



# County of Fresno

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

June 4, 2018

AT&T Mobility  
2009 V Street  
Sacramento CA 95818

Dear Applicant:

Subject: Resolution No. 12718 - Initial Study Application No. 7370 and Unclassified  
Conditional Use Permit Application No. 3592

On May 17, 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  
mmollring@co.fresno.ca.us or 559-600-4569.

Sincerely,

Marianne Mollring, Senior Planner  
Development Services and Capital Projects Division

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Enclosure



## Inter Office Memo

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DATE: May 17, 2018

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12718 - INITIAL STUDY APPLICATION NO. 7370 and UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3592

APPLICANT: Brad and Stevie Duinkerken

OWNER: AT&T Mobility

REQUEST: Allow an unmanned telecommunications facility consisting of a 100-foot-tall monopole tower with 12 panel antennas and related ground equipment, including a propane backup generator within a 2,500 square-foot (50 feet by 50 feet) lease area enclosed by a six-foot-tall chain-link fence with a 12-foot-wide gate, on a 20-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. Adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7370, and take action on Unclassified Conditional Use Permit No. 3592 with Findings and Conditions.

LOCATION: The subject parcel is located on East Lewiston Avenue, between South Cedar Avenue and South Maple Avenue, Fresno County (SUP. DIST. 4) (APN 055-110-55) (Section 17S, Township 20E, Range 36).

### PLANNING COMMISSION ACTION:

At its hearing of March 29, 2018, the Applicant's representative requested a continuance to the May 17, 2018 Planning Commission hearing to address a change in property ownership which necessitated a new agreement with the carrier.

A motion was made by Commissioner Eubanks and seconded by Commissioner Chatha to grant the continuance to May 17, 2018.

RESOLUTION NO. 12718

This motion passed on the following vote:

VOTING:       Yes:           Commissioners Eubanks, Chatha, Abrahamian, Burgess,  
Delahay, Ede, Eubanks, and Vallis

                  No:            None

                  Absent:       Commissioner Woolf

                  Abstain:       None

At its hearing of May 17, 2018, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Lawson and seconded by Commissioner Chatha 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 Application No. 3592, subject to the Conditions listed in Exhibit B.

This motion passed on the following vote:

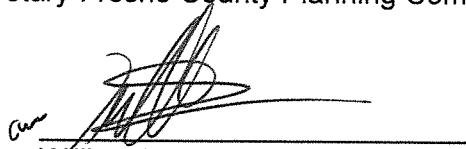
VOTING:       Yes:           Commissioners Lawson, Chatha, Abrahamian, Burgess, Delahay,  
Ede, Eubanks, Hill and Vallis

                  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

WMK:ksn  
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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

March 29, 2018

Initial Study Application No. 7370  
Unclassified Conditional Use Permit Application No. 3592

- Staff: The Fresno County Planning Commission considered the Staff Report dated March 29, 2018, and heard a summary presentation by staff.
- Applicant: The Applicant's representative concurred with the Staff Report and the recommended Conditions. He requested a continuance to address a change in property ownership which necessitated a new agreement with the carrier.
- 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.

May 17, 2018

- Staff: The Fresno County Planning Commission considered the Staff Report dated March 29, 2018 and the Addendum Staff Report dated May 17, 2018, and heard a summary presentation by staff.
- Applicant: The Applicant's representative concurred with the Staff Report and the recommended Conditions. She described the project and offered the following information to clarify the intended use:
- The proposed telecommunication tower is part of the Connect America program.
  - The site will be unmanned and will receive only monthly maintenance trips.
- 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.

**Mitigation Monitoring and Reporting Program**  
**Initial Study Application No. 7370/Unclassified Conditional Use Permit Application No. 3592**  
**(Including Conditions of Approval and Project Notes)**

<b>Mitigation Measures</b>					
<b>Mitigation Measure No.*</b>	<b>Impact</b>	<b>Mitigation Measure Language</b>	<b>Implementation Responsibility</b>	<b>Monitoring Responsibility</b>	<b>Time Span</b>
*1.	Biological Resources	A qualified wildlife biologist shall conduct surveys for nesting raptors following the survey methodology developed by the Swainson's hawk Technical Advisory Committee prior to any project initiation. If project activities take place during the normal bird breeding season (February 1 through September 15), California Department of Fish and Wildlife (CDFW) recommends that additional pre-construction surveys for the active nests be conducted by a qualified biologist no more than 10 days prior to the start of construction.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	Before and during construction
*2.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activity, 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 activity, 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
<b>Conditions of Approval</b>					
1.	Development and operation shall be in substantial conformance with the approved Site Plans, Floor Plans, Elevation Drawings and Operational Statement, except as modified by the Conditions of Approval.				
2.	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.				
3.	Prior to the issuance of permits, evidence shall be submitted showing provisions have been made to accommodate co-location, such as provision for co-location in signed lease agreement, and additional area within lease area for co-location of equipment, or other information that demonstrates the facility shall make itself available for co-location.				

EXHIBIT B

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

**Notes**

The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.

1.	Unclassified Conditional Use Permit (CUP) No. 3592 shall become void unless there has been substantial development within two years of the effective date of approval.
2.	The project shall comply with the California Code of Regulations Title 24 – Fire Code, and three sets of County-approved construction plans for the project shall be approved by the Fire District prior to issuance of Building Permits by the County.
3.	The subject parcel shall annex into Community Facilities District (CFD) No. 2010-01 of the Fresno County Fire Protection District.
4.	All hazardous waste shall be handled in accordance with requirements set forth in the California Health and Safety Code, Chapter 6.5.
5.	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 ( <a href="http://cers.calepa.ca.gov/">http://cers.calepa.ca.gov/</a> or <a href="https://www.fresnocupa.com/">https://www.fresnocupa.com/</a> ). For more information please contact the local Certified Unified Program Agency (CUPA) at (559) 600-3271. The default State reporting thresholds that apply are: >55 gallons (liquids), >500 pounds (solids), >200 cubic feet (gases), or at the threshold planning quantity for extremely hazardous substances.
6.	Plans, permits and inspections are required, including, but not limited to, accessible elements and site development based upon the codes in effect at the time of plan check submittal.
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.
8.	The Applicant shall file a Notice of Proposed Construction or Alteration [Federal Aviation Administration (FAA) Form 7460-1] with the Western Regional Office of the FAA in conjunction with this proposal. The requirements for filing with the FAA for proposed structures vary based on a number of factors: height, proximity to an airport, location, and frequencies emitted from the structure, etc. For more details, please reference Code of Federal Regulations (CFR) Title 14 Part 77.9.
9.	A grading permit or voucher is required for any grading proposed with this application.
10.	Any work done within the right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit form the Road Maintenance and Operations Division.
11.	A ten-foot by ten-foot corner cutoff shall be maintained for sight distance purposes at any driveway accessing Lewiston Avenue.
12.	The proposed gravel driveway approach along Lewiston Avenue shall not disrupt existing roadway drainage patterns.