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Planning Services Division

**ZONING ADMINISTRATOR STAFF REPORT
Use Permit Renewal**

Application: U-00-29-MR1-CR1
Applicant: Heidi Thorne (Sprint)

**Meeting of November 19, 2015
Agenda Item No. 1**

Project Planner: Travis Kroger

Location: 5447 Creed Road
Assessor Parcel Number: 0042-100-010

General Plan: Agriculture
Zoning: A-160

Proposal

The applicant has requested compliance review No. 1 of use permit U-00-29-MR1, pursuant to condition of approval No. 11. 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 December 7th, 2000 the Zoning Administrator granted Use Permit U-00-29, permitting a co-location of a wireless facility on an existing PG&E tower. On September 5, 2006, extension No. 1 was granted by the Zoning Administrator. Minor revision No. 1 to add 6 antennas, 9 RRUs, cabinets and GPS antennas and remove 3 antennas was granted on April 5th, 2012. On September 25, 2015 the permit holder requested compliance review No. 1.

Review and Recommendation

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 communications facility is being operated in compliance with use permit no. U-05-29-MR1.

Permit Term

Per condition 11 of U-00-29-MR1, staff recommends that this permit be extended for a 5 year term with provision that an extension may be granted if requested by the applicant prior to the expiration date of December 7th, 2020.

Attachments: Solano County Zoning Administrator Resolution 12-11

**SOLANO COUNTY ZONING ADMINISTRATOR
RESOLUTION NO. 12-11**

WHEREAS, the Solano County Zoning Administrator has considered Minor Revision No. 1 to Use Permit No. U-00-29 of **Streamline Engineering and Design on behalf of Sprint** to add 6 antennas, 9 remote Radio Units, cabinets and GPS antennas, and remove 3 antennas and 3 cabinets. The project is located 1 mile south of the City of Fairfield in an "A-160" Exclusive Agricultural Zoning District, APN: 0042-100-010, and;

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 April 5, 2012, and;

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

1. **That the establishment, maintenance or operation of the use or building applied for are 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 zoning administrator or planning commission to be pertinent.**

The operation and maintenance of a wireless communication facility is consistent with the goals, objectives, and policies of the Agricultural and Public Facilities & Services Chapters of the Solano County General Plan. The applicant proposes to blend the facility into the existing scenic view by painting the antennas to match the existing tower. The facility will be unmanned and is in an area not identified as having natural or man-made hazards.

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

Access to the parcel is from Creed Road and the wireless telecommunication facility is served by private 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 permit issuance.

3. **That the applicant exhibits proof that such 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.**

From an aesthetic viewpoint, the project consists of mounting three additional antenna panels and nine remote radio units at the 77 foot elevation on an existing PG&E transmission tower. The applicant proposes to blend the facility into the existing view by painting the antennas to match the existing tower. As a result, the proposed antenna facility will be compatible with the existing scenery.

Sprint PCS is required to submit a report to the FCC indicating compliance of the proposed facility with appropriate guidelines limiting human exposure to radio frequency electromagnetic fields.

The proposed facility complies with all applicable sub-sections of Wireless Communications Facilities, 28.50.01.

4. The facility blends in with the existing environment and will not have any significant visual impacts.

BE IT THEREFORE RESOLVED, that the Zoning Administrator has approved Minor Revision No. 1 to Use Permit No. U-00-29 subject to the following recommended conditions of approval:

1. The wireless telecommunication facility shall remain consistent with U-00-29, and all proposed modifications shall be established in accord with the plans and information submitted with Use Permit Application No. U-00-29-MR1 and with the plans entitled Sprint Denverton, dated October 19, 2011 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 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 equipment, including concrete pads, shall be removed within 90 days 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. 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 Environmental Health Services Division shall be met including:
 - a. 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.

- b. Prior to the issuance of the building permit, if hazardous materials are stored on-site, the permittee shall submit a hazardous materials management plan to the Environmental Health Division for review and approval.
8. Prior to issuance of the building permit, the applicant shall apply for and obtain an encroachment permit for a commercial driveway connection to Creed Road from the Solano County Transportation Department.
9. 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.
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 is granted for an indefinite period and subject to periodic 5 year renewals pursuant to Section 28.53 (o) of the Solano County Zoning Code. The permittee shall submit a "Report of Compliance" to the Department of Resource Management, along with the applicable "Periodic Review and Written Report fees" to occur on or before December 7, 2015 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 April 5, 2012.

BILL EMLLEN, DIRECTOR
RESOURCE MANAGEMENT



Michael Yankovich
Planning Program Manager