



Inter Office Memo

DATE: May 18, 2023

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12995 – UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3754 AND INITIAL STUDY NO. 8340

APPLICANT: Tim Cotter, Telespan Communications

OWNER: Michael Munt

REQUEST: Allow the installation an unmanned telecommunications facility consisting of a 105 foot-tall monopine wireless communication tower with related facilities on a 50 foot by 50 foot fenced leased area within a 5.29-acre parcel in the RR (Rural Residential, two-acre minimum parcel size) Zone District.

LOCATION: The subject parcels are located on the west side of Sunnyslope Rd., between E. Trimmer Springs Rd. and Sunnyslope Rd. within the unincorporated community of Trimmer (Pine Flat) (APNs: 153-200-30, 31, & 32) (Sup. Dist. 5).

PLANNING COMMISSION ACTION:

At its hearing of May 18, 2023, the Commission considered the Staff Report and testimony (summarized in Exhibit "A").

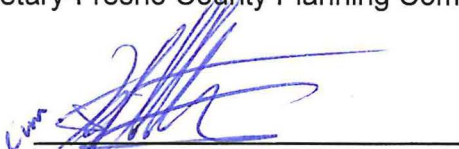
A motion was made by Commissioner Arabian and seconded by Commissioner Chatha to adopt the Mitigated Negative Declaration prepared for the project; adopt the recommended Findings of Fact in the Staff Report; and approve Unclassified Conditional Use Permit Application No. 3754, subject to the Conditions listed in Exhibit "B".

RESOLUTION NO. 12995

This motion passed on the following vote:

VOTING: Yes: Commissioners Arabian, Chatha, Abrahamian, Woolf, and Zante
 No: None
 Absent: Commissioners Carver, Ewell, and Hill
 Abstain: None

STEVEN E. WHITE, DIRECTOR
Department of Public Works and Planning
Secretary-Fresno County Planning Commission

By: 

William Kettler, Manager
Development Services and Capital Projects Division

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NOTES: The approval of this project will expire in two years from the date of approval unless a determination is made that substantial development has occurred. When circumstances beyond the control of the Applicant do not permit compliance with this time limit, the Commission may grant an extension not to exceed one additional year. Application for such extension must be filed with the Department of Public Works and Planning before the expiration of the Conditional Use Permit.

Attachments

EXHIBIT A

Initial Study No. 8340
Unclassified Conditional Use Permit Application No. 3754

- Staff: The Fresno County Planning Commission considered the Staff Report dated May 18, 2023 and heard a summary presentation by staff.
- Presenters: The Applicant's representative concurred with the Staff Report and the recommended Conditions. He described the project and offered the following information:
- The cell tower will be co-locatable to other service providers and provide a benefit to the community via much needed cell coverage.
 - Ground equipment for the telecommunication tower shall be screened from view behind slatted fencing utilizing a non-reflective or earth-tone color.
- Others: No additional individuals presented information in support of or in opposition to the proposal.
- Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the application.

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EXHIBIT B

**Mitigation Monitoring and Reporting Program
Initial Study No. 8340 and Unclassified Conditional Use Permit Application No. 3754
(Including Conditions of Approval and Project Notes)**

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1*	Aesthetics	Ground equipment for the telecommunication tower shall be screened from view behind slatted fencing utilizing a non-reflective or earth-tone color.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	As long as the project lasts
2*	Aesthetics	All outdoor lighting shall be hooded and directed so as not to shine toward adjacent properties and public streets.	Applicant	Applicant/PW&P	As long as the project lasts
Conditions of Approval					
1.	Development of the property shall be substantial conformity with the Site Plan, Floor Plan and Operational Statement approved by the Planning Commission.				
2.	The approval shall expire in the event the use of the tower ceases for a period in excess of two years. At such time, the tower and related facilities shall be removed, and the lease area shall be restored as nearly as practical to its original condition. This stipulation shall be recorded as a Covenant running with the land. Note: This Department will prepare the Covenant upon receipt of the standard processing fee, which is currently \$243.50.				
3.	The maximum number of antennas allowed on the tower shall be determined based on wind load calculations as approved by the Fresno County Department of Public Works and Planning.				
4.	The first 100 feet of driveway shall be paved, or an approved surface as determined by Road Maintenance and Operations to prevent pebbles or debris onto the county right-of-way.				
5.	Any proposed landscaping area over 500 square feet requires Landscape & Irrigation Plan review by the Site Plan Review (SPR) unit as mandated by the State, to ensure the Model Water Efficient Landscape Ordinance is met.				
6.	The telecommunication tower in its entirety shall be constructed with muted earth tones to conform to the existing landscape of Pine Flat Lake.				

EXHIBIT B

*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. Conditions of Approval reference required Conditions for the project.

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	This Use Permit will become void unless there has been substantial development within two years of the effective date of approval.
2.	Plans, permits and inspections shall be required for all proposed improvements on the property, including fences/gate entrances exceeding six feet in height. Contact the Building and Safety Section of the Development Services Division at (559) 600-4540 for information.
3.	Wind load calculations and footing designed by a registered civil engineer shall be submitted to the Building and Safety Section of the Fresno County Department of Public Works and Planning before permits are issued.
4.	Prior to any improvements constructed in the Clinton Avenue right-of-way, an encroachment permit shall be obtained from the Fresno County Road Maintenance and Operations Division.
5.	<p>To address health impacts resulting from the project, the Fresno County Department of Public Health, Environmental Health Division requires the following:</p> <ul style="list-style-type: none"> • Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. • Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95. • All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5.
6.	<p>To address site development impacts, the Development Engineering Section of the Development Services and Capital Projects Division requires the following:</p> <ul style="list-style-type: none"> • A Grading Permit or Voucher shall be required for any grading proposed with this application. • Any additional runoff generated by the proposed development shall be retained or disposed of per County standards. • Any existing or proposed entrance gate shall be set back a minimum of 20 feet from the road right-of-way or the length of the longest vehicle entering the site and shall not swing outward. • A 20-foot by 20-foot corner cut-off shall be improved for sight distance purposes at the driveway approach off Clinton Avenue. • On-site turnaround area shall be provided so that the vehicles do not back out onto the roadway (Clinton Avenue).

Notes	
7.	According to the Fresno Metropolitan Flood Control District (FMFCD), a temporary on-site storm water storage facility shall be required. Such facility shall be located and constructed so that once permanent FMFCD facilities become available, drainage can be directed to the street.
8.	The Applicant shall contact the San Joaquin Valley Air Pollution Control District's Small Business Assistance Office to identify District rules or regulations that may apply to this project or to obtain information about District permit requirements.
9.	Fresno Irrigation District's (FID) Tracy No. 44 runs southwesterly along the south side of Clinton Avenue approximately 2,300 feet east of the subject property. Plans for any street and/or utility improvements along Clinton Avenue shall be reviewed and approved by FID.
10.	The Applicant shall submit three sets of project drawings to the Fresno Fire Department for review and approval.
11.	The Applicant shall file FAA Form 7460-1 with the Western Regional Office of the FAA in conjunction with the proposal.

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