



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
STEVEN E. WHITE, DIRECTOR

Planning Commission Staff Report Agenda Item No. 2 August 23, 2018

SUBJECT: Initial Study Application No. 7468 and Unclassified Conditional Use Permit Application No. 3615

Allow a new wireless communication facility consisting of a 280-foot-tall lattice tower with panel antennas, microwave antennas, and a 100-foot by 100-foot fenced area to contain the tower and related ground equipment on a 9.25-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the north side of W. Nees Avenue approximately 55 feet east of its intersection with N. Russell Avenue, approximately 10 miles west of the nearest city limits of the City of Firebaugh (47920 W. Nees Avenue) (Sup. Dist. 1) (APN 005-070-13S).

OWNER: R&N Packing LLC
APPLICANT: Crown Castle

STAFF CONTACT: Danielle Crider, Planner
(559) 600-9669

Marianne Mollring, Senior Planner
(559) 600-4569

RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7468; and
- Approve Unclassified Conditional Use Permit No. 3615 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Mitigation Monitoring, Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Site Plan and Detail Drawing
6. Existing Communication Tower Map
7. Applicant's Operational Statement
8. Summary of Initial Study Application No. 7468
9. Draft Mitigated Negative Declaration

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agricultural	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	9.25 acres	No change
Project Site	Agricultural	280-foot monopole and related equipment in a 100-foot by 100-foot fenced lease area
Structural Improvements	Four factory-related structures	280-foot monopole, outdoor cabinets, 6-foot chain-link fence, and three standby generators
Nearest Residence	Greater than one mile away	No change
Surrounding Development	Agricultural uses	No change
Operational Features	N/A	Unmanned wireless communications facility
Employees	None	No change
Traffic Trips	None	One monthly visit for maintenance purposes

Criteria	Existing	Proposed
Lighting	None	Tower lighting will be required by the Federal Aviation Administration (FAA), and hooded and downturned lighting may be installed in the equipment area for maintenance purposes
Hours of Operation	N/A	24 hours per day, year-round

EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: N

ENVIRONMENTAL ANALYSIS:

An Initial Study was prepared for the project by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the Initial Study, staff has determined that a Mitigated Negative Declaration is appropriate. During the circulation of the Initial Study, the California Department of Fish and Wildlife (CDFW) returned comments noting that the project site and surrounding area could provide suitable nesting and foraging habitat for the Swainson’s Hawk (SWHA), a protected species. The new mitigation suggested by CDFW has been incorporated in the Initial Study and Mitigation Measures to ensure that any nearby SWHA nests are identified and that appropriate measures are taken to avoid impacting this species. According to California Government Code Section 15073.5.4, recirculation of a Mitigated Negative Declaration is not required when “new information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration.” In this case, CDFW’s comments have resulted in an amplification of required biological mitigation. As a result, the Initial Study was not recirculated. A summary of the Initial Study and all changes made is included as Exhibit 8.

Notice of Intent to adopt a Mitigated Negative Declaration publication date: July 16, 2018.

PUBLIC NOTICE:

Notices were sent to 11 property owners within 1,350 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

An Unclassified Conditional Use Permit may be approved only if four Findings specified in the Fresno County Zoning Ordinance, Section 873-F are made by the Planning Commission.

The decision of the Planning Commission on an Unclassified Conditional Use Permit Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission’s action.

Staff notes that the Telecommunications Act of 1996 prohibits jurisdictions from “regulating the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply

with the Commission’s regulations concerning such emissions” [47 U.S.C. §332(c)(7)(B)(iv)]. As such, staff’s analysis of the subject request, determination of project findings, conclusions, and recommended actions to the decision-making body corresponds with federal law.

BACKGROUND INFORMATION:

This project proposes the establishment of a new wireless communications facility consisting of a 280-foot monopole with panel antennas and microwave dishes, outdoor shelters for equipment, and three generators to be contained in a 100-foot by 100-foot fenced lease area. This lease area would be located in the northwest corner of a 9.25-acre parcel currently used as a packing facility, and will be accessible via an existing private dirt road that runs from Nees Avenue through a parking area to the proposed tower site. The fencing will be chain link, which matches the existing fencing in the area.

The proposed facility is approximately 10 miles east of the nearest city limits of the City of Firebaugh, and will replace an existing tower located across Nees Avenue from the project site, which is scheduled for decommissioning. The existing tower that the proposed tower is intended to replace is the only tower within a five-mile radius of the project site. The land lease for the existing tower is expiring and will not be renewed, so the tower must be replaced to maintain coverage in the area. Colocation of the communication companies on the existing tower are anticipated to transfer to the new tower.

Finding 1: That the site of the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features required by this Division, to adjust said use with land and uses in the neighborhood

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	Front: 35 feet Side: 20 feet Rear: 20 feet	Front (south): 500 feet Side (east): 550 feet Side (west): 31 feet Rear (north): 39 feet	Yes
Parking	No requirement	No requirement	N/A
Lot Coverage	No requirement	No requirement	N/A
Space Between Buildings	No requirement	No requirement	N/A
Wall Requirements	No requirement	No requirement	N/A
Septic Replacement Area	100 percent	N/A	N/A
Water Well Separation	Septic tank: 50 feet; Disposal field: 100 feet; Seepage pit: 150 feet	N/A	N/A

Reviewing Agency/Department Comments Regarding Site Adequacy:

Zoning Section of the Fresno County Department of Public Works and Planning: No Comments.

Building and Safety Section of the Fresno County Department of Public Works and Planning: Plans, permits and inspections are required for all on-site improvements. This comment shall be included as a Project Note.

Water and Natural Resources Division of the Fresno County Department of Public Works and Planning: No comments.

Development Engineering Section of the Fresno County Department of Public Works and Planning: According to FEMA, FIRM Panel 1400H, the parcel is not subject to flooding from the 100-year storm.

According to U.S.G.S. Quad Maps, there are no existing natural drainage channels adjacent or running through the parcel.

Analysis:

Staff review of the Site Plans provided for this project has confirmed that the proposed improvements will satisfy the setback requirements of the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. Based on the above information, staff believes that the subject parcel is adequate in size and shape to accommodate the proposed use.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Finding 1 can be made.

Finding 2: That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use

		Existing Conditions	Proposed Operation
Public Road Frontage	Yes	Nees Avenue	No change
Direct Access to Public Road	No	Unpaved access to packing plant and employee parking	Unpaved access through parking area to proposed equipment area established by lease agreement

Road ADT	Nees Avenue: 2200 Russell Avenue: 1200	Less than significant impact, approximately two additional trips per month for maintenance purposes, after construction	
Road Classification	Nees Avenue: Expressway Russell Avenue: Expressway	No change	
Road Width	Nees Avenue: 50 feet north of the section line; 63 feet required Russell Avenue: 30 feet north of the section line; 53 feet required	No change	
Road Surface	Nees Avenue: Paved (pavement width: 32.7 feet) Russell Avenue: Paved (pavement width: 32 feet)	No change	
Traffic Trips	Agricultural	One additional two-way trip per month	
Traffic Impact Study (TIS) Prepared	No	N/A	No significant increase to traffic expected from maintenance visits
Road Improvements Required	N/A	None required	

Reviewing Agency/Department Comments Regarding Adequacy of Streets and Highways:

Development Engineering Section of the Fresno County Department of Public Works and Planning: Nees Avenue is classified as an Expressway with an existing 50-foot right-of-way north of the section line along the parcel frontage, per Plat Book. The minimum width for an Expressway right-of-way north of the section line is 53 feet.

Nees Avenue is a County-maintained road. Records indicate this section of Nees Avenue, from Russell Avenue to Mullux Avenue, has an ADT of 2,200, pavement width of 32.7 feet, and structural section of 0.55' AC/0.5' AB/1.17' AS, and is in poor condition.

Russell Avenue is classified as an Expressway with an existing 30-foot right-of-way east of the section line along the parcel frontage, per Plat Book. The minimum width for an Expressway right-of-way north of the section line is 53 feet.

Russell Avenue is a County-maintained road. Records indicate this section of Russell Avenue, from Nees Avenue to 1.29 miles N/O Nees Avenue, has an ADT of 1,200, pavement width of 32 feet, and structural section of 0.4' AC/0.5' AB/1.4' AS, and is in very good condition.

For any unpaved or gravel surface access roads, the first 100 feet off of the edge of the road right-of-way must be graded and asphalt concrete paved or treated with dust palliative. This comment shall be included as a project note.

Design Division of the Fresno County Department of Public Works and Planning: No comments.

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: Both Nees Avenue and Russell Avenue are classified as Expressways in the County General Plan. Typically, an Expressway could require an ultimate right of way of 126 feet, 63 feet each side of the section line. Setbacks to any new fencing or structures should be based upon at least this 63-foot dimension from the section line. However, it is noted that the subject parcel does not front on Russell Avenue, and its westerly property line is 85 feet from the section line.

Russell Avenue also has two plan lines on file, but there is no plan line for Russell between approximately Herndon Avenue and the Shepherd Avenue alignment. Therefore, there is no plan line information on file in the vicinity of this parcel.

Site access is proposed to utilize an existing drive approach off Nees Avenue. No additional drive approaches will be permitted through this land use application. This comment shall be included as a Project Note.

If any improvements are proposed on the existing drive approach, an encroachment permit will be required from the Road Maintenance and Operations Division, (559) 600-4240. This comment shall be included as a Project Note.

No other comments specific to the adequacy of streets and highways were expressed by reviewing Agencies or Departments.

Analysis:

The property owner and Crown Castle have entered into a legal agreement guaranteeing that Crown Castle will be able to access their lease area through the subject parcel and its access point on Nees Avenue for the length of the communication tower's life. The wireless communication facility will be unmanned and will only require infrequent maintenance visits.

No dedication of right-of-way will be required on Russell Avenue because the subject parcel does not front on Russell Avenue. No dedication of right-of-way will be required on Nees Avenue due to the large distance between the communication tower and Nees Avenue (over 500 feet), the determination that the proposed project will not have a significant impact on traffic, and the limited scope of the proposed project.

Based on the above information, and with adherence to the mandatory Project Notes discussed in this Staff Report, staff believes that the streets in proximity to the subject parcel will be adequate to accommodate the proposed use.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Finding 2 can be made.

Finding 3: That the proposed use will have no adverse effect on abutting property and surrounding neighborhood or the permitted use thereof

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:
North/East	304.54 acres	Agricultural - Orchard	AE-20	N/A
West	36.00 acres	Field Crop	AE-20	N/A
	9.50 acres	Agricultural - Orchard	AE-20	N/A
South	9.93 acres	Agricultural	AE-20	N/A

Reviewing Agency/Department Comments:

Fresno County Department of Public Health, Environmental Health Division: 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 Health and Safety Code, Chapter 6.5. This comment will be included as a mandatory Project Note.

Development Engineering Section of the Fresno County Department of Public Works and Planning: Any additional runoff generated by the proposed development of this site cannot be drained across property lines and must be retained or disposed of per County Standards. This comment will be included as a mandatory Project Note.

A grading permit or voucher shall be required for any grading that has been done without a permit and any grading proposed with this application. This comment will be included as a mandatory Project Note.

Fresno County Department of Agriculture: No comments.

No other comments specific to land use compatibility were expressed by reviewing Agencies or Departments.

Analysis:

The aesthetic impact of the proposed tower was determined to be less than significant by Initial Study Application No. 7468 due to its location and the fact that it is essentially replacing an existing 280-foot communication tower at the same intersection.

The Federal Aviation Administration (FAA) reviewed the proposed project and determined that it would not have a significant impact on air traffic with incorporation of the required lighting and striping of the tower. Additionally, the Agricultural Commission was not concerned that the proposed project would interfere with any existing crop dusting operations for the agricultural cultivation in the project vicinity.

Based on the above information and with adherence to the recommended Mitigation Measures, Conditions of Approval, and Project Notes attached as Exhibit 1, staff believes the proposal will not have an adverse effect upon surrounding properties.

Recommended Conditions of Approval:

See recommended Mitigation Measures and Conditions of Approval attached as Exhibit 1.

Conclusion:

Finding 3 can be made.

Finding 4: *That the proposed development is consistent with the General Plan*

Relevant Policies:	Consistency/Considerations:
Policy LU-A.1 The County shall maintain agriculturally-designated areas for agriculture use and shall direct urban growth away from valuable agricultural lands to cities, unincorporated communities, and other areas planned for such development where public facilities and infrastructure are available.	The proposed use will only take up 10,000 square-feet of space, and will not result in any currently cultivated land becoming uncultivated in the future. The subject property is currently used as a packing facility, and this agriculture-related operation will not be negatively impacted by the proposed tower. Additionally, the proposed tower will replace an existing tower across Nees Avenue from the site, and will provide continued cell service to the area. Due to operational requirements, the proposed use cannot be located in a city or unincorporated community.
Policy LU-A.2 The County shall allow by right in areas designated Agriculture activities related to the production of food and fiber and support uses incidental and secondary to the on-site agricultural operation.	The proposed communication tower will provide continued cell service to agricultural businesses and employees in the area. This operation is not directly related to the production of food and fiber, and is therefore not allowed by right. The approval of discretionary Conditional Use Permit No. 3615 would allow the siting of the proposed operation in this agricultural area.

Relevant Policies:	Consistency/Considerations:
<p>Policy PF-J.4 The County shall require compliance with the Wireless Communications Guidelines for siting of communication towers in unincorporated areas of the County.</p>	<p>The Communication Guidelines indicate that the need to accommodate new communication technology must be balanced with the need to minimize the number of new tower structures, thus reducing the impacts towers can have on the surrounding community. The Applicant has provided a written response to the County Wireless Communication Guidelines which describes the basis for the site selection and need for a new tower site. With the information provided and analyzed by staff, the proposal has been determined to be consistent with this policy.</p>

Reviewing Agency Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: The project site is not subject to a Williamson Act Contract.

No other comments specific to General Plan Policy were expressed by reviewing Agencies or Departments.

Analysis:

The Wireless Communications Guidelines address several concerns with cell towers, including site placement, colocation opportunities, and alternative site locations. The Applicant anticipates colocation on the proposed tower, and space on the tower and in the equipment area has been reserved for future colocators.

Based on the above considerations, staff believes that the proposal is consistent with the Wireless Communication Guidelines and the County General Plan.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 4 can be made.

PUBLIC COMMENT:

None

CONCLUSION:

Based on the factors cited in the analysis, staff believes the required Findings for granting the Unclassified Conditional Use Permit can be made. Staff therefore recommends approval of Unclassified Conditional Use Permit No. 3615, subject to the recommended Conditions.

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PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7468; and
- Move to determine the required Findings can be made and move to approve Unclassified Conditional Use Permit No. 3615, subject to the Mitigation Measures, Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Denial Action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Unclassified Conditional Use Permit No. 3615; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Mitigation Measures, recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

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Mitigation Monitoring and Reporting Program
Initial Study Application No. 7468/Unclassified Conditional Use Permit Application No. 3615
(Including Conditions of Approval and Project Notes)

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Aesthetics	All outdoor lighting shall be hooded and directed downward so as not to shine upward or toward adjacent properties and public streets, unless the lighting is required by the Federal Aviation Administration (FAA).	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	During construction and operation
2.	Biological Resources	A qualified biologist shall conduct a survey for nesting raptors prior to the onset of construction activities, following the survey methodology developed by the SWHA Technical Advisory Committee (SWHA TAC 2000). If ground-disturbing activities take place between February 1 and September 15, a pre-construction survey for active nests must be conducted by a qualified biologist no more than 10 days prior to the onset of these ground-disturbing activities.	Applicant	Applicant/PW&P	Prior to construction
3.	Biological Resources	If an active SWHA nest is found, no construction may take place within one half-mile of the nest until the end of breeding season (September 15) or until a qualified biologist has determined that the young have fledged and are no longer reliant upon the nest or parental care for survival. If this is not feasible, the Applicant shall consult with the California Department of Fish and Wildlife (CDFW) to determine if the project can avoid take. If SWHA cannot be avoided, acquisition of an Incidental Take Permit (ITP) could be warranted.	Applicant	Applicant/PW&P	Prior to construction
4.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PW&P	During ground-disturbing activities

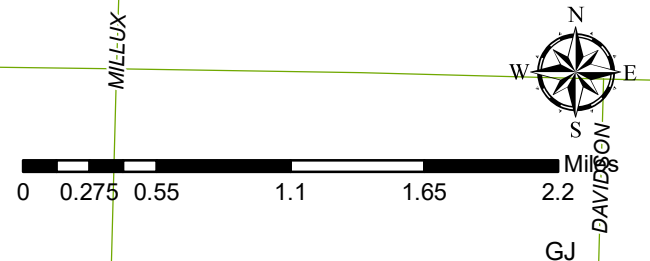
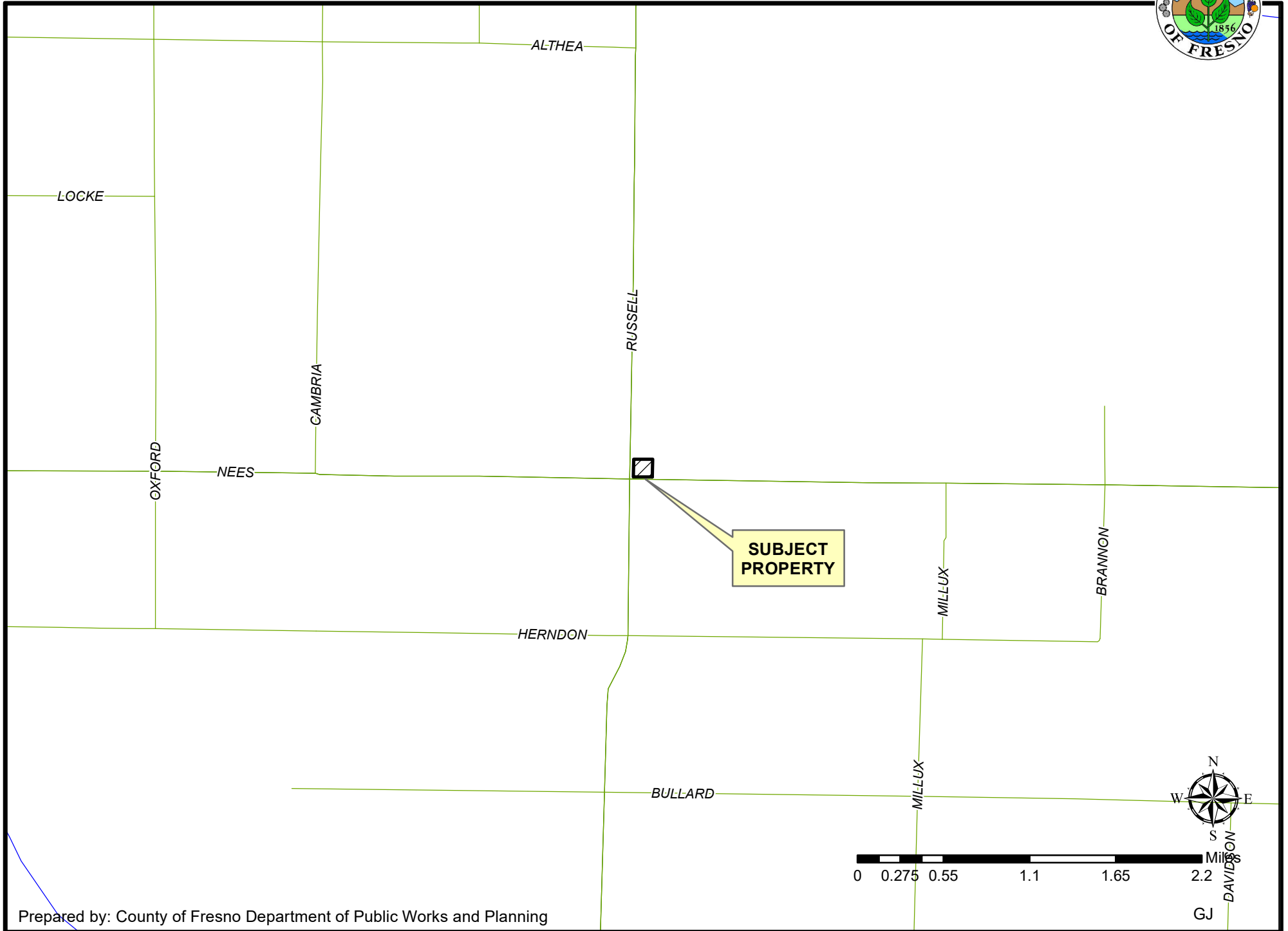
*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. Conditions of Approval reference recommended Conditions for the project.

Conditions of Approval	
1.	Development of the property shall be in accordance with the Site Plan, Floor Plan, Elevation, and Operational Statement approved by the Commission.
2.	The approval of this application 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.
Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	Unclassified Conditional Use Permit (CUP) No. 3615 shall 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 on-site improvements.
3.	For any unpaved or gravel surface access roads, the first 100-feet off of the edge of the road right-of-way must be graded and asphalt concrete paved or treated with dust palliative.
4.	No additional drive approaches will be permitted through this land use application.
5.	If any improvements are proposed on the existing drive approach, an encroachment permit will be required from the Road Maintenance and Operations Division, (559) 600-4240.
6.	All hazardous waste shall be handled in accordance with requirements set forth in the California Health and Safety Code, Chapter 6.5.
7.	Any additional runoff generated by the proposed development of this site cannot be drained across property lines and must be retained or disposed of per County Standards.

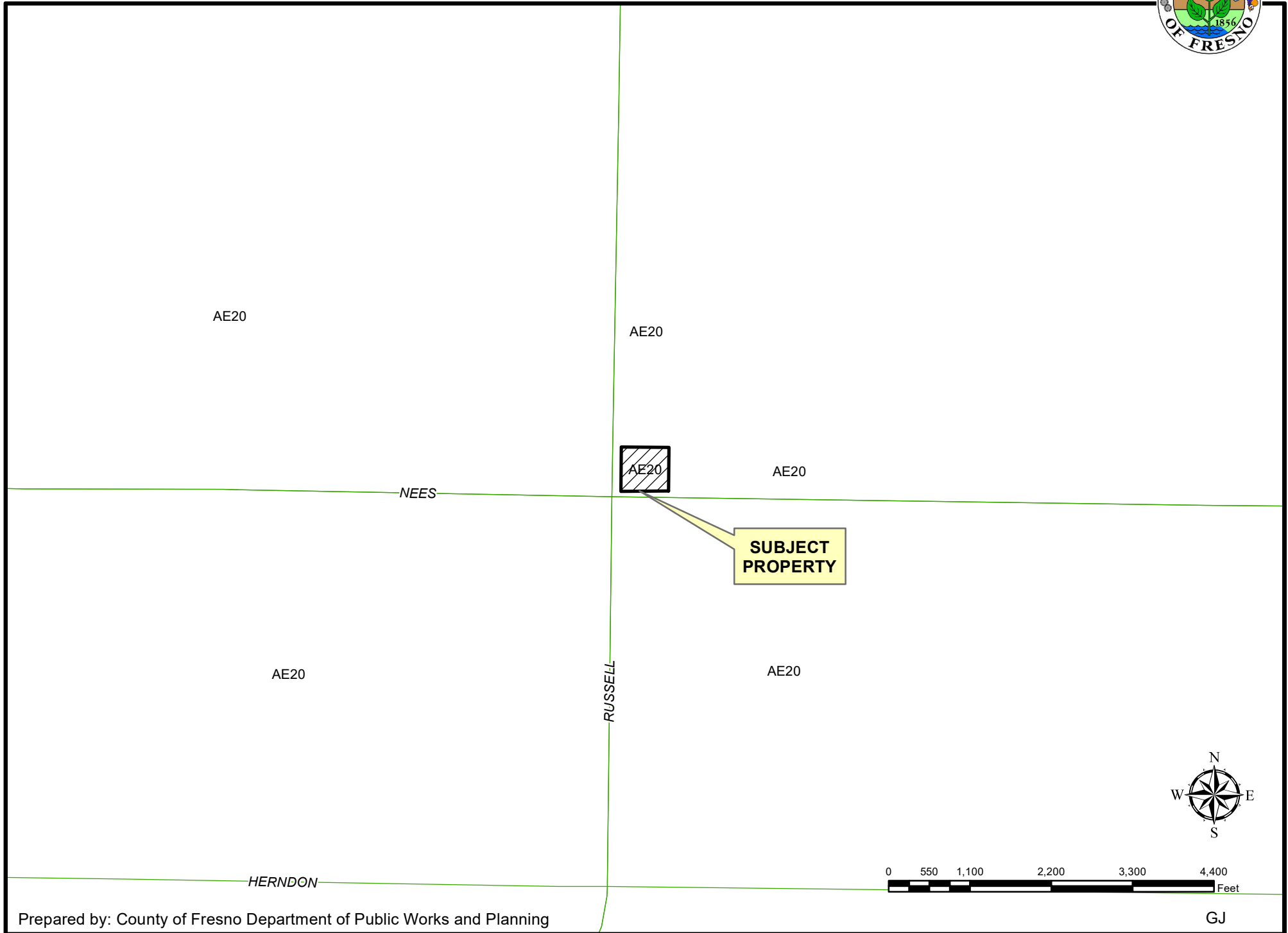
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LOCATION MAP



EXISTING ZONING MAP



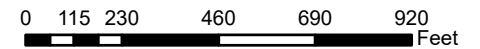
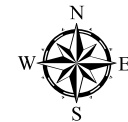
EXISTING LAND USE MAP



LEGEND	
C	COMMERCIAL
FC	FIELD CROP
I	INDUSTRIAL
MHP	MOBILE HOME PARK
ORC	ORCHARD
PAH	PACKING HOUSE
SC	SEASONAL CROP
V	VACANT

LEGEND:

- Subject Property
- Ag Contract Land



Map Prepared by: GJ
J:GISJCH\Landuse\

Department of Public Works and Planning
Development Services Division



SITE #: BU 845798
SITE NAME: NEES AVE.
CITY: FIREBAUGH
STATE: CA
COUNTY: FRESNO
DESIGN TYPE: NEW WIRELESS COMMUNICATION FACILITY

PLAN PREPARED FOR:

CROWN CASTLE
 CROWN CASTLE TOWERS 06-2, LLC
 4301 HACIENDA DRIVE, SUITE 410
 PLEASANTON, CA 94688

PROJECT INFORMATION:
NEES AVE.
BU 845798
 47020 W. NEES AVENUE
 FIREBAUGH, CA 93622
 FRESNO

CURRENT ISSUE DATE:
04-17-2018

ISSUED FOR:
ZONING SUBMITTAL

REVISIONS			
REV	DATE	DESCRIPTION	BY
0	01-09-2018	80% ZONING	HF
1	02-07-2018	REVISED 80% ZONING	CM
2	03-02-2018	100% ZONING	CM
3	04-10-2018	REVISED 80% ZONING	CM
4	04-17-2018	100% ZONING	CM

PLANS PREPARED BY:

SAC WIRELESS
 SAC AE DESIGN GROUP, INC.
 5015 SHOREHAM PLACE, SUITE 108
 SAN DIEGO, CA 92122
 WWW.SACWIRELESS.COM
 (619) 578-5785

LICENSE:

SHEET TITLE:
TITLE SHEET

SHEET NUMBER:
T-1

PROJECT INFORMATION

ADDRESS

47020 W. NEES AVENUE
FIREBAUGH, CA 93622

PROPERTY OWNER

TURLOCK FRUIT COMPANY
NEILL CALLIS, SALES & GENERAL MANAGER
P.O. BOX 130
TURLOCK, CA 95381
TELEPHONE: (209) 694-7207

JURISDICTION

FRESNO COUNTY

LAND DESCRIPTION OF SUBJECT PARCEL

ZONING: AE20
 A.P.N.: 006-070-198
 CURRENT USE: EXCLUSIVE AGRICULTURE

NEW USE: UNMANNED WIRELESS TELECOMMUNICATIONS
 FACILITY

PROJECT OWNER

CROWN CASTLE TOWERS 06-2, LLC
 4301 HACIENDA DRIVE, SUITE 410
 PLEASANTON, CA 94688

PROJECT DESCRIPTION

SCOPE OF WORK:

- PROPOSED 280'-0" TALL LATTICE TOWER
- PROPOSED 100'-0" x 100'-0" CHAINLINK FENCE W/ BARBED WIRE EQUIPMENT ENCLOSURE
- PROPOSED ELECTRICAL METER W/ FUSED DISCONNECT, INTERSECT CABINET W/ GENERATOR REC. & TELCO BOX
- REMOVAL OF EXISTING TOWER AT 47750 WEST NEES AVENUE, FIREBAUGH, CA 93622 ONCE REPLACEMENT STRUCTURE IS BUILT (ANY APPLICABLE PERMITS TO BE OBTAINED SEPARATELY)

CONSULTING TEAM

ARCHITECT

SAC WIRELESS
 NESTOR POPOWYCH, AIA
 5015 SHOREHAM PLACE, SUITE 108
 SAN DIEGO, CA 92122
 CONTACT: CHRISTINA MYRICK
 TELEPHONE: (619) 738-3630
 FAX: (619) 738-3630

CROWN CASTLE PROJECT MANAGER

CROWN CASTLE TOWERS 06-2, LLC
 4301 HACIENDA DRIVE, SUITE 410
 PLEASANTON, CA 94688
 CONTACT: JOEL TALBMAN
 TELEPHONE: (480) 784-2414

PROJECT PLANNING & PERMITTING

BEACON DEVELOPMENT, LLC
 CONTACT: JASON OSBORNE
 EMAIL: JASON@BEACONDEV.NET
 TELEPHONE: (415) 629-8888

CODE COMPLIANCE

- 2016 CALIFORNIA ADMINISTRATIVE CODE
- 2016 CALIFORNIA BUILDING CODE
- 2016 CALIFORNIA ELECTRICAL CODE
- 2016 CALIFORNIA FIRE CODE
- 2016 CALIFORNIA ENERGY CODE

INDEX OF DRAWINGS

NUMBER	NAME OF SHEET	REV
T-1	TITLE SHEET	4
D-1	PRELIMINARY SURVEY	1
A-0	DIAGRAMMATIC LOCATION	4
A-1	OVERALL SITE PLAN	4
A-2	ENLARGED SITE PLAN	4
A-3	NORTH & EAST ELEVATIONS	4
A-4	SOUTH & WEST ELEVATIONS	4

VICINITY MAP



DRIVING DIRECTIONS

- DIRECTIONS TO: 47020 W. NEES AVENUE**
- START OUT GOING EAST ON W NEES AVE TOWARD N MILLIK RD. (10.82 MI.)
 - W NEES AVE BECOMES 12TH ST. (0.18 MI.)
 - TURN RIGHT ONTO N ST/CA-53. (0.29 MI.)
 - TAKE THE 1ST LEFT ONTO 13TH ST. (1.18 MI.)
 - 13TH ST BECOMES AVENUE 7 1/2. (5.15 MI.)
 - TURN ALIGHT RIGHT ONTO AVENUE 7. (4.97 MI.)
 - TURN RIGHT ONTO ROAD 16. (0.99 MI.)
 - TURN LEFT ONTO AVENUE 8. (1.06 MI.)
 - TURN LEFT ONTO HIGHWAY 145/CA-145. (1.00 MI.)
 - TURN RIGHT ONTO AVENUE 7. (9.92 MI.)
 - TURN LEFT ONTO GOLDEN STATE BLVD. (0.04 MI.)
- FROM: FRESNO YOSEMITE INTERNATIONAL AIRPORT**
- MERGE ONTO CA-99 S. (10.44 MI.)
 - MERGE ONTO CA-190 E VIA EXIT 138S TOWARD MONA CANYON. (5.82 MI.)
 - TAKE THE PEACH AVE EXIT, EXIT 62. (0.88 MI.)
 - TURN LEFT ONTO N PEACH AVE. (0.91 MI.)
 - N PEACH AVE BECOMES E CLINTON WAY. (0.21 MI.)
 - YOU HAVE REACHED YOUR DESTINATION ON THE RIGHT

NOTES:

OWNER(S): R&N PACKING LLC
 APN: 005-070-135

THIS DRAWING DOES NOT REPRESENT A BOUNDARY SURVEY OF ANY PARCEL OF LAND, NOR DOES IT IMPLY OR INFER THAT A BOUNDARY SURVEY WAS PERFORMED. THIS IS A SPECIALIZED TOPOGRAPHIC MAP WITH PROPERTY AND EASEMENTS BEING A GRAPHIC DEPICTION BASED ON INFORMATION GATHERED FROM VARIOUS SOURCES OF RECORD AND AVAILABLE MONUMENTATION. PROPERTY LINES AND LINES OF TITLE WERE NEITHER INVESTIGATED NOR SURVEYED AND SHALL BE CONSIDERED APPROXIMATE ONLY. NO PROPERTY MONUMENTS WERE SET.

THE EASEMENTS (IF ANY) THAT APPEAR ON THIS MAP HAVE BEEN PLOTTED BASED SOLELY ON INFORMATION CONTAINED IN THE PRELIMINARY TITLE REPORT BY: XXXXXXXX TITLE COMPANY, ORDER NO. XXXXX-XXXXXX-XX, DATED XXXXXXXX XX, XXXX. WITHIN SAID TITLE REPORT THERE ARE XXXX (XX) EXCEPTIONS LISTED, XXXX (XX) OF WHICH ARE EASEMENTS AND XXXX (XX) OF WHICH CAN NOT BE PLOTTED.

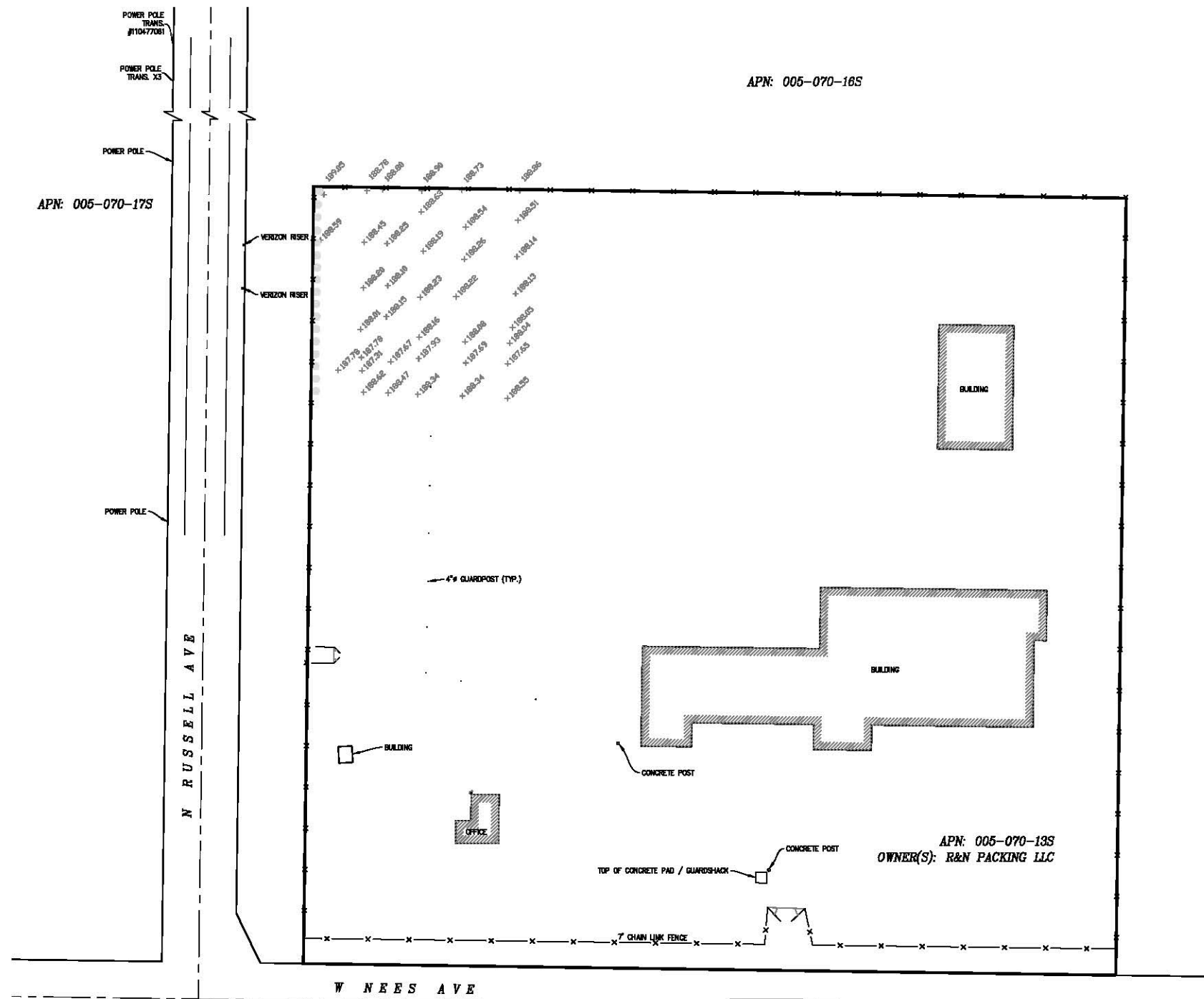
THE UNDERGROUND UTILITIES (IF ANY) THAT APPEAR ON THIS MAP HAVE BEEN LOCATED BY FIELD OBSERVATION. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES STATE THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE.

THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD RATE MAP FOR COMMUNITY NO. 065029, PANEL NO. 1400H, DATED FEBRUARY 18, 2009 SHOWS THAT THE LOCATION OF THIS SITE FALLS WITHIN ZONE X, WHICH ARE AREAS OF MINIMAL FLOOD HAZARD.

THE LATITUDE AND LONGITUDE AT THE LOCATION AS SHOWN WAS DETERMINED BY GPS OBSERVATIONS.

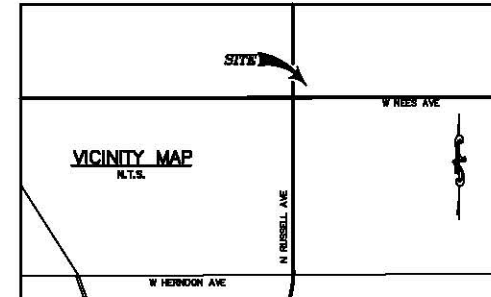
LAT. 00° 00' 00.00" N, NAD 83
 LONG. 000° 00' 00.00" W, NAD 83
 ELEV. 000.0' NAVD 88 (BASIS OF DRAWING)

The information shown above meets or exceeds the requirements set forth in FAA order B250.19D for 1-A accuracy (± 20' horizontally and ± 3' vertically). The horizontal datum (coordinates) are expressed as degrees, minutes and seconds, to the nearest hundredth of a second. The vertical datum (heights) are expressed in feet and decimals thereof and are determined to the nearest 0.1 foot.



LEGEND

	SITE BOUNDARY LINE
	OVERHEAD POWER/TELCO LINE
	PROPERTY BOUNDARY
	POWER POLE
	GROUND ELEVATION
	CONCRETE PAD
	P.O.B. POINT OF BEGINNING
	P.O.C. POINT OF COMMENCEMENT



APN: 005-070-165

APN: 005-070-175

APN: 005-070-135
 OWNER(S): R&N PACKING LLC



ALL DRAWINGS AND WRITTEN MATERIAL CONTAINED HEREIN ARE THE PROPERTY OF THE SURVEYOR AND MAY NOT BE REPRODUCED, COPIED, OR DISCLOSED WITHOUT THE WRITTEN CONSENT OF THE SURVEYOR.

PROFESSIONAL SEAL:

FOR EXAMINATION ONLY

REVISION

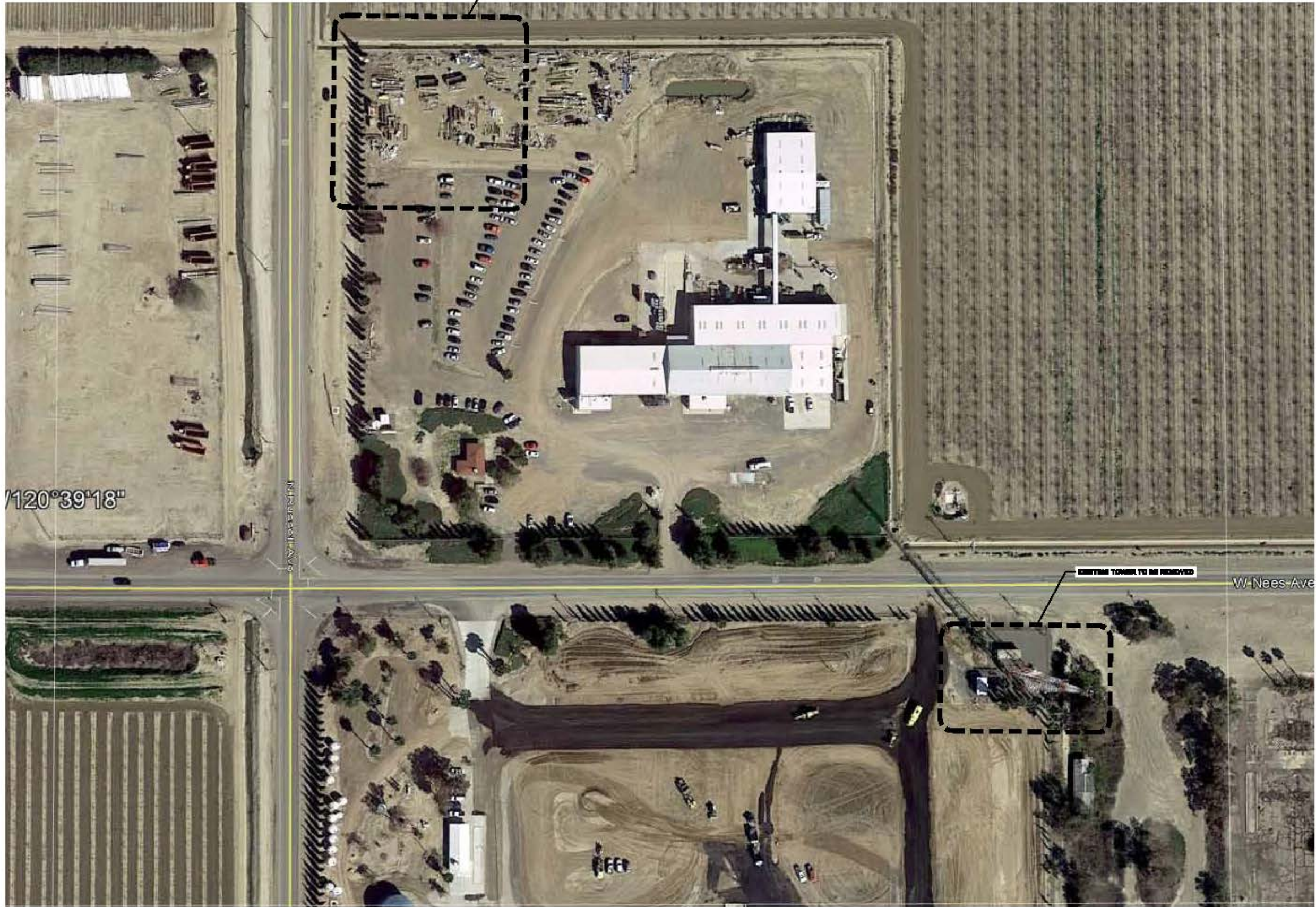
#	DATE	DESCRIPTION	BY
1	12-28-17	PRELIMINARY ISSUE	EJ
2			
3			
4			
5			
6			
7			
8			
9			
10			

SMITHCO JOB NO.: 82-1007

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- SURVEYOR'S NOTES
1. BASIS OF BEARING: BEARINGS SHOWN HEREIN ARE GEODETIC, DETERMINED BY GPS OBSERVATION.
 2. NO SUBSURFACE INVESTIGATION WAS PERFORMED TO LOCATE UNDERGROUND UTILITIES. UTILITIES SHOWN HEREIN ARE LIMITED TO AND ARE PER OBSERVED EVIDENCE ONLY.
 3. THIS SURVEY DOES NOT REPRESENT A BOUNDARY SURVEY OF THE PARENT PARCEL.
 4. ALL VISIBLE TOWER EQUIPMENT AND IMPROVEMENTS ARE CONTAINED WITHIN THE DESCRIBED AREA.

845798
 NEES AVE
 47920 W NEES AVE.
 FIREBAUGH, CALIFORNIA
 FRESNO COUNTY



PROPOSED EQUIPMENT & ANTENNA AREA, SEE ENLARGED SITE PLAN
 1
 A-0

120°39'18"

NIRKUSSELA AVE

KRYTUM TOWER TO BE REMOVED

W Nees Ave

PLAN PREPARED FOR:

CROWN CASTLE
 CROWN CASTLE TOWERS 08-2, LLC
 4301 HACIENDA DRIVE, SUITE 410
 PLEASANTON, CA 94588

PROJECT INFORMATION:
NEES AVE.
BU 845798
 4780 W. NEES AVENUE
 FRESNO, CA 93722
 FRESNO

CURRENT ISSUE DATE:
04-17-2018

ISSUED FOR:
ZONING SUBMITTAL

REVISIONS

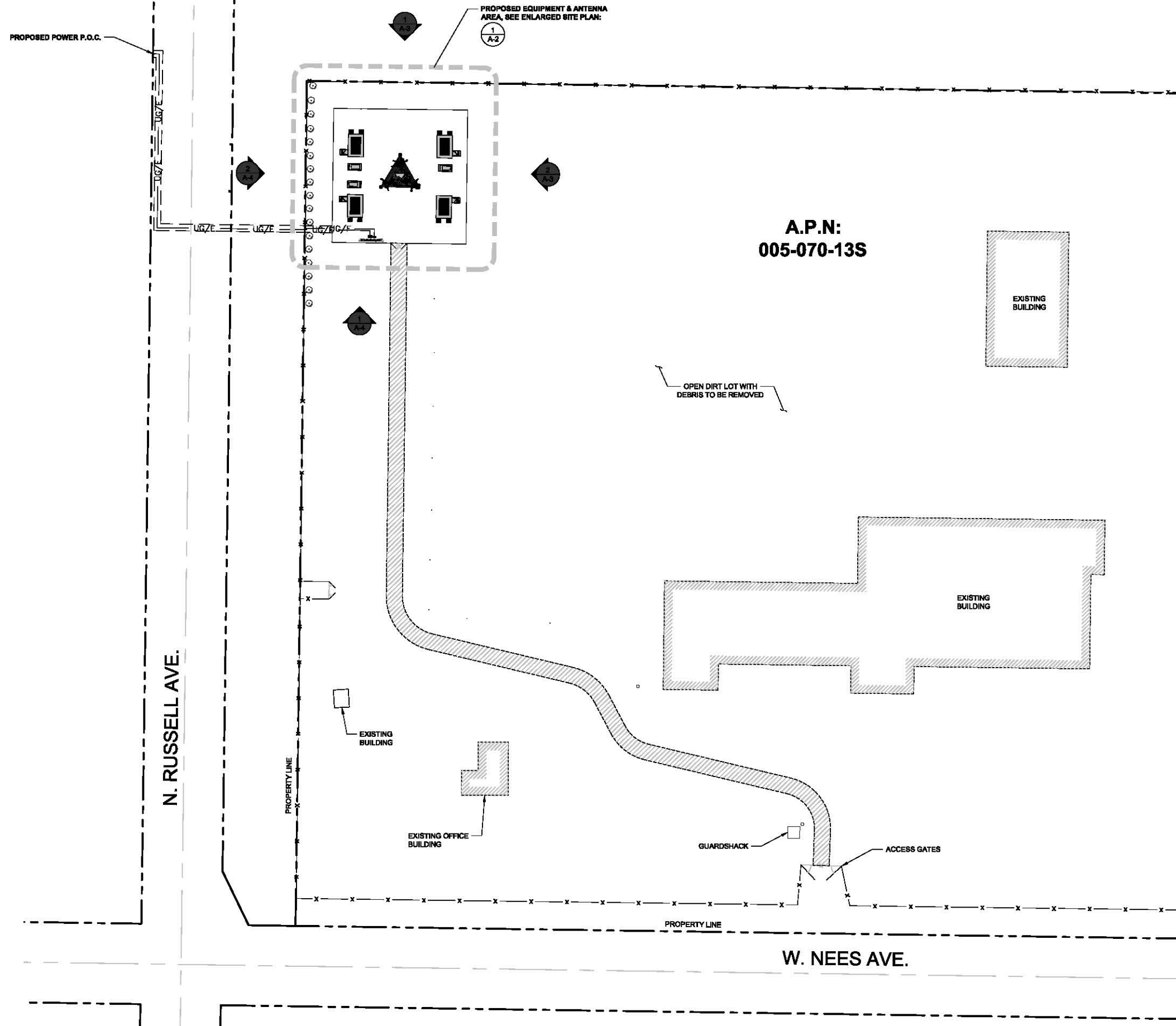
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1	02-07-2018	REVISED 90% ZONING	CM
2	03-02-2018	100% ZONING	CM
3	04-10-2018	REVISED ROW	CM
4	04-17-2018	100% ZONING	CM

PLANS PREPARED BY:

SAC AE DESIGN GROUP, INC.
 2018 W. DUNDAS PLACE, SUITE 108
 SAN DIEGO, CA 92122
 WWW.SACAE.COM
 619.704.1770

LICENSE:
 SHEET TITLE:
DIAGRAMMATIC LOCATION

SHEET NUMBER:
A-0



A.P.N:
005-070-13S

N. RUSSELL AVE.

W. NEES AVE.

OVERALL SITE PLAN

SCALE: 1" = 40'-0" (24x36)
(OR) 1/2" = 40'-0" (11x17)

1

PLAN PREPARED FOR:
CROWN CASTLE
CROWN CASTLE TOWERS 06-2, LLC
4301 HACIENDA DRIVE, SUITE 410
PLEASANTON, CA 94588

PROJECT INFORMATION:
NEES AVE.
BU 845798
47820 W. NEES AVENUE
FIREBAUGH, CA 93622
FRESNO

CURRENT ISSUE DATE:
04-17-2018

ISSUED FOR:
ZONING SUBMITTAL

REVISIONS

REV	DATE	DESCRIPTION	BY
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2	03-02-2018	100% ZONING	CM
3	04-10-2018	REVISED SOW	CM
4	04-17-2018	100% ZONING	CM

PLANS PREPARED BY:
SAC WIRELESS
SAC AE DESIGN GROUP, INC.
5015 SHOREHAM PLACE, SUITE 150
SAN DIEGO, CA 92122
www.sack.com
619.736.3766

LICENSURE:

SHEET TITLE:
OVERALL SITE PLAN

SHEET NUMBER:
A-1

PLAN PREPARED FOR:



CROWN CASTLE TOWERS 06-2, LLC
4301 HACIENDA DRIVE, SUITE 410
PLEASANTON, CA 94588

PROJECT INFORMATION:

NEES AVE.
BU 845798

47820 W. NEES AVENUE
FIREBAUGH, CA 93622
FRESNO

CURRENT ISSUE DATE:

04-17-2018

ISSUED FOR:

ZONING SUBMITTAL

REVISIONS

REV	DATE	DESCRIPTION	BY
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1	02-07-2018	REVISED 90% ZONING	CM
2	03-02-2018	100% ZONING	CM
3	04-10-2018	REVISED SOW	CM
4	04-17-2018	100% ZONING	CM

PLANS PREPARED BY:



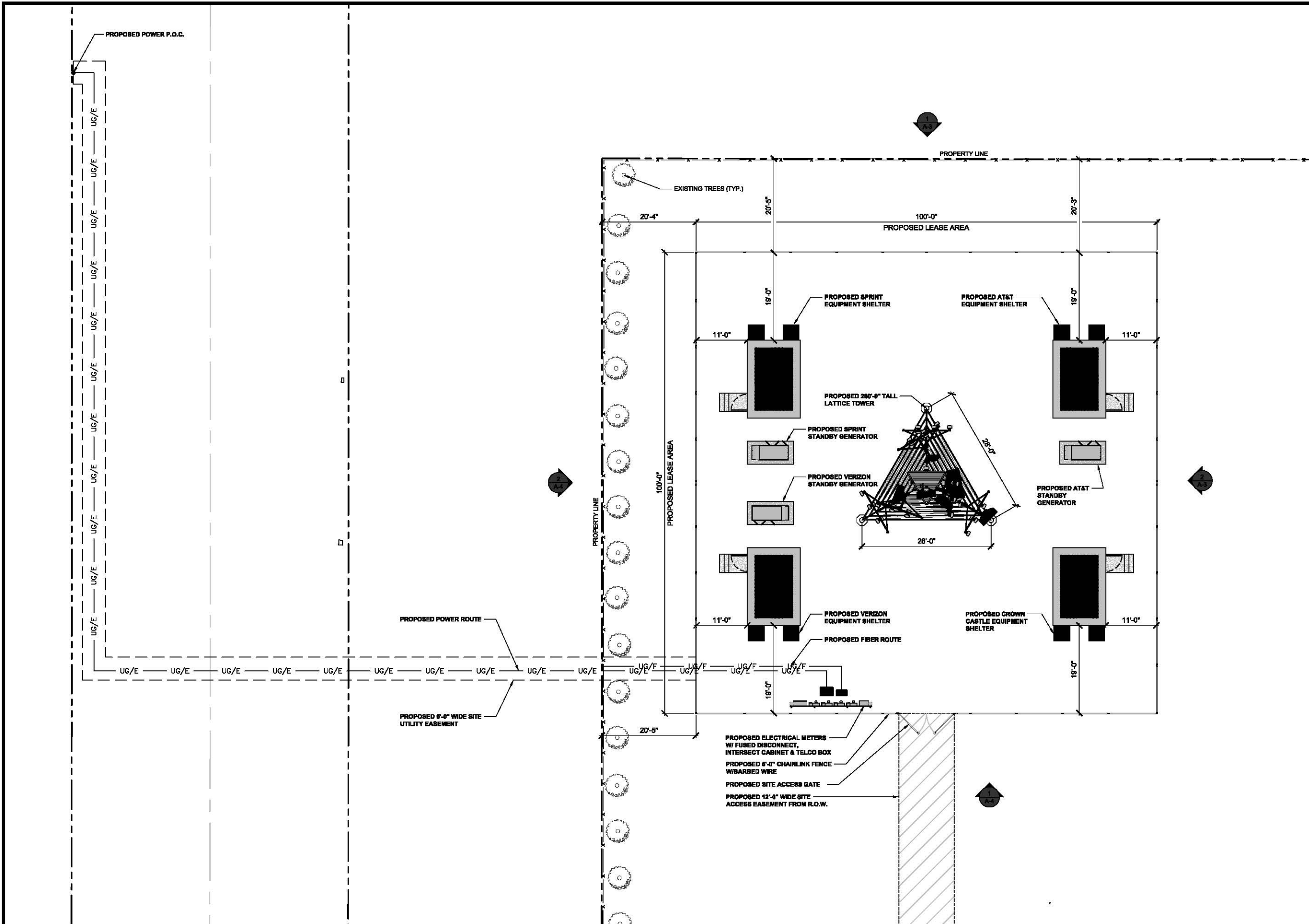
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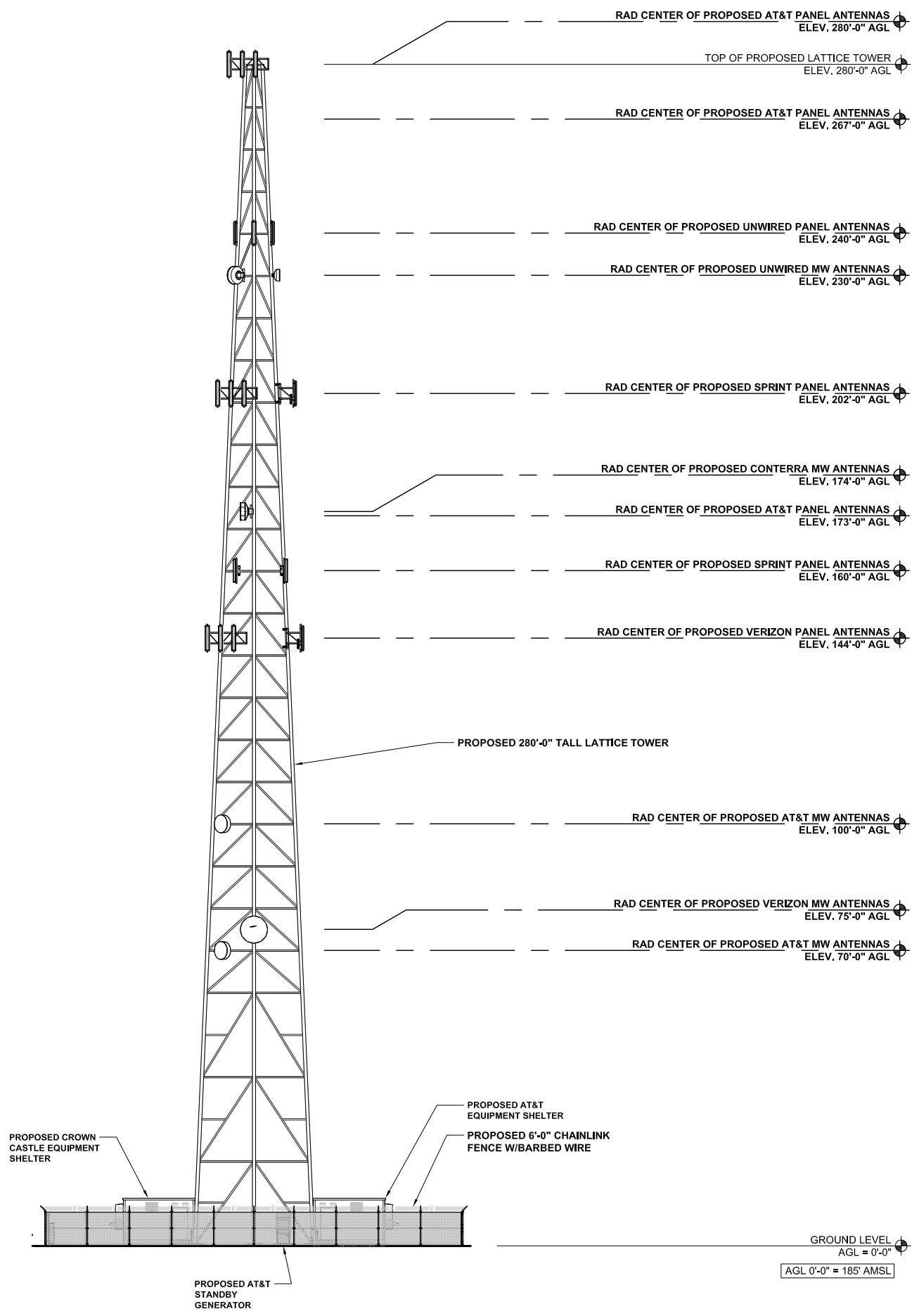
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SHEET NUMBER:

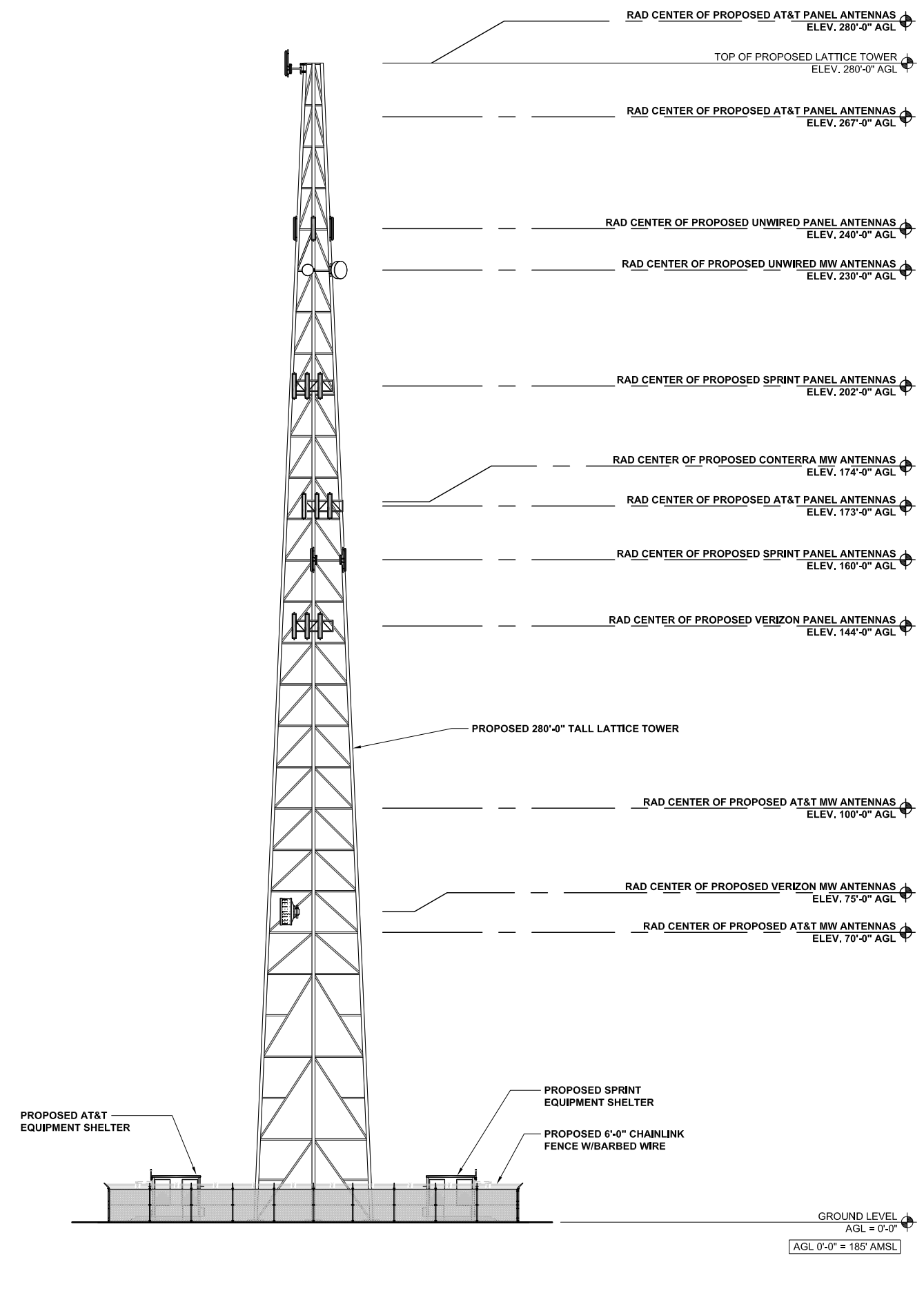
A-2





EAST ELEVATION

0 4' 8" 16' SCALE: 1/16" = 1'-0" (24x36)
(OR) 1/32" = 1'-0" (11x17) **2**



NORTH ELEVATION

0 4' 8" 16' SCALE: 1/16" = 1'-0" (24x36)
(OR) 1/32" = 1'-0" (11x17) **1**

PLAN PREPARED FOR:

CROWN CASTLE
CROWN CASTLE TOWERS 06-2, LLC
4301 HACIENDA DRIVE, SUITE 410
PLEASANTON, CA 94588

PROJECT INFORMATION:

**NEES AVE.
BU 845798**
47920 W. NEES AVENUE
FIREBAUGH, CA 93622
FRESNO

CURRENT ISSUE DATE:

04-17-2018

ISSUED FOR:

ZONING SUBMITTAL

REVISIONS

REV	DATE	DESCRIPTION	BY
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1	02-07-2018	REVISED 90% ZONING	CM
2	03-02-2018	100% ZONING	CM
3	04-10-2018	REVISED SOW	CM
4	04-17-2018	100% ZONING	CM

PLANS PREPARED BY:

SAC WIRELESS
SAC AE DESIGN GROUP, INC.
5015 SHOREHAM PLACE, SUITE 150
SAN DIEGO, CA 92122
www.sacw.com
619.736.3766

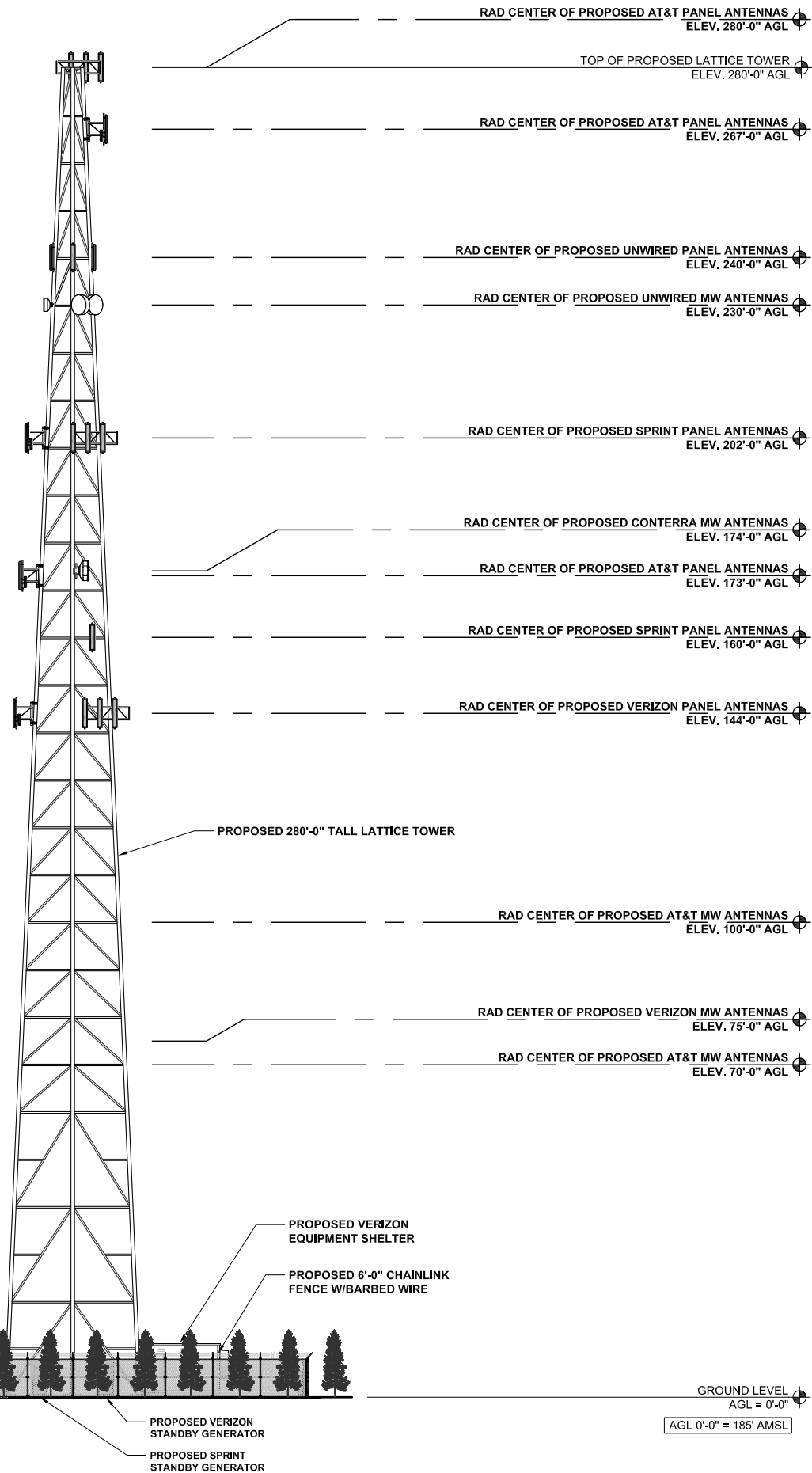
LICENSURE:

SHEET TITLE:

NORTH & EAST ELEVATIONS

SHEET NUMBER:

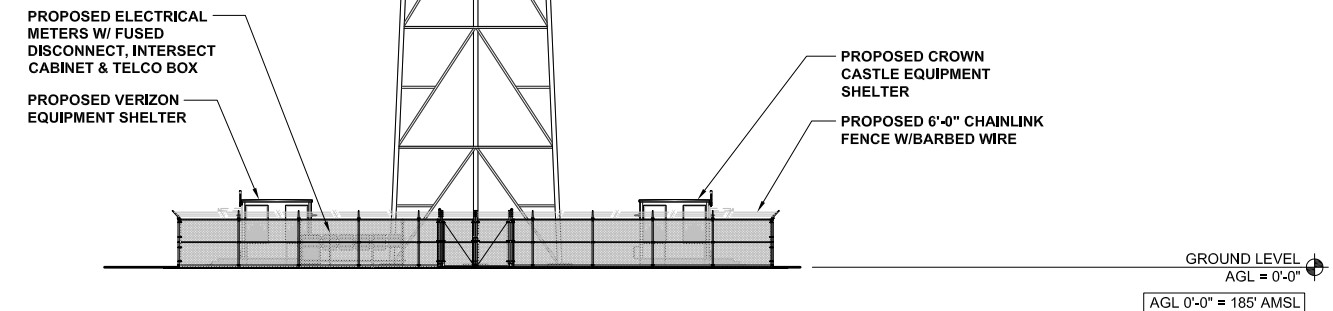
A-3



WEST ELEVATION

0 4' 8" 16' SCALE: 1/16" = 1'-0" (24x36)
(OR) 1/32" = 1'-0" (11x17) **2**

SOUTH ELEVATION



0 4' 8" 16' SCALE: 1/16" = 1'-0" (24x36)
(OR) 1/32" = 1'-0" (11x17) **1**

PLAN PREPARED FOR:
CROWN CASTLE
CROWN CASTLE TOWERS 06-2, LLC
4301 HACIENDA DRIVE, SUITE 410
PLEASANTON, CA 94588

PROJECT INFORMATION:
NEES AVE.
BU 845798
47920 W. NEES AVENUE
FIREBAUGH, CA 93622
FRESNO

CURRENT ISSUE DATE:
04-17-2018

ISSUED FOR:
ZONING SUBMITTAL

REVISIONS

REV	DATE	DESCRIPTION	BY
0	01-09-2018	90% ZONING	HF
1	02-07-2018	REVISED 90% ZONING	CM
2	03-02-2018	100% ZONING	CM
3	04-10-2018	REVISED SOW	CM
4	04-17-2018	100% ZONING	CM

PLANS PREPARED BY:
SAC
WIRELESS
SAC AE DESIGN GROUP, INC.
5015 SHOREHAM PLACE, SUITE 150
SAN DIEGO, CA 92122
www.sacw.com
619.736.3766

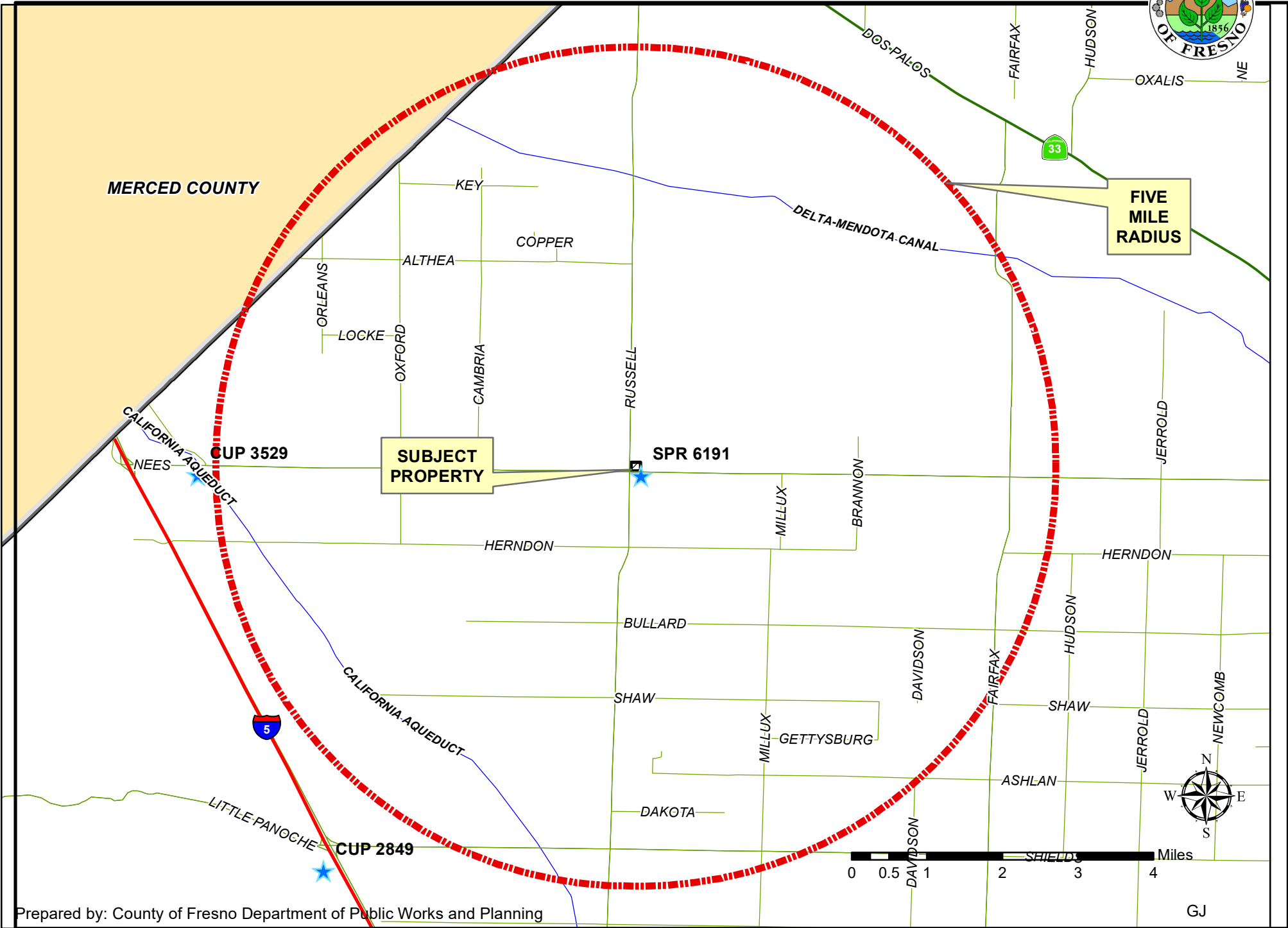
LICENSURE:

SHEET TITLE:
SOUTH & WEST ELEVATIONS

SHEET NUMBER:

A-4

CELL TOWER VICINITY MAP



SUBJECT PROPERTY

FIVE MILE RADIUS

CUP 3529

SPR 6191

CUP 2849



RECEIVED
COUNTY OF FRESNO

MAY 02 2018

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

CUP 3015



3 Rovina Lane
Petaluma, CA 94952
T 415-529-8868
jason@beacondev.net

PROJECT PROPOSED LOCATION

Crown Castle Telecommunication Facility
47920 West Nees Avenue, Firebaugh, CA 93622
Site Name: Nees Ave.
APN: 005-070-13S

Nature of Request

Crown Castle seeks a Planning Department approval to build a new wireless telecommunication facility with a lattice tower at R&N Packing LLC 47920 West Nees Avenue, Firebaugh, CA. The purpose of this facility would be to maintain coverage (3) major telecom carriers, namely AT&T, Verizon, and Sprint who provide cellular communications for thousands of residents/farmers/motorists. The subject area is currently supported by AT&T, Verizon, and Sprint with an existing telecom facility on an adjacent parcel located at 47759 West Nees Avenue.

Property Description

The subject property is zoned AG (Agricultural) and is owned by R&N Packing LLC and operated as a Commercial Farm.

Project Description

This is an unmanned telecommunication facility consisting of the installation of a new 280' lattice tower, a 100'x100' Crown Castle multi-carrier fenced compound consisting of the installation and operation of antennas and associated equipment. This project is located on private property and will continue to provide wireless coverage in the local community as the existing tower will be decommissioned. The installation will not adversely affect the surrounding area and will have no impact on traffic other than during construction activities, which take less than 30 days and will not interfere with any farming activities either.

The proposal includes the following scope of work:

- PROPOSED 280'-0" TALL LATTICE TOWER – Please see pages A-3, and A-4 which reflect all carriers to be located on tower.
- PROPOSED 100'-0" X 100'-0" CHAINLINK FENCE W/BARBED WIRE EQUIPMENT ENCLOSURE
- PROPOSED ELECTRICAL METER W/FUSED DISCONNECT, INTERSECT CABINET W/GENERATOR REC. & TELCO BOX
- REMOVAL OF EXISTING TOWER AT 47759 WEST NEES AVENUE, FIREBAUGH, CA 93622 (Removal permits would be obtained pursuant to Fresno County Code)



3 Rovina Lane
Petaluma, CA 94952
T 415-529-8868
jason@beacondev.net

Statement of Operations

This proposed facility will be to replace a currently operating wireless telecommunication facility that we be decommissioned upon construction of a “new” wireless facility to maintain cellular and emergency coverage in the area. This facility will be an unmanned facility operating 24 hours a day, 7 days per week, and 52 weeks per year. There will not be any employees as the facility is unmanned, entirely self-monitored and connects directly to a central office where sophisticated computers alert personnel to any equipment malfunction or breach of security. Upon completion of construction, fine-tuning of the facility may be necessary, meaning the site will be adjusted once or twice a month by a service technician for routine maintenance. Periodic testing and maintenance to keep the facility operational will require a service vehicle to access the property occasionally but no parking spaces will be required. No goods are sold on this facility location, materials to be used for construction are outlined in the zoning drawings included with the zoning package. This facility will not cause unsightly appearance in the area as it will be painted to jurisdictional requirements and will not have any solid or liquid waste as well as no requirement for additional water usage. There will be no advertising of the facility but there will be owner, safety, and required signing as set forth by the FCC and local jurisdiction. Two new small buildings will be added within the 100’x100’ compound and fencing to house and protect sensitive equipment, fencing with barbed wire will encompass the 100’x100’ lease area and tower as a security measure as well as lighting for the top and sides of the 280’ lattice tower as required by the FAA and local jurisdiction.

Zoning Analysis

The site of the proposed facility is currently zoned AE (Exclusive Agricultural District). An existing site with the same height tower is located across the street from the “new” proposed site location, and based on a number of issues, we will need to relocate the facility and in order to maintain coverage for the area. Crown Castle has secured a ground lease area at 47920 West Nees Ave., Firebaugh, CA. The existing site currently has a 280’ lattice tower with AT&T, Verizon and Sprint (along with other smaller telecom companies) located on the tower, Crown is proposing a similar tower for the new proposed site location. Based on a Pre-App Meeting with Ms. Danielle Crider, of the Fresno County Planning Department, we have been instructed to submit for a Conditional Use Permit which would be taken into consideration by Fresno County staff.

Alternative Sites Analysis

As requested, Beacon Development has provided a separate document for submission to the County of Fresno which identifies all neighboring telecom facilities within roughly a (10+) mile radius. Please understand, even taking into account the topography in this particular area, most cellular systems can only transmit 3-5 miles, depending on a number of factors. Our analysis reflects a number of adjacent sites, most of which are over (8) miles away and would not provide coverage in our requested area coupled with the fact we are requesting to *replace* the tower on the adjacent property. Please note, during our pre-app meeting we discussed Ms. Danielle Crider and discussed the project and process, namely in our review of colocations, using another property with an existing tower would be preferred, but given there are no immediate towers, we need to reflect them on our supplemental report. With the above being said, please find an attached PowerPoint report which reflects our findings.



3 Rovina Lane
Petaluma, CA 94952
T 415-529-8868
jason@beacondev.net

Compliance with Federal Regulations

Crown Castle (as the owner of the facility) will not only comply with all FCC rules governing construction requirements, technical standards, interference protection, power and height limitations, and radio frequency standards, but ensure our respective tenants do as well. In addition, the company will comply with all FAA rules on site location and operation. We have also provided an EMF Study which reflects our adherence to FCC guidelines for RF exposure.

Federal Regulations Applicable to This Application

Federal law and the FCC's rules implementing the law require that this permit application be processed to a final decision by this jurisdiction without delay. Specifically, because this application proposes to install new equipment on a new tower outside the public rights of way, this application must be approved or denied within one hundred fifty (150) days from its submission, today.¹

Moreover, pursuant to FCC regulations, this application is deemed complete 30 days after today, unless written notice is provided to the applicant.² If the application is incomplete, within the next 30 days written notice must be provided specifying any items missing to make the application complete.³ For each item missing, the written notice must specify the code provision, ordinance, application instruction, or otherwise publically-stated procedure that requires the submission of the information.⁴

The Telecommunications Act limits the authority of local jurisdictions by, among other restrictions, requiring approval within a reasonable period of time. In submitting this application, Crown Castle expressly reserves all of its Federal and State Rights, including, without limitation, its rights under federal and state law to challenge the requirement for a discretionary permit for its proposed installation. Neither the act of submitting the application nor anything contained therein shall be construed as a waiver of any such rights.

Please send all written requests for additional information regarding this application to:

Jason F. Osborne
Beacon Development, LLC
3 Rovina Lane
Petaluma, CA 94952
(415) 529-8868 mbl
jason@beacondev.net



¹ *In re Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B) to Ensure Timely Siting Review*, Declaratory Ruling, 24 FCC Rcd. 13994 ¶¶ 32, 45-46 (2009) (“*FCC Shot Clock Order*”); *In the matter of Acceleration of Broadband Deployment By Improving Wireless Facilities Siting Policies*, Report and Order, FCC 14-153, WT Docket No. 13-238, ¶ 272 (FCC Oct. 21, 2014) (“*Wireless Infrastructure Order*”) (clarifying that DAS nodes that involve installation of new poles trigger the 150 day shot clock).

² *Wireless Infrastructure Order* at ¶¶ 257, 259.

³ *Wireless Infrastructure Order* at ¶¶ 259-260.

⁴ *Id.*



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
STEVEN E. WHITE, DIRECTOR

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: Crown Castle
- APPLICATION NOS.: Initial Study Application No. 7468 and Unclassified Conditional Use Permit Application No. 3615
- DESCRIPTION: Allow a new wireless communication facility consisting of a 280-foot-tall lattice tower with panel antennas, microwave antennas, and a 100-foot by 100-foot fenced area to contain the tower and related ground equipment on a 9.25-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.
- LOCATION: The project site is located on the north side of W. Nees Avenue approximately 55 feet east of its intersection with N. Russell Avenue, approximately 10 miles west of the nearest city limits of the City of Firebaugh (47920 W. Nees Avenue) (Sup. Dist. 1) (APN 005-070-13S).

I. AESTHETICS

- A. Would the project have a substantial adverse effect on a scenic vista; or
- B. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway; or

FINDING: NO IMPACT:

There are no scenic vistas or State scenic highways near the proposed project. These resources will not be impacted.

- C. Would the project substantially degrade the existing visual character or quality of the site and its surroundings?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed project site is currently used as an agricultural processing facility, and the nearby land uses include field crops, orchards, commercial uses, and a mobile home park. There is an existing 280-foot lattice communication tower on the south side of Nees Avenue, approximately 1,000 feet from the proposed 280-foot lattice tower. The

existing tower will be removed upon completion of the proposed tower. The proposed 280-foot tower will be set back approximately 545 feet north of Nees Avenue behind a chain-link fence, existing foliage, a single-story office building, and a dirt field used for automobile parking. The existing tower is only set back 90 feet south of Nees Avenue without any foliage or structures to soften its aesthetic impact. Therefore, the aesthetic impact of the proposed tower will be substantially less from Nees Avenue than the existing tower.

The proposed tower will also be set back approximately 110 feet from Russell Avenue, behind an existing chain-link fence and developed trees. The land directly across Russell Avenue from the proposed cell tower is used for the storage of agricultural equipment and agricultural cultivation, and it is enclosed by a chain-link fence with barbed wire. On the northerly adjacent parcel there is a 304-acre active agricultural operation with no residential structures. The proposed communication tower is not expected to negatively impact the aesthetics of these immediately-adjacent parcels.

In addition to the proposed tower, there will be a 100-foot by 100-foot area containing the base of the communication tower and related equipment. This area will be surrounded by a 6-foot-tall chain-link fence topped with barbed wire. This type of fencing is used on the subject property and on adjacent properties, so it will be compatible with the aesthetics of the area.

- D. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Through the FAA (Federal Aviation Administration) Aeronautical Evaluation, it was determined that lighting will be required on the proposed structure to minimize any hazard to air traffic. Additional lighting in the equipment area may be required for security and maintenance purposes, and the following Mitigation Measure will ensure that these lights are not a nuisance to the community. There are no residential structures on the properties surrounding the proposed project which could be negatively impacted by necessary lighting. Excessive lighting is not characteristic of an agricultural area such as this, and the following mitigation will ensure that the proposed project is compatible with the area.

* **Mitigation Measure(s)**

1. *All outdoor lighting shall be hooded and directed downward so as not to shine upward or toward adjacent properties and public streets, unless the lighting is required by the Federal Aviation Administration (FAA).*

II. AGRICULTURAL AND FORESTRY RESOURCES

- A. Would the project convert prime or unique farmlands or farmland of statewide importance to non-agricultural use?

FINDING: NO IMPACT:

The subject parcel is not classified as prime, unique, or important farmland. These resources will not be affected.

- B. Would the project conflict with existing agricultural zoning or Williamson Act Contracts?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will not conflict with a Williamson Act Contract. However, the project site is zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) and is designated as an area of agricultural use in the Fresno County General Plan (FCGP). The existing use of the property, an asparagus processing plant, is agricultural by nature. The proposed communication tower will not affect this use, and it will only take up 10,000 square feet of currently uncultivated land.

- C. Would the project conflict with existing zoning for or cause rezoning of forest land, timberland, or timberland zoned Timberland Production; or
- D. Would the project result in the loss of forest land or conversion of forest land to non-forest use?

FINDING: NO IMPACT:

The project is not located in a Timberland area. No forest land will be converted to non-forest land.

- E. Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural uses or conversion of forest land to non-forest use?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project is not located in a Timberland area, and the surrounding agricultural uses will not be negatively impacted by the proposed project.

III. AIR QUALITY

- A. Would the project conflict with or obstruct implementation of the applicable Air Quality Plan; or
- B. Would the project violate any air quality standard or contribute to an existing or projected air quality violation; or
- C. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under a Federal or State ambient air quality standard; or

- D. Would the project expose sensitive receptors to substantial pollutant concentrations?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The only emissions that will result from the proposed project will be during construction-related activities or during the intermittent use of the proposed generator. The County of Fresno is a non-attainment area for PM-2.5 and Ozone. However, these short-term and minor emission contributions will not conflict with applicable Air Quality Plans or contribute to any violation of air quality standards in the area.

- E. Would the project create objectionable odors affecting a substantial number of people?

FINDING: NO IMPACT:

The only odors that could be emitted as a part of this project would result from the intermittent use of generators during testing and power outages. These generators will be located in an enclosed 100-foot by 100-foot area, only to be occasionally accessed by maintenance workers. They will be over 300 feet from the nearest structure, an agricultural processing facility.

IV. BIOLOGICAL RESOURCES

- A. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any candidate, sensitive, or special-status species; or
- B. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS); or
- C. Would the project have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption or other means; or
- D. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; or
- E. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- F. Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

FINDING: LESS THAN SIGNIFICANT IMPACT:

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

~~The California Department of Fish and Wildlife reviewed the proposed project and did not have any concerns about candidate, sensitive, or special-status species or habitat conservation. The project impact area includes a 10,000 square-foot equipment area that is proposed on space currently used for machinery storage, is heavily trafficked, and is void of vegetation. It also includes the undergrounding of utility lines beneath an existing road and short stretch of barren earth, and an access easement through an existing dirt parking area. A heavily trafficked area with no vegetation is an unlikely habitat, and the limited impact area makes any impacts less than significant.~~

Swainson's Hawks (SWHA) are known to nest in the vicinity of the Project area, and the agricultural fields surrounding the project site are suitable for foraging. The mature trees located on the project site or within one half-mile of the project site have a high likelihood of hosting SWHA nests. Appropriate mitigation will be required to ensure that construction activities do not disturb this protected species.

The project area is not located on or near a riparian habitat, wetland, or sensitive natural community. No trees will be removed as a result of this project; there are no Habitat or Natural Community Conservation Plans pertaining to the area.

* **Mitigation Measure(s)**

- 1. A qualified biologist shall conduct a survey for nesting raptors prior to the onset of construction activities, following the survey methodology developed by the SWHA Technical Advisory Committee (SWHA TAC 2000). If ground-disturbing activities take place between February 1 and September 15, a pre-construction survey for active nests must be conducted by a qualified biologist no more than 10 days prior to the onset of these ground-disturbing activities.***
- 2. If an active SWHA nest is found, no construction may take place within a one-half mile of the nest until the end of breeding season (September 15) or until a qualified biologist has determined that the young have fledged and are no longer reliant upon the nest or parental care for survival. If this is not feasible, the applicant shall consult with the California Department of Fish and Wildlife (CDFW) to determine if the project can avoid take. If SWHA cannot be avoided, acquisition of an Incidental Take Permit (ITP) could be warranted.***

V. CULTURAL RESOURCES

- A. Would the project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5; or
- B. Would the project cause a substantial adverse change in the significance of an archeological resource pursuant to Section 15064.5; or

- C. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or
- D. Would the project disturb any human remains, including those interred outside of formal cemeteries; or
- E. Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The project impact area includes a 10,000 square-foot equipment area that is proposed on space currently used for machinery storage and is heavily trafficked. The project also includes the undergrounding of utility lines beneath an existing road and short stretch of barren earth. The project is not in an area of high archaeological sensitivity, and no interested tribes expressed concerns about archaeological resources when given the opportunity to review the proposed project. It is not expected that the project will unearth cultural resources, but the following Mitigation Measure will ensure a less than significant impact if they are encountered.

* **Mitigation Measure(s)**

1. *In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.*

VI. GEOLOGY AND SOILS

- A. Would the project expose people or structures to potential substantial adverse effects, including risk of loss, injury or death involving:
 1. Rupture of a known earthquake; or
 2. Strong seismic ground shaking; or
 3. Seismic-related ground failure, including liquefaction?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Fresno County General Plan Background Report (FCGPBR) Figure 9-5, the project area’s probability of experiencing a seismic hazard in 50 years is 20-40%.

However, the nearest structure is over 300 feet away, and the proposed tower will be engineered to withstand the anticipated seismic hazard.

4. Landslides?

FINDING: NO IMPACT:

The proposed project is not located in an area of steep slopes (FCGPBR Figure 7-2). The topography of the area is quite flat, and the proposed project will not change that or increase the risk of loss, injury, or death due to landslides.

B. Would the project result in substantial erosion or loss of topsoil?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Construction of the communication tower and undergrounding of the necessary utilities will require the disturbance of existing topsoil. However, this disturbance area is very limited, no existing vegetation will be removed, there is an abundance of permeable ground surrounding the project, and the topography of the area is very flat. Substantial erosion will not result from the proposed project.

C. Would the project result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

FINDING: NO IMPACT:

The proposed project does not include any activities that will increase the possibility of on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.

D. Would the project be located on expansive soils, creating substantial risks to life or property?

FINDING: NO IMPACT:

According to the Fresno County General Plan (Figure 7-1), expansive soils are not a concern in or around the project area.

E. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative disposal systems where sewers are not available for wastewater disposal?

FINDING: NO IMPACT:

No sewers or wastewater disposal systems are proposed.

VII. GREENHOUSE GAS EMISSIONS

- A. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- B. Would the project conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

FINDING: LESS THAN SIGNIFICANT IMPACT:

During construction activities, greenhouse gas emissions will be produced by construction vehicles. After construction is complete, the only emissions will be from proposed generators, which are not the primary energy source for the project and will only be run during power outages and for testing purposes. Additionally, the only traffic that this project will generate after construction is approximately 1-2 round trips per month for maintenance purposes. The proposed project will not conflict with any greenhouse gas emissions goals.

VIII. HAZARDS AND HAZARDOUS MATERIALS

- A. Would the project create a significant public hazard through routine transport, use or disposal of hazardous materials; or
- B. Would the project create a significant public hazard involving accidental release of hazardous materials into the environment?

FINDING: LESS THAN SIGNIFICANT IMPACT:

As a part of the proposed project, propane or gasoline tanks may be installed to fuel the backup generators. 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.

- C. Would the project create hazardous emissions or utilize hazardous materials, substances or waste within one quarter-mile of a school?

FINDING: NO IMPACT:

The project is not located within one quarter-mile of a school. The nearest school is 2.45 miles south of the project site.

- D. Would the project be located on a hazardous materials site?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is adjacent to two hazardous waste facilities, Pacific Farm Corporation and Panoche Pilot Scale Biotreatment Plant. The proposed development will not be located on or disturb either of these sites.

- E. Would a project located within an airport land use plan or, absent such a plan, within two miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area; or
- F. Would a project located within the vicinity of a private airstrip result in a safety hazard for people residing or working in the project area?

FINDING: NO IMPACT:

The project site is not located within an airport land use plan, or within two miles of a private or public airstrip.

- G. Would the project impair implementation of or physically interfere with an adopted Emergency Response Plan or Emergency Evacuation Plan; or
- H. Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project location is classified as being non-wildland and non-urban. The Fresno County Fire Protection District and the Fresno County Sheriff-Coroner Department were provided the opportunity to comment on the proposed project and expressed no concerns. The location of the proposed cell tower and equipment area is currently surrounded by barren earth, and is over 300 feet away from the nearest structure. This project will not conflict with an existing emergency response plan, and it will not expose people or structures to additional risk of loss.

IX. HYDROLOGY AND WATER QUALITY

- A. Would the project violate any water quality standards or waste discharge requirements or otherwise degrade water quality; or
- B. Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge so that there would be a net deficit in aquifer volume or a lowering of the local groundwater table?

FINDING: NO IMPACT:

The proposed project is not water reliant, so it will neither produce substandard water nor deplete groundwater supplies.

- C. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off site; or
- D. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in flooding on or off site; or
- E. Would the project create or contribute run-off which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted run-off; or
- F. Would the project otherwise substantially degrade water quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Some grading may occur during project construction, but the project area is flat, and very little impermeable ground cover is proposed. The project will not result in substantially altered drainage patterns or substantial erosion. The project will not utilize any water resources, nor will it produce polluted runoff. The nearest body of water is a canal running approximately 2.5 miles north of the project site. The project will not alter any streams or rivers, and it will not contribute to flooding. A grading permit will be required for any grading work proposed as a part of this project.

- G. Would the project place housing within a 100-year floodplain; or
- H. Would the project place structures within a 100-year flood hazard area that would impede or redirect flood flows; or
- I. Would the project expose persons or structures to levee or dam failure; or
- J. Would the project cause inundation by seiche, tsunami or mudflow?

FINDING: NO IMPACT:

The project is not located within a 100-year floodplain, and does not include any new housing. The proposed project will not result in seiche, tsunami, or mudflow.

X. LAND USE AND PLANNING

- A. Will the project physically divide an established community?

FINDING: NO IMPACT:

The proposed project will not divide an established community; it will only allow the construction of a communication tower on a parcel currently used for agricultural processing facility. Fresno County General Plan Policy PF-J.4 requires compliance with

the Wireless Communication Guidelines for siting communication towers in unincorporated areas of the County, and these guidelines will be adhered to.

- B. Will the project conflict with any Land Use Plan, policy or regulation of an agency with jurisdiction over the project?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is designated Agricultural in the Fresno County General Plan (FCGP). Telecommunication towers are a compatible use with agriculture if they do not significantly displace farmland. The proposed development will not displace any active farming operation and it will not interfere with the existing agricultural facility.

- C. Will the project conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan?

FINDING: NO IMPACT:

This site is not located in an area subject to a Habitat Conservation Plan or Natural Community Conservation Plan.

XI. MINERAL RESOURCES

- A. Would the project result in the loss of availability of a known mineral resource; or
- B. Would the project result in the loss of availability of a locally-important mineral resource recovery site designated on a General Plan?

FINDING: NO IMPACT:

The Fresno County General Plan Mineral Resources Location Map, Figure 7-7, indicates that the proposed project is not near any known mineral resources. If unknown minerals resources are present, the proposed project would not eliminate these resources or affect their accessibility because only 10,000 square feet of land will be developed as a result of the proposed project.

XII. NOISE

- A. Would the project result in exposure of people to severe noise levels; or
- B. Would the project result in exposure of people to or generate excessive ground-borne vibration or ground-borne noise levels; or
- C. Would the project cause a substantial permanent increase in ambient noise levels in the project vicinity; or
- D. Would the project result in a substantial temporary or periodic increase in ambient noise levels; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

The communication tower will be an unmanned operation, which will be accessed once or twice per month by maintenance workers. The communication tower and related equipment are not expected to produce significant noise or vibration after construction activities are complete. The only potential source of noise and vibration after construction is complete is four backup generators that will only be used intermittently, and are not the primary source of power for the project. The equipment area is more than 300 feet from the Asparagus Packing House, and this use will not be impacted by these potential sources of noise and vibration.

- E. Would the project expose people to excessive noise levels associated with a location near an airport or a private airstrip; or
- F. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

FINDING: NO IMPACT:

The proposed project is not located in the vicinity of an airport or private air strip.

XIII. POPULATION AND HOUSING

- A. Would the project induce substantial population growth either directly or indirectly; or
- B. Would the project displace substantial numbers of existing housing; or
- C. Would the project displace substantial numbers of people, necessitating the construction of housing elsewhere?

FINDING: NO IMPACT:

The communication tower will not induce population growth, eliminate existing housing, or displace anyone from their homes. Population and housing will not be impacted.

XIV. PUBLIC SERVICES

- A. Would the project result in substantial adverse physical impacts associated with the provision of new or physically-altered public facilities in the following areas:
 - 1. Fire protection;
 - 2. Police protection;
 - 3. Schools;
 - 4. Parks; or

5. Other public facilities?

FINDING: NO IMPACT:

There are no schools or parks within the project site vicinity. The installation of a communication tower will not affect any public facilities or services or create an increased demand for such services. The Fresno County Sheriff-Coroner Department expressed no concerns about the proposed project.

XV. RECREATION

- A. Would the project increase the use of existing neighborhood and regional parks; or
- B. Would the project require the construction of or expansion of recreational facilities?

FINDING: NO IMPACT:

The proposed communication tower will not affect the usage of parks or recreational facilities because it will not affect the population or demographics of the community. No new parks or recreational facilities will need to be constructed as a result of the proposed project.

XVI. TRANSPORTATION/TRAFFIC

- A. Would the project conflict with any applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation; or
- B. Would the project conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demands measures?

FINDING: LESS THAN SIGNIFICANT IMPACT:

After construction, the tower will be unmanned. The project is expected to generate 1-2 round-trip maintenance visits per month. The project will not contribute to traffic congestion or conflict with any traffic plans or programs.

- C. Would the project result in a change in air traffic patterns?

FINDING: NO IMPACT:

The proposed project has been reviewed by the Federal Aviation Administration (FAA), and it was determined that the proposed tower will not be a hazard to aviation. It will be marked and lighted for the safety of aircraft.

- D. Would the project substantially increase traffic hazards due to design features?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed lattice tower will appear very similar to an existing lattice tower that it will replace. It will not pose any additional traffic hazard as a result of its design.

E. Would the project result in inadequate emergency access?

FINDING: NO IMPACT:

The proposed project will not affect emergency access to any existing structures. The Fresno County Fire Protection District and Sheriff-Coroner Department expressed no concerns regarding the proposed project.

F. Would the project conflict with adopted plans, policies or programs regarding public transit, bicycle or pedestrian facilities or otherwise decrease the performance or safety of such facilities?

FINDING: NO IMPACT:

The proposed project will not inhibit the use of pedestrian facilities or the implementation of related plans, policies, or programs.

XVII. UTILITIES AND SERVICE SYSTEMS

- A. Would the project exceed wastewater treatment requirements; or
- B. Would the project require construction of or the expansion of new water or wastewater treatment facilities; or
- C. Would the project require or result in the construction or expansion of new storm water drainage facilities; or
- D. Would the project have sufficient water supplies available from existing entitlements and resources, or are new or expanded entitlements needed; or
- E. Would the project result in a determination of inadequate wastewater treatment capacity to serve project demand; or
- F. Would the project be served by a landfill with sufficient permitted capacity; or
- G. Would the project comply with federal, state and local statutes and regulations related to solid waste?

FINDING: NO IMPACT:

The operation of the proposed cell tower would not create solid waste or wastewater after construction has been completed. The proposed project will use no water, and will not affect existing utilities.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

- A. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California prehistory or history?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Potential impacts to biological and cultural resources were considered, and it was determined that with the incorporation of the Mitigation Measure included in Section V, any impacts to these resources will be less than significant.

- B. Does the project have impacts that are individually limited, but cumulatively considerable?

FINDING: LESS THAN SIGNIFICANT IMPACT:

No cumulative impacts, such as traffic congestion, greenhouse gas emissions, water quality, or aquifer depletion are expected to be significantly impacted by the approval of the proposed project.

- C. Does the project have environmental impacts which will cause substantial adverse effects on human beings, either directly or indirectly?

FINDING: NO IMPACT:

No environmental impacts to human beings, either direct or indirect, were identified in the project analysis.

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Unclassified Conditional Use Permit Application No. 3615, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to Mineral Resources, Population and Housing, Public Services, Recreation, and Utilities and Service Systems.

Potential impacts related to Agricultural and Forestry Resources, Air Quality, ~~Biological Resources~~, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Noise, and Transportation/Traffic have been determined to be less than significant.

Potential impacts relating to Aesthetics, **Biological Resources**, and Cultural Resources have been determined to be less than significant with compliance with the Mitigation Measures.

A Mitigated Negative Declaration is recommended and is subject to approval by the decision-making body. The Initial Study is available for review at 2220 Tulare Street, Suite A, Street Level, located on the southwest corner of Tulare and "M" Street, Fresno, California.

DTC:ksn

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File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721		Space Below For County Clerk Only. CLK-2046.00 E04-73 R00-00	
Agency File No: IS 7468	LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION		County Clerk File No: E-
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Danielle Crider, Planner	Area Code: 559	Telephone Number: 600-9669	Extension: N/A
Applicant (Name): Jason Osborne (Crown Castle)	Project Title: CUP 3615		
Project Description: Allow a new wireless communication facility consisting of a 280-foot-tall lattice tower with panel antennas, microwave antennas, and a 100-foot by 100-foot fenced area to contain the tower and related ground equipment on a 9.25-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The project site is located on the north side of W. Nees Avenue approximately 55 feet east of its intersection with N. Russell Avenue, approximately 10 miles west of the nearest city limits of the City of Firebaugh (47920 W. Nees Avenue) (APN: 005-070-13S) (Sup. Dist. 1).			
Justification for Negative Declaration: Based upon the Initial Study prepared for Unclassified Conditional Use Permit Application No. 3615, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to Mineral Resources, Population and Housing, Public Services, Recreation, and Utilities and Service Systems. Potential impacts related to Agricultural and Forestry Resources, Air Quality, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Noise, and Transportation/Traffic have been determined to be less than significant. Potential impacts relating to Aesthetics, Biological Resources, and Cultural Resources have been determined to be less than significant with compliance with the Mitigation Measures. A Mitigated Negative Declaration is recommended and is subject to approval by the decision-making body. The Initial Study is available for review at 2220 Tulare Street, Suite A, Street Level, located on the southwest corner of Tulare and "M" Street, Fresno, California.			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – July 16, 2018		Review Date Deadline: Planning Commission – August 23, 2018	
Date: TBD	Type or Print Signature: Danielle Crider Planner	Submitted by (Signature):	

State 15083, 15085

County Clerk File No.: _____

**LOCAL AGENCY
MITIGATED NEGATIVE DECLARATION**