



Inter Office Memo

DATE: August 24, 2017

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12666 - INITIAL STUDY APPLICATION NO. 7260 and UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3566

APPLICANT: Complete Wireless Consulting

OWNER: David and Marilyn Britz, Trustees/Martin Britz, Trustee/Robert and Linda Glassman, Trustees/Ted R. Frame, Trustee

REQUEST: Allow an unmanned telecommunications facility consisting of a 104-foot-tall monopole tower with 12 panel antennas and related ground equipment, including an 11-foot 5-inch by 12-foot equipment shelter, a propane standby generator, and a surrounding six-foot-tall chain-link fence with barbed wire, within a 50-foot by 50-foot (2,500 square feet) lease area portion of a 160.78-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located in the northeast corner of the subject parcel near the intersection of West Excelsior Avenue and South Trinity Avenue and approximately 2.25 miles southwest of the unincorporated community of Five Points (SUP. DIST. 4) (APN 060-042-13S).

PLANNING COMMISSION ACTION:

At its hearing of August 24, 2017, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Borba and seconded by Commissioner Chatha 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. 3566, subject to the Conditions listed in Exhibit B.

RESOLUTION NO. 12666

This motion passed on the following vote:

VOTING: Yes: Commissioners Borba, Chatha, Abrahamian, Mendes, Vallis and Woolf

 No: None

 Absent: Commissioners Ede and Lawson

 Abstain: None

 Recused: Commissioner Eubanks

STEVEN E. WHITE, DIRECTOR
 Department of Public Works and Planning
 Secretary-Fresno County Planning Commission

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By: 

 William M. Kettler, Manager
 Development Services 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. 7260
Unclassified Conditional Use Permit Application No. 3566

- Staff: The Fresno County Planning Commission considered the Staff Report dated August 24, 2017, 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 legend on the coverage map is typical and sometimes there are additional proposed sites shown on the map; however, there are none in this case. To confirm, the red dot on the coverage map represents the proposed tower under consideration today.
 - The Radio Frequency engineer uses a search ring to determine the minimum functional height of the tower needed to serve the census tract designated number of living units in the area.
 - This facility will provide both broadband and wireless service.
- 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. 7260/Unclassified Conditional Use Permit Application No. 3566
(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.	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.				
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 co-location, such as provision for co-location in signed lease agreement, additional area within lease area for co-location of equipment or other information that demonstrates the facility shall make itself available for co-location.				
5.	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.				
6.	The Applicant shall e-file FAA Form 7460-2, Notice of Actual Construction or Alteration, within five days after construction reaches its greatest height, or when the project is abandoned.				

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.	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.	Equipment shall be maintained according to manufacturers' specifications.
4.	A grading permit or voucher is required for any grading proposed with this application.
5.	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.

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County of Fresno

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

October 3, 2017

Complete Wireless Consulting
2009 V Street
Sacramento CA 95818

Dear Applicant:

Subject: Resolution No. 12666 - Initial Study Application No. 7260 and Unclassified
Conditional Use Permit Application No. 3566

On August 24, 2017, 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 Division

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Enclosure