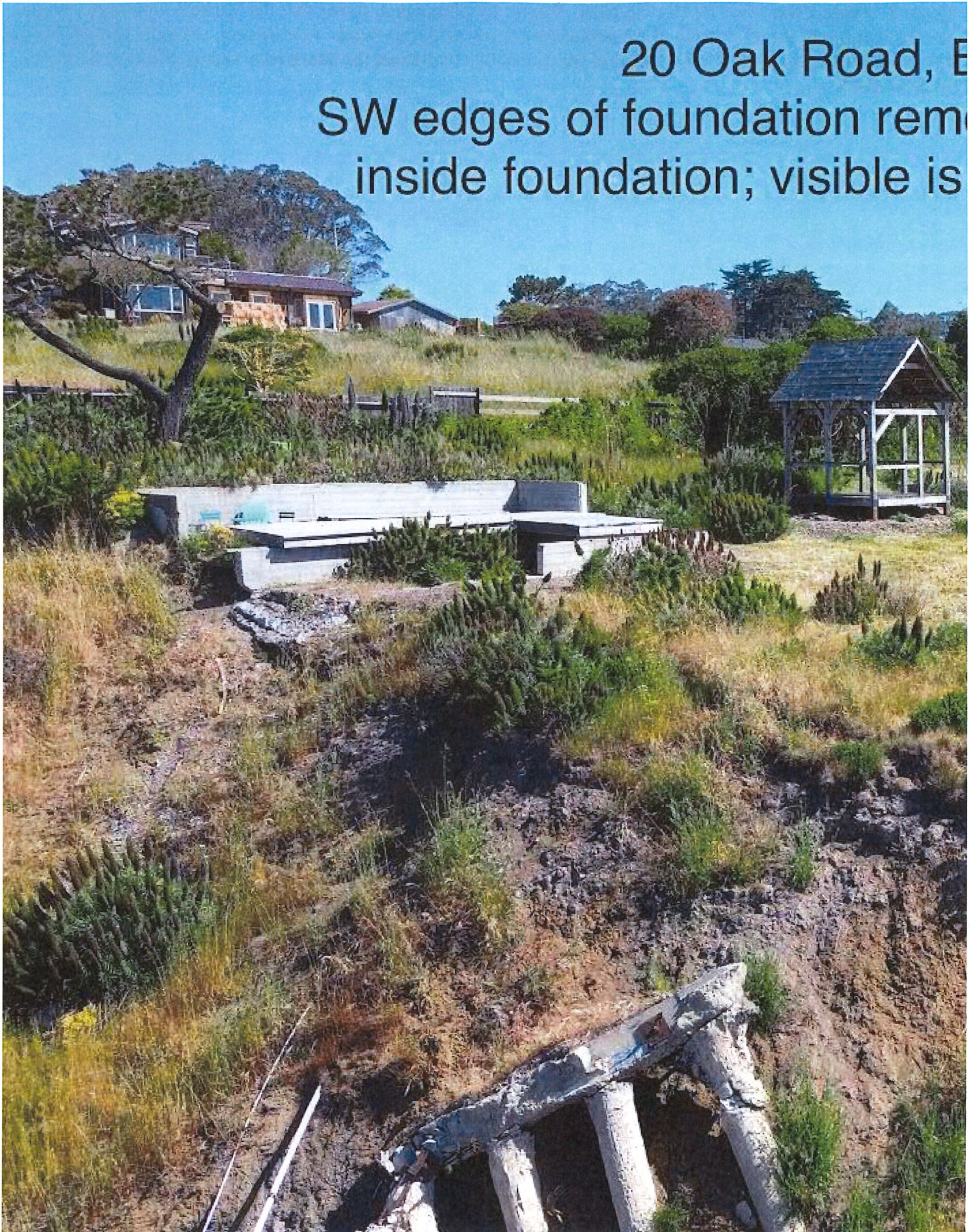
Photo 2. This photograph was taken on March 10, 2024. The western edge of the old foundation is teetering precipitously on the coastal bluff and portions of the southern foundation edge have been removed by Applicant. The bluff edge is approximately 5' within the foundation.

20 Oak Road, Bolinas March 10, 2024
SW corner of foundation undermined by bluff retreat;
Bluff edge ~5' inside foundation



Photo 3. Photo 3 was taken on May 31, 2024. This recent photograph shows that the “Current Bluff Edge” is now several feet within the foundation of the demolished house at 20 Oak Road. As is evident, since the date of Photo 2, the Applicant has cut and removed pieces of the foundation to prevent the debris from sliding down the bluff onto Duxbury Reef.

20 Oak Road, E
SW edges of foundation rem
inside foundation; visible is



The above photographs do not align with what has been represented to you (i) by Applicant, nor (ii) by Miller Pacific in its geotechnical evaluation report dated March 21, 2024.

Yerington Application. In the sitemap on page 1 of the Yeringtons' application (link below), the "Current Bluff Edge" is indicated as being more than 40 feet to the west of the old foundation. That is clearly not accurate, as demonstrated by the above photographs. The cliff collapse in February 2019 came to the very edge of the house at 20 Oak Road, and caused the County to order the house's demolition. If, as Applicant represents, there currently is more than 40 feet of land to the west of the house, arguably the house would still be standing and the County would not have required its demolition.

https://www.marincounty.org/-/media/files/departments/cd/planning/currentplanning/projects/yerington_cp_p4211_bol/revised-project-plans-32224.pdf?la=en

Applicant's depiction of the Current Bluff Edge on the page 1 sitemap of their application also is contradicted by their own geotechnical advisers. In Figure 7 of the Geotechnical Evaluation Report dated March 21, 2024, Miller Pacific identifies the Current Bluff Edge as being 4-5 feet to the west of the old foundation. However, even that statement is in error, as clearly shown in Photos 2 and 3.

Your analysis of the proposed project was based on inaccurate submissions made by the applicant and by the geotechnical advisers. **Therefore, the Deputy Zoning Administrator should not adopt your recommendation of approval of the Yerington Coastal Development Permit and Design Review as your review relied on these inaccurate submissions.**

County requirements for livestock. Your staff report did not fully address Marin County's minimum requirements for the housing of livestock on the property site. Marin County Development Code Section 20.32.035 B1 provides that "no animal or any structure for animals shall be located closer than 30 feet to: (a) The public right-of-way upon which the parcel faces". As you state in your report, access to the project site is now only possible by Nymph Road, and the proposed building structures face Nymph Road. A minimum 30' setback from Nymph Road is therefore required for the goats and the two structures.

In addition, Section 20.32.035 B2 contains the required standards for the minimum area and slope standards for the keeping of livestock. Per MarinMaps, the slope for the project site is 20%; pursuant to Section 20.32.035 B2, the minimum lot area required for one goat on the project site is 20,000 square feet. For the three goats currently on the project site, Marin County Development Code requires that the minimum lot area be 30,000 square feet.

In accordance with Marin County's requirements applicable to the keeping of livestock on the project site, in any evaluation of this project, **the DZA needs to require a 30' setback from Nymph Road for the livestock and any structures, and a minimum lot area of 20,000 sq feet to house one goat, and 30,000 sq feet for three goats.**

The hearing on June 6th to consider approval of the Yerington coastal permit application and design review should be delayed and not held until accurate, stable and complete information is submitted.

Thank you.

Kind regards, Melinda Griffith

P.O. Box 6801
San Rafael, CA 94903
415-472-4759
schroed@sbeglobal.net

William Schroeder & Associates

Land Surveyors

County of Marin
Community Development Agency
Planning Division

June 4, 2004

RE: Application P4211, Lands of Yerington, 20 Oak Road, Bolinas, CA

Attn: Erin Yattaw

At the request of Melinda Griffith I have reviewed the professional documents that are a part of above referenced application. These consist of a letter form report by Miller Pacific Engineering Group concerning geotechnical issues, and architectural plans by Dorman Associates. Both of these documents contain site plans which depict the location of the existing foundation and the present location of the cliff bluff as well as the proposed location of 2 goat sheds. Both documents show property boundary lines labeled with bearings and distances, and setback lines. Both of those site plans have significant deficiencies as to their accuracy, and questions about their professional validity.

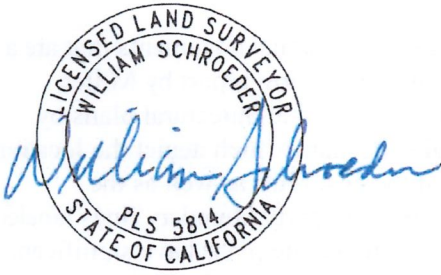
The Miller Pacific site plan references Dorman Associates as a source for its information; the Dorman Associates site plan makes no reference as to its source for the information depicted, and neither mention a Professional Land Surveyor as being the source for the boundary information. Since licensure as a Geotechnical Engineer or as an Architect does not include the right to determine property boundaries these plans should be considered invalid until they can produce a reference that the boundaries were determined by a person with a license to perform land surveys.

On June 2, 2024 I visited the site, recovered property boundary monuments, and made measurements of the present location of the bluff on the Yerington property in relation to the property boundary lines. Using a Leica 1101 TCRA reflectorless surveying instrument I was able to measure the bluff without the necessity of entering onto the lands of Yerington. Although my license as a Professional Land Surveyor allows me to enter onto private property to obtain boundary information, with or without prior notice to the landowner, I chose this method to avoid any controversy about my actions.

The site plans in the application inaccurately depict the existing foundation approximately 20 feet to the northeast of its actual location. They inaccurately depict the bluff as being parallel with the northeasterly line of Oak Road, and thus at the southeasterly line of Yerington the bluff is depicted over 30 feet to the southwest of its true location and that also distorts the bearing of the bluff and lines drawn parallel to the bluff. By applying a 129 foot setback from the actual bluff and the 25'9.5" setback from

the lands of Griffith and the 25'5" setback from Nymph Road as shown on the plans by Dorman Associates there is insufficient building envelope left for construction of the goat sheds. Even applying a 6 foot setback from Griffith would not make it sufficient, and applying a 30 foot setback from Nymph Road would make it even worse.

I have previously surveyed 3 properties on this block of Nymph Road, including the lands of Griffith and the lands of Brantsen. The survey for Griffith in 2019 was job #2100, making it the 2000th survey I have done, almost all in Marin County, as I started with #101. I am entirely confident in the statements I have made in this letter. In conclusion I suggest that you continue the hearing scheduled for June 6, 2024 with the condition that the applicant come back with a site plan based on the field work of a Professional Land Surveyor before rendering a decision on the application.

A circular professional seal for William Schroeder, a Licensed Land Surveyor in the State of California. The seal contains the text "LICENSED LAND SURVEYOR", "WILLIAM SCHROEDER", "PLS 5814", and "STATE OF CALIFORNIA". A handwritten signature in blue ink is written across the seal.

William Schroeder, PLS # 5814

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. _____

A RESOLUTION APPROVING THE YERINGTON COASTAL DEVELOPMENT PERMIT AND
DESIGN REVIEW
20 OAK RD., BOLINAS
ASSESSOR'S PARCEL: 191-261-21

SECTION I: FINDINGS

1. **WHEREAS**, applicant, Matthew Yerington, on behalf of owners, Matthew & Janis Yerington, has submitted a Coastal Development Permit and Design Review application for the construction of two detached agricultural accessory structures (sheds). The property is located at 20 Oak Rd., Bolinas and is further identified as Assessor's Parcel 191-261-21.

The applicant requests Coastal Development Permit approval to construct two detached accessory structures (sheds) on a vacant parcel in Bolinas. The 240 square feet of proposed development would result in a floor area ratio of one percent on the 18,000 square foot lot. The proposed sheds would reach a maximum height of 14 feet, 8 5/8 inches above surrounding grade and the exterior walls would have the following setbacks on the through lot: over 150 feet from the southwestern front property line; 25 feet, 9 1/2 inches from the northwestern side property line; 25 feet, 8 1/2 inches from the southeastern side property line; and 25 feet, 5 inches from the northeastern front property line.

Coastal Development Permit approval is required pursuant to Marin County Coastal Zoning Code Section 20.68.030 because the project entails new development in the Coastal Zone as defined in Article VIII, Chapter 20.130.D, Development. Design Review approval is required pursuant to Marin County Coastal Zoning Code Section 20.62.070, Table 5-2-a because the project entails development agricultural accessory structures, specifically livestock operations-large animals, within the C-RA zoning district.

2. **WHEREAS**, on June 6, 2024, the Marin County Deputy Zoning Administrator held a duly noticed public hearing to take public testimony and consider the project.

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

4. **WHEREAS**, the project is consistent with the goals and policies of the Marin Countywide Plan for the following reasons:

- A. The project is consistent with the CWP woodland preservation policy (BIO-1.3) because the project would not entail the irreplaceable removal of a substantial number of mature, native trees.
- B. The project is consistent with the CWP special-status species protection policy (BIO-2.2) because the subject property does not provide habitat for special-status species of plants or animals.

- C. The project is consistent with the CWP natural transition and connection policies (BIO 2.3 and BIO 2.4) because the project would not substantially alter the margins along riparian corridors, wetlands, baylands, or woodlands.
- D. The project is consistent with the CWP stream and wetland conservation policies (BIO-3.1 and CWP BIO-4.1) because the proposed development would not encroach into any Stream Conservation Areas or Wetland Conservation Areas.
- E. The project is consistent with CWP water quality policies and would not result in substantial soil erosion or discharge of sediments or pollutants into surface runoff (WR-1.3, WR-2.2, WR-2.3) because the grading and drainage improvements would comply with the Marin County standards and best management practices required by the Department of Public Works.
- F. The project is consistent with CWP seismic hazard policies (CWP Policies EH-2.1, EH-2.3, and CD-2.8) because it would be constructed in conformance with County earthquake standards, as verified during review of the Building Permit application and the subject property is not constrained by unusual geotechnical problems, such as existing fault traces.
- G. The project is consistent with CWP fire hazard management policies (EH-4.1, EH-4.2, EH-4.5) because it would meet all fire safety requirements, as verified by the local fire protection district during review of the Building Permit application.
- H. The project is consistent with CWP aesthetic policies and programs (DES-4.1 and DES-4.e) because it would protect scenic quality and views of ridgelines and the natural environment from adverse impacts related to development.

5. **WHEREAS**, the project is consistent with the goals and policies of the Bolinas Gridded Mesa Plan for the following reasons:

- A. The project is consistent with Land Use Policy LU-1 in that the applicant has provided a geotechnical report prepared by a licensed engineer that assesses geological site constraints. The report establishes that environmental constraints can be overcome by siting the development accordingly (see below for a further discussion of development siting related to the bluff edge). Furthermore, the project would not contribute to groundwater mounding, nitrate accumulation, and bluff erosion on the Mesa due to the nature of the project and siting of the development outside of the bluff erosion zone.
- B. The project is consistent with Land Use Policy LU-2 related to stream protection because it is not located within the Alder Creek buffer area.
- C. The project is consistent with Land Use Policy LU-4 related to septic capacity because the project does not entail new residential development requiring an on-site septic system.

6. **WHEREAS**, the project is consistent with the mandatory findings for Coastal Development Permit approval (Marin County Local Coastal Program, Implementation Plan Section 20.70.070).

- A. **Coastal Access. The proposed project, as conditioned, is consistent with the applicable policies contained in the Public Coastal Access section of the Marin County Land Use Plan and the applicable standards contained in Section 20.64.180**

(Public Coastal Access). Where the project is located between the nearest public road and the sea, a specific finding must be made that the proposed project, as conditioned, is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act (commencing with Section 30200 of the Public Resources Code)

There is no direct public access to coastal beaches from the subject property nor are there any public trails that intersect it. Therefore, the proposed project would not impact existing coastal access and the project is consistent with the Land use Plan (LUP) public coastal access policies (C-PA-2, C-PA-15 and C-PA-16).

B. Biological Resources. The proposed project, as conditioned, is consistent with the applicable policies contained in the Biological Resources section of the Marin County Land Use Plan and the applicable standards contained in Section 20.64.050 (Biological Resources).

The subject property was previously developed with a single-family dwelling that was demolished. According to the data on file in the Marin County Geographic Information System, the property does not contain wetlands, coastal streams, riparian vegetation, special-status species, coastal dunes, or groves of trees. Additionally, staff conducted a site visit and determined a biological site assessment would not be necessary because no evidence of the presence of ESHAs were observed on the subject site.

The project is consistent with the LUP biological resources policies for the protection of natural transition and connection associated with streams, wetlands, and coastal dunes (C-BIO-1, C-BIO-2, C-BIO-3, C-BIO-7, C-BIO-8, C-BIO-14, C-BIO-23) and this finding because the project would not substantially alter the margins along environmentally sensitive habitat areas. Further, the project would not entail the irreplaceable removal of groves of trees that provide wildlife nesting and roosting areas.

C. Environmental Hazards. The proposed project, as conditioned, is consistent with the applicable policies contained in the Environmental Hazards section of the Marin County Land Use Plan and the applicable standards contained in Section 20.64.060 (Environmental Hazards).

a. Dune Protection (Marin County Local Coastal Program, Implementation Plan Section 20.64.060.A)

There are no natural dunes in the development area or in the immediate surrounding area.

b. Shoreline Protection (Marin County Local Coastal Program, Implementation Plan Section 20.64.060.B)

The applicant submitted a Geotechnical Evaluation Report prepared by Miller Pacific Engineering Group dated March 21, 2024. Per the report, the 0.42-acre subject parcel is located along a 130-foot-high coastal bluff that crosses the project site approximately 40-feet from the southwest side of the parcel along Duxbury Point in southwest Bolinas. Consistent with the County's Coastal Zoning Code findings, new structures must be set back from coastal bluff areas a sufficient distance to ensure with reasonable certainty that the structures are not threatened from cliff retreat within

their economic life expectancies. The finding goes on to establish the following calculation for determining this sufficient distance (e.g., bluff top setback):

Setback (meters) = structure life (at least 40 years) X retreat rate (meters/year). In area where vigorous sliding is taking place; an additional 15 meters should be added as a safety factor in areas where vigorous sliding is taking place.

The geotechnical report determined that the average annual retreat rate at the site to be 2-feet (0.6 meters) per year. Applying a reasonable structure-life of 40 years, the resultant bluff top setback for the site should be a minimum of 80 feet (24.4 meters) from the bluff top edge. The report states that sliding on the site was "vigorous" for the region, therefore, an additional 15-meter safety factor was added to the bluff top setback for a 129.2-foot (39.4 meter) setback from the bluff edge. As the development is proposed to be outside of the 129.2-foot setback from the bluff top edge, it would thus be located in conformance with CDP findings.

c. Geologic Hazards (Marin County Local Coastal Program, Implementation Plan Section 20.64.060.C)

Per the Geotechnical Evaluation Report prepared by Miller Pacific Engineering Group on March 21, 2024, there are no active faults that cross the project site. According to the report, the potential for strong seismic shaking on the property is high. The proposed structures are solely for storage and not approved for human habitation and as outlined above, are proposed to be located more than 129.2-feet from the bluff edge.

D. Agriculture and Mariculture. The proposed project, as conditioned, is consistent with the applicable policies contained in the Agriculture and Mariculture sections of the Marin County Land Use Plan and the applicable agricultural and maricultural standards contained in Chapter 20.32.

The subject property is zoned C-RA-B2 (Coastal, Residential Agriculture, minimum lot size 10,000 square feet). The purpose of the C-RA zoning district is to provide areas for residential uses within the context of small-scale agricultural and agriculturally related uses. The subject property is surrounded by single-family residences. A single-family dwelling was previously demolished on the project site. ~~The project, constructing sheds, would be accessory to the principally permitted agricultural land use of livestock operations, large animals (goats) in conformance with the Marin Coastal Zoning Code Section 20.32.035.B, and Table, 3-7.~~

While the land use "livestock operations-large animals" is a permitted use in the C-RA zoning district, the site does not meet the minimum lot area requirements for the use pursuant to the standards contained in Marin County Coastal Zoning Code Section 22.32.035.B.2. In addition, while the land use "livestock operations-small animals" is an allowed use in the C-RA zoning district, there is no primary residence on the site, thus this use is not allowed on the site in conformance with the required standards contained in Table 3-6 of the Coastal Zoning Code.

"Agricultural production" is a permitted land use in the C-RA zoning district and includes the growing of field, fruit, nut, and vegetable crops; the operation of plant nurseries; aquaculture and mariculture; viticulture; vermiculture; the growing of forestry crops; commercial gardening; and beekeeping. The proposed project which consists of

constructing sheds to be used for agricultural purposes, would be accessory to a "agricultural production" land use.

- E. **Water Resources.** The proposed project, as conditioned, is consistent with the applicable policies contained in the Water Resources section of the Marin County Land Use Plan and the applicable standards contained in Section 20.64.080 (Water Resources).

Department of Public Works staff reviewed the plans and found them to be acceptable. No grading is proposed. The project is consistent with the LUP water quality policies and would not result in substantial soil erosion or discharge of sediments or pollutants into surface runoff that would adversely affect the quality of coastal waters (C-WR-1, C-WR-2, C-WR-3, C-WR-6) because the grading and drainage improvements would comply with the Marin County standards and best management practices required by the Department of Public Works.

- F. **Community Design.** The proposed project, as conditioned, is consistent with the applicable policies contained in the Community Design section of the Marin County Land Use Plan and the applicable standards contained in Chapter 20.64.100 (Community Design).

The neighborhood surrounding the project site primarily consists of single-family residences and vacant parcels, with single-family residences in the immediate vicinity consisting of one- and two-story structures and residential accessory structures. ~~Within the C-RA zoning district, livestock operations, large animals (goats) and agricultural accessory structures are permitted land uses that are subject to Design Review approval.~~ The proposed agricultural accessory structures would not exceed the maximum allowable height of 15 feet above surrounding grade for the respective zoning district. The project would not disrupt significant views of the ocean or scenic coastal areas because it is not highly visible from public viewing areas. The project would be consistent in scale, design, and materials with the surrounding community. Therefore, the project is consistent with the LUP community design policies to protect visual resources and compatible design (C-DES-1, C-DES-2, and C-DES-3).

- G. **Community Development.** The proposed project, as conditioned, is consistent with the applicable policies contained in the Community Development section of the Marin County Land Use Plan and the applicable standards contained in Section 20.66 (Community Development).

The proposed development would maintain the existing character of small-scale residential, commercial, and agricultural uses in Bolinas (C-BOL-1). Additionally, both sheds will not exceed 15 feet above surrounding grade.

- H. **Energy.** The proposed project, as conditioned, is consistent with the applicable policies contained in the Energy section of the Marin County Land Use Plan and the applicable standards contained in Section 20.64.120 (Energy).

The project would be required to satisfy all applicable energy-saving standards as required by the County's Building and Safety Division prior to the issuance of a building permit. Therefore, the project is consistent with the LUP energy policies (LUP Policies EH-2.1, EH-2.3, and CD-2.8) and this finding because it would be constructed in conformance with

County energy efficiency standards, as verified during review of the Building Permit application as applicable.

- I. **Housing. The proposed project, as conditioned, is consistent with the applicable policies contained in the Housing section of the Marin County Land Use Plan and the applicable standards contained in Section 20.64.130 (Housing).**

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

- J. **Public Facilities and Services. The proposed project, as conditioned, is consistent with the applicable policies contained in the Public Facilities and Services section of the Marin County Land Use Plan and the applicable standards contained in Section 20.64.140 (Public Facilities and Services).**

The subject property would not be developed with wells or a sewage disposal system. No commercial operations have been proposed on the property.

- K. **Transportation. The proposed project, as conditioned, is consistent with the applicable policies contained in the Transportation section of the Marin County Land Use Plan and the applicable standards contained in Section 20.64.150 (Transportation).**

The through lot had frontage on Oak Road, and Nymph Road, however the access to Oak Rd. has been compromised due to bluff retreat. Therefore, the property is currently accessed by Nymph Road, exclusively. The project is consistent with the LUP transportation policies (C-TR-1 and C-TR-2) and this finding because the project would not result in impacts to the road that the property is accessed from, Nymph Road.

- L. **Historical and Archaeological Resources. The proposed project, as conditioned, is consistent with the applicable policies contained in the Historical and Archaeological Resources section of the Marin County Land Use Plan and the applicable standards contained in Section 20.64.160 (Historical and Archaeological Resources).**

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

- M. **Parks, Recreation, and Visitor-Serving Uses. The proposed project, as conditioned, is consistent with the applicable policies contained in the Parks, Recreation, and Visitor-Serving Uses section of the Marin County Land Use Plan and the applicable standards contained in Section 20.64.170 (Parks, Recreation, and Visitor-Serving Uses).**

The project is consistent with LUP policies for coastal recreation and visitor-serving and local-serving facilities (C-PK-1 and C-PK-4) and this finding because the project is located entirely on the subject property and would not adversely affect access to existing visitor and local serving amenities.

7. **WHEREAS**, the project is consistent with the mandatory findings for Design Review approval (Marin County Code Section 22.42.060).

A. **The proposed development complies with either the Single-family or Multi-family Residential Design Guidelines, as applicable, the characteristics listed in Chapter 22.16 (Discretionary Development Standards) and 22.32.168 (Tidelands), as well as any applicable standards of the special purpose combining districts provided in Chapter 22.14 of this Development Code.**

There are no standards provided in Chapter 22.14 that apply to the project and the development would not occur within a tidelands area. The proposed project is consistent with the Discretionary Development Standards because it is designed to avoid adversely affecting natural resources or the character of the local community. The project's consistency with the standards and guidelines most pertinent to the subject property is discussed below.

SITE PREPARATION: Development Standards J.1 through J.6; Design Guidelines A-1.2 through A-1.4

As referenced above, the proposed development would be located outside of the Bluff Top Setback as determined in the Geotechnical Evaluation Report prepared by Miller Pacific Engineering Group on March 21, 2024. Additionally, Department of Public Works staff reviewed the plans submitted for the project and deemed them to be adequate. No grading is proposed. Additionally, no tree removal is proposed.

BUILDING LOCATION: Development Standards D.1 through D.4; Design Guidelines D-1.6

The proposed sheds would be located on the eastern portion of the lot away from the Bluff Top Setback. The proposed placement of the sheds also allows for adequate space for ~~activities associated with the agricultural production land use, the agricultural use of livestock operations, large animals. As discussed above, the permitted agricultural livestock operations, large animals land use shall be required to conform with Marin County Local Coastal Zoning Code, Section 20.32.035.B, and Table, 3-7.~~ The property is not located within the Ridge and Upland Greenbelt (RUG) area and is not located on a visually prominent ridgeline. The proposed detached accessory structures would not obstruct views from public rights-of-way, waterways, or other public open spaces.

PROJECT DESIGN: Development Standard I.1 and I.2; Design Guideline D-1.7

The proposed sheds would not exceed 15 feet in height consistent with the maximum allowable height limit for accessory structures established by the C-RA-B2 zoning district. The sheds would be made of wood and a condition will be imposed requiring the structures to be a neutral color and constructed of materials and colors that shall not be reflective.

MASS AND BULK: Design Guidelines D-1.1 through D-1.5

No residential development is proposed; therefore, the Residential Single-Family Design Guidelines do not apply to this project.

EXTERIOR LIGHTING: Development Standard G; Design Guideline C-1.11

No exterior lighting fixtures are proposed with the project.

LANDSCAPING AND VEGETATION REMOVAL: Development Standard F; Design Guideline A-1.1

The project site is partially denuded and includes some native grasses, trees, and shrubs. The project would not result in tree removal. According to the Marin County Geographic Information System, the site is identified as "barren".

ACCESS: Development standard C; Design Guidelines A-1.5

The project site is accessible via Nymph Road.

NEIGHBORHOOD COMPATABILITY: Design Guidelines B-1.1, C-1.1 through C-1.3, C-1.7

No residential development is proposed; therefore, the Residential Single-Family Design Guidelines do not apply to this project.

B. The proposed development provides architectural design, massing, materials, and scale that are compatible with the site surroundings and the community.

The proposed project includes the construction of agricultural accessory structures. The project site consists of a vacant lot which is accessed via Nymph Road. The subject property is a through lot that historically was accessed from Oak Road, but the property is no longer accessible from Oak Road due to bluff retreat that has taken place. The Bolinas Mesa consists primarily of residences and vacant parcels as well as some agricultural and equestrian structures.

The proposed development includes modest one-story structures. The proposed materials and colors of the structure would harmonize with the surrounding natural environment and the residences in the surrounding neighborhood as conditioned herein.

C. The proposed development results in site layout and design that will not eliminate significant sun and light exposure or result in light pollution and glare; will not eliminate primary views and vistas; and will not eliminate privacy enjoyed on adjacent properties.

The project would not adversely impact sun and light exposure, views, vistas and privacy to adjacent properties due to the proposed location of the agricultural accessory structures (the structures would be set back a minimum of 25 feet to over 150 feet from surrounding properties), the size of the property, the topography of the site, and the location of the developed structures on the adjacent properties.

D. The proposed development will not adversely affect and will enhance where appropriate those rights-of-way, streetscapes, and pathways for circulation passing through, fronting on, or leading to the property.

Rights-of-way and pathways for circulation will not be impacted, because the project is located entirely on the property. The property has frontage on Nymph Road and will continue to be accessed via that street.

- E. The proposed development will provide appropriate separation between buildings, retain healthy native vegetation and other natural features, and be adequately landscaped consistent with fire safety requirements.**

The project would maintain an adequate separation from the neighboring residences and no new landscaping is proposed within the project scope.

SECTION II: ACTION

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

This planning permit is an entitlement to apply for construction permits, not a guarantee that they can be obtained, and it does not establish any vested rights. This decision certifies the proposed project's conformance with the requirements of the Marin County Development Code and in no way affects the requirements of any other County, State, Federal, or local agency that regulates development. In addition to a Building Permit, additional permits and/or approvals may be required from the Department of Public Works, the appropriate Fire Protection Agency, the Environmental Health Services Division, water and sewer providers, Federal and State agencies.

SECTION III: CONDITIONS OF PROJECT APPROVAL

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

CDA-Planning Division

1. This Coastal Development Permit approval authorizes the construction of two detached accessory structures (sheds) on a vacant parcel in Bolinas. The 240 square feet of approved development shall result in a floor area ratio of one percent on the 18,000 square foot lot. The approved sheds shall reach a maximum height of 14 feet, 8 5/8 inches above surrounding grade and the exterior walls shall have the following setbacks on the through lot: over 150 feet from the southwestern front property line; 25 feet, 9 1/2 inches from the northwestern side property line; 25 feet, 8 1/2 inches from the southeastern side property line; and 25 feet, 5 inches from the northeastern front property line.
2. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled "Yerington Goat Shed," consisting of 2 sheets prepared by Dorman Associates Architecture and Interiors, received in final form on March 22, 2024, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
 - a. The project materials and colors shall be neutral colors that blend with the natural surroundings and shall not be reflective.
3. The project shall conform to the Planning Division's "Uniformly Applied Standards 2023" with respect to all of the standard conditions of approval and the following special conditions: 3, 4.

SECTION IV: VESTING

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

SECTION V: APPEAL RIGHTS

NOW, THEREFORE, BE IT RESOLVED that this decision is final unless appealed to the Marin County Planning Commission. A Petition for Appeal and the required fee must be submitted in the Community Development Agency, Planning Division, Room 308, Civic Center, San Rafael, no later than 10 business days from the date of this decision.

SECTION VI: ADOPTION

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 6th day of June 2024.

Megan Alton
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Michelle Reed
DZA Recording Secretary