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Planning Services Division

SOLANO COUNTY ZONING ADMINISTRATOR

Staff Report U-16-02

Application No. U-16-02 Project Planner: Eric Wilberg, Planner Associate	Meeting of September 15, 2016 Agenda Item No. 1
Applicant Hoch Associates for Zayo Group LLC c/o Steve Roy 531 Virginia Avenue Suite 100 Indianapolis, IN 46203	Property Owner Gaynl Mooney c/o Martha Bunce PO Box 494 Elmira, CA 95687

Action Requested

Use Permit approval of a wireline telecommunications facility consisting of a 420 square foot equipment shelter and underground fiber-optic infrastructure as part of the Zayo Group, LLC service network. The project is located 1.5 miles east of the City of Vacaville within the Exclusive Agriculture "A-40" Zoning District; on a leased portion of APN 0141-120-120.

Property Information		
Size: 24.15 acres	Location: 1 mile NE of Elmira	
APN: 0141-120-120		
Zoning: Exclusive Agriculture "A-40"	Land Use: agriculture	
General Plan: Agriculture	Ag. Contract: n/a	
Utilities: n/a	Access: via Lewis Road	

Adjacent General Plan Designation, Zoning District, and Existing Land Use

	General Plan	Zoning	Land Use
North	Agriculture	Exclusive Agriculture "A-40"	Field crops
South	Agriculture	Exclusive Agriculture "A-40"	Field crops
East	Agriculture	Exclusive Agriculture "A-40"	Field crops/orchard
West	Agriculture	Exclusive Agriculture "A-40"	Field crops

Environmental Analysis

The project qualifies for a Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303, New Construction of Small Structures.

Motion to Approve

The Zoning Administrator does hereby ADOPT the attached resolution and APPROVE Use Permit No. U-16-02 subject to the recommended conditions of approval.

SITE DESCRIPTION

The subject property is located at the northwest corner of the intersection between Lewis and Hawkins Roads; 2 miles east of the City of Vacaville. The triangular shaped parcel is 24.15 acres with the Zayo lease area approximately 3,000 square feet wedged in the northern corner of the lot. The lot is relatively flat and undeveloped. A majority of the parcel is utilized for agricultural field crop production. The site is bound to the north and west by Southern Pacific railroad tracks and a Solano Irrigation District canal. Lewis Road bounds the site to the east. Hawkins Road bounds the site to the south.

Parcels adjacent to the site are predominantly utilized for field crop production, including alfalfa, corn, and wheat. These crops are typical for the Elmira and Maine Prairie Agricultural Region. The nearest residence is located 900 feet east of the project site.

BACKGROUND

Zayo Group, LLC is a certificated public utility that holds a Certificate of Public Convenience and Necessity (CPNC) issued by the California Public Utilities Commission (CPUC) to provide local and long distance telephone service and other telecommunications services. Zayo is an international provider of bandwidth infrastructure services and is currently expanding their Northern California fiber network. The company provides high-bandwidth solutions such as cloud connectivity, video transport, Dark Fiber, Ethernet, Wavelength and IP services to wireline and wireless customers, data centers, internet content providers, high bandwidth enterprises, and government agencies across their network. A majority of the Zayo network is located within existing rights-of-way; however the proposed project is located outside of the right-of-way and is subject to local land use jurisdiction and zoning regulations.

PROJECT DESCRIPTION

Zayo proposes to construct a 420 square foot telecommunications equipment shelter as part of their Northern California fiber network. The 11'-8" x 36' precast concrete building will house conduit, batteries, HVAC, fiber box, and a power generator. Underground electric and fiber optic lines will be installed to connect the proposed building to the existing fiber network within the adjacent right-of-way.

The building is unmanned however requires minimal site visits by service technicians. The project estimates 1 visit to the site per month for maintenance and service operation. Access to the site is provided by private driveway off Lewis Road and a gravel roadway is proposed to access the shelter. The structure will have 1 wall mounted exterior light near the access door. The lighting is a photocell unit, directed downward, with a motion detector and 4000K (60w) LED bulb. No emissions or noise generation will be created from normal operations of the building. An emergency generator will be on-site, operating in times of commercial utility power loss and for periodic maintenance and testing. The facility does not include antennas, towers, or microwave dishes.

ENVIRONMENTAL ANALYSIS

The project qualifies for a Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303, New Construction of Small Structures. Class 3 consists of construction and location of limited numbers of new, small facilities or structures. The Guidelines indicate that land uses which do not involve the use of significant amounts of hazardous substances, and do not exceed 2,500 square feet in floor area qualify for this exemption. The project meets these guideline standards.

LAND USE CONSISTENCY

General Plan and Zoning

The property is designated Agriculture by the Solano County General Plan. As indicated on the General Plan land use consistency table (General Plan Table LU-7) the Exclusive Agriculture "A-40" Zoning District is consistent with this designation.

Pursuant to Section 28.81 of the County Zoning Regulations, a telecommunications facility is a permitted land use within the Exclusive Agriculture "A-40" Zoning District. Section 28.81(D) provides the requirements for this land use. The project is categorized as a wireline communications facility which utilizes underground fiber-optic and electronic connections to transmit signals between two or more points.

The physical above ground improvements consists of a 12'-1" tall, 420 sq. ft. equipment shelter surrounded by a 6' tall chain link fence. The proposal is the minimum functional height for the use and does not involve construction of an elevated tower. The project is located outside of ¾ mile of a designated Scenic Roadway and therefore is not subject to further height restriction. The communications equipment is located entirely within the structure, thus screened from adjacent agricultural and residential land uses and roadways. The facility does not include antennas, towers, or microwave dishes therefore a radio-frequency exposure report is not required. The proposed location and height of the facility does not trigger FAA regulations for special painting or lighting. The facility is situated within an Agricultural District and the operational equipment is located within an enclosed structure. The design of the facility is expected to minimize noise. The proposal meets the telecommunications requirements detailed in Section 28.81 of the County Code.

RECOMMENDATION

Staff recommends that the Zoning Administrator **ADOPT** the findings, and **APPROVE** Use Permit No. U-16-02, subject to the recommended conditions of approval.

USE PERMIT MANDATORY FINDINGS

1. That the establishment, maintenance or operation of the use or building 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 to be pertinent.

The proposed communications facility is consistent with the goals, objectives and policies of the Solano County Zoning Ordinance and Solano County General Plan. The communications facility is a permitted land use within the Exclusive Agriculture Zoning District. The proposal meets or exceeds the general and specific land use regulations pertaining to this use.

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

The project proposes an encroachment to Lewis Road and interior gravel roadway to access the facility. An encroachment permit from the County Public Works Division is necessary for the connection to Lewis Road. The project does not require that a source of water supply or sewage disposal be developed.

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 project involves the operation and maintenance of a wireline communications facility within an enclosed structure. The subject use will not constitute a nuisance to surrounding properties or persons residing, working, or passing through the agricultural area.

ADDITIONAL FINDINGS

- 4. The project qualifies for a Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303, New Construction of Small Structures.
- 5. The proposed facility qualifies for a use permit before the Zoning Administrator as it is receive only (underground cables, wires, etc.) and does not include any antennas, dishes, or instruments that would trigger the necessity for a Radio Frequency Environmental Evaluation Report.
- 6. The proposed above ground development consists of a 420 square foot equipment shelter, typical of small accessory structure within the A-40 district. Exterior walls will be painted brown to blend with agricultural landscape surrounding the site. The facility would blend with the existing environment and will not have significant visual impacts.

CONDITIONS OF APPROVAL

General

- 1. Approval is hereby granted to Zayo Group, LLC to construct and operate a wireline communications facility consisting of a 420 square foot equipment shelter and underground fiber-optic infrastructure within an approximate 3,000 square foot leased area of APN 0141-120-120. The permitted use shall be established in accord with the application materials and development plans for U-16-02, submitted May 31, 2016 and as approved by the Solano County Zoning Administrator.
- 2. 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.
- 3. Any expansion or change in the use may require a new or modified use permit and further environmental review.
- 4. 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 use permit or minor revision or amendment to the permit.
- 5. The premises shall be maintained in a neat and orderly manner and kept free of accumulated debris and junk.

Permit Term

6. The permit shall be in effect for a five (5) year period with provision that a renewal may be granted if said request is received prior to the expiration date of September 15, 2021 and the use shall remain the same and in compliance with the conditions of approval.

Building Division

7. Prior to any construction or improvements taking place, a building permit application shall first be submitted as per Section 105 of the 2013 California Building Code or the latest edition of the codes enforced at the time of building permit application. "Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to 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."

Solano Irrigation District

8. The District has facilities along the northwest side of the subject site. Said facilities are within a 45' fee title right-of-way, granted to the District by W. Morris Dally Et. Al., signed March 1, 1963, and recorded on March 8, 1963 in Solano County official records book 1188 at page 692, as instrument number 6083.

The District's right-of-way shall not be used as a means of ingress and egress to the property. Construction within the right-of-way is prohibited.

Attachments

A - Draft Resolution

B - Assessor's Parcel Map

C - Site Plans

D - Shelter Diagrams

SOLANO COUNTY ZONING ADMINISTRATOR RESOLUTION NO. XX

WHEREAS, the Solano County Zoning Administrator has considered Use Permit Application No. U-16-02 of Hoch Associates for Zayo Group, LLC for a wireline telecommunications facility consisting of a 420 square foot equipment shelter and underground fiber-optic infrastructure as part of the Zayo Group, LLC service network. The project is located 1.5 miles east of the City of Vacaville within the Exclusive Agriculture "A-40" Zoning District, on a leased portion of APN 0141-120-120; 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 September 15, 2016, 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 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 to be pertinent.

The proposed communications facility is consistent with the goals, objectives and policies of the Solano County Zoning Ordinance and Solano County General Plan. The communications facility is a permitted land use within the Exclusive Agriculture Zoning District. The proposal meets or exceeds the general and specific land use regulations pertaining to this use.

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

The project proposes an encroachment to Lewis Road and interior gravel roadway to access the facility. An encroachment permit from the County Public Works Division is necessary for the connection to Lewis Road. The project does not require that a source of water supply or sewage disposal be developed.

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 project involves the operation and maintenance of a wireline communications facility within an enclosed structure. The subject use will not constitute a nuisance to surrounding properties or persons residing, working, or passing through the agricultural area.

4. The project qualifies for a Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303, New Construction of Small Structures.

- 5. The proposed facility qualifies for a use permit before the Zoning Administrator as it is receive only (underground cables, wires, etc.) and does not include any antennas, dishes, or instruments that would trigger the necessity for a Radio Frequency Environmental Evaluation Report.
- 6. The proposed above ground development consists of a 420 square foot equipment shelter, typical of small accessory structure within the A-40 district. Exterior walls will be painted brown to blend with agricultural landscape surrounding the site. The facility would blend with the existing environment and will not have significant visual impacts.

BE IT THEREFORE RESOLVED, that the Zoning Administrator has approved Use Permit Application No. U-16-02 subject to the following recommended conditions of approval:

General

- 1. Approval is hereby granted to Zayo Group, LLC to construct and operate a wireline communications facility consisting of a 420 square foot equipment shelter and underground fiber-optic infrastructure within an approximate 3,000 square foot leased area of APN 0141-120-120. The permitted use shall be established in accord with the application materials and development plans for U-16-02, submitted May 31, 2016 and as approved by the Solano County Zoning Administrator.
- 2. 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.
- **3.** Any expansion or change in the use may require a new or modified use permit and further environmental review.
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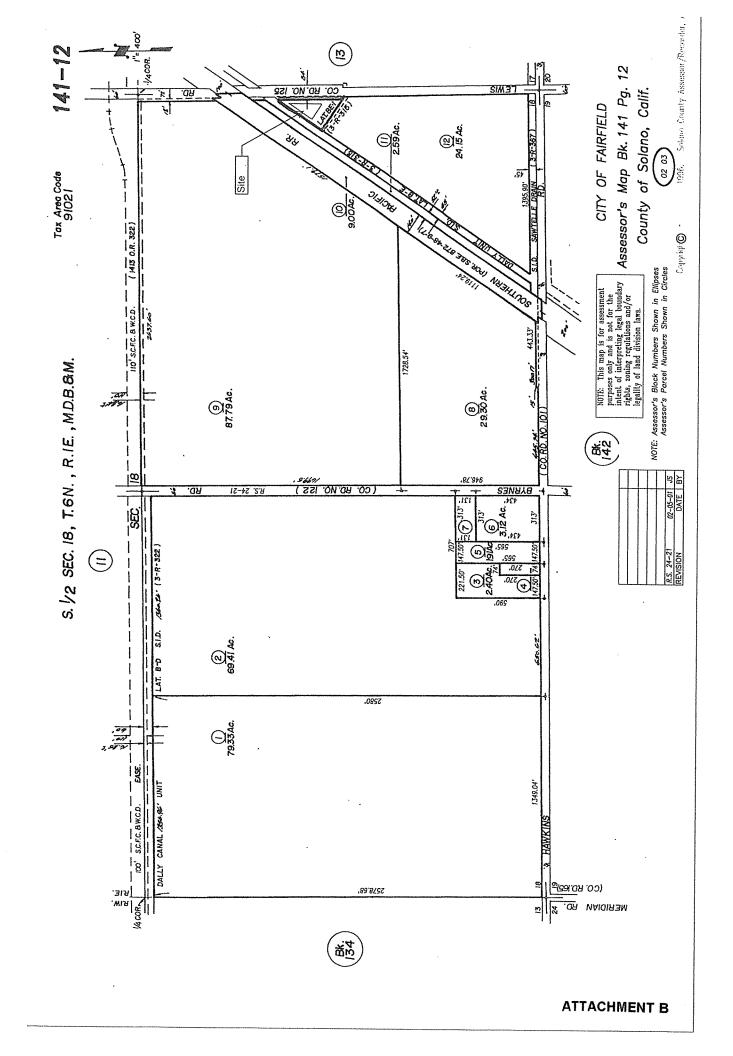
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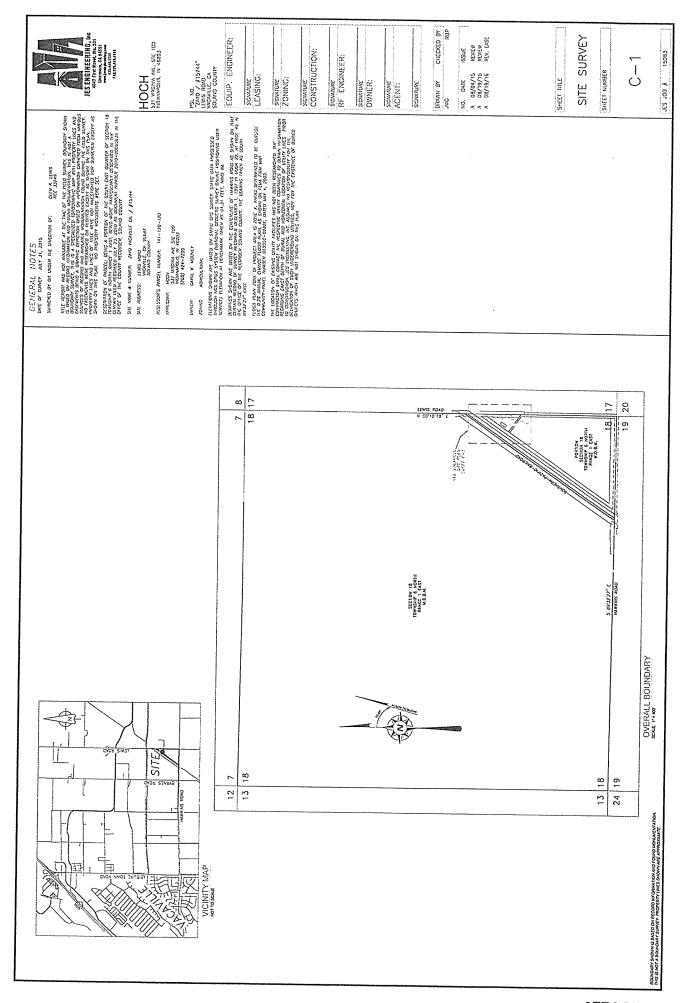
I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Zoning Administrator on September 15, 2016.

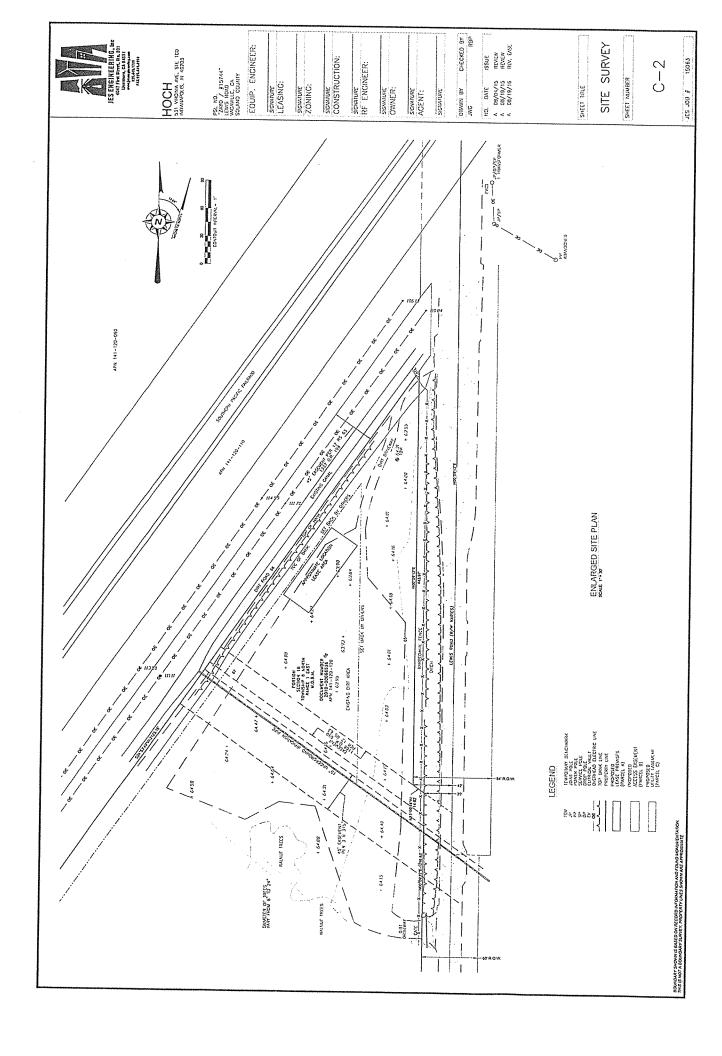
BILL EMLEN, DIRECTOR RESOURCE MANAGEMENT

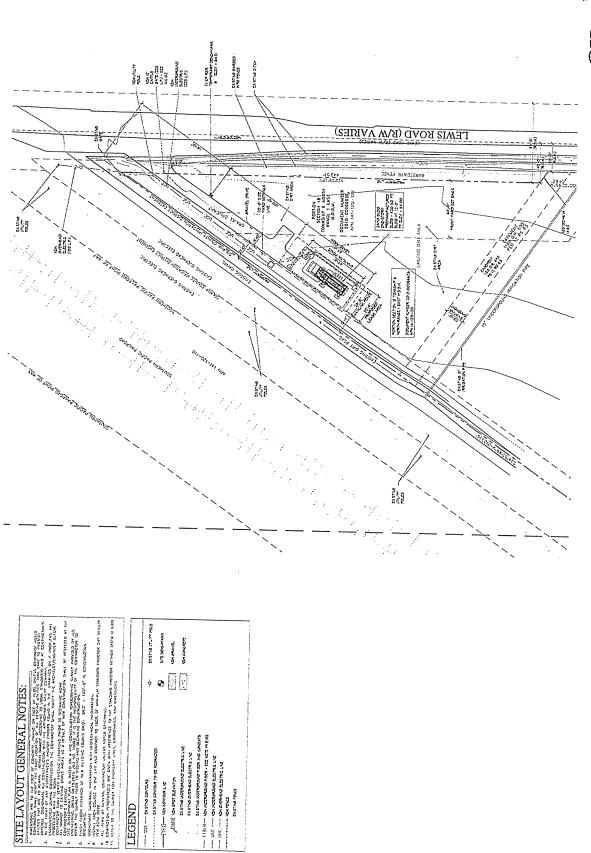
Michael Yankovich
Planning Program Manager

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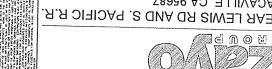
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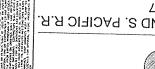
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LEGEND

SITE LAYOUT GENERAL NOTES:

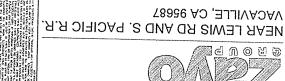






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SITE PLAN MODICI NAMEN COSTREE COMMON OFF





SCALE: 1' = 30"-0"

