



MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY

ALEX HINDS, DIRECTOR

STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR

Bolinas Community Public Utility District (BPUD) Coastal Permit

Item No:	C-1	Application No:	CP 08-37
Applicant:	BPUD	Owner:	BPUD
Property Address:	101 Mea Road, Bolinas	Assessor's Parcels:	193-030-38
Hearing Date:	June 12, 2008	Planner:	Veronica Corella-Pearson

RECOMMENDATION: Approve With Conditions
APPEAL PERIOD: 5 Working Days to the Planning Commission
LAST DATE FOR ACTION: July 4, 2008

PROJECT DESCRIPTION:

The applicant and owner, Bolinas Community Public Utility District, has applied for Coastal Permit approval for the placement of ground mounted solar arrays at 101 Mesa Road that would span approximately 151 feet by 10 feet, and 75 feet by 10 feet. The panels would be ground mounted and attain a maximum height of 6 feet. The system would be located approximately 50 feet to the southwest of the waste water treatment building, and east of the service road, within 100 feet of the settling ponds and wetlands. The project would be constructed between August 15th and October 15th of 2008 and would be limited to the area of existing disturbance. Work would consist of excavation for the piers that support the panels of 5 feet, 4 inches, and a trench for the conduit, which will run to the location of the equipment pad which is adjacent to the waste-water treatment building, approximately 40 feet to the west.

SITE DESCRIPTION

The parcel is approximately 98.3 acres in size and is the site of the Bolinas Community Public Utility District wastewater treatment facilities. The proposed location for the solar panels is adjacent to the northeastern pond, and approximately 40 feet away from the service building. The panels would traverse along the service road on the pond levee. The site is dominated by non-native grasses. A small section of coastal scrub may need to be removed for the electrical conduit between the two solar arrays and for the electrical meter at the service building. The solar arrays would be located within 100 feet of a wetland, which is to the east, but no fill or disturbance to a wetland, which falls under the category of Environmentally Sensitive Habitat Areas (ESHA's) as defined in the California Coastal Act Section 30107.5 and is protected under Section 30240.

GENERAL INFORMATION:

CWP Land Use Designation:	C-OS (Coastal, Open Space)
Zoning:	C-OA (Coastal, Open Area)
Lot size:	27.2 acres

Adjacent Land Uses: Rural residential
Vegetation: Coastal scrub, non-native grassland, freshwater marsh
Topography and Slope: Relatively level
Environmental Hazards: Sensitive habitat

ENVIRONMENTAL REVIEW:

The Bolinas Public Utility District acting as the responsible agency, pursuant to Section 15051 of the California Environmental Quality Act, has filed a Notice of Exemption with the County Clerk under Section 15303, Class 3 (e).

PUBLIC NOTICE:

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and giving the public hearing date in accord with California Government Code requirements. This notice has been mailed to all property owners within 600 feet of the subject property. At the time of the drafting of this staff report, no comments were received in response to the public notice distributed for the project.

PLAN CONSISTENCY:

The proposed project is consistent with the goals and policies of the Marin Countywide Plan, the Bolinas Community Plan, and the Local Coastal Program, Unit I, because it entails the construction of new solar panels, which will require a minimal amount of excavation for the panel footings and will not require the removal of sensitive habitat or native vegetation. The proposed project would neither result in significant impacts to visual or environmental resources, nor would it affect the health, safety, or welfare of the public. Furthermore, the project would meet the objectives of the Marin Countywide Plan by increasing energy efficiency, and minimizing reliance on non-renewable energy.

PROJECT ANALYSIS:

Staff has conducted a site visit, reviewed all submittal information and finds that all the mandatory findings for a Coastal Permit can be made, and that all efforts have been made to preserve the viewshed, protect listed species, and to prevent disturbance to sensitive habitat. Furthermore, the project is in compliance with Section 30233 a(4) of the California Coastal Act, which allows activity in a wetland buffer if the project is incidental to public service purposes.

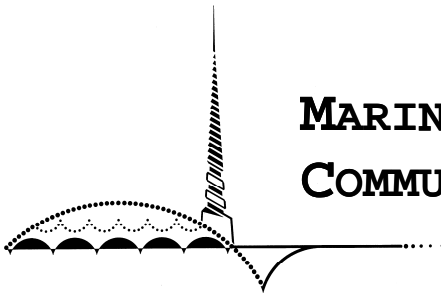
RECOMMENDATION:

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and adopt the attached resolution conditionally approving the Bolinas Community Public Utility District Coastal Permit.

Attachments:

1. Proposed Resolution recommending conditional approval of the Bolinas Community Public Utility District Coastal Permit (CP 08-37).
2. CEQA Exemption
3. Location Maps (2 pages)
4. Department of Public Works, Land Development memo dated 5/7/08

5. Project Plans
6. Bolinas Community Public Utility District, letter emailed 5/27/08
7. Community Development Agency – Planning Division, letter sent 5/29/08
8. WRA, Biological Resources Assessment, dated April 2008



**MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY**

ALEX HINDS, DIRECTOR

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. _____

A RESOLUTION APPROVING
THE BOLINAS COMMUNITY PUBLIC UTILITY DISTRICT COASTAL PERMIT (CP 08-37)

ASSESSOR'S PARCELS 193-030-37

101 MESA ROAD, BOLINAS

SECTION 1: FINDINGS

- I. WHEREAS the Bolinas Community Public Utility District has requested Coastal Permit approval for the placement of solar arrays at 101 Mesa Road that would span approximately 151 feet by 10 feet, and 75 feet by 10 feet. The panels would be ground mounted and attain a maximum height of 6 feet. The system would be located approximately 50 feet to the southwest of the waste water treatment building, and east of the service road, within 100 feet of the settling ponds. The project would be constructed between August 15th and October 15th of 2008 and would be limited to the area of existing disturbance. Work would consist of excavation for the piers that support the panels at a depth of 5 feet, 4 inches, and a trench for the conduit, which will run to the location of the equipment pad adjacent to the waste-water treatment building, approximately 40 feet to the west. The subject property is identified as 400 Mesa Road, Bolinas, and Assessor's Parcels 188-120-21.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on June 16, 2008, to consider the merits of the project, and hear testimony in favor of and in opposition to the project.
- III. WHEREAS The Bolinas Public Utility District acting as the lead agency, has filed a Notice of Exemption with the County Clerk under Section 15303, Class 3 (e).
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan because:
 - a. The proposed project would comply with Marin County standards for flood control, geotechnical engineering, and seismic safety, and include improvements to protect lives and property from hazard.
 - b. The proposed project is in compliance with the governing C-OA land use designation since the solar panels would be for a public service use.

- c. The proposed project would result in development that conforms to the governing zoning standards related to height, size and location.
 - d. The proposed 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.
 - e. The proposed project would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services.
 - f. The proposed project would minimize soil disturbance and impacts to natural vegetation.
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Bolinas Community Plan because:
- a. The proposed project would not adversely impact the surrounding built environment relative to views from adjacent properties, privacy for the subject and surrounding properties, and building design, mass and bulk.
 - b. The subject property would not impact water supply and sewage disposal, as confirmed by the Environmental Health Services Division by phone conversation on March 3, 2008.
 - c. The proposed project would not adversely impact the surrounding natural environment relative to vegetation, species habitats or on-site drainage.
 - d. The proposed development would not occur within the Bluff Erosion Zone identified in the Bolinas Gridded Mesa Plan.
- VI. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve a Coastal Permit (Section 22.56.130 of the Marin County Code) for the reasons specified below:

A. Water Supply:

The proposed project would support the Bolinas Community Public Utilities District's ability to provide water to residents.

B. Septic System Standards:

The Marin County Environmental Health Services Division has reviewed plans and the proposed solar panels will have no impact to existing septic systems on the property.

C. Grading and Excavation:

The proposed project requires a minimal amount of excavation for the placement of the panel piers and electrical conduit.

D. Archaeological Resources:

Review of the Marin County Archaeological Sites Inventory indicates that the subject property is located in an area of archaeological sensitivity. However, a minimal amount of site disturbance is proposed and the project is not likely to disturb cultural resources. Conditions of project approval would require that in the event that cultural resources are discovered during site preparation or construction of this project, all work shall immediately be stopped and the services of a qualified consulting archaeologist shall be engaged to assess the value of the resource and to develop appropriate mitigation measures to meet Local Coastal Program requirements.

E. Coastal Access:

The project site is not located adjacent to the shoreline.

F. Housing:

The proposed will not impact the availability of affordable housing to households of lower or moderate income because it does not entail the demolition of any housing or the conversion of affordable housing to market rate housing.

G. Stream Conservation Protection:

The project site is not situated in an area subject to the streamside conservation policies as identified on the National Resources Map for Unit I of the Local Coastal Program or near any ephemeral or intermittent stream.

H. Dune Protection:

The project site is not located in a dune protection area as identified by the Natural Resources Map for Unit I of the Local Coastal Program.

I. Wildlife Habitat:

The California Natural Diversity Database, prepared by the State Department of Fish and Game, indicates that the subject property is located in the vicinity of habitat areas for the California red-legged frog (*Rana aurora draytonii*) and the Northwestern pond turtle (*Actinemys marmorata*). The red legged frog prefers aquatic habitats and breeds in dense, shrubby, riparian vegetation and deep, still or slow moving water, between late November and late April, with inactivity in the dry months. The Northwestern pond turtle (NWPT) prefers submerged cover and basking structures and nests on unshaded slopes close to their aquatic habitat. The hatchlings require shallow water with relatively dense emergent and submergent vegetation for foraging. A site visit was conducted by a biologist and no red legged frogs, or NWPT were seen and it was determined that no work will impact any of their habitat. Nor will work occur during the breeding season for the turtle. The applicant has also proposed to train all construction crews prior to beginning construction to identify the

two species so in the event they are seen, all work shall cease. Accordingly, the project will not adversely affect any wildlife habitats.

J. Protection of Native Plant Communities:

A review of the California Natural Diversity Database, prepared by the California Department of Fish and Game, indicates that the subject property is located in the habitat area for Coast yellow leptosiphon (*Leptosiphon croceus*). This plant is currently known to exist at only one location in San Mateo County and has since been considered to be extirpated in Marin County. Furthermore, during the site visit it was concluded that the location of the proposed solar panels consists of primarily non-native plants. Therefore, no significant or adverse impacts to native plant communities would result from the project.

K. Shoreline Protection:

The proposed project would not occur within the shoreline protection zone and would therefore not adversely affect the shoreline.

L. Geologic Hazards:

The project site is not located within the Alquist-Priolo Special Study Zone or in a location that is subject to landslides. Therefore, the project would not be subject to unusual geologic hazards.

M. Public Works Projects:

This proposed project does not entail expansion of public roads, flood control projects, or utility service and will not affect any public works projects.

N. Land Division Standards:

No land division is proposed as part of this project.

O. Visual Resources:

The height, scale, and design of the proposed accessory structure would comply with the standards of the governing zoning and will be compatible with the established character of the surrounding community.

P. Recreation/Visitor Facilities:

The proposed project would not provide commercial or recreational facilities, and the project site is not governed by VCR (Village Commercial Residential) zoning regulations that require a mixture of residential and commercial uses.

Q. Historic Resource Preservation:

The subject parcel is not located within the designated historic preservation boundaries for Bolinas as identified in the Marin County Historic Study for the Local Coastal Program.

- VII. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve a Design Review pursuant to Marin County Code Section 22.82.040 because the project entails the erection of solar panels which are supported by the Countywide Plans goal to increase renewable resource use. The panels will be located on the levee adjacent to the access road and face the spray fields, and would not affect viewsheds or neighborhood development. In addition the project will not require the removal of any native vegetation or result in any grading.

SECTION 2: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Bolinas Community Public Utility District Coastal Permit (CP 08-37) subject to the following conditions:

Marin County Community Development Agency, Planning Division

1. The Bolinas Community Public Utility District Coastal Permit (CP 08-37) is approved for the placement of ground mounted solar arrays at 101 Mesa Road that will span approximately 151 feet by 10 feet, and 75 feet by 10 feet. The panels will be ground mounted and attain a maximum height of 6 feet. The system will be located approximately 50 feet to the southwest of the waste water treatment building, and east of the service road, within 100 feet of the settling ponds and wetlands. The project will be constructed between August 15th and October 15th of 2008 and will be limited to the area of existing disturbance. Work will consist of excavation for the piers that support the panels with a depth of 5 feet, 4 inches, and a trench for the conduit, which will run to the location of the equipment pad adjacent to the waste-water treatment building, approximately 40 feet to the west. The subject property is identified as 101 Mesa Road, Bolinas and Assessor's Parcel 193-030-38.
2. Building Permits are not required for he project. However, if BPUD voluntarily submits a Building Permit application, then except as modified herein, plans submitted for Building Permits shall substantially conform to plans on file in the Marin County Community Development Agency, Planning Division identified as Exhibit A, "Bolinas Community Public Utility District Wastewater Treatment Plant", consisting of 2 pages, received on February 4, 2008.
3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the Site Plan or other first sheet of the office and job site copies of the Building Permit plans to list the below conditions of approval.
4. All construction activities shall comply with the following standards:

- a. Construction activity is only permitted between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and 9:00 a.m. and 5:00 p.m. on Saturday. No construction shall be permitted on Sundays and the following holidays (New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day). Loud noise-generating construction-related equipment (e.g., backhoes, generators, jackhammers) can be maintained, operated, or serviced at the construction site from 8:00 a.m. to 5:00 p.m. Monday through Friday only. Minor jobs (e.g., painting, hand sanding, sweeping) with minimal or no noise impacts on the surrounding properties are exempted from the limitations on construction activity. At the applicant's request, the Community Development Agency staff may administratively authorize minor modifications to these hours of construction.
 - b. It shall be the responsibility of the applicant to ensure that all construction materials and equipment are stored on-site (or secured at an approved off-site location) and that all contractor vehicles are parked in such a manner as to permit safe passage for vehicular, pedestrian, and bicycle traffic at all times.
5. All utility connections and extensions serving the project shall be installed underground. Modifications to this condition may be considered by the Community Development Director at the written request of the applicant.
 6. If archaeological resources are discovered during grading, trenching, or other construction activities all work at the site shall stop immediately, and the project sponsor shall inform the Marin County Environmental Coordinator of the discovery. A registered archaeologist, chosen by the County and paid for by the project sponsor, shall assess the site and shall submit a written report to the Marin County Community Development Agency Director advancing appropriate mitigations to protect the resources discovered. No work at the site may recommence without approval of the Director. All future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the Director.
 7. Any changes or additions to the project shall be submitted to the Community Development Agency, Planning Division for review and approval before the contemplated modifications may be initiated.
 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 this Coastal Permit, for which action is brought within the applicable statute of limitations.

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

9. None of the solar arrays or any other structure shall be located within the mesa Road County right-of-way or any easements.

SECTION 3: VESTING AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest the Bolinas Community Public Utility District Coastal Permit and Design Review Clearance approval with the substantial completion of all the approved work before June 16, 2010 or all rights granted in this approval shall lapse unless the applicant applies for an extension limited to a maximum of four years, at least 30 days before the expiration date above and the Director approves it.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Planning Commission. A Petition for Appeal and a \$600.00 filing fee must be submitted in the Community Development Agency - Planning Division, Room 308, Civic Center, San Rafael, no later than **4:00 p.m. on June 20, 2008.**

SECTION 4: ADOPTION

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 12th day of June, 2008:

Attest:

Johanna Patri
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Joyce Evans
Recording Secretary