



County of Fresno

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

May 18, 2018

Leah Hernikl
410 Clubhouse Drive
Aptos CA 95003

Dear Applicant:

Subject: Resolution No. 12712 - Initial Study Application No. 7420 and Unclassified
Conditional Use Permit Application No. 3599

On April 26, 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@co.fresno.ca.us or 559-600-9669.

Sincerely,

Danielle Crider, Planner
Development Services and Capital Projects Division

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Enclosure



Inter Office Memo

DATE: April 26, 2018
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 12712 - INITIAL STUDY APPLICATION NO. 7420 and UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3599

APPLICANT: Leah Hernikl

OWNER: Michelle Dresnick Trust

REQUEST: Allow an unmanned telecommunications tower for the purposes of co-locating multiple wireless carriers. The proposed tower will provide up to three centerlines and three lease areas to accommodate three total carriers. The proposed facility will consist of a 100-foot-tall monopole telecommunication tower with eight-foot antennas, and related ground equipment comprised of equipment cabinets and an emergency back-up generator on a 900 square-foot portion (30-foot by 30-foot lease area) of a 154.41-acre parcel in the AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the north side of W. Jayne Avenue between S. Butte Avenue and S. Lake Avenue approximately 4.8 miles southwest of the nearest city limits of the City of Huron (19536 W. Jayne Avenue) (SUP. DIST. 4) (APN 075-060-31S).

PLANNING COMMISSION ACTION:

At its hearing of April 26, 2018, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Lawson and seconded by Commissioner Ede 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. 3599, subject to the Conditions listed in Exhibit B.

EXHIBIT A

Initial Study Application No. 7420
Unclassified Conditional Use Permit Application No. 3599

- Staff: The Fresno County Planning Commission considered the Staff Report dated April 26, 2018, and heard a summary presentation by staff.
- Applicant: The Applicant concurred with the Staff Report and the recommended Conditions. She did not offer any additional information in support of the project.
- 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. 7420/Unclassified Conditional Use Permit Application No. 3599
(Including Conditions of Approval and Project Notes)

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*1.	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/Fresno County Department of Public Works and Planning	During ground-disturbing activities
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.				
3.	The owner shall sign a covenant acknowledging Fresno County's "Right to Farm" ordinances to ensure that any potential discomfort or risk to employees and customers associated with the existing agricultural nature of the surrounding area can be adequately considered prior to construction.				
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 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.				

*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.

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. 3599 shall become void unless there has been substantial development within two years of the effective date of approval.
2.	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.
3.	The proposed project may be subject to joining the Community Facilities District (CFD). Before plans are submitted to the Fresno County Fire Protection District, the Applicant must fill out the Fire Permit Application to submit with the plans. A determination will be made and information provided to the Applicant on how to join CFD based on the application.
4.	All hazardous waste shall be handled in accordance with requirements set forth in the California Health and Safety Code, Chapter 6.5.
5.	Plans, permits and inspections are required for all on-site improvements, including, but not limited to, accessible elements and site development based upon the codes in effect at the time of plan check submittal.
6.	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.
7.	A grading permit or voucher is required for any grading proposed with this application.
8.	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. Further, any operation that handles hazardous materials or hazardous waste above the following State reporting thresholds may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95: 1) 55 gallons of liquid material; 2) 500 pounds of solid material; 3) 200 cubic feet of compressed gas; or 4) the threshold planning quantity for extremely hazardous substances.
9.	All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5, which addresses proper labeling, storage and handling of hazardous wastes.
10.	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.
11.	Ten-foot by ten-foot corner cutoffs are necessary for sight distance at the proposed driveway onto West Jayne Avenue.