

# **Department of Resource Management**

# Solano County Zoning Administrator

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Bill Emlen, Director Clifford Covey, Asst Director

## Use Permit Renewal - Staff Report

Application: U-06-07-EX1 Project Planner: Eric Wilberg

Meeting of June 21, 2012 Agenda Item No. \

Location: 6455 Robben Road

General Plan: Agriculture

Assessor Parcel Number: 0143-100-050

Zoning: Exclusive Agriculture 'A-80'

## **Proposal**

The applicant has requested a renewal of use permit U-06-07, per condition of approval number 5. Per Zoning Regulations Section 28.106(N), the Zoning Administrator shall administratively approve a use permit renewal request so long as the following requirements are satisfied:

- 1) The permittee has requested renewal
- 2) The permittee has paid the applicable renewal fee
- 3) The use is being conducted in compliance with the conditions of the use permit

#### Background

On March 1, 2007 the Solano County Planning Commission adopted a Negative Declaration of environmental impact, and granted use permit U-06-07, authorizing construction of a 100 foot lattice wireless telecommunications tower with 12 antennas and an equipment shelter within a 50' by 50' fenced leased area.

## Review

Upon review of the permit conditions of approval and based on the absence of code compliance cases on file, staff has determined that the wireless communication facility is being operated in full compliance with use permit no. U-06-07.

## **Permit Term & Recommendation**

As of March 29, 2012 the Zoning Regulations pertaining to wireless communications facilities have been amended, affecting the life of approval for existing permitted facilities. Specifically, Sections 28.81(J and K), require issuance of the use permit for a fixed term. All permits issued prior to January 1, 2012 shall become fixed term permits and shall expire December 31, 2022. As a result, staff recommends that the permit be renewed for a final term, expiring December 31, 2022. Prior to permit expiration, the permittee is required to file for a new permit.

Exhibit A – U-06-07 Resolution (with Conditions of Approval)

# SOLANO COUNTY PLANNING COMMISSION RESOLUTION NO. 4467

WHEREAS, the Solano County Planning Commission has considered Use Permit Application No. U-06-07 of Nextel of California to build a 100 foot lattice cell phone tower with 12 antennas and an equipment shelter on a 50 foot by 50 foot fenced portion of a 158 acre parcel. The property is located at 6455 Robben Road, Vacaville in an "A-80" Exclusive Agricultural Zoning District, APN: 0143-100-050, and

WHEREAS, said Commission has reviewed the report of the Department of Resource Management and heard testimony relative to the subject application at the duly noticed public hearing held on March 1, 2007, and

WHEREAS, after due consideration, the said Planning Commission has made the following findings in regard to said proposal:

 That the establishment, maintenance or operation of the use applied for is in conformity to the General Plan for the County with regard to traffic circulation, population densities and distribution, and other aspects of the General Plan considered by the Planning Commission.

The operation and maintenance of the wireless communication facility is consistent with the goals and the objectives and policies of Chapter VIII, Public Facilities and Services, of the Solano County Land Use and Circulation Element concerning utility facilities. The proposal is consistent with the Health and Safety Element, since the facility will be unmanned and will not be in an area identified as having natural or man-made hazards. The approval of the monopole will be constant with the goals of the Scenic Roads Element.

2. Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

External access to the site will be via Robben Road with internal access via a gravel driveway. The site has an existing electrical source and telephone utilities. All building plans will be reviewed and approved by the Solano County Building and Safety Division before a building permit is issued. Necessary facilities will be available, as conditioned, during construction; no other permanent facilities will be needed since the operation will be unmanned.

3. The subject use will not, under the circumstances of this particular case, constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

The subject use will not constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare because conditions of approval require that the antenna be painted consistent with the color of the pole and other antennas, and because the equipment cabinet will be enclosed behind a 6-foot high chain link fence which will be visible from Robben Road.

- 4. The facility complies with all applicable sub-sections of 28-50.01, Wireless Communication Facilities.
- 5. The facility will blend in with its existing environment and will not have significant visual impacts. No

alternative site or design is available that would allow for issuance of a use permit before the Zoning Administrator for the facility.

**BE IT, THEREFORE, RESOLVED**, that the Planning Commission of the County of Solano does adopt the mandatory and suggested findings, and approve Use Permit Application No. U-06-07 subject to the following recommended conditions of approval:

- The proposed telecommunication facility shall be established in accord with the plans and information submitted with the Use Permit Application No. U-06-07 approved by the Solano County Planning Commission.
- 2. All requirements of the Federal Aviation Commission and Federal Communications Commission shall be met prior to the issuance of a building permit and during operation of the subject facility. Ground level radiation shall not exceed standards adopted by the U.S. Environmental Protection Administration.
- 3. The permittee shall take such measures as may be necessary or as may be required by the County to prevent offensive noise, lighting, dust or other impacts, which constitute a hazard or nuisance to surrounding properties.
- 4. Upon termination or expiration of the subject use permit issued to Nextel, their proposed wireless communication infrastructure shall be removed from the site. All equipment, including concrete pads, shall be removed within 12 months of discontinuation of the use and the site shall be restored to its original pre-construction condition. The applicant and property owner shall allow the County access across the subject property to effect such removal.
- 5. The subject use permit shall be in effect for a five (5) year period from this date of approval with a provision that an extension may be granted if said request is received prior to the expiration date and the use shall remain the same and in compliance with the conditions of approval.

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Planning Commission on March 1, 2007 by the following vote:

AYES:	Commissioners	Moore, Barnes, Mahoney, Barton, McAndrew
NOES:	Commissioners	
ABSTAIN:	Commissioners	
ABSENT:	Commissioners	
		By: Butt Elecuted
		Birgitta E. Corsello, Secretary

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