



Legislation Text

File #: PC 20-016, Version: 1

Public Hearing to consider Use Permit Application U-19-01 of AT&T Mobility to establish a new wireless communications facility which includes an 81' high faux water tank design with 12 panel antennas. The site is located in the Exclusive Agriculture (A-40) zone, on the east side of Pitt School Road, approximately .17 miles north of Interstate 80 in unincorporated Dixon, APNs 0108-110-020 & 08. The project qualifies for an Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines

Published Notice Required? Yes ☒ No ☐
Public Hearing Required? Yes ☒ No ☐

RECOMMENDATION:

The Department of Resource Management recommends that the Planning Commission **ADOPT** the mandatory and suggested findings, and **APPROVE** Use Permit No. U-19-01, subject to the recommended conditions of approval.

BACKGROUND:

This project was continued from the January 16, 2020 Planning Commission hearing in order to allow additional time for the applicant to finalize the project description and for the County to determine the appropriate level of CEQA analysis.

PROPERTY INFORMATION:

- A. Applicant/Owner:**
Tom Swarner on behalf of
AT&T Mobility
2615 Camino Lenada
Oakland, CA 94611
- B. General Plan Land Use Designation/Zoning:**
General Plan: Agricultural
Zoning: Exclusive Agricultural "A-40"
- C. Existing Use:** Almond orchard
- D. Adjacent Zoning and Uses:**
North: Exclusive Agriculture (A-40) - Almond orchard
South: Exclusive Agricultural (A-40) - Fallow field
East: Exclusive Agriculture (A-40) - Almond orchard/Hwy 80
West: Exclusive Agricultural (A-40) - Pitt School Rd./Almond orchard

PROJECT DESCRIPTION:

The applicant is proposing to replace an existing temporary cellular communication facility with a permanent facility at the same location. The new facility will consist of: an 81' high cell tower, designed as a faux water

tank, twelve directional 6' long flat-panel antennas (3 arrays with 4 panel antennas pointed in three directions), and a walk-in equipment shelter within a 50'x50' fenced compound. The applicant is further requesting that the Planning Commission consider granting additional height for the facility, as described below under Zoning Consistency.

Tower:

The proposed facility will include an 81' tower, designed as a faux water tank. There will be a total of twelve directional six foot (6') flat panel antennas (three arrays of four panels). The antennas will be located and concealed within a fiberglass faux water tank. The fiberglass material will allow for the transmission of radio frequency waves but will visually conceal the antennas. The tower is designed to allow for the future co-location of additional carriers. The proposed tower will replace the existing temporary pole.

Equipment Compound:

The 50' x 50' (2500 sf) equipment area is existing as it currently serves the permitted temporary facility. The equipment compound will be surrounded by a new 8' tall chain link fence with privacy slats to replace the existing temporary fence. The equipment area will contain the outdoor equipment cabinets and an emergency generator on a concrete slab, necessary to operate the site. The existing temporary equipment will be replaced with permanent equipment and shelter.

Access and Utilities:

The tower will be located within the parcel approximately 70' east of Pitt School Road. The applicant will utilize an existing gravel driveway off of Pitt School Road to access the facility. An encroachment permit has been obtained from the County for the existing connection to the public road. Power and land-based telecommunications service will be provided from a nearby joint utility pole located near the proposed facility. All power and telco lines to the tower will be located underground. No water or septic is required as the site is unmanned. There is an existing parking space and turnaround area for monthly service technician near the equipment compound.

Project Site

The site is comprised of two parcels (APN: 0108-110-02 & 08) which together contain 11.97 acres. The property currently contains a temporary telecommunications facility, established by Minor Use Permit MU-18-04. The balance of the property is devoted to agriculture (almond trees).

Infrastructure

Traffic and Circulation

The site is accessed by a driveway connecting to Pitt School Road, a paved two-lane county road.

Water and Sewage

The site will be unmanned. No potable water and septic system are required.

ENVIRONMENTAL ANALYSIS:

The project qualifies for a Class 2 Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15302(b)(c), Replacement or Reconstruction. Included in this Exemption is: b.) replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity, and c.) replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity.

ANALYSIS:

General Plan Consistency:

The 2008 General Plan designates this property as Urban Commercial and a Municipal Service Area (MSA). The proposed location is located within the Sphere of Influence (SOI) of the City of Dixon, as the city limit line is approximately ½ mile to the south.

For areas such as these, the General Plan provides:

Within MSAs, future development of urban land uses is to be facilitated and served through city annexation. Current land uses within MSAs may continue under County jurisdiction until the land is annexed to the city for conversion to urban uses (General Plan, Land Use Chapter, pg. LU-12).

The intent of this provision is for areas within MSAs to be developed at urban densities, only upon annexation to the city. Until that time, agricultural uses, and uses that don't require urban services, should be the primary use of the land.

The proposed use of a telecommunications facility utilizes an approximately 2500sf footprint, which currently exists. No expansion is proposed. The balance of the property will continue to be utilized for agricultural use. No significant impact to agriculture is anticipated. Further, as conditioned and as required by the Zoning Ordinance, this permit shall only be approved for a 10 year term. Should the need for additional time be required at that time, a new use permit will need to be considered. As a result, the use can be found to be consistent with the Urban Commercial designation, in an MSA, of the General Plan.

Zoning Consistency:

The parcel is zoned Exclusive Agricultural (A-40), which allows for the establishment of a wireless communication facility (new tower), subject to the approval of a use permit.

Section 28.81 of the Zoning Ordinance establishes standards and restrictions related to Wireless Communication Facilities. Subsection (D)(5) provides height requirements and states that any wireless communication facility constructed within ¾ mile of a designated scenic corridor shall conform to the height limit in the zoning district in which they are located.

Interstate 80 is designated a Scenic Roadway in the County's General Plan. I80 is located within ¾ mile of the proposed facility's location, at approximately 600' to the southeast. The height limit within the A40 zone is 35' for residential buildings and accessory buildings, however, Section 28.93 (General Height Regulations and Exceptions) provides that "towers, poles, water tanks, and similar structure may be erected to a greater height than the limit established for the district in which they are to be located.....".

Further, the Wireless Communication Facilities, Subsection (D)(5) provides that an operator may wish to apply for an exception to these height limitations, subject to approval of a Use Permit before the Planning Commission and subject to certain required findings as identified below.

The applicant is aware that the project site is within the ¾ mile distance restriction to I80. As such, the applicant has located the proposed facility as far west as possible to maintain the greatest distance it can and still meet its cell coverage needs. The applicant has also designed the tower to resemble an agricultural water tank.

There is precedent in the County for allowing new telecommunication towers at an increased height within the ¾ mile scenic roadway corridor if the applicant proposes an adequate stealth design which typically softens

the appearance of the antennas and poles. While poles have often been designed as “trees” (mono pines), in an effort to soften the look, the proposed facility has been designed as a water tank. At this location, staff believes that this is a more suitable design as it has a more agricultural and rural appearance.

Property Line Setbacks

The boundary of the existing equipment area is 20’ to the front property line and 45’ to the center of Pitt School Rd. Within the equipment area, the proposed equipment shelter will be 30’ from the front property line and 55’ from the center of Pitt School Rd. These setbacks to the equipment shelter meet the minimum distance required. Due to the height of the tower, a greater setback is often encouraged by staff to soften the visual impact to travelers along the public road. However, the equipment pad is existing at its proposed location. Requiring the applicant to relocate the pad further off the road would provide additional impacts to the existing orchard and would decrease the distance between the facility and I80, a locally designated scenic roadway. With the change in the tower’s design to a faux water tank, staff does not recommend that the location of the equipment pad be changed from its existing location.

PROPOSED 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.**

The operation and maintenance of a wireless communication facility is consistent with the goals, objectives, and policies of the Solano County General Plan, including but not limited to the Land Use, Resources, and Public Facilities and Service Chapters..

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

Vehicular access to the site will be via Pitt School Road with internal access via two existing driveways. Utilities will be provided by existing power poles within the area. Building plans will be reviewed and approved by the Solano County Building and Safety Division before a permit is issued. The facility will be unmanned and does not require a source for domestic drinking water 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.**

As conditioned, the proposed telecommunications facility will not constitute a nuisance to surrounding properties, nor will it be detrimental to the health, safety, or welfare of County residents. The RF emissions report prepared for the project indicates that the facility will be in compliance applicable to Federal Communications Commission Rules and Regulations for RF emissions.

ADDITIONAL FINDINGS

- 4. The proposed facility complies with applicable sub-sections of Wireless Communications Facilities, Sec. 28.81 of the Zoning Regulations.**

5. No alternative site or design is available that would allow for issuance of a Use Permit before the Zoning Administrator for the facility. The applicant has submitted an Alternatives Analysis which describes other locations in the vicinity that were considered. Its conclusion is that this site provides the best location for optimal antenna performance that will provide full communication services to the community, integration with the local AT&T Mobility network to handle higher call volume, maximize call quality, optimize data speed and capacity, and increase network dependability for commercial and emergency services. This site also best implements the dedicated FirstNet emergency network for first responders.
6. 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.
7. The facility blends in with its existing environment and will not have significant visual impacts. The Planning Commission grants a height exception for the 81' faux water tank tower as the tower is designed in a stealth manner and does not exceed the height of the existing temporary tower that it is replacing.
8. The proposed wireless communications facility is Categorically Exempt from CEQA, per Section 15302 (b)(c), Replacement or Reconstruction.

CONDITIONS OF APPROVAL:

General

1. Approval is hereby granted to AT&T Mobility to establish a wireless communication facility in accord with the application materials and development plans submitted with Use Permit Application U-19-01 and as approved by the Solano County Planning Commission. The approval includes the construction of an 81' high cell tower, designed as a faux water tank, twelve directional 6' long flat-panel antennas (3 arrays with 4 panel antennas pointed in three directions), and a walk-in equipment shelter within a 50'x50' fenced compound.
2. Pursuant to Section 28.81(J) of the Wireless Ordinance, the subject use permit shall be granted for a fixed term of ten (10) years and shall expire May 7, 2030. Consideration of a new land use permit is required should the need for the wireless communication facility remain upon permit expiration.
3. No additional uses (including outdoor storage), new or expanded buildings shall be established or constructed beyond those identified on the approved development plans without prior approval of a new, revised, or amended use permit.
4. All requirements of the Federal Communications Commission including RF signage shall be met prior to building permit issuance and operation of the subject facility.
5. 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.
6. The premises shall be maintained in a neat and orderly manner and kept free of accumulated debris and junk
7. 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 natural condition. The County shall have access across the subject property to affect such removal.

8. As proposed, all on-site utility lines leading to and connecting the leased areas and equipment shelters shall be located underground.
9. All facility components including, but not limited to, tower, antennas, microwave dishes, remote radio units, equipment cabinets, chain link fence/privacy slats, shall be maintained in good condition, including ensuring the facilities are reasonably free of:
 - a. Rust and corrosion;
 - b. Chipped, faded, peeling and cracked paint;
 - c. Graffiti, bill, stickers, advertisements, litter and debris; and
 - d. Broken or misshapen structural parts

The applicant shall repaint/repair any damaged, faded, peeling paint to original quality and cover or remove graffiti as part of regular maintenance.

Building & Safety Division

10. Prior to any construction or improvements taking place, a Building Permit Application shall be submitted as per Section 105 of the 2016 California Building Code, or the latest edition 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."
11. Plans and Specifications shall meet the requirements as per Section 107 of the 2016 California Building Code. "Construction documents, statement of special inspections and other data shall be submitted in one or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by registered design professional. Electronic media documents are permitted when approval of the building official. Construction documents shall be of sufficient clarity to indicate the location nature, and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant law, ordinances, rules and regulations, as determined by the building official."

Environmental Health Division

12. 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 Solano county Hazardous Materials Section.

Public Works Engineering

13. Should a grading permit be required, the applicant shall apply for, secure and abide by the conditions of a grading permit. The applicant shall submit improvement plans to Public Works Engineering for review and approval by the appropriate official. The review of plans and inspection of the construction is subject to fees to cover the cost to Public Works Engineering.

ATTACHMENTS

Attachment A: Vicinity Map

Attachment B: Aerial

Attachment C: Site Plan and Elevation Plans

Attachment D: Photo Simulations

Attachment E: Existing Facility Photos

Attachment F: Resolution