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**DEPARTMENT OF RESOURCE MANAGEMENT**



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Planning Services Division

**Use Permit Renewal - Staff Report**

**Application: U-77-51-MR3-CR1**

**Applicant: American Towers LLC/Verizon Wireless**

**Project Planner: Travis Kroger**

**Meeting of July 2, 2015**

**Agenda Item No. 2**

**Location: 8757 Pedrick Road, Dixon CA 95620**

**Assessor Parcel Number: 0110-140-030**

**General Plan: Agriculture**

**Zoning: Exclusive Agriculture 'A-20'**

**Proposal**

The applicant has requested compliance review No. 1 of use permit U-77-51-MR3, 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 October 20, 1977 the Planning Commission granted Use Permit U-77-51, permitting an FM radio tower on the above mentioned parcel. On July 15<sup>th</sup>, 1999 the Zoning Administrator approved minor revision No. 1 to add a second equipment building to the existing facility. On June 7<sup>th</sup>, 2001, the Zoning Administrator approved minor revision No. 2 for the co-location of an additional wireless antenna on the existing facility. On July 30<sup>th</sup>, 2009, the Zoning Administrator approved minor revision No. 3 for the co-location of additional wireless antennas and microwave dishes on the existing facility.

**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-77-51-MR3.

**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 - Zoning Administrator Resolution No. 09-18**

**SOLANO COUNTY ZONING ADMINISTRATOR  
RESOLUTION NO. 09-18**

**WHEREAS**, the Solano County Zoning Administrator has considered Minor Revision No. 3 to Use Permit No. U-77-51 of **American Tower Corp. (c/o Complete Wireless Consulting)** for the collocation of antennas and microwave dishes located at 8757 Pedrick Road, Dixon in an "A-40" Exclusive Agricultural Zoning District, 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 July 30, 2009, 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 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. The proposed antenna will be installed on an existing guyed tower and will be consistent with its design. The existing facility is surrounded by six-foot high chain link fencing. The proposal is consistent with the Health and Safety Element since the facility will be unmanned and will not be in an area identified as having natural or man-made hazards.

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. Building plans will be reviewed and approved by the Solano County Building and Safety Division before a building permit is issued. Necessary facilities will be available, as recommended, during construction; henceforth no facilities will be needed since the operation will be unmanned.

3. That the applicant exhibits proof that such 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; provided, that if any proposed building or use is necessary for the public health, safety or general welfare, the finding shall be to that effect.

The proposed unmanned facility will not be a nuisance or be detrimental to the public's health, safety, peace, morals, comfort or general welfare. The proposed facility will be a co-located on an existing communication tower and the associated equipment will be located

- inside an equipment lease area. The proposed 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.
4. The facility complies with all applicable sub-sections of 28-50.01, Wireless Communication Facilities. The lack of a two-car enclosed garage will not have a negative effect on the community's health and safety.
  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. With waiver approval, the use will conform to County Zoning Regulations.
  6. 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 Minor Revision No. 3 to Use Permit No. U-77-51 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-77-51 Minor Revision No. 3, as approved by the Solano County Zoning Administrator. Twelve (12) antennas will be installed at the 110' elevation. Two (2) microwave dishes will be installed at approximately the 60 foot elevation. A 12' by 30' equipment shelter will replace the existing 12' by 25' shed.
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
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 shall allow 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 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 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 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 October 7, 2019 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 a special meeting of the Solano County Zoning Administrator on July 30, 2009.

BIRGITTA E. CORSELLO, DIRECTOR  
RESOURCE MANAGEMENT

  
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Michael Yankoyich  
Planning Program Manager