

**Sierra County
Board of Supervisors'
Agenda Transmittal &
Record of Proceedings**

MEETING DATE: July 7, 2020	TYPE OF AGENDA ITEM: <input type="checkbox"/> Regular <input type="checkbox"/> Timed <input checked="" type="checkbox"/> Consent
DEPARTMENT: Planning Department	
APPROVING PARTY: Tim H. Beals	
PHONE NUMBER: 530-289-3251	

AGENDA ITEM: Resolution approving Tolling Agreement with AT&T which allows for an extension of processing time for a Conditional Use Permit and Site Plan Review Applications, County Planning File 1669.

SUPPORTIVE DOCUMENTS ATTACHED: Memo Resolution Agreement Other

BACKGROUND INFORMATION: If approved, the attached agreement would further extend the mutually-agreed deadline by which the county must complete its processing of two (2) entitlement applications and have the Planning Commission render its decision, from June 30, 2020 to August 31, 2020. This would be the third such tolling agreement. The former Tolling Agreement (no. 2020-024) was approved by the Board of Supervisors on April 7, 2020. Known as the FCC "Shot-Clock Deadline," for proposed cell towers federal law now prescribes a time period of 150 days from the date of a filed land use application, plus the number of days for the applicant to respond to a timely notice of an incomplete application, for the county to complete its review and render a decision on the project. Because of statutory, regulatory, and common law requirements pursuant to the California Environmental Quality Act (CEQA), the Planning Department will need additional time to review this particular application.

FUNDING SOURCE: APPLICANT
GENERAL FUND IMPACT: No General Fund Impact
OTHER FUND:
AMOUNT: \$ N/A

ARE ADDITIONAL PERSONNEL REQUIRED? <input type="checkbox"/> Yes, -- -- <input checked="" type="checkbox"/> No	IS THIS ITEM ALLOCATED IN THE BUDGET? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No IS A BUDGET TRANSFER REQUIRED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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SPACE BELOW FOR CLERK'S USE

BOARD ACTION: <input type="checkbox"/> Approved <input type="checkbox"/> Approved as amended <input type="checkbox"/> Adopted <input type="checkbox"/> Adopted as amended <input type="checkbox"/> Denied <input type="checkbox"/> Other <input type="checkbox"/> No Action Taken	<input type="checkbox"/> Set public hearing For: _____ <input type="checkbox"/> Direction to: _____ <input type="checkbox"/> Referred to: _____ <input type="checkbox"/> Continued to: _____ <input type="checkbox"/> Authorization given to: _____	Resolution 2019- _____ Agreement 2019- _____ Ordinance _____ Vote: Ayes: Noes: Abstain: Absent: <input type="checkbox"/> By Consensus
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COMMENTS:

CLERK TO THE BOARD

DATE

BOARD OF SUPERVISORS, COUNTY OF SIERRA, STATE OF CALIFORNIA

**IN THE MATTER OF APPROVING AGREEMENT
WITH AT&T FOR EXTENSION OF
FCC SHOT-CLOCK DEADLINE ON
PLANNING APPLICATION FILE NO. 1669**

RESOLUTION NO. 2020-_____

WHEREAS, the federal Telecommunications Act of 1996, 47 U.S.C. § 332(c)(7)(B)(ii), requires the County to take action on an application for a new wireless telecommunications tower (“cell tower”) “within a reasonable period of time” (“FCC Shot Clock”) and under the orders issued by the Federal Communication Commission interpreting and implementing this timing requirement, the reasonable period of time to act may be extended by mutual agreement (“Tolling Agreement”) between the County and the applicant utility; and,

WHEREAS, a Tolling Agreement with AT&T, identified as Sierra County Agreement no. 2019-137 was approved on November 19, 2019 to extend the FCC Shot Clock until January 16, 2020 with specific regard to Planning Department File no. 1669, applications by New Cingular Wireless PCS, LLC dba AT&T Mobility Corporation (“AT&T”) for a Conditional Use Permit and Site Plan Review to install a proposed new cell tower in the Scenic Corridor near the unincorporated town of Downieville in western Sierra County; and,

WHEREAS, a second Tolling Agreement, identified as Sierra County Agreement no. 2020-024, was approved on April 7, 2020 extending the FCC Shot Clock from January 16, 2020 to June 30, 2020; and,

WHEREAS the County requires additional processing time to complete environmental review pursuant to the California Environmental Quality Act (CEQA), so a third extension of the FCC Shot Clock deadline is needed in order to complete the application processing; and the applicant has agreed to enter into a new Tolling Agreement to extend the FCC Shot Clock deadline from June 30, 2020 to August 31, 2020 as evidenced by the attached proposed Agreement.

NOW THEREFORE BE IT RESOLVED that the County of Sierra hereby authorizes either the Chairman of the Board of Supervisors or Tim H. Heals, Director of Planning, to sign the aforementioned Tolling Agreement with AT&T on behalf of Sierra County.

ADOPTED by the Board of Supervisors of the County of Sierra on the 7th day of July, 2020 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

COUNTY OF SIERRA

JAMES BEARD, CHAIRMAN
BOARD OF SUPERVISORS

ATTEST:

APPROVED AS TO FORM:

HEATHER FOSTER
CLERK OF THE BOARD

DAVID PRENTICE
COUNTY COUNSEL



MICHAEL G. GUIBORD
Director, Construction &
Engineering

AT&T Mobility Services LLC
5001 Executive Parkway
Room 4W850T
San Ramon, CA 94583

(925) 277-6300 Phone
mg8329@att.com

June 30, 2020

VIA E-MAIL ONLY

Brandon Pangman (bpangman@sierracounty.ca.gov)
Assistant Director
Sierra County Planning & Building Department
101 Courthouse Square PO Box 530
Downieville, CA 95936

Re: Tolling Agreement on AT&T Application – 160 Galloway Street
AT&T Site No. CVL02130 – APN: 002-150-010 – CUP Application, File No. 1669

Dear Mr. Pangman:

With respect to the above-referenced application (“Application”), the federal Telecommunications Act of 1996, 47 U.S.C. § 332(c)(7)(B)(ii), requires the County to take action “within a reasonable period of time.” Under the orders issued by the Federal Communications Commission interpreting and implementing this timing requirement, the reasonable period of time to act may be extended by mutual agreement between the County and AT&T Mobility (“AT&T”).

AT&T and the County previously agreed to extend the deadline for the County to process the Application to June 30, 2020. Additional time is needed to fully process the Application. AT&T and the County now agree to further extend the deadline for the County to process the Application to August 31, 2020. The parties further agree that no limitations period for any claim of unreasonable or unlawful delay in processing the Application shall commence to run before August 31, 2020.

To confirm the County’s agreement, please countersign below and return this letter to me. Thank you.

Sincerely,

Michael G. Guibord

Agreed:

Sierra County, California

By: _____