

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 Renewal - Staff Report

Application: R-669-MR1-EX3 (Globe Wireless)

Project Planner: Eric Wilberg

Meeting of July 19, 2012 Agenda Item No. 1

Location: 7260 Midway Road General Plan: Agriculture

Assessor Parcel Number: 0112-090-050 Zoning: Exclusive Agriculture 'A-40'

Proposal

The applicant has requested a renewal of use permit R-669-MR1, per condition of approval 10. Per Section 28.106(N) of the County zoning regulations, 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 October 3, 1996 the Solano County Planning Commission adopted a Negative Declaration of environmental impact, and approved use permit revision no. 1 to R-669. The permit revision authorized the installation of four 120 foot Omni-Gain antenna towers and one 133 foot short range log periodic antenna tower.

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 compliance with use permit R-669-MR1.

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.

Attachment A – R-669-MR1 Resolution (with Conditions of Approval)

SOLANO COUNTY PLANNING COMMISSION RESOLUTION NO. 4139

WHEREAS, the Solano County Planning Commission has considered, a minor revision to Use Permit No. R-669 of TCI Wireless for installation of an Omni-Gain Antenna with four 120 foot towers and a short range log periodic antenna having a 133 foot tower. The project is located southeast of the intersection of Midway Road and Robben Road in an "A-40" Exclusive Agricultural Zoning District, 1½ miles south of the City of Dixon, APN: 112-090-050, 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 3, 1996, 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 establishment, maintenance and operation of the proposed telecommunication project is consistent with all pertinent goals, policies and programs of the Solano County General Plan, and it will not interfere with or be in conflict with nearby agricultural operations.

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

The proposed telecommunication project is a public utility facility that will require electrical power which will be supplied to the site by PG&E. The Solano County Department of Transportation will review and approve the proposed encroachment to Midway Road, and onsite grading and drainage improvements will be reviewed by the Building and Safety Division.

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 applicant has demonstrated evidence to support making this mandatory finding. The project presents insignificant environmental impacts and the Solano County Environmental Review Committee has recommended the adoption of a Negative Declaration for the project. The project has been designed and conditioned to resolve visual impact concerns. The project creates no flight obstruction. There is no evidence that the low-power, high-frequency, continuous wave radio waves like those transmitted in cellular telephone communications create deleterious health effects. The project will provide an important redundant communication service used by local government and public safety agencies.

- The proposed use has been reviewed by the Solano County Agricultural Commissioner's Office, is compatible with surrounding land uses and will not conflict with agricultural operations.
- 5. The proposed telecommunication project will conform with the requirements of the Solano County Zoning Ordinance based on the imposition of the recommended conditions of approva.
- 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 Negative Declaration, the mandatory and suggested findings, and APPROVE the proposed revisions to Use Permit Application No. R-669 subject to the following conditions of approval.

- 1. The proposed telecommunication project shall be established in accord with the plans and information submitted with Use Permit Application No. R-669 (Revision) 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 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 property.
- 4. The proposed antennas/towers shall match the color scheme of the telecommunication infrastructure currently existing on the site.
- 5. 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.
- 6. Any expansion or change in the use may require a new or modified use permit and further environmental review.
- 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 minor revision to the use permit.
- 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 three sets of plans to the Building and Safety Division for plan review and permits prior to beginning any improvements.

- 9. The premises shall be maintained in a neat and orderly manner and kept free of accumulated debris and junk.
- The subject use permit shall be in effect for a 10 year period with provision that an extension may be granted if said request is received prior to the expiration date of October 3, 2006, 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 3, 1996 by the following vote:

AYES:	Commissioners Hawkes, Campbell, Stahl, Plutchok and						<u>ind</u>
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NOES:	Com	missioners_	None				
ABSTAIN:	Com	missioners_	None				
ABSENT:	Com	Commissioners_					
	Ву	Birgitta Corsello, Interim Director					

r.glR669.res/kl (October 9, 1996) #8