



County of Fresno

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

March 27, 2018

Complete Wireless Consulting
2009 V Street
Sacramento CA 95818

Dear Applicant:

Subject: Resolution No. 12693 - Initial Study Application No. 7270 and Unclassified
Conditional Use Permit Application No. 3571

On February 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 jshaw@co.fresno.ca.us or 559-600-4207.

Sincerely,

Jeremy Shaw, Planner
Development Services and Capital Projects Division

JS:ksn
G:\4360Devs&Pln\PROJSEC\PROJDOCS\CUP\3500-3599\3571\RESOLUTION\CUP3571 Reso.docx

Enclosure



Inter Office Memo

DATE: February 15, 2018

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12693 - INITIAL STUDY APPLICATION NO. 7270 and UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3571

APPLICANT: Complete Wireless Consulting

OWNER: Kristina Creel Telo

REQUEST: Allow an unmanned telecommunications facility consisting of an 84-foot-tall monopole tower with 12 antennas and related ground equipment within a 1,496 square-foot lease area enclosed by a six-foot-tall chain-link fence topped with barbed wire on a 39.69-acre parcel in the AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District. Additionally, there is a proposed 20-foot-wide and approximately 2,736-foot-long overhead and underground PG&E utility easement consisting of 12 approximately 45- to 50-foot-tall utility poles with supporting anchors to connect the proposed tower to an existing utility line.

LOCATION: The subject parcel is located off Dry Pond Road, approximately three quarter-miles southwest of the intersection of Auberry Road and Twin Ponds Road, and approximately three miles southwest of the unincorporated community of Prather (SUP. DIST. 5) (APN 138-160-46).

PLANNING COMMISSION ACTION:

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

A motion was made by Commissioner Woolf 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. 3571, subject to the Conditions listed in Exhibit B, and adding Condition No. 2 to require the tower to be modified to a camouflaged tree design, and to provide for a 10% height increase to accommodate said design, and Condition 3, to require that the applicant restore the local roads accessing the project site to existing condition after the completion of construction.

EXHIBIT A

Initial Study Application No. 7270
Unclassified Conditional Use Permit Application No. 3571

Staff: The Fresno County Planning Commission considered the Staff Report dated February 15, 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 facility is at a high elevation on a vacant 40-acre lot; the facility is over 1,000 feet in distance and 600 feet higher in elevation than the nearest residence, and additionally is over a mile away from the ingress and egress points for the Twin Ponds neighborhood development.
- The 1,496 square-foot lease area will be covered with gravel, in compliance with Fire Code, and is supported by the Fresno County Fire Protection District, which has two facilities within the coverage area.
- The tower is designed to be the minimum functioning height and would take advantage of the natural elevation to meet coverage objectives.
- Based on the AT&T propagation maps, the proposed facility would extend wireless and broadband coverage for about two miles, reaching north to Auberry, and areas of Prather, serve approximately 400 households, and would address a national initiative to provide high-speed internet service to rural and underserved areas, including enhanced cellular service.
- There is an existing access easement and a Public Utility Easement in the area which AT&T is proposing to extend an additional 2,800 feet to provide power to the facility.
- Prior to the project being proposed, Title was cleared by AT&T through all of the parcels that would be crossed by the proposed utility easement.
- All AT&T towers are built to established standards for performance, health and safety.
- Design options, such as a tree design, would require an additional ten percent of height added to the tower.

Others: Two other individuals associated with the Applicant provided additional supportive information including clarification that the facility will be within

RESOLUTION NO. 12693

maximum Federal Communications Commission (FCC) radio frequency exposure limits (established in 1996), the elevation of the tower and dissipation properties of electrical fields will mitigate effects to residents below, maintenance traffic would be limited, and AT&T would repair any construction-related damage to local roads.

Five individuals representing neighboring property owners provided testimony in opposition to the proposal. Concerns raised included:

- There is a small group of property owners who maintain White Thorn Road, which is narrow and hard to navigate at points; although the tower is needed, there are concerns regarding road maintenance; the creek intermittently floods at White Thorn Road and the bridge washed out last year.
- Damage to the road or cattle guards as a result of the construction or maintenance of the proposed tower should be repaired.
- The proposed tower would be very visible from certain properties; and concerns were expressed about microwave emissions.

Correspondence: Three letters were received in opposition to the application, and were presented to the Planning Commission.

JS:ksn
G:\4360Devs&Pin\PROJSEC\PROJDOCS\CUP\3500-3599\3571\RESOLUTION\CUP3571 Reso.docx

Mitigation Monitoring and Reporting Program
Initial Study Application No. 7270/Unclassified Conditional Use Permit Application No. 3571
(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 should 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, Elevations, and Operational Statement approved by the Commission.				
2.	The proposed tower shall utilize an artificial tree design and be allowed an additional ten percent increase to the originally proposed height of 84 feet, such that the proposed tower/tree can be a maximum height of 92 feet, six inches in overall height.				
3.	The Applicant (AT&T) shall repair any damage caused to local roads by construction activities, including any existing road infrastructure such as cattle guards, bridges, and culverts where existing local roads are traversed by waterways.				
4.	Any proposed lighting shall be hooded and downturned so as not to shine on adjacent properties, reducing any potential impacts to a less than significant level.				
5.	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.				
6.	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, additional area within the lease area for colocation of equipment, or other information that demonstrates the facility shall make itself available for colocation.				
7.	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.				

*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. Condition Nos. 2 and 3 added by the Planning Commission.

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	The project shall comply with California Code of Regulations Title 24 - Fire Code. Prior to receiving Fresno County Fire Protection District (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. The project will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.
2.	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 2, Division 4.5. Chapter 6.5.
3.	A grading permit or voucher is required for any grading proposed with this application.
4.	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.