

ORDINANCE NO. 3449

ORDINANCE OF THE MARIN COUNTY BOARD OF SUPERVISORS
APPROVING THE LAS CUMBRES MASTER PLAN 05-01

5748 LUCAS VALLEY ROAD, NICASIO
ASSESSOR'S PARCELS 121-210-51, 121-201-52

SECTION I: GENERAL FINDINGS

- I. WHEREAS, Steven Arago and Terry Mason, representing property owner's estate trustee Margaret Boyden, submitted applications for the Las Cumbres Land Division Tentative Map and Master Plan, to divide an existing 832-acre site into four residential parcels: Parcel A – 24 acres, Parcel B – 45 acres, Parcel C – 323 acres, and Parcel D - 440 acres. A new single family residence is proposed on each of the four parcels (with the exception of Parcel B, which already contains a single family residence). Each of the two largest parcels (Parcels C and D) is also proposing a second unit within the primary building envelopes. The two second units are proposed to be income restricted so that they qualify as affordable units for low-income individuals. Parcel C and Parcel D also each contain an accessory building envelope (alternative accessory building envelope C2 and accessory building envelope D2, respectively) to be used for barns, garages, storage, etc., in a separate location from the primary residential building envelope. Any structures developed in the accessory building envelope under this Master Plan/Land Division approval would be accessory in nature to the primary residence. The proposed Master Plan also allows future owner(s) of Parcel C and Parcel D to subdivide land around alternative accessory building envelope C2 and accessory building envelope D2, and convert the accessory building envelope to a single family residential building envelope. The two additional parcels and residences are not being proposed as part of the project at this time. However, they are included in the Initial Study as part of the potential buildout total of six residences and two second units. Parcel boundaries, building envelopes, leachfield locations, road and utility locations, and proposed open space areas are included as part of the project applications. Access to the parcels would be from a combination of existing paved roads and dirt roads, and new driveways varying in length from 50 to 1,000 feet in length. Sanitary service would be provided by individual septic systems. Water services would be provided by wells. Limited tree removal is proposed in the primary and accessory building envelopes on Parcel D. Approximately 6 acres of land is proposed for development, with the remaining 826 acres of land proposed as permanent private open space. An open space easement is proposed along the southern boundary of Parcel D, with an access easement on the ridgeline portion of the Los Pinos fire road, and a floating trail easement for a future trail in the southwesterly portion of Parcel D. Access to the various lots and building envelopes would be via a combination of internal roads in the Rancho Santa Margarita subdivision, including Via Gonzales, Los Pinos, Rancho Santa Margarita, smaller existing spur roads, and new driveways. The address of the subject property is **5748 Lucas Valley Road, Nicasio**, and further identified as **Assessor's Parcels 121-210-51, and 121-210-52**.
- II. WHEREAS, a Mitigated Negative Declaration (Negative Declaration) was prepared for the project for compliance with the California Environmental Quality Act (CEQA). The Planning Commission has adopted a separate resolution recommending that the Board of Supervisors approve the Negative Declaration as adequate and complete in compliance with CEQA, the State CEQA Guidelines and the County Environmental Review Procedures, and as adequate and complete for consideration in making a decision on the merits of the project.

- III. WHEREAS, the Marin County Planning Commission held a duly-noticed public hearing on December 12, 2005 to consider the merits of the proposed project, and hear testimony in favor of, and in opposition to, the project., and continued the hearing for the purpose of evaluating the feasibility of modifying the location of building envelopes to address various concerns relating to consistency with County policy and standards and environmental consequences of the project.
- IV. WHEREAS, the Marin County Planning Commission held a duly noticed public hearing on March 13, 2006 to review alternative building envelopes and other project changes intended to address the Planning Commission's concerns, including but not limited to the relocation of building envelope C2 and D1 (referred to hereafter as "alternative accessory building envelope C2" and "alternative building envelope D1"), and a revised access scheme for building envelope C1. (Note: alternative accessory building envelope C2 and alternative building envelope D1 are referred to as substitute mitigation in the context of CEQA analysis and findings.)
- V. WHEREAS, the Marin County Planning Commission, at the conclusion of the public hearing on March 13, 2006, voted 4-3 to recommend that the Board of Supervisors adopt an ordinance approving Las Cumbres Master Plan 05-1.
- VI. WHEREAS, the Marin County Board of Supervisors held duly-noticed public hearings on April 11 and May 16, 2006 to consider the Planning Commission recommendation to approve the Las Cumbres Master Plan application based upon the findings and subject to conditions of approval, and to consider the merits of the proposed project, and hear testimony in favor of, and in opposition to the Master Plan.
- VII. WHEREAS, at the public hearing of April 11, 2006, the Marin County Board of Supervisors approved the Mitigated Negative Declaration (Negative Declaration) that was prepared for the project as adequate and complete in compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines and the County Environmental Review Procedures, and as adequate and complete for consideration in making a decision on the merits of the project.

SECTION II: MASTER PLAN FINDINGS

- VIII. WHEREAS, the Marin County Board of Supervisors finds that the proposed project, as modified by the conditions of approval herein, is consistent with the following policies contained in the Marin Countywide Plan (CWP) and the Nicasio Valley Community Plan (NVCP), for reasons listed as:
 - A. The project site is located in the Inland Rural Corridor and contains both AG2 (Agricultural, minimum lot size 10-30 acres) and AG1 (Agricultural, minimum lot size 31-60 acres) land use designations. The proposed Land Division would result in a gross density/lot size of one unit per 208 acres. Even with the potential for the two additional parcels being divided off of Parcels C and D (for an eventual total of six lots) the average lot density would be one unit per 139 acres, less than half the lowest CWP lot density (60 acres). While the residential nature of the project does not further agricultural use or development of the site, the property has been identified as marginal for agricultural purposes due to its steep topography, shallow soils, generally wooded aspect, and difficult access for grazing or crop purposes. The site has not been used for any sort of agricultural purpose for several decades. Preservation of 99 percent of the 832-acre site as open space will allow for future compatible agricultural uses. Finally, the site's zoning is A-RP 20 (Agricultural, Residential Planned, one unit per 20 acres) and A-RP 60 (Agricultural, Residential Planned, one unit per 60 acres). The Marin County Development Code states:

"The ARP zoning designations identify areas suitable for residential development, with varied housing types designed without the confines of specific yard, height, or lot area requirements, where the amenities resulting from this flexibility in design will benefit the public or other properties in the community."

- B. The County's planned zoning development standards stipulate that "no development shall occur on top of, or within 300 feet horizontally or 100 feet vertically of visually prominent ridgelines, whichever is more restrictive, unless no other suitable locations are available." (Marin County Code Section 22.16.030.F.2.). The majority of the building envelopes have been carefully selected in locations that are well down from any primary ridges or secondary or finger ridges. The proposed alternative accessory building envelope C2 is located within a saddle area of an interior ridgeline that has limited visibility from distant off-site locations and within the project site. However, this building envelope does not violate the above standard because the saddle area of the ridge and building envelope are situated below more visually prominent portions of the ridgeline. In addition, conditions of approval require a low profile residence and adjustments to the configuration of the envelope to minimize the visibility of future development. Furthermore, although the property contains 832 acres, the constraints analysis performed in connection with the proposed Master Plan, and previous iterations thereof, have demonstrated that development of other sites located completely outside of the ridgeline setback area cited above would result in greater impacts, such as excessively long driveways, grading and other substantial alterations of land forms, and tree removal.
- C. Stream and Conservation Areas (SCA's), listed in CWP policies EQ-2.1 – 2.6, are designated as important environmental resources for which protections including setbacks are listed in the Countywide Plan. The overriding objective of the SCA policies is to preserve, protect, and enhance existing species and habitat diversity from erosion, sedimentation, pollution and habitat destruction. The project site contains a perennial blue line stream running southeast to northwest through the approximate middle of the site. Additionally, there are several smaller ephemeral or intermittent riparian areas located in various areas on the site. The project does not propose building envelopes within the SCA's, however there are several proposed vehicular access routes on either existing improved roadways or on fire roads that would cross the smaller water courses. This is allowed under the County's SCA policies, and potential environmental impacts to the SCA zones have been mitigated so that no impacts could occur with subsequent development of any project. Substitute mitigation for alternative building envelope C1 requires a revised access that reduces driveway proximity to smaller intermittent water courses.
- D. Open Space preservation is discussed in CWP policies EQ-3.11 – 3.34a, encouraging protection of open space and the preservation of the natural environmental and visual resources. Open space impacts were identified as potentially significant in the Initial Study. The project on its face is exemplary with respect to preservation of open space. Only 6 of the 832 acres are proposed to be inside building envelopes, with a small additional area of land dedicated for road improvements and utilities. Over 150 acres along the primary ridgeline running along the southern boundary of Parcel D will be dedicated to the County Open Space District as permanent open space. The applicant is stipulating that the remainder of the property outside the building envelopes and dedicated open space via County Open Space easement be shown on the Land Division map as "Permanent Private Open Space." Mitigation has been included in the Initial Study that allows County to enforce the open space restriction.
- E. The project is consistent with CWP policy EQ-3.5 since it would not affect potential archaeological or cultural resources. No such resources have been found at the site, and mitigations have been included to ensure that no impacts will occur if such resources should be found.

F. The project will satisfy the County's inclusionary housing ordinance (Marin County Code Chapter 22.22) by paying fees in-lieu of providing one affordable housing unit, as provided for in County Code for developments of less than five units and with the characteristics of this proposed development. Additionally, the applicant will provide a second unit each on Parcel C and Parcel D, providing housing stock that serves as an important affordable housing resource in Marin County. The payment of in-lieu fees in conjunction with two residential second units will provide equal or greater value than the dedication of one affordable unit (Marin Countywide Plan policy H3.21 and H3.23). The inclusion of affordable housing in this project is impractical due to the low density and large lot development pattern approved herein.

G. The Nicasio Valley Community Plan (NVCP) contains a policy specific to the Gonzales (Las Cumbres) property, recommending a low density planned district zoning designation, minimal road building, minimal removal of significant trees and other vegetation, and cluster development. The Nicasio Design Review Board has concluded that in general this project complies with the NVCP, with the proviso that building envelope C2 be located to take advantage of screening topography and minimize visual impacts. Road construction will be minimized through use of existing fire roads, and tree removal will be kept to a minimum. Consistent with the NVCP, the project proposes a very low density in relation to the potential maximum density assigned to the ARP zoning, as described in Finding IX.A below.

IX. WHEREAS, the Marin County Board of Supervisors finds that the proposed project, as modified herein, is consistent with the requirements of the ARP-20 (Agricultural, Residential Planned, one unit per 20 acres) and ARP-60 (Agricultural, Residential Planned, one unit per 20 acres) zoning districts and the Planned District development standards contained in Section 22.16.030 of the Marin County Code, based on the following.

A. The density of the land development with this four-lot residential Land Division is one unit per 208 acres. While the theoretical maximum density allowed under the zoning designations would be approximately 28 lots, the applicant is proposing four lots with this application, and a maximum of 6 lots (with a resultant density of one unit per 139 acres) at future buildout.

B. Site planning standards are reflected in the proposed project and included in mitigations and the conditions of approval. The future residential development will be clustered in a manner that is consistent with the land use patterns of Rancho Santa Margarita subdivision, located in building envelopes that are conveniently accessible, screened by topography and vegetation, and most geologically stable.

C. No development areas will be located within a mapped Ridge and Upland Greenbelt (RUG) area. The majority of the building envelopes have been carefully selected in locations that are well down from any ridges. One of the proposed building envelopes on Parcel C, alternative accessory building envelope C2, is located near an interior ridgeline; however, the building envelope and any future development will comply with policies governing development in close proximity to ridgelines by implementing mitigations and conditions of approval that include specific provisions for grading, structural siting, other improvements, tree preservation and planting, and miscellaneous design review requirements including visual simulations and design, height, and color restrictions. (See Finding VIII.B above.)

D. The Master Plan includes a conceptual access design for the future roadways and driveways that generally maintain slopes of 15% or less, and do not exceed a maximum slope of 20%. This is below the County's title 24 road standards for a maximum slope of 25%. Although maximum slopes at times exceed the 15% grade recommended in the Planned District

Development Standards, the majority of the steeper roadway pitches are on existing paved or fire roads. The Department of Public Works has determined that the proposed roadway improvements, including maximum grades, are acceptable.

- E. Noise impacts from development of the residential parcels will be temporary in duration and located some distance from any sensitive noise receptors. The residences upon completion will be consistent in terms of noise generation with other residences in the area.
- F. The facilities included in this project are appropriate to the low-density residential nature of this development. The project will incorporate measures that will retain and re-infiltrate water, minimizing offsite runoff. Trails proposed with the project will eventually serve as an important linkage in a countywide trail network.
- G. Conditions of approval are included to prescribe plant species that minimally disturb natural areas and are compatible with the native plant setting. The final design of the project's landscaping will be required to include fire-resistive, native, and drought tolerant plant species.
- H. Future exterior lighting will be required to be the minimum necessary for safety purposes and incorporate low-wattage fixtures that are directed downward and shielded to prevent adverse lighting impacts on nearby properties.
- I. The project includes 152 acres of land currently in a private open space preserve by easement with the County Open Space District, the proposed additional dedication by easement with the Open Space District of more than 150 acres of private open space, and the assignment of all but 6 acres of the remainder of the property as permanent private open space. This land, consisting of approximately 99 percent of the property, permanently protects wildlife habitat, riparian corridors, and overall open space amenities.
- J. Through future Precise Development Plan or Design Review applications, the layout and design of structures and other improvements within individual building envelopes will be reviewed to ensure that they incorporate building materials and colors that blend into the natural environmental unobtrusively and that attain maximum heights at, or below, the 30 foot height limit for primary structures and 15 foot height limit for accessory structures.
- K. The conceptual grading, drainage, and tree removal plan, combined with mitigations and conditions of approval, would comply with relevant planned district standards by: (1) minimizing the extent of future grading that will be required to provide access to the future development areas; (2) minimizing tree removal; (3) incorporating drainage improvements that would minimize runoff and potential soils erosion and maintain riparian areas in their natural state; (4) siting development in areas with adequate fire access, facilities, and service where water would be available for fire protection purposes; and (5) avoiding seismic or geologic hazards areas to the extent feasible and acceptable based on geotechnical analyses.
- L. Future power and utility lines will be undergrounded, consistent with planned district requirements and conditions of approval.
- M. The project is consistent with the Marin Countywide Plan, based on the findings contained in Finding VIII above.
- X. WHEREAS, the Marin County Board of Supervisors finds that the proposed project, as modified by conditions herein, would not adversely impact the public health, safety, and welfare of residents living and working in the surrounding community because the project would: (1) result in residential

development that is compatible with existing surrounding residences; (2) avoid potential significant environmental impacts associated with land use, visual, geological, hydrological, biological, traffic, archaeological, air quality, noise, and public service factors; and (3) provide additional visual amenities and opportunities for recreation through the proposed private open space and contributions to the Countywide trail system.

- XI. WHEREAS, the Marin County Board of Supervisors finds that the proposed Master Plan will result in public benefits associated with the dedication of an easement for more than 150 acres of new open space, the further designation of hundreds of acres as permanent private open space, and the dedication of a new public trail segment running for approximately two miles along the southerly property boundary.

SECTION III: MASTER PLAN CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Board of Supervisors adopts an ordinance approving the Las Cumbres Master Plan 05-1, subject to the following conditions of approval.

(Note: The following conditions of approval also include mitigations contained in the Initial Study.)

Marin County Community Development Agency - Planning Division

1. Pursuant to Chapters 22.44 and 22.84 of the Marin County Code, the Las Cumbres Master Plan 05-1 is approved for the following
 - A. The subdivision of an existing 832-acre site into four residential parcels: Parcel A – 24 acres, Parcel B – 45 acres, Parcel C – 323 acres, and Parcel D - 440 acres.
 - B. Primary building envelopes for four single family residences on the parcels identified above in Condition 1.A, including alternative building envelope D1 as generally described in Condition 24 below. (Parcel B contains an existing single-family residence; building envelopes for Parcels A, C and D are approved to accommodate a new single-family residence and accessory improvements subject to obtaining Precise Development Plan or Design Review approval and other applicable permits.) Primary building envelopes C1 and/or D1 may be developed as accessory building envelopes, in which case accessory building envelopes C2 and/or D2 shall be converted to primary building envelopes consistent with these conditions of approval.
 - C. Alternative accessory building envelope C2 and building envelope D2 are approved for accessory structures, such as barns, garages, storage, etc., in a separate location from the primary residential building envelope, subject to compliance with these conditions of approval. Any structures developed in the accessory building envelope under this Master Plan/Land Division approval would be accessory in nature to the primary residence, and would require Design Review and other required authorizations. Accessory building envelopes C2 and/or D2 may be developed as primary building envelopes, in which case primary building envelopes C1 and/or D1 shall be converted to accessory building envelopes consistent with these conditions of approval. No more than one primary single-family residence is permitted on Parcels C and D by this Land Division approval.
 - D. Parcels C and D are approved for a residential second unit subject to final approval according to procedures and standards set out in the Marin County Development Code (Marin County Code Section 22.32.140).
 - E. The Master Plan retains the potential for up to two additional single family residential lots to be subdivided from Parcels C and D for accessory building envelopes C2 and D2, subject to Tentative Map/Land Division and Precise Development Plan approvals.

- F. Access to the parcels is provided from a combination of existing paved roads and dirt roads, and new driveways varying in length from approximately 50 to 1,000 feet in length.
- G. Sanitary service would be provided by individual septic systems subject to approval by the Community Development Agency Environmental Health Services Division.
- H. Water service is provided by wells identified as wells 1, 2, and 4, subject to approval by the Community Development Agency Environmental Health Services Division.
- I. Approximately 6 acres of land is designated for building envelopes, with additional areas of the property being devoted to driveway access and sewage disposal systems. The remaining approximately 826 acres of land are to remain as permanent open space, including an open space easement located along the southern boundary of Parcel D, with an access easement on the ridgeline portion of the Los Pinos fire road, and a floating trail easement for a future trail in the southwesterly portion of Parcel D. All areas located outside of the approved building envelopes, and not otherwise approved for ancillary improvements, such as roads and sewage disposal systems, shall remain in their current undeveloped condition as private open space in accordance with Condition 5 below.

The address of the subject property is **5748 Lucas Valley Road, Nicasio**, and further identified as **Assessor's Parcels 121-210-51, and 121-210-52**.

- 2. The Master Plan comprises a general development scheme that is depicted in plans on file in the Community Development Agency and identified as "Exhibit A," entitled "Las Cumbres Master Plan/Tentative Map", consisting of 14 sheets, prepared by CSW/Stuber-Stroeh Engineering Group, Inc., and dated received January 13, 2006, with an addendum sheet entitled "Proposed Open Space and Trail Easement" dated 12/05.
- 3. Pursuant to Marin County Section 22.44.030(C) (2), no development, land improvements and/or building construction shall commence until Precise Development Plan or Design Review is approved.
- 4. The required Parcel Map must be in substantial conformance with "Exhibit A," including, but not necessarily limited to, the approved boundary lines, utility and access easements. Prior to recordation of the Parcel Map, the Parcel Map must be submitted to the County Surveyor for review and approval. Parcel Map data and form must be in compliance with provisions of Marin County Code Chapter 22.86. No development, land improvements and/or building construction shall commence until the Parcel Map is approved.
- 5. Prior to recordation of a Parcel Map, the applicant shall clearly and precisely define and designate on the map the area(s) on each lot to be preserved as permanent private open space in addition to the approved building envelope locations. Minor adjustments to the boundaries of the private open space area and building envelopes may be approved at the discretion of the Community Development Agency Director or through the Design Review or Precise Development Plan process. Substantive changes or relocation of building envelopes approved herein shall require approval of an amendment to this Master Plan ordinance. (Note: The public open space easements approved as part of this project are required by Condition 23 below to be included on the Parcel Map.) The applicant will list those activities and changes (for example, erosion control, grazing, and crop growing) that are permitted in the open space area(s). In general, uses and activities within the private open space area shall be limited to agriculture, equestrian, and passive recreation. The designated private open space shall be maintained in an open and natural condition, with the exception that small-scale structures and other minor improvements accessory and reasonably related to the conduct or management of open space activities (for example, horse corral/shelter or small agricultural equipment shed) may also be permitted in the open space areas, subject to prior approval of the Community Development Agency Director. Such structures or improvements may be subject to Design Review and/or an agricultural management plan. Otherwise, structural

development, new roads, etc., shall be prohibited within the open space areas. Removal of existing trees or native vegetation shall be prohibited, except to comply with local and State fire safety regulations, to prevent the spread of disease as required by the County and the State Food and Agriculture Department, and to prevent safety hazards to people and property as approved by the County. The Marin County Community Development Agency has the authority to access the parcels for inspection, monitoring, and compliance purposes.

6. Except for the future division of one parcel of land around each of building envelopes C2 and D2, or for conveyance of land to a governmental agency, public entity, or public utility, further subdivision of land within this Las Cumbres Master Plan and Tentative Map is prohibited. This prohibition shall be written on the Parcel Map.
7. Any further subdivision of land within this Las Cumbres Master Plan and Tentative Map shall be subject to Tentative Map/Final Map and Precise Development Plan processing requirements. The Community Development Agency Director may waive the requirements for a Precise Development Plan if the Tentative Map is found to be in complete conformance with the approved Master Plan.

Development

Future development within the Las Cumbres Master Plan shall be subject to the following requirements:

8. All future development shall be subject to Design Review or a Precise Development Plan and other applications mandated under County Code at the time of development processing. Roadways and utility improvements shall be subject to Improvement Plan and Grading Permit approval by the Department of Public Works.
9. All future development shall conform to the County's Single Family Residential Design Guidelines, the Nicasio Valley Community Plan Development Standards, the Development and Design Guidelines for the Nicasio Valley Planning Area, the Marin County Single Family Dwelling Energy Efficiency Ordinance, the New Home Green Building Residential Design Guidelines, and other regulations in effect at the time of development processing.
10. The future single family residences shall meet the Certified or better rating under the Marin Green Home: New Home Green Building Residential Design Guidelines and shall incorporate green building principles and materials, with a focus on energy efficiency, renewable energy including photovoltaic solar design, water conservation, indoor air quality, site protection, and green materials.
11. Building envelope C2 shall be expanded to the south approximately 100 feet. All above grade structures shall be concentrated in that area unless the applicant can demonstrate that the proposed structures will be screened from off-site view of development to the north.
12. All development shall minimize changes in topography and overall grading.

Building envelopes

The Master Plan building envelopes shall be subject to the following requirements:

13. Building envelopes shall incorporate the changes and reductions called out in these conditions. Finalized building envelopes shall be in compliance with the Nicasio Valley Community Plan,

particularly the development standards, and the Development and Design Standards for the Nicasio Valley Planning Area.

14. The outermost boundaries (and resulting overall size) of building envelope C1 shall be reduced and shown on the Parcel Map as follows (minor adjustments may be allowed to provide for fire turnarounds):
 - Southwesterly (roughly perpendicular to the roadway/driveway) a maximum of approximately 75 feet from the near edge of the existing fire road, to prevent the building envelope and accompanying site disturbance extending beyond the present open, flat area, to over the downhill break in the slope on the knoll.
 - Extend a maximum of approximately 50 feet side-to-side northwest-southeast (roughly parallel to the driveway) so as to remain within the roughly level natural clearing and outside the existing tree canopy driplines.
15. Prior to Building Envelope C1 receiving final approval as a designated building site, the applicant shall provide information (e.g., an easement for access, etc.) sufficient to conclusively establish that they have a vested right for vehicular access that utilizes the existing paved driveway of the adjoining property owner(s) to the east, commencing at the intersection of the driveway and Camino Margarita and extending to a point located approximately 500 feet from the proposed building envelope, where the existing paved driveway and existing dirt road are in close proximity (100 feet or less apart). The neighboring driveway shall serve as vehicular access to building envelope C1 to this upper point. In the event that the applicant cannot satisfactorily demonstrate that a right for vehicular access exists over this driveway, building envelope C1 shall be deemed withdrawn from consideration as a building envelope, and any attendant Land Division potential on Parcel C accruing with final approval of building envelope C1 as a building site shall also be extinguished. Failure to conclusively demonstrate to the satisfaction of the County that vehicular access has been secured within two years of the approval of this Land Division and Master Plan shall result in building envelope C1 being considered permanently withdrawn from consideration as such.
16. The boundaries of building envelope D1 shall be reduced so that no portion of the envelope extends beyond the spine of the finger ridge to where the side slope (slope perpendicular to the direction of the ridge spine) exceeds 20 percent.
17. The applicant may change the building envelope D1 to an area located on the north side and down Camino Margarita approximately 75 yards (alternative building envelope D1). The building envelope for this alternative area shall be drawn to be roughly coterminous with the edges of the existing natural clearing in the trees.

Easements

18. Prior to or concurrent with the recordation of the Parcel Map, a "Grant of Public Recreational Easement and Agreement" and "Grant of Open Space Easement" substantially conforming in content and form to the documents with the same purpose on file with the Marin County Open Space District, shall be filed with the Marin County Recorder to record the public recreational easement and open space easement.
19. The Open Space Easement area shall extend from the line where the proposed westerly edge of Parcel D is shown on the map, then running easterly to the line where the approximate easterly edge of the "Proposed Conservation [Open Space] Easement" is shown on Sheet C4 of the Las Cumbras Master Plan/Tentative Map, dated received January 13, 2006. The Open Space Easement area shall be approximately 825 feet in width, measured perpendicular to and including the southerly boundary of the project site.

20. The public access easement on the Los Pinos fire road shall generally match the location and dimensions of the existing fire road, approximately 15-20 feet in width.
21. The proposed new public trail easement and trail easement area commencing at the Los Pinos fire road on the southwestern portion of Parcel D and extending westerly to the southwestern boundary of Parcel D shall consist of a 20-foot wide "floating easement" located within an approximately 825-foot wide easement area, the easement area measured perpendicular to the southerly property line.
22. The final location of the 20-foot wide trail easement currently generally shown within the floating trail easement area shall be determined by, and shall meet the standards of, the Marin County Open Space District working in consultation with the property owner.
23. Prior to recordation of the Parcel Map, the easements, including legal description(s), shall be provided in written form to the Marin County Open Space District for review, revision (if necessary), and acceptance. The easements shall include access for Open Space District vehicles and equipment. The easements shall be modified as necessary to comply with mitigations and with typical Open Space District easement terms and conditions. The easements shall be shown and referenced on the Parcel Map.

SECTION IV: VESTING

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Master Plan shall be valid for a period of 2 years from the date the ordinance approving the Master Plan is adopted. The Master Plan shall be vested through approval of a Precise Development Plan and/or Design Review applications within 2 years of Master Plan approval. Extensions of time may be granted in compliance with Marin County Code Section 22.44.050.C for a maximum of 4 years following the original date of expiration provided the applicant files an extension application, accompanied by the appropriate filing fees, prior to the expiration of the Master Plan and the Community Development Agency Director approves the extension request.

SECTION V: VOTE

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin, State of California, on the 16th day of May, 2006, by the following vote:

AYES: SUPERVISORS Charles McGlashan, Harold C. Brown, Jr., Steve Kinsey,
Cynthia L. Murray, Susan L. Adams

NOES: NONE

ABSENT: NONE



PRESIDENT, BOARD OF SUPERVISORS

ATTEST:



CLERK