



# County of Fresno

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

April 4, 2018

Horizon Tower, LLC  
117 Town & Country Drive #A  
Danville CA 94526

Dear Applicant:

Subject: Resolution No. 12703 - Initial Study Application No. 7390 and Unclassified  
Conditional Use Permit Application No. 3595

On March 15, 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 [dchambers@co.fresno.ca.us](mailto:dchambers@co.fresno.ca.us) or 559-600-4205.

Sincerely,

Derek Chambers, Planner  
Development Services and Capital Projects Division

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Enclosure



## Inter Office Memo

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DATE: March 15, 2018

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12703 - INITIAL STUDY APPLICATION NO. 7390 and UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3595

APPLICANT: Horizon Tower, LLC

OWNER: Daniel L. Serimian Trust

REQUEST: Allow an unmanned telecommunications tower for the purpose of colocating multiple wireless carriers. The proposed tower will provide up to four centerlines and four lease areas to accommodate four total carriers. The proposed facility will consist of a 125-foot-tall monopole telecommunications tower (faux pine tree design) with panel antennas, two microwave dishes, and related ground equipment comprised of equipment cabinets and an emergency back-up generator on a 2,500 square-foot portion (50-foot by 50-foot lease area) of an 18.92-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the west side of S. Del Rey Avenue between E. Dinuba Avenue and E. Floral Avenue (10463 S. Del Rey Avenue), approximately 650 feet east of the nearest city limits of the City of Selma (SUP. DIST. 4) (APN 358-080-10).

### PLANNING COMMISSION ACTION:

At its hearing of March 15, 2018, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Eubanks and seconded by Commissioner Ede 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. 3595, subject to the Conditions listed in Exhibit B.

RESOLUTION NO. 12703

This motion passed on the following vote:

VOTING:	Yes:	Commissioners Eubanks, Ede, Abrahamian, Burgess, Delahay, Vallis and Woolf
	No:	None
	Absent:	Commissioners Chatha and Lawson
	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. 7390  
Unclassified Conditional Use Permit Application No. 3595

Staff: The Fresno County Planning Commission considered the Staff Report dated March 15, 2018, 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:

- The Applicant concurs with the analysis and the recommendation for approval from staff.
- No opposition has been received in response to the proposal.

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 (IS) Application No. 7390 / Unclassified Conditional Use Permit (CUP) Application No. 3595**  
**(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.	Aesthetics	Prior to operation of the wireless communication facility, all associated outdoor lighting shall be hooded, directed and permanently maintained as to not shine toward adjacent properties and roads.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	Ongoing
*2.	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 shall be followed by photographs, 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	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 approval shall expire in the event the use of the antennas/microwave dishes ceases for a period in excess of two years. At such time, the antennas/microwave dishes 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 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 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. 3595 shall become void unless there has been substantial development within two years of the effective date of approval.
2.	Plans related to construction and development of the project prepared by a licensed design professional shall be submitted to the Development Services and Capital Projects Division of the Fresno County Department of Public Works and Planning for review and approval in order to acquire building and installation permits, and necessary inspections.
3.	There are no permit records for an approximately 11,200 square-foot structure located on the subject parcel, which is not illustrated on the Site Plans submitted for the wireless communication facility. Construction plans for the unpermitted 11,200 square-foot structure should be submitted to the Development Services and Capital Projects Division of the Fresno County Department of Public Works and Planning for review and approval, and any required building permits obtained for the unpermitted structure prior to final inspection of the wireless communication facility. At the time of final inspection, if permitting of this structure has not been addressed by the property owner, or other unpermitted structures not illustrated on the site plan are discovered, it will be the responsibility of the property owner of APN No. 358-080-10 to resolve these unpermitted structures with Development Services and Capital Projects Division.
4.	A ten-foot by ten-foot corner cutoff shall be maintained for sight distance purposes at any driveway accessing Del Rey Avenue.
5.	Any work performed within the County right-of-way shall require an Encroachment Permit from the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning.
6.	Any additional run-off generated by development cannot be drained across property lines, and must be retained on site per County Standards.
7.	A Grading Permit or Grading Voucher shall be required for any grading activity associated with this proposal.
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.	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.

**Notes**

11. The subject parcel shall annex into Community Facilities District (CFD) No. 2010-01 of the Fresno County Fire Protection District.

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