



Department of Resource Management Solano County Zoning Administrator

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Bill Emlen, Director
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Use Permit Renewal - Staff Report

Application: U-98-21-EX3 (Crown Castle)
Project Planner: Eric Wilberg, Planning Tech.

Meeting of December 5, 2013
Agenda Item No. 1

Location: 5279 Peabody Road
Assessor Parcel Number: 0166-010-030

General Plan: Agriculture
Zoning: Exclusive Agriculture 'A-20'

Requested Action

Request for Zoning Administrator approval of extension No. 3 of Use Permit U-98-21 to continue operating a wireless telecommunication facility. The facility includes two steel monopoles with panel antennae not exceeding 15 feet in height and two 45 square foot equipment cabinets within a 400 square foot lease area.

Background

On October 1, 1998 the Solano County Planning Commission adopted a Negative Declaration of environmental impact and approved Use Permit U-98-21 for the subject wireless telecommunications facility. Subsequent extensions have renewed the permit term through the current expiration date of October 1, 2013.

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-98-21. In addition, the applicant has requested renewal and has paid the applicable permit renewal fee. Per Zoning Regulations Section 28.106(N), the Zoning Administrator shall administratively approve a renewal if the following circumstances exist:

- 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

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.

Attachments

Exhibit A – U-98-21 Resolution No. 4207 (with Conditions of Approval)

SOLANO COUNTY PLANNING COMMISSION

RESOLUTION NO. 4207

WHEREAS, the Solano County Planning Commission has considered Use Permit Application No. U-98-21 and Architectural Review No. AR-98-21 of **Pacific Bell Mobile Services** to locate and operate a wireless telecommunication facility on a 400 square foot portion of a 68-acre parcel that includes ~~three~~ ^{two} steel monopoles with panel antennae not exceeding 15 feet high, and two 45 square foot equipment cabinets at 5279 Peabody Road. The project is located within the "A-20" Exclusive Agricultural Zoning District, APN: 167-050-030, and

WHEREAS, said Commission 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 October 1, 1998, and

WHEREAS, after due consideration, the said Planning Commission 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 Personal Communications System facility is consistent with the goal and the objectives and policies of Chapter VIII Public Facilities and Services of the Solano County Land Use and Circulation Element concerning utility facilities.

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

External access to the site will be via Peabody Road with internal access via an asphalt driveway. 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.

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 Solano County Environmental Review Committee evaluated the Initial Study at its meeting of September 2, 1998, and recommended that a Negative Declaration be approved for the project. The committee recommended no mitigation measures

since no significant adverse impacts are likely to occur. From an aesthetic viewpoint, the project consists of two 15-foot high steel monopoles with antennae sited beside a 77-foot high wind turbine. The existence of the larger turbine helps to alleviate the aesthetic obstruction that the facility will create. The applicant is proposing to conceal the facility by locating part of the equipment cabinets below existing grade, painting the monopoles, antennae and security fencing a light brown to blend with the hillside.

Also, studies support the assertion that low power, high frequency radio waves are not detrimental or injurious to people or property. The project does not create a flight obstruction and will provide an important communication service which may be used by local government and public safety agencies.

4. Adequate utilities and access have been provided.
5. The proposed use will not have a negative effect on neighboring properties nor pose a threat to the public's health or safety.
6. The proposed telecommunication project will conform with the requirements of the Solano County Zoning Ordinance based on the imposition of the recommended conditions of approval.
7. The proposed use is necessary for the public's safety, convenience and welfare.
8. A Negative Declaration has been circulated for this project and has been considered by the Planning Commission. The Solano County Planning Commission finds that on the basis of an Initial Study, the proposed project will not have a significant effect on the environment, and has adopted a Negative Declaration.

BE IT, THEREFORE, RESOLVED, that the Planning Commission of the County of Solano does hereby **ADOPT** the mandatory and suggested findings, and **APPROVE** Use Permit Application No. U-98-21 and Architectural Review AR-98-21 subject to the following recommended conditions of approval:

1. The proposed telecommunication facility shall be established in accord with the plans and information submitted with Use Permit Application No. U-98-21 and Architectural Review AR-98-21 and approved by the Solano County Planning Commission.
2. All requirements of the Federal Aviation Administration and 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 telecommunication 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. All requirements of the Solano County Environmental Health Division shall be met including the following:
 - a. Prior to the issuance of the use 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.
 - b. Should the combined amount of hazardous materials stored onsite exceed: 500 lbs. of solid, 55 gallons of liquid, or 200 cubic feet of compressed gas, the permittee shall submit a hazardous materials management plan to the Environmental Health Division for approval and permitting.
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 Solana County Building laws. Submit four sets of plans to the Building and Safety Division for plan review and permits prior to beginning any improvements.
9. The proposed monopoles, panel antennas, cabinets, and five-foot high fencing shall be painted light brown. The applicant shall work with staff to place the retaining wall an additional two feet lower to further conceal the cabinets.
10. All onsite transmission lines leading to the telecommunication lease site shall be located underground.

11. The premises shall be maintained in a neat and orderly manner and kept free of accumulated debris and junk.
12. The proposed monopole tower shall conform with FAR Part 77 height requirements as set forth by the Federal Aviation Administration (FAA).
13. 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 October 1, 2003, depending upon the circumstances at that time.

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Planning Commission on October 1, 1998, by the following vote:

AYES: Commissioners Hawkes, Campbell, and Stahl

NOES: Commissioners None

ABSTAIN: Commissioners None

ABSENT: Commissioners Plutchok and Robbins

By 
Birgitta Corsello, Secretary