

**TOWN OF FAIRFAX
STAFF REPORT**

To: Mayor, Members of the Town Council

From: Michael Rock, Town Manager 
Jim Moore, Planning Director

Date: May 4, 2011

Subject: Informational Report: Spirit Rock Master Plan Amendment Application

BACKGROUND

Please find attached copies of the staff report, recommended Resolutions and Mitigated Negative Declaration that were provided to the Marin County Planning Commission for their February 14, 2011 hearing on the Spirit Rock Master Plan Amendment application.

Plases be advised that this item was continued at the February 14, 2011 County Planning Commission meeting and will be heard again in the latter part of May 2011. The County staff report and attachments will (presumably) be provided on the County's web page prior to the next meeting.

DISCUSSION

A detailed project description is included on page 1 of the attached (County) staff report for this project.

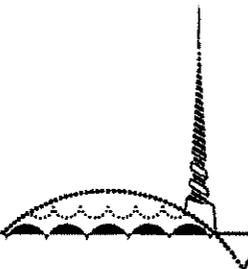
In short, the County's Community Development Agency is processing an application to amend the 1988 Spirit Rock Master Plan, including conducting CEQA review on recommended changes to the Master Plan, in order to address environmentally sensitive areas and to implement a "Resource Protection Plan".

Please note: this application process has been impacted by the applicant invoking the Religious Land Use and Institutional Persons Act (RLUIPA) - which limits the abilities of municipalities to place restrictions of certain activities (and the number of people) on lands used for religious purposes.

ATTACHMENTS

1. Spirit Rock Master Plan Staff Report
2. Spirit Rock Master Plan Resolution
3. Spirit Rock Master Plan Mitigated Negative Declaration

AGENDA ITEM # 15



MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY
BRIAN C. CRAWFORD DIRECTOR

**STAFF REPORT TO THE MARIN COUNTY PLANNING COMMISSION
SPIRIT ROCK MEDITATION CENTER MASTER PLAN AMENDMENT**

Item No.:	8	Application No.:	MP 08-3
Applicant:	HartMarin	Owner:	Spirit Rock Meditation Center
Property Address:	5000 Sir Francis Drake Boulevard	Assessor's Parcel:	172-350-35
Hearing Date:	February 14, 2011	Planners:	Jeremy Tejirian Veronica Corella

RECOMMENDATION:

- 1. Recommend adoption of the Mitigated Negative Declaration to the Board of Supervisors**
- 2. Recommend adoption of an Ordinance approving the Master Plan Amendment to the Board of Supervisors**

APPEAL PERIOD: Not applicable
LAST DATE FOR ACTION: 60 days from adoption of the Mitigated Negative Declaration

SUMMARY RECOMMENDATION:

Staff recommends that the Planning Commission recommend approval of the Spirit Rock Master Plan Amendment and Spirit Rock Mitigated Negative Declaration to the Board of Supervisors.

PROJECT SUMMARY:

HartMarin has submitted an application, on behalf of Spirit Rock Meditation Center, proposing to amend the Spirit Rock Master Plan by relocating approved buildings away from environmentally sensitive areas and adjusting the development area boundary to exclude sensitive habitats and include disturbed areas already served by infrastructure while providing for development of a limited number of new facilities. The applicant also proposes to replace existing population limits established by conditions of the Master Plan approval with the implementation of a "Resource Protection Plan" to address population related issues through property management practices. (Please refer to the detailed project description below for more information).

GENERAL INFORMATION:

General Plan:	AG2 (Agriculture, 1 unit per 10 – 30 acres)
Zoning:	ARP-20 (Agriculture, Residential Planned, 1 unit per 20 acres)
Lot size:	409 acres
Adjacent Land Uses:	Single-Family Residential, Open Space, Agriculture

ENVIRONMENTAL REVIEW:

The Environmental Coordinator is recommending that the Planning Commission review and recommend that the Board of Supervisors adopt a Mitigated Negative Declaration of Environmental Impact for the proposed project. A Mitigated Negative Declaration has been prepared and circulated for review by the public and responsible and trustee agencies pursuant to the California Environmental Quality Act (CEQA) Guidelines. The draft Mitigated Negative Declaration identifies potentially significant adverse impacts in several categories, but the potential environmental impacts are generally associated with the following: land use and planning policy, geophysical, hydrology, air quality, transportation/circulation, biological resource, hazard, noise, aesthetics/visual resource, and cultural resource factors. A full response to comments received regarding the CEQA document is attached (attachment 10)

PUBLIC NOTICE:

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and giving the earliest possible decision date in accordance with California Government Code requirements. This notice has been mailed to all property owners within 600 feet of the subject property and to public agencies and organizations having purview over the project.

PROJECT DESCRIPTION:

A. Summary

The project sponsor proposes amendments to the Master Plan granted for the Spirit Rock Meditation Center in 1988. Following preparation of an Initial Study and adoption of a Negative Declaration, the 1988 Master Plan was approved to establish a development area envelope and provided a framework governing the uses, the intensity of uses, and the development of the site. The proposed Master Plan Amendment is described as "Phase 4" of the project (supplementing, and in some cases modifying, the 1988 Master Plan and its implementing Precise Development Plans, Phases 1, 2, and 3). The sponsor expresses two main goals that the Master Plan Amendment is intended to accomplish:

1. To relocate approved buildings away from environmentally sensitive areas and adjust the development area boundary to exclude sensitive habitats and to include disturbed areas already served by infrastructure while providing for development of a limited number of new facilities.
2. To implement a "*Resource Protection Plan*" that addresses population related issues through property management practices.

The Spirit Rock 1988 Master Plan approval was followed by several Precise Development Plan, Design Review, and other planning approvals that have led so far to the development of approximately 50% of the buildings originally authorized in the 1988 Master Plan. The full scope of the 1988 Master Plan included development of a total of 70,560 square feet of floor area, clustered in the four subareas: the Community Center, the Teacher and Staff Village, the Retreat, and the Hermitage Center.

The project sponsor does not propose to amend the religious type of uses that are currently allowed at Spirit Rock to non-religious types of uses. However, the sponsor proposes to modify the size and location of several of those already approved and vested, but not yet constructed buildings. Overall, the sponsor is proposing to increase the total Master Plan square footage authorized on site by 5,924 square feet to a maximum of 76,484 square feet. Although the floor area is proposed to increase, the

project sponsor proposes to reduce the number of vested residential retreat units on site by 13 units, from a maximum of 155 to a maximum of 142. The written application materials state that major buildings that were previously approved within SCAs are proposed to be relocated farther from the top of the banks, as summarized below:

- The Meeting Hall would be moved from its approved location 45 feet from the top of bank to an increased distance of 125.5 feet from the top of bank.
- The Administration Building would be moved from its approved location 5 feet from the top of bank to an increased distance of 100 feet from the top of bank.
- The Hermitage Commons would be moved downhill from its approved location 30 feet from the top of bank to an increased distance of 171 feet from the top of bank.

Numerous site improvements are also proposed, including modifying the alignment of the existing driveway, constructing additional parking, installing a photovoltaic array, and upgrading the septic system. Environmental enhancements are also proposed, such as planting riparian vegetation along the creekbeds.

The project sponsor is not proposing to have any set limit on the number of daily occupants on the site and is proposing an unrestricted schedule of religious activities and events with an unrestricted number of attendees.

Table 1 below summarizes several important aspects of the proposed amendments.

Table 1
Summary of Proposed Changes at the Spirit Rock Meditation Center Above
Master Plan Baseline

Factor to Assess	Net Change Approved
Relocation of buildings	1) relocated Dining Hall, 2) relocated Meeting Hall, 3) relocated New Administration building, 4) relocated Residence Halls (2), and 5) relocated Hermitage Commons and Cabins
Increased floor area (in square feet) and changes in the Development Area Boundary (DAB)	Total increase of 5,924 square feet of floor area on the site and decrease in the DAB of a minimum of 0.2 acres or more as required by the Marin County Open Space District
Increased usage at the site	Unrestricted but subject to safety, traffic, potable water, and environmental health constraints and controls
Changes in type of use	No change in the type of use as the site would continue to be used as a Buddhist retreat center

B. Proposed Project Components

1. Adjustment of Previously Approved Development Site Boundaries (Building Envelope)

The Master Plan Amendment proposes to adjust the boundaries of the 1988 Development Site Area. The acreage of the Development Area as permitted by the SPIRIT ROCK Master Plan is 38.6 acres, or approximately 9.4% of the 409-acre site. This Development Area has been amended over the years to include minor changes. The project sponsor proposes to amend the land conservation easements held by the MCPOSD, resulting in the exchange a total of 3.53

acres of land area contained in 4 small parcels within the existing development site boundaries with a total of 3.31 acres of land contained in 4 small parcels of the MCPOSD-easement area (net increase to MCPOSD is 0.22 acre) in order to grant environmentally sensitive areas (primarily SCA and WCA areas) to the MCPOSD in exchange for land areas more suitable for development (primarily septic field expansion outside of the SCA). This proposed exchange of lands is intended to provide protection for wetlands and riparian zones along the creeks while providing suitable land to SPIRIT ROCK to expand its septic system capacity. In addition one parcel (identified as parcel E-2, 0.91-acre in size), located off the entrance road just north of Sir Francis Drake Boulevard, is proposed to be grasspaved for overflow parking. The total acreage for the Development Area would be 38.4 acres after these changes are completed, and the lands protected by the MCPOSD easements would be 370.9 acres.

After reviewing the application, MCPOSD staff indicated that they would recommend that the Marin County Open Space District Board modify the conservation easement proposed by the applicant. The MCPOSD and Spirit Rock reached a tentative agreement to an exchange of lands and dedication of a trail that would provide a substantially greater degree of public benefits than the original offer made by Spirit Rock.

The tentative agreement is labeled as Exhibit D (attachment 3). Overall, the modification to the Conservation Easement (90-64143/96-052174) would result in an additional 3.83 acres of protected area and would also modify the Pedestrian/Equestrian Easement (90-6414) to add the Gonzales Ranch connector along Los Pinos Road. With this, the ridge top trail could then be opened for public access.

The additional lands that would be granted to MCPOSD under this new agreement are:

- 1.45 acres of oak woodland watershed headwaters above the Hermitage cabins
- 0.82 acres of steep, forested blue-line creek watershed below the Hermitage cabins
- 0.39 acres of Spirit Rock Creek headwaters
- 1.66 acres of Spirit Rock Creek watershed surrounding the existing Meditation Hall

In addition, Spirit Rock would take back control of 0.49 acres of engineered fill slope north of the existing Residence Halls.

2. Modification and Relocation of County-approved Structures and Proposed New Structures

As stated above, for planning purposes the project sponsor has divided the site into the "Lower Campus" and the "Upper Campus." For land use and activity purposes, the project sponsor has further divided the site into four land use and activity subareas. The "Lower Campus" consists of the "Teacher and Staff Village" and "Community Center"; the "Upper Campus" consists of the "Retreat" and "Hermitage." The "Retreat" and "Hermitage" are restricted to use by overnight practitioners.

Some of the structures approved by the 1988 Master Plan and the subsequent 1989, 1991, and 1995 Precise Development Plans have been built, either as temporary structures or permanent structures (6 temporary structures are proposed for removal); some of them have not been built. Some structures that are built and some of the structures approved, but not yet built, are proposed to be relocated. Some new structures are proposed in the Master Plan Amendment. (*Refer to Exhibit A: Plan Sheets 5b and 5.*) The following is a summary discussion of these situations:

Convert (and retain): Convert the existing temporary dining hall to "flexible" use ("Dharma Hall") on Exhibit A: Plan sheets 5b and 5c.

- 2,644 square foot temporary dining hall (identified as structure D)

Remove: Remove 6 existing temporary structures and the gate house shown on Exhibit A: Plan Sheet 5b.

- 5,292 square foot temporary meeting hall structure (identified as structure H)
- 1,480 square foot temporary administration structures (2) (identified as structures I)
- 3,792 square foot temporary staff housing structures (3) (identified as structures K)
- 36 square foot gate house (identified as structure L)

Remove: As-built 1,117 square foot yurt structure to be removed (identified as structure E) (prior Building Permit and Design Review DM 98-47 approval only for 702 square foot yurt and deck).

Legalize: Legalize the existing gratitude hut constructed without approval through the Master Plan Amendment identified under Existing Structures Exhibit A: 5b and 5c.

- 56 square foot gratitude hut (identified as structure G)

Eliminate from Building Program: Eliminate the not yet built multiple-purpose/playroom structure under Approved Master Plan shown on Exhibit A: Plan sheet 5b (and under Approved Phase 3) and the pavilion structure under the Approved Master Plan from the building program.

- 400 square foot multiple-purpose/playroom structure (identified as structure 5)
- 500 square foot pavilion (identified as structure 11)
- 2,500 square foot family housing (identified as structure 6)

Relocate and Construct: Relocate and construct (modify sizes) the not yet built four residence halls (southwest of the existing temporary dining hall) under Approved Master Plan (two of the four approved through the Phase 2 Precise Development Plan) (Exhibit A: Plan sheet 5b); relocate and replace with two residence halls (Residence Halls 5 and 6) in a new location in the Retreat Area under Proposed Phase 4, south of the existing residences and Council House (Exhibit A: Plan sheet 5c); relocate the Hermitage Cabins/Commons further south toward the Retreat Area (Exhibit A: Plan sheet 5c) thus reducing the overall number of overnight units by 13 units. Relocate and construct a permanent meeting hall with additional facilities, dining hall, administrative building, resident staff housing, and village commons (Exhibit A: Plan sheet 5c).

- proposed 3,716 square foot residence hall 5 structure (identified as structure 1, Proposed Phase 4)

- proposed 3,716 square foot residence hall 6 structure (identified as structure 1, Proposed Phase 4)
- proposed 5,660 square foot hermitage cabins/commons (identified as structure 9, Proposed Phase 4)
- proposed 10,589 square foot meeting hall with additional facilities (identified as structure 3, Proposed Phase 4)
- proposed 7,197 square foot dining hall (identified as structure 2, Proposed Phase 4)
- proposed 4,688 square foot administrative building (identified as structure 4, Proposed Phase 4)
- proposed 3,935 square foot resident staff housing (identified as structure 6, Proposed Phase 4)
- proposed 3,505 square foot village commons (identified as structure 5, Proposed Phase 4)

Construct: Construct (modify sizes) the visiting teacher housing under Approved Master Plan (and Phase 3 Precise Development Plan) (Exhibit A: Plan sheet 5b).

- proposed 2,688 square foot visiting teacher housing (identified as structure 8, Proposed Phase 4)

Maintain: Maintain the existing structures and facilities under Approved Master Plan (Exhibit A: Plan sheet 5b).

- 11,340 square foot four residence halls and Council House (identified as structures B and C)
- 10,056 square foot meditation hall and annex (identified as structure A)
- maintain the existing utility services
- 2,811 square foot maintenance building (identified as structure J)

New Construction: Allow the construction of two new proposed structures consisting of the resident teacher housing and the information kiosk (Exhibit A: Plan sheet 5c) under Proposed Phase 4.

- proposed 1,884 square foot resident teacher housing (identified as structure 7, Proposed Phase 4)
- proposed 100 square foot information kiosk (identified as structure 10, Proposed Phase 4)

3. Primary Baseline: 1988 Master Plan Approved Structures vs. Proposed Structures at Buildout

Table 3 below provides the total baseline square footage approved by the vested 1988 Master Plan, Precise Development Plans, Design Reviews, and Building Permits, the total proposed Master Plan Amendment square footage, the resultant proposed buildout square footage, and the change in square footage. The baseline square footage approved by the 1988 Master Plan plus or minus the change in square footage as a result of the proposed Master Plan Amendment equals the proposed square footage buildout.

TABLE 3
1988 MASTER PLAN APPROVED STRUCTURES VS. PROPOSED STRUCTURES AT BUILDOUT

	Primary Baseline Approved (SF)	Proposed Project (Phase 4) (SF)	Buildout (SF)	Change in SF Subject to Initial Study (SF)	Notes
Community Center					
Gate House	150	0	0	(150)	
Administration Building	1,900	4,688	4,688	2,788	To be relocated from original site
Meeting Hall	5,400	4,500	4,500	(900)	To be relocated from original site 450 people
Library (part of Mtg. Hall)		803	803	803	Part of new Meeting Hall
Lobby and Reception (part of Mtg. Hall)		1,785	1,785	1,785	Part of new Meeting Hall
Breakout Rooms (part of Mtg. Hall)		1,613	1,613	1,613	Part of new Meeting Hall
Storage, Elevators, Mechanical (part of Mtg. Hall)		1,888	1,888	1,888	Part of new Meeting Hall
Gratitude Hut		56	56	56	Legalize, built w/o permits
Kiosk		100	100	100	
<i>Subtotal Community Center</i>	<i>7,450</i>	<i>15,433</i>	<i>15,433</i>	<i>7,983</i>	
Retreat and Hermitage Center					
Temporary Dining Hall (Dorm C)		2,644	2,644	2644	To be converted to Dharma Hall
Four Residence Halls and Council House	12,600	0	11,340	(1,260)	Already built
Meditation Hall and Annex	10,050	0	10,301	251	Already built
Residence Hall 5 (Dorm A)		3,716	3,716	3,716	To be relocated from original site, 23 multi-family units ¹
Residence Hall 6 (Dorm B)		3,716	3,716	3,716	To be relocated from original site, 23 multi-family units ¹

	Primary Baseline Approved (SF)	Propose d Project (Phase 4) (SF)	Buildout (SF)	Change in SF Subject to Initial Study (SF)	Notes
Hermitage Cabins/Commons	5,660	2,388	2,388	(3,272)	To be relocated slightly to the east
Dining Hall	6,900	7,197	7,197	297	To be relocated from original site, 195 total seats
Yurt		1,017	1,017	1,017	To be removed
<i>Subtotal Retreat</i>	<i>35,210</i>	<i>20,678</i>	<i>42,319</i>	<i>7,109</i>	
Teacher and Staff Village					
Maintenance Enclosed	1,000	0	2,592	1,592	
Maintenance Unenclosed	0	0	219	219	
Village Dormitories	12,400	3,909	3,909	(8,491)	
Staff Housing	8,600	3,935	3,935	(4,665)	
Family Housing	2,500	0	0	(2,500)	To be omitted from program
Multipurpose Building	400	0	0	(400)	To be omitted from program
Visiting Teacher Housing	2,500	2,688	2,688	188	1988 MP approval
Resident Teacher Housing		1,884	1,884	1,884	
Pavilion	500	0	0	(500)	To be omitted from program
Village Commons	N/A	3,505	3,505	3,505	
<i>Subtotal Teacher and Staff Village</i>	<i>27,900</i>	<i>15,921</i>	<i>18,732</i>	<i>(9,168)</i>	
GRAND TOTAL	70,560	44,560	76,484	5,924	

Note: SF = square feet.

^a The County's 1988 approval of the original Master Plan allowed up to 70,560 square feet of building area on the site.

4. Site Grading and Creek Improvements

The project proposes to balance most of all cut and fill for project construction on site and limit trucking of off-haul. It is estimated that approximately 7,600 cubic yards of soil would be cut and 7,565 cubic yards of soil would be used as fill on the site, requiring that 35 cubic yards of excess cut material be removed from the site. The proposal includes construction of a berm and drainage improvements between the roadway and creek to protect creek and water quality.

5. On-site Sewage Disposal System

Currently, approximately half of the effluent is treated before dispersal. Under the proposed new system, all of the effluent generated by Spirit Rock will receive advanced treatment. Questa's "Onsite Wastewater Facilities Report" states that "in order to accommodate proposed

building modifications and additions, changes to, and expansion of, the wastewater system are now needed." In addition, septic system upgrades are proposed in order to meet recent State water quality regulations. The proposed new advanced wastewater treatment system is intended to improve water quality. (Refer to Section XIII.12.d, Sewer or Septic Tanks, of the Initial Study for further discussion.)

The specific wastewater facility changes proposed include:

- Abandon the existing intermittent sand filters and install a new advanced wastewater treatment system for all of the lower area buildings
- Install a new advanced wastewater treatment system for the upper area buildings
- Install a separate greywater collection, treatment, and drip disposal system for laundry and shower water
- Abandon a portion of the existing creekside leachfield system
- Maintain full use of the existing central field leachfield
- Install three new drip disposal fields for treated wastewater to serve the upper area buildings and one new drip field for the lower area buildings

Under the proposed new system, the maximum treatment capacity is estimated to be 11,400 gallons per day (gpd), compared to the current system of 9,000 gpd or a 1.26% increase, with an average daily flow of approximately 8,000 gpd (70% of maximum design flow), compared to the current system of 6,060 gpd, or a 1.32% increase. The proposed disposal areas can accommodate flows up to 12,400 gpd, allowing for 1,000 gpd of surplus disposal capacity.

6. Traffic, Access, and Parking

Site access would remain the same. The main entrance would be from Sir Francis Drake Boulevard, just east of Railroad Avenue. This access point would continue to prohibit left turns for visitors leaving the on-site access road. Drivers wanting to travel east on Sir Francis Drake Boulevard would be required to turn right from the site access road, continue to Railroad Avenue, and then drive east through the community of Woodacre on San Geronimo Valley Drive until joining Sir Francis Drake Boulevard again.

An additional estimated new 50-space on-site overflow parking lot is proposed to be constructed on the site located approximately 420 feet north of Sir Francis Drake Boulevard. These would be added to the existing 271 parking spaces on the site. Proposed improvements in this area include the "grasspave" parking lot (GrassPave is a structural lawn that supports traffic loads and acts as a bio-swale to filter surface water runoff.), a new kiosk at this location within a divided and landscaped entrance roadway.

The Traffic Study prepared by Robert Harrison puts forth a "Spirit Rock Center Transportation Management Plan" which has been submitted by the applicant as part of the proposal is intended to reduce the number of motor vehicle trips generated at the SPIRIT ROCK site, including increased carpooling; managed schedule of events; and increased use of alternative transportation modes such as bicycles, walking, and transit.

Additional proposed improvements include:

- A paved lot in the western central area converted to overnight residential retreat use
- An eastern gravel parking lot paved and striped for day use with 14 additional spaces
- "GrassPave" overflow lot for 50+ cars during special events
- Existing asphalt-paved access road in front of the meeting hall will be converted to "GrassPave" and featured paving
- One ADA van parking space will be located at the Hermitage Commons
- The road to the Hermitage cabins relocation will be improved to rural standards in accordance with the Marin County Fire Department
- Additional staff, teacher, and ADA parking, approximately five spaces, will be provided in the Village area

7. Site Improvements and Landscaping

Proposed site improvements include:

- Use of "silent retreat gate" in front of dining hall as separation between Upper and Lower Campuses
- Planting of trees at the Sir Francis Drake Boulevard
- Use of indigenous, fire-safe, and low-water-consumption landscaping
- Restoration of Community Center meadow to a more natural state
- Implementation of a creek restoration program
- Creation of walking paths and free-span bridges to meadow (east of access driveway)
- Use of public art with a Buddhist theme
- Undergrounding of all utilities

C. Proposed Green Development Practices and Alternative Energy Sources.

The Master Plan Amendment proposal contains "green" building practices with the goal of achieving a "carbon-neutral" environment including the following:

- Conservation of water and improved water quality, use of greywater from showers and laundry facilities for irrigation and possibly toilet water
- Green site improvements including "green" streets using curbs to direct drainage into bio/swales to filter water runoff before it enters the creeks, "GrassPave" shoulders, use of groundwater recharge to slow the impact of stormwater, use of grasspave in low-use overflow parking areas, conversion of originally planned creek crossings that had fill and culverts to covered bridges to avoid intrusion into streambanks and riparian habitat, protection of wetlands and riparian zones

- Green buildings using modular design, passive solar heating/cooling, renewable recycled materials, use of fiber cement non-combustible siding, permeable house wrap, fluorescent lighting, efficient appliances, photovoltaic systems for electric power, energy-efficient windows, engineered framing lumber, and other green building materials
- Green construction practices using tree and habitat protection by fencing at driplines, erosion control measures, recycling of job site and demolition waste, salvaging of existing materials, use of componentized construction to make the most efficient use of construction materials
- Green site planning by reducing building site coverage, orientation of buildings for solar access and wind/climate issues, and infill development to use existing infrastructure such as roads
- Green landscaping including transplanting trees, designing around specimen trees, pruning trees to maintain health, removing nonnative and invasive vegetation, and using recycled landscape materials, use of Xeriscape landscaping

D. Proposed Construction Phasing

The project would be divided into construction phases identified as Phases 4A and Phase 4B. It is estimated that Phase 4A would take place between June 2011 and 2015, for the elements shown in Table 4 below. Phase 4B would take place between 2020 and 2025, for the elements shown in Table 4. All elements of the construction phasing are estimates and may be altered subject to future land use entitlements including Precise Development Plan and/or Design Review approvals.

TABLE 5
ESTIMATED CONSTRUCTION PHASES

No. of Phase (Starting Month/ Year)	Elements of Construction	Activities	Estimated Conclusion	Notes
4A.1 (June 2011)	Staff Village; Administration Bldg. (Gateway House); Meeting Hall (Community Temple)	Remove temporary housing; Village site work; Admin. Bldg. site work; Meeting Hall site work; removal of excess berm from overflow parking area	June 2012	Use of overflow parking area for staging of equipment, job shack, construction parking, and subcontractor trailers
4A.2 (September 2011)	Village Commons; Teacher Residential Units; Staff Residential Units; Staff Parking; Admin. Bldg.; Meeting Hall	Prepare one-half parking area for staff/teacher village; build eight staff units; complete Admin. Bldg. and Meeting Hall	January 2013	Use Village parking area for staging as well as overflow parking area
4A.3 (July 2012)	Overflow Parking Area	Complete overflow parking area	September 2012	Use portion of Staff/Teacher Village parking area for staging

No. of Phase (Starting Month/ Year)	Elements of Construction	Activities	Estimated Conclusion	Notes
4A.4 (October 2012)	Removal of temporary Admin. Bldg. and Meeting Hall	Build meadow and meadow accessory parking lot	December 2012	Use portion of Teacher/Staff Village parking area for staging
4A.5 (April 2015)	Dining Hall site work; Dining Hall; completion of 4A infrastructure	Work on Dining Hall site work and building	June 2017	Use meadow accessory parking area for staging and half of Staff Village parking for construction parking; overflow parking also to be used for staging
4B.1 (April 2020)	Two residence halls; 16 staff residential units; two resident teacher residential units; one-half staff parking; road to Hermitage	Retreat Center; SPIRIT ROCK open to day use only; work focused in Teacher/ Staff Village and Retreat area	April 2021	Access road by residence halls to be used for staging for job shack, trailers, and materials storage; Meadow accessory parking area for additional staging
4B.2 (April 2025)	Hermitage	Build cabins and Hermitage Commons; portion of retreat may be closed	June 2026	Same staging as per 4B.1 and moved to Hermitage Commons parking area once it is graded

These construction phases may be modified by the applicant in the future, provided the modifications are consistent with the project mitigation measures.

E. Proposed Resource Protection Plan

Spirit Rock is an overnight facility that provides daytime retreats/classes as well as overnight retreats. Therefore, it is a 24-hour operation, with most of the use occurring during daytime classes and evening classes that generally conclude by 9:00 PM. Some retreats/classes occur on Saturdays and Sundays.

The existing 1988 Master Plan requires that events on Sundays (between the months of May and October) must conclude before 1:00 PM or after 7:00 PM. This restriction was established to minimize conflicts with Sunday traffic associated with beach-goers traveling on Sir Francis Drake Boulevard.

The Resource Protection Plan (RPP) is intended to establish clear and quantifiable criteria for water quality, traffic levels of service (LOS), and preservation of sensitive habitats, although specific set standards and criteria are not set out in the Plan itself. The RPP is proposed to develop future criteria to protect sensitive areas while concentrating religious practices on the least environmentally sensitive land.

Elements of the Resource Protection Plan are summarized below.

Environmental Protection

The RPP proposes to provide ongoing protection and stewardship for the land. The RPP proposes to develop different criteria for each zone of the site, including undeveloped lands, wildlands and managed open space and "settled lands" that have been approved for roads and buildings, exclusive of creeks or riparian zones. An annual monitoring report would be prepared by Spirit Rock and submitted to the Marin County Community Development Agency upon request. The RPP specifies that if any exceedance of future set standards is identified, the SPIRIT ROCK proposes to modify use patterns and/or operations until set criteria are met.

The RPP also includes recommended measures to protect sensitive habitat. For the creek and riparian habitat, the following are proposed: (1) installation of three check dams and one sedimentation basin in accordance with "Spirit Rock Stream Habitat Protection Plan;" (2) erosion control measures; (3) invasive species management; (4) Sudden Oak Death Syndrome management and prevention; and (5) riparian plantings and creek restoration. Check dams No. 1, 2, and 3 are proposed in proximity to the site's entrance road along the streams, and one sedimentation basin is proposed at the edge of the pasture near the entrance to the site.

For woodland areas, the RPP proposes the following: (1) Sudden Oak Death Syndrome management and prevention; (2) forest management in creep zones and other recommendations included in the Arborist's Report (McNair & Associates, 2008); and (3) invasive species management and other MALT and Marin County Open Space District (MCOSD) initiatives.

For native grasslands, the RPP includes: (1) invasive species management; (2) limitations on access by promoting the use of established paths; and (3) wildfire protection via grazing (currently under way). For wetlands habitat, limitations on access by relocation of the Development Area Boundary are proposed, in addition to management of invasive species.

The RPP proposes management of unstable soils by the diversion of groundwater as recommended by the project geotechnical engineer and annual observation of such soils. The RPP also includes proposals for maintenance of planting east of the Teacher/Staff Village to protect visual resources and to screen the project from public view (i.e., Sir Francis Drake Boulevard) and limited access/publicity to protect cultural resources on the SPIRIT ROCK site.

Wastewater Flow

The RPP proposes creation of an Operation, Maintenance, and Reporting Plan for the septic systems. Wastewater flow would be monitored weekly and septic tanks would be inspected to determine the need for pump-out. Wastewater effluent would be sampled routinely on a monthly basis for specific criteria. Groundwater monitoring wells would be installed in each disposal area to measure groundwater levels and to sample water quality. Routine reporting results would be submitted in compliance with the Waste Discharge Requirements issued by the Regional Water Quality Control Board.

Water Quality

The RPP proposes to provide future water quality baseline studies consisting of sampling and testing for chemicals, sediments, and bacteria from the central creek (Spirit Rock Creek) as it leaves the property. These baseline studies are proposed to be undertaken after the implementation of the SPIRIT ROCK Master Plan Amendment.

Traffic

The RPP proposes to implement the Traffic Management Plan (TMP) as set forth in the RPP. Under the TMP, Spirit Rock will monitor the level of service with the minimum criteria for said monitoring being the current levels of service at Spirit Rock as established by the submitted Transportation Analysis, Section 7. While not stated formally as "mitigation measures," the TMP sets forth recommended "measures" and management elements including: event scheduling to reduce conflicts with peak off-site traffic; installation of a "NO U TURN (R3-4)" regulatory sign on westbound Sir Francis Drake Boulevard at Railroad Avenue to assure that the advised exit route from the SPIRIT ROCK toward the east is observed by drivers; increased carpooling; increased use of bicycles, walking, and transit; and fee reductions/waivers for SPIRIT ROCK programs as a way to encourage carpooling and alternative transportation. (*Refer to Section XIII.6, Transportation/Circulation, of the Initial Study for further discussion of this issue.*)

Standards and Monitoring

While the project proposes a RPP, the completion of the mapping of the specified zones, establishment of standards and criteria and monitoring provisions are not proposed to be set forth until after approval of the proposed Master Plan Amendment and these items are proposed to be submitted with the Precise Development Plan, Phase 4 application.

BACKGROUND:

Summary of approvals

In 1988, the County approved the Spirit Rock Master Plan, with a requirement that any development pursuant to the Master Plan be subject to subsequent approval(s) of Precise Development Plan(s) (PDPs). To date, three such Precise Development Plans (referred to as Phase 1 in 1989, Phase 2 in 1991, and Phase 3 in 1995) have been approved, as well as two Precise Development Plan Amendments (Phase 2 in 1993 and Phase 3 in 2002). Additionally, two Design Reviews, the first in 1996 and the second in 1998, have been approved. A number of buildings (permanent and temporary) have been constructed in accordance with these approvals. An overview of the history of approvals is provided below and an inventory of structures approved and built to date is provided in the table below.

1988 Master Plan Approval

The Master Plan approved the following components:

Structure	Square Footage
Maintenance Building and Pavilion	1,000 square feet
4 Dormitories/Counsel House in Retreat Area	12,600 square feet
Hermitage Area	5,660 square feet
Multi-purpose Room/Playroom	400 square feet
Staff Quarters	8,600 square feet
Teacher Housing	2,500 square feet
Family Housing	2,500 square feet
Meeting Hall	5,400 square feet
Administration Building	1,900 square feet
Main Dining Hall	6,900 square feet
Village Housing	12,400 square feet
Meditation Hall	10,050 square feet
Gate House	150 square feet

Pavilion	500 square feet
Total	70,560 square feet

The Master Plan approved the following sleeping quarters: 1) 155 beds in dormitory buildings; 2) 4 one-bedroom family housing units; 3) 4 one-bedroom teacher housing units; 4) 20 rooms for staff; and 5) 20 rooms in the hermitage area. A 50-foot streamside setback was conceptually approved at the Master Plan stage. The Master Plan required 153 parking spaces. The Master Plan conditions included requirements for: 1) an agricultural easement on the site; 2) pedestrian/equestrian trail easements; 3) tree surveys, replacement and maintenance; 4) re-vegetation, erosion control and stream preservation and restoration plans; 5) traffic monitoring program; and 6) restrictions on hours of operation. Conditions of approval allowed a maximum of 315 persons on-site peak occupancy capacity and 150 persons peak open house/event capacity per event and 6 events per year. Many other conditions of approval were required regarding construction, retreat operation, and traffic.

1989 Precise Development Plan, Phase 1 and 1990 Design Review

The 1989 PDP Phase 1, included design approval for vehicular and pedestrian roadways, trails and bridges, along with other site work and infrastructure construction, including wastewater and parking for 112 vehicles. The PDP also granted temporary approval for modular buildings that were to be 720 square feet and 4,200 square feet that would serve as staff quarters and a meeting hall respectively. Conditions of approval allowed the 720 square foot structure for 3 years and the 4,200 square foot structure for 5 years. Extensions to the removal of the temporary structures were approved in determinations made on October 11, 1991 (Precise Development Plan Amendment, Phase 2), and letter dated April 21, 2003. Currently the structures remain in the Meadow and are proposed for removal.

1991 Precise Development Plan, Phase 2

Phase 2 Precise Development Plan approval included phase II of the wastewater plan, along with the approval of three permanent dormitory buildings in the Community Center area consisting of: 1) Dorm A, 4,724 square feet, containing 28 rooms; 2) Dorm B, 3,916 square feet, containing 27 rooms; and 3) Dorm C, 3,916 square feet, containing 28 rooms. Also approved were two temporary dormitory buildings in the Community Center area each 1,680 square feet in size: 1) Temporary Dorm A with 10 single rooms and 2 double rooms; and 2) Temporary Dorm C with 9 single rooms and 2 double rooms. Phase 2 approved a total of 13,364 square feet of permanent dormitories with 83 beds. The design for a two-story 9,282 square foot dining hall with laundry room and offices in the Community Center area was also approved along with roadway and utility extensions, landscaping, ten wooden tree platforms not exceeding 200 square feet in the Hermitage Center, and a 22-foot streamside setback. Since approval of PDP Dormitory C was constructed, which was approved in the subsequent amendment.

1993 Precise Development Plan Amendment of Phase 2

Phase 2 Precise Development Plan Amendment: 1) granted permanent use of the temporary 4,200 square foot Meeting Hall approved in Phase 1, Precise Development Plan; 2) granted a time extension for 10 years (to 2003) of the 720 square foot office building approved in PDP, Phase 1; 3) allowed a second 720 square foot residential building to remain for 10 years (to 2003); 4) substituted Dining/Dormitory Building C for a 21-bed dormitory, but allowed its use until 1995 as a kitchen/dining hall or occupancy of the permanent dining hall. Conditions of approval allowed the Spirit Rock Meditation Center (Spirit Rock) to seek County approval for a new meeting hall up to the maximum 5,400 square foot size permitted in the 1988 Master Plan, subject to the removal of the 4,200 square foot original "temporary" meeting hall, now permitted as permanent. It also required Spirit Rock to seek County approvals of future permanent staff quarters and office accommodations in accordance with the 1988 Master Plan approval. All of the above improvements have been constructed on the site.

1995 Precise Development Plan, Phase 3

In the 1995 PDP, Phase 3, the following structures were approved; 1) Dormitories and Council House (total 13,030 sq.ft.); 2) 5 structures in the retreat area; 3) the Meditation Hall (10,056 sq. ft.); 4) Staff Housing, two buildings (3,792 sq. ft.); 5) Teacher Housing, two buildings (1,770 sq. ft.); 6) Family Housing, one building (1,879 sq. ft.); 7) Multipurpose Building (1,784 sq. ft.); 8) Commons Building (3,505 sq. ft.); 9) Maintenance Building (380 sq.ft. unenclosed/646 sq. ft. enclosed); 10) Hermitage Area facilities consisting of 18 single room dwelling units, two single-story bath houses; and 11) and a two-story Commons building (5,014 sq. ft.). Also approved were improvements to parking facilities, roadway and utility extensions, on-site sewage treatment facility, and landscaping. The hermitage building had been re-sited to the north and modified to consist of 18 detached residential units, two detached bathhouses, and a commons building. Six of the residential units, a portion of the commons building, and a roadway crossing were all approved within the 100 foot SCA. The development area boundaries were also adjusted, and resulted in an equal exchange of land to accommodate an on-site sewage treatment facility near the parking and staff housing. Phase 3 also allowed for an increase in beds from the Master Plan approved 71 beds to 86 beds, but with the reduction in beds approved in PDP, Phase 3, the retreat did not exceed a total of 155 beds. Of the structures approved, the maintenance building, dormitories and council house, meditation hall, and three buildings for staff and family housing have been constructed.

1996 Design Review

On September 30, 1996, the County approved a design review for four temporary modular temporary staff housing buildings. A time extension was granted on February 24, 2003 extending the use of the buildings to the date of February 25, 2009.

1997 Vesting of 1988 Master Plan Determination

On July 14, 1997, County staff issued Spirit Rock a determination that the 1988 Master Plan approval was vested with the approval of the Spirit Rock Precise Development Plan, Phase 3, on December 7, 1995. The vesting determination did not include the pavilion building located to the south of the hermitage, as this facility was not included in the 1995 Precise Development Plan approval. The County determined that the Precise Development Plan, Phase 3 was vested because building permits were issued for the four dormitories and council house.

1998 Design Review

This Design Review approved a 707 square foot temporary deck platform, fitted with a temporary 20-foot-high shelter to be removed upon the grant of occupancy for a permanent dining hall or start of construction of the permanent residence hall, whichever occurred first.

2002 Precise Development Plan Amendment of Phase 3 and Determination of Ultimate Square Footage Allowed by the 1988 Master Plan Approval

The PDP, Phase 3 amendment approved construction of a 1,296 square foot maintenance building with a covered area. Up to this point, Spirit Rock had applied for, and been issued, approvals for construction of a number of buildings, in varying degrees and order, and modifications to the 1988 Master Plan approval. While conditions of approval of this Precise Development Plan Amendment found that the size of the proposed maintenance building was larger than contemplated in the 1988 Master Plan approval, the County determined that the overall floor area authorized by the 1988 Master Plan could not be exceeded and in the future, any submitted Precise Development Plan and/or Building Permits for future construction must reflect a reduction in the overall square footage of development at Spirit Rock in compliance with the square footage allowed by the 1988 Master Plan.

Determination of 1988 Master Plan Square Footage Approval and Future Required Reduction Requirement

County staff issued a memo dated May 20, 2002, informing Spirit Rock that the approved square footage of the 1988 Master Plan approval was 70,560 square feet and that to date the modified approvals issued by the County totaled 71,535 square feet. Therefore, the required reduction in the size of future phases of construction at Spirit Rock remained at 975 square feet. This memo also determined that the pavilion structure that was approved by the 1988 Master Plan, but excluded from the 1995 Precise Development Plan Phase 3 proposal, would remain in the 1988 Master Plan approval.

2003 Precise Development Plan Amendment

Approval was granted to change the use of an existing 720 square foot temporary structure in the meadow from a residential use to an office use. With the second 720 square foot temporary office structure, the project resulted in a total of 1,440 square feet of temporary office space, where the 1988 Master Plan approved a maximum of 1,900 square feet of permanent administrative office space in the Village area.

2008 Time Extension Approval

On April 21, 2008, the County granted a 5-year time extension (to April 21, 2013) to allow for the continued use of "temporary" modular structures, until the replacement with permanent structures as follows: two module units used as office space located in the Village area; and three module units used as staff housing located in the Community Center area.

Approved and unbuilt structures

Since approval of the 1988 Master Plan, the following approved structures have not been constructed:

1. Within the Community Center the permanent administration building and meeting hall have not been built.
2. Within the retreat and hermitage, the hermitage commons and cabins, permanent dining hall, and two residence halls (Dorms A and B) have not been built.
3. Within the Teacher and Staff Village, the village dormitories, multipurpose building and playroom, and the resident/visiting teacher housing have not been built.

KEY ISSUES:

RELIGIOUS INSTITUTIONS AND RLUIPA

Since at least the 1970s, and in some instances before, portions of northern and western Marin County have been home to a number of religious institutions that offer retreats that are somewhat different from most Americans' view of traditional religious practice. Whether it be the open space available, the beauty of the natural setting, the proximity to San Francisco, or the character of its residents, religious institutions that offer spiritual practice of a more contemplative nature have been attracted to this area. These religious institutions have simultaneously served as the locus of spiritual communities as well as preserving the open and rural landscape, which residents and visitors to Marin alike so enjoy. Several examples of such institutions are provided below along with the approximate areas of their properties:

ORGANIZATION	LOCATION	APPROXIMATE AREA
Brahma Kumari World Spiritual Organization	Novato	50 acres
Vedanta Society of Northern California	Olema	2,131 acres
San Francisco Zen Center	Muir Beach	123 acres

Over the decades, these institutions have become important members of the communities in which they are located, and Spirit Rock is no exception. Tranquility is of paramount concern to Spirit Rock, and is an integral part of the experience that Spirit Rock provides. Evident in the overall vision of the physical layout of Spirit Rock is an emphasis on moving from a more public area near Sir Francis Drake Boulevard up the valley to gradually more quiet and secluded areas. The physical layout of the site mirrors and promotes a more inner journey for those in attendance at Spirit Rock's retreats. This emphasis on tranquility has also benefited the local community by protecting the open hillsides of the valley and avoiding the noise and commotion that is often associated with large religious institutions.

However, this tranquility has been punctuated by a number of larger scale special events. Buddhist luminaries, including Thich Nhat Hanh and the Dalai Lama among others, have attracted much higher rates of attendance than is typical for Spirit Rock's normal retreats and Monday night talks. These higher rates of attendance were not foreseen or addressed in the original Master Plan for the site. Spirit Rock is seeking to eliminate the regulatory cap on attendance imposed in the original Master Plan.

In 2000, Congress passed the Religious Land Use and Institutionalized Persons Act (RLUIPA) as a practical means to ensure that the constitutionally guaranteed right to freedom of religion would be protected in local land use decisions. RLUIPA has a number of important provisions that prevent local governments from undertaking the following actions:

- Enacting zoning restrictions that impose a "substantial burden" on a religious institution;
- Treating religious assemblies and institutions differently from secular institutions; or
- Discriminating against any assembly or institution on the basis of religion or religious denomination.

As discussed in the supplemental Use Permit findings in the recommended Resolution, the County would not run afoul of RLUIPA because the current population cap included in the 1988 Master Plan would be replaced with a Special Events Management Program, which would define specific criteria and measures that would be put in place to protect public health and safety as well as reducing traffic impacts to the local community. This approach would avoid placing an undue regulatory burden on Spirit Rock's religious practices, while advancing legitimate government interests. Further, the same approach could be used for other religious institutions in Marin County that were granted Master Plan or Use Permit approvals before Congress passed RLUIPA in those instances where the County's regulatory requirements could be interpreted to place an undue regulatory burden on those religious institutions.

BASELINE ISSUES

As described at length in the Initial Study, the determination of what baseline to use was a key issue for the environmental review. The existing, previously approved, and proposed use and occupancy allowed on the property are treated very differently in the Initial Study from the existing, previously approved, and proposed development on the property.

Use and Occupancy

With respect to use and occupancy, the Initial Study used a single baseline as the attendance previously approved in the 1988 Master Plan. Even though there is evidence that attendance numbers exceeded those allowed for various special events, the County does not give "credit" for those

unauthorized rates of attendance for the purposes of environmental review or merits determinations. In 1988, the original Master Plan contained the following standards for daytime and evening attendance:

- 150 overnight visitors
- 40 staff, monks, and nuns to spend any single night at Spirit Rock
- 125 daytime and evening visitors
- A combined total of 315 people are currently allowed on the Spirit Rock site on a daily basis.

In addition, the 1988 Master Plan conditional approval provided for a maximum attendance of 150 persons per special event (e.g., open houses and visiting dignitaries) and no more than 6 events per year for open house/special events.

Since the majority of visitors attending large scale special events mainly occupy outdoor areas, the environmental review assumes that the rearrangement of the development and increase in floor area would not result in a commensurate increase in the number of people anticipated to be on-site at any one time. Therefore, the projections for the reasonably foreseeable maximum number of people on-site were taken from historical data available for previous large scale special events, which was a maximum of 1,600 people for one event, and the additional development proposed is not expected to increase this amount. Effects related to Spirit Rock's proposal to remove the limits on attendance are discussed in detail in the Initial Study and the Use Permit Findings in the recommended Resolution.

Development

With respect to development, a dual baseline analysis is provided in the Initial Study. The primary baseline is the development that has been allowed by previous approvals and the alternate baseline is the existing development on-site. This dual baseline approach was necessary because of uncertainty regarding legal interpretations of past court cases, especially the Fairview Neighbors v. County of Ventura and the more recent Communities for a Better Environment v. South Coast Air Quality Management District cases (discussed on page 13 of the Initial Study).

In the original legislative intent behind CEQA, making environmental information analysis scientifically based and clear was of paramount concern in order to better inform decision-makers of the environmental consequences of their actions. The dual baseline approach used for the Initial Study contradicts this underlying intent by confusing the issues at the heart of the Master Plan Amendment and offering decision-makers a false choice. It may seem on the surface that using the alternate baseline gives decision-makers the ability to undo previous approvals for development in areas that are environmentally sensitive. In fact, this is far from the case. The 1988 Master Plan was vested in its entirety in 1997, and Spirit Rock is legally entitled to develop the site in accordance with that vesting determination. Only by amending the Master Plan can Marin County seek to modify the project to better protect natural and cultural resources. It is fair to say that the type of development approved under the previous Master Plan would not meet the stricter environmental protection criteria that County policy contains today. As discussed in the Initial Study and under the Planned District Development Standards in the recommended Resolution, Spirit Rock's application would address many of the worst aspects of the previously approved development by modifying the site layout, road and driveway alignments, and resource protection measures.

In the event that the proposed Master Plan Amendment is denied, then the previous approvals would continue to be in effect, and would be carried out if Spirit Rock chose to expand under the existing

1988 Master Plan approval. Although no analysis of alternatives is provided in Initial Studies, project denial is essentially akin to the "no-project" alternative found in EIRs. In the case of Spirit Rock, this no-project alternative would be substantially worse for the environment over the long term than the proposed project. Throughout the recommended Resolution, only the primary baseline is used for Findings, the project description, mitigations and other conditions of approval.

USE AND OCCUPANCY ISSUES

It is important to note that, although certain assumptions have been made to predict future attendance at special events for the purposes of environmental review, the applicant proposes to remove all population restrictions on the site. The concept of replacing the current cap on attendance with the Resource Protection Plan is well intentioned, but logically flawed. The Resource Protection Plan, as well as the various other mitigation measures for enhancements to the natural environment imposed as conditions of approval are a proactive way of preserving the natural qualities of the site and protecting those qualities from the adverse effects of the future development associated with the Master Plan. In almost all respects, the development of the Spirit Rock campus proposed in the Master Plan Amendment is far superior to the development approved with the original Master Plan from an environmental perspective, and the additional Open Space and trail offered for dedication will provide an important public benefit. However, the Resource Protection Plan protects the site from undue impacts from future development, not use, and the impacts to the area and the public from unregulated participation in religious events at Spirit Rock are only substantially addressed by the Transportation Management Plan. Other elements of the Resource Protection Plan, such as tree protection and riparian enhancements, are reasonably related and roughly proportional to the proposed development, but not to the potential increase in population on site. The evidence presented in the Initial Study does not support the contention that the implementation of the Resource Protection Plan would reduce the impacts of increasing population on site, except for the traffic management and mitigation measures that would be required. For this reason, it is not necessary or prudent to require that mitigation measures associated with impacts from development be implemented before the population cap is removed, and the attendance component of the Master Plan Amendment may be vested prior to components related to development.

Ample evidence is provided in the Initial Study for the project that, although the Resource Protection Plan does not adequately address impacts from unrestricted attendance at religious events, there are other mitigation measures that can be imposed to protect the public that are at least as effective as a regulatory cap on attendance. In particular, the requirement for the applicant to submit a Special Events Management Program (SEMP) to the County for review in consultation with other agencies and first responders would ensure that events are well regulated without a population cap being imposed. Given their past practices, there is every reason to believe that Spirit Rock would implement some measures during large scale special events intended to protect their visitors and the surrounding areas even without such a requirement. However, the SEMP provides the County with a mechanism to advance the legitimate government interests of protecting public health and safety as well as managing traffic congestion in a manner that is coordinated and sufficient to fully address any potentially significant impacts resulting from large crowds before they occur. The applicant has indicated a willingness to work constructively with the County to prepare and implement the SEMP.

As a matter of future enforceability, a condition of approval requires that the SEMP include provisions for special event plans for individual special events. These special event plans would be submitted to the Planning Division prior to the largest of the events that could occur at Spirit Rock and would precisely detail how the criteria of the SEMP would be met in the case of that particular event. In some cases, those special event plans would require that the Fire Department, County Sheriff, and Public Works Department be consulted and would also indicate means of notifying the local community of the upcoming event. Review of the special event plans would be conducted on a ministerial basis to ensure

conformance of the operations of the event with the criteria defined in the SEMP.

Under RLUIPA, it is incumbent on the County to avoid treating Spirit Rock differently from non-religious institutions. Marin County routinely imposes requirements for non-religious entities holding large special events to manage traffic effectively, use portable toilets and bottled water, and put adequate safeguards in place for Sheriff's Deputies, Fire fighters and medical personnel to adequately respond to emergencies during large scale special events. These requirements are not being imposed on Spirit Rock because it is a religious institution or because of the particular religion practiced at Spirit Rock. Under RLUIPA, it is also incumbent on the County to avoid substantially burdening Spirit Rock with regulations that are not absolutely necessary to advance legitimate government interests. By decoupling the vesting requirements for the components related to future development from the vesting requirements for removing the population cap, the County is avoiding any unnecessary regulatory burden being placed on Spirit Rock's religious practices. By requiring the implementation of the SEMP, the County is ensuring that the project would not adversely affect public health, safety or welfare. Therefore, the proposed project, as modified by the conditions of approval, would be consistent with the regulatory parameters established by RLUIPA and consistent with this Finding.

OPEN SPACE AND DEVELOPMENT ISSUES

The project site contains open grasslands and coniferous and hardwood vegetation primarily within areas of the site that contain moisture from drainage. The designated development area is a small portion of the full property (38.6 acres of the total property area of 409.3 acres) and located largely within the interior of the property with only the entrance from Sir Francis Drake Boulevard reaching an exterior border. Lands within the Development Area Boundary are well screened by sub-ridgelines, acoustic berms, and trees that surround existing and proposed development. Implementation of the proposed project would increase clustering on the site and locate development in the most accessible areas within the development area boundary (DAB), as discussed above under the road and driveway standards. Further, development would be clustered in areas that avoid unstable soils as much as possible, as discussed below under the geologic hazards standard.

The project site is most visible from traffic traveling west on Sir Francis Drake Boulevard. Property views from this westbound traffic enjoy comparatively uninterrupted views of the eastern edge of the building envelope for approximately 10 seconds when traveling 55 miles per hour. While individual properties may have views of the project site, views from public roadways on the south side of the San Geronimo Valley looking toward the project site are largely obstructed by existing structures and mature vegetation. Accordingly, views of the project site are "window" views between trees and structures that are visible for relatively brief periods of time when traveling along public trails and roads.

The existing project approvals establish a Development Area Boundary (DAB) in order to ensure that site improvements do not conflict with the scenic values of the site. The proposed project would adjust the DAB. Some of the proposed adjustments would reduce the existing DAB and would not result in the potential for impact beyond that which could occur under existing conditions. This analysis focuses on the areas where the project would expand the DAB. As discussed in the attached Resolution, the Open Space offer of dedication will be increased to permanently protect more area as required by the Open Space District.

The proposed DAB is substantially screened from public view from Sir Francis Drake Boulevard and the southern slopes of the San Geronimo Valley by existing topographic features and vegetation. The project site is visible from certain vantage points along the ridgeline, but appears very small due to the great distance between the project and the ridgeline. Vegetation directly below the ridgeline partially blocks the view of portions of the project site. All off-site views of the DAB are distant views. Views to the ridgeline north of the project site would remain unobstructed. The project would not significantly

alter existing views or natural features, would preserve existing scenic qualities of the project site and would not result in development on ridgelines or open hillsides, or interfere with views to ridgelines or other scenic resources.

With respect to affordable housing requirements, Marin County imposes those affordable housing requirements that are in effect at the time that: (A) a Vesting Tentative Map is deemed complete for purposes of the California Permit Streamlining Act (PSA), or (B) a Precise Development Plan (or Design Review in the absence of a Precise Development Plan) is deemed complete for the purposes of the PSA.

Due to their size and nature, the buildings to be constructed on site in the future could accommodate affordable housing units if necessary. Therefore, conformance with affordable housing standards would be feasible without increasing the proposed physical development if the Master Plan Amendment is approved, but a specific determination regarding affordable housing standards would not be required until a Precise Development Plan or Design Review is submitted for future development on the property.

VESTING ISSUES

The three main components of the project are modifying the use and occupancy requirements, adjusting the Development Area Boundary and the Open Space easements, and modifying the layout of the development. As discussed on page 12 of the Initial Study, the applicant proposes to retain their vested rights under the 1988 Master Plan until the 180 day statute of limitations on legal appeals run out, and thereafter while they construct portions of the project in compliance with the Master Plan Amendment. The Community Development Agency's position is that Spirit Rock cannot have two separate Master Plans govern development on the site at the same time. The applicant has proposed to amend the 1988 Master Plan, and if it is amended then Spirit Rock will not have the right to develop those portions of the project that have been modified except in conformance with the Master Plan Amendment. However, in order for Spirit Rock to retain its vested rights under the 1988 Master Plan until the statute of limitations expires (and after all court cases have been resolved), the conditions set forth a phased set of requirements for vesting.

As discussed in the Use Permit Findings, it is necessary to decouple the use and occupancy requirements from the development requirements because the Special Events Management Program (SEMP) would address impacts related to large scale special events, and other mitigations are reasonably related to the development impacts and not the use of the site. Since the Open Space easements must be modified before any changes to the Development Area Boundary can be made, it is necessary for revised Open Space easements to be recorded before plans that comply with the Master Plan Amendment conditions of approval can be reviewed and accepted.

The first task that Spirit Rock would be required to complete in order to vest the project is to obtain approval from the Open Space District Board to revise the Open Space easements encumbering their land and to record those revised easements. The applicant has worked out a tentative agreement with the staff of the Parks and Open Space Department to revise the Open Space easements encumbering the property (see attachment 3, Exhibit D). This may be done concurrently with or after the statute of limitations has expired. Once the easement revisions have been recorded, Spirit Rock will submit two documents: (1) a set of plans that show all of the approved development, without extraneous details regarding permit history, that will serve as the exhibit of record for future Precise Development Plan reviews (and labeled Exhibit B); and (2) a Special Events Management Program, which the County will review in consultation with other agencies. Spirit Rock may choose not to submit these documents until after the statute of limitations has expired. Once Exhibit B is accepted as an accurate record of the approved development on the site, Spirit Rock will lose its previously vested rights to development.

Once the Special Events Management Program is accepted, Spirit Rock's approved right to lift the cap on attendance imposed by the 1988 Master Plan would be vested.

CONCLUSION:

The three main components of the project are modifying the use and occupancy requirements, adjusting the Development Area Boundary and the Open Space easements, and modifying the layout of the development. RLUIPA places limitations on the authority that local jurisdictions have to regulate land use to protect the freedom of religion, but the cap on attendance can be replaced with a Special Event's Management Program that would protect the public health, safety and welfare. Further, the applicant has worked out a tentative agreement with the staff of the Parks and Open Space Department to revise the existing Open Space easements. Overall, the proposed modifications to the layout of the site design would substantially reduce the environmental impacts that would otherwise result from building out the project in conformance with the original Master Plan. Vesting different components can occur in a phased manner that promotes full implementation of the project in an organized and responsible manner. Finally, as discussed in the Initial Study and the recommended Resolution, the project would be consistent with the mandatory findings for approval of the Master Plan Amendment application.

RECOMMENDATION:

Based on the analysis above and the attached recommended resolution, staff recommends that the Planning Commission review the administrative record, conduct a public hearing, and adopt the Resolutions recommending that the Board of Supervisors adopt a Mitigated Negative Declaration for the project and enact an Ordinance approving the Spirit Rock Meditation Center Master Plan Amendment.

Attachments:

1. Recommended Resolution recommending that the Board of Supervisors grant a Mitigated Negative Declaration of Environmental Impact for the Spirit Rock Meditation Center Master Plan Amendment
2. Recommended Resolution recommending that the Board of Supervisors enact an Ordinance approving the Spirit Rock Meditation Center Master Plan Amendment
3. Exhibit D: Tentative Easement Agreement between Spirit Rock and the Marin County Department of Parks and Open Space
4. Applicant comments on a tentative agreement with the Parks and Open Space Department regarding easements, received 1-28-11
5. Truong comments, received 2-2-11
6. Ray comments, received 2-2-11
7. Sievers comments, received 2-7-11

With the intent of conserving resources, the following attachments have been provided only to the Planning Commission. Copies are available for public review at the Community Development Office, from 8:00 am to 4:00 pm, Monday through Friday.

8. Exhibit A: Spirit Rock Meditation Center Plans, 25 pages
9. Spirit Rock Meditation Center Master Plan Amendment draft Initial Study and Mitigated Negative Declaration (which can be viewed at <http://www.co.marin.ca.us/depts/CD/main/comdev/eir.cfm>)
10. Spirit Rock Meditation Center Master Plan Amendment response to comments and draft Mitigation and Monitoring Report (which can be viewed at <http://www.co.marin.ca.us/depts/CD/main/comdev/eir.cfm>)

MARIN COUNTY PLANNING COMMISSION

RESOLUTION _____

A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT FOR THE SPIRIT ROCK MEDITATION CENTER MASTER PLAN AMENDMENT (MP-08-3)

5000 SIR FRANCIS DRAKE BOULEVARD, WOODACRE

ASSESSOR'S PARCEL 172-350-35

SECTION I: FINDINGS

- I. WHEREAS, on August 30, 1988, the Marin County Board of Supervisors adopted Ordinance No. 2981, which approved a Negative Declaration of Environmental Impact and approved the Spirit Rock Meditation Center Master Plan. On August 30, 1999, the Notice of Determination was filed with the Marin County Clerk. The project was approved for the operation of a nonprofit religious/educational institution for the instruction and practice of silent meditation on the subject property. The Master Plan allowed a maximum of: 20 staff resident on site; 20 monks and nuns resident on site; 150 adult participants in retreats requiring overnight stays (162 adults with children under 18 years of age); 125 participants in daytime retreats or evening classes; 198 days per year where retreat sessions may be scheduled; and maximum of 315 persons on-site peak capacity. Approved buildings include: a meditation hall, a one-story guest house, a two-story guest house, a dining hall, a meeting hall, an administration building, a maintenance building, a children's play room, family housing, staff housing, teacher housing, a gate house, a hermitage with 20 single rooms, and a pavilion. The Master Plan established a development area envelope and defined the location of the approved buildings within the development area. The subject property is located at 5000 Sir Francis Drake Boulevard, Woodacre and is further identified as Assessor's Parcel 172-350-35.
- II. WHEREAS, HartMarin has submitted an application, on behalf of Spirit Rock Meditation Center proposing to amend the Spirit Rock Master Plan by relocating approved buildings away from environmentally sensitive areas and adjusting the development area boundary to exclude sensitive habitats and include disturbed areas already served by infrastructure while providing for development of a limited number of new facilities. The proposed Master Plan would replace existing population limits established by conditions of the Master Plan approval with the implementation of a "Resource Protection Plan" to address population related issues through property management practices.
- III. WHEREAS, the Marin County Community Development Agency - Planning Division prepared an Initial Study pursuant to the requirements of the California Environmental Quality Act (CEQA) for the project which determined that potential impacts relating to land use and planning policy, geophysical, water, air quality, transportation/circulation, biological resource, hazard, noise, aesthetics/visual

resource, and cultural resource factors are avoided or mitigated to a point where clearly no significant effects would occur because revisions in the project plans have been made by or agreed to by the applicant, and there is no evidence that the project as revised may have a significant impact on the environment.

- IV. WHEREAS, the Marin County Community Development Agency - Planning Division prepared a Mitigation, Monitoring and Reporting Program, which encompasses the following:
 - A. A list of mitigation and monitoring measures required of the applicant at each stage of project approval and development.
 - B. A checklist to document and verify mitigation measure compliance.
 - C. A general condition of project approval which requires that all stages of project development shall conform to the adopted Mitigation, Monitoring and Reporting Program and stipulates that the County of Marin will verify compliance with each of the required mitigations.
- III. WHEREAS, the Marin County Environmental Coordinator has determined that, based on the Initial Study, a Negative Declaration of Environmental Impact is required for the project pursuant to CEQA.
- IV. WHEREAS, on September 27, 2010 a Notice of Availability of an Initial Study and proposed Negative Declaration of Environmental Impact were completed and distributed to agencies and interested parties to commence a 30-day public review period for review and comment on the Negative Declaration. The Notice was also published in a general circulation newspaper pursuant to CEQA.
- V. WHEREAS, after the close of the public review period on October 26, 2010, on January 10, 2011, the Marin County Planning Commission conducted a duly noticed field trip to the Spirit Rock Meditation Center for the purposes of understanding the physical aspects of the project and its relationship to the site and surrounding neighborhood.
- VI. WHEREAS, on January 26, 2011 a Notice of Public Hearing by the Marin County Planning Commission was published in a general circulation newspaper pursuant to CEQA to consider recommending to the Board of Supervisors final approval of the Negative Declaration.
- VII. WHEREAS, on February 14, 2011 the Marin County Planning Commission conducted a public hearing to receive public testimony on the adequacy of the Negative Declaration for recommendation of approval to the Board of Supervisors.
- VIII. WHEREAS, the Marin County Planning Commission has reviewed and considered the information contained in the Initial Study, Negative Declaration, and comments and responses thereto.

SECTION II: ACTION

NOW, THEREFORE BE IT RESOLVED that the Marin County Planning Commission hereby makes the following findings and recommends adoption by the Board of Supervisors of a Mitigated Negative Declaration of Environmental Impact and Mitigation, Monitoring and Reporting Program for the proposed project.

1. Notice of the public review and hearing on the Negative Declaration was given as required by law and said hearing was conducted pursuant to Sections 15073 and 15074 of the State CEQA Guidelines and the County CEQA process.
2. All individuals, groups, and agencies desiring to comment on the Negative Declaration were given the opportunity to address the Marin County Planning Commission.
3. The Negative Declaration for the project consists of the Initial Study, Negative Declaration document, Mitigation Monitoring and Reporting Program, and supporting information incorporated by referenced therein.
4. The Negative Declaration was completed in compliance with the intent and requirements of CEQA, the State CEQA Guidelines, and the County's EIR process.

SECTION III: VOTE

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Marin, State of California, on the 14th day of February 2011, by the following vote to wit:

AYES:

NOES:

ABSENT:

, CHAIR
MARIN COUNTY PLANNING COMMISSION

Attest:

Debra Stratton
Planning Commission Recording Secretary

MARIN COUNTY PLANNING COMMISSION

A RESOLUTION RECOMMENDING THAT THE BOARD OF SUPERVISORS ENACT AN
ORDINANCE APPROVING THE SPIRIT ROCK MEDITATION CENTER
MASTER PLAN AMENDMENT

ASSESSOR'S PARCEL 172-350-35

5000 SIR FRANCIS DRAKE BOULEVARD., WOODACRE

SECTION I: FINDINGS

- I. WHEREAS, on August 30, 1988, the Marin County Board of Supervisors adopted Ordinance No. 2981, which approved a Negative Declaration of Environmental Impact and approved the Spirit Rock Meditation Center Master Plan. On August 30, 1999, the Notice of Determination was filed with the Marin County Clerk. The project was approved for the operation of a nonprofit religious/educational institution for the instruction and practice of silent meditation on the subject property. The Master Plan allowed a maximum of: 20 staff resident on site; 20 monks and nuns resident on site; 150 adult participants in retreats requiring overnight stays (162 adults with children under 18 years of age); 125 participants in daytime retreats or evening classes; 198 days per year where retreat sessions may be scheduled; and maximum of 315 persons on-site peak capacity. Approved buildings include: a meditation hall, a one-story guest house, a two-story guest house, a dining hall, a meeting hall, an administration building, a maintenance building, a children's play room, family housing, staff housing, teacher housing, a gate house, a hermitage with 20 single rooms, and a pavilion. The Master Plan established a development area envelope and defined the location of the approved buildings within the development area. The subject property is located at 5000 Sir Francis Drake Boulevard, Woodacre and is further identified as Assessor's Parcel 172-350-35.
- II. WHEREAS, HartMarin has submitted an application, on behalf of Spirit Rock Meditation Center, proposing to amend the Spirit Rock Master Plan by relocating approved buildings away from environmentally sensitive areas and adjusting the development area boundary to exclude sensitive habitats and include disturbed areas already served by infrastructure while providing for development of a limited number of new facilities. The proposed Master Plan would replace existing population limits established by conditions of the Master Plan approval with the implementation of a "Resource Protection Plan" to address population related issues through property management practices.
- III. WHEREAS the Marin County Community Development Agency - Planning Division prepared an Initial Study pursuant to the requirements of the California Environmental Quality Act (CEQA) for the project which determined that potential impacts relating to land use and planning policy, geophysical, water, air quality, transportation/circulation, biological resource, hazard, noise, aesthetics/visual resource, and cultural resource factors are avoided or mitigated to a point where clearly no significant effects would occur because revisions in the project plans have been made by or agreed to by the applicant, and there is no evidence that the project as revised may have a significant impact on the environment.
- IV. WHEREAS, on February 14, 2011, the Marin County Planning Commission held a duly-noticed public hearing to consider the merits of the project and hear testimony in favor of, and in opposition to the project.
- V. WHEREAS, the Marin County Planning Commission finds that the proposed project, as conditioned, is consistent with the goals and policies of the Marin Countywide Plan as identified in Appendix B (Plan Policy Analysis of the Spirit Rock Meditation Center) of the Initial Study as incorporated herein

and as summarized below:

- A. The project has been designed to retain the majority of the site as a natural terrestrial ecosystem. The proposed project will affect 38.6 acres of the 409.3-acre site. This represents 9.43% of the total land area. (*CWP Policies BIO-1.3, AIR-4.2*)
- B. The project as conditioned would retain most of the site in an open, natural condition and would implement a Resource Protection Plan to control or avoid the introduction of invasive species. The project is also subject to standard County requirements that vegetation is to be comprised of drought-tolerant, fire-safe, and native species. (*CWP Policies BIO-1.5, 1.6 & 1.7*)
- C. The project establishes a modified Development Area Boundary (DAB) that avoids areas of the property that contain wetlands and archaeological resources, proposes to increase the separation between improvements and riparian corridors on the project site, and maintains separation from Sir Francis Drake Boulevard. (*CWP Policies BIO-2.2, 2.3, 2.4, 2.5, 2.6, 3.1, 4.2, 4.5, 4.8, 4.16 & 4.19, EH-2.1, NO-1.1, HAR-1.1 & 1.3*)
- D. The project as conditioned is consistent with the Stream Conservation Area (SCA) objectives (*BIO-4.1*) because it: 1) will relocate four previously approved structures to increase separation between structures and blue-lined streams; 2) will remove four structures within the SCA; 3) uses cantilevered bridge structures over stream crossings; 4) minimizes potential impacts that may be greater if development is located outside of the setback requirements as discussed further under the Planned District Development Standards section below; and, 5) incorporates tree replacement measures to mitigate impacts to riparian vegetation.
- E. The project as conditioned will improve natural stream channel function by implementing a Creek Restoration Plan as part of their Precise Development Plan which would be based in part on a hydrologic analysis (*BIO-4.4, 4.5, 4.19*).
- F. The project as conditioned will reduce the potential for erosion and sediment discharge by submitting a Storm Water Protection Plan that will require that the project demonstrate that construction activity will be undertaken in a manner that uses effective best management practices to reduce or eliminate sediment and other pollutants in stormwater and non-stormwater discharge. (*BIO-4.14, 4.20, WR-1.3, WR-2.1, 2.3*).
- G. The project as conditioned is consistent with the Wetland Conservation Area (WCA) objectives (*BIO-3.1*) because it would adjust the Development Area Boundary to preclude future development in a portion of the site that contains wetland resources; 2) it would provide a buffer between the easterly wetland located in the Teacher and Staff Village where none presently exists; 3) it would establish a 20 foot setback around the wetland area located in the Teacher and Staff Village; and 4) it would require the submission of a Resource Enhancement Plan at the time of filing a Precise Development Plan that includes wetland restoration at a 2:1 ratio. (*BIO-3.1,3.2*).
- H. The project proposes to install porous/permeable surfaces adjacent to roadway improvements and in parking areas to increase infiltration. (*CWP Policies BIO-4.4, 4.18 & 4.20, WR-1.3*)
- I. The project utilizes existing roads and paths to minimize the number of creek crossings, and proposes to use cantilevered bridges for future creek crossings. (*CWP Policies BIO-4.14, EH-3.2*)
- J. The project would preserve over 90% of the site for open space and agricultural activities and preserve the rural character of the site by keeping improvements on the lower elevations of the project site where they will be screened by existing land forms and vegetation. (*CWP Policies WR-1.1, 1.4, OS-2.5, TRL-1.1, AG-1.2, 1.3 & 1.7, CD-8.5, DES-1.1, 1.2 & 4.1*)

- K. The project includes a Traffic Management Plan to reduce traffic volume, stagger events to avoid peak periods of traffic demand, and promote transit use and carpooling. (*CWP Policy AIR-3.1*)
 - L. The project proposes to install photovoltaic services at the site and improve energy efficiency through building orientation and construction practices to reduce reliance on traditional gas and electric services, and to recycle greywater to reduce demand for water and wastewater disposal. (*CWP Policies AIR-4.1, PFS-3.2*)
 - M. The project modifies the DAB to increase the separation between improvements and slides, and proposes improvements in areas that have adequate emergency vehicle access and water pressure for fire suppression. (*CWP Policies EH-4.1, CD-2.8 & 5.2*)
 - N. The project provides on-site housing for employees. (*CWP Policies HS-3.2 & 3.3*)
 - O. The project does not require off-site infrastructure improvements to accommodate access to or to support the proposed development. (*CWP Policies TR-1.4 & 1.5*)
- VI. WHEREAS, the Marin County Planning Commission finds that the proposed project, as conditioned herein, is consistent with the goals and policies of the San Geronimo Valley Community Plan as follows:
- A. The project has been designed to retain the majority of the site as a natural terrestrial ecosystem. (*SGCP Policy ER-1.8*).
 - B. The project proposes to retain most of the site in an open, natural condition and to implement a Resource Protection Plan to control or avoid the introduction of invasive species. The project is also subject to standard County requirements that vegetation is to be comprised of drought-tolerant, fire-safe, and native species. (*SGCP Policies ER-1.7 & 1.12, CD-1.1*)
 - C. The project establishes a modified Development Area Boundary (DAB) that avoids areas of the property that contain wetlands and archaeological resources, and maintains separation from Sir Francis Drake Boulevard. (*SGCP Policies ER-1.2, 1.5, 2.1 & 2.4, CD-1.2h, 2.1, 2.2 & 6.1*)
 - D. The project utilizes existing roads and paths to maintain one single access point to Sir Francis Drake Boulevard, preserves existing public roadway design, and minimizes the number of creek crossings. The project also proposes to use cantilevered bridges for future creek crossings and to install porous/permeable surfaces adjacent to roadway improvements and in parking areas. (*SGCP Policies T-3.1, 3.2, 5.4 & 6.1*)
 - E. The project would preserve over 90% of the site for open space and agricultural activities and preserve the rural character of the site by keeping improvements on the lower elevations of the project site where they will be screened by existing landforms and vegetation. The project also proposes a DAB that precludes development on identified farmlands of local importance. (*SGCP Policies ER-1.3, CD-1.2, 1.7 & 6.3, CF-1.1, AG-1.1 & 2.1*)
 - F. The project proposes development at the low end of the development intensity range allowed by the Marin Countywide Plan. (*SGCP Policy NH-3.1*)
 - G. Proposes to install photovoltaic services at the site and improve energy efficiency through building orientation and construction practices to reduce reliance on traditional gas and electric services, and to recycle greywater to reduce demand for water and wastewater disposal. (*SGCP Policies CD-3.1 & 3.4, AG-1.5*)

- H. The project increases the separation between proposed improvements and slides, and proposes improvements in areas that have adequate emergency vehicle access and water pressure for fire suppression. (*SGCP Policies NH-3.5*)
 - I. The project places new utilities underground. (*SGCP Policy CD-1.8*)
 - J. The project does not require off-site infrastructure improvements to accommodate access to or to support the proposed development. (*SGCP Policies CD-1.12*)
- VII. WHEREAS the Marin County Planning Commission finds that several of the housing policies discussed in the Initial Study do not pertain to thresholds of significance for environmental impacts, but rather to the merits of the project. The proposed project is consistent with those housing policies as discussed below.

The Housing Element contains policies encouraging the provision of affordable housing opportunities in Marin. In particular, policy HS-3.19 states: "Require developments with two or more dwellings to provide a percentage of units on-site for very low, low, and moderate income housing; developments with two to four units may pay an in-lieu fee." A strict interpretation of this policy indicates that a development that involves multiple new dwellings that does not provide an affordable unit on site is inconsistent with this policy, but a more liberal interpretation indicates that the policy is unclear because it imposes two different requirements in the same sentence.

Policy HS-3.21 establishes a hierarchy of solutions for providing affordable housing. As noted above, the development of more than four market rate dwelling units requires that an affordable unit be provided on site. The second priority is to construct affordable units off site, or dedicate land and sufficient funds to develop affordable units off site, but within the same planning area. The last priority is to require in-lieu fees to be paid to the County. This policy is implemented in the affordable housing requirements in the Development Code. Marin County imposes those affordable housing requirements that are in effect at the time that: (A) a Vesting Tentative Map is deemed complete for purposes of the California Permit Streamlining Act (PSA), or (B) a Precise Development Plan (or Design Review in the absence of a Precise Development Plan) is deemed complete for the purposes of the PSA.

Due to their size and nature, the buildings to be constructed on site in the future could accommodate affordable housing units if necessary. Therefore, conformance with affordable housing standards would be feasible without increasing the proposed physical development if the Master Plan Amendment is approved, but a specific determination regarding affordable housing standards would not be required until a Precise Development Plan or Design Review is submitted for future development on the property.

- VIII. WHEREAS the Marin County Planning Commission finds that the proposed project is consistent with the mandatory findings to approve the Master Plan application, for the reasons identified below.
- A. Pursuant to Marin County Code Section 22.44.030.C, the Planning Commission shall make a recommendation to the Board of Supervisors regarding a Master Plan application. Subsequent to approval of a Master Plan, the owner or the successors in interest shall submit a Precise Development Plan for the Master Plan area or Design Reviews for individual project components that are consistent with the conditions of the Master Plan.

DISCUSSION

The Planning Commission recommends to the Board of Supervisors that the proposed Master Plan Amendment, as conditioned, should be approved.

B. Pursuant to Marin County Code Section 22.44.030.B "Each application shall be analyzed by the Agency to ensure that the application is consistent with the purpose and intent of this Chapter and with the Countywide Plan and Community or Specific Plans." The purposes and intent of the Development Code are addressed in the "Purpose" and Development Standards sections of the portions of the Development Code dedicated to Planned Districts. Pursuant to Development Code Section 22.44.010 the purpose of Master Plans is the following:

1. Allow for phased developments;
2. Ensure harmony with the natural and built environment and the surrounding neighborhood character;
3. Promote clustering of structures to preserve open land areas and avoid environmentally sensitive areas;
4. Provide general direction on site design and development, and land use issues; and
5. Protect natural resources, scenic quality, environmentally sensitive areas.

DISCUSSION

The proposed project is consistent with the purpose of Master Plans because it is consistent with a conditionally permitted religious use, with the development standards and requirements of the Planned District Development Standards, and can be conditioned to comply with the affordable housing requirements of the Development Code.

IX. WHEREAS the Marin County Planning Commission finds that the proposed project is consistent with the Mandatory Use Permit Findings (Section 22.48.040 of the Marin County Code) as required for religious uses in Agricultural Residential Planned zoning districts pursuant to Section 22.44.030.C.3 of the Marin County Code.

A. The proposed use is allowed, as a conditional use, within the subject zoning district and complies with all of the applicable provisions of this Chapter.

DISCUSSION

Spirit Rock Meditation Center is considered both a religious place of worship and a religious residential retreat, as defined in Section 22.130 of the Marin County Development Code. The permit requirements listed for these in Development Code Table 2-1 are "MU", meaning that religious uses are conditional uses that may be permitted under a Master Plan with supplemental Use Permit findings. The Use Permit for the Master Plan is revocable following the same procedure as revocation for standard Use Permits.

B. The proposed use is consistent with the Countywide Plan and any applicable Community Plan and Local Coastal Program.

DISCUSSION

For the reasons discussed above in Findings V and VI, and as identified in Appendix B (Plan Policy Analysis of the Spirit Rock Meditation Center) of the Initial Study incorporated herein, the proposed project is consistent with the policies contained in the Marin Countywide Plan and the San Geronimo Valley Community Plan.

C. The approval of the Use Permit for the proposed use is in compliance with the California Environmental Quality Act (CEQA).

DISCUSSION

As discussed above in Finding III, a Mitigated Negative Declaration has been prepared for the proposed project, in conformance with CEQA requirements.

- D. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity.

DISCUSSION

Conformance with this standard would be feasible if the Master Plan Amendment is approved, but specific information on designs, locations and sizes of buildings would not be required until a Precise Development Plan or Design Reviews are submitted for the property. Further, as discussed below in Finding X.2.a, the clustering of the development would be compatible with the character of the Agricultural Residential Planned zoning district governing the subject property. The operating characteristics entailed in the project would be compatible with existing and future land uses in the surrounding area for the reasons discussed below in Finding IX.F.

- E. The proposed use would not impair the architectural integrity and character of the zoning district in which it is to be located.

DISCUSSION

Conformance with this standard would be feasible if the Master Plan Amendment is approved, but specific facilities designs would not be required until a Precise Development Plan or Design Reviews are submitted for the property. Further, as discussed below in Finding X.2.a, the clustering of the development would be compatible with the character of the Agricultural Residential Planned zoning district governing the subject property.

- F. That granting the Use Permit will not be detrimental to the public interest, health, safety, convenience, or welfare of the County, or injurious to the property or improvements in the vicinity and zoning district in which the real property is located.

DISCUSSION

The applicant proposes to control land use and attendance by implementing a "Resource Protection Plan" in lieu of population limits to regulate Spirit Rock activities. This concept for self-regulation of attendance is based, in the applicant's view, on the provisions of the Religious Land Use and Institutionalized Persons Act (RLUIPA) adopted by Congress in 2000. The applicant contends that RLUIPA protects religious institutions from unduly burdensome or discriminatory governmental land use regulations such as:

- Imposing zoning restrictions that impose a "substantial burden" on a religious institution;
- Treating religious assemblies and institutions differently from secular institutions; or
- Discriminating against any assembly or institution on the basis of religion or religious denomination.

RLUIPA does not prohibit or restrict environmental review in compliance with the provisions of CEQA. As discussed below, CEQA requires the establishment of the "baseline" (existing conditions) by which a lead agency evaluates a proposed project and increase in intensity of

use. For baseline purposes, the Initial Study reviewed the proposed and projected attendance for the proposed Master Plan Amendment based on the following;

- A combined total of 315 people are currently allowed on the Spirit Rock site on a daily basis. A population of 315 people is also a reasonable estimate of current use based on information provided by the applicant (while actual use may be higher, the County will not give "credit" for unauthorized levels of use).
- Based on the approved 1988 Spirit Rock Master Plan limits for open house/special events, the established baseline is a maximum attendance of 150 persons per event and 6 events per year. This is also a reasonable estimate of current uses based on information provided by the applicant (while actual use may be higher, the County will not give "credit" for unauthorized levels of use).

Large scale special events have taken place at Spirit Rock over the past 21 years. These events have ranged from 1,200 people in 1993 to a peak of 1,600 people at the largest event in 1995, when a special Buddhist luminary guest was present at the site. Since 1997, peak events have occurred in 2001, 2007, and 2008, when 600 persons, 750 persons, and 750 persons attended, respectively, in a one-day period, most commonly for open houses or a special gathering. Based on the Master Plan Amendment proposal as noted above that (County governmental) regulation of religious use attendance would be replaced by the "Resource Protection Plan" with environmental monitoring. Spirit Rock does not propose to restrict special events that may occur in the future to any specific maximum number and similarly does not specify how peak attendance at events might be limited or project any maximum number of persons potentially attending special events. (Special events are served by portable toilets and are not restricted by septic system capacity.)

The current use level is 900 persons per year, (based on a calculation of average annual event attendance). The baseline for open house/special events is a total of 150 persons per event and 6 events per year. While special large events occur infrequently on a year-to-year basis, based on historical records showing a peak attendance at one event of 1,600 persons, it is assumed for purposes of environmental analysis that peak maximum special event attendance of up to 1,600 persons at a single event might occur in the future at the project site, based on a historic past peak special event with 1,600 persons in attendance. Maximum special event attendance includes persons who are on-site for daily activities. When discussing maximum population numbers, it is assumed that potential impacts (e.g. wastewater disposal, water demand, traffic, parking, and emergency services) will require the applicant to either successfully manage project operations and events to avoid impacts, or to limit on-site populations. This maximum attendance would represent an increase of 1,450 persons over the 150-person baseline that is currently permitted for special events attendance.

It is important to note that, although certain assumptions have been made to predict future attendance at special events for the purposes of environmental review, the applicant proposes to remove all population restrictions on the site. The concept of replacing the current cap on attendance with the Resource Protection Plan is well intentioned, but logically flawed. The Resource Protection Plan, as well as the various other mitigation measures for enhancements to the natural environment imposed as conditions of approval are a proactive way of protecting the natural qualities of the site and protecting those qualities from the adverse effects of the future development associated with the Master Plan. In almost all respects, the development of the Spirit Rock campus proposed in the Master Plan Amendment is far superior to the development approved with the original Master Plan from an environmental perspective, and the additional Open Space and trail offered for dedication will provide an important public benefit. However, the Resource Protection Plan protects the site from undue impacts from future development, and the impacts to the area and the public from unregulated participation in religious events at Spirit Rock

are only substantially addressed by the Transportation Management Plan. Other elements of the Resource Protection Plan, such as tree protection and riparian enhancements, are reasonably related and roughly proportional to the proposed development, but not to the potential increase in population on site. The evidence presented in the Initial Study does not support the contention that the implementation of the Resource Protection Plan would reduce the impacts of increasing population on site, except for the traffic management and mitigation measures that would be required. For this reason, it is not necessary or prudent to require that mitigation measures associated with impacts from development be implemented before the population cap is removed, and the attendance component of the Master Plan Amendment may be vested prior to components related to development.

Ample evidence is provided in the Initial Study for the project that, although the Resource Protection Plan does not adequately address impacts from unrestricted attendance at religious events, there are other mitigation measures that can be imposed to protect the public that are at least as effective as a regulatory cap on attendance. In particular, the requirement for the applicant to submit a Special Events Management Program (SEMP) to the County for review in consultation with other agencies and first responders would ensure that events are well regulated without a population cap being imposed. Given their past practices, there is every reason to believe that Spirit Rock would implement some measures during large scale special events intended to protect their visitors and the surrounding areas even without such a requirement. However, the SEMP provides the County with a mechanism to advance the legitimate government interests of protecting public health and safety as well as managing traffic congestion in a manner that is coordinated and sufficient to fully address any potentially significant impacts resulting from large crowds before they occur. The applicant has indicated a willingness to work constructively with the County to prepare and implement the SEMP.

As a matter of future enforceability, a condition of approval requires that the SEMP include provisions for special event plans for individual special events. These special event plans would be submitted to the Planning Division prior to the largest of the events that could occur at Spirit Rock and would precisely detail how the criteria of the SEMP would be met in the case of that particular event. In some cases, those special event plans would require that the Fire Department, County Sheriff, and Public Works Department be consulted and would also indicate means of notifying the local community of the upcoming event. Review of the special event plans would be conducted on a ministerial basis to ensure conformance of the operations of the event with the criteria defined in the SEMP.

Under RLUIPA, it is incumbent on the County to avoid treating Spirit Rock differently from non-religious institutions. Marin County routinely imposes requirements for non-religious entities holding large special events to manage traffic effectively, use portable toilets and bottled water, and put adequate safeguards in place for Sheriff's Deputies, Fire fighters and medical personnel to adequately respond to emergencies during large scale special events. These requirements are not being imposed on Spirit Rock because it is a religious institution or because of the particular religion practiced at Spirit Rock. Under RLUIPA, it is also incumbent on the County to avoid substantially burdening Spirit Rock with regulations that are not absolutely necessary to advance legitimate government interests. By decoupling the vesting requirements for the components related to future development from the vesting requirements for removing the population cap, the County is avoiding any unnecessary regulatory burden being placed on Spirit Rock's religious practices. By requiring the implementation of the SEMP, the County is ensuring that the project would not adversely affect public health, safety or welfare. Therefore, the proposed project, as modified by the conditions of approval, would be consistent with the regulatory parameters established by RLUIPA and consistent with this Finding.

- X. WHEREAS the Marin County Planning Commission finds that the proposed project is consistent with the Planned District Development Standards. Pursuant to Marin County Code Section 22.16.030, the

Planned District General Standards provide standards for the development of varied types of land uses designed without the confines of specific yard requirements, where amenities resulting from flexibility of design will benefit the public welfare or other properties in the community, in a manner that will implement the policies of the Marin Countywide Plan, as discussed below.

1. Access:

- a. **Roads.** In ridge land areas designated by the Marin Countywide Plan, roads shall be designed to rural standards. (Generally, not more than 18 feet pavement width, depending on safety requirements. A minimum of 16 feet may be permitted in certain very low use areas, as provided in the improvement standards established in compliance with Title 24, Sections 24.04.020 et seq. of the County Code (Roads).) No new roads shall be developed where the required grade is more than 15 percent unless the review authority determines that the roads can be built without environmental damage, comply with State fire safety regulations, and be used without public inconvenience.

DISCUSSION

The proposed project would not result in the construction of any roads that have not been previously approved; however, the project would modify previously approved roads.

As shown on Exhibit A sheet 5b, the road that was approved to lead from the existing terminus of the main road adjacent to the residence hall buildings to access the hermitage commons and cabins would be realigned to better follow the existing contours and the previously approved bridge across Spirit Rock Creek would be relocated. Since the approved location of the hermitage commons would be moved closer to the existing terminus of the main road, it can be reasonably anticipated that emergency access requirements for road construction would be reduced for the stretch of road that would lead from the proposed location of the hermitage commons to the location of the hermitage cabins. Consistent with the applicant's intent, a condition of approval requires that the extension of the main road is constructed using the "grasspave" design used by the applicant for the existing main road. This design allows for a greater degree of stormwater infiltration than standard pavement by using interlinked pervious pavers, while still meeting the structural requirements of the Fire Department for roads. As shown on Exhibit A sheet 18, the existing main road will connect to the realigned main road extension leading to the Hermitage. There is a minor discrepancy between the road alignments shown on Exhibit A sheet 5b, and a condition of approval requires that the connection between the existing main road and the realigned extension be clarified/corrected on Exhibit B to avoid any confusion regarding the approved location of the road extension leading to the Hermitage.

As shown on Exhibit A sheet 16, the existing main road leading to the existing residence halls near the terminus of the main road would be realigned to allow the previously approved but unbuilt residence halls to be constructed farther from Spirit Rock Creek than the original Master Plan allowed. This modification would increase the buffer between the future residence halls and the creek and provide additional protection to the Spirit Rock stream corridor. The main road would also be realigned near the dining hall to bring it closer to the future dining hall and allow the elimination of the previously approved driveway to the dining hall. As discussed in the driveways standard, this modification would substantially reduce the grading that would otherwise be entailed with constructing the driveway to the dining hall.

Although precise calculations are not available at the Master Plan Amendment stage, it

is evident that the proposed modifications to the road extension leading to the hermitage would substantially reduce the amount of cut and fill necessary and minimize the degree to which the natural terrain would be reformed for the road extension. Therefore, the proposed project is consistent with this standard.

- b. **Driveways.** Driveways shall be designed in compliance with Title 24, Sections 24.04.240 et seq. of the County Code (Driveways). Driveway length shall be minimized, consistent with the clustering requirements of the following subsection.

DISCUSSION

While specific plans for driveway improvements will not be available until the Precise Development Plan stage, it would be feasible for all proposed driveways to meet the standards of Title 24 because of the amount of area and locations of areas reserved for driveways on the plans. Further, the Master Plan Amendment would eliminate a previously approved driveway leading from the main road to the previously approved dining hall and another driveway to several previously approved residence halls. With respect to the previously approved dining hall driveway shown on Exhibit A sheet 5b, it was originally intended to be designed to provide access to the dining hall for large delivery trucks and would have entailed slope cuts and retaining walls. By relocating the dining hall closer to the main road, the project eliminates the need for this driveway and the attendant grading and impervious surfaces that would be necessary for its construction. With respect to the driveway leading from the main road to the various residence halls, as shown on Exhibit A sheets 5b, 15, and 16, it would have required not only grading and impervious surfaces, but also a bridge over Spirit Rock Creek, which would potentially necessitate streambed alterations. Amending the Master Plan to eliminate these driveways would reduce grading, vegetation removal, and avoid disturbing Spirit Rock Creek. These benefits would be realized because the project would cluster buildings needing better access closer to the main road. Therefore, the proposed project is consistent with this standard.

2. Building location:

- a. **Clustering requirement.** Structures shall be clustered in the most accessible, least visually prominent, and most geologically stable portions of the site, consistent with needs for privacy where multiple residential units are proposed. Clustering is especially important on open grassy hillsides; a greater scattering of buildings may be preferable on wooded hillsides to save trees. The prominence of construction shall be minimized by placing buildings so that they will be screened by existing vegetation, rock outcroppings or depressions in topography. In agricultural areas, residential development shall be clustered or sited to minimize possible conflicts with existing or possible future agricultural uses.

DISCUSSION

The project site contains open grasslands and coniferous and hardwood vegetation primarily within areas of the site that contain moisture from drainage. The designated development area is a small portion of the full property (38.6 acres of the total property area of 409.3 acres) and located largely within the interior of the property with only the entrance from Sir Francis Drake Boulevard reaching an exterior border. Lands within the Development Area Boundary are well screened by sub-ridgelines, acoustic berms, and trees that surround existing and proposed development. Implementation of the proposed project would increase clustering on the site and locate development in the most accessible areas within the development area boundary (DAB), as discussed above

under the road and driveway standards. Further, development would be clustered in areas that avoid unstable soils as much as possible, as discussed below under the geologic hazards standard.

The project site is most visible from traffic traveling west on Sir Francis Drake Boulevard. Property views from this westbound traffic enjoy comparatively uninterrupted views of the eastern edge of the building envelope for approximately 10 seconds when traveling 55 miles per hour. While individual properties may have views of the project site, views from public roadways on the south side of the San Geronimo Valley looking toward the project site are largely obstructed by existing structures and mature vegetation. Accordingly, views of the project site are "window" views between trees and structures that are visible for relatively brief periods of time when traveling along public trails and roads.

Views from properties located at lower elevations on the south side of the valley are obstructed by topographic features on the project site. Because of steep slopes, views of the project site from higher elevations on the south side of the valley are often looking down on the crowns of mature vegetation that screens the lower development areas of the project site. As can be seen in vantage point 2, often only the ridgeline and upper elevations of the project site are visible over the crowns of existing trees. The proposed DAB is substantially screened from public view from Sir Francis Drake Boulevard and the southern slopes of the San Geronimo Valley by existing topographic features and vegetation.

While the ridgeline is not currently open to the public, it may gain public access in the future. Views from the ridgeline north of the project site looking south consist mostly of distant vistas of the San Francisco Bay to the east, Mt. Tamalpais and rolling hills containing trees and other vegetation to the south, Mt. Barnaby and other bare and vegetated hills to the west, and the ridgelines above Lucas Valley and Nicasio Valley to the north. Portions of the project site are visible from the fire road that traverses the ridgeline, but the development area in the lower portions of the site is largely screened from the fire road by topographic features adjoining the fire road. The topography of the ridge is such that views into the development area are often screened by the ridge itself. The project site is visible from certain vantage points along the ridgeline, but appears very small due to the great distance between the project and the ridgeline. Vegetation directly below the ridgeline partially blocks the view of portions of the project site. All off-site views of the DAB are distant views. Views to the ridgeline north of the project site would remain unobstructed.

The existing project approvals establish a Development Area Boundary (DAB) in order to ensure that site improvements do not conflict with the scenic values of the site. The proposed project would adjust the DAB. Some of the proposed adjustments would reduce the existing DAB and would not result in the potential for impact beyond that which could occur under existing conditions. This analysis focuses on the areas where the project would expand the DAB. As discussed below under standard 6, the Open Space offer of dedication will be increased to permanently protect more area as required by the Open Space District. The DAB expansion areas shown as E-1 through E-6 on Exhibit A sheet 20 are described below:

E-1 This expansion area contains approximately 0.45 acres of land located adjacent to Sir Francis Drake Boulevard and would contain underground improvements that support wastewater disposal.

E-2 At 0.91 acres, this expansion area would incorporate land that is located on the

west side of an existing knoll, and on the north side of an acoustic berm. The knoll is approximately 40 feet in elevation above the surface of the expansion area, and the acoustic berm is approximately 10 feet in elevation above the surface of the expansion area. The project proposes to install a "GrassPave" surface in this expansion area for use as overflow parking.

- E-3 Located adjacent to and upslope of the Meeting Hall, this 0.77 acre expansion area would be used for underground wastewater disposal.
- E-4 The largest of the expansion areas, this 1.10 acre site is located on a sub-ridge and north of a knoll that is approximately 25 feet in elevation above the proposed expansion area. This site would be used for underground wastewater disposal.
- E-5 The project proposes a 0.04 acre expansion west of, and at approximately the same elevation as the existing DAB.
- E-6 The project proposes a 0.02 acre expansion north of, and up slope of existing DAB.

Proposed DAB expansion E-1 through E-4 are being made to accommodate underground improvements and would not interfere with existing vistas or detract from important natural features. Proposed DAB adjustments E-5 and E-6 represent minor expansion of the building area that would not be noticeable from off-site locations.

The proposed DAB is substantially screened from public view from Sir Francis Drake Boulevard and the southern slopes of the San Geronimo Valley by existing topographic features and vegetation. The project site is visible from certain vantage points along the ridgeline, but appears very small due to the great distance between the project and the ridgeline. Vegetation directly below the ridgeline partially blocks the view of portions of the project site. All off-site views of the DAB are distant views. Views to the ridgeline north of the project site would remain unobstructed. The project would not significantly alter existing views or natural features, would preserve existing scenic qualities of the project site and would not result in development on ridgelines or open hillsides, or interfere with views to ridgelines or other scenic resources.

For the foregoing reasons, the proposed project is consistent with this standard.

- b. **Development near ridgelines.** No construction shall occur on top of, or within 300 feet horizontally, or within 100 feet vertically of visually prominent ridgelines, whichever is more restrictive, unless no other suitable locations are available on the site. If structures must be placed within this restricted area because of site constraints, they shall be in locations that are the least visible from adjacent properties and view corridors.

DISCUSSION

The proposed and required modifications to the DAB would not allow any development to occur within 300 feet horizontally or 100 feet vertically of a visually prominent ridgeline. Therefore, the proposed project is consistent with this standard.

- c. **Energy conservation.** Solar access shall be considered in the location, design, height and setbacks of all buildings. Generally, buildings should be oriented in a north/south fashion with the majority of glazing on the south wall or walls of the buildings.

DISCUSSION

Conformance with this standard would be feasible if the proposed project is approved, but specific building designs with information on their orientation would not be required until a Precise Development Plan or Design Reviews are submitted for the property. However, the Master Plan amendment would relocate the previously approved dining hall and eliminate the previously approved driveway to the dining hall, which would make available an excellent area for installing solar collectors. Two arrays of solar collectors would be constructed adjacent to the proposed location of the dining hall and adjacent to the teacher/staff village to reduce Spirit Rock's use of energy generated off-site. Therefore, the proposed project is consistent with this standard.

- d. **Noise mitigation.** Noise impacts on residents in nearby areas shall be minimized through the placement of buildings, recreation areas, roads and landscaping.

DISCUSSION

The nearest noise sensitive land uses, in the form of single-family homes, are located approximately 0.25 miles south of the project site in the community of Woodacre. The only noise of a long-term nature that would result from the project would be an increase in traffic noise of less than one decibel. Construction noise occurring along the south perimeter of the project site adjacent to Sir Francis Drake Boulevard would be of most concern to sensitive land uses south of the site. Construction in these areas would take place across a major street from the nearest noise sensitive land uses. Typical hourly average construction generated noise levels are about 78 to 89 dBA measured at a distance of 50 feet from the center of the site during busy construction periods (e.g., earth moving equipment, impact tools, etc.). Project construction would be expected to generate worst-case hourly average noise levels of about 48 dBA to 59 dBA Leq at the nearest noise-sensitive receivers when construction occurs at the perimeter of the site. The increased distance and buffer provided by Sir Francis Drake Boulevard would reduce construction noise levels to less than 60 dB outside of the existing homes. While occasionally audible, temporary construction noise and noise from traffic would not be disruptive to surrounding neighborhoods. Therefore, the proposed project is consistent with this standard.

3. **Facilities.** Where possible, facilities and design features called for in the Marin Countywide Plan shall be provided on the site. These include units with three or more bedrooms, available to households with children; child-care facilities; use of reclaimed waste water; use of materials; siting; and construction techniques to minimize consumption of resources such as energy and water; use of water-conserving appliances; recreation facilities geared to age groups anticipated in the project; bus shelters; design features for bicycle paths to accommodate people with disabilities linked to City-County systems; and facilities for composting and recycling.

DISCUSSION

Conformance with this standard would be feasible if the Master Plan Amendment is approved, but specific facilities designs would not be required until a Precise Development Plan or Design Reviews are submitted for the property.

4. **Landscaping.** Introduced landscaping should be designed to minimally disturb natural areas, and shall be compatible with the native plant setting. Landscaping plans should be prepared in compliance with Chapter 22.26 (Landscaping). Landscaping plans should consider fire protection, solar access, the use of native and drought tolerant plant species

and minimal water use. Planting should not block scenic views from adjacent properties or disturb wildlife trails. See also Chapter 22.26 (Landscaping).

DISCUSSION

Conformance with this standard would be feasible if the Master Plan is approved, but specific landscaping designs would not be required until a Precise Development Plan or Design Reviews are submitted for the property. Further, implementation of the proposed project would entail the following landscape improvements:

- Planting trees near Sir Francis Drake Boulevard
- Use of indigenous, fire-safe, and low water consumption plant materials
- Restoring riparian areas along Spirit Rock Creek
- Restoring the meadow at the current location of the Community Center to a more natural state
- Constructing walking paths and free-span bridges to integrate indoor areas to their natural surroundings

In addition, the proposed Resource Protection Plan (RPP), as well as the biological and water quality mitigation measures identified in the Initial Study and imposed as conditions of approval would enhance natural areas.

For woodland areas, the RPP proposes the following: (1) Sudden Oak Death Syndrome management and prevention; (2) forest management in creep zones and other recommendations included in the Arborist's Report (McNair & Associates, 2008); and (3) invasive species management and other MALT and Marin County Open Space District (MCOSD) initiatives. For native grasslands, the RPP includes: (1) invasive species management; (2) limitations on access by promoting the use of established paths; and (3) wildfire protection via grazing (currently under way). For wetlands habitat, limitations on access by relocation of the DAB are proposed, in addition to management of invasive species.

Biological and water quality mitigation measures require the implementation of a Resource Enhancement Plan and Construction Management and Revegetation Plan that would entail maximum retention of native trees, replanting or replacement of native trees that would be disturbed by future development, grassland management that would enhance native grassland habitat, and proactive removal and management of invasive species affecting the site.

In combination, these measures would further the "Landscaping Objectives" identified in Marin County Code section 22.26.040. Therefore, the proposed project is consistent with this standard.

5. **Lighting, exterior.** Exterior lighting visible from off-site should be allowed for safety purposes only, shall consist of low-wattage fixtures, and should be directed downward and shielded to prevent adverse lighting impacts on nearby properties, subject to the approval of the Director.

DISCUSSION

The DAB is only partially visible from limited off-site locations and then is only visible as a distant, filtered view. Night lighting under the proposed project would be limited to inside buildings and parking lot safety lights. The parking lot lighting would be limited to the lower part of the valley, which is currently visually screened by existing topographical features. The project site is surrounded by undeveloped areas. Therefore, no significant light, glare, or shadow from adjacent properties would affect the project site, and the proposed project would not cause any significant additional light, glare, or shadow to adjacent properties.

6. **Open space areas.** Project approval may require the preservation of land as open space to protect rural visual character, wildlife habitat, riparian corridors and wetlands.
 - a. **Open space dedication.** Land to be preserved as open space may be dedicated in fee title to the County or other agency designated by the County before issuance of any construction permit, or may remain in private ownership with appropriate scenic and/or open space easements/agreements granted to the County in perpetuity. The County may require reasonable public access across those lands remaining in private ownership, consistent with Federal and State law.

DISCUSSION

The Master Plan Amendment proposes to adjust the boundaries of the 1998 Development Site Area. The acreage of the Development Area as permitted by the SRMC Master Plan is ~~38.6 acres, or approximately 9.4% of the 409-acre site.~~ This Development Area has been amended over the years to include minor changes. The project sponsor proposes to amend the land conservation easements held by the MCPOSD, resulting in the exchange a total of 3.53 acres of land area contained in 4 small parcels within the existing development site boundaries with a total of 3.31 acres of land contained in 4 small parcels of the MCPOSD-easement area (net increase to MCPOSD is 0.22 acre) in order to grant environmentally sensitive areas (primarily SCA and WCA areas) to the MCPOSD in exchange for land areas more suitable for development (primarily septic field expansion outside of the SCA). This proposed exchange of lands is intended to provide protection for wetlands and riparian zones along the creeks while providing suitable land to SRMC to expand its septic system capacity. In addition one parcel (identified as parcel E-2, 0.91-acre in size), located off the entrance road just north of Sir Francis Drake Boulevard, is proposed to be grasspaved for overflow parking. The total acreage for the Development Area would be 38.4 acres after these changes are completed, and the lands protected by the MCPOSD easements would be 370.9 acres.

After reviewing the application, MCPOSD staff indicated that they would recommend that the Open Space District Board reject the applicant's proposal to modify the conservation easement. After further negotiation, the MCPOSD and Spirit Rock reached a tentative agreement to an exchange of lands and dedication of a trail that would provide a substantially greater degree of public benefits than the original offer made by Spirit Rock. The tentative agreement is labeled as Exhibit D. Overall, the modification to the Conservation Easement (90-64143/96-052174) would result in an additional 3.83 acres of protected area and would also modify the Pedestrian/Equestrian Easement (90-6414) to add the Gonzales Ranch connector along Los Pinos Road. With this, the ridge top trail could then be opened for public access.

The additional lands that would be granted to MCPOSD under this new agreement are:

- 1.45 acres of oak woodland watershed headwaters above the Hermitage cabins

- 0.82 acres of steep, forested blue-line creek watershed below the Hermitage cabins
- 0.39 acres of Spirit Rock Creek headwaters
- 1.66 acres of Spirit Rock Creek watershed surrounding the existing Meditation Hall

In addition, Spirit Rock would take back control of 0.49 acres of engineered fill slope north of the existing Residence Halls. While all of these additional areas of dedication are valuable, it is important to note that the 1.45 acres of area above the Hermitage cabin sites are densely wooded and their permanent protection in open space substantially reduces the potential tree removal resulting from any future development in this area. Benefits to native forests, grasslands and riparian areas resulting from this exchange would enhance the environmental protection aspects of the project beyond the mitigation measures identified in the Initial Study and would cause no additional environmental impacts. Further, offering for dedication the trail easement would allow for an important trail connection along the ridge that would take advantage of the trail offered for dedication in the Gonzales Ranch. A condition of approval requires that Spirit Rock and the MCPOSD reach final agreement and that the Open Space District Board accepts the revisions to the Open Space easements before vesting any portion of the Master Plan Amendment.

For the foregoing reasons, the proposed project is consistent with this standard.

- b. **Maintenance.** The County or other designated public agency will maintain all open space lands accepted in fee title, as well as public access and trail easements across private property. Open space lands that remain in private ownership with scenic easements shall be maintained in compliance with the adopted policies of the Marin County Open Space District and may require the creation of a homeowners' association or other organization to maintain the private open space.

DISCUSSION

The Open Space District has been responsible for maintaining their open space easement on the property since the time of its original dedication, and the Open Space District would continue to be responsible for maintaining the easement under the terms of any revised easement.

- c. **Open space uses.** Uses in open space areas shall be in compliance with policies of the Marin County Open Space District. Generally, uses shall have no or minimal impact on the natural environment. Pedestrian and equestrian access shall be provided where possible and reasonable.

DISCUSSION

As indicated above, before the Master Plan is vested, the Open Space easement revisions shall be recorded in compliance with the MCPOSD requirements.

7. Project design:

a. Height limits for structures:

- i. 30 feet for primary structures, 15 feet for accessory structures; and

- ii. The floor level of the lowest floor shall not exceed 10 feet above natural grade at the lowest corner.
- iii. Where a ridge lot is too flat to allow placement of the house in compliance with Subsection F.2 above, the maximum height shall be 18 feet.
- iv. Where allowed, agricultural accessory structures located below ridgetops may exceed the above height limits with Design Review approval. See Chapter 22.42 (Design Review).
- v. These requirements may be waived by the Director if the Director determines site terrain features make the above height limits ineffective, or unnecessary in minimizing the visibility of the proposed structures.

DISCUSSION

Conformance with these standards would be feasible if the Master Plan amendment is approved, but specific building designs would not be required until a Precise Development Plan or Design Reviews are submitted for the property. Further, the project would not be located near any visually prominent ridgelines, which would continue to be protected as permanent open space.

- 8. **Materials and colors.** Building materials and colors shall be chosen to blend into the natural environment unobtrusively, to the greatest extent possible.

DISCUSSION

Conformance with these standards would be feasible if the Master Plan amendment is approved, but specific exterior colors and materials samples would not be required until a Precise Development Plan or Design Reviews are submitted for the property.

- 9. **Site preparation.**

- a. **Grading.** Grading shall occur in compliance with Title 23, Chapter 23.08 (Excavating, Grading and Filling) of the County Code, but shall be held to a minimum. Every reasonable effort shall be made to retain the natural features of the land: skylines and ridgetops, rolling land forms, knolls, native vegetation, trees, rock outcroppings, and watercourses. Where grading is required, it shall not create flat planes and sharp angles of intersection with natural terrain. Slopes shall be rounded and contoured to blend with existing topography.

DISCUSSION

Overall, the proposed project would reduce the amount of grading that would be entailed in total buildout of the Master Plan. The largest reduction in grading would be the result of realigning the main road and eliminating two driveways that were previously approved. In particular, eliminating the driveway leading from the main road to the various residence halls, as shown on Exhibit A sheets 5b, 15, and 16, it would have required not only grading and impervious surfaces, but also a bridge over Spirit Rock Creek, which would potentially necessitate streambed alterations associated the grading.

- b. **Drainage.** Areas adjacent to creeks shall be maintained in their natural state as much as possible. All construction shall ensure drainage into the natural watershed in a

manner that will avoid significant erosion or damage to adjacent properties. Impervious surfaces shall be minimized.

DISCUSSION

The proposed project would improve protection of riparian resources and improve compliance with the Countywide Plan policies related to SCAs by removing and relocating structures that have been approved, and in some cases constructed, within the SCA to locations that are outside of the SCA. Where the project would result in buildings that are located within the SCA, the building would be located on partially disturbed grasslands that contain no riparian vegetation.

Development associated with the Community Center and Retreat subareas is clustered around Spirit Rock Creek. The project has received entitlements to develop components of the Spirit Rock Master Plan in these locations and within the SCA. The project would relocate previously approved building locations as indicated in the table below.

APPROVED AND NOT YET BUILT STRUCTURES TO BE RELOCATED

Building	Existing Setback to SCA	Proposed Setback to SCA
Administration Building	Within 70'	100' or more
Meeting Hall	Within 50'	100' or more
Residence Halls	Within 15'	Within 30'
Dining Hall	100' or more	Within 60'
Hermitage Commons	Within 60'	100' or more

- **Administration Building:** This approved structure would be relocated from the meadow area of the Community Center where it is within 75 feet of Spirit Rock Creek, to the Village area located west of the main roadway in a location that is more than 100 feet from the nearest creek.
- **Meeting Hall:** This approved structure would be relocated from the meadow area of the Community Center where it is within 50 feet of Spirit Rock Creek, to the Village area located west of the main roadway in a location that is more than 100 feet from the nearest creek.
- **Residence Halls:** Three residence halls were approved in the Community Center Area and are proposed to be relocated from the area west of the main road where they are within 25 feet of Spirit Rock Creek, to the retreat area where they would consolidated in two structures that would be within 30 feet of Spirit Rock Creek.
- **Dining Hall:** The approved location of this structure is east of, and approximately 10 feet in elevation above the main access road and opposite the gratitude hut. The previously approved Dining Hall was over 100 feet from the top of bank from the ephemeral creek. The project proposes to relocate the Dining Hall approximately 100 feet northwest and down slope of the approved location so that it is closer to the access road and to provide space for a solar panel array. The proposed Dining Hall would be approximately 60 feet from the top of bank from the ephemeral creek.
- **Hermitage Commons:** The project proposes to relocate the previously approved

Hermitage Commons structure from a site that is located within 60 feet of a seasonal drainage course to a site that is more than 100 feet from a watercourse, and to divide the building functions into four structures.

The proposed relocation of four approved, but not yet built structures, the Administration building, Meeting Hall, Residence Halls and Hermitage commons, increases project compliance with SCA policies. The proposed relocation of the Dining Hall requires the County to grant an exception to the SCA policies, as part of the Master Plan decision, to allow the structure to be located within the SCA.

The project would also result in the removal of two existing structures that are located within the SCA, and the relocation of two existing structures to locations that are outside of the SCA as indicated in the table below.

EXISTING STRUCTURES TO BE REMOVED OR RELOCATED

Building	Existing Setback to SCA	Proposed Setback to SCA
Administration Trailer	Within 10'	100' or more
Meeting Hall	Within 35'	100' or more
Trailer	Within 45'	Removed
Shed	Within 95'	Removed

The proposed removal and relocation of these existing structures increases project compliance with this standard and SCA policies.

Policy BIO-4.1 grants exceptions to full compliance with all SCA criteria and standards if "Development on the parcel entirely outside the SCA either is infeasible or would have greater impacts on water quality, wildlife habitat, other sensitive biological resources, or other environmental constraints than development within the SCA."

Consistent with the provisions of Policy BIO-4.1, the applicant is seeking an exception to full compliance with all SCA criteria and standards to allow the proposed Dining Hall to be located 60 feet from the ephemeral stream bank. This exception is being requested to accommodate installation of solar panels in the previously approved Dining Hall site. The Dining Hall could be constructed upslope of the proposed location in order to maintain a setback of 100 feet from creek bank, but such development would require greater site disturbance and grading and would be more visible from off-site locations than the proposed Dining Hall location. Physically, there is space within the Development Area Boundary in the vicinity of the dining hall to allow development that would comply with the SCA standards. The request for an exception to the strict application of the SCA policies is being made in order to allow the Dining Hall to be relocated to a site that increases separation from areas of instability, is at a lower and less visible elevation on the property, and requires less grading than the previously approved location.

Because the land located between the proposed Dining Hall and the SCA is already disturbed by activity at the project site and is developed with an existing driveway, granting an exception to the SCA would not result in a significant impact as discussed in Section 4 (Water) and 7 (Biology) of the Initial Study, and could reduce potential water quality impacts from developing the Dining Hall upslope of the proposed location. Granting an exception to SCA criteria would improve compliance with CWP Policies AIR-4.1 and PFS-3.2, and Community Plan Policies CD-3.1, CD-3.4, and AG-1.5 related to

use of energy conservation; and CWP Policy DES-4.1 and Community Plan Policy CD-1.12 related to scenic resource protection.

The Master Plan Amendment is consistent with this standard as well as Countywide Plan Policy BIO-4.1 and furthers overall site compliance with the SCA objectives because it:

- a) Proposes to relocate four previously approved structures to increase separation between structures and seasonal drainages located at the project site;
- b) Proposes to remove four structures that are located within the SCA;
- c) Proposes using cantilevered bridge structures at all new drainage crossings;
- d) Proposes an exception to the strict application of the SCA policies, consistent with Countywide Plan Policy BIO-4.1, that will be considered and either accepted or rejected by the Planning Commission and Board of Supervisors based on the merit of the request;
- e) Is not requesting an exception to policy criteria that would result in a significant effect on the physical environment [refer to Sections 4 (Water) and 7 (Biology)] that cannot be mitigated;
- f) Proposes an exception to the SCA setback requirements to avoid greater potential impacts to water quality and aesthetics from increased grading and project visibility than would occur if development was located outside of the SCA;
- g) Is requesting an exception to reduce potential impacts to water quality that could result from developing the Dining Hall upslope of the proposed location, and to improve project compliance with CWP Policies AIR-4.1 and PFS-3.2, and Community Plan Policies CD-3.1, CD-3.4, and AG-1.5 related to use of energy conservation; and CWP Policy DES-4.1 and Community Plan Policy CD-1.12 related to scenic resource protection; and
- h) Incorporates mitigation measure MM 7.b.2 (Biological Impacts), to protect or replace riparian/bay woodlands adjacent to the new Residence Halls in the retreat area. This mitigation is similar to the mitigation identified in the 1988 CEQA Document requiring tree replacement.

Further, mitigation measures incorporated into the conditions of project approval require that: (a) a stormwater pollution prevention plan (SWPP) shall be prepared and implemented during construction to avoid erosion or sedimentation from occurring due to construction activities, and; (b) that a stormwater control plan (SCP) be prepared as part of future Precise Development Plan applications, which will identify best management practices to minimize post-construction stormwater runoff from the project. Impervious surfaces will be minimized by these best management practices, as well as the applicant's proposed use of "grasspave" for roadsides on the site and other measures proposed in the project's Resource Protection Plan.

For the foregoing reasons, the proposed project is consistent with this standard.

- c. **Trees and vegetation.** Every effort shall be made to avoid tree removal, or changes or construction that would cause the death of existing trees, rare plant communities, and wildlife habitats.

DISCUSSION

There are densely wooded portions of the property on the west side of Spirit Rock Creek where buildings were previously approved. In particular, as shown on Exhibit A sheets 5b and 5c, several unbuilt residence halls and the unbuilt permanent meeting hall would be relocated from these wooded areas to areas that are already disturbed or less densely wooded. Spirit Rock is making every effort in their application to maintain the

forested landscape on the west side of the creek for environmental benefits, but also because such a design would foster a relationship with the natural landscape that is similar to many religious retreats in southeast Asia, where the tranquility provided by forest paths and settings are an integral part of the spiritual experience offered by the retreat. These modified building locations would save trees and preserve riparian plant communities directly, but also because defensible space requirements that would apply to the future buildings can be reasonably anticipated to require substantially less tree and vegetation removal to meet fuel management requirements than the previously approved locations of these buildings. As discussed above under the landscaping standard, a combination of the applicant's proposal as well as biological mitigations would serve to protect and enhance the habitat for native trees and vegetation on the site. Therefore, the proposed project is consistent with this standard.

- d. **Fire hazards.** Development shall be permitted in areas subject to wildfire threat only where the review authority determines there is adequate access for fire and other emergency vehicles, an adequate water supply, a reliable fire warning system, and fire protection service. Setbacks for firebreaks shall be provided if necessary. Projects shall comply with State fire safe requirements including defensible space and residential construction techniques.

DISCUSSION

The proposed project would result in additional structures and an increase in daily visitors, thereby increasing the exposure of structures and people to significant loss, damage or death involving wildland fires. The intent of State and County fire safety regulations is to lessen the vulnerability of a building and resist the intrusion of flames and burning embers projected during a wildland fire. Since the project site is in a wildland urban interface area, a Vegetation Management Plan (VMP) must be submitted to the Marin County Fire Department for review prior to construction or renovation of buildings on the site. The purpose of the VMP is to assess vegetation and topographic features within 100 feet of a proposed structure to determine appropriate fuel modifications around the structure so that a wildfire burning under average weather conditions would not likely ignite the structure. Fuel maintenance may include clearance of vegetation or maintenance of trees, shrubs, or other plants adjacent to or overhanging a structure to keep it free of dead or dying wood, all of which would be feasible with implementation of the proposed project. Further, Sir Francis Drake Boulevard is a readily accessible evacuation route from the project site in the event of a wildland fire. Compliance with existing emergency response plans and fire safety regulations for developing new structures in a Fire Hazard Severity Zone reduces the potential risks of loss, injury, or death involving wildland or structural fires. Therefore, the proposed project is consistent with this standard.

10. **Geologic hazards.** Construction shall not be permitted on identified seismic or geologic hazard areas such as on slides, on natural springs, on identified fault zones, or on bay mud without approval from the Department of Public Works, based on acceptable soils and geologic reports.

DISCUSSION

The 1988 Master Plan approved structures in locations on the site that have since been identified as exhibiting evidence of a slide or that have been identified as only moderately stable, as shown on Exhibit A sheets 10, 12, 15, and 17. The Conservation Principle established in the Master Plan amendment application includes the objective of avoiding unstable soils. To implement this objective, the Master Plan Amendment application

proposes to cluster buildings away from those areas of identified instability. The project sponsor has submitted a "Geotechnical Feasibility Study, Spirit Rock Phase 4 Improvements," prepared by Purcell, Rhoades & Associates, Inc., dated January 15, 2008 that compares the proposed locations with the previously approved locations and indicates that the Spirit Rock Phase 4 development locations are superior to previously approved locations, but recommended detailed geotechnical investigations be performed for each of the proposed facilities to confirm and/or modify their preliminary assessment. Compliance with these recommendations is required by the mitigation measures identified in the Initial Study, which have been incorporated into the conditions of project approval.

11. **Watershed areas.** All projects within water district watershed areas shall be referred to the affected district for review and comment. Damaging impoundments of water shall be avoided.

DISCUSSION

The Marin Municipal Water District (MMWD) provides domestic water service to the project site. MMWD has been transmitted plans as well as receiving the draft Initial Study and public notice of the project, and has responded that the District will be able to serve future development on the site. The project site has an existing water service connection that is adequate to serve existing and proposed development. New water lines will be installed to connect new and relocated buildings to the MMWD service connection. As part of the project's Green Development Practices, the application proposes to collect, treat, and recycle surface water and to use greywater from showers and laundry facilities for irrigation and possibly toilet water. The recycled/greywater service is not necessary to serve the proposed project and would be the subject of future permit requirements by the Regional Water Quality Control Board and/or the Marin County Community Development Agency, Environmental Health Department.

No water impoundments are proposed as part of the project, although small check dams are proposed as an environmental protection measure. The check dams have been evaluated for their potential impact on Spirit Rock Creek, and they would not damage the habitat values of the watershed. Therefore, the proposed project is consistent with this standard.

12. **Utilities.** Street lights in ridge land areas shall be of low intensity and low profile. Power and telephone lines shall be undergrounded in all areas, where feasible.

DISCUSSION

Street lights are not proposed for the project and all utilities are proposed to be installed underground. Therefore, the proposed project is consistent with this standard.

13. **Plan consistency.** Project approval shall require findings of consistency with the Marin Countywide Plan and any applicable Community Plan that may have more restrictive standards than the preceding provisions of this Section.

DISCUSSION

As discussed above in Finding V as well as the policy consistency analysis in the Initial Study, which is incorporated by reference herein, the proposed project would be consistent with this standard.

- XI. WHEREAS the Marin County Planning Commission hereby incorporates the attached CEQA findings for the project by reference into this Resolution, and recommends their adoption by the Marin County

Board of Supervisors.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW THEREFORE, BE IT RESOLVED that the Marin County Planning Commission hereby recommends approval of the Spirit Rock Master Plan Amendment (MP 08-3) to the Board of Supervisors subject to the conditions enumerated below.

SECTION 1: PROJECT DESCRIPTION:

Community Development Agency – Planning Division

1. Pursuant to Marin County Development Code Section 22.42 and 22.45, the Master Plan Amendment is approved for the project described below. The subject property is located at 5000 Sir Francis Drake Boulevard, Woodacre and is further identified as Assessor's Parcel 172-350-35.

A. Project Summary

The project sponsor proposes amendments to the Master Plan granted for the Spirit Rock Meditation Center in 1988. Following preparation of an Initial Study and adoption of a Negative Declaration, the 1988 Master Plan was approved to establish a development area envelope and provided a framework governing the uses, the intensity of uses, and the development of the site. The proposed Master Plan Amendment is described as "Phase 4" of the project (supplementing, and in some cases modifying, the 1988 Master Plan and its implementing Precise Development Plans, Phases 1, 2, and 3). The sponsor expresses two main goals that the Master Plan Amendment is intended to accomplish:

1. To relocate approved buildings away from environmentally sensitive areas and adjust the development area boundary to exclude sensitive habitats and to include disturbed areas already served by infrastructure while providing for development of a limited number of new facilities.
2. To implement a "*Resource Protection Plan*" that addresses development related issues through property management practices.

The Spirit Rock 1988 Master Plan approval was followed by several Precise Development Plans, Design Review, and other planning approvals that have led so far to the development of approximately 50% of the buildings originally authorized in the 1988 Master Plan. The full scope of the 1988 Master Plan included development of a total of 70,560 square feet of floor area, clustered in the four subareas: the Community Center, the Teacher and Staff Village, the Retreat, and the Hermitage Center.

The project sponsor does not propose to amend the religious type of uses that are currently allowed at Spirit Rock to non-religious types of uses. However, the sponsor proposes to modify the size and location of several of those already approved and vested, but not yet constructed buildings. Overall, the sponsor is proposing to increase the total Master Plan square footage authorized on site by 5,924 square feet to a maximum of 76,484 square feet. Although the floor area is proposed to increase, the project sponsor proposes to reduce the number of vested residential retreat units on site by 13 units, from a maximum of 155 to a maximum of 142. The written application materials state that major buildings that were previously approved within SCAs are proposed to be relocated farther from the top of the banks, as summarized below:

- The Meeting Hall would be moved from its approved location 45 feet from the top of bank to an increased distance of 125.5 feet from the top of bank.

- The Administration Building would be moved from its approved location 5 feet from the top of bank to an increased distance of 100 feet from the top of bank.
- The Hermitage Commons would be moved downhill from its approved location 30 feet from the top of bank to an increased distance of 171 feet from the top of bank.

Numerous site improvements are also proposed, including modifying the alignment of the existing driveway, constructing additional parking, installing a photovoltaic array, and upgrading the septic system. Environmental enhancements are also proposed, such as planting riparian vegetation along the creekbeds.

The project sponsor is not proposing to have any set limit on the number of daily occupants on the site and is proposing an unrestricted schedule of religious activities and events with an unrestricted number of attendees.

Table 1 below summarizes several important aspects of the proposed amendments.

Table 1
Summary of Proposed Changes at the Spirit Rock Meditation Center Above
Master Plan Baseline

Factor to Assess	Net Change Approved
Relocation of buildings	1) relocated Dining Hall, 2) relocated Meeting Hall, 3) relocated New Administration building, 4) relocated Residence Halls (2), and 5) relocated Hermitage Commons and Cabins
Increased floor area (in square feet) and changes in the Development Area Boundary (DAB)	Total increase of 5,924 square feet of floor area on the site and decrease in the DAB of a minimum of 0.2 acres or more as required by the Marin County Open Space District
Increased usage at the site	Unrestricted but subject to safety, traffic, potable water, and environmental health constraints and controls
Changes in type of use	No change in the type of use as the site would continue to be used as a Buddhist retreat center

B. Proposed Project Components

1. Adjustment of Previously Approved Development Site Boundaries (Building Envelope)

The Master Plan Amendment proposes to adjust the boundaries of the 1988 Development Site Area. The acreage of the Development Area as permitted by the SRMC Master Plan is 38.6 acres, or approximately 9.4% of the 409-acre site. This Development Area has been amended over the years to include minor changes. The project sponsor proposes to amend the land conservation easements held by the MCPOSD, resulting in the exchange a total of 3.53 acres of land area contained in 4 small parcels within the existing development site boundaries with a total of 3.31 acres of land contained in 4 small parcels of the MCPOSD-easement area (net increase to MCPOSD is 0.22 acre) in order to grant environmentally sensitive areas (primarily SCA and WCA areas) to the MCPOSD in exchange for land areas more suitable for development (primarily septic field expansion outside of the SCA). This proposed exchange of lands is intended to provide protection for wetlands and riparian zones along the creeks while providing suitable land to SRMC to expand its septic system capacity. In addition one parcel (identified as parcel E-2, 0.91-acre in size), located off the entrance road just north of Sir Francis Drake Boulevard, is proposed to be grasspaved for overflow parking. The total acreage for the Development Area would be 38.4 acres after these changes are completed, and the

lands protected by the MCPOSD easements would be 370.9 acres.

After reviewing the application, MCPOSD staff indicated that they would recommend that the Marin County Open Space District Board modify the conservation easement proposed by the applicant. The MCPOSD and Spirit Rock reached a tentative agreement to an exchange of lands and dedication of a trail that would provide a substantially greater degree of public benefits than the original offer made by Spirit Rock.

The tentative agreement is labeled as Exhibit D (attachment 3). Overall, the modification to the Conservation Easement (90-64143/96-052174) would result in an additional 3.83 acres of protected area and would also modify the Pedestrian/Equestrian Easement (90-6414) to add the Gonzales Ranch connector along Los Pinos Road. With this, the ridge top trail could then be opened for public access.

The additional lands that would be granted to MCPOSD under this new agreement are:

- 1.45 acres of oak woodland watershed headwaters above the Hermitage cabins
- 0.82 acres of steep, forested blue-line creek watershed below the Hermitage cabins
- 0.39 acres of Spirit Rock Creek headwaters
- 1.66 acres of Spirit Rock Creek watershed surrounding the existing Meditation Hall

In addition, Spirit Rock would take back control of 0.49 acres of engineered fill slope north of the existing Residence Halls.

2. Modification and Relocation of County-approved Structures and Proposed New Structures

As stated above, for planning purposes the project sponsor has divided the site into the "Lower Campus" and the "Upper Campus." For land use and activity purposes, the project sponsor has further divided the site into four land use and activity subareas. The "Lower Campus" consists of the "Teacher and Staff Village" and "Community Center"; the "Upper Campus" consists of the "Retreat" and "Hermitage." The "Retreat" and "Hermitage" are restricted to use by overnight practitioners.

Some of the structures approved by the 1988 Master Plan and the subsequent 1989, 1991, and 1995 Precise Development Plans have been built, either as temporary structures or permanent structures (6 temporary structures are proposed for removal); some of them have not been built. Some structures that are built and some of the structures approved, but not yet built, are proposed to be relocated. Some new structures are proposed in the Master Plan Amendment. (Exhibit A: Plan Sheets 5b and 5c.) The following is a summary discussion of these situations:

Convert (and retain): Convert the existing temporary dining hall to "flexible" use ("Dharma Hall") on Exhibit A: Plan sheets 5b and 5c.

- 2,644 square foot temporary dining hall (identified as structure D)

Remove: Remove 6 existing temporary structures and the gate house shown on Exhibit A: Plan Sheet 5b.

- 5,292 square foot temporary meeting hall structure (identified as structure H)
- 1,480 square foot temporary administration structures (2) (identified as structures I)

- 3,792 square foot temporary staff housing structures (3) (identified as structures K)
- 36 square foot gate house (identified as structure L)

Remove: As-built 1,117 square foot yurt structure to be removed (identified as structure E) (prior Building Permit and Design Review DM 98-47 approval only for 702 square foot yurt and deck).

Legalize: Legalize the existing gratitude hut constructed without approval through the Master Plan Amendment identified under Existing Structures Exhibit A: 5b and 5c.

- 56 square foot gratitude hut (identified as structure G)

Eliminate from Building Program: Eliminate the not yet built multiple-purpose/playroom structure under Approved Master Plan shown on Exhibit A: Plan sheet 5b (and under Approved Phase 3) and the pavilion structure under the Approved Master Plan from the building program.

- 400 square foot multiple-purpose/playroom structure (identified as structure 5)
- 500 square foot pavilion (identified as structure 11)
- 2,500 square foot family housing (identified as structure 6)

Relocate and Construct: Relocate and construct (modify sizes) the not yet built four residence halls (southwest of the existing temporary dining hall) under Approved Master Plan (two of the four approved through the Phase 2 Precise Development Plan) (Exhibit A: Plan sheet 5b); relocate and replace with two residence halls (Residence Halls 5 and 6) in a new location in the Retreat Area under Proposed Phase 4, south of the existing residences and Council House (Exhibit A: Plan sheet 5c); relocate the Hermitage Cabins/Commons further south toward the Retreat Area (Exhibit A: Plan sheet 5c) thus reducing the overall number of overnight units by 13 units. Relocate and construct a permanent meeting hall with additional facilities, dining hall, administrative building, resident staff housing, and village commons (Exhibit A: Plan sheet 5c).

- proposed 3,716 square foot residence hall 5 structure (identified as structure 1, Proposed Phase 4)
- proposed 3,716 square foot residence hall 6 structure (identified as structure 1, Proposed Phase 4)
- proposed 5,660 square foot hermitage cabins/commons (identified as structure 9, Proposed Phase 4)
- proposed 10,589 square foot meeting hall with additional facilities (identified as structure 3, Proposed Phase 4)
- proposed 7,197 square foot dining hall (identified as structure 2, Proposed Phase 4)
- proposed 4,688 square foot administrative building (identified as structure 4, Proposed Phase 4)
- proposed 3,935 square foot resident staff housing (identified as structure 6, Proposed Phase 4)

- proposed 3,505 square foot village commons (identified as structure 5, Proposed Phase 4)

Construct: Construct (modify sizes) the visiting teacher housing under Approved Master Plan (and Phase 3 Precise Development Plan) (Exhibit A: Plan sheet 5b).

- proposed 2,688 square foot visiting teacher housing (identified as structure 8, Proposed Phase 4)

Maintain: Maintain the existing structures and facilities under Approved Master Plan (Exhibit A: Plan sheet 5b).

- 11,340 square foot four residence halls and Council House (identified as structures B and C)
- 10,056 square foot meditation hall and annex (identified as structure A)
- maintain the existing utility services
- 2,811 square foot maintenance building (identified as structure J)

New Construction: Allow the construction of two new proposed structures consisting of the resident teacher housing and the information kiosk (Exhibit A: Plan sheet 5c) under Proposed Phase 4.

- proposed 1,884 square foot resident teacher housing (identified as structure 7, Proposed Phase 4)
- proposed 100 square foot information kiosk (identified as structure 10, Proposed Phase 4)

3. Primary Baseline: 1988 Master Plan Approved Structures vs. Proposed Structures at Buildout

Table 3 below provides the total baseline square footage approved by the vested 1988 Master Plan, Precise Development Plans, Design Reviews, and Building Permits, the total proposed Master Plan Amendment square footage, the resultant proposed buildout square footage, and the change in square footage. The baseline square footage approved by the 1988 Master Plan plus or minus the change in square footage as a result of the proposed Master Plan Amendment equals the proposed square footage buildout.

TABLE 3
1988 MASTER PLAN APPROVED STRUCTURES VS. PROPOSED STRUCTURES AT BUILDOUT

	Primary Baseline Approved (SF)	Proposed Project (Phase 4) (SF)	Buildout (SF)	Change In SF Subject to Initial Study (SF)	Notes
Community Center					

	Primary Baseline Approved (SF)	Propose d Project (Phase 4) (SF)	Bulldout (SF)	Change in SF Subject to Initial Study (SF)	Notes
Gate House	150	0	0	(150)	
Administration Building	1,900	4,688	4,688	2,788	To be relocated from original site
Meeting Hall	5,400	4,500	4,500	(900)	To be relocated from original site 450 people
Library (part of Mtg. Hall)		803	803	803	Part of new Meeting Hall
Lobby and Reception (part of Mtg. Hall)		1,785	1,785	1,785	Part of new Meeting Hall
Breakout Rooms (part of Mtg. Hall)		1,613	1,613	1,613	Part of new Meeting Hall
Storage, Elevators, Mechanical (part of Mtg. Hall)		1,888	1,888	1,888	Part of new Meeting Hall
Gratitude Hut		56	56	56	Legalize, built w/o permits
Kiosk		100	100	100	
<i>Subtotal Community Center</i>	<i>7,450</i>	<i>15,433</i>	<i>15,433</i>	<i>7,983</i>	
Retreat and Hermitage Center					
Temporary Dining Hall (Dorm C)		2,644	2,644	2644	To be converted to Dharma Hall
Four Residence Halls and Council House	12,600	0	11,340	(1,260)	Already built
Meditation Hall and Annex	10,050	0	10,301	251	Already built
Residence Hall 5 (Dorm A)		3,716	3,716	3,716	To be relocated from original site, 23 multi-family units ¹
Residence Hall 6 (Dorm B)		3,716	3,716	3,716	To be relocated from original site, 23 multi-family units ¹
Hermitage Cabins/Commons	5,660	2,388	2,388	(3,272)	To be relocated slightly to the east
Dining Hall	6,900	7,197	7,197	297	To be relocated from original site, 195 total seats
Yurt		1,017	1,017	1,017	To be removed
<i>Subtotal Retreat</i>	<i>35,210</i>	<i>20,678</i>	<i>42,319</i>	<i>7,109</i>	
Teacher and Staff Village					
Maintenance Enclosed	1,000	0	2,592	1,592	
Maintenance Unenclosed	0	0	219	219	
Village Dormitories	12,400	3,909	3,909	(8,491)	

	Primary Baseline Approved (SF)	Proposed Project (Phase 4) (SF)	Bulldout (SF)	Change in SF Subject to Initial Study (SF)	Notes
Staff Housing	8,600	3,935	3,935	(4,665)	
Family Housing	2,500	0	0	(2,500)	To be omitted from program
Multipurpose Building	400	0	0	(400)	To be omitted from program
Visiting Teacher Housing	2,500	2,688	2,688	188	1988 MP approval
Resident Teacher Housing		1,884	1,884	1,884	
Pavilion	500	0	0	(500)	To be omitted from program
Village Commons	N/A	3,505	3,505	3,505	
<i>Subtotal Teacher and Staff Village</i>	<i>27,900</i>	<i>15,921</i>	<i>18,732</i>	<i>(9,168)</i>	
GRAND TOTAL	70,560	44,560	76,484	5,924	

Note: SF = square feet.

^a The County's 1988 approval of the original Master Plan allowed up to 70,560 square feet of building area on the site.

4. Site Grading and Creek Improvements

The project proposes to balance most of all cut and fill for project construction on site and limit trucking of off-haul. It is estimated that approximately 7,600 cubic yards of soil would be cut and 7,565 cubic yards of soil would be used as fill on the site, requiring that 35 cubic yards of excess cut material be removed from the site. The proposal includes construction of a berm and drainage improvements between the roadway and creek to protect creek and water quality.

5. On-site Sewage Disposal System

Currently, approximately half of the effluent is treated before dispersal. Under the proposed new system, all of the effluent generated by Spirit Rock will receive advanced treatment. Questa's "Onsite Wastewater Facilities Report" states that "in order to accommodate proposed building modifications and additions, changes to, and expansion of, the wastewater system are now needed." In addition, septic system upgrades are proposed in order to meet recent State water quality regulations. The proposed new advanced wastewater treatment system is intended to improve water quality. (Refer to Section XIII.12.d, Sewer or Septic Tanks, of the Initial Study for further discussion.)

The specific wastewater facility changes proposed include:

- Abandon the existing intermittent sand filters and install a new advanced wastewater treatment system for all of the lower area buildings
- Install a new advanced wastewater treatment system for the upper area buildings
- Install a separate greywater collection, treatment, and drip disposal system for laundry and shower water

- Abandon a portion of the existing creekside leachfield system
- Maintain full use of the existing central field leachfield
- Install three new drip disposal fields for treated wastewater to serve the upper area buildings and one new drip field for the lower area buildings

Under the proposed new system, the maximum treatment capacity is estimated to be 11,400 gallons per day (gpd), compared to the current system of 9,000 gpd or a 1.26% increase, with an average daily flow of approximately 8,000 gpd (70% of maximum design flow), compared to the current system of 6,060 gpd, or a 1.32% increase. The proposed disposal areas can accommodate flows up to 12,400 gpd, allowing for 1,000 gpd of surplus disposal capacity.

6. Traffic, Access, and Parking

Site access would remain the same. The main entrance would be from Sir Francis Drake Boulevard, just east of Railroad Avenue. This access point would continue to prohibit left turns for visitors leaving the on-site access road. Drivers wanting to travel east on Sir Francis Drake Boulevard would be required to turn right from the site access road, continue to Railroad Avenue, and then drive east through the community of Woodacre on San Geronimo Valley Drive until joining Sir Francis Drake Boulevard again.

An additional estimated new 50-space on-site overflow parking lot is proposed to be constructed on the site (*identified as exchange area E-2*) located approximately 420 feet north of Sir Francis Drake Boulevard. These would be added to the existing 271 parking spaces on the site. Proposed improvements in this area include the "grasspave" parking lot (GrassPave is a structural lawn that supports traffic loads and acts as a bio-swale to filter surface water runoff.), a new kiosk at this location within a divided and landscaped entrance roadway.

The Traffic Study prepared by Robert Harrison puts forth a "Spirit Rock Center Transportation Management Plan" which has been submitted by the applicant as part of the proposal is intended to reduce the number of motor vehicle trips generated at the SRMC site, including increased carpooling; managed schedule of events; and increased use of alternative transportation modes such as bicycles, walking, and transit.

Additional proposed improvements include:

- A paved lot in the western central area converted to overnight residential retreat use
- An eastern gravel parking lot paved and striped for day use with 14 additional spaces
- "GrassPave" overflow lot for 50+ cars during special events
- Existing asphalt-paved access road in front of the meeting hall will be converted to "GrassPave" and featured paving
- One ADA van parking space will be located at the Hermitage Commons
- The road to the Hermitage cabins relocation will be improved to rural standards in accordance with the Marin County Fire Department
- Additional staff, teacher, and ADA parking, approximately five spaces, will be provided in the Village area

7. Site Improvements and Landscaping

Proposed site improvements include:

- Use of "silent retreat gate" in front of dining hall as separation between Upper and Lower Campuses
- Planting of trees at the Sir Francis Drake Boulevard
- Use of indigenous, fire-safe, and low-water-consumption landscaping
- Restoration of Community Center meadow to a more natural state
- Implementation of a creek restoration program
- Creation of walking paths and free-span bridges to meadow (east of access driveway)
- Use of public art with a Buddhist theme
- Undergrounding of all utilities

C. Proposed Green Development Practices and Alternative Energy Sources.

The Master Plan Amendment proposal contains "green" building practices with the goal of achieving a "carbon-neutral" environment including the following:

- Conservation of water and improved water quality, use of greywater from showers and laundry facilities for irrigation and possibly toilet water
- Green site improvements including "green" streets using curbs to direct drainage into bio/swales to filter water runoff before it enters the creeks, "GrassPave" shoulders, use of groundwater recharge to slow the impact of stormwater, use of grasspave in low-use overflow parking areas, conversion of originally planned creek crossings that had fill and culverts to covered bridges to avoid intrusion into streambanks and riparian habitat, protection of wetlands and riparian zones
- Green buildings using modular design, passive solar heating/cooling, renewable recycled materials, use of fiber cement non-combustible siding, permeable house wrap, fluorescent lighting, efficient appliances, photovoltaic systems for electric power, energy-efficient windows, engineered framing lumber, and other green building materials
- Green construction practices using tree and habitat protection by fencing at driplines, erosion control measures, recycling of job site and demolition waste, salvaging of existing materials, use of componentized construction to make the most efficient use of construction materials
- Green site planning by reducing building site coverage, orientation of buildings for solar access and wind/climate issues, and infill development to use existing infrastructure such as roads
- Green landscaping including transplanting trees, designing around specimen trees, pruning trees to maintain health, removing nonnative and invasive vegetation, and using recycled landscape materials, use of Xeriscape landscaping

D. Proposed Construction Phasing

The project would be divided into construction phases identified as Phases 4A and Phase 4B. It is estimated that Phase 4A would take place between June 2011 and 2015, for the elements shown in Table 4 below. Phase 4B would take place between 2020 and 2025, for the elements shown in Table 4. All elements of the construction phasing are estimates and may be altered subject to future land use entitlements including Precise Development Plan and/or Design Review approvals.

TABLE 5
ESTIMATED CONSTRUCTION PHASES

No. of Phase (Starting Month/ Year)	Elements of Construction	Activities	Estimated Conclusion	Notes
4A.1 (June 2011)	Staff Village; Administration Bldg. (Gateway House); Meeting Hall (Community Temple)	Remove temporary housing; Village site work; Admin. Bldg. site work; Meeting Hall site work; removal of excess berm from overflow parking area	June 2012	Use of overflow parking area for staging of equipment, job shack, construction parking, and subcontractor trailers
4A.2 (September 2011)	Village Commons; Teacher Residential Units; Staff Residential Units; Staff Parking; Admin. Bldg.; Meeting Hall	Prepare one-half parking area for staff/teacher village; build eight staff units; complete Admin. Bldg. and Meeting Hall	January 2013	Use Village parking area for staging as well as overflow parking area
4A.3 (July 2012)	Overflow Parking Area	Complete overflow parking area	September 2012	Use portion of Staff/Teacher Village parking area for staging
4A.4 (October 2012)	Removal of temporary Admin. Bldg. and Meeting Hall	Build meadow and meadow accessory parking lot	December 2012	Use portion of Teacher/Staff Village parking area for staging
4A.5 (April 2015)	Dining Hall site work; Dining Hall; completion of 4A infrastructure	Work on Dining Hall site work and building	June 2017	Use meadow accessory parking area for staging and half of Staff Village parking for construction parking; overflow parking also to be used for staging
4B.1 (April 2020)	Two residence halls; 16 staff residential units; two resident teacher residential units; one-half staff parking; road to Hermitage	Retreat Center; SRMC open to day use only; work focused in Teacher/ Staff Village and Retreat area	April 2021	Access road by residence halls to be used for staging for job shack, trailers, and materials storage; Meadow accessory parking area for additional

No. of Phase (Starting Month/ Year)	Elements of Construction	Activities	Estimated Conclusion	Notes
				staging
4B.2 (April 2025)	Hermitage	Build cabins and Hermitage Commons; portion of retreat may be closed	June 2026	Same staging as per 4B.1 and moved to Hermitage Commons parking area once it is graded

These construction phases may be modified by the applicant in the future, provided the modifications are consistent with the project mitigation measures.

E. Proposed Resource Protection Plan

Spirit Rock is an overnight facility that provides daytime retreats/classes as well as overnight retreats. Therefore, it is a 24-hour operation, with most of the use occurring during daytime classes and evening classes that generally conclude by 9:00 PM. Some retreats/classes occur on Saturdays and Sundays.

The existing 1988 Master Plan requires that events on Sundays (between the months of May and October) must conclude before 1:00 PM or after 7:00 PM. This restriction was established to minimize conflicts with Sunday traffic associated with beach-goers traveling on Sir Francis Drake Boulevard.

The Resource Protection Plan (RPP) is intended to establish clear and quantifiable criteria for water quality, traffic levels of service (LOS), and preservation of sensitive habitats, although specific set standards and criteria are not set out in the Plan itself. The RPP is proposed to develop future criteria to protect sensitive areas while concentrating religious practices on the least environmentally sensitive land.

Elements of the Resource Protection Plan are summarized below.

Environmental Protection

The RPP proposes to provide ongoing protection and stewardship for the land. The RPP proposes to develop different criteria for each zone of the site, including undeveloped lands, wildlands and managed open space and "settled lands" that have been approved for roads and buildings, exclusive of creeks or riparian zones. An annual monitoring report would be prepared by Spirit Rock and submitted to the Marin County Community Development Agency upon request. The RPP specifies that if any exceedance of future set standards is identified, the SRMC proposes to modify use patterns and/or operations until set criteria are met.

The RPP also includes recommended measures to protect sensitive habitat. For the creek and riparian habitat, the following are proposed: (1) installation of three check dams and one sedimentation basin in accordance with "Spirit Rock Stream Habitat Protection Plan;" (2) erosion control measures; (3) invasive species management; (4) Sudden Oak Death Syndrome management and prevention; and (5) riparian plantings and creek restoration. Check dams No. 1, 2, and 3 are proposed in proximity to the site's entrance road along the streams, and one sedimentation basin is proposed at the edge of the pasture near the entrance to the site.

For woodland areas, the RPP proposes the following: (1) Sudden Oak Death Syndrome management and prevention; (2) forest management in creep zones and other recommendations

included in the Arborist's Report (McNair & Associates, 2008); and (3) invasive species management and other MALT and Marin County Open Space District (MCOSD) initiatives.

For native grasslands, the RPP includes: (1) invasive species management; (2) limitations on access by promoting the use of established paths; and (3) wildfire protection via grazing (currently under way). For wetlands habitat, limitations on access by relocation of the Development Area Boundary are proposed, in addition to management of invasive species.

The RPP proposes management of unstable soils by the diversion of groundwater as recommended by the project geotechnical engineer and annual observation of such soils. The RPP also includes proposals for maintenance of planting east of the Teacher/Staff Village to protect visual resources and to screen the project from public view (i.e., Sir Francis Drake Boulevard) and limited access/publicity to protect cultural resources on the SRMC site.

Wastewater Flow

The RPP proposes creation of an Operation, Maintenance, and Reporting Plan for the septic systems. Wastewater flow would be monitored weekly and septic tanks would be inspected to determine the need for pump-out. Wastewater effluent would be sampled routinely on a monthly basis for specific criteria. Groundwater monitoring wells would be installed in each disposal area to measure groundwater levels and to sample water quality. Routine reporting results would be submitted in compliance with the Waste Discharge Requirements issued by the Regional Water Quality Control Board.

Water Quality

The RPP proposes to provide future water quality baseline studies consisting of sampling and testing for chemicals, sediments, and bacteria from the central creek (Spirit Rock Creek) as it leaves the property. These baseline studies are proposed to be undertaken after the implementation of the SRMC Master Plan Amendment.

Traffic

The RPP proposes to implement the Traffic Management Plan (TMP) as set forth in the RPP. Under the TMP, Spirit Rock will monitor the level of service with the minimum criteria for said monitoring being the current levels of service at Spirit Rock as established by the submitted Transportation Analysis, Section 7. While not stated formally as "mitigation measures," the TMP sets forth recommended "measures" and management elements including: event scheduling to reduce conflicts with peak off-site traffic; installation of a "NO U TURN (R3-4)" regulatory sign on westbound Sir Francis Drake Boulevard at Railroad Avenue to assure that the advised exit route from the SRMC toward the east is observed by drivers; increased carpooling; increased use of bicycles, walking, and transit; and fee reductions/waivers for SRMC programs as a way to encourage carpooling and alternative transportation. (*Refer to Section XIII.6, Transportation/Circulation, of the Initial Study for further discussion of this issue.*)

Standards and Monitoring

While the project proposes a RPP, the completion of the mapping of the specified zones, establishment of standards and criteria and monitoring provisions are not proposed to be set forth until after approval of the proposed Master Plan Amendment and these items are proposed to be submitted with the Precise Development Plan, Phase 4 application.

SECTION 2: STANDARD REQUIREMENTS AND OPEN SPACE DEDICATION

2. 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.

3. 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.
4. The owner shall the County for mitigation monitoring and review of compliance documents at the standard hourly rate established by the Board of Supervisors in the fee schedule Ordinance (currently \$128) and shall also pay the direct costs of any outside technical consultants hired by the County for mitigation monitoring and compliance review at the rate established by the consultant. Decisions regarding outside consultants are made at the sole discretion of the County.
5. BEFORE APPROVAL OF ANY PRECISE DEVELOPMENT PLAN OR THE SPECIAL EVENTS MANAGEMENT PLAN AND BEFORE VESTING OF ANY COMPONENT OF THE PROJECT, Spirit Rock Meditation Center shall obtain approval from the Open Space District Board to amend the Open Space and Trail easements encumbering the property in a manner most beneficial to the Open Space District that allows the Development Area Boundary to be adjusted in substantial conformance with Exhibits A (project plans) and D (draft agreement between the MCPOSD and Spirit Rock Meditation Center) and shall provide copies of recorded easements to such effect to the Planning Division.
6. BEFORE APPROVAL OF ANY PRECISE DEVELOPMENT PLAN OR THE SPECIAL EVENTS MANAGEMENT PLAN AND BEFORE VESTING OF ANY COMPONENT OF THE PROJECT, BUT AFTER RECORDATION OF REVISED OPEN SPACE EASEMENTS, the applicant shall submit a revised set of plans that shows contextual information, the approved Development Area Boundary and approved development, without extraneous details the showing history of previous approvals for development that that is no longer intended to be built. The revised plans shall be consistent with all mitigation measures and conditions of approval and shall serve as the exhibit of record for consistency review of future Precise Development Plan applications and special event plans submitted to the County by the applicant, and shall be labeled by the Planning Division as Exhibit B. Exhibit B shall be submitted within 200 days of the Marin County Board of Supervisor's action on the project (this deadline may be tolled in the event of any legal challenge to the project).
7. No planning application shall be deemed complete and no Building Permit for new development on the property shall be issued until the Community Development Agency has accepted Exhibit B and the 1988 Master Plan has been superseded.
8. Those affordable housing requirements that are in effect at the time future Precise Development Plans or Design Review applications are accepted for filing shall be applied to the project.

SECTION 3: USE AND OCCUPANCY REQUIREMENTS

Community Development Agency – Planning Division

9. PRIOR TO INCREASING DAILY PEAK OCCUPANCY TO MORE THAN 315 PERSONS OR PEAK OPEN HOUSE/EVENT CAPACITY TO MORE THAN 150 PERSONS, AND PRIOR TO PRECISE DEVELOPMENT PLAN APPROVAL, the applicant shall submit a special events management program (SEMP) for review and approval by the Marin County Planning Division in consultation with other agencies as necessary. The SEMP shall address all mitigation measures and conditions of approval contained herein necessary to address impacts from large scale special events. The SEMP shall include provisions that require the applicant to submit a special events plan up to 90 days prior to holding larger scale special events (or less as necessary for smaller special events).

These special event plans shall precisely detail how the criteria of the SEMP would be met in the case of a particular event. In some cases, the SEMP shall require that the Fire Department, County Sheriff, and Public Works Department be consulted before approval of the special event plan and that their concerns be adequately addressed and would also indicate means of notifying the local community of the upcoming event. The degree of complexity and control entailed in a special event plan shall be commensurate with the degree of potential impacts associated with the particular special event, taking into account number of people expected to attend, time and duration, shuttle and parking arrangements, and other issues that need to be addressed under the specific circumstances of the event. The SEMP shall contain criteria that guides the development of special event plans. Review of the special event plans shall be conducted on a ministerial basis to ensure conformance of the operations of the event with the criteria defined in the SEMP, and a large scale special event subject to the criteria of the SEMP shall not take place until a special event plan is approved.

10. These use and occupancy requirements are based on the Use Permit Findings in the approved Resolution and as such are subject to revocation procedures contained in Section 22.88.040 and 22.88.045 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 in a manner so as to adversely affect the health, welfare, or safety of persons residing or working in the neighborhood, or detrimental to the public welfare or injurious to property or improvements in the neighborhood.

Marin County Environmental Health Services

11. ~~PRIOR TO INCREASING DAILY PEAK OCCUPANCY TO MORE THAN 315 PERSONS OR PEAK OPEN HOUSE/EVENT CAPACITY TO MORE THAN 150 PERSONS, AND PRIOR TO PRECISE DEVELOPMENT PLAN APPROVAL,~~ the applicant shall submit a Waste Water Management Program (WWMP) that ensures that the demand for sewage disposal does not exceed system capacity or violate the Waste Discharge Requirements. The applicant shall submit this as part of the Resource Protection Plan for the project site. The WWMP shall establish a Special Events Management Program (SEMP) for larger classes and events that have the potential, in combination with other activities at the project site, to exceed available sewage disposal capacity (e.g., populations in excess of 791 people). The County, in consultation with the RWQCB, will review the WWMP to ensure it contains the following measures (MM12.d.1):
 - A. Demonstrates that activity at the site will not generate wastewater in excess of 11,400 gallons per day. This may require metering of the wastewater flows to provide early warning that use is nearing system capacity;
 - B. Incorporates operational practices, such as recycling greywater, actively managing restroom use, and implementing water conservation practices;
 - C. Provides for monitoring of the wastewater system to ensure compliance with performance objectives;
 - D. Establishes contingency plans that describe specific actions that shall be taken to prevent peak flows in excess of system capacity. Contingency plans may include immediate cessation of activities, closure of restrooms, and/or partial or total evacuation of the site;
 - E. To the extent that compliance with wastewater discharge limitation can only be accomplished with temporary facilities (e.g., temporary bathrooms and hand-washing facilities, temporary storage, pumping and removal of wastewater for treatment at a municipal facility) that are not connected to the wastewater disposal system, the WWMP shall include a plan indicating the location and number of such facilities that will be installed at the site and provide appropriate assurances that the temporary facilities will be removed;
 - F. Enforcement provisions that may include reductions in daily and special event population, cancellation of future events, remediation measures, and financial penalties for any violation of the WWMP or WDRs; and
 - G. Reporting to document the monitoring results and identify contingency measures that were required in order to adhere to design capacity limitations.

12. PRIOR TO INCREASING DAILY PEAK OCCUPANCY TO MORE THAN 315 PERSONS OR PEAK OPEN HOUSE/EVENT CAPACITY TO MORE THAN 150 PERSONS, AND PRIOR TO PRECISE DEVELOPMENT PLAN APPROVAL, the applicant shall submit a Water Management Plan, as part of the Resource Protection Plan, to demonstrate that the daily operations would not result in use of more than 7.49 acre-feet of water in a year by providing necessary documentation (MM.12.c.1). As an alternative, the project sponsor may enter into an expanded water service agreement with MMWD to secure an additional allocation for the project site to serve total projected demand.

A. The Water Management Plan shall demonstrate that water savings from conservation, recycling, and reuse of water at the project site is adequate to offset increases in demand that are expected to result from increased activity at the site, and shall include the following:

1. Demonstrates that activity at the site will not generate demand for domestic water from MMWD in excess the supply that has been allocated to the property (presently 7.49 acre-feet per year);
2. Establishes monitoring equipment and practices to track water consumption to ensure compliance with performance objectives;
3. Establishes contingency plans that describe specific actions that shall be taken to prevent consumption of more than the allocated supply. Contingency plans may include reduction or cessation of classes, events, activities, and maintenance practices, and the elimination of overnight visitation;
4. Enforcement provisions that may include reductions in daily and special event population, cancellation of future events, remediation measures, and financial penalties for any violation of the WMP;
5. Includes contingency plans that describe specific actions that shall be taken to prevent water consumption in excess of the approved allocation; and
6. Identify reporting commitments to document the monitoring results and identify contingency measures that were required in order to adhere to supply limitations.

Marin County Department of Public Works - Land Use and Water Resources Division

13. PRIOR TO INCREASING DAILY PEAK OCCUPANCY TO MORE THAN 315 PERSONS OR PEAK OPEN HOUSE/EVENT CAPACITY TO MORE THAN 150 PERSONS, AND PRIOR TO PRECISE DEVELOPMENT PLAN APPROVAL, the applicant shall install necessary roadway improvements to ensure safe access to the project site. This mitigation measure will be implemented by submitting improvement plans for approval by the County that have been designed to accommodate daily and special event populations and that include installation of an appropriately designed deceleration lane (estimated to be 530 feet in length) to the satisfaction of the Public Works Department in order to accommodate westbound traffic turning movements into the project site (MM.6.e).

14. PRIOR TO INCREASING DAILY PEAK OCCUPANCY TO MORE THAN 315 PERSONS OR PEAK OPEN HOUSE/EVENT CAPACITY TO MORE THAN 150 PERSONS, AND PRIOR TO PRECISE DEVELOPMENT PLAN APPROVAL, the applicant shall submit a Special Events Management Program (SEMP) before or in conjunction with the Precise Development Plan application for review and approval by the County. The applicant shall operate special events to avoid overflow parking outside of approved parking areas for special events. The SEMP shall include provisions to govern all activities that could result in an on-site population of more than 560 people. The TMP should include program descriptions (e.g., carpool matching program, public transportation, private shuttle

services, a reservation system, communication plans), incentives (e.g., fees and discounts to encourage carpooling, bus use, bicycling and walking), and metrics (e.g., mode targets, level of service at key intersections during open house or special events, parking limits) (MM.6.d).

- A. The TMP should include notification requirements that provide the County with annual updates of all scheduled or anticipated large classes and special events, the estimated attendance, and traffic and parking management plans, including emergency access provisions that will be employed during the events.
- B. The Transportation Management Plan should also include details on how necessary services will be funded, how adherence to the vehicle limitations will be enforced, and shall include penalties for non-adherence to plan goals and metrics.

15. PRIOR TO INCREASING DAILY PEAK OCCUPANCY TO MORE THAN 315 PERSONS OR PEAK OPEN HOUSE/EVENT CAPACITY TO MORE THAN 150 PERSONS, AND PRIOR TO PRECISE DEVELOPMENT PLAN APPROVAL, the applicant shall submit a Transportation Management Plan (TMP) demonstrating compliance with the below operational objectives. The site shall be operated to avoid traffic conflicts, preserves emergency vehicle access, and maintain intersection levels of service at or better than the County's level of service "D" threshold. The TMP shall employ a combination of visitor information, directional signs and wayfinding information, to alert guest to circulation issues associated with daily operations. The TMP shall also include Special Event Provisions to govern traffic and circulation operations during larger classes and events. Before increasing daily occupancy to more than 315 persons, or peak occupancy for open house/events to more than 150 persons, the project sponsor shall submit a Transportation Management Plan (TMP) for approval by the County that either demonstrates that the following improvements and programs have been implemented, or establishes provisions for their implementation (MM.6.a):

- A. The TMP shall include circulation information and direction to assist visitors to the project site. At a minimum circulation information shall include:
 - 1. A NO U TURN sign should be installed on westbound Sir Francis Drake at Railroad Avenue to further discourage motorists from making U-turns and instead to use the "advised exit route" from Spirit Rock to eastbound Sir Francis Drake;
 - 2. Provide information to guests and visitors to alert them of the "advised exit route" (i.e., right-turn from Spirit Rock driveway onto westbound Sir Francis Drake Boulevard, left-turn from Sir Francis Drake Boulevard to Railroad Avenue, left-turn from Railroad Avenue to San Geronimo Valley Drive, and right-turn from San Geronimo Valley Drive to eastbound Sir Francis Drake Boulevard);
 - 3. Incorporate improved wayfinding signage along Railroad Avenue and San Geronimo Valley Drive to clearly designate the advised route and to reduce potential confusion and wrong turns on Woodacre Streets by Spirit Rock drivers;
- B. The TMP will establish traffic reduction measures to encourage or require car pooling and use of transit by providing financial incentives to use other than single-occupant vehicles to get access to the project site;
- C. The TMP will include a Special Events Management Program (SEMP) that includes the following for larger classes and special events:
 - 1. Identify traffic control measures (e.g. cones, directional signs, parking attendants, flag people, etc.) as needed to assist with safe circulation on the project site and in the project vicinity;

2. The SEMP will establish provisions for providing notification of larger classes and special events to service providers, transportation providers, the community, and the County for all special and largely attended events. A master schedule of all site events shall be posted prominently on-line at least four weeks before all scheduled events;
 3. The SEMP will establish scheduling measures to avoid traffic conflicts during periods of high traffic volume in the project vicinity and to "meter" in-bound and out-bound traffic, if necessary, to preserve LOS D operations.
- D. The TMP will establish enforcement provisions that may include immediate cessation of activities, reductions in daily and special event populations, and financial penalties for any violation of the TMP;
 - E. The TMP shall establish monitoring and reporting protocol to document compliance with the TMP, report monitoring results and identify contingency measures that were required in order to adhere to performance criteria; and
 - F. The TMP will be prepared to County standards and specifications and shall include funding provisions to either defray County costs associated with peer review of a TMP prepared by the applicant, or to pay for County preparation of the TMP. The TMP shall also include a funding mechanism to allow for County monitoring of TMP compliance.

Marin County Fire Department

16. PRIOR TO INCREASING DAILY OCCUPANCY TO MORE THAN 315 PERSONS, OR PEAK OCCUPANCY FOR OPEN HOUSE/EVENTS TO MORE THAN 150 PERSONS, the applicant shall submit a Special Events Management Program (SEMP) for review and approval by the County. The SEMP shall establish provisions for coordinating special events with emergency service providers to ensure safe circulation and emergency vehicle access throughout the events. The SEMP may include the following:
- A. Provisions that include notification to emergency service providers of large events that have the potential to generate an on-site population of more than 500 people;
 - B. Circulation controls, (e.g., parking attendants, installation of temporary directional signs and pylons, etc.) to preserve emergency vehicle access at the project site;
 - C. On site police and fire control arrangements and communication systems;
 - D. Provisions for standby or alternate personnel, equipment and or facilities in the event that attendance exceeds pre-event estimates; and
 - E. Provisions for emergency medical and first aid services.
17. PRIOR TO INCREASING DAILY PEAK OCCUPANCY TO MORE THAN 315 PERSONS OR PEAK OPEN HOUSE/EVENT CAPACITY TO MORE THAN 150 PERSONS, AND PRIOR TO PRECISE DEVELOPMENT PLAN APPROVAL, the applicant submit a Special Events Management Program (SEMP) for approval by the County that will ensure adequate notification and coordination with the Fire Department to ensure staffing and equipment are available for events that include any of the following shall host special events in a manner that avoids activities that create the risk of fire, and to ensure that emergency personnel are able to respond to calls for service at the site. This condition of approval shall be implemented prior to increasing daily occupancy to more than 315 persons, or peak occupancy for open house/events to more than 150 persons by: 1) total daily attendance by more than 500 people; 2) outdoor cooking or open flames; and/or 3) attendance or activities that generate demand for overflow parking in excess of the 321 spaces available on site (MM 11.a.4).

The SEMP may include the following:

- A. Provisions that include notification to emergency service providers of large events that have the potential to generate an on-site population of more than 500 people,
- B. Circulation controls, (e.g., parking attendants, installation of temporary directional signs and pylons, etc.) to preserve emergency vehicle access at the project site;
- C. On site police and fire control arrangements and communication systems;
- D. Provisions for standby or alternate personnel, equipment and or facilities in the event that attendance exceeds pre-event estimates; and
- E. Provisions for emergency medical and first aid services.

Marin County Sheriff

- 18. PRIOR TO INCREASING DAILY PEAK OCCUPANCY TO MORE THAN 315 PERSONS OR PEAK OPEN HOUSE/EVENT CAPACITY TO MORE THAN 150 PERSONS, AND PRIOR TO PRECISE DEVELOPMENT PLAN APPROVAL, the applicant shall submit a Special Events Management Program (SEMP) that will ensure adequate notification and coordination with the Sheriff Department to establish necessary arrangements, including funding, to ensure that staffing and equipment are available for events that include total daily attendance of more than 500 people. The special events shall be hosted in a manner that avoids activities that create the risk that law enforcement officers are able to respond to calls for service at the site. This mitigation measure shall be implemented prior to increasing daily occupancy to more than 315 persons, or peak occupancy for open house/events to more than 150 persons by.
- 19. PRIOR TO INCREASING DAILY PEAK OCCUPANCY TO MORE THAN 315 PERSONS OR PEAK OPEN HOUSE/EVENT CAPACITY TO MORE THAN 150 PERSONS, AND PRIOR TO PRECISE DEVELOPMENT PLAN APPROVAL, the applicant shall submit a Special Events Management Program (SEMP) that will ensure adequate notification and coordination with the Sheriff Department to establish necessary arrangements, including funding, to ensure that staffing and equipment are available for events that include total daily attendance of more than 500 people. Special events shall be hosted in a manner that avoids activities that create the risk that law enforcement will be unable to respond to calls for service at the site (MM 11.b.1).

Marin Municipal Water District

- 20. PRIOR TO INCREASING DAILY PEAK OCCUPANCY TO MORE THAN 315 PERSONS OR PEAK OPEN HOUSE/EVENT CAPACITY TO MORE THAN 150 PERSONS, AND PRIOR TO PRECISE DEVELOPMENT PLAN APPROVAL, the applicant shall enter into a Watershed Protection Agreement with the Marin Municipal Water District to ensure sound stewardship of Spirit Rock land and water resources.

SECTION 3: DEVELOPMENT REQUIREMENTS

Community Development Agency – Planning Division

- 21. Plans submitted for a Precise Development Plan shall substantially conform to plans identified as “Exhibit A,” entitled, “Phase IV Master Plan Amendment Spirit Rock Meditation Center,” consisting of 25 sheets prepared by HartMarin and various other firms and designers, with final revisions received on July 13, 2010, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein. Plans approved as Exhibit B shall show the approved project as modified by the conditions of approval and shall be used as the Exhibit of record for Precise Development Plan review.

The project plans shall be revised for Exhibit B as follows:

- A. The realigned road extension shown on Exhibit A sheet 5b adjacent to the approved hermitage commons is intended to be aligned precisely with road leading to the hermitage cabins, but is slightly misaligned. This misalignment shall be corrected and shown accurately in Exhibit B. All extensions and realignments to the main road shall be constructed using "grasspave" on the outer portions of the road.
- B. The Open Space and trail easements and associated modifications to the Development Area Boundary shall be shown to correspond to the Open Space easement boundaries that area approved by the Marin County Open Space District.
- C. In accordance with Mitigation Measure MM.1a.1, the location of the proposed structure in the Teacher and Staff Village area that would result in 0.02 acres of wetland fill shall be relocated on the plans to show that it would not encroach onto wetlands and would maintain a 20 foot buffer from adjacent wetlands.

22. PRIOR TO VESTING ANY COMPONENT OF THE MASTER PLAN AMENDMENT, APPROVAL OF THE SPECIAL EVENTS MANAGEMENT PROGRAM, OR ACCEPTANCE FOR FILING ANY PRECISE DEVELOPMENT PLAN, the applicant shall submit a set of plans that shows all of the development approved pursuant to this Master Plan Amendment and development allowed by previous approvals that is not modified by this Master Plan Amendment. The plan sheets shall include tables and narrative information as necessary to provide a complete description approved uses for buildings, maximum floor areas and other precise development parameters approved by this Master Plan amendment and development allowed by previous approvals. The plans do not need to provide the specific information required by all of the mitigation measures, but must provide sufficient information to clearly show that implementation all the mitigation measures is feasible and the plans must be consistent with all the mitigation measures related to site conservation and development. The plan set shall serve as a unified record of all approved conservation and development on the Spirit Rock property in accordance with the description set forth in this Master Plan Amendment and the Initial Study for this Master Plan Amendment and shall be labeled by the Planning Division as Exhibit B.

Upon acceptance of Exhibit B by the Planning Division as an accurate representation of all approvals on the subject property, Exhibit B shall supercede all previously approved plans for the subject property in order to maintain a clear record for future discretionary review. The modifications to the previously approved development approved by this Master Plan Amendment shall govern, and all previous approvals for development that is modified by the Master Plan Amendment shall lose their force and effect.

- 23. PRIOR TO APPROVAL OF A PRECISE DEVELOPMENT PLAN, the project sponsor shall demonstrate that future construction will avoid wetland areas and to maintain a minimum separation between wetlands and new structures and improvements of 20 feet. This mitigation measure shall be implemented through submittal of a Precise Development Plan for review and approval by the County that establishes a setback of no less than 20 feet around the two wetland areas located in the Teacher and Staff Village. (MM.1.a.1).
- 24. PRIOR TO APPROVAL OF A PRECISE DEVELOPMENT PLAN, the applicant shall submit a Resource Protection Plan (RPP) that includes construction practices to protect trees that are planned to be retained, and to replace trees that are planned for removal, and that incorporates other appropriate management practices in accordance with Section 22.27.100 of the Marin Development Code. The project shall be constructed in a manner that minimizes tree removal and establishes a program for replacing removed trees. The RPP shall include provisions for replacing trees at a 3:1 ratio and shall demonstrate compliance with all other requirements of County tree removal permits (MM.1.a.2).

25. PRIOR TO APPROVAL OF A PRECISE DEVELOPMENT PLAN, the applicant shall submit a Resource Enhancement Plan (REP) in conjunction with their Precise Development Plan application to restore native grasslands that are disturbed by project construction where the native grasslands comprise more than 10% of the groundcover. The applicant shall that includes a native grassland restoration component into the Resource Enhancement Plan. The grassland restoration component shall ensure the restoration of native grassland communities that are disturbed or displaced by construction. The restoration shall be planned and carried out by qualified biologists and restoration specialists. The area to be restored will be equal or greater than disturbed native grassland. The restoration plan shall include a monitoring component and shall demonstrate that native grasslands are restored and replaced to meet the following (MM 7.b.1):
- A. Density of native grasses is at least 80% of native grass density in pre-disturbance conditions;
 - B. Native species richness is at least 80% of native richness in pre-disturbance conditions; and
 - C. No new invasive nonnative species are established in the restored area.
26. PRIOR TO APPROVAL OF A PRECISE DEVELOPMENT PLAN, the applicant shall submit a Construction Management and Revegetation Plan in conjunction that includes the following provisions to govern construction activity for the relocated residences and Dining Hall in the retreat area adjacent to riparian/bay woodlands consistent with the SCA policies contained in the CWP:
- A. Vegetation removal will be minimized to the maximum extent practicable during all work activities. Grading limits will be clearly flagged to minimize disturbance from construction equipment.
 - B. ~~Native trees greater than 12 inches diameter at breast height that are removed as a result of construction activities will be replaced at a minimum 3:1 ratio with equivalent native species. Native trees less than 12 inches diameter at breast height will be replaced at a 1:1 ratio. All propagules used for native plantings will be obtained from local nursery stock, if available. The applicant shall provide a revegetation plan that identifies the location and container size of all replacement trees for review and approval by the County. The revegetation plan shall incorporate BMPs to prevent transmission of Sudden Oak Death.~~
 - C. All disturbed areas will be revegetated with native plantings and/or a native seed mix as soon as practicable to minimize erosion and recruitment of invasive non-native plant species. Best management practices that avoid dispersal of invasive nonnative plants will be used, including using only certified, weed-free materials dominated by native species for erosion control and revegetation.
 - D. Temporary exclusionary fencing (e.g., silt fence – a piece of synthetic filter fabric, also called a geotextile) will be installed along the periphery of the work areas, including around all riparian areas. This temporary fencing will prevent debris and sediment from entering adjacent habitats during building removal and construction.
 - E. See MM 7.b.9 of the Initial Study for additional mitigation measures.
27. PRIOR TO APPROVAL OF A PRECISE DEVELOPMENT PLAN, the applicant shall submit a Resource Enhancement Plan in conjunction with the Precise Development Plan application to ensure that the project is constructed in a manner that minimizes disturbance of wetland resources and ensure that impacted wetland areas are replaced at a 2:1 ratio. The Resource Enhancement Plan shall include the following wetland restoration and replacement measures for construction activity consistent with the WCA policies contained in the CWP.
- A. Prior to construction, the project sponsor shall obtain appropriate County, state and federal permits for impacts to wetlands and/or other waters of the U.S. This will include, but is not limited to, obtaining permits from the County, U.S. Army Corps of Engineers, San Francisco Bay Regional Water Quality Control Board, and/or California Department of Fish and Game. The conditions of these agreements shall serve as additional provisions.

- B. The project sponsor shall compensate for the loss of the jurisdictional wetland at a ratio of 2:1 (or as agreed upon by the permitting agencies) within the project area. The restoration effort shall include constructing a man-made mitigation wetland in the horse pasture adjacent to Sir Francis Drake Boulevard and wetland plant revegetation. The newly constructed wetland shall be 0.4 acres, a 2:1 impact ratio. It shall be buffered from equestrian activity and development by a 25-foot upland buffer planted with native grass and shrub species, or by other appropriate landscaping or agricultural fencing to protect the wetland area in compliance with the WCA policies of the CWP. It shall require implementation of a 5-year monitoring program with applicable performance standards, including but not limited to, establishing 80% survival rate of restoration plantings, absence of invasive plant species, absence of erosion features, and presence of a functioning, self-sustainable wetland system.

28. PRIOR TO APPROVAL OF A PRECISE DEVELOPMENT PLAN AND PRIOR TO CONSTRUCTION, the applicant shall submit a Resource Enhancement Plan that ensures that the project is constructed in a manner that avoids bat roosting habitat that includes the following species protection measures for site construction activity (MM 7.b.5):

- A. Prior to commencing work, a qualified biologist will survey the site for bat roosts. If occupied roosting habitat is identified, removal of roost trees would not be allowed until the roost is unoccupied.
- B. All construction crew members will be trained by a qualified biologist on the status, life history characteristics, and avoidance measures for bats.
- C. Construction will be limited to daylight hours to avoid interference with the foraging abilities of bats.

29. PRIOR TO APPROVAL OF A PRECISE DEVELOPMENT PLAN AND PRIOR TO CONSTRUCTION, the applicant shall submit a Resource Enhancement Plan that ensures the following avian species protection measures for site construction activity (MM 7.b.6):

- A. Construction activities should occur outside of the critical breeding period (mid March through mid August). If activities must occur during the normal breeding season, work areas will be surveyed by a qualified biologist prior to commencing.
- B. If active nests or behavior indicative of nesting are encountered, those areas plus a 50-foot buffer for small songbirds and 250-foot buffer for larger birds (e.g., owls, raptors) designated by the biologist will be avoided until the nests have been vacated.
- C. Ongoing construction monitoring will occur to ensure no nesting activity is disturbed.
- D. If state and/or federally listed birds are found breeding within the project area, activities will be halted and consultation with the California Department of Fish and Game and U.S. Fish and Wildlife Service will occur; the conditions of these agreements will serve as additional provisions.

30. PRIOR TO APPROVAL OF A PRECISE DEVELOPMENT PLAN AND PRIOR TO CONSTRUCTION, the applicant shall submit a Resource Enhancement Plan that ensures the project is constructed in a manner that avoids special status reptile and amphibian habitat and includes the following species protection measures for site construction activity (MM 7.b.7):

- A. A preconstruction survey for special-status western pond turtle, California red-legged frog, and foothill yellow-legged frog will occur prior to beginning work within 100 feet of streams and wetlands, and work will only occur in areas that have been surveyed and have either been found to contain no special status reptile and amphibian species, or have been adequately protected from construction activity by fencing and/or other barriers that protect the habitat as directed by a qualified biologist.

- B. All construction crews will be trained by a qualified biologist on the status, life history characteristics, and avoidance measures for special-status and common reptile and amphibian species.
- C. Temporary wildlife exclusionary fencing (e.g., silt fence – a piece of synthetic filter fabric, also called a geotextile) will be installed along the periphery of the work areas, including around all wetlands and riparian areas. This temporary fencing will preclude animals from entering the work site and prevent construction debris from entering adjacent aquatic habitats.

31. PRIOR TO APPROVAL OF A PRECISE DEVELOPMENT PLAN AND PRIOR TO CONSTRUCTION, the applicant shall submit a Resource Enhancement Plan that ensures the project is constructed in a manner that avoids common terrestrial species habitat and includes the following species protection measures for site construction activities (MM 7.b.8):

- A. A preconstruction survey (on the day preceding work and/or ahead of the construction crew) will be performed prior to any major site disturbance, such as grading. Where terrestrial species are observed within the project area or immediate surroundings, these areas will be avoided until the animal(s) has (have) vacated the area, and/or the animal(s) will be relocated out of the project area by a qualified biologist.
- B. The site will be surveyed periodically during construction to ensure that no terrestrial species are being impacted by construction activities (MM 7.b.8).

32. PRIOR TO APPROVAL OF A PRECISE DEVELOPMENT PLAN AND PRIOR TO CONSTRUCTION, the applicant shall submit a Resource Enhancement Plan that ensures that the project is constructed in a manner that avoids aquatic habitat and species. The Resource Enhancement Plan shall include the following species protection measures for site construction activity (MM 7.b.9):

- A. Work will be performed in isolation of any flowing water.
- B. Erosion control measures will be utilized throughout all phases of construction where sediment runoff from exposed slopes threatens to enter the water. At no time will silt laden runoff be allowed to enter stream channels or wetlands or be directed to where it may enter these habitats.
- C. Excavated material will be disposed of properly with erosion control measures in place.
- D. Throughout construction, a qualified biologist will monitor to ensure water quality standards are being met and sediment is not entering the watercourse.
- E. A preconstruction training session will be provided for construction crew members by the qualified biologist. The training will include a discussion of the sensitive biological resources within the project area and potential impacts of accidental sediment releases. This will include a discussion of species habitat, protection measures to ensure species are not impacted by project activities, and project boundaries.
- F. New development will be designed, constructed, and maintained to result in no increase in runoff to adjacent aquatic habitats. Low Impact Development (LID) techniques, including pervious pavements and path surfaces, and bioswales will be used to interrupt the flow of water and allow it to percolate into the soil.
- G. Additional water withdrawals will be minimized through development of alternative water sources.

33. PRIOR TO APPROVAL OF A PRECISE DEVELOPMENT PLAN AND PRIOR TO CONSTRUCTION, the applicant shall submit a Resource Enhancement Plan that ensures that that the project is constructed in a manner that avoids introducing or facilitating the spread of invasive plant species. The Resource Enhancement Plan shall include the following provisions to avoid introduction of nonnative species to the site (MM 7.c.1):

- A. Any seed, straw, or mulch brought into the site will be free of nonnative invasive species.

- B. Construction vehicles and other landscaping equipment will be cleaned of seed and soil from other sites before entering new areas.
- C. Revegetation of disturbed soil will occur promptly after disturbance.
- D. Restoration activities for wetland mitigation and native bunchgrass mitigation will entail soil disturbance. BMPs will be carefully followed at all times. Both restoration sites and donor sites will be monitored post-installation for any increases in invasive nonnative species; see Initial Study Impact B1. A plan will be developed for control of any invasive species detected in these areas.

34. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the plans shall include notes informing grading contractor(s) of the potential for encountering paleontological sites by including the following directive in contract documents (MM14.a.1):

"The subsurface of the construction site may be sensitive for paleontological resources. If paleontological resources are encountered during project subsurface construction, all ground-disturbing activities within 50 feet shall be redirected and the Community Development Planning Division shall be contacted and a qualified paleontologist to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. Project personnel shall not collect or move any paleontological materials. Paleontological resources include fossil plants and animals, and such trace fossil evidence of past life as tracks. Ancient marine sediments may contain invertebrate fossils such as snails, clam and oyster shells, sponges, and protozoa, and vertebrate fossils such as fish, whale, and sea lion bones. Vertebrate land mammals may include bones of mammoth, camel, saber-tooth cat, horse, and bison. Paleontological resources also include plant imprints, petrified wood, and animal tracks".

35. Adverse effects to paleontological deposits should be avoided by project activities. If avoidance is not feasible, the paleontological resources shall be evaluated for their significance by a paleontologist. If the resources are not significant, avoidance is not necessary. If the resources are significant, the adverse effects of project ground disturbance shall be mitigated. A paleontologist shall prepare a Paleontological Mitigation Plan for submittal to the Marin County Community Development Agency for review, comment, and approval. Upon approval of the Paleontological Mitigation Plan, the Marin County Community Development Agency shall be responsible for ensuring that the stipulations of the plan are fulfilled (MM 14.a.1).

36. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicant shall submit building permit plans for approval by the County that include notes informing contractors that if human remains are encountered, these remains shall be treated in accordance with HSC Section 7050.5. The project applicant shall inform its contractor(s) of the cultural sensitivity of the project area for human remains by including the following directive in contract documents (MM 14.b.3):

If human remains are encountered during project activities, work within 50 feet of the discovery shall be redirected and the County Coroner notified immediately. At the same time, an archaeologist shall be contacted to assess the situation and consult with agencies as appropriate. Project personnel shall not collect or move any human remains and associated materials. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods.

Upon completion of the assessment, the archaeologist shall prepare a report documenting the methods and results, and provide recommendations for the treatment of the human remains and any associated cultural materials, as appropriate and in coordination with the recommendations of

the MLD. The report shall be submitted to the Marin County Community Development Agency and the Northwest Information Center.

37. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a letter from the Marin Municipal Water District or North Marin Water District indicating that the proposed landscaping complies with all conditions of the District's Water Conservation Ordinance.
38. The applicant shall undertake construction in a manner that avoids historic and prehistoric resources. Before beginning construction, the applicant shall retain a qualified archaeologist and a FIGR representative to monitor project ground-disturbing activities associated with construction at the Teacher and Staff Village subarea and of the Meeting Hall. Archaeological and Native American monitors shall be empowered to halt construction activities at the location of a discovery to review possible archaeological material and to protect the resource while the finds are being evaluated.

If deposits of prehistoric or historical archaeological materials are encountered during project activities, all work within 50 feet of the discovery shall be redirected until the archaeologist assesses the finds, consults with agencies as appropriate, and makes recommendations for the treatment of the discovery. Adverse effects to such deposits shall be avoided by project activities. If avoidance is not feasible, the archaeological deposits shall be evaluated for their eligibility for listing in the California Register of Historical Resources. If the deposits are not eligible, avoidance is not necessary. If the deposits are eligible, adverse effects on the deposits shall be mitigated.

If mitigation is determined necessary by the archaeologist, mitigation procedures shall be developed by the archaeologist and in coordination with the Marin County Community Development Agency. Mitigation may include excavation of the archaeological deposit in accordance with a data recovery plan (see CCR Section 15126.4(b)(3)(C)) and standard archaeological field methods and procedures; laboratory and technical analyses of recovered archaeological materials; preparation of a report detailing the methods, findings, and significance of the archaeological site and associated materials; and accessioning of archaeological materials and a technical data recovery report at a curation facility.

Upon completion of the archaeological monitoring, the archaeologist shall prepare a report of methods and findings for submittal to the Marin County Community Development Agency and the Northwest Information Center at Sonoma State University (MM 14.b.2).

39. Exterior lighting shall be located and/or shielded so as not to cast glare on nearby properties.
40. 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.

41. 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.

Marin County Environmental Health Services

42. Future development shall comply with the environmental health standards that are in effect at the time that Building Permits for future development are being reviewed.
43. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the sewage disposal system will require review from both SFRQCB and EHS Land Use staff.

Marin County Department of Public Works - Land Use and Water Resources Division

44. Future development shall comply with those Department of Public Work's standards (MCC Title 24) that are in effect at the time when future Building Permits are being reviewed.
45. PRIOR TO APPROVAL OF A PRECISE DEVELOPMENT PLAN, the applicant shall submit a site Hydrologic Analysis prepared by a civil engineer. The hydrologic analysis shall demonstrate that the project does not substantially change drainage patterns, or the rate or volume of surface runoff for the 10-year, 25-year, 50-year and 100-year storm events from site changes in impervious/pervious surfaces, and that the change in topography, drainage areas, and runoff volumes shall not be substantial. ~~The Precise Development Plans shall not significantly affect site hydrology by substantially changing drainage patterns or the rate or volume of surface runoff.~~ The project shall be constructed in a manner that prevents an increase in pre-development peak stormwater runoff discharge rates, for the design storms regulated by the Small MS4 Permit, through "green" practices (e.g. bioswales and "GrassPave" for roads and parking areas) and design. (MM 4.a.1).
46. PRIOR TO PRECISE DEVELOPMENT PLAN APPROVAL, the applicant shall provide a Storm Water Pollution Protection Plan for review and approval.
47. BEFORE ISSUANCE OF A BUILDING OR GRADING PERMIT AND DURING CONSTRUCTION OF THE PROJECT, the applicant shall construct the project in a manner that avoids erosion and the discharge of sediment and/or pollutants into seasonal drainages located at the project site through implementation of a Storm Water Pollution Protection Plan. Prior to construction at the project site, consistent with the requirements of the Construction General Permit, and the County in its implementation of the Small MS4 Permit, the project sponsor shall prepare a SWPPP designed to reduce potential impacts to surface water quality through the project construction period and shall demonstrate that construction activity will be undertaken in a manner that uses effective best management practices (BMPs) to reduce or eliminate sediment and other pollutants in stormwater and non-stormwater discharges. The SWPPP shall be prepared by a qualified SWPPP developer. The SWPPP shall include, as applicable, all BMPs required in Construction General Permit Attachment D for Risk Level 2 dischargers or Construction General Permit Attachment E for Risk Level 3 dischargers (as appropriate based on final determination of the project's risk level status). The SWPPP shall include a construction site monitoring program that includes requirements for dry weather visual observations of pollutants at all discharge locations, and as appropriate (depending on the risk level), sampling of the site effluent or receiving waters (receiving water monitoring is only required for some Risk Level 3 dischargers). The project sponsor shall also prepare a Rain Event Action Plan as part of the SWPPP. BMP implementation shall be consistent with the BMP requirements in the California Stormwater Quality Association Stormwater Best Management Handbook-Construction (2003). Following are the types of BMPs that shall be implemented for the project, subject to review and approval by the County and the San Francisco Bay Regional Water Quality Control Board (RWQCB). (MM 4.c.1)

Scheduling

- To reduce the potential for erosion and sediment discharge, schedule activities to minimize ground disturbance during the rainy season. (Per Marin County Municipal Code Section 24.04.625, grading operations shall not be conducted during the rainy season (October 15 through April 15) without prior approval from the County.)
- Sequence construction activities to minimize the amount of time that soils remain disturbed.
- Stabilize all disturbed soils as soon as possible following the completion of ground disturbing work.
- Install erosion and sediment control BMPs prior to the start of any ground-disturbing activities.

Erosion and Sedimentation

- Preserve existing vegetation in areas where no construction activity is planned or where construction activity will occur at a later date.
- Stabilize and revegetate disturbed areas as soon as possible after construction with planting, seeding, and/or mulch (e.g., straw or hay, erosion control blankets, hydromulch, or other similar material) except in actively cultivated areas.
- Install silt fences, coir rolls, and other suitable measures around the perimeter of the areas affected by construction and staging areas and around riparian buffers, storm drains, temporary stockpiles, spoil areas, stream channels, swales, down-slope of all exposed soil areas, and in other locations determined necessary to prevent off-site sedimentation.
- Install temporary slope breakers during the rainy season on slopes greater than 5% where the base of the slope is less than 50 feet from a water body, wetland, or road crossing at spacing intervals required by the RWQCB.
- Use filter fabric or other appropriate measures to prevent sediment from entering receiving waters.
- Detain and treat stormwater using sedimentation basins, sediment traps, baker tanks, or other measures to ensure that discharges to receiving waters meet applicable water quality objectives.
- Install check dams in channels and drainage ditches to reduce flow velocities and erosion, and to allow sediment to settle out of runoff.
- Install outlet protection/energy dissipation, where applicable, to prevent scour of the soil caused by concentrated high velocity flows.
- Implement control measures such as spraying water or other dust palliatives to alleviate nuisance caused by dust.

Groundwater/Dewatering

- Prepare a dewatering plan prior to excavation specifying methods of water collection, transport, treatment, and discharge of water generated by construction site dewatering.
- Impound water generated by dewatering in sediment retention basins or other holding facilities to settle the solids and provide other treatment as necessary prior to discharge to receiving waters. Locate sedimentation basins and other retention and treatment facilities away from waterways to prevent sediment-laden water from reaching creeks.

- Control discharges of water produced by dewatering to prevent erosion.

Tracking Controls

- Grade and stabilize construction site entrances and exits to prevent runoff from the site and to prevent erosion.
- Install a tire washing facility at the site access to allow for tire washing when vehicles exit the site to prevent offsite tracking of sediment.
- Remove any soil or sediment tracked onto paved roads during construction by street sweeping.

Non-stormwater Controls

- Place drip pans under construction vehicles and all parked equipment.
- Check construction equipment regularly for leaks.
- Wash construction equipment regularly in a designated enclosed area.
- Contain vehicle and equipment wash water for percolation or evaporative drying away from the stormwater drainage system and creeks.
- Refuel vehicles and equipment away from the stormwater drainage system and creeks, contain the area to prevent run-on and run-off, and promptly clean up spills.
- Cover all storm drain inlets when paving or applying seals or similar materials to prevent the discharge of these materials.

Waste Management and Hazardous Materials Pollution Control

- Remove trash and construction debris from the project area daily.
- Locate sanitary facilities a minimum of 300 feet from creeks. Maintain sanitary facilities regularly.
- Store all hazardous materials in an area protected from rainfall and stormwater run-on and prevent the off-site discharge of hazardous materials.
- Minimize the potential for contamination of receiving waters by maintaining spill containment and cleanup equipment on site, and by properly labeling and disposing of hazardous wastes.
- Locate waste collection areas close to construction entrances and away from roadways, the stormwater drainage system, and creeks.
- Inspect dumpsters and other waste and debris containers regularly for leaks and remove and properly dispose of any hazardous materials and liquid wastes placed in these containers.
- Train construction personnel in proper material delivery, handling, storage, cleanup, and disposal procedures.
- Implement construction materials management BMPs for:
 - Road paving, surfacing and asphalt removal activities.
 - Handling and disposal of concrete and cement.

BMP Inspection, Maintenance, and Repair

- Inspect all BMPs on a regular basis to confirm proper installation and function. Inspect BMPs daily during storms.
- Immediately repair or replace BMPs that have failed. Provide sufficient devices and materials (e.g., silt fence, coir rolls, erosion blankets, etc.) throughout project construction to enable immediate corrective action for compromised BMPs.

Monitoring and Reporting

- Provide the required documentation for SWPPP inspections, maintenance, and repair requirements. Personnel that will perform monitoring and inspection activities shall be identified in the SWPPP.
- Maintain written records of inspections, spills, BMP-related maintenance activities, corrective actions, and visual observations of off-site discharges of sediment or other pollutants, as required by the RWQCB.
- Monitor the water quality of discharges from the site to assess the effectiveness of BMPs.

Post-construction BMPs

- Revegetate all temporarily disturbed areas as required after construction activities are completed.
- Remove any remaining construction debris and trash from the site upon project completion.
- Phase the removal of temporary BMPs as necessary to ensure stabilization of the site.
- Maintain post-construction site conditions to avoid formation of unintended drainage channels, erosion, or areas of sedimentation.

Training

- Train construction site personnel on components of the SWPPP and BMP implementation. Train all personnel that will perform inspection and monitoring activities.

48. PRIOR TO APPROVAL OF A PRECISE DEVELOPMENT PLAN, the project applicant shall submit a Stormwater Control Plan (SCP) to the County, in accordance with guidance developed by MCSTOPPP. The SCP shall describe the site design, source control, and treatment control best management practices (BMPs) such as riparian buffer zones and designs for bioswales, that would be implemented at the site to minimize imperviousness, retain or detain stormwater, match pre-project peak flow rates, and reduce pollutants in runoff to the maximum extent practicable, for the design storms regulated by the Small MS4 Permit. The SCP shall evaluate the consistency of using riprap for creek outlet protection with the project's Stream Restoration Plan and evaluate whether using riprap would cause impacts greater than if natural restoration methods are used. If the use of riprap is found to be inconsistent with the Stream Restoration Plan, biotechnical measures shall be used in lieu of riprap for outlet projection. The SCP shall include an Operation and Maintenance Plan that identifies the individuals responsible for maintenance of treatment control BMPs (MM 4.a.2).

49. PRIOR TO APPROVAL OF A PRECISE DEVELOPMENT PLAN, the applicant shall submit a Creek Restoration Plan that includes hydrologic analysis confirming that the debris diversion berm removal and the installation of three in-creek check dams would not alter flow rates or water movement in a way that would undermine the bank stabilization efforts implemented to date by the RCD in Spirit Rock Creek in the areas where in-creek check dams are proposed. The project shall be constructed a manner that avoids alteration to flow rates or changes in the direction of water

movement, and that contributes to the long-term health and natural functions of the watershed (MM 4.b).

50. PRIOR TO APPROVAL OF A PRECISE DEVELOPMENT PLAN, the applicant shall submit a Dust Control Plan for approval by the County that specifies dust control measure that would be employed during grading and construction activities and that would be regulated by the Department of Public Works through Grading Permits and Building Permits (MM.5.e).

Scheduling

- A. To reduce the potential for erosion and sediment discharge, schedule activities to minimize ground disturbance during the rainy season. (Per Marin County Municipal Code Section 24.04.625, grading operations shall not be conducted during the rainy season (October 15 through April 15) without prior approval from the County.)
- B. Sequence construction activities to minimize the amount of time that soils remain disturbed.
- C. Stabilize all disturbed soils as soon as possible following the completion of ground disturbing work.
- D. Install erosion and sediment control BMPs prior to the start of any ground-disturbing activities.

Erosion and Sedimentation

- A. Preserve existing vegetation in areas where no construction activity is planned or where construction activity will occur at a later date.
- B. Stabilize and revegetate disturbed areas as soon as possible after construction with planting, seeding, and/or mulch (e.g., straw or hay, erosion control blankets, hydromulch, or other similar material) except in actively cultivated areas.
- C. Install silt fences, coir rolls, and other suitable measures around the perimeter of the areas affected by construction and staging areas and around riparian buffers, storm drains, temporary stockpiles, spoil areas, stream channels, swales, down-slope of all exposed soil areas, and in other locations determined necessary to prevent off-site sedimentation.
- D. Install temporary slope breakers during the rainy season on slopes greater than 5% where the base of the slope is less than 50 feet from a water body, wetland, or road crossing at spacing intervals required by the RWQCB.
- E. Use filter fabric or other appropriate measures to prevent sediment from entering receiving waters.
- F. Detain and treat stormwater using sedimentation basins, sediment traps, baker tanks, or other measures to ensure that discharges to receiving waters meet applicable water quality objectives.
- G. Install check dams in channels and drainage ditches to reduce flow velocities and erosion, and to allow sediment to settle out of runoff.
- H. Install outlet protection/energy dissipation, where applicable, to prevent scour of the soil caused by concentrated high velocity flows.
- I. Implement control measures such as spraying water or other dust palliatives to alleviate nuisance caused by dust.

Groundwater/Dewatering

- A. Prepare a dewatering plan prior to excavation specifying methods of water collection, transport, treatment, and discharge of water generated by construction site dewatering.
- B. Impound water generated by dewatering in sediment retention basins or other holding facilities to settle the solids and provide other treatment as necessary prior to discharge to receiving waters. Locate sedimentation basins and other retention and treatment facilities away from waterways to prevent sediment-laden water from reaching creeks.
- C. Control discharges of water produced by dewatering to prevent erosion.

Tracking Controls

- A. Grade and stabilize construction site entrances and exits to prevent runoff from the site and to prevent erosion.
- B. Install a tire washing facility at the site access to allow for tire washing when vehicles exit the site to prevent offsite tracking of sediment.
- C. Remove any soil or sediment tracked onto paved roads during construction by street sweeping.

Non-stormwater Controls

- A. Place drip pans under construction vehicles and all parked equipment.
- B. Check construction equipment regularly for leaks.
- C. Wash construction equipment regularly in a designated enclosed area.
- D. Contain vehicle and equipment wash water for percolation or evaporative drying away from the stormwater drainage system and creeks.
- E. Refuel vehicles and equipment away from the stormwater drainage system and creeks, contain the area to prevent run-on and run-off, and promptly clean up spills.
- F. Cover all storm drain inlets when paving or applying seals or similar materials to prevent the discharge of these materials.

Waste Management and Hazardous Materials Pollution Control

- A. Remove trash and construction debris from the project area daily.
- B. Locate sanitary facilities a minimum of 300 feet from creeks. Maintain sanitary facilities regularly.
- C. Store all hazardous materials in an area protected from rainfall and stormwater run-on and prevent the off-site discharge of hazardous materials.
- D. Minimize the potential for contamination of receiving waters by maintaining spill containment and cleanup equipment on site, and by properly labeling and disposing of hazardous wastes.
- E. Locate waste collection areas close to construction entrances and away from roadways, the stormwater drainage system, and creeks.
- F. Inspect dumpsters and other waste and debris containers regularly for leaks and remove and properly dispose of any hazardous materials and liquid wastes placed in these containers.
- G. Train construction personnel in proper material delivery, handling, storage, cleanup, and disposal procedures.
- H. Implement construction materials management BMPs for:
 - Road paving, surfacing and asphalt removal activities.
 - Handling and disposal of concrete and cement.

BMP Inspection, Maintenance, and Repair

- A. Inspect all BMPs on a regular basis to confirm proper installation and function. Inspect BMPs daily during storms.
- B. Immediately repair or replace BMPs that have failed. Provide sufficient devices and materials (e.g., silt fence, coir rolls, erosion blankets, etc.) throughout project construction to enable immediate corrective action for compromised BMPs.

Monitoring and Reporting

- A. Provide the required documentation for SWPPP inspections, maintenance, and repair requirements. Personnel that will perform monitoring and inspection activities shall be identified in the SWPPP.
- B. Maintain written records of inspections, spills, BMP-related maintenance activities, corrective actions, and visual observations of off-site discharges of sediment or other pollutants, as required by the RWQCB.
- C. Monitor the water quality of discharges from the site to assess the effectiveness of BMPs.

Post-construction BMPs

- A. Revegetate all temporarily disturbed areas as required after construction activities are completed.
- B. Remove any remaining construction debris and trash from the site upon project completion.
- C. Phase the removal of temporary BMPs as necessary to ensure stabilization of the site.
- D. Maintain post-construction site conditions to avoid formation of unintended drainage channels, erosion, or areas of sedimentation.

Training

- A. Train construction site personnel on components of the SWPPP and BMP implementation. Train all personnel that will perform inspection and monitoring activities.

51. The project shall comply with the Dust Control Plan and be constructed in a manner that avoids emission of fugitive dust by employing dust control measures (e.g. watering of active grading areas and preventing vehicles from tracking dirt onto public roads) to reduce potentially significant construction related impacts on air quality to a less than significant level (MM.5.e).

Marin County Fire Department

52. Future development shall comply with all Fire Department development requirements that are in effect at the time Building Permits for future development are being reviewed.

53. PRIOR TO APPROVAL OF THE PRECISE DEVELOPMENT PLAN, the applicant shall submit a detailed Landscaping and Vegetation Management Plan that identifies the locations of emergency access and utility access. The project plans shall demonstrate conformance with emergency vehicle access and fire suppression standards, defensible space, and landscape management requirements established by applicable codes for approval by the County. The project plans shall demonstrate to the greatest extent possible the use of fire-resistive construction techniques, automatic fire sprinklers, automatic fire alarm systems, and other applicable life safety systems. The project plans shall be reviewed and approved by the Marin County Fire Department. If the vegetation management plan involves removal of grasslands, the plan shall also be reviewed by a qualified biologist and, if warranted, the Department of Fish and Game.

54. PRIOR TO APPROVAL OF THE PRECISE DEVELOPMENT PLAN, the applicant shall provide a Vegetation Management Plan that demonstrates compliance with adopted County landscape and defensible space standards, and includes provisions for the maintenance of defensible space. The project shall be maintained in a manner that preserves vegetative clearing and acceptable landscaping to comply with County landscaping and defensible space requirements (MM 11.a.2).

55. PRIOR TO APPROVAL OF THE PRECISE DEVELOPMENT PLAN, the applicant shall provide a site plan for approval by the County that demonstrates conformance with emergency vehicle access and fire suppression standards and ensures adequate emergency vehicle access and fire suppression facilities (MM 11.a.3).

SECTION III: VESTING AND APPEAL RIGHTS

NOW, THEREFORE BE IT RESOLVED that the applicant must vest the components of this Master Plan Amendment approval that are associated with development by securing a Precise Development Plan or Design Review approval within four years of the date this Master Plan Amendment is approved by the Board of Supervisors, or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 30 days before the expiration date above and it is approved by the Director. Master Plan extensions for a total of not more than two additional years may be granted for cause pursuant to MCC Section 22.44.050.

The components of this Master Plan amendment associated with use and occupancy as approved by the Use Permit findings shall be vested upon compliance with the conditions of approval related to use and occupancy and shall be valid upon timely vesting of the approval and will remain valid in perpetuity, unless the conditions of approval are violated, in which case the Use Permit may be revoked. The use and occupancy components of the project must be vested within two years of the date that the Board of Supervisor's approves this Master Plan Amendment, but may be extended concurrently with the other components of this Master Plan Amendment.

The Building Permit approval expires if the building or work authorized is not commenced within one year from the date of such permit. All permits shall expire by limitation and become null and void if the building or work authorized by such permit is not completed within two years from the date of such permit. If the Building Permit lapses after the vesting date stipulated in the Master Plan Amendment and Design Review approval (and no extensions have been granted), the Building Permit and Design Review approvals may become null and void.

SECTION IV: VOTE

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Marin, State of California, on the 14th day of February, 2011, by the following vote to wit:

AYES:

NOES:

ABSENT:—

, CHAIR
MARIN COUNTY PLANNING COMMISSION

Attest:

Debra Stratton
Planning Commission Recording Secretary