



County of Fresno

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

February 22, 2019

Verizon Wireless
2785 Mitchell Drive
Walnut Creek CA 94598

Dear Applicant:

Subject: Resolution No. 12752 - Initial Study Application No. 7471 and Unclassified
Conditional Use Permit Application No. 3616

On January 10, 2019, the Fresno County Planning Commission approved your Unclassified
Conditional Use Permit with Conditions. A copy of the Planning Commission Resolution is
enclosed.

Since no appeal was filed with the Clerk to 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
eahmad@fresnocountyca.gov or 559-600-4204.

Sincerely,

Ejaz Ahmad, Planner
Development Services and Capital Projects Division

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Enclosure



Inter Office Memo

DATE: January 10, 2019

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12752 - INITIAL STUDY APPLICATION NO. 7471 and UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3616

APPLICANT: Verizon Wireless

OWNER: Robert & Elizabeth Lewellen

REQUEST: Allow an unmanned telecommunications facility consisting of a 70-foot-tall wireless communication tower (monopine design) with related facilities on a 900 square-foot portion of a 5.03-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the southeast corner of N. Willow and E. International Avenues approximately 175 feet west of the nearest city limits of the City of Fresno (3237 E. International Avenue, Clovis) (SUP. DIST. 5) (APN 580-071-26).

PLANNING COMMISSION ACTION:

At its hearing of January 10, 2019, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Lawson and seconded by Commissioner Eubanks to adopt the Mitigated Negative Declaration prepared for the project, adopt the required Findings of Fact for approval of a Conditional Use Permit, and approve Unclassified Conditional Use Permit No. 3616, subject to the Conditions listed in Exhibit B.

RESOLUTION NO. 12752

This motion passed on the following vote:

VOTING:	Yes:	Commissioners Lawson, Eubanks, Abrahamian, Chatha, Delahay, Ede, Hill and Vallis
	No:	None
	Absent:	Commissioner Burgess
	Abstain:	None

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

By: 

 William M. Kettler, Manager
 Development Services and Capital Projects Division

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NOTE: 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.

Attachments

EXHIBIT A

Initial Study Application No. 7471
Unclassified Conditional Use Permit Application No. 3616

Staff: The Fresno County Planning Commission considered the Staff Report dated January 10, 2019, and heard a summary presentation by staff.

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

- Verizon picked the site due to a high service demand from the nearby high school and community college.
- The City of Fresno declined our offer to co-locate on its existing tower due to the site access restrictions.
- The City of Clovis Specific Plan for a future park on the project site is conceptual at this time.
- We agree to a Condition of Approval to remove the tower and related improvements within 10 years, if the site is developed as a park.

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

Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the application.

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Mitigation Monitoring and Reporting Program
Initial Study Application No. 7471/Unclassified Conditional Use Permit Application No. 3616
(Including Conditions of Approval and Project Notes)

EXHIBIT B

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Aesthetics	Ground equipment for the telecommunications tower shall be screened from view behind slatted fencing utilizing a non-reflective or earth-tone color.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	As long as the project lasts
2.	Aesthetics	All outdoor lighting shall be hooded and directed so as not to shine toward adjacent properties and public streets.	Applicant	Applicant/PW&P	As long as the project lasts
Conditions of Approval					
1.	Development of the property shall be in accordance with the Site Plan, Floor Plan, Elevations and Operational Statement approved by the Planning Commission				
2.	The approval shall expire in the event the use of the tower ceases for a period in excess of two years. At such time, the tower and related facilities shall be removed and the lease area shall be restored as nearly as practical to its original condition. This stipulation shall be recorded as a Covenant running with the land. Note: This Department will prepare the Covenant upon receipt of the standard processing fee, which is currently \$243.50.				
3.	The maximum number of antennas allowed on the tower shall be determined according to wind load calculations as approved by the Fresno County Department of Public Works and Planning.				
4.	Prior to the issuance of permits, evidence shall be submitted showing provisions have been made to accommodate colocation, such as provision for colocation in a signed lease agreement, and additional area within lease area for colocation of equipment, or other information that demonstrates the facility shall make itself available for colocation.				
5.	If at any time ten (10) years after the construction and final inspection of the wireless facility, the City of Clovis should acquire the parcel upon which the facility is located and the parcel shall have been fully annexed, zoned or dedicated for park use by the City of Clovis, then the City of Clovis shall provide one year's written notice to the Applicant of the termination of this permit and demand the removal of the wireless facilities. At the conclusion of the one-year notice period, this permit shall terminate. Prior to the expiration of the one-year notice period and resulting termination of the permit, Applicant shall remove the tower and related facilities, including any underground facilities, from the parcel and restore the parcel as near as practical to its original condition. Applicant, and any successors, assignees, licensees, lessees, or any person or entity acquiring an interest in the wireless facility, and the parcel owner or lessor (collectively "Applicant and Assignees"), expressly agree and understand that should				

	<p>the City of Clovis provide the requisite notice under this Condition, the Applicant and Assignees shall not be entitled to any compensation from either the City of Clovis or the County of Fresno for the value of the wireless facility, loss of use, consequential damages, or any other damages under a theory of taking, contract interference, or other law.</p> <p>This Condition shall be recorded as a Covenant running with the land and may be removed only with the express consent of the City of Clovis.</p> <p>Should the Applicant and Assignees fail to remove the wireless facility as required by this Condition, the City of Clovis may remove the wireless facility at the expense of Applicant and Assignees. Applicant and the Assignees agree to defend, indemnify, and hold harmless the City of Clovis and the County of Fresno from any liability associated with execution of the City's rights under this Condition.</p>
6.	<p>Maintenance of the emergency back-up power generator shall occur during the daytime hours of 7:00 a.m. to 5:00 p.m.</p>

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

Notes

<p>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</p>	
1.	<p>This Use Permit will become void unless there has been substantial development within two years of the effective date of approval.</p>
2.	<p>Plans, permits and inspections shall be required for all proposed improvements on the property, including fences/gate entrances exceeding six feet in height. Contact the Building and Safety Section of the Development Services and Capital Projects Division at (559) 600-4540 for permits and inspections.</p>
3.	<p>Wind load calculations and footing designed by a registered civil engineer shall be submitted to the Building and Safety Section of the Fresno County Department of Public Works and Planning before permits are issued.</p>
4.	<p>Prior to any improvements constructed in the International Avenue right-of-way, an encroachment permit shall be obtained from the Fresno County Road Maintenance and Operations Division.</p>
5.	<p>To address health impacts resulting from the project, the Fresno County Department of Public Health, Environmental Health Division requires the following:</p> <ul style="list-style-type: none"> • Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. • Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95. • All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5.
6.	<p>To address site development impacts, the Development Engineering Section of the Development Services and Capital Projects Division requires the following:</p>

Notes

- A Grading Permit or Voucher shall be required for any grading proposed with this application.
- On-site turnarounds are required for vehicles leaving the site to enter International Avenue in a forward motion.

7. To address site development impacts, the Fresno Metropolitan Flood Control District (FMFCD) requires the following:

- A temporary on-site storm water storage facility shall be required. Such facility shall be located and constructed so that once permanent FMFCD facilities become available, drainage can be directed to the street.
- The Applicant shall pay the District Development Review fees.

8. The Applicant shall contact the San Joaquin Valley Air Pollution Control District's Small Business Assistance Office to identify District rules or regulations that may apply to this project or to obtain information about District permit requirements.

9. To address site development impacts, the Fresno Irrigation District (FID) requires the following:

- FID's active Enterprise NO. 109 Canal runs westerly along the south side of the subject property, crosses Willow Avenue and continues west along the south side of International Avenue. FID may review and comment on all plans for any improvements along the south or west side of the property or any street and/or utility improvements along Willow Avenue, International Avenue, or near the canal.
- All utilities shall be located outside of canal right-of-way.
- Any structure or permanent improvements constructed on the subject property shall be raised to a minimum of one (1) foot above the high water level of the Enterprise Canal.

10. The project shall comply with California Code of Regulations Title 24 - Fire Code. Prior to receiving FCFPD conditions of approval for the subject application, plans must be submitted to the Fresno County Department of Public Works and Planning for review. It is the Applicant's responsibility to deliver a minimum of three sets of plans to FCFPD.

11. The Applicant shall file FAA Form 7460-1 with the Western Regional Office of the FAA in conjunction with the proposal.