



# County of Fresno

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

September 10, 2018

Crown Castle  
3 Rovina Lane  
Petaluma CA 94952

Dear Applicant:

Subject: Resolution No. 12734 - Initial Study Application No. 7468 and Unclassified  
Conditional Use Permit Application No. 3615

On August 23, 2018, 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 [dacrider@fresnocountyca.gov](mailto:dacrider@fresnocountyca.gov) or 559-600-9669.

Sincerely,

Danielle Crider, Planner  
Development Services and Capital Projects Division

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Enclosure



## Inter Office Memo

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DATE: August 23, 2018

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12734 - INITIAL STUDY APPLICATION NO. 7468 and UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3615

APPLICANT: Crown Castle

OWNER: R&N Packing LLC

REQUEST: 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).

### PLANNING COMMISSION ACTION:

At its hearing of August 23, 2018, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Eubanks and seconded by Commissioner Burgess 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. 3615, subject to the Conditions listed in Exhibit B.

RESOLUTION NO. 12734

This motion passed on the following vote:

VOTING:	Yes:	Commissioners Eubanks, Burgess, Abrahamian, Chatha, Delahay, Ede, Hill, Lawson and Vallis
	No:	None
	Absent:	None
	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. 7468  
Unclassified Conditional Use Permit Application No. 3615

Staff: The Fresno County Planning Commission considered the Staff Report dated August 23, 2018, and heard a summary presentation by staff.

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

- The proposed tower will replace the existing 280-foot communication tower across the street; the new tower will maintain the currently provided communications coverage; and the existing tower will be removed upon completion of the proposed tower.
- The lighting and markings on the new tower will be identical to that of the existing tower.
- I expect colocation to continue; there is room for six carriers on the proposed tower; and multiple carriers currently colocate on the existing tower.
- I anticipate that it will take three months to build the proposed tower and one month to decommission the existing tower.

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. 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

EXHIBIT B

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

<b>Conditions of Approval</b>	
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.
<b>Notes</b>	
<b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b>	
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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