

# **Department of Resource Management**

## Solano County Zoning Administrator

675 Texas Street, Suite 5500 Fairfield, CA 94533

Telephone No: (707) 784-6765 Fax: (707) 784-2894 Bill Emlen, Director Clifford Covey, Asst Director

# **Use Permit Extension - Staff Report**

Application: U-03-14-EX2 Metro PCS

Project Planner: Karen Avery

Location: 4921 Vanden Road, Fairfield

General Plan: Urban Project Area

Meeting of June 6, 2013 Agenda Item No. 3

Assessor Parcel Number: 0166-101-040

Zoning: MG-1/2

## **Proposal**

The applicant is requesting a second time extension to Use Permit U-03-14. Extensions of time are granted if the following conditions are satisfied:

1) The permittee has requested renewal

2) The permittee has paid the applicable renewal fee

3) The use is being conducted in full compliance with all conditions of the use permit

#### History

Use Permit U-03-14, permitting the establishment of a wireless telecommunications facility for Metro PCS which included a co-location on an existing PG&E transmission tower was approved by the Solano County Zoning Administrator on September 3, 2003. The use permit was extended in 2009 to September 3, 2013.

#### **Review and Recommendation**

Upon review of the permit conditions of approval, the evidence submitted by the applicant and based upon the absence of code compliance cases on-file, staff has determined that the wireless communication facility is being operated in full compliance with U-03-14.

Staff has reviewed the application and recommends approval based on the following findings:

- 1. On April 22, 2013 the applicant filed an application for extension.
- 2. The applicant has paid the necessary fees in the amount of \$447.00 (Receipt No. 0996525)
- 3. Staff has determined through an aerial inspection conducted on May 16, 2013 that the project is operating in full compliance with the conditions of approval as set forth in U-03-14 and there are no complaints on file against the operation.

#### **Updated Permit Term**

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. At which time, the permittee may file for a new use permit.

EXHIBIT A: Zoning Administrator Resolution No. 03-06



# Department Of Environmental Management 470 Chadbourne Road, 2<sup>nd</sup> Floor

Fairfield, CA • 94534 Planning Division (707) 421-6765



# LAND USE PERMIT NO. U-03-14

## **METRO PCS**

(permittee)

For co-location on a existing wireless facility located at 4921 Vanden Road in an "MG-1/2" General Manufacturing Zoning District, 2 miles south of the City of Vacaville, APN: 0167-301-040.

(Land use, location and zone district)

In addition to the zoning regulations, the building laws and other ordinances, the conditions of granting this permit, if any, are attached.

Granting or conditional granting of this permit does not release the permittee from complying with all other county, state or federal laws. Failure to comply with all the aforementioned provisions and conditions will be cause for the revocation of this Permit by the County Planning Commission.

Failure, neglect or refusal to exercise this Permit within a period of one (1) year from the date of granting thereof, shall automatically cause the same to become and remain null and void.

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Exhibit A

# SOLANO COUNTY ZONING ADMINISTRATOR RESOLUTION NO. 03-06

WHEREAS, the Solano County Zoning Administrator has considered Use Permit Application No. U-03-14 of Metro PCS for co-location on a existing wireless facility located at 4921 Vanden Road in an "MG-1/2" General Manufacturing Zoning District, 2 miles south of the City of Vacaville, APN: 0167-301-040, and

WHEREAS, said Zoning Administrator has reviewed the report of the Department of Environmental Management and heard testimony relative to the subject application at the duly noticed public hearing held on September 4, 2003, and

**WHEREAS**, after due consideration, the said Zoning Administrator has made the following findings in regard to said proposal:

1. The establishment, maintenance or operation of the proposed use is in conformity with the County General Plan with regard to traffic circulation, population densities and distribution and other aspects of the General Plan;

The operation and maintenance of a wireless communication facility is consistent with the goal and the objectives and policies of Chapters III, Agriculture and Open Space Land Use, and VIII, Public Facilities and Services, of the Solano County Land Use and Circulation Element concerning wireless facilities. It is also 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.

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

Access to the site will be via Vanden Road. The site has existing electrical power and the building plans will be reviewed and approved by the Solano County Building and Safety Division before a permit is issued.

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.

Because the proposed co-location will not require an expansion beyond the perimeter of the existing facility, there will be no significant degradation of the neighborhood's or the County's health, safety, peace, morals, comfort or general welfare.

A report was prepared to determine the compliance of the proposed facility with appropriate guidelines limiting human exposure to radio frequency electromagnetic fields. The firm of Hammett & Edison, Inc. Consulting Engineers, prepared the report and concluded that the proposed facility will comply with the prevailing standards.

#### ADDITIONAL FINDINGS

- 4. The facility complies with all applicable sub-sections of the Solano County ordinance.
- 5. The RF Environmental Evaluation Report for the facility shows that the cumulative radio-frequency energy emitted by the facility and any near-by facilities will be consistent with FCC regulations.
- 6. The facility blends in with its existing environment and will not have significant visual impacts.
- 7. The addition of the wireless facility will not have a significant incremental impact on the environment and is subject to a Class 3 categorical exemption (Section 15303. New Construction).

**WHEREAS**, the Zoning Administrator has approved Use Permit Application No. U-03-14 subject to the following recommended conditions of approval:

- 1. The proposed wireless communication facility shall be established in accord with the plans and information submitted in accord with the plans entitled Metro PCS travis A.F.B. Site #SFA-Z02-329 created by J.E. Schuricht and Associates, dated June 17, 2003, submitted with Use Permit Application No. U-03-14 and approved by the Solano County Zoning Administrator.
- 2. All requirements of the 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 Federal Communications Commission and 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, the proposed wireless communication infrastructure shall be removed from the site. All obsolete or unused facilities, including concrete pads, shall be removed within 12 months of cessation of operations at the site and the area regraded to natural conditions.

- 5. Any expansion or change in the use may require a new or modified use permit and further environmental review.
- 6. No additional uses (including outdoor storage), new or expanded buildings shall be established or constructed beyond those identified on the approved plot plan without prior approval of a new permit or minor revision to the use permit.
- 7. Prior to the issuance of the building permit, the permittee shall submit to the Environmental Health Division, a maintenance agreement with a licensed sanitation company to provide and maintain a portable chemical toilet onsite for the duration of construction.
- 8. The permittee shall obtain approval from the Building and Safety Division prior to construction, erection, enlargement, altering, repairing, moving, improving, removing, converting, demolishing any building or structure, fence or retaining wall regulated by the Solano County Building laws. Submit four (4) sets of plans to the Building and Safety Division for plan review and permits prior to beginning any improvements.
- 9. All onsite transmission lines leading to the wireless communication lease site shall be located underground.
- 10. The premises shall be maintained in a neat and orderly manner and kept free of accumulated debris and junk.
- 11. The subject use permit shall be in effect for a five (5) year period with provision that an extension may be granted if said request is received prior to the expiration date of September 4, 2008, and the use is found to be in full compliance with the terms and conditions of this permit at that time.

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Zoning Administrator on September 4, 2003.

BIRGITTA CORSELLO, DIRECTOR

Michael Yankovich

Planning Program Manager

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