



## Department of Resource Management

### Solano County Zoning Administrator

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Bill Emlen, Director  
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### Use Permit Renewal - Staff Report

**Application:** U-96-26-MR1-CR1 (Crown Castle)  
**Project Planner:** Eric Wilberg

Meeting of December 18, 2014  
Agenda Item No. 1

**Location:** 8757 Pedrick Road  
**Assessor Parcel Number:** 0110-140-030

**General Plan:** Agriculture  
**Zoning:** Exclusive Agriculture 'A-40'

#### **Proposal**

The applicant has requested compliance review No. 1 of use permit U-96-26-MR1, pursuant to condition of approval No. 13. 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 November 7, 1996 the Solano County Planning Commission granted Use Permit U-96-26, permitting a telecommunication facility with 9 panel antennas on a 96 foot high monopole tower (total height 102 feet). On February 19, 1998 the Planning Commission approved minor revision No. 1 collocate additional antennas at the 70' elevation on the monopole. Through extension No. 1, the permit was extended for a ten year period, subject to compliance review at five year intervals.

#### **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 communication facility is being operated in compliance with use permit no. U-96-26-MR1.

#### **Permit Term**

As of March 29, 2012 the Zoning Regulations pertaining to wireless communications facilities have been amended, affecting the life of approval for existing permitted facilities. Specifically, Sections 28.81(J and K), require issuance of the use permit for a fixed term. All permits issued prior to January 1, 2012 shall become fixed term permits and shall expire December 31, 2022. As a result, staff recommends that the permit be renewed for a final term, expiring December 31, 2022. Prior to permit expiration, the permittee is required to file for a new permit.

#### **Attachment**

A – Zoning Administrator Resolution No. 09-21

**SOLANO COUNTY ZONING ADMINISTRATOR  
RESOLUTION NO. 09-21**

**WHEREAS**, the Solano County Zoning Administrator has considered Extension No. 1 to Use Permit No. U-96-26 of **Crown Castle** for the continued operation of a telecommunications facility located at 8757 Pedrick Road in an "A-40" Exclusive Agricultural Zoning District, 1 mile north of the City of Dixon, APN: 0110-140-030, 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 August 20, 2009 , and

**WHEREAS**, after due consideration, the said 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 of the County with regard to traffic circulation, population densities and distribution, and other aspects of the General Plan considered by the Zoning Administrator.**

The operation and maintenance of a wireless communication facility is consistent with the goals, objectives, and policies of the Land Use and Public Facilities and Services chapters of the Solano County General Plan.

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

External access to the site will be via Pedrick Road with internal access via a dirt driveway. The site has existing electrical power. Building and improvement plans have been approved by the Solano County Building and Safety Division prior to issuance of the building permit. Necessary facilities have been provided and are available.

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 person 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 facility will not be a nuisance or be detrimental to the public's health, safety, peace, morals, comfort or general welfare. The collocation located on an existing communication tower and the associated equipment will be located inside an equipment lease area. The facility will be blend in with the existing facilities at the property. As such, there will be no significant degradation of the neighborhood or the County's health, safety, peace, morals, comfort, or general welfare.

Studies support the assertion that low power, high frequency radio waves are not detrimental or injurious to people or property. The Federal Communications Commission (FCC) regulates radio frequency radiation emissions and Nextel must conform to all FCC standards. 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 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. With waiver approval, the use will conform to County Zoning Regulations.

5. The facility blends in with its existing environment and will not have significant visual impacts.

**BE IT THEREFORE RESOLVED**, that the Zoning Administrator has approved Extension No. 1 to Use Permit No. U-96-26 subject to the following recommended conditions of approval:

1. The proposed telecommunication facility shall be established in accord with the plans and information submitted with Use Permit Application No. U-96-26 and Architectural Review Application No. AR-97-11 and approved by the Solano County Planning Commission.
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 obsolete or unused facilities, including concrete pads, shall be removed within 12 months of cessation of operations at the site and the area regarded 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 a new permit or minor revision to the use permit.
7. 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

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 equipment structure and fence shall be painted light brown to match the color of the background agricultural crops. The antennae and monopole shall be painted a light blue/gray to blend with the various colors of the sky.
11. Should archaeological resources be uncovered during excavation, the excavation activities shall cease and an archaeological firm shall be contacted to study the site. The archaeological firm shall be hired by the applicant and approved by the County of Solano Department of Resource Management Planning Division. The recommendations of the archaeological firm shall be followed.
12. The Solano Irrigation District's Currey Pipeline is located on the north side of the subject property. Any crossings of the District's facilities with proposed utilities will require approval by the District's facilities and the operator will be required to sign a Joint Use Agreement.
13. 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 February 19, 2018 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 anniversary of the issuance of this permit for review by the staff.

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I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Zoning Administrator on August 20, 2009.

BIRGITTA E. CORSELLO, DIRECTOR  
RESOURCE MANAGEMENT

  
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Michael Yankovich  
Planning Program Manager