

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION 12-110

**A RESOLUTION APPROVING
THE PARKS/COUNTY OF MARIN DEPARTMENT OF PUBLIC WORKS (DPW)
AND MARIN EMERGENCY RADIO AUTHORITY (MERA)
COASTAL PERMIT, USE PERMIT, AND DESIGN REVIEW**

ASSESSOR'S PARCEL 100-050-42

28375 STATE ROUTE ONE, TOMALES

SECTION 1: FINDINGS

- I. WHEREAS, Shelly Nelson with the County of Marin DPW, Communications Division and MERA, on behalf of property owners Robert and Lois Parks, propose to install an emergency radio telecommunications facility within a 1,365 square foot fenced area in the 197-acre Parks Ranch. The development site would be adjacent to an existing Verizon Wireless telecommunications facility. The development site would be 545 feet northwest of State Route One with a base elevation approximately 100 feet above the road. The facility would be surrounded by a 6-foot tall chain-link fence and would include a 75-foot tall monopole, two whip antennas, two 4-foot diameter microwave dish antennas, a 150 square foot equipment building, and a diesel powered emergency electricity generator. Access to the facility would be provided from an existing gravel driveway to the existing Verizon Wireless facility. The subject property is within the C-APZ-60 zoning district at 28375 State Route One, Tomales, further identified as Assessor's Parcel 100-050-42.
- II. WHEREAS, the Marin County Deputy Zoning Administrator held a duly noticed public hearing on July 26, 2012, 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 Categorical Exempt from the requirements of the California Environmental Quality Act, pursuant to Section 15303, Class 3 of the CEQA Guidelines because it entails the installation of a telecommunication facility that would not result in impacts to sensitive species, significant tree removal, grading, or other adverse impacts on the environment. Additionally, a report prepared by Hammett and Edison, Inc. dated December 1, 2010 concludes that the proposed project would not result in any significant risks with respect to human exposure to radio frequency fields emitted by the proposed and existing telecommunications facilities at the site.

- 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 is compatible with the Agricultural land use designation for the project site and would not interfere with the existing use of the ranch property for livestock grazing.
 - B. The proposed project would not result in substantial grading or the removal of existing vegetation.
 - C. Mandatory Use Permit findings can be made pursuant to Section 22.48.040 of Marin County Code to allow public utility and service uses necessary for public safety, convenience, and welfare.
 - D. The proposed project is consistent with the goals and policies of the Marin County Telecommunications Facilities Policy Plan (TFPP) because the project, as modified by conditions of approval, would ensure that the siting and design of the proposed facility is compatible with other land uses, would provide protection from vandalism and fire hazards, would minimize visual impacts, and would minimize potential health risks to people.
 - E. The project would result in improved emergency radio services for County of Marin law enforcement and fire prevention staff.
 - F. The project would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or their services.
- V. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings for Coastal Permit approval pursuant to the requirements and objectives of the Local Coastal Program, Unit II (§22.56.130I of the Marin County Interim Zoning Code) as described below
- A. Water Supply:

The Community Development Agency, Environmental Health Services Division staff determined that the existing water supply system would not be affected by the project.
 - B. Septic System Standards:

Marin County Environmental Health Services Division staff reviewed the proposed and determined that the existing septic system would not be affected by the project.
 - C. Grading and Excavation:

The project site has a variety of slopes and the telecommunications facility would be on an area of gradual 5% slope where excavation of less than approximately 70 cubic yards of soil would occur. All grading and excavation work would be subject to the review and approval of the Department of Public Works, Land Use and Water Resources Division as part of the Building Permit inspections, to ensure consistency with Marin County requirements.

D. Archaeological Resources:

Review of the Marin County Archaeological Sites Inventory indicates that the subject property is not located in an area of high archaeological sensitivity. However, the small amount of grading proposed could disturb cultural resources and a condition of approval requires that in the event cultural resources are discovered during construction, all work shall stop immediately and the services of a qualified consulting archaeologist shall be engaged to assess the value of the resource and to develop appropriate protection measures.

E. Coastal Access:

The project is located more than three miles inland of the Pacific Ocean and Tomales Bay at an elevation of approximately 377 feet above sea level and would not impede coastal access.

F. Housing:

The proposed project would not result in the removal of a residential unit that would provide housing opportunities for people of low or moderate income. The project would not affect the availability of affordable housing within the Tomales community.

G. Stream and Wetland Conservation Protection:

The project site is not located along protected blue-line creeks or wetlands and is not subject to the Stream Conservation and Wetlands Conservation policies and standards.

H. Dune Protection:

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

I. Wildlife Habitat:

The Natural Resources Map for Unit II of the Local Coastal Program indicates that the subject property is located in an area of sensitive wildlife resources. Also, review of the California Natural Diversity Data Base, prepared by the State Department of Fish and Game, indicates two special-status wildlife species occurring in the project area including the American Badger (*Taxidea taxus*) and the hoary bat (*Lasiurus cinereus*). The habitat associations for these species do not exist on the project site and the small-scale scope of the project would not adversely affect the existing habitat.

J. Protection of Native Plant Communities:

The Natural Resources Map for Unit II of the Local Coastal Program indicates that the subject property is located in an area that could contain rare plants. The California Natural Diversity Data Base, prepared by the State Department of Fish and Game, shows potential habitat for the federally endangered and state rare Golden (aka Yellow) Larkspur (*Delphinium luteum*) on the subject property. Upon

consultation with Doreen Evans of the California Native Plant Society, there are no records of this plant species on the subject property. Also, due to the long-term use of the site for grazing cattle, it is unlikely that individual plants would survive. Additionally, consultation with Todd Catalini, a biologist at LSA Associates who is familiar with the site, determined that the dominant plant at the Verizon site and along the access driveway is non-native grassland (European rye grass). While a plant survey was not completed, it is not expected that Golden Larkspur would grow on this ridge location. Golden Larkspur plants would not have an opportunity to get established in an area dominated by non-native grasses and used for livestock grazing.

K. Shoreline Protection:

The subject property is not adjacent to the shoreline, and the proposed project would not result in adverse effects to the shoreline. The project would not require additional shoreline protection.

L. Geologic Hazards:

The project site is located four miles from the Earthquake Hazard Zone along the San Andreas Fault Zone and would be subjected to strong ground shaking during a proximate seismic event. As part of the Building Permit, the applicant shall submit geotechnical site information and structural engineering design components to conform with California Building Code standards for stability in an earthquake prone area.

M. Public Works Projects:

The proposed project would entail expansion of the Marin Emergency Radio Authority (MERA) coverage in the northwestern portion of Marin County where the existing system has poor service. The construction of the telecommunications facility would not affect other public works facilities such as public roads, flood control projects, or other utility services.

N. Land Division Standards:

A land division is not a part of the proposal.

O. Visual Resources:

The project would not impair or obstruct coastal views from State Route One and would have minor visual effects as viewed from the surrounding area. The project would result in installation of one new 75-foot tall monopole and antennas, a small equipment building painted subdued gray or earthtone colors with very minor visual effects.

P. Recreational/Commercial/Visitor Facilities:

The project site is governed by C-APZ-60 (Coastal, Agricultural Production Zone) zoning regulations and would not affect the established character of the Tomales village commercial area in the VCR zoning district. The project would have no effect on recreation, commercial, or visitor facilities.

Q. Historic Resource Preservation:

The property is not located within the boundaries of the Tomales Historic District and no historic resources would be affected by the project.

VI. 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 proposed facility would be located on a large agriculturally zoned parcel and would be compatible with the use of the site for livestock grazing. The project site is located 545 feet from State Route One and is not located in close proximity to residential areas. The facility would be sited 10 feet north of an existing Verizon Wireless facility where less than 70 cubic yards of grading and no tree removal would be required. Visual simulations demonstrate that the project would not be visually prominent from State Route One or other areas in the vicinity. Based on these factors, the facility would be consistent with the location standards contained in the TFPP.
- B. The facility would allow MERA to provide improved emergency radio communications coverage in the Tomales area.
- C. The applicant submitted a December 1, 2010 report prepared by Hammett and Edison, Inc., that concludes the project would not result in any significant risks with respect to human exposure to radio frequency (RF) electromagnetic fields. The RF emissions from the proposed telecommunications facility would be 18% of the maximum public exposure standards established by the FCC. Additionally, the antenna area would not be publicly accessible and, therefore, would not require mitigation to protect the public from exposure limits. Based on these factors, the proposed facility is consistent with the RF emissions policies in the TFPP.
- D. The facility does not create significant lighting impacts on surrounding areas because no exterior lighting is proposed for the site.
- E. Vehicular access and parking for the proposed project site is provided from existing ranch roads on the property. No additional road or parking area construction would be required for the operation of the facility.
- F. The facility would be located in a rural area. Noise levels associated with the operation of the facility would not exceed the ambient noise levels. With exception to routine maintenance visits by a cellular site technician, the facility would not generate other traffic trips to the property, therefore, the proposed facility would neither generate significant levels of noise nor traffic.

- G. The project does not significantly impair the visual conditions on and surrounding the subject property because the facility would maintain large setbacks to property lines and would be partially screened by topography and existing vegetation on the subject and surrounding properties. Visual simulations indicate that the proposed facility would not be visually prominent as viewed from surrounding roadways or the town of Tomales. To ensure that the facility would not result in lighting impacts on surrounding areas, conditions of approval specify that exterior lighting shall be permitted for safety purposes only and shall be manually operated, low wattage, hooded, and directed downward to minimize visual effects. Finally, the proposed project has been reviewed by the Tomales Design Review Board, which found the proposed location and design to be appropriate for the facility. Based on these factors, the project would be consistent with the visual or aesthetic compatibility standards contained in the TFPP.
- VII. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the governing C-APZ-60 (Coastal, Agricultural Production Zone, one unit per 60 acres maximum density) and required findings pursuant to Section 22.57.036I of Marin County Code because:
- A. The project would be compatible with and accessory to the existing agricultural uses on the property;
 - B. The project would affect less than 0.02 acres of the 197 acre ranch (0.01%) and would not interfere with the operation of the existing livestock ranching operations; and
 - C. The proposed improvements would not impair the open space and scenic values of the site.
- VIII. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve a Use Permit (Section 22.48.040I of the Interim Marin County Code), as specified below.
- A. Public utility and service uses may be approved by Use Permit pursuant to Section 22.48.040I of the Interim 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 communication network which provides wireless cellular and personal communication services to residents and businesses in Marin County and contributes to the overall public safety, convenience, and welfare.
 - B. The proposed project would be consistent with policies of the Marin Countywide Plan as described in Section IV. above.
 - C. The project complies with the California Environmental Quality Act and would not result in any significant, public health risks with respect to human exposure to radio frequency radiation because the facility will operate well below the exposure limits of the American National Standards Institute and the Institute of Electrical and Electronic Engineers.

- D. The proposed project would not result in significant adverse visual impacts because the facility would be located over 400 feet from the nearest public roadway in an area that is partially screened from off-site locations by existing vegetation and topographical features.
 - E. The proposed project would be incidental to the primary agricultural use of the subject property for livestock grazing and would not alter or impair the character of the site or conflict with provisions of the Marin Agricultural Land Trust easement on the property.
 - F. As conditioned, granting the Use Permit on the subject property would not be detrimental to the public interest, health, safety, convenience, or welfare of persons working or residing in the surrounding neighborhood.
- IX. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project conforms to with the requirements of Design Review pursuant to Section 22.82.040I of the Marin County Interim Zoning Code because the proposed project would not result in significant grading, tree removal or other adverse physical effects on the environment. The facility would be 545 feet from State Route One approximately 100 feet higher in elevation and would not result in adverse visual effects to travelers on the highway and from surrounding properties. Overall, the proposed facility would be compatible with the existing agricultural uses on the property, would share an existing Verizon Wireless site, and would not conflict with the visual character of the subject property or surrounding community.

SECTION 2: ACTION

NOW, THEREFORE, LET IT BE RESOLVED, that the Deputy Zoning Administrator approves the Parks/County of Marin DPW and MERA Coastal Permit, Use Permit and Design Review pursuant to Marin County Interim Zoning Code Sections 22.56.130I, 22.48.040I, and 20.82.040I. This Coastal Permit, Use Permit, and Design Review approval permits the Department of Public Works and MERA to install an emergency radio telecommunications facility within a 1,365 square foot fenced area in the 197-acre Parks Ranch adjacent to an existing Verizon Wireless telecommunications facility. The approval permits the facility 545 feet northwest of State Route One, surrounded by a 6-foot tall chain-link fence, with a 75-foot tall monopole, two whip antennas, two 4-foot diameter microwave dish antennas, a 150 square foot equipment building, and a diesel powered emergency electricity generator.

SECTION 3: CONDITIONS OF PROJECT APPROVAL

1. The County of Marin approves the Parks/County of Marin Department of Public Works and MERA Coastal Permit, Use Permit, and Design Review (Project ID 2012-) pursuant to Marin County Interim Zoning Code Chapters 22.56 (Coastal Permit), 22.88 (Use Permit), and 22.82 (Design Review) to install an emergency radio telecommunications facility in the 197-acre Parks Ranch adjacent to an existing Verizon Wireless telecommunications facility. The subject property is located at 28375 State Route One, Tomales and is further identified as Assessor's Parcel 100-050-42.
2. Except as modified herein, plans submitted for a Building Permit for the approved project shall substantially conform to plans on file in the Marin County Community Development Agency (CDA), Planning Division, identified as EXHIBIT A, "Telecommunication Facility at Tomales, California" consisting of three sheets prepared by Carlile - Macy, Civil Engineers,

Urban Planners, Land Surveyors, and Landscape Architects, date stamped received May 2, 2012.

3. 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. At the discretion of the Environmental Coordinator and consistent with CEQA, the Environmental Coordinator shall retain a Native American monitor to evaluate any cultural resource discovery for sacred values and propose protection measures appropriate to the Federated Indians of the Graton Rancheria Sacred Sites Protection Committee. 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.
4. All exterior finishes of the monopole and antennas shall be painted a subdued matte gray color to blend into the surroundings. All exterior finishes of the equipment building and generator shall be painted subdued colors that blend into the surrounding landscape background. All flashing, metal work and trim shall be an appropriately subdued, non-reflective color.
5. All exterior lighting shall be subdued, downward directed, hooded, and the minimum lumens necessary for safety only. No lights are permitted on the monopole or antennas.
6. 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.
7. All utility connections and extensions (including but not limited to electric, communication, and cable television lines) serving the development shall be undergrounded from the nearest overhead pole from the property, where feasible as determined by the Community Development Agency staff.

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 application, for which action is brought within the applicable statute of limitations.
9. All soils disturbed by development of the project shall be reseeded with native groundcover, grasses, wildflowers, and covered with mulch to control erosion.
10. 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.

Marin County Department of Public Works

11. A lease agreement shall be completed between the land owner and the County of Marin Department of Public Works, Communications Division or the Marin Emergency Radio Authority.
12. A Department of Public Works Land Development engineer shall conduct an inspection of the site for compliance with access and post-construction site erosion control.

SECTION 4: VESTING AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest the Parks/County of Marin DPW and MERA Coastal Permit, Use Permit, and Design Review approval by obtaining a Building Permit, and substantially completing the approved work before July 26, 2014, 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 Community Development Agency 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, Marin County Civic Center, San Rafael, no later than 4:00 p.m. on August 2, 2012.

SECTION 5: DECISION

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 26th of July 2012.



JEREMY TEJIRIAN
DEPUTY ZONING ADMINISTRATOR

Attest: 

Joyce Evans,
Deputy Zoning Administrator Secretary