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# DEPARTMENT OF RESOURCE MANAGEMENT

# SOLANO COUNTY

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Planning Services Division

Agenda Item No. 1

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## **MEMORANDUM:**

**TO:** Solano County Zoning Administrator  
**FROM:** Eric Wilberg, Planner Associate  
**SUBJECT:** Minor Use Permit MU-14-03 (Verizon Wireless) Extension to Exercise  
**MEETING DATE:** April 21, 2016

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### **I. Recommendation**

**APPROVE** applicant's request for a one year extension to exercise Minor Use Permit MU-14-03, pursuant to Section 28.106(K) of the Solano County Zoning Ordinance.

### **II. Discussion**

On February 19, 2015 the Zoning Administrator conditionally granted MU-14-03 to Verizon Wireless for the construction of a wireless communication facility atop an existing PG&E lattice tower. The permit states that the failure, neglect or refusal to exercise the permit within a period of one (1) year from the date of granting thereof, shall automatically cause the same to become null and void.

On February 4, 2016 the applicant submitted a request for a one-year extension to exercise. The submittal states the Verizon build schedule has been pushed out to latter this year, therefore delaying construction of the project.

Section 28.106(K):

*In any case where a use permit has not been exercised within one year after the date of approval thereof, or any other period for exercise as stated in a condition of the permit, the use permit shall expire and thereafter be null and void without further action by the Zoning Administrator; except that, upon written request by the owner, the Zoning Administrator may authorize an extension of time to exercise the permit, not to exceed one year. Only one such extension may be granted.*

Planning staff recommends that the one year extension to exercise be granted for MU-14-03.

### **Attachments**

A – MU-14-03 Permit and Resolution No. 15-02  
B – Extension Request (February 4, 2016)

**SOLANO COUNTY ZONING ADMINISTRATOR  
RESOLUTION NO. 15-02**

**WHEREAS**, the Solano County Zoning Administrator has considered Minor Use Permit Application No. MU-14-03 of **Verizon Wireless (c/o NSA Wireless)** to construct a wireless communication facility atop an existing 97.9 foot tall PG&E lattice tower. The Verizon site would consist of six panel antenna mounted on a 12 foot tall "top hat" tower extension. Equipment cabinets would be located within the base of the existing tower on a raised steel platform with redwood enclosure fencing. The project is located at Gates Canyon and Vaca Valley Roads, Vacaville, in an "A-40" Exclusive Agricultural Zoning District, APN's: 0121-150-100, 180, 160, 150, 140, 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 February 19, 2015, 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 applied for is 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.**

The co-location of a wireless communications facility is consistent with the goals, objectives and policies of the Solano County Zoning Ordinance and Solano County General Plan. The project as proposed by the applicant, along with the recommended conditions of approval will be consistent with the General Plan.

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

The project involves constructing an encroachment to Gates Canyon Road and 20 foot wide private roadway to access the site. The facility would be unmanned and does not require domestic water and/or private septic system.

- 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 Development Review Committee has reviewed the project permit and determined that the project will not present a detrimental or injurious impact on surrounding properties and has recommended conditions of approval to be implemented on the project to support this finding.

## **ADDITIONAL FINDINGS**

4. The proposed facility complies with all applicable sub-sections of Wireless Communications Facilities, 28.81.
5. The RF Environmental Evaluation Report for the project shows that the cumulative radio-frequency energy emitted by the facility and any near-by facilities is consistent with FCC regulations.
6. The facility blends in with the existing environment and will not have significant visual impacts.
7. The project qualifies for a Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303, New Construction of Small Structures.

**BE IT THEREFORE RESOLVED**, that the Zoning Administrator has approved Minor Use Permit Application No. MU-14-03 subject to the following recommended conditions of approval:

1. The wireless communication facility shall be established and operated in accord with the application materials submitted with MU-14-03, and with the development plans entitled Verizon Wireless, Pleasants Valley, 3628 Gates Canyon Road, submitted November 13, 2014, and as 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 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 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 returned 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 new permits or minor revisions to the permits.
7. 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.

8. The premises shall be maintained in a neat and orderly manner and kept free of accumulated debris and junk.
9. Antennas shall be painted or of a color and material to match the existing PG&E lattice transmission tower.
10. The maximum potential volume of hazardous materials stored at the facility shall be calculated, and if required, the facility shall submit a hazardous materials business plan to the Solano County Department of Resource Management Hazardous Materials Section.
11. The permittee shall apply for, secure and abide by the conditions of an Encroachment Permit for the proposed connection to Gates Canyon Road. Application shall be made with the Solano County Department of Resource Management Public Works Engineering Division.
12. The permittee shall take measures to avoid tracking loose gravel and material onto the County Roadway. Should loose material be tracked onto the roadway, the permittee shall take measures to sweep the roadway on a regular basis.
13. The permittee shall apply for, secure and abide by the conditions of a grading permit for the new access road proposed for the site. The grading permit application shall include details related to how the road will be constructed, such as: retaining walls, daylight of grading, road section, etc. Grading permit application shall also address site drainage and storm water protection during roadway construction. Application shall be made with the Solano County Department of Resource Management Public Works Engineering Division.
14. The subject minor use permit shall be valid for a fixed term of ten (10) years; with an expiration date of February 19, 2025. Issuance of a new land use entitlement is required should the facility continue to operate on-site past the permit expiration date of February 19, 2025.

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I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Zoning Administrator on February 19, 2015.

BILL EMLLEN, DIRECTOR  
RESOURCE MANAGEMENT

  
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Michael Yankovich  
Planning Program Manager

# NSA Wireless, Inc.

*Site Acquisition • Planning • Political Advocacy • Construction Management*

February 4, 2016

Eric Wilberg, Planner  
Solano County - Department of Resource Management  
675 Texas Street, Suite 5500,  
Fairfield, CA 94533

## **RE: Verizon Permit MU-14-03 – Request One Year Permit Extension**

Hello Eric:

On behalf of Verizon Wireless, we respectfully request a one-year extension to exercise the Minor Land Use Permit MU-14-03 that was granted by the Zoning Administrator on February 19, 2015. Resolution No. 15-02.

### Project Description

The construct a wireless communications facility atop an existing 97.9 foot tall PGE lattice tower to include six panel antenna mounted on a 12 foot tall top hat tower extension with equipment below within new redwood fence.

Verizon build schedule has been pushed out to latter this year, so we respectfully request an extension of the permit.

Please call me if you have any questions.

*P.D. Nobel*

*Pamela Nobel  
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