

BILL EMLÉN
Director

TERRY SCHMIDTBAUER
Assistant Director

MIKE YANKOVICH
Planning Services Manager

DEPARTMENT OF RESOURCE MANAGEMENT



SOLANO COUNTY

675 Texas Street, Suite 5500
Fairfield, CA 94533-6342
(707) 784-6765
Fax (707) 784-4805

www.solanocounty.com

Planning Services Division

ZONING ADMINISTRATOR STAFF REPORT Use Permit Renewal

Application: U-00-33-MR1-CR1
Applicant: Michelle Merkel (Sprint)

Meeting of May 19, 2016
Agenda Item No. 3

Project Planner: Travis Kroger

Location: 5000 Lambert Road

General Plan: Agriculture

Assessor Parcel Number: 0149-060-190

Zoning: A-SV-20

Proposal

The applicant has requested compliance review No. 1 for Land Use permit U-00-33-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 March 15th, 2001, Land Use permit U-00-33 was granted by the Solano Planning Commission for a 5 year term to establish a new cellular communication facility with 12 antennas and a 200 square foot equipment building. On March 24th, 2006, extension No. 1 was granted. On November 16th, 2010 extension No. 2 was granted by the Solano County Planning Commission. Minor revision No. 1 to replace 3 antennas and add 6 remote radio units and associated equipment was granted by the Solano County Zoning Administrator for an indefinite term subject to 5 year compliance review. On March 2nd, 2016, compliance review No. 1 was requested.

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-00-33-MR1.

Permit Term

Per condition 11 of : U-00-33-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 March 15th, 2021.

Attachment: Land Use Permit No. U-00-33-MR1 and conditions of approval



*mailed 3/9/12

Department Of Resource Management
675 Texas Street, Suite 5500
Fairfield, CA • 94533
Planning Division
(707) 784-6765

SF72XC910

LAND USE PERMIT NO. U-00-33
(Revision No. 1)

SPRINT

(permittee)

For the removal and replacement of 3 panel antennas atop a 45' tall monopine. In addition, install six remote radio units and replace associated ancillary equipment. The project is located at 5000 Lambert Road 3.5 miles north of the City of Fairfield in an "A-40" Exclusive Agricultural Zoning District, APN: 0149-060-190.

(Land use, location and zone district)

In addition to the zoning regulations, the building laws and other ordinances, the conditions of granting this permit are attached (Resolution No. 12-03).

Granting or conditional granting of this permit does not release the permittee from complying with all other county, state or federal laws. Failure to comply with all the aforementioned provisions and conditions will be cause for the revocation of this Permit by the County Planning Commission.

Failure, neglect or refusal to exercise this Permit within a period of one (1) year from the date of granting thereof, shall automatically cause the same to become and remain null and void.

This permit shall not take effect unless permittee signs in the space below within thirty (30) days after the date of granting hereof.

I agree to conform fully to this use permit and all of the foregoing conditions.

Alba J Barber (signature) 2/14/12 (date)
Permittee's Signature Date

Alba Barber (printed name)
Permittee's Name (Please Print)

Address City Zip

Date Granted January 19, 2012

SOLANO COUNTY ZONING ADMINISTRATOR

Issued by: Bill Emlen (signature)
Bill Emlen, Director
Resource Management

Date 3/9/12

SF12XC910

**SOLANO COUNTY ZONING ADMINISTRATOR
RESOLUTION NO. 12-03**

WHEREAS, the Solano County Zoning Administrator has considered Minor Revision No. 1 to Use Permit No. U-00-33 of **Cortel LLC on behalf of Sprint** for the removal and replacement of 3 panel antennas atop a 45' tall monopine. In addition, install six remote radio units and replace associated ancillary equipment. The project is located at 5000 Lambert Road 3.5 miles north of the City of Fairfield in an "A-40" Exclusive Agricultural Zoning District, APN: 0149-060-190, 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 January 19, 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 monopine. 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 via Lambert 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.**

The project consists of a 45-foot high wood tree pole with antennae sited next to a stand of oak trees. The applicant is proposing to paint the antennae a mottled green and

brown to blend with the oak tree background. These measures will make the facility virtually indistinguishable from the background as viewed from Suisun Valley Road. As a result, the proposed antenna facility will be compatible with the existing hillside view. 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 proposed facility complies with all applicable sub-sections of Wireless Communications Facilities, 28.50.01.
5. 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-00-33 subject to the following recommended conditions of approval:

1. The proposed modifications to the wireless communication facility shall remain consistent with U-00-33, and all proposed modifications shall be established in accord with the information submitted with U-00-33-MR1 and with the plans entitled Sprint, CA2295 5000 Lambert Road, received October 20, 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 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 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 allows 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 new permits or minor revisions to the permits.
7. Prior to the issuance of the use 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.

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 permittee shall paint the remote radio units and antennas a green color to match the existing monopine tree.
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 March 15, 2016 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 January 19, 2012.

BILL EMLLEN, DIRECTOR
RESOURCE MANAGEMENT



Michael Yankovich
Planning Program Manager