

October 30, 2002

To: Sutter County Planning Commission

Re: Agenda Item #9: Public hearing on Use Permit #02-23 for the construction and the operation of two broadcast radio antennas and accessory facilities; located on the north side of Wise Road adjacent to the Sutter County/Placer County boundary, approximately 1½ mile east of Brewer Road; A. P. #28-240-011; applicant - Champlain Radio, Inc./ property owners - Jason & Kimberley Mariner (Location: District 5 - Commissioner Shannon)

Current Proposal

A. Project Description:

The project is the construction and operation of two, 187-foot tall, radio broadcast antennas for a new commercial radio station. The applicant proposes to construct two lattice-type antennas, a 200 square foot accessory equipment building, and two small (4-foot by 4-foot) structures containing tuning equipment on a 460 feet by 550 feet (5.81 acre) lease site. The antennas will be supported by guy wires and aligned in order to meet Federal Communication Commission broadcast requirements to prevent radio interference with other radio stations operating on the same frequency. Within the lease area, each antenna will be grounded by an array of 120 ground wires radiating from the antennas bases and buried to a depth of six inches. The area of the lease site that will be fenced will only be the actual antenna area and the guy wire anchors. The remainder of the site will remain open to grazing uses.

The tower is proposed to be lighted at the request of the Placer County and Sutter County Agriculture Departments due to the proximity of the site to the City of Lincoln's airport (approximately 4 miles to the southeast). Each antenna will be painted as required by the Federal Aviation Administration for visibility by aircraft and the guy wires supporting the antennas will have large, orange markers placed upon them for viability. Painting and marking will be required to be similar to the existing 190-foot tall cellular communication tower located on the Coon Creek Trap and Skeet Club property approximately ¼ mile north of the proposed antenna site (see photograph of cellular tower attach to Initial Study). The lease site is not proposed to be landscaped due to its distance from the County road.

Access to the site will be from Wise Road via an approximately 830-foot long gravel access road along the property's eastern boundary.

B. Environmental Consideration:

An Initial Study was prepared to examine potential impacts of the antennas construction and operation (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 lease site is located on an approximately 154-acre parcel located on the north side of Wise Road immediately adjacent to the Sutter County/Placer County boundary line. The 154-acre parcel has previously been used for cattle grazing. An unnamed over-flow stream passes through the parcel. The stream receives overflow from Coon Creek during periods of high run-off. Occasionally, the property experiences sheet flooding from Placer County via Coon Creek. The site is within the 100-year flood hazard zone.

The property owner currently has a residence under construction on the subject property approximately 1/8 mile from the lease site and an existing agricultural accessory structure is located on the southeast corner of the property.

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

	Use	Zoning	General Plan
Subject Property	Agricultural grazing land with a new residence under construction on-site and an agricultural accessory building	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.)

The project is located in an agricultural area. The primary crop in this area is rice with some pasture and open field crops. The property lying immediately east of the 154-acre parcel on which the lease site is located is in Placer County.

C. Previous Commission Actions and/or Policies:

The wireless communication facilities provisions of the Zoning Code generally encourages the collocation of new antenna arrays on existing towers or other facilities when available and when practical. 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 (in this case an antenna) with aerial agricultural operations.

Your Commission has approved use permits for only two new broadcast antenna complexes in the last three decades (UP #99-05 - Freedom Broadcasting and UP #1349 - Tor Broadcasting). Additionally, it has also approved two use permits in the 1990's for expansion of the same existing radio station (KUBA on Sanborn Road). The Freedom Broadcasting antenna is located on Riego Road near Natomas Road. The Tor Broadcasting antenna complex is located atop the Sutter Buttes and contains several broadcast and cellular antennas for various radio and television stations as well as various cellular carriers. The KUBA antenna on Sanborn Road and the KFBR antenna array on Catlett Road both appear to have been built prior to 1970.

Staff Comments

A. Office of Sheriff/Coroner:

Use Permit #02-23 (Champlain Radio Incorporated) 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:

While this office has no questions or concerns regarding the proposed project we would like to inform you that the subject parcel is adjacent to agricultural operations that use crop dusters on a regular basis, and is in the general vicinity of the Lincoln Airport located on Nicolaus Road. Please consider these existing uses during your review of this project.

D. Pacific Gas and Electric Company:

Any relocation of any existing PG&E facility to accommodate this project will be at the developer's expense. There shall be no building of structures allowed under or over any of our facilities or inside any PG&E easements that may exist within the subject property.

E. Federal Aviation Administration:

The building proponent should file FAA form 7460-1 prior to final site plan approval to confirm lighting and marking requirements. The 7460-1 form is not a permit approval or environmental review determination. Local code enforcement should be used for project approvals. The FAA

airspace review is considered to be advisory planning information for a determination of hazards to aviation.

(Reference: Federal Aviation Regulation, (FAR) Part 77.)

F. Planning Program (P):

The Sutter County Zoning Code requirements pertaining to wireless communication facilities apply to this application; however, due to the significant differences between radio broadcast antennas and wireless communication towers, collocation is not a practical option (see Exhibit D, “Applicant’s Statement and Project Description”).

Wireless communication towers are structures upon which several, relatively small wireless antennas are placed. The individual antennas on a tower are generally around 6 to 15 feet tall. The tower itself is not electrically charged, just the antennas are charged. New antennas may be placed upon the tower and the tower itself may be worked upon without shutting down the electrical charge to all the antenna arrays mounted on the tower.

With a radio broadcast antenna, the entire structure except for its base support and grounding wires is electrically charged. In this case, the charged antennas will both be approximately 180 feet tall. The base is insulated and electrically separated from the antenna which it supports. Work on the antenna itself generally cannot occur without shutting down electrical power to the entire antenna.

As indicated in the project description, the applicant does not intend to landscape 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 is not necessary (approximately 1/6 of a mile).

The Commission has previously expressed concerns over the potential conflict of new wireless communication facilities with agricultural aerial operation. Also, the City of Lincoln maintains an existing airport in Placer County approximately 4 miles southeast of the lease site. (Also see Placer County comments.)

In order to improve the lighting and marking of the antennas and guy wire support cables so as to increase their visibility from aircraft in the area, staff has included provisions to paint and light the antennas similar to the existing 190-foot tall cellular tower located approximately ¼ of a mile north of the antennas lease site (see picture attached to Initial Study). Painting, marking, and lighting will also meet FAA requirements.

Staff provided notice of this application to County aerial operators and received no comments on the proposed tower.

Additionally, at the suggestion of the Sutter County Agricultural Department, the applicant selected a lease site on property that is used for grazing purposes. This location reduces conflict with aerial operations since aerial operations do not normally occur in conjunction with grazing activities. The adjoining properties to the east and west are also used for grazing.

The proposed site is located in the identified 100-year flood plain of the Coon Creek overflow area. 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. The conditions of approval include the standard

requirement to obtain a development permit from the Public Works Department for development occurring in the flood hazard area.

Staff did not include the standard condition for a five year review of the antenna that we normally place on cellular towers. Experience with other commercial broadcast antenna operations is that once an antenna array is constructed that the capital cost in its construction is such that antenna operations do not cease for any prolonged period.

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.

The applicant proposes to construct an access driveway from the lease site to Wise Road. Wise Road is maintained by the Placer County Public Works Department. Staff has included a condition requiring that the project proponent obtain an encroachment permit for the driveway from the Placer County Department of Public Works.

The recommended conditions of the use permit 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. The proposed use, subject to the recommended conditions, is not expected to create any 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 broadcast radio antenna 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 a wireless communication facility.
- 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 not designed for the future collocation of additional antenna arrays in that the proposed antennas are not physically suitable for collocation uses.
- H. The proposed antennas location is a remote, rural site that is located approximately 1/6 of a mile off of a public road and, therefore, landscaping of the site as required by the wireless communication facility ordinance is not necessary for this use.

Recommended Action

- A. Adopt the recommended findings.
- B. Adopt the recommended Negative Declaration.
- C. Approve the use permit for the construction and operation of two broadcast radio antennas and accessory structures 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. (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 antennas shall be painted in a manner similar to the existing 190-foot cellular tower located approximately ¼ of a mile to the north of the antennas' lease site. The accessory building and equipment structures shall be painted in a neutral color. (P)
7. The antennas shall be lighted with a strobe light atop each tower meeting FAA requirements. (P)

Prior to Construction of the Radio Broadcasting Antennas and Accessory Structures

8. The applicant shall pay all outstanding Community Services Department use permit processing fees. (P)
9. The applicant shall provide a gravel, access driveway to the subject site meeting the improvement standards as required by the Zoning Code for accessways and constructed to a standard to support a 56,000 pound gross weight emergency fire vehicle. (P)
10. Encroachment permits are to be obtained from the Placer County Public Works Department for any new driveway or road connections to be made to the County roads. (P)
11. 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. (PW)

Upon Completion of Construction of the Radio Broadcasting Facility

12. 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)

Sincerely,

THOMAS A. LAST
PLANNING DIVISION CHIEF

Dale Follas
Associate Planner

Attachments: Exhibit A - Study Sketch
Exhibit B - Site Plan and Tower Elevations
Exhibit C - Negative Declaration and Initial Study
Exhibit D - Applicant's Statement and Project Description

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