

April 24, 2002

To: Sutter County Planning Commission

Re: Agenda Item #9: Public hearing on Use Permit #01-23 for the construction and operation of a 130-foot unmanned wireless communication facility and associated equipment buildings; AG (General Agricultural) District; located approximately ½ mile north of Catlett Road and 0.9 of a mile east of Pleasant Grove Road; A. P. #33-270-010 & 33-320-007; applicant - American Tower/property owners - Ronald & Evonne Phelps (Location: District 5 - Commissioner Shannon)

Current Proposal

A. Project Description:

The project is the construction and operation of a wireless telephone communication facility. The project will construct, on a 65 feet by 80 feet lease site, a 130-foot, lattice-type, unlighted cell tower with antennas for Verizon Communications located at the 130-foot level. Other space below the 130 foot level will be available for collocation of future antenna arrays. At the ground level, plans allow for the location of up to five equipment sheds from 144 square feet up to 366 square feet. The equipment sheds will be constructed as need arises due to different antenna arrays leases. The site will be fenced with a six-foot high wire fence, topped with barb wire.

Access to the site is from Catlett Road via an approximately 1 mile long farm access road. The first ½ mile of the access road is graveled while the remaining ½ mile is a dirt roadway.

Due to the facility's distance from any road (½ mile from Catlett Road) and at least 0.9 of a mile from a moderately traveled road (Pleasant Grove Road) the applicant does not propose to landscape the project site.

B. Environmental Consideration:

An Initial Study was prepared to examine potential impacts of the communication facility (see Exhibit C). That study found that the project will not have a significant effect on the environment; therefore, a Negative Declaration is recommended.

Background

A. Property Description:

The site is located on an approximately 300-acre parcel assessed as two Assessor’s parcels. The southern 160-acre portion of the property is used for rice production. The northern portion of the property is used primarily for pasture land for the raising of beef cattle. This portion of the property also contains the farmstead with two residences and several large agricultural accessory buildings. Also on this portion of the property is a 12-acre artificial lake built in the early 1990’s and used for the growing of catfish and by a recreational water ski club. The lake cuts across the historical drainage of North Kings Slough. North Kings Slough in this area has generally been relocated; however, a remnant of the original Slough still exists between the lake and the southwestern corner of the project site. The site is located in the North Kings Slough flood hazard area as identified by FEMA.

The project is located in an agricultural area. Surrounding agricultural uses are a mixture of pasture, open field crops, and rice lands. The property lying immediately east of the property on which the subject site is located is in Placer County. Adjacent to the subject property to the immediate north is Auburn Ravine, a major drainage facility for new development occurring in Placer County.

Crossing the subject property is a major federal power transmission line. This line has several towers located on the subject property with at least two towers within 1,000 feet of the proposed communication facility.

The subject property owner has a dirt landing strip on the subject property lying adjacent to the property’s easterly property line and south of the existing 12 acre lake.

B. Surrounding Land Use, Zoning Classification, and General Plan Designation:

	Use	Zoning	General Plan
Subject Property	Agricultural with an existing federal power transmission line, a farmstead with two residences and several agricultural accessory buildings, and an approximately 12 acre lake	AG	Agricultural (80 acres parcel minimum)
North	Agricultural	AG	Agricultural (80 acres parcel minimum)
East	Agricultural	FBX 80 (Placer County)	Agricultural Timberland (80 acre minimum) (Placer County)
South	Agricultural	AG	Agricultural (80 acres parcel minimum)
West	Agricultural	AG	Agricultural (80 acres parcel minimum)

(See study sketch – Exhibit A.)

C. Previous Commission Actions and/or Policies:

The wireless communication facilities provisions of the Zoning Code generally encourage the collocation of new antenna arrays on existing towers or other facilities when available. This portion of the Zoning Code also contains several development standards pertaining to communication facilities.

The Commission has previously expressed concern over the possible interference of new wireless towers with aerial agricultural operations.

Staff Comments

A. Office of Sheriff/Coroner:

Use Permit #01-23 (American Tower) has been reviewed. We find there is no anticipated impact on our services.

B. Public Works Department (PW):

See attached recommended conditions.

C. Placer County Planning Department:

We have no comments regarding this application; however, Placer County recently approved a similar project on Locust Road just north of Baseline (Riego) Road (paraphrased).

D. Planning (P):

The communication facility is proposed by the applicant to fill in an existing “hole” in it communication network that currently exists in southwestern Placer County and to a lesser degree in Sutter County. Confidential propagation maps provided by the applicant indicate that the proposed location will complete Verizon’s network in this area. When questioned by County staff as to the feasibility of using other existing communication towers in the area, American Tower indicated that no other existing communication tower in the south county area is adequately located to complete the network.

Review by staff of the propagation maps indicate that American Tower’s assertion appears to be correct.

After receiving the comments from Placer County, staff again examined the propagation maps. Staff concluded that the distance from the new tower approved by the Placer County Planning Department located within Placer County just north of Baseline (Riego) Road is located too far

south to adequately meet the needs of Verizon Communication to fill in the “hole” or coverage area gap in south Placer County that now exists.

Staff enquired of American Tower about the use of the federal power transmission tower locate approximately 400 to 500 feet from the proposed communication facility as an alternative to the construction of a new tower facility. The American Tower representative indicated that unlike P. G. and E., the Department of Interior does not allow the use of its towers for the collocation of wireless communication antennas.

As indicated in the project description, the applicant does not intend to landscape or provide special painting on the project. Staff agrees with the applicant’s contention that the project’s site is located at such a distance from a moderately traveled public road that landscaping and special painting of the low lying structures is not necessary; however, staff did include in the recommendations that the tower be painted or treated with to be a non-obtrusive color.

The Commission has also previously expressed concerns over the potential conflict of new towers with existing agricultural aerial operation in the area. The Van Dyke’s air strip is located along Pleasant Grove Road, slightly over a mile to the northwest of the proposed communication facility. Additionally, the property owner maintains a private air strip about 700 feet to the east of the facility.

Staff provided notice of this application to known County aerial operators and received no comments on the proposed tower. As noted in the environmental review, and this report, there is an existing power transmission line and towers to the west of the proposed wireless communication facility. The nearest power tower is approximately 400 to 500 feet from the proposed facility while the line itself is approximately 200 to 300 feet west of the facility. To the north and east of the proposed facility is a line of trees (see photographs in last pages of Exhibit C). The proposed new communication facility will be located between the existing power line and the existing line of trees in a fallow area that is already substantially blocked from aerial operations; therefore, the new communication tower should not cause any substantial additional aerial problems.

The applicant has also indicated that they do not intend to light the tower and have already obtained a permit from the FAA authorizing the construction without lighting. Staff has a copy of that permit in the project file.

The proposed site is located in the identified 100-year flood plain of the North Kings Slough. As such, any improvements that are subject to flood damage will be required to be elevated to a height of one-foot above the flood elevation. Conditions have been included in the recommended condition by the Public Works Department to this effect.

As a final condition, staff has included the Commission’s standard condition for a five year review of the tower.

Additionally, staff has included a requirement for accessway improvements as required by the Zoning Code and in order to meet the access requirements for the local fire agency.

These conditions are consistent with the intended use and are necessary to provide minimum safety requirements for the protection of life and property for the protection of existing public improvements, or to comply with code requirements. This use, subject to the conditions, is not expected to create negative impacts on adjacent properties or adversely affect the public's health, safety, or general welfare.

Recommended Findings

Based upon information contained in the staff report and/or testimony received at the public hearing, the Planning Commission finds:

- A. An Initial Study was prepared to analyze the potential impacts of the proposed wireless communication facility on the subject property. The study concluded that the project would not have a significant impact on the environment; therefore, the adoption of a Negative Declaration is appropriate.
- B. The Planning Commission has independently reviewed, analyzed, and considered the Initial Study and proposed Negative Declaration prior to making its decision on the project and finds that the Negative Declaration reflects the independent judgment of the County of Sutter.
- C. The proposed use is consistent with the development requirements of the Sutter County Zoning Code for wireless communication facilities.
- D. The application, as submitted and subject to the conditions of approval, will not be detrimental to the public's health, safety, or general welfare, or be detrimental to public or private improvements in the area.
- E. Improvements required as conditions of approval are consistent with the property's use for a wireless communication facility in an agricultural area in order to provide an adequate level of services providing for the public's health, safety, and general welfare and/or in order to conform to regulations of the Sutter County Ordinance Code.
- F. The Commission has received no comments from agricultural aerial service operators stating concerns with or interference with flying operations.
- G. The proposed wireless communication facility is designed for the future collocation of additional antenna arrays.
- H. The proposed project will enhance the existing communication network of Verizon Communications by filling in an existing gap in their service area.

Recommended Action

- A. Adopt the recommended findings.

- B. Adopt the recommended the Negative Declaration.
- C. Approve the use permit for the construction and operation of a wireless communication facility subject to the following conditions:

On-going

1. A Notice of Determination including any fees shall be filed in the Office of the County Clerk within five (5) days of the end of the ten-(10) day appeal period. Upon filing of the Notice of Determination, the applicant/developer shall pay any outstanding balance in excess of the amount originally deposited for processing the use permit application. (P)
2. The property shall be used in substantial accord with the project description and site plan included in the agenda report. (P)
3. The site shall be maintained in a neat and orderly fashion, free of debris, salvage materials, and equipment except as describe in the staff report. (P)
4. No grading or alteration of the existing terrain that would direct additional waters to the County road shall be done without the approval of the Public Works Department. (PW)
5. Building pads shall be at elevations in conformance with Section 1300-022(F) of the Sutter County Ordinance Code, as defined by Resolution No. 92-124. (PW)
6. The applicant shall provide proof that the all new structures comply with the Chapter 1530 of the Sutter County Ordinance Code, and shall obtain a development permit from the Public Works Department if required to do so under Chapter 1530.
7. The antenna (tower) and antenna arrays shall be painted or treated to minimize glare and/or visual impact. (P)

Prior to Construction of the Wireless Communication Facility

8. The applicant shall improve the farm access road to the subject site to meet the improvement standards as required by the Zoning Code for accessways. Improvements shall be from the point where the dirt farm road leaves the existing on-site gravel accessway to the subject site. The entire length of the accessway shall be constructed to a standard to support a 56,000 pound gross weight emergency fire vehicle. (P)
9. Encroachment permits are to be obtained from the Public Works Department for any new driveway or road connections to be made to existing County roads. Construct new driveway(s) to current County standards. (PW)

Upon Completion of Construction of the Wireless Communication Facility

10. The applicant shall complete and file with the Sutter County Office of Emergency Services a "Hazardous Materials Business Plan and Inventory" or sign and return an Exemption Statement. (P)

11. This permit is subject to review by the Planning Commission every five (5) years to determine whether lessees are utilizing the uppermost portion of the tower. If the uppermost portion of the tower is vacant, the planning Commission may require the tower owner to reduce the tower to a height that is then currently being utilized. Additionally, as a condition of the review, the tower owner shall submit any information necessary to assist the Planning Commission in determining whether changes in technology in the wireless industry would warrant the removal of the tower or a reduction in height. (P)

Sincerely,

THOMAS A. LAST
PRINCIPAL PLANNER

Dale Follas
Associate Planner

Attachments: Exhibit A - Study Sketch
Exhibit B - Site Plan, and Tower and Elevations
Exhibit C - Negative Declaration and Initial Study

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