



**STAFF REPORT TO THE MARIN COUNTY DEPUTY ZONING ADMINISTRATOR  
SOUZA USE PERMIT  
EXTENSION OF TIME TO VEST**

Item:	1.	Project ID:	2011-0171
Applicant:	William R. Souza	Owner:	William R. Souza
Property Address:	1740 Tomales Petaluma Road, (301 Alexander Road), Petaluma	Assessor's Parcel:	100-070-21
Hearing Date:	September 29, 2011	Planner:	Neal Osborne

**RECOMMENDATION: Approve with Conditions**  
**APPEAL PERIOD: Ten business days to  
the Planning Commission**

**PROJECT DESCRIPTION:**

The project is a proposal to obtain an extension to the deadline to vest the Souza Use Permit approved by the Deputy Zoning Administrator in 2005 for the on-going use of the Circle S Rifle Range. This approval established a one-year vesting deadline for the construction of improvements to the firing line to prevent stray fire incidents, installation of an earthen berm, and planting 100 pine trees. The one-year vesting deadline was established to expedite the construction of the improvements for a facility operating without a valid Use Permit and subject to Code Enforcement processing.

The 2005 Use Permit approved the continued use of the Circle S Rifle Range, an established use since 1969. Four separate firing line areas exist for skeet, pistols, small-bore rifles, and large-bore rifles. Two of the firing lines have roof-covered shelters with dimensions of 22 feet by 61 feet and 20 feet by 73 feet. A restroom connected to an approved septic system is located near the northwest corner of the parking lot and a portable accessible restroom would be located adjacent to the accessible parking spaces. The shooting range is open daily from 8:00 A.M. to 5:00 P.M.. On Thursday through Monday the range is open to the general public for a daily fee. On Tuesdays and Wednesdays, the range is open only for governmental agencies and groups. The number of people using the facility ranges from approximately 10 people to 25 people per day. Spent shell casings are collected and recycled. Bullets and pellets are collected by hand raking and sifting according to Section 3.3.1 of the EPA Best Management Practices for Lead at Outdoor Shooting Ranges. Thirty-one parking spaces are proposed on site, including two disabled accessible spaces. The project includes proposals to provide a protection baffle in front of the firing line to prevent stray fire, a 20-foot high earthen berm behind the 25-yard target area, and planting 100 pine trees across the south end of the range.

## **GENERAL INFORMATION:**

Countywide Plan

Land Use Designation: AG1, Agriculture and Conservation, one unit per 31 acres to 60 acres

Zoning: A60, Agriculture and Conservation, 60 acres minimum lot size

Lot size: 19 acres

Adjacent Land Uses: Agriculture and Single-family residential

Vegetation: Grass and introduced pine trees

Topography and Slope: The site has 5% to 20% upslope to the south

Environmental Hazards: Proximity to the San Andreas and Hayward Fault Zones and would be subject to strong ground shaking during a proximate seismic event.

## **ENVIRONMENTAL REVIEW:**

The Environmental Coordinator has determined that this project is Categorically Exempt from the requirements of the California Environmental Quality Act pursuant to Section 15301, Class 1 of the CEQA Guidelines because it is the continuation of an existing use with negligible or no expansion of use and would not result in significant adverse impacts on the environment.

## **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 1,000 feet of the subject property.

## **PLAN CONSISTENCY:**

The project would be consistent with the goals and policies of the Marin Countywide Plan.

## **PROJECT ANALYSIS:**

In 1969, the Marin County Planning Commission approved a Use Permit for this shooting range. In 1992, the DZA approved a new Use Permit for a five-year term. In 2005, the DZA approved a new Use Permit for a 10-year term. The extension of time to vest the Use Permit approval would allow for completion of the site improvements to increase the margin of safety at the range and in the vicinity.

On July 1, 2007, the applicant obtained a Building Permit but has not completed the construction work due to extenuating personal circumstances (Attachment 4). The Building Permit remains valid because the Building Official extended it to September 29, 2011. No project design changes are proposed and the project would not result in adverse effects to the surroundings.

Pursuant to Marin County Code Section 22.56.050.B.3, the permit may be extended a maximum of four years following the original expiration date based on the applicant's good faith and due diligence in complying with the conditions of approval. In addition, the County Board of Supervisors passed Ordinance 3524 on August 11, 2009, which unilaterally extended all discretionary applications due to expire in FY 09-10 by one year adding one year to the effective Use Permit approval period. The original Use Permit vesting deadline of June 26, 2006 has been extended with the grant of a Building Permit and the extension of the Building Permit to September 29, 2011 pursuant to Marin County Code Section 22.56.050.B.5. The applicant has shown good faith towards completing the project with the

acquisition of a Building Permit, but due to personal issues, has not been able to complete the work in a timely manner.

As a facility that has been in operation for more than 40 years with no confirmed safety problems, staff recommends granting a one year extension of time to vest the Use Permit with substantial completion of the approved work before September 29, 2012. Failure to complete work stipulated by this Use Permit extension will result in expiration of the range's Use Permit, and the need to either apply for and receive a new Use Permit or subject the range to abatement actions.

Please review the Staff Report for the 2005 Use Permit for additional background information and analysis of planning issues associated with the project (Attachment 3).

**CONCLUSION:**

Staff finds that the proposed extension of time to vest the approval of the Use Permit is appropriate and would be consistent with the Countywide Plan and Development Code.

**RECOMMENDATION:**

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and adopt the attached Resolution approving the Souza Use Permit Extension of Time to Vest for one additional year based on the findings and subject to the conditions contained therein.

- Attachments:
1. Proposed Resolution approving the Souza Use Permit Extension of Time to Vest
  2. DZA Notice of Decision and Resolution 05-196 approving the Souza Use Permit with conditions
  3. DZA Staff Report, 9/29/05
  4. William R. Souza, Request for Extension Letter, 4/26/11

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MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION \_\_\_\_\_

A RESOLUTION APPROVING  
THE SOUZA USE PERMIT  
EXTENSION OF TIME TO VEST

1740 TOMALES PETALUMA ROAD (301 ALEXANDER ROAD), PETALUMA

ASSESSOR'S PARCEL 100-070-21

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SECTION 1: FINDINGS

- I. WHEREAS William R. Souza submitted an application for an extension of the vesting deadline for the Use Permit that the Deputy Zoning Administrator approved in 2005 for the continued use of the Circle S Rifle Range. Four separate firing line areas exist for skeet, pistols, small-bore rifles, and large-bore rifles. Two of the firing lines have roof-covered shelters with dimensions of 22 feet by 61 feet and 20 feet by 73 feet. A restroom connected to an approved septic system is located near the northwest corner of the parking lot and a portable accessible restroom would be located adjacent to the accessible parking spaces. The shooting range is open daily from 8:00 A.M. to 5:00 P.M.. On Thursday through Monday the range is open to the general public for a daily fee. On Tuesdays and Wednesdays, the range is open only for governmental agencies and groups. The number of people using the facility ranges from approximately 10 people to 25 people per day. Spent shell casings are collected and recycled. Bullets and pellets are collected by hand raking and sifting according to Section 3.3.1 of the EPA Best Management Practices for Lead at Outdoor Shooting Ranges. Thirty-one parking spaces are proposed on site, including 2 disabled accessible spaces. The project includes proposals to provide a protection baffle in front of the firing line to prevent stray fire, a 20-foot high earthen berm behind the 25-yard target area, and planting 100 pine trees across the south end of the range. **The subject property is located at 1740 Tomales Petaluma Road, Petaluma, and is further identified as Assessor's Parcel 100-070-21.**
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on September 29, 2011, to consider the merits of the project, and hear testimony in favor of, and in opposition to, the project.
- 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, per Section 15301, Class 1 because the continued use of the shooting range would not result in significant adverse environmental effects.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan because it would:

- A. Provide continued recreational opportunities on an improved site that is served by existing roadways, and necessary public and community facilities within the Inland Rural Corridor;
  - B. Not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or agriculture;
  - C. Minimize soil disturbance and maximize the preservation of natural vegetation; and
  - D. Provide consistency with the land use designation of AG1, Agriculture 31 acres to 60 acres minimum lot area.
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve a Use Permit (Marin County Code Section 22.48.040).

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

The continued use of the existing shooting range is allowed as a Rural Recreation land use, and pursuant to Marin County Code Section (MCC) 22.08.030, a Use Permit is required for this use in the A60 zoning district. The project would be compatible with the neighborhood.

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

The continued use of the existing shooting range would be a rural recreational use comparable to a hunting club or institutional recreational use that is permitted in the AG1 land use designation.

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

The continued use of the existing shooting range would be a rural recreational use with negligible or no increase in intensity of use that is a class of project that is exempt from CEQA pursuant to CEQA Guidelines Section 15301, Class 1 because it would not result in potentially adverse impacts regarding additional land disturbance, impermeable surface area, visual impacts, or noise.

**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 continued use of the existing shooting range in a rural agricultural area surrounded by large 25-acre to 300-acre properties would be compatible with existing and future land uses.

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

The continued use of the existing shooting range would be consistent with other development in the vicinity.

- F. That 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 continued use of the existing shooting range would not be detrimental to people or property in the vicinity because the hours of use are limited to 8:00 A.M. to 5:00 P.M., the number of people on the firing line is limited to 30, the site topography uses the hill and earthen berms as target backstops, adequate separation from adjacent land uses, construction of a protection baffle to prevent stray fire, collection and recycling of shells and bullets, and implementation of safety procedures recommended by the National Rifle Association.

- VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the grant of an extension of time to vest the approval of the Use Permit is appropriate because there are no substantial project design changes and the applicant has experienced personal hardship precluding timely completion of the work. The extension of time would not result in any conflict or inconsistencies with the requirements and objectives of the Marin Countywide Plan or the Development Code (Title 22 of Marin County Code).

## **SECTION 2: CONDITIONS OF PROJECT APPROVAL**

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves an extension of time to vest the Souza Use Permit (UP 04-29) subject to the following conditions:

### Marin County Community Development Agency, Planning Division

1. The Souza Use Permit is approved pursuant to Chapter 22.48 of Marin County Code to continue the use of the Circle S Rifle Range. The approval permits four separate firing line areas for skeet, pistols, small-bore rifles, and large-bore rifles. Two of the firing lines have roof-covered shelters with dimensions of 22 feet by 61 feet and 20 feet by 73 feet. A restroom connected to an approved septic system is located near the northwest corner of the parking lot and a portable accessible restroom would be located adjacent to the accessible parking spaces. The approval permits the shooting range open daily from 8:00 A.M. to 5:00 P.M.. On Thursday through Monday the range is open to the general public for a fee charged per person per day. On Tuesdays and Wednesdays, the range is open only for governmental agencies and groups. The maximum number of people using the facility ranges at any one time shall be 30 people. Spent shell casings shall be collected daily and recycled. Bullets and shot shall be collected by hand raking and sifting according to Section 3.3.1 of the EPA Best Management Practices for Lead at Outdoor Shooting Ranges. Thirty-one parking spaces shall be provided on site, including 2 disabled accessible spaces. The project approval includes construction of a protection baffle in front of the firing line to prevent stray fire, a 20-foot high earthen berm behind the 25-yard target area, and planting 100 pine trees around the perimeter of the range. The subject property is located at 1740 Tomales Petaluma Road (301 Alexander Road), Petaluma and is further identified as Assessor's Parcel 100-070-21.
2. All safety procedures recommended by the National Rifle Association and updated from time to time, for public shooting ranges shall be followed. These procedures include but are not limited to the following:

- a. A qualified safety monitor shall be present at all times to supervise all shooting and firearms handling.
  - b. Safety procedures shall be posted appropriately around the site and shall be provided for review and signed acknowledgement of each shooter before using the range.
  - c. No disorderly behavior shall be tolerated and violators shall be removed from the property.
  - d. No shooting allowed while under the influence of alcohol or drugs.
  - e. Only unloaded firearms shall be brought to, and removed from, the firing line.
  - f. Ammunition shall be transported separate from firearms.
3. Except as modified herein, the required Building Permit and site improvements shall substantially conform to plans on file with the Marin County Community Development Agency, Planning Division identified as Exhibit A, "Circle S Range, 301 Alexander Road, Petaluma, CA", consisting of nine sheets, prepared by Matthew E. Donohue, RCE Trans Tech Consultants, dated April 21, 2004, and date stamped received in the Planning Division on April 29, 2004.
  4. BEFORE SEPTEMBER 29, 2012, the applicant shall obtain Final Inspection approval for the construction of the Protection Baffle.
  5. 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 Conditions of Approval as notes.
  6. Steel shotgun loads shall be used at the skeet firing area and lead shotgun loads are prohibited.
  7. Livestock shall be excluded from the skeet firing area to prevent trampling of shot and clay fragments into the soil.
  8. On an annual basis, before October 15 of each year, the target and skeet areas shall be raked and cleaned of spent bullets, clay fragments, and shot, and taken to a recycling or approved waste facility.
  9. All construction activities shall comply with the following standards:
    - a. Except for such non-noise generating activities, including but not limited to, painting, sanding, and sweeping, 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. Loud noise generating construction related equipment (e.g. backhoes, generators, jackhammers) can be operated from 8:00 a.m. to 5:00 p.m. Monday through Friday only. No construction shall be permitted on Sundays or the following holidays (New Year's Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, Christmas). If the holiday falls on a weekend, the prohibition on noise-generating construction activities shall apply to the ensuing weekday during which the holiday is observed. 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.

10. 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 (description of project being approved), for which action is brought within the applicable statute of limitations. This indemnification shall include, but not be limited to, damages, fees, and/or costs awarded against the County, if any, and the cost of suit, attorney's fees, and other costs, liabilities, and expenses incurred in connection with such proceedings, whether incurred by the applicant/owner, the County, and/or the parties initiating or bringing such proceeding.
11. 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.
12. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated. Construction involving modifications that do not substantially comply with the approval, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications are obtained by the applicant.
13. The Use Permit shall be valid for a ten-year term ending on June 29, 2016.

Community Development Agency, Environmental Health Services Division

14. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall obtain an Operating Permit for the water system that will serve both the shooting range and the ranch homes.
15. BEFORE FINAL INSPECTION, the applicant shall install water service pursuant to the Operating Permit with water line connection, installation of a treatment system, and demonstration that the system is operational.

Department of Public Works, Land Use and Water Resources Division

16. BEFORE ISSUANCE OF BUILDING PERMIT, the applicant shall submit or complete the following items:
  - a. The plans shall be revised to that accessible parking shall comply with all Federal and State (Title 24) regulations.
  - b. The plans shall indicate the first 30 feet of driveway paved with A.C., concrete, or pavers. An Encroachment Permit shall be required for all improvements within the right-of-way.
  - c. The driveway approach must conform to UCS B103 or as approved by DPW.
  - d. The handicap parking area shall be paved with concrete or asphalt concrete (2 inches A.C. over 6 inches A.B.) Identify the hatch area shown on the plans.
  - e. The minimum driveway width shall be 18 feet including the gate opening and the minimum driveway aisle shall be 24 feet wide.



- f. Install "No Parking" sign at the emergency turnaround area.
- g. Submit an Erosion and Siltation Control Plan if grading is contemplated between October 15 and April 15.

**SECTION 3: VESTING, PERMIT DURATION, AND APPEAL RIGHTS**

NOW, THEREFORE BE IT RESOLVED that the applicant must vest the Souza Use Permit Extension approval before September 29, 2012 with substantial completion of all improvements in accordance with the conditions of approval, or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 30 days before the expiration date and the Director approves it.

NOW, THEREFORE BE IT FURTHER RESOLVED that the Souza Use Permit for a shooting range shall be valid upon timely vesting of the approval and will remain valid until June 29, 2016, unless the conditions of approval are violated in which case the Use Permit may be revoked.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Marin County Planning Commission. A Petition for Appeal and a \$600.00 filing fee must be submitted in the Community Development Agency, Room 308, Civic Center, San Rafael, no later than 4:00 p.m. on October 13, 2011.

**SECTION 4: ADOPTION**

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 29<sup>th</sup> day of September 2011.

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JEREMY TEJIRIAN  
DEPUTY ZONING ADMINISTRATOR

Attest:

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Joyce Evans  
Deputy Zoning Administrator Secretary