



Inter Office Memo

DATE: October 27, 2022

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO.12971 – UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3741 AND INITIAL STUDY NO. 8229

APPLICANT: Tom Johnson (TSJ Consulting Inc.)

OWNER: Fermin M. Campos

REQUEST: Allow the installation of a new 135-foot tall self-supporting lattice tower with up to twelve (12) panel antennas, (15) remote radio units (RRUs), and (3) surge suppressors on a 4.19-acre parcel within the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The installation also will include a new equipment enclosure to accommodate the radio cabinets and a backup with a lease area anticipated to be 875 square feet.

LOCATION: The subject parcels are located on the east side of N. Biola Ave., 180-feet south of H St., fronting south from the unincorporated community of Biola (APNs: 016-300-03s, 016-300-21s, 016-300-23s) (4500 N. Biola Ave.) (Sup. Dist. 1).

PLANNING COMMISSION ACTION:

At its hearing of August 11, 2022, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Ewell and seconded by Commissioner Arabian to continue the hearing to October 27, 2022 to allow the Applicant the opportunity to determine if co-location on the adjacent cell tower operated by the North Central Fire Protection District is feasible.

This motion was passed on the following vote:

VOTING: Yes: Commissioners Ewell, Arabian, Carver, Chatha, Hill, Woolf, Zante

 No: None

 Abstain: Chairman Abrahamian

At its continued hearing of October 27, 2022, the Commission considered the Addendum Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Arabian and seconded by Commissioner Chatha to approve the staff report as recommended.

This motion was passed on the following vote:


VOTING: Yes: Commissioners Arabian, Chatha, Carver, Hill, and Woolf

 No: None

 Absent: Commissioners Ewell and Zante

 Abstain: Chairman Abrahamian

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

Initial Study No. 8229,
Classified Conditional Use Permit Application No. 3741

Public Hearing dated August 11, 2022

Staff: The Fresno County Planning Commission considered the Staff Report dated August 11, 2022 and heard a summary presentation by staff.

Presenters: The applicant’s representative agreed with the Staff’s recommendation. He described their operation and offered the following information to further support the proposal:

- The communications tower will have Enhanced 9-1-1 capabilities to improve the effectiveness and reliability of wireless services in case of emergency.
- Microwave facilities operate by line of sight path; a portion of a steel structure that could potentially be 600 feet away is not going to affect the line of sight path that exists.
- Other sites are inadequate to serve the AT&T footprint requirements.

Others: The Fire Chief North Central Fire Protection District spoke in opposition to the proposal stating:

- The subject property is 180 feet south of the North Central Fire Protection District’s property which contains a 150-foot lattice tower on it.
- There is sufficient space on the existing tower for the applicant to co-locate.
- Any additional towers could potentially cause interference with the emergency communication.
- A third-party engineer is requested to determine if an additional tower would interfere with any frequencies.

Correspondence: No additional correspondence was presented at the Planning Commission Hearing in support of or in opposition to the application.

Public Hearing dated October 27, 2022

Staff: The Fresno County Planning Commission considered the Addended Staff Report dated October 27, 2022 and heard a summary presentation by staff.

Presenters: The applicant’s representative agreed with the Staff’s recommendation. He described their operation and offered the following information to further support the proposal:

- As per the co-location interference analysis that was requested, there will not be any interference with the existing Fire District’s microwave tower located north of the project site.
- The Fire District’s tower was analyzed and deemed inadequate for co-location as the current microwave tower would not support AT&T’s equipment load bearing requirements.
- The communication tower will have Enhanced 9-1-1 capabilities to improve the effectiveness and reliability of wireless services in case of emergency.

Others: No other individual presented information in support of or in opposition to the application.

Correspondence: No additional correspondence was presented at the Planning Commission Hearing in support of or in opposition to the application.

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EXHIBIT B

**Mitigation Monitoring and Reporting Program
Initial Study Application No. 8229 and Unclassified Conditional Use Permit Application No. 3741
(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 lease the 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 all subsequent lease agreements to include this provision indefinitely.				

*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.

EXHIBIT B

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
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.