



Inter Office Memo

DATE: July 21, 2022
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 12952 – INITIAL STUDY NO. 8217 AND UNCLASSIFIED
CONDITIONAL USE PERMIT APPLICATION NO. 3740

APPLICANT: Tanya Avena - Public Safety Towers Company

OWNER: Phillip Martin

REQUEST: Allow the installation of a new unmanned telecommunication facility consisting of a 145-foot-tall lattice tower, a 40-foot x 40-foot AT&T lease area, and an emergency back generator within the AE-20 (20-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located at the southeast corner of W. Kamm Avenue and Interstate 5, approximately five-miles northwest of the unincorporated community of Three Rocks (APN: 038-130-42s) (Section 19, Township 16s, Range 14e) (Sup. Dist. 1).


PLANNING COMMISSION ACTION:

At its hearing of July 21, 2022, the Commission considered the Staff Report and testimony (summarized in Exhibit A). A motion was made by Commissioner Chatha and seconded by Commissioner Zante to adopt the Mitigated Negative Declaration prepared based on Initial Study No. 8217 and determine that the required Findings could be made in concurrence with Staff's recommendation and approve Unclassified Conditional Use Permit No. 3740, subject to the Conditions listed in Exhibit B.

This motion was passed on the following vote:

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| VOTING: | Yes: | Commissioners Chatha, Zante Abrahamian, Arabian, Ewell, and Hill |
| | No: | None |
| | Absent: | Commissioners Carver and Woolf |
| | Abstain: | None |

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

By:  _____
William Kettler, Manager
Development Services and Capital Projects Division

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NOTES: 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 Conditional Use Permit.

Attachments

EXHIBIT A

Unclassified Conditional Use Permit Application No. 3740, Initial Study No. 8217

- Staff: The Fresno County Planning Commission considered the Staff Report dated July 21, 2022 and heard a summary presentation by staff.
- Presenters: The applicant’s representative agreed with the Staff’s recommendation. They described their operation and stated that the communications tower will have enhanced 9-1-1 capabilities to improve the effectiveness and reliability of wireless services in case of emergency.
- Others: There was no testimony in support of or in opposition to the project.
- Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the proposal.

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EXHIBIT B

**Mitigation Monitoring and Reporting Program
Initial Study Application No. 8217
Unclassified Conditional Use Permit Application No. 3740
(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 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 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/PW&P | During ground-disturbing activities |
| Conditions of Approval | | | | | |
| 1. | Development of the property shall be in accordance with the Site Plan, Elevations and Operational Statement approved by the commission. | | | | |
| 2. | The approval shall expire in the event that use of the tower ceases for a period in excess of two years. At such time the tower and related facilities shall be removed and the lease area shall be restored as nearly as practical to its original conditions. 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. | 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. The applicant shall have all subsequent lease agreements include this provision indefinitely. | | | | |

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.

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| 1. | Facilities that 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 California Health and Safety Code (HSC), Division 20, Chapter 6.95, Section 25507 (http://cers.calepa.ca.gov/). Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information. |
| 2. | Should any underground storage tank(s) be found during the project, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information. |
| 3. | As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor. |
| 4. | 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. |
| 5. | All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. This Division discusses proper labeling, storage and handling of hazardous wastes. |
| 6. | The proposed construction project has the potential to expose nearby residents to elevated noise levels. The proposed diesel emergency generator may result in significant short-term localized noise impacts due to intermittent use/maintenance. Equipment shall be maintained according to manufacturers' specifications, and noise-generating equipment equipped with mufflers. Consideration should be given to Fresno County Noise Ordinance and the City of Orange Cove municipal code. |
| 7. | All proposed improvements including fences/gates entrances exceeding 7 feet in height will require building permits. |
| 8. | Project/Development will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought. |