



MARIN COUNTY
 COMMUNITY DEVELOPMENT AGENCY
 BRIAN C. CRAWFORD, DIRECTOR

**STAFF REPORT TO THE MARIN COUNTY
 DEPUTY ZONING ADMINISTRATOR
 BELL ET AL. (VERIZON WIRELESS)
 USE PERMIT AND DESIGN REVIEW**

RECOMMENDATION: Approve with Conditions
HEARING DATE: March 17, 2011

Project ID No:	09-381	Applicant:	NSA Wireless, Inc
Application No(s):	DR 10-51 and UP 10-12		Charnel James (925) 244-1890 Charnel.james@nsawireless.com
Agenda Item:	3	Owners:	William Bell Trust et al.
Last Date for Action:	April 23, 2011	Assessor's Parcel No:	197-110-099
		Property Address:	1000 Iron Springs Road, Fairfax
		Project Planner:	Lorene Jackson (415) 473-5084 lajackson@co.marin.ca.us
		Signature:	

Countywide Plan Designation: AG1 (Agriculture, 1 unit/30-60 acres)
 Community Plan Area: n.a.
 Zoning: A60 (Limited Agriculture, 60 acre minimum lot area)
 CEQA: Categorically Exempt per Section 15303, Class 3

PROJECT DESCRIPTION:

The applicant, NSA Wireless, Inc, on behalf of Verizon Wireless and the property owner, proposes to construct and operate a new wireless telecommunications facility at Tamarancho Boy Scout Camp. The facility would consist of a new 50-foot tall monopine with twelve 8-foot by 1-foot panel antennas mounted to reach a maximum height of 45 feet. All equipment would be located within a 1,216-square foot lease area enclosed by a new 6-foot chain link fence along the lease boundary. The lease area is located approximately 356 feet to the easterly property line, 3,100 feet to the southerly property line, 2,350 feet to the westerly property line, and 2,725 feet to the northerly property line. The project would include 1) construction of an approximately 184-square foot new equipment shelter with two GPS antennas and a 48KW standby generator with a 210 gallon diesel tank, 2) associated cables, transformer, and utility routes, 3) underground installation of power and telecommunication conduits in a 1.5-foot wide and 3-foot deep trench along an access easement running 850 feet from the nearest utility pole, and 4) a new 12-foot wide gravel access easement running approximately 1,125 feet to a private dirt road off Iron Springs Road. The project includes the planting of four oak trees and 13 coyote brush plants outside the fenced area. The proposed project would expand the coverage area of the Verizon Wireless telecommunications network in the Fairfax area.

PROJECT SETTING

Lot size:	411.18 acres
Adjacent Land Uses:	Boy Scout Camp, Open Space, and Single-family residential
Vegetation:	Grassland and mixed oak/conifer woodland
Topography and Slope:	Steep to moderate slope with flat ridge top
Environmental Hazards:	Wildland Urban Interface fire area

The project site is located within the larger context of the Tamarancho Boy Scout Camp. The entire camp area includes mixed redwood forests, mixed oak woodlands, and grasslands. There are several streams and a small pond within the camp. The camp is bordered by Marin County Open Space to the south and west, by the Girl Scout Council to the north, and a single-family residential neighbor (RSP-0.25) to the east. The project site is accessed from the end of Iron Springs Road through a gated entrance to the private Boy Scout property. The access road to the project site is off an unnamed dirt road to the Ghillotti Camp. Access from this graded dirt road to the project site is by an old existing jeep trail. The project would include grading the access route to the project site.

The entire subject property includes several canyons and ridgelines and is within a designated Ridge and Upland Greenbelt. The main ridgeline in this portion of the Greenbelt is along White Hill, which is higher and to the northwest of the project site. The project is along the upper borders of a Wildland Interface fire hazard that entails the canyon and residential community below.

The property was acquired by the Boys Scouts since 1944. Ownership of record is currently eight Trustees of the Marin Council of the Boys Scout Trust Fund 2. The entire property includes a ranger's house, lodge, several cabins, campsites, rifle range, pond, and private trails. Use of the camp is year round, with most of the scouting activity during weekends, summers, and vacations. Mountain bikers who have received permission from the Boy Scout Council ride a circuitous network of trails through the property year round. The proposed facility is not visible from these trails. The trail is barely visible at the end of a Marin County Open Space trail. (See Attachment 14.)

The County GIS Natural Diversity Database indicated that the subject project site is not habitat area for special status species of wildlife. However, the database indicated the potential location of the Mount Tamalpais Manzanita. Therefore a biological site assessment was conducted by Kjeldsen Biological Consulting. Their February 2, 2011 report indicates no Mount Tamalpais Manzanita in vicinity of the project site. Although not listed on the available database, the biological report noted the presence of the Herbaceous Alliance Purple Needle Grass. However, the proposed underground utility route is aligned through an area of invasive broom rather than Purple Needle Grass.

BACKGROUND

The current application was filed on December 21, 2009. The applicant has provided the following:

- Completed Marin County Telecommunication Facilities Policies Checklist
- Photo Simulations (Attachment 7)
- Alternative Sites Analysis, received Dec 7, 2010 (Attachment 9)
- Coverage area and search rings
- Electromagnetic Fields Compliance report prepared by Hammett & Edison, Inc., dated July 29, 2009.
- Biological Assessment prepared by Kjeldsen Biological Consulting, dated February 2, 2011.
- Geotechnical Investigation report prepared by Brown & Mills, Inc, dated May 28, 2010

The project was reviewed by the Marin County Department of Public Works Land Development and Communication Divisions, Marin County Fire Department, Marin Municipal Water District, and Ross Valley Sanitary District. Received comments are presented in Attachments 9 to 13. No other comments were received from reviewing agencies or associations. Story poles were erected on November 1, 2010, but fell down. They were more substantially installed again on January, 24, 2011 to demonstrate the visual impacts of the project. During the project review process, the applicant submitted a landscape plan to blend the monopine with the surrounding trees and hillside. The project was deemed complete on February 22, 2011.

The Community Development Agency provided public notice identifying the applicant, describing the project and its location, and giving the earliest possible decision date in accord with California Government Code requirements. This notice was mailed to all property owners within 600 feet of the subject property, as well as to interested parties.

PUBLIC COMMENT

At the time this staff report was prepared, one person submitted written comment objecting to the project. Mark Fiore, a neighbor at the bottom of the canyon below Camp Tamarancho and about one mile from the project site, submitted photos of the story pole from several places throughout Fairfax and expressed objections to the location of the tower on a ridgeline. (See Attachment 15.) All photos appear to have been taken with a zoom lens and do not necessarily reflect what is seen with the eye. The photos show that the tower is visible from a segment of Center Boulevard (Photo 4), albeit distant. Photo 5 was taken from a cul de sac near Mr. Fiore's home off Bothin Road. Photos 1 and 2 were taken below the tower on a private Boy Scout road, not from the public access on Iron Springs Road. Photo 3 appears to have been taken through the brush off a hiking trail at the end of Miranda Court. While the photos show the tower would be visible from some locations in the Fairfax area, there does not appear to be a significant visual impact. The stealth design and landscaping should blend the tower with the natural vegetation on the horizon.

RECOMMENDATION

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and adopt the attached resolution approving the Bell et al. Use Permit and Design Review.

- Attachments:
1. Proposed Resolution recommending approval of the Bell et al. Use Permit and Design Review
 2. CEQA Exemption
 3. Location Map
 4. Assessor's Parcel Map
 5. Project Plans
 6. Prototype Equipment Shelter
 7. Photo Flyovers and Photo Simulations
 8. Alternative Sites Analysis, 12/7/2010, with Boy Scout Email, 2/2/2011
 9. Department of Public Works, Land Division Memo, 9/29/2010
 10. Department of Public Works, Communications Division Email, 10/15/2010
 11. Marin County Fire Department Memo, 5/26/09
 12. Marin Municipal Water District Letter, 1/6/2010
 13. Ross Valley Sanitary District Letter, 1/11/2010
 14. Michael Dybeck, CEO Marin Council, Boy Scouts of America, Letter with Photos 1/24/11
 15. Mark Fiore Email and Photos, 2/1/2011

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. _____

A RESOLUTION APPROVING
BELL ET AL. (VERIZON WIRELESS)
USE PERMIT (UP 10-12) AND DESIGN REVIEW (10-51)
1000 IRON SPRINGS ROAD, FAIRFAX

ASSESSOR'S PARCEL 197-110-09

SECTION I: FINDINGS

- I. WHEREAS NSA Wireless, Inc, on behalf of Verizon Wireless and the property owner, proposes to construct and operate a new wireless telecommunications facility at Tamarancho Boy Scout Camp. The facility would consist of a new 50-foot tall monopine with twelve 8-foot by 1-foot panel antennas mounted to reach a maximum height of 45 feet. All equipment would be located within a 1,216-square foot lease area enclosed by a new 6-foot chain link fence along the lease boundary. The lease area is approximately 356 feet to the easterly property line, 3,100 feet to the southerly property line, 2,350 feet to the westerly property line, and 2,725 feet to the northerly property line. The project would include 1) construction of an approximately 184-square foot new equipment shelter with two GPS antennas and a 48KW standby generator with a 210 gallon diesel tank, 2) associated cables, transformer, and utility routes, 3) underground installation of power and telecommunication conduits in a 1.5-foot wide and 3-foot deep trench along an access easement running 850 feet from the nearest utility pole, and 4) a new 12-foot wide gravel access easement running approximately 1,125 feet to a private dirt road off Iron Springs Road. The project includes the planting of four oak trees and 13 coyote brush plants outside the fenced area. The proposed project would expand the coverage area of the Verizon Wireless telecommunications network in the Fairfax area. The subject property is located at **1000 Iron Springs Road, Fairfax**, and is further identified as **Assessor's Parcel 197-110-09**.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on March 17, 2011 to consider the merits of the project, and hear testimony in favor of and in opposition to the project. The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and the date of the public hearing. This notice has been mailed to all property owners within 600 feet of the subject property, as well as to interested parties.
- III. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15303, Class 3 of the CEQA Guidelines because the construction of a new telecommunications facility would not result in environmental impacts. The applicant has submitted a report prepared by Hammett & Edison, Inc., dated July 29, 2009, which evaluates human exposure to radio frequency electromagnetic fields from the proposed telecommunications facility. The report concludes that the facility will comply with the prevailing standards for limiting public exposure to radio frequency energy and, therefore, will not cause a significant impact to the public. A biological report by

Kjeldsen Biological Consulting, dated February 2, 2011 determined that the project would not have significant adverse impacts on special status plant or animal species.

- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan due to the following factors:
- A. The project is consistent with CWP natural systems policies requiring the enhancement, protection, and management of native habitats and the protection of woodlands, forest, and tree resources (*CWP Policies BIO-1.1 and BIO-1.3*) because the project would not entail the removal of any trees. Access will be via an existing, old jeep trail and would entail minimal grading.
 - B. As reported in the biological assessment conducted by Kjeldsen Biological Consulting, the project would not result in impacts to special-status species (*CWP Policies BIO-1.1, BIO-2.1, and BIO-2.2*).
 - C. The project would not significantly impact the ecotones on the project site (*CWP Policies BIO-2.3 and BIO-2.4*) because of the small building footprint and the project's location far enough from riparian corridors to avoid being constrained by ecotones.
 - D. No wetlands or stream conservation areas would be affected by the project (*CWP Policies BIO-3.1 and CWP BIO-4.1*) because there are no wetlands or streams on or adjacent to the project site.
 - E. The project would not result in significant storm water 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*) because the project would comply with the standards and best management practices required by the Department of Public Works.
 - F. The project would be constructed in conformance County earthquake standards, as verified during review of the Building Permit application (*CWP Policies EH-2.1, EH-2.3, and CD-2.8*) and the subject property is not constrained by unusual geotechnical problems, such as existing fault traces.
 - G. The project design and conditions of approval ensure adequate fire protection (*CWP Policy EH-4.1*), removal of hazardous vegetation (*CWP Policy EH-4.2*), defensible space, and compliance with Marin County fire safety standards, construction of fire-resistant roofing and building materials (*CWP Policies EH-4.d, EH-4.e, EH-4.f, and EH-4.n*), and the limited vegetation around the proposed structure (*CWP Policy EH-4.h*).
 - H. The project would meet energy efficient standards for exterior lighting, and would reducing excessive lighting and glare (*CWP Policy DES-1.h*) because exterior up-lighting is not proposed, and standard conditions of project approval require that lighting be downward directed.
 - I. The project would preserve visual quality and protect scenic quality and views of the natural environment from adverse impacts related to development (*CWP Policy DES-4.1*), as discussed below in Design Review findings E and findings for consistency with Marin County Telecommunications Facilities Policy Plan.

V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin County Telecommunications Facilities Policy Plan (TFPP) and with the criteria for wireless communications facilities contained therein, as follows:

A. The TFPP states that wireless telecommunication facilities should be sited to avoid or minimize land use conflicts. The TFPP policies establish a general preference for non-residential sites for wireless facilities. TFPP policy LU 1.4 ranks location preferences in seven categories:

1. Industrial sites
2. Commercial sites
3. Public facilities sites
4. Agricultural sites
5. Mixed use sites
6. Open space and recreational sites
7. Residential sites

There are no industrial sites in the search ring for the coverage area. Based on an alternative site analysis submitted by the applicant, there are no adequate commercial or public facilities within the search ring coverage area. Given that Fairfax is primarily a residential community, the lowest priority for locating telecommunication facilities, the propose location is preferred to most of the alternative sites in the coverage area.

The subject property is zoned Limited Agriculture, which is ranked fourth in location preference. The private property is developed with a ranger's house, a camp that is operated by the Marin Council of the Boy Scouts of America, and a network of private trails, which as open space and recreation use would be ranked sixth. Adjacent properties are open space and residential. The nearest off-site residence is approximately 0.3 miles away.

The proposed stealth design is compatible with the open space and rural character and use of the subject property and surrounding areas. The site is served by an existing access roadway. The facility would be located on a flat knoll and would not require significant grading and no tree removal, or result in other adverse environmental impacts. The project would not result in adverse visual impacts because of the stealth design, existing vegetation, topography, and distance from the public view. Additionally, the project site will be landscaped to blend the silhouette of the monopine and to screen the equipment shed and fence. Based on these factors, the facility is consistent with the location standards contained in the TFPP.

TFPP policy LU 2.1 encourages co-location of facilities or clustering of facilities on a single property. The proposed facility would include pipe mounts that would be available for future co-location.

B. TFPP policies on visual and aesthetic compatibility specify that telecommunications facilities should be sited and designed to avoid or minimize adverse visual effects. Policy LU 1.1 states that new telecommunication facilities in Ridge and Upland Greenbelts areas should be avoided unless no other technically feasible and available site exists. As called for in the TFPP, the applicant provided an alternative site analysis

indicating no other sites were available that would provide the objective coverage to serve Fairfax and provide linkage with other existing towers. Alternative sites were also examined within the Boy Scout camp that would provide the necessary line of sight for adequate service and would avoid areas of high camp activities, traffic, and trails. The proposed site meets the criteria for the Boys Scouts as well as the telecommunication carrier.

Because of the location, a stealth design is proposed. The project site is located at the upper end of a deep canyon, which limits nearby visibility. Given the distance before the project is visible, the monopine is a suitable design that should blend with the natural surrounding. There is some concern that the size of the antenna panels may be too large and somewhat compromise the effective aesthetics of the monopine. The applicant has not provided substantial information to justify the size of the antennas. Therefore, as a condition of approval, the size of the panels would be reduced from 8 feet to 6 feet in length.

Even though the project would be located on a ridgeline, it is not a prominent ridgeline. The hilly topography of the area limits the project's visibility. There are clusters of trees on two sides of the project, limiting visibility from two angles. White Hill is a taller and much larger ridgeline northwest of the project site, which forms a backdrop to the project knoll and further limits visibility. A metal tower/story pole was erect on the project site to demonstrate the visual impacts of the tower. The tower is not visible from Iron Springs Road outside the subject property. The story pole revealed that the tower would be visible along the ridgeline for about a block driving northwesterly on Center Street heading into Fairfax. However, the project site is over 1.6 miles away and with a stealth design, would have no significant visual impacts. Extensive driving around Fairfax did not reveal significant visibility. The project is not visible from nearby open space trails. The visual effects of the project would be limited and therefore consistent with the intent of the TFPP policy.

VIS 2.2.1 calls for telecommunication facilities to blend with the surrounding natural and built environments. The project is a stealth design and includes an equipment storage shed that would be constructed of materials and colors that blend with the natural setting. However, the proposed galvanized chain link fence would not blend with the surrounding landscape and therefore would be conditioned to be painted matte, non-reflective black or forest green and to have redwood slat inserts to reduce reliance on vegetation for screening. The project includes landscaping with native oaks and shrubs around the perimeter fence to screen the equipment area and blend any silhouette on the ridge. However, since the proposed landscape plan includes pyrophytic plants, as a condition of approval, the landscape plan would be revised to incorporate fire resistant and drought tolerant plants.

Overall, the proposed project would be compatible with current uses on the property and would not conflict with the visual character of the subject or surrounding properties.

- C. The applicant submitted a report by Hammett & Edison, Inc, dated July 29, 2009. This report concluded that the existing facility would not result in significant risks with respect to human exposure to radio frequency fields because the proposed facility

would generate maximum ambient radio frequency levels that are below the applicable public exposure limit established by the Federal Communications Commission (FCC).

- D. The facility would allow Verizon to expand existing communication services in the Fairfax area, allowing the carrier to provide a reliable source of wireless communications to residents, businesses, and emergency service providers in the County. The property owners wish to secure stable communication service for emergency services throughout their property.
 - E. The facility is located in a woodland area. Noise levels associated with the operation of the facility would not exceed the ambient noise levels to adjacent properties. With exception to routine maintenance visits by a cellular site technician, the facility would not generate other traffic trips to the property. In addition, maintenance visits would be infrequent and would typically occur during the day, between 7:00 a.m. and 5:00 p.m. Therefore, the proposed facility would neither generate significant levels of noise nor traffic.
 - F. The facility would not create lighting impacts on surrounding areas because conditions of approval specify that exterior lighting shall be permitted for safety purposes only and shall be manually operated, low intensity, shielded, and directed downward to minimize visual effects on adjoining areas.
 - G. Vehicular access for the proposed project site would be provided from improvements to an existing jeep trail. During installation, a parking and staging area is available at the entrance to the jeep trail at the nearby Ghillotti Camp. No additional parking area would be required for the operation of the facility.
 - H. Except for invasive broom and grass to be cleared for the footprint of the project, access road, and utility line, the project would not require removal of vegetation. Existing trees and proposed landscaping surrounding the facility would provide adequate screening of the facility from off-site views.
- VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory Use Permit findings (Section 22.48.040 of the Marin County Code), as specified below:

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

The proposed project would be incidental to the primary limited agricultural and conservation use of the subject property. Pursuant to Marin County Code Section 22.08.030, the construction and maintenance of communication facilities, are permitted in A60 zoning districts.

Telecommunication facilities may be approved in the governing Limited Agricultural zoning district by Use Permit pursuant to Section 22.48 of the Marin County Code when it is found to be necessary for public health, safety, convenience, or welfare. The telecommunications facility is part of the Verizon Wireless network, which provides wireless cellular and personal communication services to residents and businesses in Marin County and contributes to public safety, convenience, and

welfare. It is noted that Use Permit requirements may be waived when a wireless communication facility is co-located and/or uses stealth design. While this project incorporates a stealth design, given the new use on the property and location within a Ridgeland and Upland Greenbelt, a Use Permit was deemed necessary.

B. The proposed use is consistent with the Countywide Plan and applicable Community Plans.

Please see Section IV above. There are no applicable Community Plans.

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

Please see Section III above.

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

The proposed project would not result in significant adverse visual impacts because the stealth design is appropriate for the existing use on the property and would be screened by existing vegetation, fencing, landscaping, and topography. Please see Section V.B above.

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

Please see Section V.B and F above.

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

The project would not result in significant, public health risks with respect to human exposure to radio frequency radiation because the facility will operate well below the exposure limits set by the Federal Communications Commission (FCC). The granting of the proposed Use Permit on the subject property would not be detrimental to the health, safety, comfort, or welfare of persons working or residing in the nearby neighborhood.

VII. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory Design Review findings (Section 22.42.060 of the Marin County Development Code), as specified below:

A. The proposed development provides architectural design, massing, materials, and scale appropriate to and compatible with the site surroundings and the community.

Please see Section V.B above.

- B. The proposed development results in site layout and design (including building arrangement, exterior appearance, heights, setbacks, drainage, fences and walls, grading, lighting, signs, etc.) that will not eliminate significant sun and light exposure, views, vistas, and privacy to adjacent properties; that will not result in light pollution, trespass, and glare; and that will not adversely affect rights-of-way or pathways for circulation.**

The project would be located with adequate setbacks to adjoining properties and would not interfere with development on other properties. The project would be a stealth design that would be far enough away from residential areas that it would not result in loss of light, air, privacy, or views in the neighborhood. Please also see Section V.B and F above.

- C. The proposed development will provide appropriate separation between buildings and will be properly and adequately landscaped with maximum retention of trees, native plants, and other natural features consistent with fire safety requirements.**

The facility would maintain large setbacks to all surrounding properties and would not interfere with the existing agricultural, conservation, and recreation use of the property. The proposed facility would be located within a fenced lease area that is not accessible to the Boy Scouts and other users of the private property. A segment of a private trail (the junction of Goldman and Broken Dam Trails) is located approximately 350 feet below and out of sight of the proposed facility. Users of the trail must receive a permit from the property owners to use these trails, which are not open to the general public. In addition, the facility would be largely screened from off-site views by topography, existing vegetation, proposed landscaping, and the stealth design.

- D. The proposed development will minimize cut and fill, the reforming of the natural terrain, and appurtenant structures (e.g. retaining walls and bulkheads).**

The project would not entail retaining walls, tree removal, substantial grading, or other adverse physical effects on the environment. Trenching for underground utilities will entail the removal of invasive broom and replanting of native grasses.

- E. The proposed development complies with the Single-family Residential Design Guidelines and the design and locational characteristics listed in Chapter 22.16 (Planned District Development Standards).**

The project is located along a minor ridgeline in a designated Ridge and Upland Greenbelt. While design standards discourage development near visually prominent ridgelines, ridgeline development may be allowed if no other suitable location is available on the site. According to the alternative site analysis prepared by Verizon and from correspondence with the Boy Scout representative, the subject site is the only suitable location on the subject property.

Design standards further require that if structures must be placed near ridgeline, they shall be in a location that is the least visible from adjacent properties and view

corridors. The proposed project is consistent with design standards because it is a stealth design, related equipment and fencing will be landscaped and constructed of materials that will blend into the natural environment, and the topography and remote location is the least visible from adjacent properties and view corridors. Please see Section V.B above.

F. The project design includes features which foster energy and natural resource conservation while maintaining the character of the community.

The County Green Building standards are not applicable to telecommunication facilities. Similarly, the project is not subject to Title 24 and Ordinance 3492.

G. The design, location, size, and operating characteristics of the proposed use are consistent with the Countywide Plan and applicable zoning district regulations and will not be detrimental to the public interest, health, safety, convenience, or welfare of the County.

As noted in Section IV above, the proposed project would be consistent with the Countywide Plan. The project would be consistent with the zoning district regulations and would not be detrimental to the public health, safety, and welfare.

SECTION II: ACTION

NOW, THEREFORE, LET IT BE RESOLVED, that the Marin County Deputy Zoning Administrator hereby approves the Bell et al. Use Permit (UP 10-12) and Design Review (DR 10-51) subject to the conditions of approval listed below. This approval authorizes the construction and operation of a new wireless telecommunications facility at Tamarancho Boy Scout Camp. The facility is approved to consist of a new 50-foot tall monopine with twelve 6-foot by 1-foot panel antennas mounted to reach a maximum height of 45 feet. All equipment is approved to be located within a 1,216-square foot lease area enclosed by a new 6-foot chain link fence along the lease boundary. The project site is approved to be located approximately 356 feet to the easterly property line, 3,100 feet to the southerly property line, 2,350 feet to the westerly property line, and 2,725 feet to the northerly property line. The project is approved to include 1) construction of an approximately 184-square foot new equipment shelter with two GPS antennas and a 48KW standby generator with a 210 gallon diesel tank, 2) associated cables, transformer, and utility routes, 3) underground installation of power and telecommunication conduits in a 1.5-foot wide and 3-foot deep trench along an access easement running 850 feet from the nearest utility pole, and 4) a new 12-foot wide gravel access easement running approximately 1,125 feet to a private dirt road off Iron Springs Road. Approval is granted for the planting of four oak trees and 13 non-pyrophytic plants outside the fenced area. The subject property is located at **1000 Iron Springs Road, Fairfax**, and is further identified as **Assessor's Parcel 197-110-09**.

This decision certifies the proposed project's conformance with the requirements of the Marin County Development Code and in no way affects the requirements of any other County, State, Federal, or local agency that regulates development. A Building Permit and additional permits and/or approval may be required from the Department of Public Works, and the appropriate Fire Protection Agency.

SECTION III: CONDITIONS OF APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Bell et al. Use Permit and Design Review subject to the conditions as specified below:

Marin County Community Development Agency - Planning Division

1. Development and use of the facility shall conform to plans identified as **Exhibit A**, entitled "Verizon Wireless, 183003 Fairfax," consisting of nine sheets prepared by BayStone Architecture and Engineering, revised November 11, 2010 and received March 8, 2011, and two sheets prepared by Borrecco/Kilian & Associates, dated February 14, 2011, received February 22, 2011, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
2. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a complete set of revised plans for review and approval by the Community Development Agency staff depicting the following changes. Once approved, these plans shall be incorporated into the approved project file as **Exhibit A-1** and shall supersede **Exhibit A**.
 - a. The size of each panel shall not exceed 6 feet in length by 1 foot in width, unless compelling information is provided that warrants a larger panel.
 - b. The landscape plan shall be revised to include 13 fire-resistant, drought tolerant, and at least 5-gallon sized shrubs to replace the proposed coyote brush.
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 these Use Permit and Design Review Conditions of Approval as notes.
4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant and the property owner shall enter into a standard Performance Agreement with the Planning Division and post a bond or other suitable security in order to guarantee removal of an abandoned facility. The bond or other suitable security shall be effective during the entire term of the Use Permit. Upon expiration of the Use Permit, all equipment, structures, and antennas shall be removed and the site returned to its pre-existing conditions.
5. The support monopine, antennas, and branches shall be painted, textured, or covered to resemble natural materials and shall incorporate the best available design and finishes that would blend into the surrounding environment. No portion of the antennas shall protrude beyond the canopy of the monopine.
6. The pre-fabricated equipment shelter shall be light weight concrete with aggregate siding and "torque tan" colored trim and roof, substantially conforming to the color/materials samples identified as **Exhibit B**.
7. The emergency generator appurtenant to the approved equipment building shall be tested only on weekdays, Monday through Friday, from 9:00 a.m. to 4:00 p.m.

8. The approved communication facility must be maintained in a clean, weed-free, and orderly condition. Any damage or vandalism to the site must be repaired promptly. No equipment, operable or inoperable, shall be stored outside the equipment building, other than the installed antennas and emergency generator.
9. The approved facility must be dismantled and removed from the premises if it has been inoperative or abandoned for a one-year period.
10. The property owner shall be responsible for notifying the Planning Division in writing in advance of any changes to vendors operating at the site. The property owner shall share responsibility for compliance with all Use Permit conditions of approval including submitting an application for Use Permit Renewal several months before the expiration date.
11. Exterior lighting shall be permitted for safety purposes only and shall be manually operated, low intensity, shielded, and directed downward to minimize visual effects. No exterior lighting is proposed or approved on the antennas as part of this application.
12. The approved facility shall operate in compliance with the noise exposure standards contained in the Marin Countywide Plan. Normal testing and maintenance activities shall occur between the hours of 7:00 a.m. and 5:00 p.m., Monday through Sunday, excluding emergency repairs. Normal testing and maintenance activities which do not involve the use or operation of telecommunications and maintenance equipment that is audible from nearby sensitive receptors may occur at all times. Back-up generators shall comply with the above-referenced noise standards, and shall only be operated during power outages, emergency occurrences, or for testing and maintenance as described above.
13. No tree removal or trimming of surrounding trees shall occur unless the Agency Director grants prior authorization.
14. Utility extensions or connections shall be underground.
15. The applicant shall be responsible for ensuring that the number of construction vehicles is limited to the minimum number necessary to complete the project.
16. If archaeological resources are discovered during site preparation or construction, all work at the site shall stop and the applicant shall contact the Marin County Environmental Coordinator. A registered archaeologist, chosen by the County and paid for by the applicant, shall assess the site and shall submit a written report to the Community Development Director advancing appropriate mitigations to protect the resources discovered. No work at the site may recommence without approval of the Community Development Director. All future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the Community Development Director. If the report identifies significant resources, amendment of the permit may be required to implement mitigations to protect resources.
17. This Use Permit approval does not preclude the future approval of other telecommunications facilities on the subject property. The applicant shall cooperate with County efforts to utilize the subject property for shared location or co-location in the

future if it is technically feasible and would minimize adverse affects related to land use compatibility, visual resources, public safety, and other environmental factors.

18. The electromagnetic field (EMF) strengths or equivalent plane-wave power densities generated by the approved facility, in combination with other existing ambient sources of EMF, shall not expose the general public to EMF levels which exceed the Maximum Permitted Exposure levels for electric and magnetic field strength and equivalent plane-wave power density in the EMF emission guidelines adopted by the Federal Communications Commission (FCC). In the event the FCC adopts a more restrictive Maximum Permitted Exposure Level, or the County adopts a more restrictive EMF exposure standard if allowed by future changes in Federal law, the applicant shall demonstrate compliance with the more restrictive standard unless such a requirement is preempted by State or Federal law. The applicant shall demonstrate compliance by submitting a radio frequency report to the County within 90 days of the effective date of the standard or longer period as required by the applicant and subsequently approved by the Community Development Director. The radio frequency report shall determine conformance with the updated standard by calculating the EMF power levels of the approved facility in combination with other existing ambient sources.
19. This Use Permit may be revoked by the County should the approved facility, in combination with other existing ambient sources exceed an updated EMF standard unless the location, design, and/or operation of the approved facility is modified to meet the updated standard. Modifications of the approved facility shall be submitted to the Community Development Agency to determine if amendments to these permit approvals are necessary. This condition shall not apply if the County is preempted by Federal and/or State law, rules or regulations from applying an updated EMF standard after the approved facility has been constructed.
20. 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.
21. The applicant shall hold harmless the County of Marin or its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, and employees to attack, set aside, void, or annul, this approval by the County of the North Marin Water District (Verizon Wireless) Use Permit and Design Review.
22. This Use Permit is subject to revocation procedures contained in Chapter 22.120 of the Marin County Code in the event any of the terms of this approval are violated or if the uses are conducted or carried out in a manner so as to adversely affect the public interest, health, safety, convenience, or welfare of the County.
23. BEFORE FINAL INSPECTION, the applicant shall install all landscaping in accordance with the approved landscape plan. The applicant shall call for a Community Development Agency staff inspection of the landscaping at least five working days before the anticipated completion of the project. Failure to pass inspection will result in withholding of the Final Inspection and imposition of hourly fees for subsequent reinspections.

24. UPON VESTING OF THE PROJECT, the Community Development Agency shall record this Notice of Decision, including all conditions of project approval, with the Marin County Recorder's Office to advise future property owners of the conditions of approval for this telecommunications facility.

Department of Public Works

25. Per MCC 24.04.016, if construction activity, equipment, vehicles and/or material delivery and storage cause damage to any existing facility (e.g., pavement, curb, gutter, sidewalk, landscaping) beyond normal wear and tear, as determined by the agency, then the permittee shall be responsible for the repair of same.
26. Per MCC 23.18.093 any construction contractor performing work in the county shall implement appropriate BMPs to prevent the discharge of construction wastes or contaminants from construction materials, tools and equipment from entering a county storm drain system. In addition: all construction plans submitted to the county pursuant to any permit application shall consider the potential for erosion and sedimentation at the construction site and shall comply with county code Sections 24.04.625 and 24.04.627.
27. Erosion control measures shall be installed prior to site disturbing activities, and shall be maintained or modified to remain effective for the duration of the work.
28. Public utility easement shall be of sufficient width to access, protect, or maintain the easement or the facilities therein and it is recommended that such an easement not be less than ten feet.
29. BEFORE ISSUANCE OF A BUILDING PERMIT, provide documentation that the access has been reviewed and approved by the Fire Department.
30. BEFORE ISSUANCE OF A BUILDING PERMIT, the plans shall be internally consistent in regards to the depiction and labeling of the access driveway to the site (C-3 shows an 18 foot wide road, though A-2 shows a 12 wide driveway). MCC 24.04.260(d) states that the minimum improved width of a driveway serving nonresidential uses shall be eighteen feet.
31. BEFORE ISSUANCE OF A BUILDING PERMIT, the plans shall be reviewed and approved by Registered Civil Engineer with soils engineering expertise or a Registered Geotechnical Engineer. Certification shall be either by the engineer's stamp and signature on the plans, or by stamp and signed letter.
32. BEFORE ISSUANCE OF A BUILDING PERMIT, a registered Engineer shall design the site/driveway retaining walls, drainage, and grading plans. Plans must have the engineer's signature and stamp.
33. BEFORE ISSUANCE OF A BUILDING PERMIT, a separate Building Permit is required for site/driveway retaining walls with a height more than 4' (or 3' when backfill area is sloped or has a surcharge).
34. BEFORE ISSUANCE OF A BUILDING PERMIT, submit Erosion and Siltation Control plan for work to be performed between October 15 and April 15, or indicate erosion

control and debris barrier measures on site plan. You may refer to the Marin Stormwater Pollution Prevention Program's website, www.mcstoppp.org, for suggested methods and measures under Resources for: Construction: Construction Brochures: Minimum Erosion Control Measures and Pollution Prevention- It's Part of the Plan, among others. Plans shall indicate total acreage of site disturbance.

35. BEFORE ISSUANCE OF A BUILDING PERMIT, note on the plans that the Design Engineer/Architect shall certify to the County in writing that all grading and drainage improvements were completed in accordance with plans and field directions. Also note that DPW Engineer shall inspect and accept work after receipt of certification letter. Certification letters shall reference the APN and building permit number, or numbers, for specific work being certified.

Marin County Fire Department

36. A defensible space zone (minimum of 30-100 feet) and vegetation management plan is required. At a minimum, the vegetation management plan must contain a site plan showing the existing vegetation (including existing trees) and those proposed to be added and/or removed, the proposed structures with their defensible space zone(s) delineated, plant types and spacing. The vegetation management plan must also contain a list of proposed plants that are consistent with an approved (non-pyrophytic) plant list. Please see the Marin County Fire Department Prevention Bureau Defensible Space Standard, which may be downloaded from our web site (www.marincountyfire.org). PRIOR TO ISSUANCE OF BUILDING PERMIT, the applicant shall provide confirmation that the Fire Department has approved the landscape and vegetation management plan.
37. Fire Department holds will be placed on the building permit for this project. PRIOR TO FOUNDATION INSPECTION, the defensible space must be in-place and any required fees paid. Please allow lead-time to schedule your Fire Department inspections to prevent any delay in your project. If you have any questions, please contact the inspecting Captain or the Fire Marshal's office.
38. Annual maintenance of the defensible space is required. Trees shall not be planted in a location that, when mature, said trees will contact overhead power lines.
39. The LPG tank location must be approved by the Fire Department. Note that seismic bracing, seismic shutoff device or excess flow device per Marin County Building Department standards is required and must be maintained.
 - a. Minimum defensible space requirement:
 - b. No combustible materials within 15-feet of any part of the tank.
 - c. Defensible space must be maintained.
40. Fire Department access is acceptable as proposed. Please note that an emergency vehicle clear zone such that vegetation adjacent to driveways and access roads is cleared to a minimum of 15' vertically (no exceptions) and 10' horizontally (no exceptions, first 5'). The Department of Public Works enforces the road and driveway standards.

Note that if a gate is contemplated, Fire Department approval for gates on the access road and/or driveway is required. If the gate is locked in any fashion, a MCFD Knox rapid entry system is mandatory.

SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this approval by substantially completing all conditions of approval and commencing the allowed use by **March 17, 2013**, or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 10 days before the expiration date above and the Community Development Agency staff approves it. An extension of up to four years may be granted for cause pursuant to Section 22.56.050.B.3of the Marin County Code.

NOW, THEREFORE BE IT FURTHER RESOLVED that this Use Permit shall be valid until **March 17, 2021**, unless the conditions of approval are violated, in which case the Use Permit may be revoked. The applicant shall submit an application to renew the Use Permit at least 60 days prior to the expiration of the Use Permit. Should the Use Permit expire without benefit of a renewal, all equipment, structure, and antennas shall be removed and the site shall be returned to its preexisting conditions.

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, before **4:00 p.m.** on **March 31, 2011**.

SECTION IV: DECISION

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 17th day of March 2011.

JOHANNA PATRI
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary