



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 3 Hearing Date: May 19th, 2022

SUBJECT: Environmental Review No. 8178 and Unclassified Conditional Use Permit Application No. 3730.

Unclassified Conditional Use Permit (UCUP) to allow an existing (E) 60-foot telecommunications tower on a 2.02-acre parcel within the R-R (Rural Residential, 2-acre minimum parcel size) Zone District. Telecommunications tower shall provide wireless internet services to 177 Fresno County residents.

LOCATION: The project site is located on the southwest corner of E. Olive Ave. and N. DeWolf Ave. approximately 1.10-miles northeast from the City of Fresno (APN: 310-152-01) (8083 E. Olive Ave.) (Sup. Dist. 5).

OWNER: Ronald and Lisa Hunt

APPLICANT: Sean Moss

STAFF CONTACT: Elliot Racusin, Planner
(559) 600-4245

David Randall, Senior Planner
(559) 600-4052

RECOMMENDATION:

- Approve Unclassified Conditional Use Permit Application No. 3730 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map

5. Site Plans and Detail Drawings
6. Elevations
7. Applicant's Operational Statement
8. Site Photos

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Southeast Rural Residential Plan	N/A
Zoning	R-R	N/A
Parcel Size	2.02-acres	N/A
Project Site	Single Family Residential	N/A
Structural Improvements	N/A	N/A
Nearest Residence	240.0 feet south	N/A
Surrounding Development	R-R (Single Family Residential)	N/A

EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: Y

Unpermitted Tower constructed and operated without proper allowances.

ENVIRONMENTAL ANALYSIS:

It has been determined pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) guidelines, that the proposed project will not have a significant effect on the environment and is not subject to CEQA. Section 15061(b)(3): Common Sense Exemption (Ex: It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment).

PUBLIC NOTICE:

Notices were sent to 61 property owners within 1,320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

An Unclassified Conditional Use Permit may be approved only if the five Findings specified in the Fresno County Zoning Ordinance, Section 873-F are made by the Planning Commission.

The decision of the Planning Commission on an Unclassified Conditional Use Permit Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission’s action.

BACKGROUND INFORMATION:

According to available records, the subject parcel was created as Lot No. 15 Tract No. 3348 Quail Creek No. 2 in February 1980. In 2012, Fresno County records indicate a building violation for constructing a 60-foot tower without land use approval nor submittal of plans, permits, or inspections. This application attempts to rectify the violation.

Finding 1: That the site of the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features required by this Division, to adjust said use with land and uses in the neighborhood.

	Current Standard:	Proposed Operation:	Is Standard Met (Y/N)
Setbacks	Front Yard: 35 feet Side Yard: 20 feet Rear Yard: 20 feet	No Change	Y
Parking	A parking space shall be an area for the parking of a motor vehicle, plus those additional areas required to provide for safe ingress and egress from said space	N/A	N/A
Lot Coverage	No Requirements	N/A	N/A
Space Between Buildings	(6 feet) N/A	N/A	N/A
Septic Replacement Area	100 feet from water area	N/A	N/A
Water Well Separation	100 feet from septic area	N/A	N/A

Reviewing Agency/Department Comments Regarding Site Adequacy:

Zoning Section of the Department of Public Works and Planning: There does not appear to be space between building requirements for telecommunication towers & existing structures. However, all building code and safety requirements apply.

Development Engineering Section of the Department of Public Works and Planning: See Exhibit 1 – Notes.

The above comments provided by reviewing Agencies and Departments will be included as project notes unless stated otherwise. No other comments specific to the adequacy of the site were expressed by reviewing Agencies or Departments.

Finding 1 Analysis:

The existing telecommunications tower stands at 60 feet in height with a total of (6) six antennas (five panel antennas and (1) one two-foot dish antenna) with an equipment enclosure.

Zoning staff determined the existing tower is shown to be setback from the existing SFR by 3 feet. From a Zoning standpoint there is not a space between building provisions for telecommunication towers & existing structures. The structure does not encroach into the required setbacks for the parcel, nor does it appear to present any conflict with the site and it's improvements.

Recommended Conditions of Approval:

None.

Finding 1 Conclusion:

Finding 1 can be made as the site of the proposed use is adequate in size and shape to accommodate said use.

Finding 2: *That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.*

		Existing Conditions	Proposed Operation
Private Road	No	N/A	N/A
Public Road Frontage	Yes	N/A	N/A
Direct Access to Public Road	Yes	N/A	N/A
Road ADT		N/A	N/A
Road Classification		Olive Ave. (Local Road) DeWolf Ave. (Local Road)	No Change
Road Width		Olive Ave. 80 feet DeWolf Ave. 60 feet	No Change
Road Surface		Asphalt	No Change
Traffic Trips		N/A	N/A
Traffic Impact Study (TIS) Prepared	No	N/A	N/A

	Existing Conditions	Proposed Operation
Road Improvements Required	No	N/A

Reviewing Agency/Department Comments Regarding Adequacy of Streets and Highways:

Road Maintenance and Operations Division of the Department of Public Works and Planning:

- The subject property borders on E. Olive Ave. and N. DeWolf Ave., which are county maintained.
- Olive Ave. is classified as a Local Road in the General Plan, with a recommended right-of-way width of 80 feet per Precise Plan Line 29. Records for existing right-of-way show a right-of-way width for Olive Ave. of 70 feet, with 40 feet south of section line and 30 feet north of section line. No additional right-of-way is required.
- DeWolf Ave. is classified as a Local Road in the General Plan, with a recommended right-of-way width of 60 feet. Records for existing right-of-way show a right-of-way width for DeWolf Ave. of 60 feet. No additional right-of-way is required.

No other comments specific to the adequacy of streets and highways were expressed by reviewing Agencies or Departments.

Finding 2 Analysis:

The existing tower will have a minimal impact towards the local roads. According to the applicant’s operational statement, there will be a service vehicle driven to the site four times per year to perform routine maintenance work.

Based on the above information, Olive Ave. and DeWolf Ave. are deemed adequate to accommodate the proposed use.

Recommended Conditions of Approval:

None.

Finding 2 Conclusion:

Finding 2 can be made as the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.

Finding 3: That the proposed use will have no adverse effect on abutting property and surrounding neighborhood or the permitted use thereof.

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:
North	1.33- acres	Single Family Residential	R-R	284 feet

Surrounding Parcels				
South	2.00-acres	Single Family Residential	R-R	252 feet
East	2.00-acres	Single Family Residential	R-R	176 feet
West	84.59-acres	Agricultural	R-R	N/A

Reviewing Agency/Department Comments:

No comments specific to land use compatibility were expressed by reviewing Agencies or Departments.

Finding 3 Analysis:

The existing telecommunications tower stands at 60 feet in height with a total of (6) six antennas (five panel antennas and (1) one two-foot dish antenna) with an equipment enclosure. The applicant states the existing (unpermitted) tower had been in place for many years with neither complaints nor provoke adverse effects towards the surrounding property members. In addition, they stipulate the tower would benefit the local community by providing “177 Fresno County residents with high-speed internet”.

Based on the above information and with adherence to Conditions of Approval, and mandatory Project notes, staff believes the proposal will not have an adverse effect upon surrounding properties.

Recommended Conditions of Approval:

None.

Finding 3 Conclusion:

Finding 3 can be made as the proposed use will have no adverse effect on abutting property and surrounding neighborhood or the permitted use thereof.

Finding 4: That the proposed development is consistent with the General Plan.

Relevant Policies:	Consistency/Considerations:
General Plan Policy PF-J.1	The county shall encourage the provision of adequate gas and electric, communications, and telecommunications service and facilities to serve existing and future needs.
General Plan Policy PF-J.4	The County shall require compliance with the Wireless Communications Guidelines for siting of communication towers in unincorporated areas of the county.

Reviewing Agency Comments:

There were no relevant comments specific to General Plan Policy expressed by reviewing Agencies or Departments.

Finding 4 Analysis:

Based on Fresno County General Plan Policies, the County shall encourage communications and telecommunications service and facilities to serve existing and future needs. Thus the applicant's desire to utilize their telecommunications tower to provide wireless internet services to the local community is consistent with the General Plan.

Recommended Conditions of Approval:

None

Finding 4 Conclusion:

Finding 4 can be made the proposed development is consistent with the General Plan.

Finding 5: That the conditions stated in the resolution are deemed necessary to protect the public health, safety, and general welfare.

Finding 5 Analysis:

Normally proposed conditions of approval are developed based on consultation with specifically qualified staff, consultants, and outside agencies. They are developed to address specific impacts of the proposed project and are designed to address the public health, safety, and welfare. Additional comments and project notes are included to assist in identifying existing non-discretionary regulations that also apply to the project.

Finding 5 Conclusion:

Based on the factors cited in the analysis, staff believes the required Findings for granting the Unclassified Conditional Use Permit can be made.

SUMMARY CONCLUSION:

The project is appropriately sited and is consistent with the County General Plan's goals and policies, zoning, and development standards. There have been no adverse comments from the public or responsible agencies. Staff therefore recommends approval of Unclassified Conditional Use Permit No. 3730, subject to the recommended Condition of Approval.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to determine the required Findings can be made and move to approve Unclassified Conditional Use No. 3730, subject to the Mitigation Measures, Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Denial Action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Unclassified Conditional Use Permit Application No. 3730; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

ER:jp

G:\4360Devs&PIn\PROJSEC\PROJDOCS\CUP\3700-3799\3730\Staff Reports\CUP 3730 Staff Report.docx

EXHIBIT 1

**Mitigation Monitoring and Reporting Program
Conditional Use Permit No. 3730
(Including Conditions of Approval and Project Notes)**

Conditions of Approval	
1.	Development shall be in accordance with the site plan as approved 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.	All Conditions of Approval for any previous applications shall be implemented if not already in place.
2.	According to FEMA FIRM Panel 1595H LOMR Case No. 10-09-3948P with effective date October 13, 2011, the parcel is not subject to flooding from the 100-year storm.
3.	The project site is located within the Fresno Metropolitan Flood Control District (FMFCD) Boundary. FMFCD should be consulted regarding any requirements they may have.
4.	The subject property is within the City of Fresno SOI (Sphere of Influence). Any future off-site improvements and driveway placement relative to the property line adjacent to road should be consulted with the City regarding their requirements.
5.	Any existing or future driveway should be set back a minimum of 10 feet from the property line.
6.	Any existing or future entrance gate should be set back a minimum of 20 feet from the road right-of-way line or the length of the longest truck entering the site and shall not swing outward.
7.	If not already present, a 10 foot x 10 foot corner cut-off should be improved for sight distance purposes at any existing or future driveway accessing De Wolf Ave. or Olive Ave.
8.	Any work done within the County Road 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.
9.	A grading permit or voucher may be required for any grading that has been done without permit and any future grading with this application.

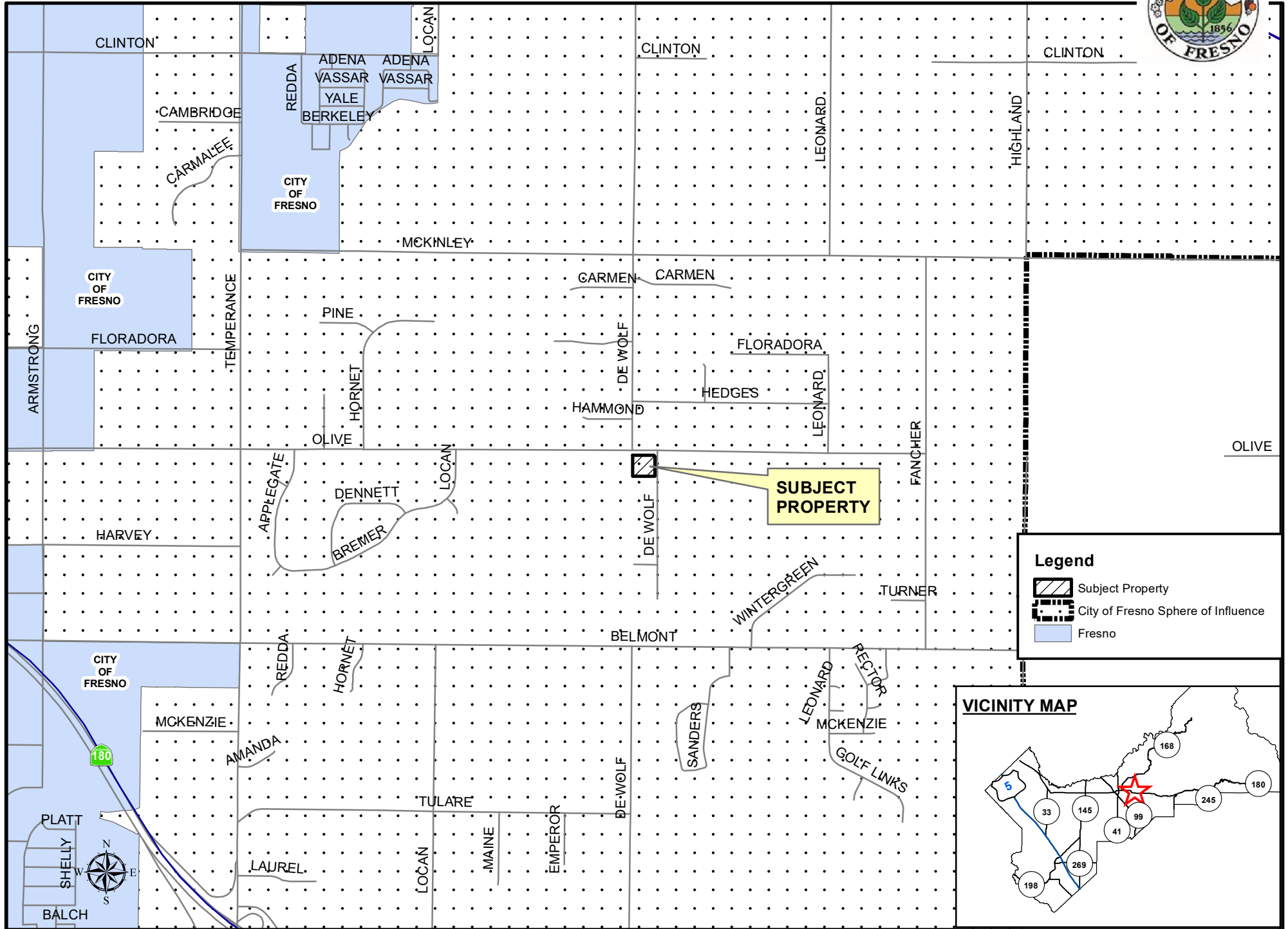
Notes	
10.	DeWolf Ave is classified as a Local Road in the General Plan, with a recommended right-of-way width of 60 feet. Records for existing right-of-way show a right-of-way width for DeWolf Ave. of 60 feet. No additional right-of-way is required.
11.	The subject property borders on E. Olive Ave and N. DeWolf Ave, which are county maintained.
12.	Olive Ave. is classified as a Local Road in the General Plan, with a recommended right-of-way width of 80 feet per Precise Plan Line 29. Records for existing right-of-way show a right-of-way width for Olive Ave. of 70 feet, with 40 feet south of section line and 30 feet north of section line. No additional right-of-way is required.

ER:jp

G:\4360Devs&PIn\PROJSEC\PROJDOCS\CUP\3700-3799\3730\Staff Reports\CUP 3730-MMRP.docx

LOCATION MAP

CUP 3730



Legend

- Subject Property
- City of Fresno Sphere of Influence
- Fresno

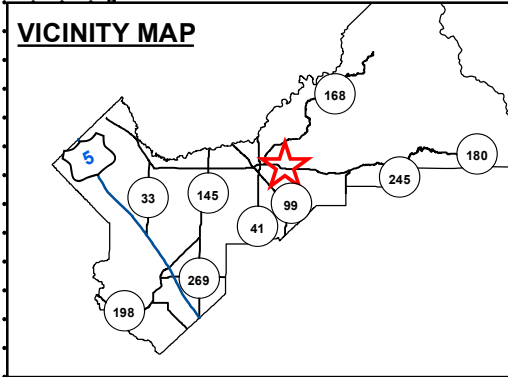


EXHIBIT 3
EXISTING ZONING MAP

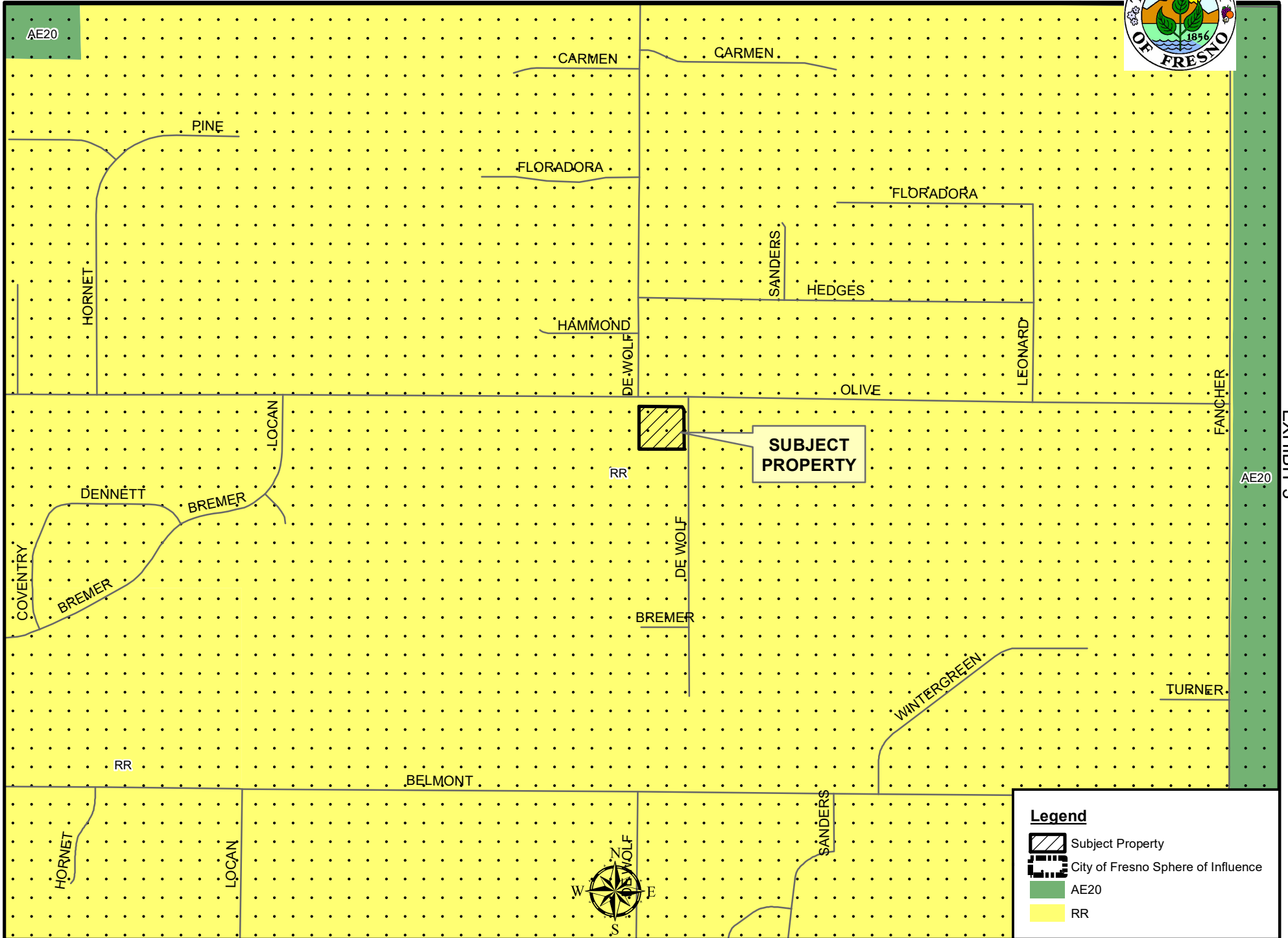
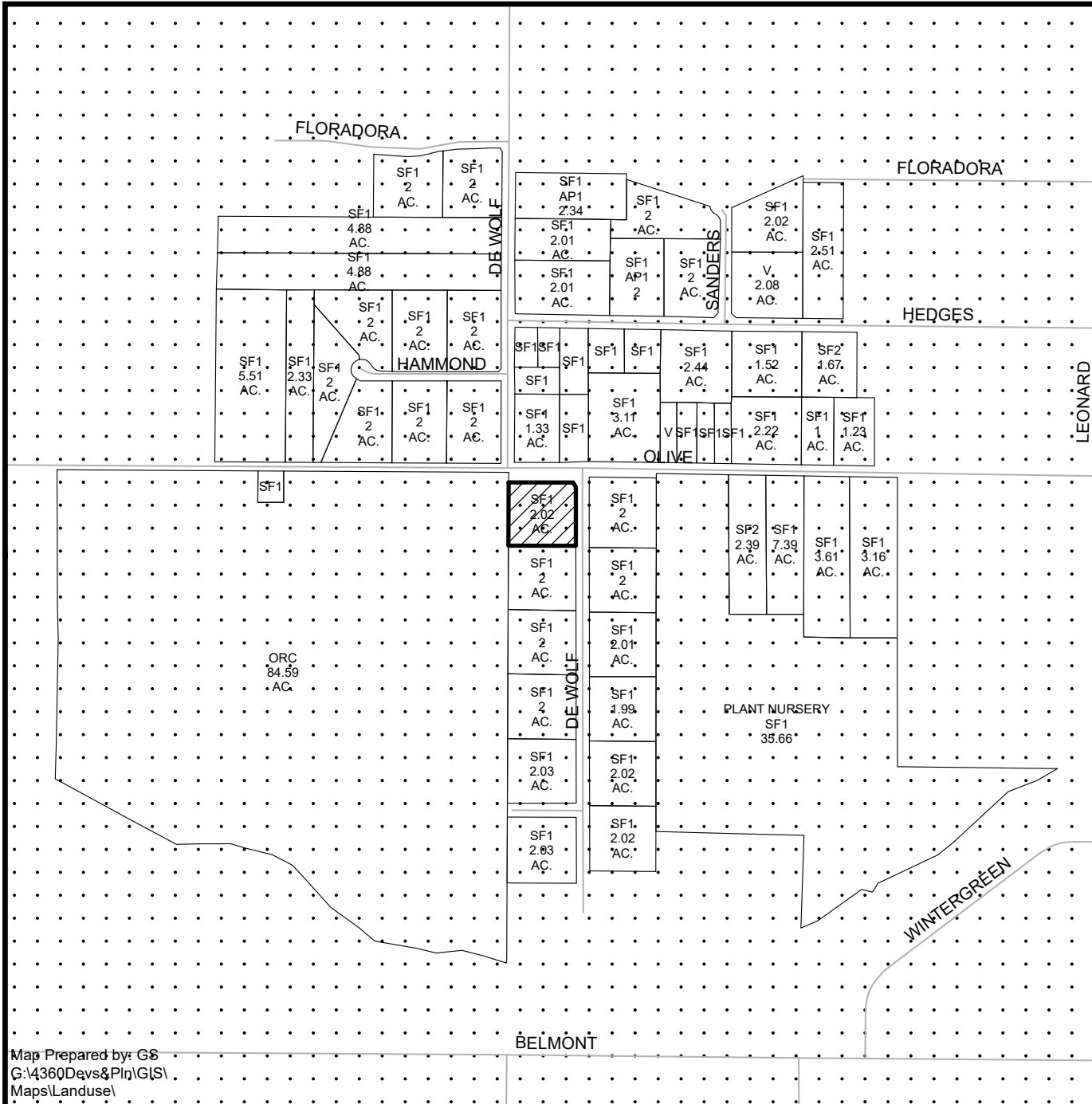




EXHIBIT 3

EXISTING LAND USE MAP



LEGEND	
AP1	- APARTMENT
ORC	- ORCHARD
SF#	- SINGLE FAMILY RESIDENCE
V	- VACANT

Legend

-  Subject Property
-  City of Fresno Sphere of Influence

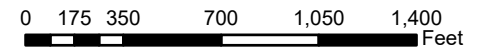
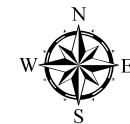
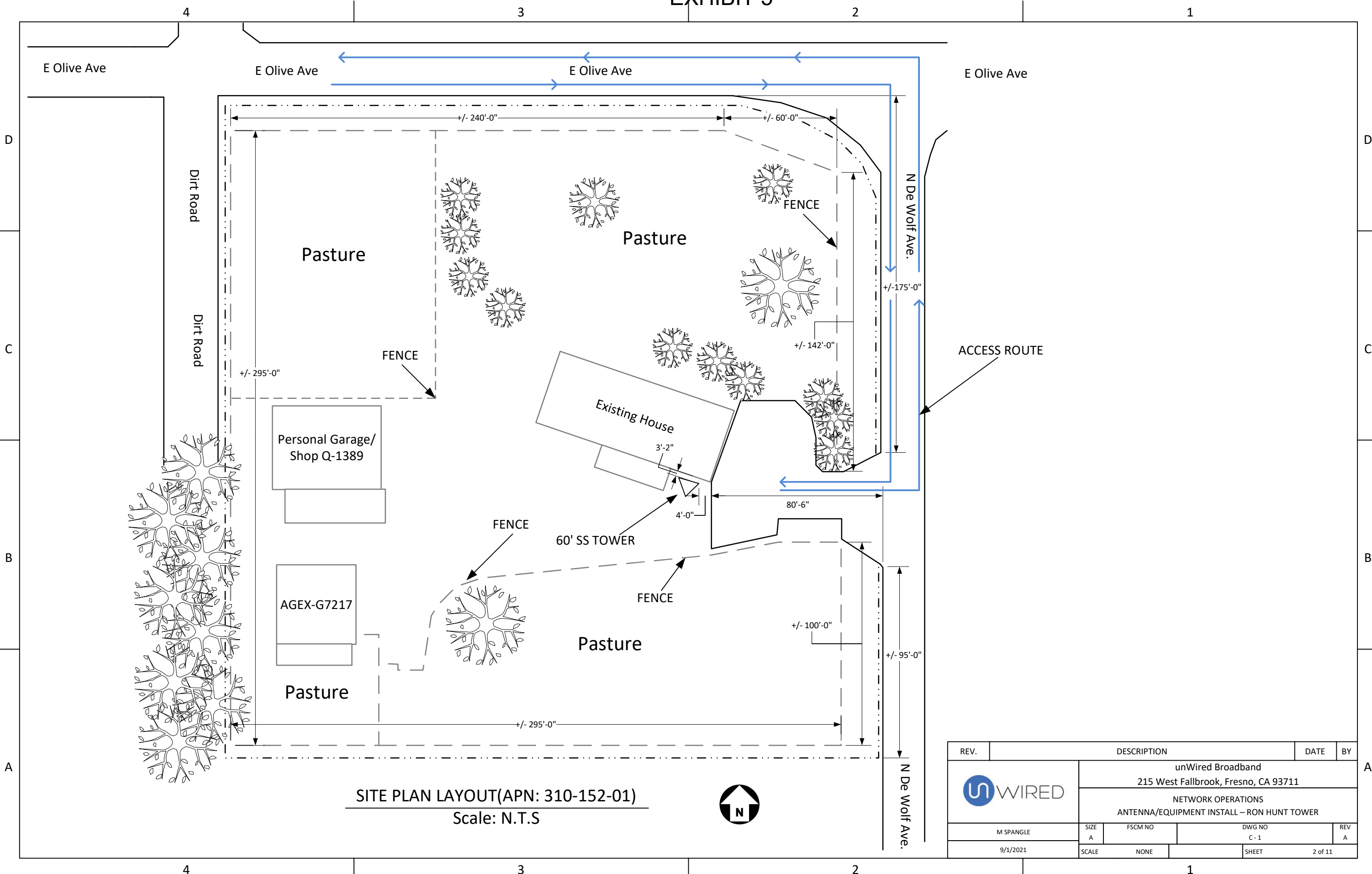


EXHIBIT 5



SITE PLAN LAYOUT (APN: 310-152-01)
Scale: N.T.S



REV.	DESCRIPTION	DATE	BY
	unWired Broadband 215 West Fallbrook, Fresno, CA 93711		
	NETWORK OPERATIONS ANTENNA/EQUIPMENT INSTALL – RON HUNT TOWER		
M SPANGLE	SIZE A	FSCM NO	DWG NO C-1
9/1/2021	SCALE NONE		SHEET 2 of 11

EXHIBIT 5

EXHIBIT 7

UNWIRED BROADBAND OPERATIONAL STATEMENT

Site Name: Ron Hunt Tower
Site Address: 8083 E Olive Ave, Fresno CA 93737
APN: 310-152-01

Operational Statement

The following operational statement has been prepared in accordance with the current operational statement checklist provided by the County of Fresno staff.

This is a proposal to permit an existing 60' tower on the above referenced parcel in unincorporated Fresno County. The site is located at the SW corner of E Olive Ave and N De Wolf Ave. The existing tower is located at the SW corner of the residence, near the garage. Mounted to the tower, are a total of six antennas (5 - panel antennas & 1 - 2' dish antenna), providing high speed internet to 177 Fresno County residents. A small equipment enclosure is currently in place, directly adjacent to the tower.

The existing tower operates 24 hours a day, 365 days a year. There will be no customers or visitors in connection with the tower. The tower is unmanned, with a service vehicle or light truck, visiting approximately once a quarter to perform necessary routine maintenance.

The site is accessed via the existing private driveway to the residence, off N De Wolf Ave, a public right of way. The full access route is depicted in the enclosed site plan and because the site is unmanned, no parking will be provided.

No goods are produced or sold onsite. Current equipment onsite consists of 1 - ROHN 80 Series 60' Tower, 6 - Antennas, with associated radios and 1 equipment enclosure. Tower & equipment installed within a 4' x 8' footprint, with no additional space required. A more detailed equipment schedule is included in the site plans.

The existing tower has been in place for many years with no known complaints and does not create noise, dust, glare, or odor. No solid or liquid waste is produced by the tower, nor is any water used. There are no advertisements; the only signage will be required safety signage and the emergency NOC contact number.

No additional buildings are being constructed on the property. The existing equipment enclosure (approx. 2' x 3') is currently mounted on a concrete pad.

No sound amplification equipment will be used and no lighting will be installed.

No landscaping or fencing is proposed for this project. Tower and equipment enclosure are existing, with no new construction required. Tower and equipment enclosure are depicted on the site plan and the elevation drawings.

The existing facility is operated by personnel of unWired Broadband LLC. The underlying property is owned by Lisa L Hunt & Ronald W Hunt(Deceased) . A LOA signed by Lisa L Hunt has been provided.











