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Planning Services Division

**ZONING ADMINISTRATOR STAFF REPORT**

**Use Permit Renewal**

<b>Application No.</b>	U-10-01-CR1 (Metro PCS)	<b>Meeting Date</b>	July 7, 2016
<b>Applicant</b>	ATC Iris I LLC Bonnie Belair 10 Presidential Way Woburn, MA 01801	<b>Agenda Item No.</b>	1
<b>Project Planner</b>	Eric Wilberg		
<b>Location</b>	6410 Silveyville Road Dixon, CA 95620	<b>General Plan</b>	Agriculture
<b>Assessor Parcel No.</b>	0108-110-010	<b>Zoning</b>	Exclusive Agriculture "A-40"

**Proposal**

The applicant has requested compliance review No. 1 for Use Permit U-10-01 pursuant to condition of approval No. 2. 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 June 17, 2010 the Solano County Planning Commission granted Use Permit U-10-01 to construct and operate a wireless communication facility that includes and 80-foot high monopole designed as a pine tree. The facility has the capability to support two additional carriers within the 40' x 40' lease area.

**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 existing communication facility is being operated in compliance with Use Permit U-10-01.

**Permit Term**

Per condition of approval No. 2, the permit shall remain in effect for a ten (10) year period, with the provision that an extension may be granted if said request is received prior to the expiration date of June 17, 2020 and the use is found to be in full compliance with the terms and conditions.

**Attachment:**

Planning Commission Resolution No. 4533

# SOLANO COUNTY PLANNING COMMISSION

## RESOLUTION NO. 4533

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**WHEREAS**, the Solano County Planning Commission has considered Use Permit Application No. U-10-01 of **Metro PCS** to locate and operate a wireless communication facility that includes an 80-foot high monopole, disguised as a pine tree, capable of supporting 2 additional future carriers within a 40 foot x 40 foot lease area. The proposed wireless communication facility will be located adjacent to an existing 65-foot high wireless communication facility, currently disguised as a pine tree located at 6410 Silveyville Road in an "A-40" Exclusive Agricultural Zoning District, west of the City of Dixon, APN: 0108-110-010, and,

**WHEREAS**, said Commission 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 June 17, 2010, 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 wireless communication facility is consistent with the goals, objectives, and policies of the General Plan, including, but not limited to, the Agriculture, Resources, and Public Facilities and Services chapters.

The visual character of the Scenic Roadway will be protected in that an additional faux redwood tree will emulate a cluster of pine trees and visually blend in with the environment.

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

Access to the site will be from an existing private driveway off of Silveyville Road. Electricity exists at the site, 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 the 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 monopole will be constructed to emulate a redwood tree with high density green foliage, varied branching angles and natural colored bark. The antennas and microwave dish will be painted flat green color to blend in with the faux tree and the ground mounted equipment will be screened from view and painted with earthtone colors, to minimize visual impacts. Significant aesthetic impacts are not anticipated.

## ADDITIONAL FINDINGS

4. Based on the information contained in the Alternatives Analysis submitted by the applicant, no alternative site or design is available that would allow for issuance of a Use Permit before the Zoning Administrator for the facility.
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.

**BE IT, THEREFORE, RESOLVED**, that the Planning Commission of the County of Solano does hereby adopt the Negative Declaration and the mandatory and additional findings and approve Use Permit Application No. U-10-01, subject to the following conditions of approval:

1. Approval is hereby granted to install an 80-foot tall wireless communication facility at 6410 Silveyville Road, including future collocation for additional wireless providers and ground mounted equipment shelters, utilizing stealth technology. The proposed wireless communication facility shall be established in accord with the plans entitled "Metro PCS R.C. Gill Monopine Site No. SAC-490F"; 6410 Silveyville Road, Dixon, CA 95620," revised on September 21, 2009, submitted with Use Permit Application No. U-10-01, and approved by the Solano County Planning Commission subject to the any revisions required by the conditions of approval below. The future wireless providers on the approved monopole may be permitted by the Director of Resource Management provided that the proposed radio frequency emissions in combination with the existing radio frequency emissions meets Federal Communication Commission regulations.

Minor revisions which include reconfiguration of an approved lease area or tower extensions may be approved by the Zoning Administrator; however, any substantial revisions such as additional carriers beyond the amount granted by this permit and or additional monopoles will require a new use permit approved by the Planning Commission.

2. 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 *June 17, 2020* 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 (5<sup>th</sup>) anniversary of the issuance of this permit for review by the staff. The "Report of Compliance" shall address compliance of conditions no. 5 through 15.
3. The project proponent shall agree to allow other cellular carriers to use the transmission tower. The monopine/tower/pole shall be designed and constructed so that collocation with other carriers is possible.
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. Prior to issuance of a building permit, the final design of the tower disguised as a redwood tree shall be subject to review and approval by the Department of Resource Management Director or

his designee. The permittee /wireless provider shall submit design specifications and samples regarding the branch and needle spacing, densities, and faux bark to the department. The final design shall provide an appearance of a healthy redwood tree that blends with the surrounding tree environment.

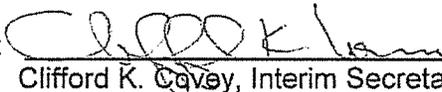
- a. High density foliage shall be provided as needed to fully cover all antenna array and microwave dish. The antenna arrays and microwave dish shall not be a dominant visual feature, and painted a flat color (green) to match the faux needles.
  - b. Branches shall have varied angles and lengths as needed to resemble the appearance of a natural tree.
  - c. The branches shall begin at a maximum height of 20 feet from ground level.
  - d. The support pole shall be designed to appear like a natural trunk and painted a flat brown.
  - e. All ground mounted features including the masonry wall and gate, shall be painted with earth tone colors.
6. Prior to final inspection, the Planning Division shall field verify the design and construction of the faux redwood tree pursuant to Condition No. 5.
  7. 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.
  8. All requirements of the Environmental Health Division shall be met, including, but not limited to:
    - a. The permittee shall provide and maintain a portable chemical toilet or other approved toilet facilities on site for the duration of construction.
  9. If a building permit application is submitted prior to January 1, 2011, the project shall be designed under the 2007 California Building Codes. If the building permit application is submitted on or after January 1, 2011, the project shall be designed under the 2010 California Building Codes. These designs shall be specific on the plans.
  10. Prior to any construction or improvements taking place, a Building Permit application shall first be submitted as per Section 105 of the 2007 California Building Code. **“Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit”.**
  11. All requirements of the Dixon Fire Department shall be met, including, but not limited to:
    - a. An approved sign shall be installed that will have an emergency contact number that is answered 24 hours a day, seven days a week.
    - b. Any generator fuel tank shall have secondary containment per California Fire Code regulations.

12. The appearance of the monopine shall be maintained in a green and healthy looking condition. This shall include repair or replacement of branches as needed.
13. Advisory: Any work or traffic control that encroaches on to the state right of way (ROW) requires an encroachment permit that is issued by the Department. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating state ROW must be submitted to the address below. Traffic-related mitigation measures should be incorporated into the construction plans during the encroachment permit process. Please contact Luis Melendez at Caltrans, District 4, at (510) 286-5606 for more information.
14. The premises shall be maintained in a neat and orderly manner and kept free of accumulated debris and junk.
15. 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.

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I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Planning Commission on June 17, 2010, by the following vote:

AYES:	Commissioners	<u>Barnes, Rhoads-Poston, Karah and</u> <u>Chairman Mahoney</u>
NOES:	Commissioners	<u>None</u>
ABSTAIN:	Commissioners	<u>None</u>
ABSENT:	Commissioners	<u>Boschee</u>

By:   
Clifford K. Covey, Interim Secretary