



Inter Office Memo

DATE: August 11, 2016

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12588 - INITIAL STUDY APPLICATION NO. 7108 and UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3529

APPLICANT: Verizon Wireless

OWNER: Earl Butler Revocable Trust

REQUEST: Allow a 180-foot-high lattice cellular tower and related facilities on an 18.48-acre parcel within the Interstate Freeway Interchange Area in the AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located on the south side of Nees Avenue between Interstate 5 and Poleline Road, approximately 16 miles west of the City of Firebaugh and approximately one half-mile east of Interstate 5 (53555 W. Nees Avenue) (Sup. Dist. 1) (APN 005-120-53S).

PLANNING COMMISSION ACTION:

At its hearing of August 11, 2016, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Abrahamian and seconded by Commissioner Borba to adopt the Mitigated Negative Declaration prepared for the project, adopt the required Findings for approval of a Conditional Use Permit, and approve Unclassified Conditional Use Permit Application No. 3529, subject to the Conditions listed in Exhibit B.

RESOLUTION NO. 12588

This motion passed on the following vote:

VOTING: Yes: Commissioners Abrahamian, Borba, Chatha, Mendes, Pagel
 No: None
 Absent: Commissioners Lawson, Woolf
 Abstain: None
 Recused: Commissioners Egan, Eubanks

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

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. 7108
Unclassified Conditional Use Permit Application No. 3529

Staff: The Fresno County Planning Commission considered the Staff Report dated August 11, 2016, 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:

- Locating wireless communication equipment on the existing Pacific Gas & Electric (PG&E) lattice towers in the vicinity was not possible due to the voltage levels being transmitted on those particular power lines.
- The tower is constructed for co-location and will provide space for other wireless carriers to place equipment.

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. 7108 and Unclassified Conditional Use Permit Application No. 3529
(Including Conditions of Approval and Project Notes)

Mitigation Measures					
Mitigation Measure No. *	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*1.	Aesthetics, Lighting	<p>a. Ground equipment shall be screened from view utilizing slatted chain-link fencing with a non-reflective or earth-tone color.</p> <p>b. All outdoor lighting shall be hooded and directed downward so as not to shine upward or toward adjacent properties or public roadways.</p>	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	Ongoing; for duration of project
*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, and 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 Coroner has made the necessary findings as to origin and disposition. If such remains are determined to be Native American, the Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PW&P	Ongoing during construction
Conditions of Approval					
1.	Development of the property shall be in accordance with the Site Plan, Elevations, Operational Statement, and other application materials approved by the Commission.				
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 that a provision is included in the signed lease agreement that reserves co-location opportunities.				
4.	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.				

5. The Applicant shall e-file FAA Form 7460-2, Notice of Actual Construction or Alteration, when the project is abandoned or within five days after construction reaches its greatest height.

*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.	If approved, 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.
2.	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.
3.	If not already present, on-site turnarounds are required for vehicles leaving the site to enter the expressway in a forward motion so that vehicles do not back out onto the road. No new access points are allowed without prior approval.
4.	Any additional runoff generated by the proposed development cannot be drained across property lines and must be retained or disposed of per County Standards.
5.	A grading permit or voucher may be required for any grading proposed with this application.
6.	All footings and foundations for the cell tower and related facilities will be required to meet the mandatory setback requirements as established in the California Plumbing Code.
7.	The Applicant will be required to complete a Hazardous Materials Business Plan submittal prior to commencing operations. All hazardous waste is required to be handled in accordance with 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.



County of Fresno

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

August 29, 2016

Verizon Wireless
2009 V Street
Sacramento CA 95818

Dear Applicant:

Subject: Resolution No. 12588 - Initial Study Application No. 7108 and Unclassified
Conditional Use Permit Application No. 3529

On August 11, 2016, the Fresno County Planning Commission approved your application 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 dbrannick@co.fresno.ca.us or 559-600-4297.

Sincerely,

Daniel Brannick, Planner
Development Services Division

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Enclosure