

BOARD OF SUPERVISORS OF THE COUNTY OF MARIN

ORDINANCE NO. 2981

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN,  
STATE OF CALIFORNIA, APPROVING THE SPIRIT ROCK CENTER MASTER PLAN  
FOR ASSESSOR'S PARCEL NO. 172-350-04.

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SECTION I: Findings. After due consideration of: the recommendation of the Marin County Planning Commission, the administrative record from the Planning Commission hearing; the testimony of staff, the applicant and members of the public, the Board of Supervisors finds and declares:

- I. WHEREAS the Marin County Board of Supervisors held a duly noticed public hearing on August 16 and 30, 1988 to consider a Mitigated Negative Declaration; and
- II. WHEREAS the Board of Supervisors finds that, based on the Initial Study revised through June 21, 1988 and amended by the Board of Supervisors and the documents referenced in the Initial Study, the proposed project incorporates all necessary mitigations in the modifications and conditions contained herein and therefore will not have a significant effect on the environment and moved to approve the mitigated Negative Declaration of Environmental Impact; and
- III. WHEREAS the Board of Supervisors held a duly noticed public hearing on August 16 and 30, 1988 to consider the merits of the Spirit Rock Center Master Plan application of Insight Meditation West; and
- IV. WHEREAS the Board of Supervisors finds that the proposed project, with the modifications and conditions contained herein, is consistent with the policies of the Marin Countywide Plan, particularly the Streamside Conservation area policies and the policies for the Inland Rural Corridor because although development is proposed in the streamside setbacks, it is adequately setback from the watercourse to preclude adverse impact, does not require the removal of any riparian vegetation, and proposes additional streamside enhancement; and
- V. WHEREAS the Board of Supervisors finds that the proposed project, with the modifications and conditions contained herein, is consistent with the policies of the San Geronimo Valley Community Plan and zoning because the the use of religious/education institution is allowed in the zone and the intensity of use is similar to that of the maximum allowed residential development of the site; and
- VI. WHEREAS the Board of Supervisors finds that the proposed project with the modifications and conditions contained herein, is consistent with the Master Plan Design Requirements and Permitted Uses of the A-RP (Agricultural, Residential Planned) Zoning District as set out in Marin County Code Sections 22.47.105 and 22.47.102 respectively because it is clustered in the least visible, most level area of the site and proposes to preserve the majority of the site under non development private open space, and agricultural easements; and

- VII. WHEREAS the Board of Supervisors finds that the proposed use of the property as a non profit religious/educational institution for the practice of and instruction in silent meditation will not be detrimental to the health, safety, morals, comfort, convenience or welfare of persons residing or working in the neighborhood of this use and will not, given the modifications and conditions contained herein, be detrimental to the public welfare or injurious to property or improvements in the neighborhood;

SECTION II:

NOW THEREFORE BE IT RESOLVED, the Marin County Board of Supervisors hereby approves the Spirit Rock Center Master Plan subject to the following conditions.

The Planning Department

1. The Spirit Rock Center Master Plan is hereby approved and subsequent development and use of the property shall be in substantial conformance with the Master Plan application on file with the Marin County Planning Department, consisting of:
  - A. Plan set entitled, "Spirit Rock Center Master Plan," prepared by Schwartz Waag Associates, Inc. dated 1-15-88 consisting of nine (9) sheets and labeled Exhibit "A" in Planning Department files; and
  - B. Application text entitled, "Spirit Rock Center Master Plan Application," submitted by Insight Meditation West, dated October 8, 1987 and labeled as Exhibit "B" in Planning Department files; and
  - C. Text entitled, "Spirit Rock Center - Environmental Mitigation Program" prepared by John Roberto Associates dated January 15, 1988 and labeled Exhibit "C" in Planning Department files;

**except as modified herein and subject to the following conditions.**

2. No development or use may occur on the site except in accordance with a Development Plan approved pursuant to this Master Plan. Application for the Development Plan must be made while the Master Plan is in effect. The Master Plan will be considered to remain in effect while the Development Plan is being processed, and while the Development Plan is in effect. Should the Development Plan not be vested while it is in effect, both the Development Plan and the Master Plan shall be considered to have expired.
3. The Development Plan may be acted on by the Planning Director and shall not require a public hearing before the Planning Commission, except on appeal or where the Planning Director determines there is a matter of policy or controversy involved and directs that the Development Plan be heard before the Planning Commission.
4. The general siting and scale of the proposed buildings, as shown in Exhibit "A" are approved, except for the following:
  - A. the hermitage (Building # 14) shall be resited outside of the 100 foot setback measured from the top of bank of the adjacent intermittent stream. The resiting shall be subject to the review and approval of the Planning Director and shall minimize tree removal and visual impacts of the hermitage and access to

- B. the pavilion (Building #15) shall be resited away from the hilltop. The resiting shall be subject to the review and approval of the Planning Director and shall minimize tree removal and visual impacts.
- C. the dormitory housing (Building #1) shall be reduced from 79 beds (38 double rooms and 3 singles) to a maximum of 71 beds, not more than 7 to be provided as single rooms.

The required revisions shall be shown on the Development Plan application. The building designs shall incorporate passive solar design to the extent possible.

- 5. The specific design, exterior materials and colors are specifically not approved as part of the Master Plan, but shall be evaluated and approved as part of the Development Plan.
- 6. As offered by the applicant and approved as part of this Master Plan approval, the applicant shall submit at the Development Plan stage, plans showing the exact location and proposed language for the following:
  - A. Agricultural easements to be offered to Marin Agricultural Land Trust over the flat meadow area in the southeast corner of the site adjacent to Sir Francis Drake Boulevard and for the upland slope areas at least from the ends of the lower valleys with the treed areas to the southerly side of the proposed ridgeline trail as generally shown on Sheet 1 of Exhibit "A".
  - B. Non-development, Private Open Space easements over all portions of the site outside of the development area as marked by hand and labeled "General Development Area" shown on Sheet 1 of Exhibit "A". The development area may be modified slightly to accommodate resiting of the hermitage, the pavilion and the detailed siting of the remaining buildings. The development area may also be modified to include proposed septic field areas and outdoor use areas and landscaping adjacent to retreat center facilities. The easements shall provide that no buildings or roads may be constructed within the easement areas. The easements may provide that the trails proposed for public use, trails for retreat use, shrines, on-grade meditation platforms, agricultural fencing and similar structures may be constructed within the easement areas, subject to Design Review, Design Review Waiver or exemption.
  - C. Public pedestrian/equestrian trail easement to be offered to Marin County Open Space District or another entity acceptable to the Planning Director in the alignment generally shown on Sheet 1 of Exhibit "A". The easement may be subject to a condition that public use of the trail shall not begin until the trail is extended onto the ridgeline of the property immediately to the east of the subject property.
  - D. A gift of land of approximately 5 acres, as proposed by the applicant, immediately adjacent to the western boundary of the subject property, on the ridgeline to include the knoll top as marked by hand and labeled, "General Location of Gift of Land," on Sheet 1 of Exhibit "A".
  - E. The equestrian easement along the frontage of the property from the existing underground cattle crossing of Sir Francis Drake Boulevard west to the property boundary as generally shown on Sheet 1 of Exhibit "A" by hand marking and

7. As part of the development plan, the applicant shall submit a detailed landscaping plan that shall include at least the following:
  - A. All trees over four (4) inches in diameter measured 4 feet above the ground that must be removed to accommodate the buildings or site improvements for the proposed project shall be clearly marked and identified by species and diameter size.
  - B. As proposed in the applicant's Riparian Enhancement Program described on page 2 of Exhibit "C", all trees removed within the 100 foot setback from the top of banks of the ephemeral water course shall be replaced on a 3 for 1 basis by a planting program along the ephemeral watercourse south of the main parking lot. The location, species and specimen size of the proposed replacement trees shall be clearly indicated. Further, the landscape plan shall include a description of the proposed maintenance program intended to ensure the establishment of these new trees. This planting shall also be designed to increase the screening of parking areas within the retreat center.
  - C. Revegetation of areas disturbed during construction with ground cover similar to what is already present on the site. The landscaping plan shall include the proposed species, specimen size where appropriate and the planting program to ensure the establishment of the replanted areas.
  - D. As part of the Development Plan application, the applicant shall submit land management plans for the area marked by hand and labeled 'General Development Area' on Sheet 1 of Exhibit "A" to include the following:
    1. proposal for long term erosion control plans. This may include the repair of slumping hillsides where necessary to protect the hillside from erosion and/or to control sedimentation.
    2. proposal for streamside preservation and restoration plans. This may include the repair of watercourse banks where necessary to protect the watercourse from erosion and to control sedimentation.

The implementation of the land management plan shall be a condition of the Development Plan.

8. The use approved by this Master Plan is the conduct of a nonprofit religious/educational institution for the instruction in and practice of silent meditation on the subject property, AP# 172-350-04 pursuant to Section 22.1.0.020.b(13) of Marin County Code subject to the following conditions:
  - A. Minor changes in the occupancy and operation of the retreat center may be considered as part of the Development Plan, or through Development Plan Amendment provided that the use remains substantially consistent with the project as generally described in Exhibits B and C and does not result in environmental impacts beyond those evaluated in the Initial Study revised through June 21, 1988 and as amended by the Board of Supervisors.

- B. The occupancy and operation of the retreat center shall conform to the following maximum allowable levels:

A maximum of: 20 staff resident on site

20 monks and nuns resident on site

150 participants in retreats requiring overnight stays. This shall include adult participants (18 years of age and older) that stay at the retreat center during the retreat session and the teachers of the retreat sessions that stay at the retreat center during the retreat session. The number of children (persons under 18 years of age) that stay at the retreat center overnight that are not participants shall not increase overnight occupancy to greater than 162 persons.

125 participants in daytime retreats or evening classes. Daytime retreats may overlap with overnight retreats not more than four (4) times per year, and evening classes may overlap with overnight retreats not more than twenty seven (27) times per year.

198 days per year during which retreat sessions may be scheduled

315 persons on-site peak capacity

- C. While the Initial Phase Improvements only are in place, occupancy of the retreat center shall comply with the operation description contained in Exhibit "B" which includes:

a maximum of: 60 overnight retreat participants

125 daylong or evening session participants

3 staff resident on site

0 monks and nuns resident on site

- D. One mobile home may be allowed on the site temporarily to provide for housing for staff. The location and utilities for the mobile home shall be shown as part of the Development Plan application and may be permitted provided that there are no visual impacts or adverse environmental impacts and conditions in place to ensure its removal within three (3) years.

- E. The occupancy and operation of the retreat center shall be subject to the monitoring programs to verify the adequacy of on-site parking, the accuracy of the projected vehicle occupancy for overnight retreat participants, and the capacity of the on site septic areas to accommodate full buildout and use of the project. If the monitoring programs indicate that the projected parking demand, vehicle occupancy or septic capacity are incorrect, the conduct of the retreat center use may be subject to additional conditions of approval or limitations in occupancy levels.

- F. The applicant may be permitted to conduct open houses at the retreat center subject to the review and approval of a specific program proposal as part of the development plan. Evaluation of the open house program proposal shall be primarily based on limiting the number of round trips to the site to a maximum of 100 per open house. Methods for limiting traffic impacts of the open houses

- o conducting several smaller open houses instead of two larger annual open houses
  - o use of registration for open houses to control the number of attendees
  - o car pooling
  - o open houses held for people living in designated areas only
  - o operation of shuttle buses from a parking area outside San Geronimo Valley.
- G. The approved retreat program from the retreat center shall be subject to review by the County of Marin to verify that no off-site traffic safety or circulation problems result directly from the operation of the retreat center. Should the County find that the maximum operation and occupancy of the retreat results in a traffic safety or circulation problem; the conduct of the retreat may be subject to additional conditions of approval, changes in retreat schedules or limitations in occupancy levels. The review period shall extend for one calendar year (365 days) after written notification by Insight Meditation West to the Marin County Planning Department that the retreat is operating at maximum approved occupancies. Full occupancy may occur before full buildout of physical facilities.
9. The application for Development Plan approval may be phased, so that the first Development Plan application is only for approval of improvements shown as the "Initial Phase" on Sheet 9 of Exhibit "A" subject to the following requirements:
- A. The first Development Plan application must fulfill the following Master Plan conditions: 4, 6, 7, 15, 16, 17, 18, 20, 21, 22, 24, 25, 27, and 34. Fulfillment of other conditions, particularly Conditions # 22, 23, and 26(c), may be done incrementally as related to the phasing of the development.
  - B. The first Development Plan shall propose the phasing of the remainder of the development and the related levels of occupancy for each stage of the phasing.
  - C. The applicant may receive authorization from the County of Marin through a Design Review approval to grade portions of the access road on-site, and install water, sewer, electrical and phone facilities prior to submittal of all the information required in the first Development Plan application.
10. An archaeologist shall be present on site and monitor construction work during all site grading to ensure the identification and protection of any resources discovered during construction.
11. Construction activity on site is limited to 8:00 AM to 5:00 PM, Monday through Sunday, and 8:00 AM to 7:30 PM, Monday through Sunday, from May 1st to September 30th. No heavy machinery shall be operated on site on Sundays or after 5:00 PM. Exceptions to these hours may be granted by the Planning Director based on written request to accommodate special construction circumstances. The applicant shall actively organize and encourage carpooling of construction workers on the site, particularly for weekend volunteer workers.

13. All water using fixtures, including dishwashers in the dining hall shall be water conserving/low flow fixtures.
14. All electrical service on the site and any electric line extension needed to service the site shall be undergrounded.

Marin Municipal Water District (MMWD)

15. As part of the Development Plan application, the applicant shall provide the following:
  - A. documentation from MMWD indicating that arrangements have been made with the District to provide for the extension of the Water District's facilities to service the property.
  - B. A draft agreement to be recorded against the property prior to issuance of building permit indicating that should the property be further subdivided, arrangements would have to be made with the District to upgrade or install the necessary facilities to serve the additional development.
16. The landscaping plans for the property shall comply with MMWD's water conservation ordinance.
17. Prior to issuance of any building permits or permits to allow site work, the property owner shall enter into a Watershed Protection Agreement with MMWD to ensure the long term protection of the waters of Lagunitas Creek.

Department of Public Works

18. In order to substantiate the actual traffic and parking demand generated by this project, the applicant shall be required to conduct a monitoring program to provide the Department of Public Works with the actual traffic volume data and the number of parking spaces short or left over every six months for the first two years of the operation. The applicant shall then increase the number of parking spaces, to be located in areas with minimal visual and tree removal impacts, modify the operations hours or reduce the retreat program or occupancy as required by the Director of Public Works in consultation with the Planning Director. As part of the Development Plan application, the applicant shall submit a description of how the applicant will fulfill this monitoring program requirement.
19. No retreat session shall end between 1:00 PM and 7:00 PM on a Sunday from May 1 to October 1.
20. As part of the Development Plan application, the applicant shall submit a design for the intersection of the site access road with Sir Francis Drake Boulevard that includes the following:
  - A. The driveway approach shall be designed as a wide flare commercial type approach.
  - B. There should be a minimum of one thousand (1,000) feet of unobstructed sight distance on both sides of the access point. No landscaping of over 2.5 feet high is allowed in this zone and any landscaping used shall require minimum or no

- C. A westbound deceleration lane and a westbound acceleration lane shall be designed and constructed according to standards of Figures 405.7 of the Highway Design Manual using a 50 foot radius curve, and geometric configuration of the taper subject to approval of the Department of Public Works.
  
- D. As part of the development plan, the applicant shall propose a program to implement a no left turn policy from the site driveway. The program shall include traffic signs on site and handouts to advise retreat participants of alternative routes. The applicant shall be responsible to implement the no left turn policy as part of the first retreat use of the property. The Marin County DPW will monitor the operation of the no left turn policy and the traffic safety on Sir Francis Drake Boulevard in the vicinity of the site driveway for one (1) year from when the applicant advises that the retreat is operating at 50% occupancy and this level of operation is verified by the County. At any time up to the end of the one (1) year monitoring period, the applicant shall be required to design and construct an eastbound acceleration lane on Sir Francis Drake Boulevard if the Marin County Department of Public Works determines that traffic safety problems are not sufficiently mitigated by the no left turn policy and/or the no left turn policy is not effectively implemented. At the end of the one (1) year monitoring period, if the eastbound acceleration lane has not been required, the County may require that the applicant construct a traffic island as part of the intersection of the site driveway with Sir Francis Drake Boulevard to direct traffic leaving the site into a right turn only.

This mitigation of traffic safety impacts for the driveway is a condition of the Master Plan. The failure of the applicant to comply with this condition shall mean that the use of the site is being conducted in violation of the Master Plan and the County may proceed to abate the use and no further Building Permits for construction of facilities on the site shall be issued while the applicant is not in compliance with this condition. Alternatively, the applicant may seek a Master Plan Amendment to substitute other requirements for the mitigations of traffic safety provided for in this condition.

- 21. The applicant is required to develop and maintain a program to encourage carpooling for retreat participants. As part of the Development Plan application, the applicant shall describe how this requirement will be fulfilled.
  
- 22. As part of the Development Plan, a detailed soils report consistent with the recommendations of the Herzog Geologic Reconnaissance, dated 4-10-87 and supplement dated 12-23-87 shall be provided based on subsurface investigation and recommending detailed siting, foundation and construction design.
  
- 23. At the Development Plan stage, a complete grading and drainage plan shall be submitted together with appropriate calculations to cover the phase of development proposed. Improvements to both on site and off site drainage facilities may be required at the building permit stage depending upon this grading and drainage plan.
  
- 24. As part of the Development Plan application, design of the access roadway fulfilling the following shall be submitted:
  - A. The access drive shall be constructed on a shallow fill in an alignment as



longitudinal ditch (if there is sufficient grade), intermittent drainpipes or another approach developed by the applicants' engineer.

- B. The design shall be supported by a report from a soils engineer recommending a suitable roadway section can be constructed which is not susceptible to deterioration as a consequence of either rainfall or sustained local groundwater.
25. The development plan application shall include plans for repair of "V" ditch drainage system just west of existing access at the property frontage.

Marin County Fire Department

26. Plans submitted at the Development Plan stage meet the requirements of the Marin County Fire Department and may include the following:
- A. Installation of new water mains, capable of delivering required fire flow from fire hydrants spaces so that no structure is further than 350 feet from a hydrant. The 350 feet is to be measured along the access road or driveway which provides access to the building(s).
  - B. Minimum required fire flow shall be approximately 2,200 gallons per minute.
  - C. Access roadways shall extend to within 150 feet of all structures. Subject to the approval of Marin County Fire, this distance may be increased when additional safeguards are incorporated into buildings such as the installation of automatic fire sprinkler systems.
27. As part of the Development Plan, a proposed grass and brush clearance program around all the buildings shall be submitted.
28. Fire retardant materials shall be used on the roofs of the buildings and landscaping near buildings shall be fire resistant plants.
29. Smoking shall be strictly controlled on site, particularly in the out of doors. The applicant shall post signs at the entrance to the retreat center as necessary indicating that there is no smoking. The applicant may designate limited indoor locations as smoking areas subject to review by Marin County Fire Department.

Marin Environmental Health Services, State Regional Water Quality Control Board

30. Septic system location and design shall be consistent with the Order for septic discharge issued by the State Regional Water Quality Control Board (RWQCB) dated May 2, 1988 and approved on May 18, 1988.
31. The septic areas identified in the Questa Engineering Corp. report dated August 1987 as the "southeast field" and the "ridgetop area" are specifically not approved as areas for septic systems. However, the applicant has the option to propose the use of these two fields in the future, as part of this Master Plan Approval.
32. As part of the Development Plan application, the specific system design to provide sewage disposal for the Initial Phase shall be provided and shall subject to review and approval by the Marin Environmental Health Services and RWQCB.

34. Permission to develop beyond the level of development shown as the Initial Phase on Sheet 9 of Exhibit "A" shall be subject to the demonstration of adequate septic capacity to the satisfaction of the Marin Environmental Health Services and RWQCB.

Marin County Board of Supervisors

35. As offered by the applicant and accepted as part of this Master Plan, the applicant will pay an annual fee to the County for the retreat center's impact on County police, fire and paramedic services. The amount will be \$5,000/year in 1988 dollars and will be increased annually by 2%. Until the retreat center reaches full occupancy, the fee will be phased in, starting at 20% for the first year in which a Building Permit is issued for construction on the property, increasing by 20% per year so that the fee is at 100% in five (5) years. This rate of phasing in may be adjusted if development of the retreat center proceeds more slowly so that full occupancy will not be achieved in five (5) years. Prior to issuance of the first Building Permit for construction on the site, the applicant will enter into a contract with the County setting out the administration and timing of the payments as offered by the applicant.

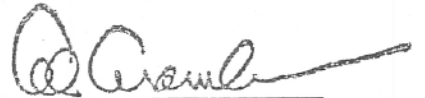
SECTION III: This Ordinance shall be and is hereby declared to be in full force and effect as of thirty (30) days from and after the date of its passage and shall be published once before the expiration of fifteen (15) days after its passage, with the names of the Supervisors voting for and against the same in the Independent Journal, a newspaper of general circulation published in the County of Marin.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin, State of California, on the 30<sup>th</sup> day of August 1988, by the following vote to wit:

AYES: Supervisors: Gary Giacomini, Harold Brown, Al Aramburu

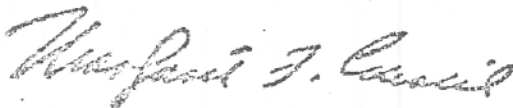
NOES: Supervisors: None

ABSENT: Supervisors: Bob Stockwell, Bob Roumiguere



CHAIRMAN OF THE BOARD OF SUPERVISORS  
COUNTY OF MARIN

ATTEST:



Margaret Council  
Clerk of the Board