

MARIN COUNTY BOARD OF SUPERVISORS

RESOLUTION _____

A RESOLUTION DENYING THE PASTERNAK APPEAL AND THE NICASIO LAND OWNERS ASSOCIATION APPEAL OF THE PLANNING COMMISSION'S CONDITIONAL APPROVAL OF THE PASTERNAK USE PERMIT ASSESSOR'S PARCELS 121-070-66, -68 AND -64 200 AND 210 ROAD TO RANCHES, NICASIO

SECTION I: FINDINGS

- I. WHEREAS Mark Pasternak, property owner and applicant, has submitted a Use Permit application to amend an existing Use Permit, proposing the following activities at the Devil's Gulch Ranch:
A. A week-long, overnight camping program for up to 50 individuals ranging in ages from 6 to 18 years old.
B. Year-round day camps with a maximum of 20 participants a day with occasional overnight camping; and
C. Presentation of up to eight events/open houses a year for the promotion of agriculturally related land uses at the ranch.

The applicant has indicated that the educational camping operation would have an adult staff counselor-to-camper ratio of one adult to every five campers. The applicant specified that the total number of staff overseeing the camp program would vary consistent with the total number of campers enrolled in that week's particular program.

The applicant proposes to drop-off and pick-up students at the Nicasio Square Baseball Field (Assessor's Parcel 121-080-08). The applicant has also indicated that an additional staging area is available at the LaFranchi Ranch (Assessor's Parcel 121-050-41). Transportation to Devil's Gulch Ranch from the drop-off/pick-up location will be provided by a hay wagon pulled by a tractor, and one additional van. In the event of an emergency, students would be transported to and from the site via private vehicles. Transportation to and from the ranch during events/open houses would be provided by tour vans, buses, and occasionally hay wagon.

The project includes proposals to utilize portable toilets for sewage disposal (1 unit per 20 people), two portable showers for regular hygiene, and reliance upon the existing water system at the property for potable water. The applicant has indicated that breakfast, lunch and dinner for a maximum of 60 people would be provided by mobile food facility.

The proposed overnight camping area is located on a disturbed plateau within 100 feet of Devil's Gulch Creek. No new permanent structures or signage are proposed as part of the project. The subject property is located at 200 and 210 Road to Ranches, Nicasio, and is further identified as Assessor's Parcels 121-070-66, -68 and -64.

- II. WHEREAS the Marin County Deputy Zoning Administrator (DZA) held a duly-noticed public hearing on June 25, 2009, to consider the merits of the project, and hear testimony in favor of, and in opposition to, the project, and granted a conditional approval of the Pasternak Use Permit authorizing the continuation of the day camp, commencement of an overnight camp, and presentation of special events and educational tours. Conditions of approval reduced the original proposed number of participants, limited periods of activities, and limited noise and event times.
- III. WHEREAS, a timely appeal of the Deputy Zoning Administrator's approval of the Pasternak Use Permit was filed by the Nicasio Land Owners Association asserting the following bases of appeal: (1) the approved project is excessive in its scope and is therefore incompatible with the community character; (2) the project would result in impacts to traffic circulation and parking availability; (3) the applicant has not obtained all the necessary licensing and approvals from various regulatory organizations such as the Alcohol and Beverage Commission (ABC), the American Camp Association (ACA), the Public Utilities Commission (PUC), the California Highway Patrol (CHP), and Community Care Licensing of California (CCL); (4) the project does not have adequate sewage disposal facilities; (5) the project does not have adequate water supply; (6) the project does not have adequate fire prevention/protection measures; and (7) the project does not have adequate or safe ingress and egress.
- IV. WHEREAS the Marin County Planning Commission (Commission) held duly-noticed public hearings on August 24, 2009, and September 28, 2009, to consider the merits of the project and appeal, and hear testimony in favor of, and in opposition to, the project.

At the September 28, 2009, public hearing, the Commission acted to deny in part and sustain in part the appeal filed by the Nicasio Land Owners Association. Specifically, the Commission sustained the appeal by deleting certain components of the proposed project from the project description as follows:

- A. The overnight camp;
- B. The four large special events; and,
- C. 12 of the 24 educational tours/open houses.

The Commission acted to deny the appeal by approving the following components of the proposed project as follows:

- A. The year-round day camp for 36 camp participants (up to 30 campers and 6 adults),
- B. 12 educational tours/open houses a year, operating from 9:30 am to 4:30 pm and a maximum of 100 participants; and,
- C. Four special events a year with a maximum number of 80 people (including staff to work the event).

- V. WHEREAS, timely appeals of the Planning Commission's conditional approval (as described in Section IV of this Resolution above) of the Pasternak Use Permit were filed by both Mark Pasternak and the Nicasio Land Owners Association, respectively. The Pasternak Appeal asserts that the Planning Commission's conditional approval of the project would prohibit uses on the property which are consistent with the governing zoning district and compatible with the community character. The Nicasio Land Owners Association Appeal asserts that the Planning Commission did not adequately address the following issues: (1) adequacy of water supply; (2) location of camping

activities within a Stream Conservation Area (SCA); (3) feasibility of installing a permanent septic system to serve the camp; (4) potential siting of the uses off-site and on National Park Service lands; and (5) imposition of licensing requirements for the proposed project.

- VI. WHEREAS the Marin County Board of Supervisors held a duly-noticed public hearing on December 8, 2009 and rescheduled the item to February 9, 2010 to consider the appeals filed by both Mark Pasternak and the Nicasio Land Owners Association, to consider the merits of the project in its entirety, and hear testimony in favor of, and in opposition to, the project.
- VII. WHEREAS the Marin County Board of Supervisors finds that the project as described in Section IV of this Resolution is Categorically Exempt from the requirements of the California Environmental Quality Act, per Section 15301, Class 1 because it does not result in any physical impacts to the environment, does not require any grading or tree removal, and locates the activities in areas previously disturbed by agriculturally-related land uses.
- VIII. WHEREAS the Marin County Board of Supervisors finds that the project as described in Section IV of this Resolution is consistent with the Marin Countywide Plan and the Development and Design Guidelines for the Nicasio Planning Area for the reasons listed below.
- A. The project complies with the AG2 (Agricultural, 1 unit per 10 to 30 acres) Land Use Designation as it would authorize activities that are accessory and incidental to the primary agricultural land uses existing at the property (CWP Policy CD-8.5 and Community Development Map 7.9).
 - B. The project will raise the level of public awareness and understanding of Marin County agriculture, including its ecological, economic, open space, and cultural value, and its importance to local food security (CWP Policy AG-2.10).
 - C. The project will preserve visual quality and protect scenic quality and views of the natural environment from adverse impacts related to development (CWP Policy DES-4.1).
 - D. The project will diversify land uses related to agriculture at Devil's Gulch Ranch by complementing traditional agriculture uses, thereby helping to ensure the continued economic viability of the county agricultural industry by exposing more members of the public to a working agricultural operation in West Marin, and indirectly providing increased food security (CWP Policy AG-2-3).
 - E. The Marin County Fire Marshal confirmed that the project ensures adequate fire protection, has adequate water available for fire suppression and provides adequate access for emergency vehicles (CWP Program EH-4.c).
 - F. The project would comply with governing development standards related to roadway construction, parking, grading, drainage, flood control and utility improvements as verified by the Department of Public Works.
 - G. Staff from the Environmental Health Services Division (EHS) of the Community Development Agency has confirmed that adequate water is available for the activities at Devil's Gulch Ranch (CWP Goal WR-3).
 - H. The project does not propose the siting of any new, permanent development within 100 feet of a wetlands or stream conservation areas (CWP Policies BIO-3.1 and CWP BIO-4.1).

- I. The project will not result in significant stormwater runoff to downstream creeks or soil erosion and discharge of sediments into surface runoff (CWP Policies WR-2.1, WR-2.2, WR-2.3, and WR-2.4).
- IX. WHEREAS the Marin County Board of Supervisors finds that, in accordance with the conditions of approval, the Mandatory Findings for a Use Permit per Section 22.48.040 of the Marin County Code can be made for the following reasons:
- A. The day camp, special events, and educational tours/open houses are allowed as conditional uses within the governing ARP-30 (Agricultural, Residential, Planned District, one unit per 30 acres maximum density) subject to the granting of a Use Permit;
 - B. The project is consistent with the Countywide Plan and the Development and Design Guidelines for the Nicasio Planning Area for reasons discussed in Finding VIII of this resolution;
 - C. The proposed project is categorically exempt from the California Environmental Quality Act for the reasons discussed in Finding VII of this resolution;
 - D. The operating characteristics of the day camp, special events, and educational tours/open houses are compatible with existing and future land uses in the vicinity because the project as a whole is subordinate to and in support of the agricultural uses on the subject property and other properties in the vicinity. The project would not disrupt other agricultural and residential uses in the community because the properties in the vicinity are agriculturally zoned, the activities at the project site would be of a temporary nature, and the daily educational activities and events would take place entirely on the 75-acre subject property;
 - E. The project will enhance the character of the zoning district in which the project is located because the educational day camp, special events, and educational tours/open houses would be supportive of agricultural activities in the vicinity and would enhance the economic viability of agricultural uses on the property; and,
 - F. The granting of 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 because the project will not be visible from off-site locations, will not require any tree removal on the subject property, and will ensure proper disposal of wastewater and sewage. The applicant will be required to provide information indicating that permission has been granted to utilize the proposed pick-up and drop-off areas. Finally, the project will provide the community with a service that educates individuals of Marin County about the importance of agriculture and agricultural operations.

- X. WHEREAS the Marin County Board of Supervisors sustains the Planning Commission's determination and denies the Pasternak and Nicasio Land Owners Association Appeals for the following reasons:

Pasternak Appeal

1. *The Pasternak Appeal asserts that the project is consistent with the Marin Countywide Plan and the Marin County Development Code.*

Mr. Pasternak maintains that the project as originally proposed is consistent with the policies of the Marin Countywide Plan (CWP) and Marin County Development Code for the reasons specified in Deputy Zoning Administrator Resolution 09-125.

At their hearing of September 28, 2009, the Planning Commission found that the overnight camp was not wholly consistent with the CWP, particularly Policy BIO-4.1, because the overnight camp and associated uses would be located within the SCA. The Planning Commission found that the scope and intensity of the educational tours, overnight camp, and special events would be incompatible with the prevailing community character and inappropriate for the site. The Planning Commission further noted that additional environmental review (in the form of an Initial Study and Negative Declaration of Environmental Impact) would be preferred for adequate consideration of the originally proposed project.

The Planning Commission, and subsequently the Board of Supervisors, has determined that the project could not be approved as originally proposed because the total number of special events, educational tours, and overnight campers exceeded the capacity of the site, would result in activities located within the SCA, and does not adequately resolve issues pertaining to permanent sewage disposal and water supply for the overnight camp. As a result, the Board of Supervisors sustains project modifications made by the Planning Commission to reduce the number of special events and educational tours, and deletion of the overnight camp from the project description, thereby bringing it into greater compliance with CWP policies and the Marin County Development Code.

Nicasio Land Owners Association Appeal

1. *The Nicasio Land Owners Association Appeal asserts that the project applicant has not provided adequate information for review relating to the adequacy of the water supply at Devil's Gulch Ranch.*

The applicant provided Environmental Health Services (EHS) staff with well production data over a period of 10 years. This information was reviewed to determine Public Water System requirements relating to Maximum Day Demand (MDD) and Peak Hourly Demand (PHD) for the well and storage capacities. The MMD and PHD were calculated using worst case estimates of flow rate and demand to evaluate the combination of a well and reservoir system. The applicant has proposed storage tanks to provide 7,800 gallons for domestic use, and use of the reservoir for irrigation.

Staff from EHS determined that the water sources and storage capacities were adequate to meet the added demands of the expanded camp operations. This conclusion was based on historic production data, exaggerating the expected demand from the camp, underestimating available flow, and underestimating available storage capacity. Additionally, the project shall

be required to obtain a permit for a public water system that further expands the on-site storage capacity by 5,000 gallons, and requires compliance with public water system standards.

Although commentors have expressed concerns about water supply (and in one case provided a well report from 2001) and alleged that activities on Devil's Gulch Ranch may result in detrimental impacts to surrounding properties, no evidence has been provided that the water usage at the Devil's Gulch Ranch would adversely affect other properties in the area. In conclusion, EHS staff has determined that adequate water is available to serve the proposed project subject to acquiring a permit to operate a public water system.

2. *The Nicasio Land Owners Association Appeal asserts that the camp area is located within a Stream Conservation Area (SCA), and may result in potential erosion and pollution of Devil's Gulch Creek.*

The originally proposed project located the overnight camping area directly atop Devil's Gulch Creek. The Planning Commission noted this and found that the overnight camp could not be approved due to its inconsistency with Policy BIO-4.1 of the CWP. The special events, educational tours, and day camp are not proposed to be located within the SCA. This basis of appeal is not germane based on the project modifications made by the Planning Commission.

3. *The Nicasio Land Owners Association Appeal asserts that the project should not be approved until feasibility tests have been accepted for the location of a new septic system.*

A permanent sewage disposal system was required based on the proposed overnight camp. Since the overnight camp is not part of the approved project description, this requirement no longer applies. This basis of appeal is no longer germane to the project.

4. *The Nicasio Land Owners Association Appeal asserts that the project applicant has not submitted a survey and that the project should not be approved until resolution of the ongoing land dispute between Devil's Gulch Ranch and the National Park Service.*

The Marin County Community Development Agency (CDA) is not the arbitrator of land disputes between individual land owners. Boundary disputes are a civil matter to be addressed by individual parties, and the CDA is not in a position to resolve these types of issues between property owners. Furthermore, the resolution of the boundary dispute would not affect the project regardless of its outcome.

5. *The Nicasio Land Owners Association Appeal questions what other licenses from other public agencies are required for the project.*

The County is the "lead" agency and looks to other public agencies for their input. Typically, an applicant is required to obtain land use permit approval prior to fulfilling other public agency's permit requirements. For this project, the CDA determined that the project applicant may require additional licensing from the Alcoholic Beverage Control (ABC), the Public Utilities Commission (PUC), the Department of Motor Vehicles (DMV), the California Highway Patrol (CHP), the American Camp Association (ACA), and Community Care Licensing (CCL).

The Planning Commission eliminated the requirement for the applicant to obtain a license from the ACA and CCL. However, the resolution requires the applicant to obtain permission in writing from the ABC and CHP demonstrating that the project meets their regulatory requirements prior to commencement of camp operations and special events at the property.

It is unreasonable to direct the applicant to obtain permits from other regulatory agencies when it is uncertain whether a project proposal will be allowed; frequently, state permitting agencies will not take action on a project until after the local jurisdiction has issued its decision. Instead, the CDA requires the applicant to obtain these approvals prior to commencing activities on the property. In conclusion, the applicant will not be able to conduct the approved uses on the property until the conditions of approval have been fulfilled.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Board of Supervisors hereby approves the Pasternak Use Permit 09-20 subject to the following conditions:

Marin County Community Development Agency, Planning Division

1. Pursuant to Marin County Code Section 22.48.040, the Pasternak Use Permit 09-20 approval amends an existing Use Permit (UP 04-31) to allow an agricultural education program consisting of three components at the Devil's Gulch Ranch: (A) a youth day camp component; (B) a special events component; and (C) an open house/educational tours component. These components are described more specifically below.

- A. Day Camp: This approval allows an educational day camp (defined as a school pursuant to Marin County Code Section 22.130.030) accommodating a maximum of 30 campers at any one time ranging in age from 6 to 18 years old, with 6 staff personnel (for a maximum of 36 individuals participating in the camp operation at any one time). The curriculum of the day camp shall be agriculturally related. This component of the agricultural education program may operate, up to 6 days per week, year-round, including all-day sessions during school vacations and school breaks as well as after-school sessions during periods when schools are in operation.

Assessor's Parcel No. 121-080-08 is approved as a drop-off and pick-up point for campers arriving at and departing from Devil's Gulch Ranch. For day camp sessions during school vacations, drop-off shall be scheduled at 9:00 a.m. and pick-up shall be scheduled at 4:30 p.m. For after-school day camp sessions, drop-off time shall be coordinated with school schedules, and pick-up shall be scheduled for no later than 7:30 p.m. All transportation of camp attendees between Devil's Gulch Ranch and the drop-off/pick-up location will be provided by the applicant with the provision that there will be a maximum of two vehicle trips per day in-bound to Devil's Gulch Ranch and a maximum of two vehicle trips per day out-bound from Devil's Gulch Ranch except in the case of emergency. The day camp is prohibited from occurring on the same day as a special event and/or an open house/educational tour event.

Pursuant to the fulfillment of conditions of approval established by the Community Development Agency, Environmental Health Services Division, a minimum of two portable toilets with hand-washing facilities and provision of either bottled drinking water or drinking water from an approved potable water source are approved and required for this component of the agricultural education program. Amplified music and noise is prohibited with this approval.

- B. Special Events: This approval allows the presentation of a maximum of two events a year strictly for the promotion of Marin-grown agricultural products and agriculturally-related land uses at the Ranch, which rely on products grown and harvested at the Ranch or "Marin-grown agricultural products," for a maximum of 80 participants including staff personnel. Parking for these events shall be on private property off-site with appropriately-sized shuttle buses transporting participants to and from the Ranch. All neighboring property owners shall be notified a minimum of 30 days in advance of such events. No over-night sleeping is allowed associated with such events.

PRIOR TO VESTING THIS ACTIVITY, the applicant/owner shall submit a plan for review and approval to the Environmental Health Services Division for proper sources for water for drinking and food preparation and for wastewater disposal. No amplified music or sound is permitted with this approval. This approval requires compliance with all regulations of the California Department of Alcoholic Beverage Control (ABC) if alcoholic beverages are to be consumed or sold on the premises. At least five days prior to the event (when applicable), the applicant/owner shall submit to the CDA written verification from the ABC that all ABC regulations have been met. No special event shall be presented on the same day that participants in the day camp program are on the premises.

- C. Educational Tours (Open Houses): This approval allows the operation of a maximum of twelve educational tour/open house events per year related to the promotion of Marin-grown agricultural products and agriculturally-related land uses at the Ranch, for a maximum of 100 individuals at any one event. Such tours may be provided for school groups, organizations (youth or adult), and the general public. Assessor's Parcel No. 121-080-08 is approved as a drop-off and pick-up point for participants arriving at and departing from Devil's Gulch Ranch. Arrival at Nicasio Square shall be scheduled for no earlier than 9:00 a.m. and departure shall be scheduled for no later than 4:30 p.m. with transportation between Devil's Gulch Ranch and the drop-off/pick-up location provided by the applicant with the provision that appropriately-sized buses/vehicles will be used for transporting participants to and from the Ranch. No over-night sleeping is allowed associated with such events. PRIOR TO VESTING THIS ACTIVITY, the applicant/owner shall submit a plan for review and approval to the Environmental Health Services Division for proper wastewater disposal. No food service or use of alcoholic beverages are permitted with this approval.

Subject to the conditions of approval contained herein, this Use Permit supersedes the previous Use Permit (UP 04-31), issued in 2004 and renewed in 2006. However, if this Use Permit 09-20 is not vested through conduct of the modified uses and meeting all conditions of approval, the project shall revert back to the operation of a day camp during the limited summer months consistent with the previously approved Use Permit (UP 04-31). The subject property is located at **200 and 210 Road to Ranches, Nicasio**, and is further identified as **Assessor's Parcels 121-070-66, -68 and -64**.

2. For purposes of the requirements in Condition 1 above to notify neighboring property owners of planned events, each such noticing requirement shall be satisfied by the posting and prominent display of a written notice at or in the vicinity of the Nicasio Post Office for the required period of time and by providing a timely written notice by email to any Nicasio resident or organization that requests to receive such notices. Each notice posted at or in the vicinity of the Nicasio Post Office shall include instructions on how to be added to the email distribution list for future notices. The applicant/owner shall be solely responsible for these noticing requirements.

3. WITHIN 30 DAYS OF THE DATE OF THIS APPROVAL, the applicant/owner shall submit for review and approval by the Community Development Agency a "Parking, Staging, and Transportation to the Ranch Plan (Plan)" for each activity allowed by this Use Permit approval consisting of: (a) the operation of the day camp program; (b) the presentation of 4 special events; and (c) the operation of the educational tours and open house events. The "Plan" shall consist of, but not necessarily be limited to: (1) demonstration that adequate off-site parking exists for each activity; (2) written approval(s) from any landowner whose land will be utilized for parking; (3) method of transportation from the off-site parking area to the ranch and back to the off-site parking area; (4) appropriate verification, if necessary, from the California Highway Patrol that all State Highway regulations will be met relative to the transporting of children ages 6 to 18 on and across public roads.
4. No signage has been proposed or approved as part of this project. Any future signage must comply with Chapter 22.28 of the Marin County Code.
5. Use or possession of firearms associated with this approval is strictly forbidden.
6. The applicant/owner shall submit a written report to the CDA no later than September 15, 2010 that lists all activities conducted through August 31, 2010, under this Use Permit (UP 09-20). The report must include, but is not limited to, the following information:
 - A. For the Day Camp component: The dates of each day camp session (and whether all-day or after-school) and for each session the number of children enrolled and the average daily attendance, both broken down by gender and age;
 - B. For Special Events: The date of each special event and the number of attendees.
 - C. For the Educational Tour/Open House component: The date of each open house or educational tour, the number of attendees, and the school or organizational affiliation of the group if applicable.
7. In the event that the terms of this Use Permit (UP 09-20) approval are violated or that the approved uses are carried on in such a manner as to adversely affect the health, welfare, or safety of persons residing or working in the neighborhood, or be detrimental to the public welfare or injurious to the property or improvements in the neighborhood, this Use Permit may be revoked or suspended pursuant to Marin County Code, Chapter 22.120.
8. 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 the Pasternak Use Permit 09-20, for which action is brought within the applicable statute of limitations. This indemnification shall include, but not be limited to, damages, fees, and/or costs awarded against the County, if any, and the cost of suit, attorney's fees, and other costs, liabilities, and expenses incurred in connection with such proceedings, whether incurred by the applicant/owner, the County, and/or the parties initiating or bringing such proceeding.
9. Any changes or additions to the approved project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated or undertaken. Minor modifications to the operating conditions may be approved administratively by the Community Development Agency Director who may wish to consult with the Nicasio Design Review Board and the Nicasio Land Owners Association when appropriate.

Additionally, the Community Development Agency reserves the right to conduct periodic compliance reviews over the life of the Use Permit (UP 09-20). Major modifications shall require an amendment to the Use Permit.

Department of Public Works, Land Development

10. BEFORE ISSUANCE OF A BUILDING PERMIT AND/OR COMMENCEMENT OF CAMP ACTIVITIES OR OTHER EVENTS, the applicant shall provide pertinent design information as specified below for review and approval.
 - A. If public funds are granted or used for any of the approved activities associated with the operation of the camp, the applicant/owner will be required to demonstrate compliance with accessibility requirements for the drop-off and pick-up area(s).
 - B. The applicant shall submit Building Permit applications for retaining walls on the property identified by staff during a site visit on June 16, 2009.

Marin County Environmental Health Services

Food Service Facilities

11. Devil's Gulch Camp must obtain and maintain a valid permit to operate a food facility from the Marin County Environmental Health Division. NO FOOD PREPARATION OR FOOD SERVICE SHALL OCCUR AT DEVIL'S GULCH CAMP UNTIL A VALID FOOD FACILITY PERMIT IS ISSUED. The food facility must be operated in compliance with the California Retail Food Code. A condition of maintaining a valid food facility permit is the entrance and inspection of the food facility during the facility's hours of operations and other reasonable times.

Recreational Health

12. The proposed swim area at Devil's Gulch Camp must be inspected and approved by the Marin County Environmental Health Division prior to use for the season, for compliance with the Organized Camp Regulations as stated in the California Code of Regulations, Title 17, Section 30741. Soundings of the water depth and determinations of obstruction must be made prior to approval for operation. At least one lifeboat or equivalent water safety device, the posting of visible and legible safety signs, and at least one certified lifeguard per 25 campers in the water, must be maintained while the Camp is in operation and the swim area is available for recreation. Additionally, Devil's Gulch Camp shall operate the proposed swim area in accordance with their approved *Camp Waterfront Program Operating Procedures*.
13. As an Organized Camp, Devil's Gulch Camp shall operate in accordance with the *California Code of Regulations (CCR) Title 17, Subchapter 6: Organized Camps* and the *California Health and Safety Code – Division 13, Part 2.3: Camps*.

Sewage Disposal

14. Devil's Gulch Camp will be allowed the use of portable toilets for the day camp. One portable toilet must be provided for every 15 campers and staff or fraction thereof. The portable toilets must be serviced at a minimum of once a week. Receipts of the service and pumping of the toilet units must be submitted to the Marin County Environmental Health Services Division every two weeks. A fee of \$220 for oversight and review must be paid prior to camp operations (2 hours @ \$110).

15. Camp operations may be suspended if there is a violation of the water quality standards and/or the wastewater disposal requirements.

SECTION III: VESTING AND PERMIT DURATION

NOW, THEREFORE BE IT RESOLVED that the Pasternak Use Permit 09-20 is hereby approved with a term that will expire on December 31, 2014. The applicant must vest this approval by commencing the uses approved in this Use Permit consistent with the requirements and timelines established by the conditions of approval, or all rights granted in this approval shall lapse, unless the applicant applies for an extension at least 10 days prior to the expiration date above and the Community Development Agency Director approves it. An extension may be granted for cause pursuant to Section 22.56.050 of the Marin County Code. Commencement of the use and meeting all conditions of approval shall constitute vesting. An application for Use Permit Amendment will be required if the applicant chooses to increase the number of events or participants related to activities at Devil's Gulch Ranch.

This Use Permit is subject to a permit compliance review at the end of the first year of operation subject to payment of hourly compliance fees. The review shall be conducted by the Community Development Agency and other associated public agencies. Failure to comply with the conditions of approval of this resolution could result in revocation or suspension of the approved Pasternak Use Permit (UP 09-20), in accordance with the terms and provisions of Chapter 22.120 of the Marin County Code.

This permit may be revoked or modified by the Board of Supervisors in accordance with the terms and provision of Marin County Code Section 22.120.30, if any one of the following findings can be made: (1) The permit was obtained by misrepresentation or fraud; (2) One or more of the conditions of the permit have not been met; or (3) The improvement/use allowed by the permit is detrimental to the public interest, health, safety, convenience, or welfare of the County or constitutes a nuisance. Notwithstanding any other provisions of the Marin County Development Code, this Use Permit shall expire if the use is abandoned or ceases to operate for a two year period or greater.

SECTION IV: ACTION

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin, State of California, on the 9th day of February, 2010.

AYES:

NOES:

ABSENT:

JUDY ARNOLD, PRESIDENT
MARIN COUNTY BOARD OF SUPERVISORS

Attest:

Matthew Hymel
Clerk of the Board of Supervisors