

SOLANO COUNTY ZONING ADMINISTRATOR

Department of Resource Management Staff Report

Application No. U-96-26 Ext 1 (Crown Castle)
 Project Planner: Nedzlene Ferrario

Meeting: August 20, 2009
 Item No. 1

Applicant:

Name: Jon Dohm, Zoning Manager
 Address: Crown Castle
 510 Castillo Street, Suite 302
 Santa Barbara, CA 93101

Property Owner:

Name: Michael J Merkley Family LP
 Address : 6811 Sievers Road
 Dixon CA 95620

Action Requested:

Approval of a Use Permit Extension pursuant to Solano County Code Chapter 28, Zoning Regulations.

Site Information:

Size: 20 gross acres

Location: 8757 Pedrick Road

APN: 0110-140-030

Zoning: A-40

Land Use: Wireless facility and agriculture trucking corp. yard

General Plan: Service Commercial

Ag. Contract: N/A

Soils Type(s): Class 1

Access: Pedrick Road

Utilities: Solano Irrigation District

Adjacent General Plan Designations, Zoning and Existing Land Uses

	General Plan	Zoning	Land Use
North	Agriculture	A-40	Agriculture
South	Agriculture	A-40	Agriculture
East	Service Commercial	CS	Agricultural Service
West	Agriculture	A-40	Agriculture

Motion to Approve:

The Zoning Administrator does hereby **ADOPT** the attached draft resolution and **APPROVE** the Use Permit Extension U-96-26 Ext 1 subject to the recommended conditions of approval.

SUMMARY

This is an application for Use Permit Extension originally approved by the Planning Commission on February 19, 1998. No changes are proposed.

RECOMMENDATION

The Department of Resource Management is recommending that the Zoning Administrator **APPROVE** the Use Permit Extension, based on the findings enumerated herein, and subject to the conditions of approval incorporated in this report.

BACKGROUND, EXISTING CONDITIONS AND SURROUNDING USES

The existing land uses consist of agricultural trucking service corporation yard, a tomato grading station (U-87-49) and two other wireless communication towers with associated facilities (U-77-51 and U-95-28). The area surrounding the project site is primarily utilized for agricultural use. Agricultural service uses and commercial service property exists to the east of the site.

The subject monopole was approved on November 7, 1996 (U-96-26) by the Planning Commission to allow the establishment and operation of a shared telecommunications facility that includes 9 panel antennas on 96 foot high monopole tower (total height 101 feet) and 5 equipment cabinets (Nextel and Sprint Spectrum). On February 19, 1998, the Planning Commission approved Minor Revision to the use permit to relocate the monopole 50 feet to the north, to allow most efficient coverage. Nextel and Sprint antennas are located at the 80 foot and 95 foot elevation respectively. The use permit expired February 19, 2008.

Aerial of Subject Site and Surrounding Area



PROJECT DESCRIPTION

The request pertains to a use permit time extension which expired February 19, 2008. No changes are proposed.

ENVIRONMENTAL ANALYSIS

Pursuant to Section 15301 Class 1, (Existing Facilities) the proposed project will not have a significant on the environment, and it is exempt from the requirements of CEQA.

ANALYSIS

The extension was handled as an administrative manner with a condition to approve the permit for a 5 year term consistent with Zoning Code Section 28-50.01 (j) (1). The applicant opposed the 5 year term and asserted that the County's practice is inconsistent with Senate Bill 1627 which allows 10 year term minimum. It was staff's opinion that the Zoning Code was not in conflict with SB 1627 in that the County's renewal process simply allows County staff to review compliance with conditions of approval.

In order to be in keeping with the intent of Senate Bill 1627 and County's Zoning Code, staff recommends a modification to the original condition which will allow a 10 year term, staff level condition compliance review on the 5th year and a written report submitted by the applicant describing how conditions are satisfied along with appropriate fees shall apply. The following is the new language:

Condition No.13:

The subject use permit shall be in effect for a ten (10) year period. An extension may be granted if said request is received prior to the expiration date of February 19, 2018 and the use is found to be in full compliance with the terms and conditions of this permit at that time. The applicant shall submit a "Report of Compliance" to the Resource Management Department, along with applicable "Periodic Review and Written Report fees", on the fifth (5th) anniversary of the issuance of this permit for review by the staff.

The new language is acceptable by the applicant.

No complaints have been received since last approval and all other conditions of approval have been met.

FINDINGS

Mandatory Findings:

1. That the establishment, maintenance or operation of the use applied for is in conformity to the General Plan of the County with regard to traffic circulation,

population densities and distribution, and other aspects of the General Plan considered by the Zoning Administrator.

The operation and maintenance of a wireless communication facility is consistent with the goals, objectives, and policies of the Land Use and Public Facilities and Services chapters of the Solano County General Plan.

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

External access to the site will be via Pedrick Road with internal access via a dirt driveway. The site has existing electrical power. Building and improvement plans have been approved by the Solano County Building and Safety Division prior to issuance of the building permit. Necessary facilities have been provided and are available.

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 person 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 facility will not be a nuisance or be detrimental to the public's health, safety, peace, morals, comfort or general welfare. The collocation located on an existing communication tower and the associated equipment will be located inside an equipment lease area. The facility will be blend in with the existing facilities at the property. As such, there will be no significant degradation of the neighborhood or the County's health, safety, peace, morals, comfort, or general welfare.

Studies support the assertion that low power, high frequency radio waves are not detrimental or injurious to people or property. The Federal Communications Commission (FCC) regulates radio frequency radiation emissions and Nextel must conform to all FCC standards. In addition, the project will provide an important communication service which may be used by local government and public safety agencies in the future.

Suggested Findings:

4. 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. With waiver approval, the use will conform to County Zoning Regulations.
5. The facility blends in with its existing environment and will not have significant visual impacts.

RECOMMENDATION

If after the public hearing the Zoning Administrator concludes the findings and recommended conditions (or as may be amended) are appropriate, the Zoning Administrator should **ADOPT** the mandatory and suggested findings, and **APPROVE** Extension No. 1 to U-96-26.

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-96-26 and Architectural Review Application No. AR-97-11 and approved by the Solano County Planning Commission.
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 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 regarded 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. 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. The premises shall be maintained in a neat and orderly manner and kept free of accumulated debris and junk.
10. The equipment structure and fence shall be painted light brown to match the color of the background agricultural crops. The antennae and monopole shall be painted a light blue/gray to blend with the various colors of the sky.
11. Should archaeological resources be uncovered during excavation, the excavation activities shall cease and an archaeological firm shall be contacted to study the site. The archaeological firm shall be hired by the applicant and approved by the County of Solano Department of Resource Management Planning Division. The recommendations of the archaeological firm shall be followed.
12. The Solano Irrigation District's Currey Pipeline is located on the north side of the subject property. Any crossings of the District's facilities with proposed utilities will require

approval by the District's facilities and the operator will be required to sign a Joint Use Agreement.

13. The subject use permit shall be in effect for a ten (10) year period. An extension may be granted if said request is received prior to the expiration date of February 19, 2018 and the use is found to be in full compliance with the terms and conditions of this permit at that time. The applicant shall submit a "Report of Compliance" to the Resource Management Department, along with applicable "Periodic Review and Written Report fees", on the fifth (5th) anniversary of the issuance of this permit for review by the staff.

Attachments:

- Exhibit A: Draft Resolution
- Exhibit B: Site Plan
- Exhibit C: Elevations

**SOLANO COUNTY ZONING ADMINISTRATOR
RESOLUTION NO. XX XX**

WHEREAS, the Solano County Zoning Administrator has considered a Use Permit Extension Application No. U-96-26 Ext 1 of Nextel Communications for cellular wireless communication facility on approximately 20 gross acres. The property is located in the "A-40" Agricultural Zoning District, approximately 0.3 miles north of City of Dixon, APN: 0110-140-030

WHEREAS, said Zoning Administrator 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 XXXXX , and

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

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

The operation and maintenance of a wireless communication facility is consistent with the goals, objectives, and policies of the Land Use and Public Facilities and Services chapters of the Solano County General Plan.

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

External access to the site will be via Pedrick Road with internal access via a dirt driveway. The site has existing electrical power. Building and improvement plans have been approved by the Solano County Building and Safety Division prior to issuance of the building permit. Necessary facilities have been provided and are available.

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 person 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.**

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Studies support the assertion that low power, high frequency radio waves are not detrimental or injurious to people or property. The Federal Communications Commission (FCC) regulates radio frequency radiation emissions and Nextel must conform to all FCC standards. In addition, the project will provide an important communication service which may be used by local government and public safety agencies in the future.

4. 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. With waiver approval, the use will conform to County Zoning Regulations.
5. The facility blends in with its existing environment and will not have significant visual impacts.

BE IT THEREFORE RESOLVED, that the Zoning Administrator has approved Extension No. 1 to Use Permit No. U-96-26 subject to the following recommended conditions of approval:

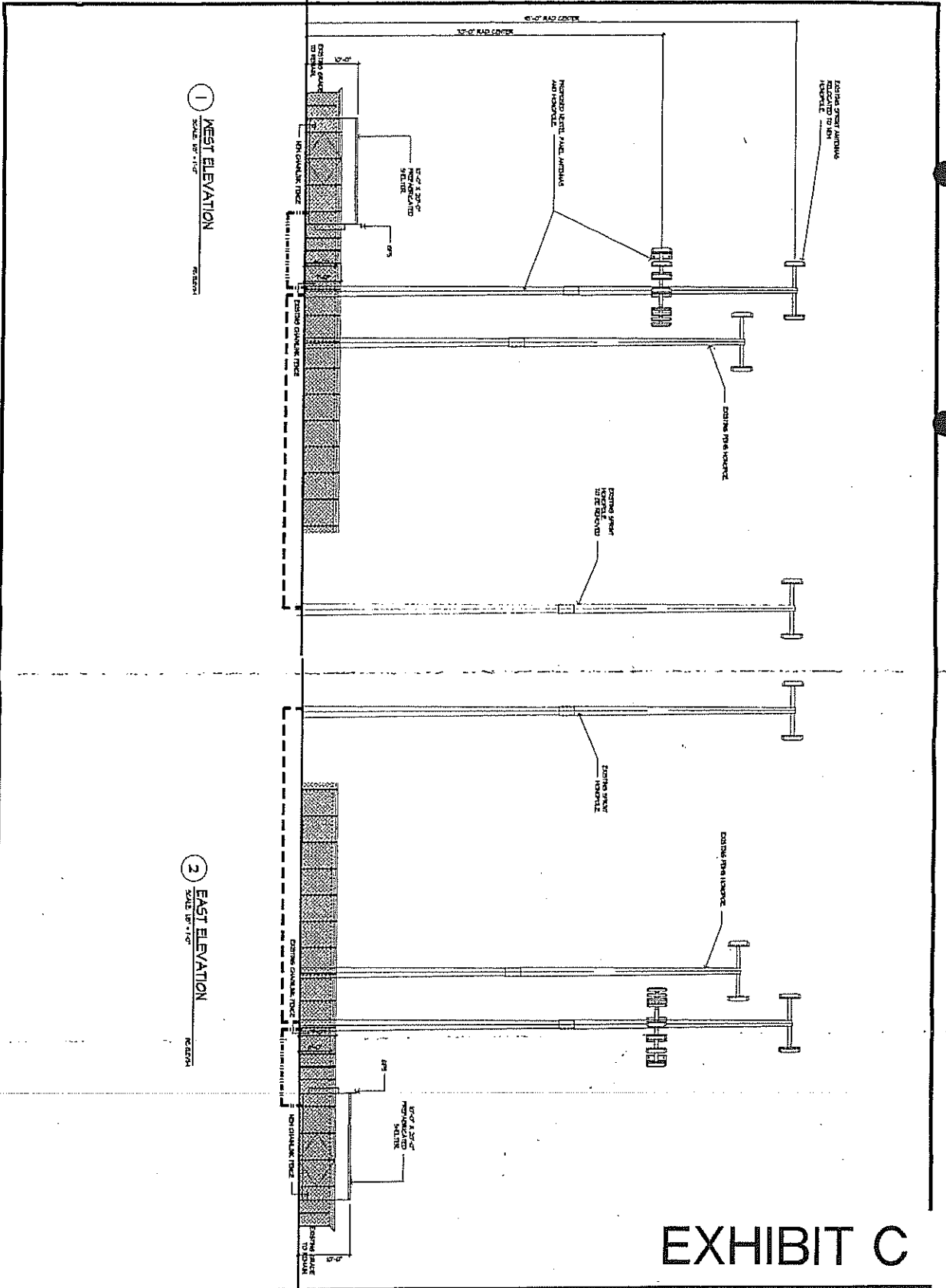
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3. The permittee shall take such measures as may be necessary or as may be required by the County to prevent offensive noise, lighting, dust or other impacts which constitute a hazard or nuisance to surrounding properties.
4. Upon termination or expiration 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 regarded to natural conditions.
5. Any expansion or change in the use may require a new or modified use permit and further environmental review.
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11. Should archaeological resources be uncovered during excavation, the excavation activities shall cease and an archaeological firm shall be contacted to study the site. The archaeological firm shall be hired by the applicant and approved by the County of Solano Department of Resource Management Planning Division. The recommendations of the archaeological firm shall be followed.
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13. The subject use permit shall be in effect for a ten (10) year period. An extension may be granted if said request is received prior to the expiration date of February 19, 2018 and the use is found to be in full compliance with the terms and conditions of this permit at that time. The applicant shall submit a "Report of Compliance" to the Resource Management Department, along with applicable "Periodic Review and Written Report fees", on the fifth anniversary of the issuance of this permit for review by the staff.

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Zoning Administrator on XXXX.

BIRGITTA E. CORSELLO, DIRECTOR
RESOURCE MANAGEMENT

Michael Yankovich
Planning Program Manager



1 WEST ELEVATION
SCALE: 1/8" = 1'-0"

2 EAST ELEVATION
SCALE: 1/8" = 1'-0"

EXHIBIT C



artech
DESIGN
GROUP
221 LINDEN LANE SUITE 100
FOLSOM, CALIFORNIA 95630
TEL: 916-938-0000
FAX: 916-938-0044

NEXTEL
of California, Inc.
400 WEST STREET SUITE 400
DANFORD, CALIFORNIA 94519
TEL: 925-938-1000
FAX: 925-938-1001

CA-0637A

PROJECT NO. 0637A
3871 FERRIS ROAD
DIXON, CA 95620
SOLANO COUNTY

ATTENDANCE	
PROJECT MANAGER	_____
ARCHITECT	_____
DATE	_____
NO.	1
DATE	02-17-2004

WEST SIDE ELEVATIONS

EAST NUMBER

A-2