

RESOLUTION NO. 000631

A.P.# 423-111-021-000

In the matter of the application of
Orradre Ranch (PLN000631)

FINDINGS & DECISION

for an Administrative Permit in accordance with Title 21 (Zoning) Chapter 21.70 (Administrative Permits) of the Monterey County Code, to allow for a 10 foot addition to an existing 70 foot telecommunication tower with associated ground equipment shelter; located at 67100 Sargents Road, San Ardo east of Highway 101, South County Area Plan, came on regularly for meeting before the Zoning Administrator on December 13, 2001.

Said Zoning Administrator, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

- FINDING:** The Orradre Administrative Permit (PLN 000631) as described in condition #1 and as conditioned, conforms with the plans, policies, requirements and standards of the General Plan, the South County Area Plan, and the Monterey County Zoning Ordinance (Title 21). The property is located at at 67100 Sargents Road (Assessor Parcel Number 423-111-021), northerly of the community of Bradley in the South County Plan Area (a portion of Section 31, Township 23 South, Range 11 East, San Ardo area, located westerly of Sargents Road). The parcel is zoned "Permanent Grazing" (PG/160).

The development of the wireless communication facility will not significantly affect any environmentally sensitive area or resource as defined in the Monterey County General Plan and the South County Land Use Plan.

The site is adequate for development of the proposed wireless communications facility and the applicant has demonstrated that it is the most adequate for the provisions of the services required by the FCC.

The proposed wireless communication facility complies with all of the applicable requirements of Section 21.64.310 of Title 21.

The subject property is in compliance with all rules and regulations pertaining to zoning uses subdivision, and any other applicable provisions of Title 21. Zoning violation abatement costs, if any, have been paid.

EVIDENCE: The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials in file PLN000631, for conformity with the Monterey County General Plan, the South County Area Plan, and all applicable regulations in Title 21, Zoning Ordinance.

EVIDENCE: The project site is physically suitable for the proposed use as described in the project file. The proposed development has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works and Parks Departments, Environmental Health Division, the South County CDF (Fire Protection District), the Monterey County Agricultural Commissioner's office, and the Bradley/Parkfield Land Use Advisory Committee. There has been no indication from these

agencies that the site is not suitable for the proposed development. No conditions were recommended by these agencies.

EVIDENCE: Staff verification of the Monterey County Planning and Building Inspection Department records indicates that no violations exist on subject property.

EVIDENCE: The on-site inspection by David Heinlein, planning staff, verifies that the proposed project complies with the South County Area Plan and related policies to minimize visual impacts.

EVIDENCE: Statement by Hammett & Edison, Inc., Consulting Engineers, dated November 6, 2000, state that the co-location at the site will require no mitigation measures to comply with the FCC public exposure guidelines.

EVIDENCE: There has been no public opposition to this project.

EVIDENCE: Administrative Record as a whole, found in File No. PLN000631.

2. **FINDING:** The proposed project will not have a significant environmental impact.

EVIDENCE: Section 15303 (d) of the CEQA Guidelines Categorically exempts from environmental review. No adverse environmental impacts were identified during review of the proposed project.

3. **FINDING:** The development of the proposed wireless communications facility will not significantly affect any designated public viewing area or scenic corridor as defined in the Monterey County General Plan and the Toro Land Use Plan.

EVIDENCE: 1) The 10 foot height extension for this tower does not result in ridgeline development.
 2) The proposed extension of the existing tower is at a location that is clustered on the site with other existing towers.
 3) Due to the location of the proposed project, specifically its distance from designated scenic corridors and public viewing areas, the visual effect is minimized.
 4) Staff has recommended permit conditions to reduce visual impacts. These conditions include landscaping.

4. **FINDING:** The proposed wireless communication facility will not create a hazard for aircraft in flight.

EVIDENCE: Site plans, materials in the file, lack of opposition and the administrative record as a whole.

EVIDENCE: Review by staff from Agricultural Commissioner's office on May 11, 2001.

5. **FINDING:** The establishment, maintenance, or operation of the use or structure applied for will not, under the circumstances of the particular case, be detrimental to health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvement in the neighborhood, or to the general welfare of the County.

EVIDENCE: File and application materials contained in the project file.

6. **FINDING:** The Zoning Administrator's decision on this project is appealable to the Planning Commission.

EVIDENCE: Section 21.80.040 of the Monterey County Zoning Ordinance (Title 21).

DECISION

THEREFORE, it is the decision of said Zoning Administrator, that said application for an Administrative Permit be granted as shown on the attached sketch, and subject to the following conditions:

1. The Orradre Administrative Permit (PLN000631) is for a 10 foot monopole extension to an existing 70 foot pole, the installation of four panel antennae, two microwave dishes and three equipment cabinets located at 67100 Sargents Road (Assessor Parcel Number 423-111-021), northerly of the community of Bradley in the South County Plan Area (a portion of Section 31, Township 23 South, Range 11 East, San Ardo area, located westerly of Sargents Road). The proposed project is in accordance with County ordinances and land use regulations, subject to the following terms and conditions. Neither the use nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. **(Planning and Building Inspection)**

Prior to the Issuance of a Building Permit:

1. The applicant agrees as a condition and in consideration of the approval of the permit to enter into an indemnification agreement with the County whereby the applicant agrees to defend, indemnify, and hold harmless the County, its officers, agents, and employees from actions or claims of any description brought on account of any injury or damages sustained by any person or property resulting from the issuance of the permit and the conduct of the activities authorized under the permit. Applicant shall obtain the permission of the owner on which the wireless communications facility is located to allow the recordation of said indemnification agreement, and the applicant shall cause said indemnification agreement to be recorded by the County Recorder as a prerequisite to County issuance of the building and/or grading permit. The County shall promptly notify the applicant of any such action or claim, and the County shall cooperate fully in the defense thereof. The County may, at its sole discretion, participate in the defense of such action, but such participation shall not relieve applicant of its obligations under this condition. **(Planning and Building Inspection)**
2. The applicant shall record a notice that states: "A permit (Resolution 000631) was approved by the Planning Commission for Assessor's Parcel Number 423-111-021-000 on December 13, 2001. The permit was granted subject to 11 conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. **(Planning and Building Inspection)**
3. Due to the poor condition of the exterior finish of the existing pole, the proposed extension as well as the existing monopole will be painted in a non-reflective brown/olive color or painted a dark, non-reflective brown to blend into the existing setting reviewed and approved by the Director of Planning and Building Inspection prior to issuance of a building permit. **(Planning and Building Inspection)**
4. The area exposed during the course of construction shall be covered, seeded with native grasses or otherwise treated to control erosion. **(Planning and Building Inspection)**

5. No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
6. If applicable, new utility and service lines shall be placed underground. **(Planning and Building Inspection)**

Prior to Final Building Inspection/Occupancy:

7. The applicant shall agree in writing that if future technological advances allow for reducing the visual impacts of the telecommunication facility, the applicant shall make modifications to the facility accordingly to reduce the visual impact as part of the facility's normal replacement schedule. **(Planning and Building Inspection)**

Continuous Permit Conditions:

8. If during the course of construction or other activities on the subject property, cultural, archaeological, historical, and/or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until it can be evaluated by a qualified professional archaeologist. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. **(Planning and Building Inspection)**
9. If, in the future, the facility is no longer needed, the applicant agrees to abandon the facility and remove the tower, panel antennas and equipment shelter. The site shall be restored to its natural state within 6 months of termination of use or abandonment of the site. If this should occur, the applicant shall enter into a site restoration agreement subject to the approval of the Director of Planning and Building Inspection and County Counsel. **(Planning and Building Inspection)**
10. The applicant and/or successors and assigns shall encourage co-location by other wireless carriers on this tower assuming appropriate permits are approved for co-location. New microwave dishes, antennas and/or similar appurtenances located on the tower, which are not approved pursuant to this permit, are not allowed unless the appropriate authority approves additional permits or waivers. In any case, the overall height of the tower shall not exceed 160 feet. **(Planning and Building Inspection)**
11. If, as a result of future scientific studies and/or alterations of industry wide standards resulting from such studies, substantial evidence is presented to the County that radio frequency transmissions are in violation of the existing Federal Communications Commission emission standards, the Director of Planning and Building Inspection shall set a public hearing at which time this permit may be revoked or conditions of the permit may be modified. **(Planning and Building Inspection)**

PASSED AND ADOPTED this 13th day of December, 2001.


LYNNE MOUNDAY
ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON **DEC 14 2001**

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY TO THE PLANNING COMMISSION ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE **DEC 26 2001**

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning and Building Inspection Department office in Salinas.

2. This permit expires two years after the above date of granting thereof unless construction or use is started within this period.

