



Inter Office Memo

DATE: October 22, 2020

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12850 - INITIAL STUDY NO. 7871,
UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO.
3678

APPLICANT: Carl Jones (Epic Wireless – AT&T)

OWNER: Daniel & Ruth Toews

REQUEST: Allow the installation of a new unmanned telecommunications facility in a 40' x 40' AT&T lease area that includes a 140' tall lattice tower and 64 square-foot equipment cabinet and an emergency back-up generator.

LOCATION: The subject parcel is located at the east side of Anchor Avenue between Adams Avenue and Clayton Avenue, approximately 1,400 feet north of the city limits of Orange Cove (6700 S. Anchor Avenue) (Sup. Dist. 4) (APN: 375-030-02)

PLANNING COMMISSION ACTION:

At its hearing of October 22, 2020, the Commission considered the Staff Report and testimony (summarized in Exhibit "A").

A motion was made by Commissioner Burgess and seconded by Commissioner Hill 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. 3678, subject to the Mitigation Measures and Conditions of Approval listed in Exhibit "B".

EXHIBIT "A"

Initial Study Application No. 7871
Unclassified Conditional Use Permit Application No. 3678

Staff: The Fresno County Planning Commission considered the Staff Report dated October 22, 2020 and heard a summary presentation by staff.

Applicant: The Applicant's representative concurred with the Staff Report and the recommended Mitigation Measures and Conditions. He described the project and offered the following information to clarify the intended use:

- This proposal is to install a new telecommunications tower and corresponding ground equipment.
- No changes were applied to the approval of CUP No. 3678

Others: No other individuals presented information in support of or in opposition to the project.

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 Application NO. 7799
Unclassified Conditional Use Permit Application No. 3678
(Including Conditions of Approval and Project Notes)**

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
5.	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
Conditions of Approval					
1.	Development of the property shall be in accordance with the Site Plan, Elevations and Operational Statement approved by the commission.				
2.	The approval shall expire in the event that 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 lease the area shall be restored as nearly as practical to its original conditions. This stipulation shall be recorded as a Covenant running with the land				
3.	Note: This Department will prepare the Covenant upon receipt of the standard processing fee, which is currently \$243.50				
*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.	10' x 10' corner cutoffs should be improved for sight distance purposes at the exiting driveway onto Anchor.				
2.	The north driveway approach that will be shared with existing resident and this new development should mitigate any potential for sediment track out onto County maintained road.				

Notes

3.	Facilities that 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 California Health and Safety Code (HSC), Division 20, Chapter 6.95, Section 25507 (http://cers.calepa.ca.gov/). Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.
4.	Should any underground storage tank(s) be found during the project, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.
5.	As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.
6.	Any work done within the right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division.
7.	All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. This Division discusses proper labeling, storage and handling of hazardous wastes
8.	The proposed construction project has the potential to expose nearby residents to elevated noise levels. The proposed diesel emergency generator may result in significant short-term localized noise impacts due to intermittent use/maintenance. Equipment shall be maintained according to manufacturers' specifications, and noise-generating equipment equipped with mufflers. Consideration should be given to Fresno County Noise Ordinance and the City of Orange Cove municipal code
9.	All proposed improvements including fences/gates entrances exceeding 7 feet in height will require building permits.
10.	Project/Development will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.

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County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
STEVEN E. WHITE
DIRECTOR

December 7, 2020

Dear Mr. Jones:

Subject: Resolution No. 12850 - Unclassified Conditional Use Permit Application No. 3678

On October 22, 2020, the Fresno County Planning Commission approved your application. A copy of the Planning Commission Resolution is enclosed.

Since no appeal was filed with the Clerk of the Board of Supervisors within 15 days, the Planning Commission's decision is final.

The approval of this project will expire 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 Unclassified Conditional Use Permit.

If you have any questions regarding the information in this letter, please contact me at thdavis@fresnocountyca.gov or (559) 600-9669.

Sincerely,

Ethan Davis, Planner
Development Services Division

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Enclosure

DEVELOPMENT SERVICES DIVISION