



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 3 April 11, 2024

SUBJECT: Unclassified Conditional Use Permit No. 3780 and Initial Study No. 8527

Allow the installation of a 130-foot-tall monopole style co-locatable wireless telecommunications tower and related facilities on a 20-acre parcel located within the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located on the northwest corner of West Althea Avenue and North Cambria Avenue, approximately 12-miles west from the City of Firebaugh (APN: 004-150-11S) (50080 W. Althea Avenue) (Sup. Dist.1).

OWNER: John Bennett

APPLICANT: Rachael Reynolds, Met3 Wireless LLC

STAFF CONTACT: Alyce Alvarez, Planner
(559) 600-9669

David Randall, Senior Planner
(559) 600-4052

RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for the project based on Initial Study (IS) No. 8527; and
- Approve Unclassified Conditional Use Permit (UCUP) No. 3780 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Mitigation Monitoring, Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Site Plans/Floor Plans/Elevations
6. Applicant's Submitted Operational Statement and Response to Fresno County Wireless Communication Guidelines/Supplemental Information
7. Coverage Maps (current and proposed)
8. Summary of Initial Study No. 8527
9. Draft Mitigated Negative Declaration
10. Site Photos and Photo Simulation

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agriculture	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.	No change
Parcel Size	20-acres	No change
Project Site	Fallow land Single Family Residence	No change
Structural Improvements	<ul style="list-style-type: none"> • Single Family Residences • Accessory Ag Building 	This proposal entails the establishment of a new wireless communications facility consisting of a 130-foot-tall wireless communication tower (monopole design), and an equipment cabinet within a 10,000 square-foot lease area to be enclosed by an six-foot-tall chain-link fence.
Nearest Residence	100 feet east of the parcel	No Change
Surrounding Development	The project site is surrounded by single-family residences to the east	No Change

Criteria	Existing	Proposed
	and agriculture fields to the north south and west.	
Operational Features	N/A	Operation of the project will occur 12 months a year, 7 days a week, 24 hours a day consistent with the continuous schedule of normal telephone company operations.
Employees	N/A	The facility is "unmanned" and will be visited on an "as needed" basis only. No more than ten technicians will attend the facility. Their schedule will be during normal business hours. No more than three service vehicles will visit the facility at a time.
Customers/Supplier	N/A	N/A
Traffic Trips	Residential traffic	One maintenance trip per month.
Lighting	Residential lighting	N/A
Hours of Operation	N/A	24 hours a day, seven days a week, year-round.

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

ENVIRONMENTAL ANALYSIS:

An Initial Study was prepared for the project in accordance with the requirements of the California Environmental Quality Act (CEQA). Based on the Initial Study, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study is included as Exhibit 8.

PUBLIC NOTICE:

Notices were sent to 9 property owners within 1320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PUBLIC COMMENT:

No public comment was received as of the date of preparation of this report.

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:

This proposal entails the establishment of a new wireless communications facility consisting of a 130-foot-tall monopole wireless communication tower with related facilities on a 100-foot x 100-foot leased area to be enclosed with a chain link with slates fenced on a portion of a 20-acre parcel.

According to the Applicant, the proposed tower will allow for co-location options for future tenants. As such, the lease area reserves a 10,000-square foot space for an equipment shelter for future wireless carriers who may co-locate on the tower.

The proposed tower site is located on the northwest corner of West Althea Avenue and North Cambria Avenue, approximately 12-miles west from the City of Firebaugh. According to the Applicant’s Operational Statement, the project area lacks capacity and requires new coverage.

The Applicant voluntarily scheduled an outreach meeting for surrounding property owners to answer any questions and/or concerns regarding the project.

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	No Requirement	No Requirement	N/A
Lot Coverage	No Requirement	<1% shall be used for proposed cell tower	N/A
Space Between Buildings	6-feet	N/A	N/A
Wall Requirements	6-feet maximum	6-foot chain-link fence surrounding the leased area for safety purposes.	Y

Reviewing Agency/Department Comments Regarding Site Adequacy:

Zoning Section of the Public Works and Planning Department: The subject proposal satisfies the building setback requirements of the AE-20 Zone District. Height limits will be controlled by the height of the structure and are not impeded by Fresno County's current zone standards. All buildings on site are pre 1958 (no permits required).

Finding 1 Analysis:

The cell tower lies on the eastern portion of the subject parcel, of which lies within satisfactory distance away from the side yard setback fronting W. Althea Ave. The shape of the parcel does not create any burden or concerns from Fresno County Staff as such all-development standards are met.

Recommended Conditions of Approval:

None.

Finding 1 Conclusion:

Finding 1 can be made based on the above analysis, the proposed use is adequate in size and shape to accommodate the proposed 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	W. Althea Ave	No change
Direct Access to Public Road	Yes	W. Althea Ave	No change
Road ADT (Average Daily Traffic)		W. Althea Ave	One trip per month by maintenance crew.
Road Classification		W. Althea Ave: Local Road Cambria Ave: Not a County maintained Road	No change
Road Width		W. Althea Ave	No change
Road Surface		Asphalt concrete paved	No change
Traffic Trips		N/A	One trip per month by maintenance crew.

		Existing Conditions	Proposed Operation
Traffic Impact Study (TIS) Prepared	No	N/A	Not required by Traffic Unit of the Fresno County Department of Public Works and Planning.
Road Improvements Required		N/A	Not required

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

No comments related to the adequacy of streets and highways were expressed by reviewing agencies or Departments.

Finding 2 Analysis:

The subject property borders on W. Althea Avenue, which is a county-maintained road and classified as a local road in the General Plan, with a recommended right-of-way width of 60 feet. The project proposes no changes to the current site access.

The Development Engineering Section, Road Maintenance and Operations (RMO) Division, and Design Division of the Fresno County Department of Public Works and Planning expressed no concerns related to adequacy of road width and pavement type to carry the minimal traffic generated by the proposal on W. Althea Avenue which amounts to one trip per month by a maintenance crew.

Recommended Conditions of Approval

None.

Finding 2 Conclusion:

Finding 2 can be made based on the above information. There will be negligible traffic created from this proposal. Thus, the affected county-maintained road, W. Althea Ave. will remain adequate to accommodate 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 (acres):	Use:	Zoning:	Nearest Residence (from nearest property line):
North	20	Agriculture	AE-20	N/A
East	93.62	Agriculture	AE-20	N/A
South	18.66	Agriculture	AE-20	100 feet
West	20	Agriculture	AE-20	N/A

Reviewing Agency/Department Comments:

Fresno County Fire Protection District: 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.

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

Finding 3 Analysis:

The project site is in agriculture area with crop and fallow lands surrounding with a single-family residence to the south.

Aesthetics is typically the concern associated with this type of use because of the substantial height of towers which are used to support communication antennas. The visibility of a tower is a function of its height, design, and its exposure to neighbors and the public. In the case of this application, the proposed tower will be 130 feet in height and will be a monopole design.

Recommended Conditions of Approval:

- The telecommunication tower in its entirety shall be constructed with muted earth tones to reduce any unsightly appearance.
- Any proposed landscaping area over 500 square feet requires Landscape & Irrigation Plan review by the Building Department as mandated by the State, to ensure the Model Water Efficient Landscape Ordinance is met.

Finding 3 Conclusion:

Finding 3 can be made based on the above information. The proposal will not have significant adverse effects upon surrounding properties.

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

Relevant Policies:	Consistency/Considerations:
General Plan Policy PF-J.4: <i>County shall require compliance with the Wireless Communication Guidelines for siting of communication towers in unincorporated areas of the County.</i>	The Communication Guidelines indicate that the need to accommodate new communication technology must be balanced with the need to minimize the number of new tower structures, thus reducing the impacts towers can have on the surrounding community. The Applicant has provided a written response to the County Wireless Communication Guidelines which describes the basis for the site selection and need for a new tower site. Considering the information provided, the proposal is consistent with this Policy.

Reviewing Agency Comments:

Policy Planning Section of the Department of Public Works and Planning stated: The Policy Planning Unit has reviewed the proposed project and determined that there are no Williamson Act Program or General Plan issues with Unclassified Conditional User Permit Application No. 3780.

Finding 4 Analysis:

As noted above, the County General Plan allows for the proposed use in areas designated Agricultural, provided that the use substantially adheres to the wireless Communications Guidelines. The Applicant has provided a written response and related information to the County Wireless Communication Guidelines which describes the basis of site selection and Applicant’s inability to co-locate the proposed wireless facilities.

The Wireless Communication Guidelines also state that applicants for new tower sites should include provisions in their land lease agreements that reserve co-location opportunities. According to the Applicant’s response to the Fresno County Wireless Communication Guidelines, the proposed tower is designed to accommodate additional carriers with the option to install ground equipment. A Condition of Approval would require that prior to the issuance of building permits, the Applicant shall provide a copy of the lease agreement demonstrating that the co-location requirement can be met.

Recommended Conditions of Approval:

None

Finding 4 Conclusion:

Finding 4 can be made based on the applicant complying with General Plan Policy PF-J.4 Wireless Communications Guidelines for siting of communication towers in unincorporated areas of the County.

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

Finding 5 Analysis:

The proposed conditions of approval were developed based on studies and consultation with specifically qualified staff, consultants, and outside agencies. They were developed to address the specific impacts of the proposed project and were designed to address the public health, safety, and welfare. Additional comments and projects notes have been included to assist in identifying existing non-discretionary regulations that also apply to the project. The Applicant has signed an acknowledgment agreeing to the proposed mitigation measures and has not advised staff of any specific objection to the proposed conditions of approval.

Recommended Conditions of Approval:

None.

Finding 5 Conclusion:

Finding 5 can be made based on the above information, the proposed mitigation measures and conditions of approval are necessary to protect the public health, safety, and general welfare.

SUMMARY CONCLUSION:

The Findings for granting the Application can be made based on the factors cited in the analysis, in conjunction with the recommended Conditions of Approval and Project Notes regarding mandatory requirements. Staff therefore recommends approval of Unclassified Conditional Use Permit Application No. 3780, subject to the recommended Conditions of Approval.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study No. 8527; and
- Move to determine the required Findings can be made and move to approve Unclassified Conditional Use Permit No. 3780, subject to the Conditions of Approval and Project Notes attached as 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 No. 3780; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Mitigation Measures, recommended Conditions of Approval and Project Notes:

All documents presented and operation of the proposed cellular tower shall not cause a negative impact towards surrounding property owners.

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EXHIBIT 1

**Mitigation Monitoring and Reporting Program
Initial Study No. 8527 and Unclassified Conditional Use Permit No. 3780
(Including Conditions of Approval and Project Notes)**

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Aesthetics	Ground equipment for the telecommunication tower shall be screened from view behind slatted fencing utilizing a non-reflective or earth-tone color and shall be located, designed, and landscaped to reasonably minimize their visual impact on the surrounding area.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	As long as the project lasts
2.	Aesthetics	All outdoor lighting shall be hooded and directed so as not to shine toward adjacent properties and public streets.	Applicant	Applicant/PW&P	As long as the project lasts
3.	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	As long as the project lasts
Conditions of Approval					
1.	Development of the property shall be substantial conformity with the Site Plan, Elevations, and Operational Statement approved by the Planning Commission.				
2.	The telecommunication tower in its entirety shall be constructed with muted earth tones to reduce any unsightly appearance.				

*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.	This Use Permit will become void unless there has been substantial development within two years of the effective date of approval.
2.	The approval shall expire in the event the 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 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.
3.	Plans, permits and inspections shall be required for all proposed improvements on the property, including fences/gate entrances exceeding six feet in height. Contact the Building and Safety Section of the Development Services Division at (559) 600-4540 for information.
4.	<p>To address health impacts resulting from the project, the Fresno County Department of Public Health, Environmental Health Division requires the following:</p> <p>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. Your proposed business will handle hazardous materials and/or hazardous waste and will be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95.</p>
5.	<p>To address site development impacts, the Development Engineering Section of the Development Services and Capital Projects Division requires the following:</p> <ul style="list-style-type: none"> • Any existing or proposed access road turnaround should comply with 2022 California Fire Code Appendix D Fire Apparatus Access Roads and/or current industry standards. • The end of curbed/taper edge of any existing or proposed access driveway approach should be set back a minimum of 5 feet from the property line. • If not already present, a 10 foot x 10 foot corner cut-off should be improved for sight distance purposes at any existing or proposed driveway accessing Althea and Cambria Avenue. • A grading permit or voucher is required for any grading proposed with this application.
6.	The Applicant shall contact the San Joaquin Valley Air Pollution Control District's Small Business Assistance Office to identify District rules or regulations that may apply to this project or to obtain information about District permit requirements.

Notes	
7.	The Applicant shall submit three sets of project drawings to the Fresno Fire Department for review and approval.
8.	The maximum number of antennas allowed on the tower shall be determined based on wind load calculations as approved by the Fresno County Department of Public Works and Planning.

AA:jp

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Legend



Subject Property

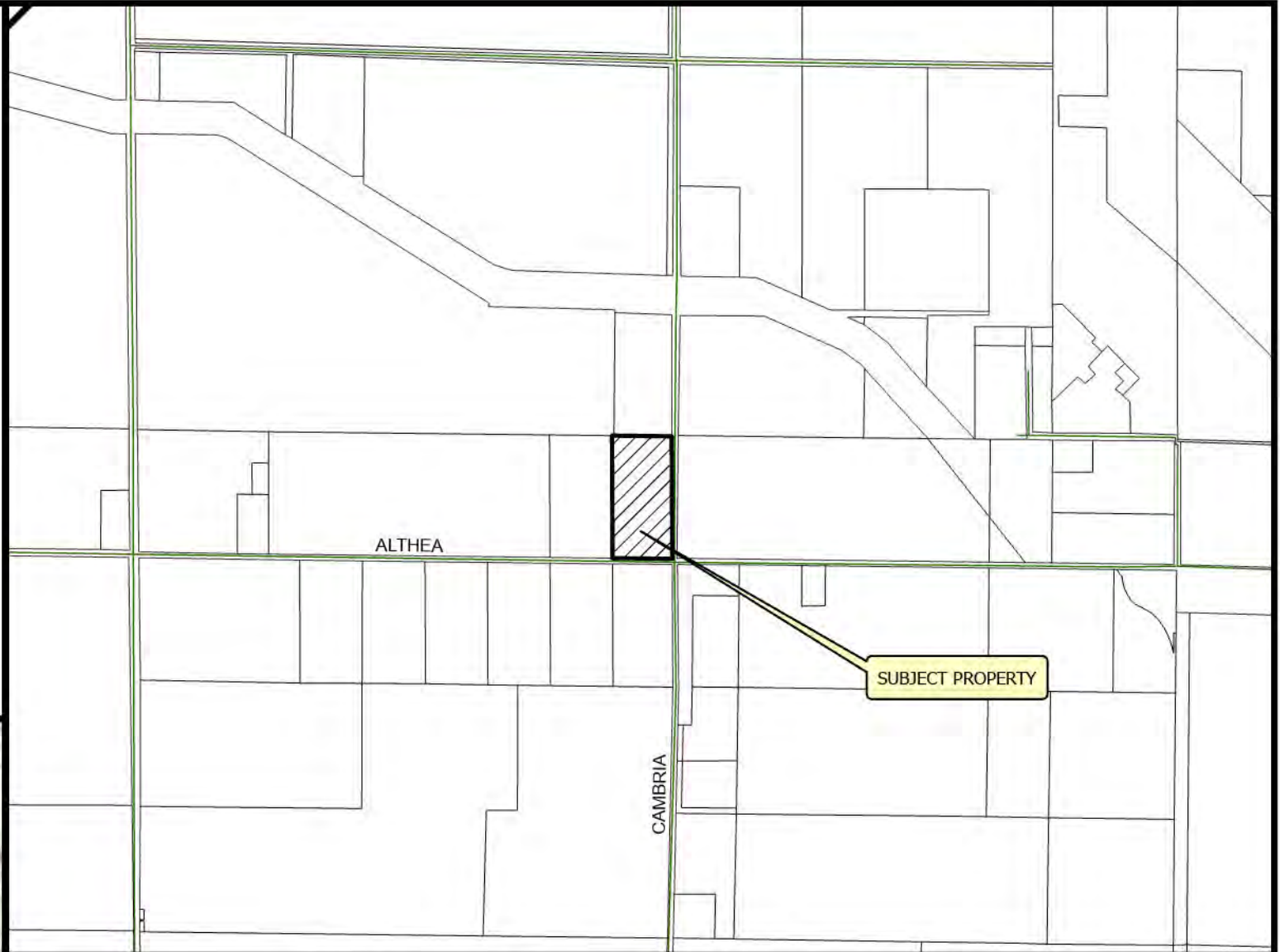
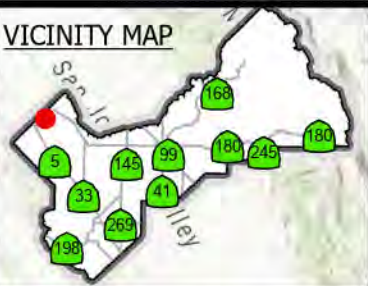


EXHIBIT 2

VICINITY MAP

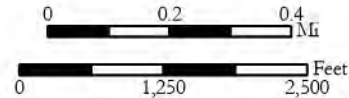


LOCATION MAP

CUP3780 & IS8527

2024

Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division
 Person Prepared by : mvilla
 On Date : 1/2/2024



Legend

-  Subject Property
-  AE20

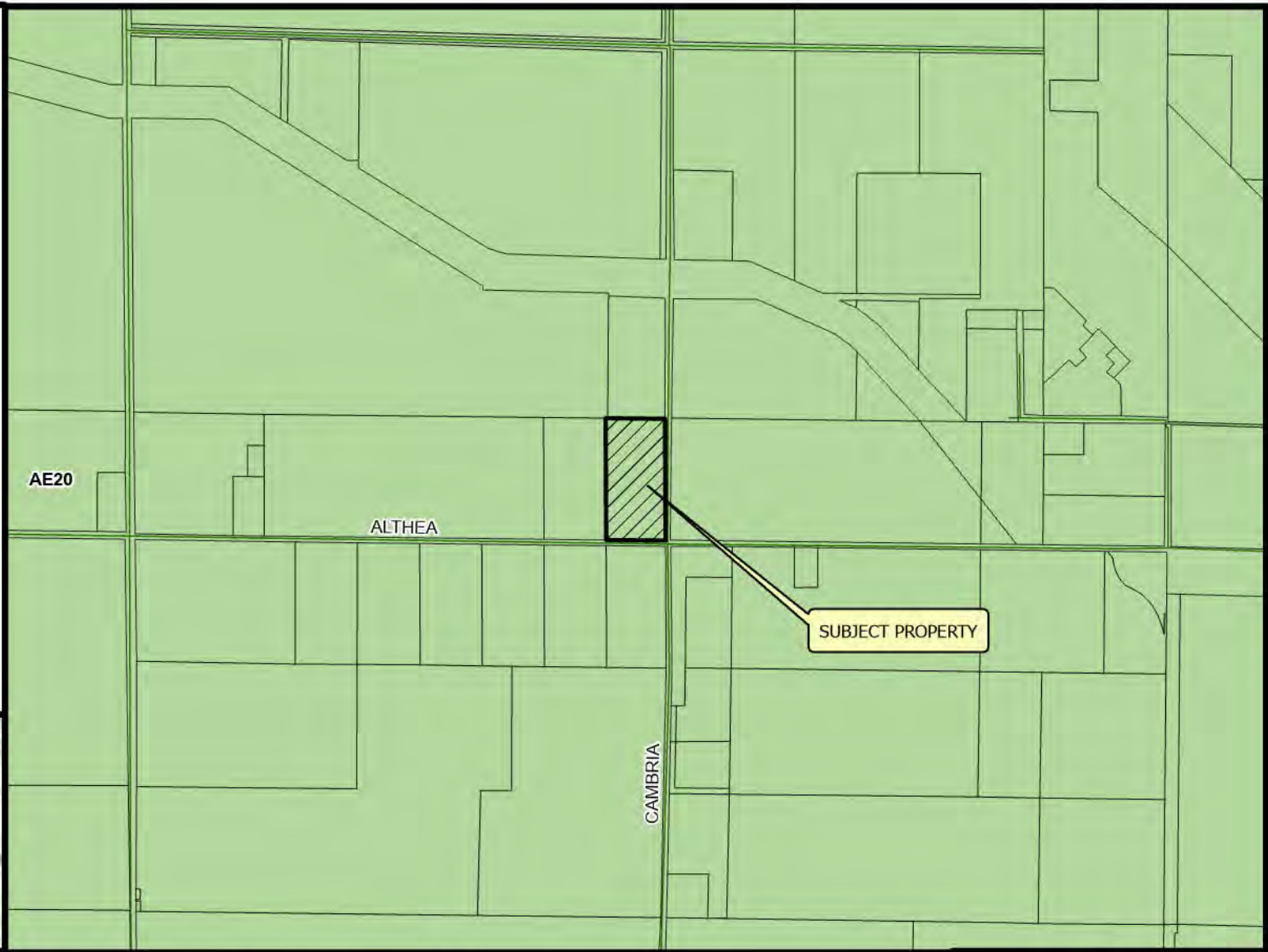
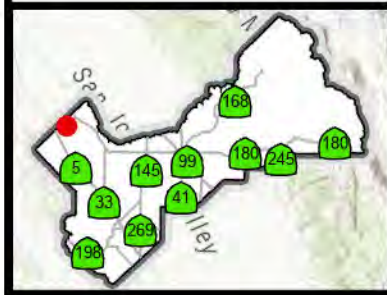


EXHIBIT 3

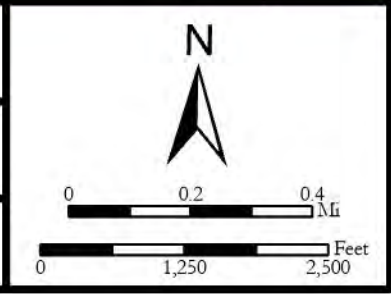


Existing Zoning Map



CUP3780 & IS8527
STR 18 - 12S / 12E

2024

Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division
 Person Prepared by : mvilla
 On Date : 1/2/2024



LEGEND:

-  Subject Property
-  Ag Contract Land

LEGEND

- FC - FIELD CROP
- DRY - DRY FARMING
- CP# - OFFICE COMM./PROF
- V - VACANT
- SF#- SINGLE FAMILY RESIDEN

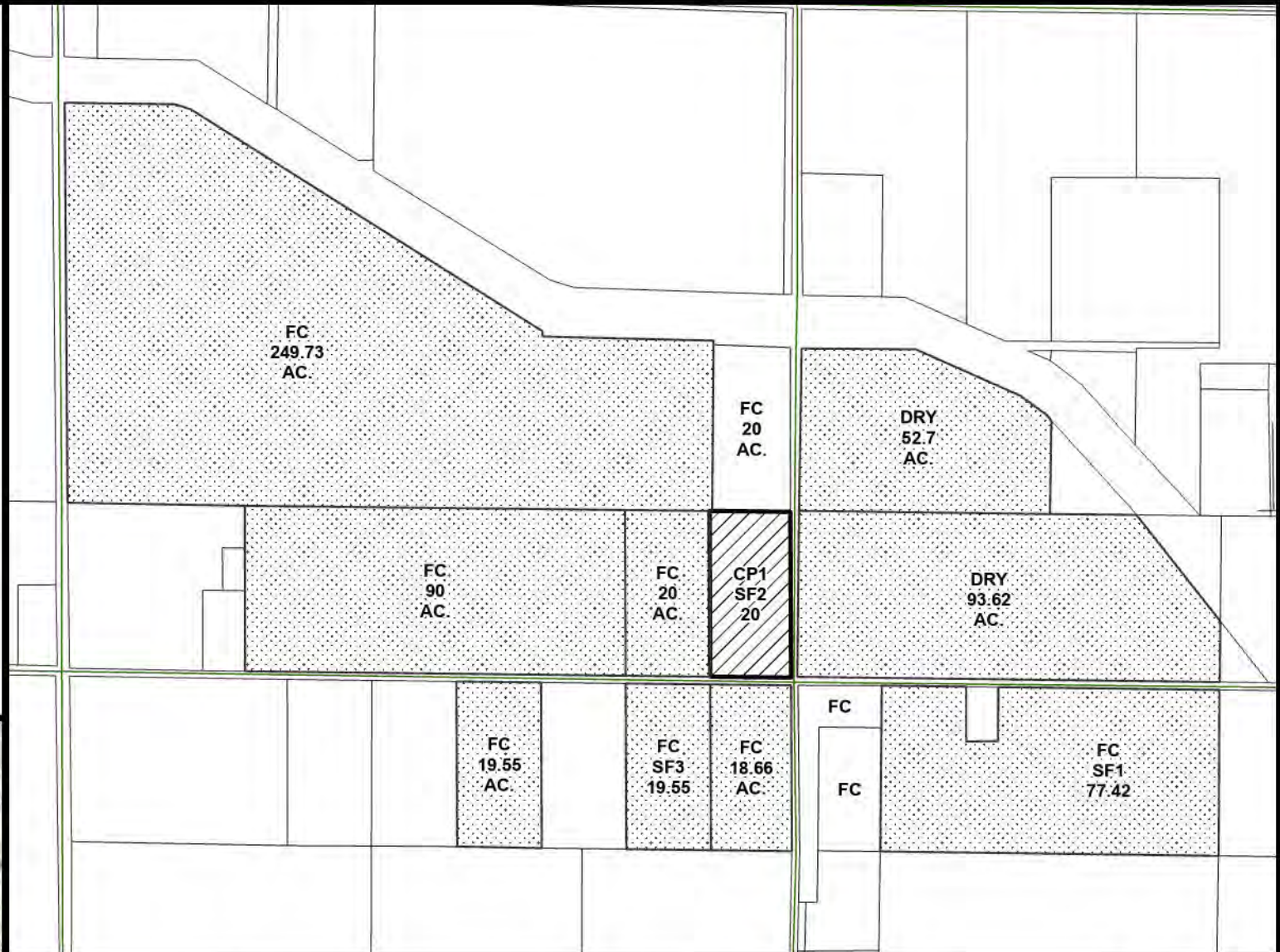
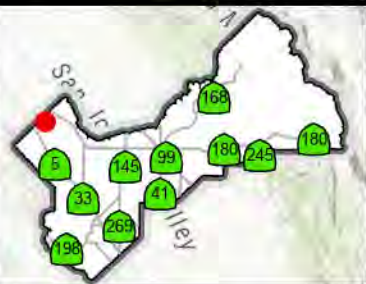


EXHIBIT 4

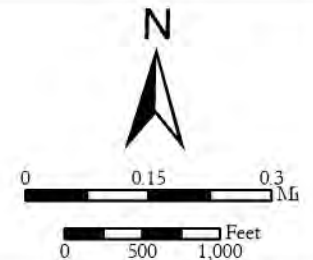


Existing Land Use Map

CUP3780 & IS8527

2024

Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division
 Person Prepared by : mvilla
 On Date : 1/2/2024



SURVEYOR'S NOTES

THIS MAP IS A GRAPHIC DEPICTION OF DATA COMPILED FROM MAPS AND VARIOUS OTHER INFORMATION. IT IS NOT A BOUNDARY SURVEY, NO MONUMENTS WERE SET OR WILL BE SET AS PART OF THIS SURVEY. THE LIMITS OF DATA AND/OR IMPROVEMENTS GATHERED AND DEPICTED ARE LIMITED TO THE CONTRACTUAL SCOPE FOR THIS PROJECT. NO TITLE RESEARCH WAS PERFORMED BY CHINOOK SURVEYS. PROPERTY LINE LOCATION COULD POSSIBLY SHIFT FROM LOCATIONS SHOWN HEREON SHOULD A BOUNDARY SURVEY BE PERFORMED, LOCATIONS OF EXISTING AND PROPOSED FEATURES RELATIVE TO PROPERTY LINES THEREFORE ARE APPROXIMATE. SURVEYOR HAS NOT PERFORMED A SEARCH OF PUBLIC RECORDS TO DETERMINE ANY DEFECT IN TITLE ISSUED, SURVEYOR DID NOT ABSTRACT PROPERTY. NOTHING IN THIS SURVEY IS INTENDED TO EXPRESS AN OPINION REGARDING OWNERSHIP OR TITLE. SURVEY IS CERTIFIED FOR THIS TRANSACTION ONLY, (THE WORD CERTIFY IS UNDERSTOOD TO BE AN EXPRESSION OF PROFESSIONAL JUDGMENT BY THE SURVEYOR, WHICH IS BASED ON HIS BEST KNOWLEDGE, INFORMATION AND BELIEF). THIS SURVEY IS BEING PROVIDED SOLELY FOR THE USE OF THE CURRENT PARTIES AND THAT NO LICENSE HAS BEEN CREATED, EXPRESSED OR IMPLIED, TO COPY THE SURVEY EXCEPT AS IS NECESSARY IN CONJUNCTION WITH THE ORIGINAL TRANSACTION. SURVEYOR DOES NOT GUARANTEE THAT ALL UTILITIES ARE SHOWN OR THEIR LOCATIONS ARE DEFINITE. IT IS THE RESPONSIBILITY OF THE CONTRACTOR AND DEVELOPER TO CONTACT BLUE STAKE AND ANY OTHER INVOLVED AGENCIES TO LOCATE ALL UTILITIES PRIOR TO CONSTRUCTION. REMOVAL, RELOCATION AND/OR REPLACEMENT IS THE RESPONSIBILITY OF THE CONTRACTOR.

SITE ACCESS AND RIGHT OF WAY NOTE:

ACCESS TO AND FROM THE SITE AND UTILITY EASEMENT IS ALONG CAMBRIA LN, A CONFIRMED 60' PUBLIC RIGHT OF WAY PER EXCEPTION #5, Tower Title, File number VTB-146954-C, DATED FEBRUARY 13, 2023 6:52AM.

ENCROACHMENT STATEMENT

AT THE TIME OF THE SURVEY, NO VISIBLE ENCROACHMENTS WERE EVIDENT ONTO OR NEAR THE LEASE AREA.

BASIS OF BEARING AND COORDINATES

THE BASIS OF BEARINGS IS BASED UPON THE U.S. STATE PLANE NAD83 COORDINATE SYSTEM CALIFORNIA ZONE 4, US SURVEY FEET.

UTILITY NOTES

SURVEYOR DOES NOT GUARANTEE THAT ALL UTILITIES ARE SHOWN OR THEIR LOCATIONS ARE DEFINITE. IT IS THE RESPONSIBILITY OF THE CONTRACTOR AND DEVELOPER TO CONTACT BLUE STAKE/811 AND ANY OTHER INVOLVED AGENCIES TO LOCATE ALL UTILITIES PRIOR TO CONSTRUCTION. REMOVAL, RELOCATION AND/OR REPLACEMENT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY UTILITIES. UNDERGROUND UTILITY LOCATES WERE ALSO NOT PERFORMED AS A SCOPE OF THIS SURVEY

POSITION OF GEODETIC COORDINATES

N36°53'32.80", W120°41'26.93"
36.892444, -120.690814

FLOOD ZONE

THE AREA AROUND THE PROPOSED NEW SITE BUILD APPEARS TO BE LOCATED WITHIN FLOOD ZONE "X", AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP, MAP ID 06019C0950H, EFFECTIVE DATE 02/19/2009.

BENCH MARK

ELEVATIONS HEREON ARE DERIVED FROM GNSS STATIC OBSERVATION. RINEX DATA PROCESSED THROUGH THE NATIONAL GEODETIC SURVEY 'OPUS' AND COMPUTATIONS UTILIZING GEOID 18. ELEVATIONS ARE REFERENCED TO NAVD88.

LEASE AREA ACCESS & UTILITY EASEMENT NOTE:

THE LEASE AREA AND ACCESS AND UTILITY EASEMENT FALL WITHIN THE PARENT PARCEL, LOCATED IN A PORTION OF THE PROPERTY CONVEYED TO JOHN F. BENNETT, AS TRUSTEE OF THE JOHN BENNETT 2013 REVOCABLE TRUST ESTABLISHED JULY 12, 2013 FROM JOHN F. BENNETT, ALSO KNOWN AS JOHN BENNETT IN A DEED DATED JULY 12, 2013 AND RECORDED JULY 22, 2013 AS INSTRUMENT NO. 2013-0102628.

TITLE REPORT SCHEDULE "B" NOTES

THIS SURVEY WAS CONDUCTED UTILIZING Tower Title, File number VTB-146954-C, DATED FEBRUARY 13, 2023 6:52AM

(5) ANY AND ALL MATTERS DISCLOSED ON THE MAP ENTITLED "ORO LOMA TRACT" DATED NOVEMBER 15, 1911 AND RECORDED DECEMBER 12, 1911 IN (BOOK) 1 (PAGE) 42, IN FRESNO COUNTY, CALIFORNIA.

PLOTTED HEREON

(6) OIL AND GAS LEASE BETWEEN JOHN F. BENNETT, DEALING IN HIS SOLE AND SEPARATE PROPERTY AND OXY RESOURCES CALIFORNIA LLC, DATED JANUARY 12, 2004 AND RECORDED JUNE 4, 2004 IN (INSTRUMENT) 2004-0124017, IN FRESNO COUNTY, CALIFORNIA. AFFECTED BY A(N) QUITCLAIM DEED BETWEEN OXY RESOURCES CALIFORNIA LLC, A DELAWARE LIMITED LIABILITY COMPANY AND JOHN F. BENNETT, DATED DECEMBER 8, 2004 AND RECORDED DECEMBER 14, 2004 IN (INSTRUMENT) 2004-0278898, IN FRESNO COUNTY, CALIFORNIA.

NOTHING TO PLOT

ACCESS AND UTILITY EASEMENT LEGAL DESCRIPTION

5/28/2023

SITUATED IN A PORTION OF THE PROPERTY CONVEYED TO JOHN F. BENNETT, AS TRUSTEE OF THE JOHN BENNETT 2013 REVOCABLE TRUST ESTABLISHED JULY 12, 2013 FROM JOHN F. BENNETT, ALSO KNOWN AS JOHN BENNETT IN A DEED DATED JULY 12, 2013 AND RECORDED JULY 22, 2013 AS INSTRUMENT NO. 2013-0102628.

BEING 20 FEET WIDE LYING 10 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE;

COMMENCING AT AN IRON PIN, BEING THE SOUTHEAST CORNER OF THE ABOVE DESCRIBED PROPERTY; THENCE N 00°25'29" E 656.66 FEET ALONG THE EASTERLY LINE OF SAID PROPERTY, ALSO BEING THE CENTERLINE OF CAMBRIA AVE; THENCE LEAVING SAID CENTERLINE N 90°00'00" W 30.00 FEET TO THE POINT OF BEGINNING, ALSO BEING A POINT ON THE WESTERLY RIGHT OF WAY LINE OF CAMBRIA AVE; THENCE N 90°00'00" W 56.48 FEET TO THE POINT OF TERMINATION.

SIDELINES TO BE TRIMMED OR EXTENDED TO CAMBRIA AVE RIGHT OF WAY.

ADDITIONAL UTILITY EASEMENT LEGAL DESCRIPTION

SITUATED IN A PORTION OF THE PROPERTY CONVEYED TO JOHN F. BENNETT, AS TRUSTEE OF THE JOHN BENNETT 2013 REVOCABLE TRUST ESTABLISHED JULY 12, 2013 FROM JOHN F. BENNETT, ALSO KNOWN AS JOHN BENNETT IN A DEED DATED JULY 12, 2013 AND RECORDED JULY 22, 2013 AS INSTRUMENT NO. 2013-0102628.

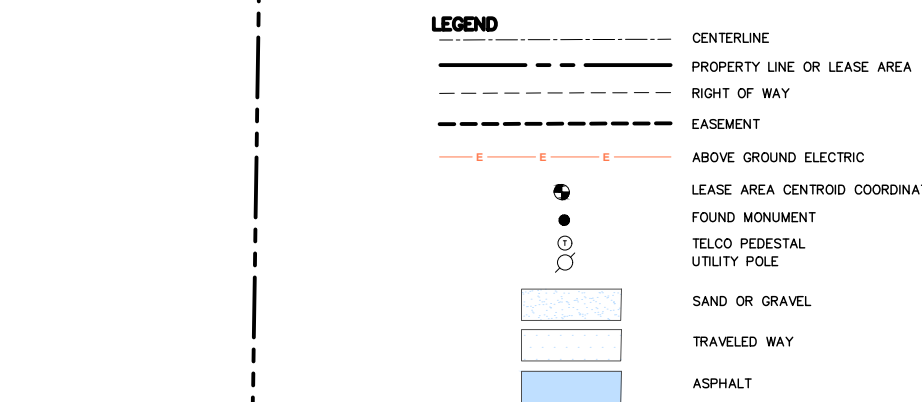
BEING 10 FEET WIDE LYING 5 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE;

COMMENCING AT AN IRON PIN, BEING THE SOUTHEAST CORNER OF THE ABOVE DESCRIBED PROPERTY; THENCE N 00°25'29" E 656.66 FEET ALONG THE EASTERLY LINE OF SAID PROPERTY, ALSO BEING THE CENTERLINE OF CAMBRIA AVE; THENCE LEAVING SAID CENTERLINE N 90°00'00" W 30.00 FEET TO A POINT, ALSO BEING A POINT ON THE WESTERLY RIGHT OF WAY LINE OF CAMBRIA AVE; THENCE N 90°00'00" W 56.48 FEET; THENCE S 00°00'00" E 50.00 FEET; THENCE N 90°00'00" W 100.00 FEET; THENCE N 00°00'00" E 15.00 FEET TO THE POINT OF BEGINNING; THENCE N 90°00'00" W 117.73 FEET; THENCE S 00°00'00" E 349.56 FEET; THENCE N 90°00'00" E 30.00 FEET TO THE POINT OF TERMINATION.

SIDELINES TO BE TRIMMED OR EXTENDED TO THE EXISTING SHOP.

EXHIBIT 5 PAGE 2

APN 004080335
LOT 113 BK. 22 PG. 98
MAP 022098



APN 004080515
LOT 114 BK. 22 PG. 98
MAP 022098

APN 004150115
LOT 80 BK. 22 PG. 98
MAP 022098

APN 004150105
LOT 79 BK. 22 PG. 98
MAP 022098

SURVEYOR'S CERTIFICATE:

I hereby certify to: Vertical Bridge REIT, LLC, a Delaware limited liability company, and its subsidiaries, and their respective successors and/or assigns; and (ii) Toronto Dominion (Texas) LLC, as Administrative Agent, for itself and on behalf of the lenders parties from time to time to that certain Second Amended and Restated Loan Agreement dated June 17, 2016 with Vertical Bridge Holdco, LLC, as borrower, and Vertical Bridge Holdco Parent, LLC, as parent, as may be amended, restated, modified, or renewed, their successors and assigns as their interests may appear; and Iron Crest National Title Insurance Company.



750 PARK OF COMMERCE DRIVE
BOCA RATON, FL 33487



T-MOBILE USA, INC.
601 WEST 1ST AVENUE
SPOKANE, WA 99201



BUSINESS LICENSE #: C-3065

REVISIONS			
REV	DATE	DESCRIPTION	INT
A	XX/XX/XX	ISSUED FOR REVIEW 90%	XXX



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SITE INFORMATION
VB BTS II, llc
SITE#: US-CA-5369
SITE NAME: FIREBALL (A)

50080 W ALTHEA AVE
FIREBAUGH, CA 93622

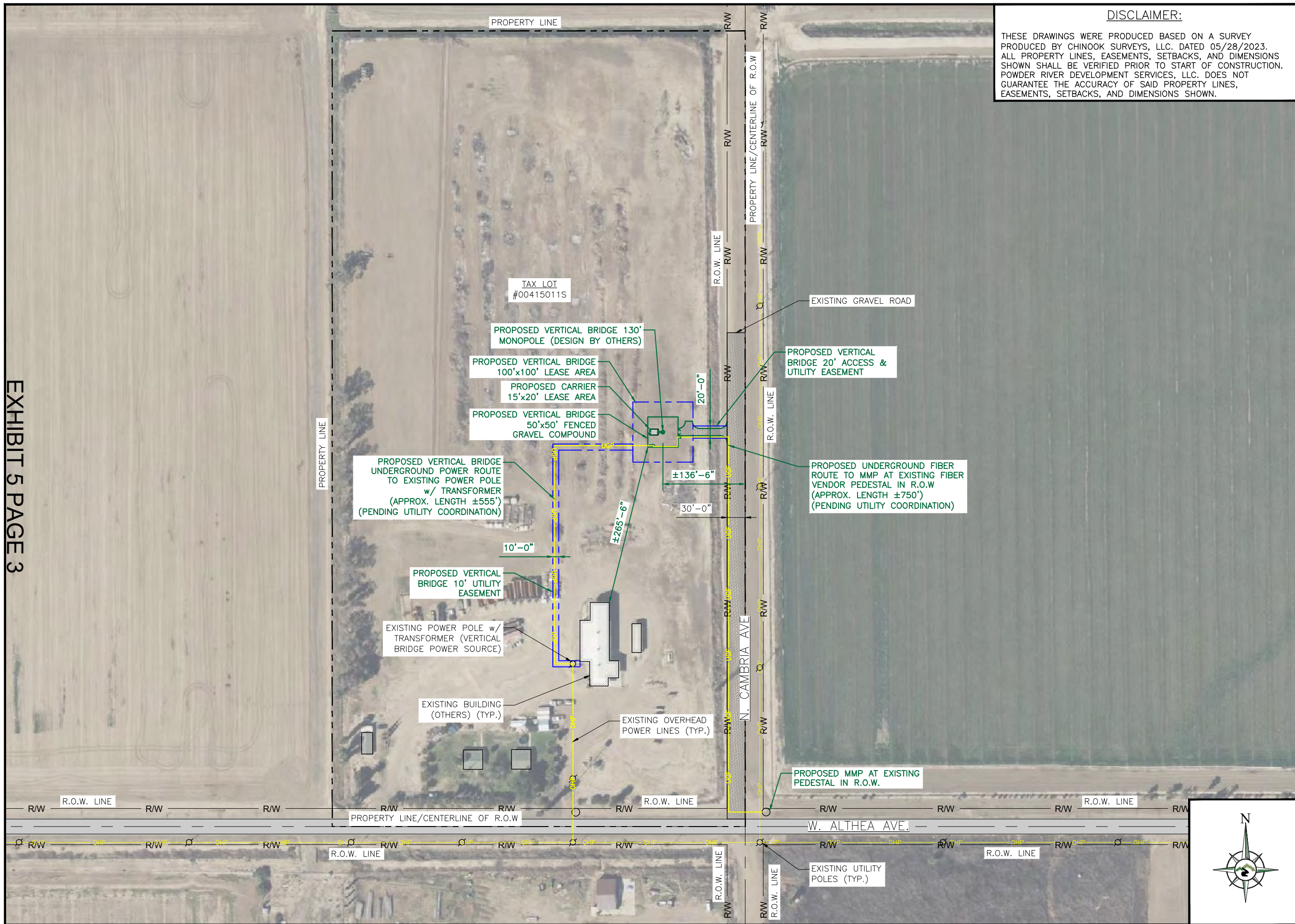
SHEET TITLE:
SITE SURVEY

SHEET NUMBER:
LS-1



4241 Forest Creek Rd
Jacksonville, OR 97530
chinooksurveys.com
(541) 500-2447

Sheet 1 of 1
Chinook Project # PRELIM



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BUSINESS LICENSE #: N/A

REVISIONS			
REV	DATE	DESCRIPTION	INT
D	08/04/23	ISSUED FOR REVIEW 90%	BMW
C	06/27/23	ISSUED FOR REVIEW 90%	BMW
B	06/12/23	ISSUED FOR REVIEW 90%	BMW
A	05/22/23	ISSUED FOR REVIEW 90%	JHT

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 CONSTRUCTION

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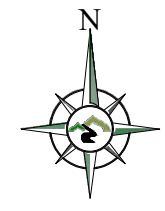
SITE INFORMATION
VERTICAL BRIDGE
SITE#: US-CA-5369
SITE NAME: FIREBALL

CARRIER
SITE#: SC60262A

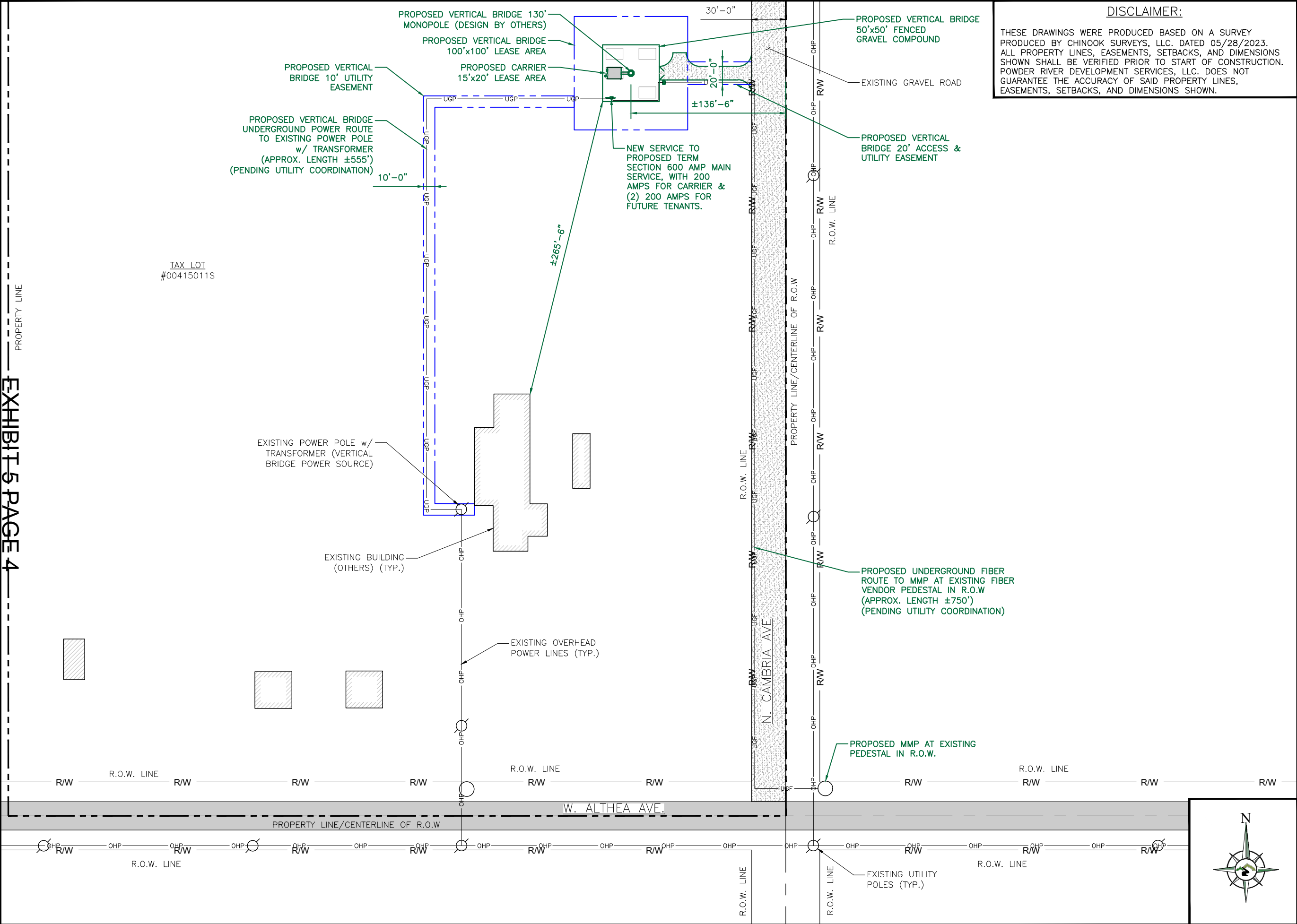
50080 W. ALTHEA AVE.
FIREBAUGH, CA 93622

SHEET TITLE:
OVERALL SITE PLAN

SHEET NUMBER:
ZD-1



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TAX LOT #00415011S

EXHIBIT 5 PAGE 4



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SITE INFORMATION
VERTICAL BRIDGE
SITE#: US-CA-5369
SITE NAME: FIREBALL
CARRIER
SITE#: SC60262A

50080 W. ALTHEA AVE.
FIREBAUGH, CA 93622

SHEET TITLE:
OVERALL SITE PLAN

SHEET NUMBER:
ZD-2

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750 PARK OF COMMERCE DRIVE
BOCA RATON, FL 33487



BUSINESS LICENSE #: N/A

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B	06/12/23	ISSUED FOR REVIEW 90%	BMW
A	05/22/23	ISSUED FOR REVIEW 90%	JHT

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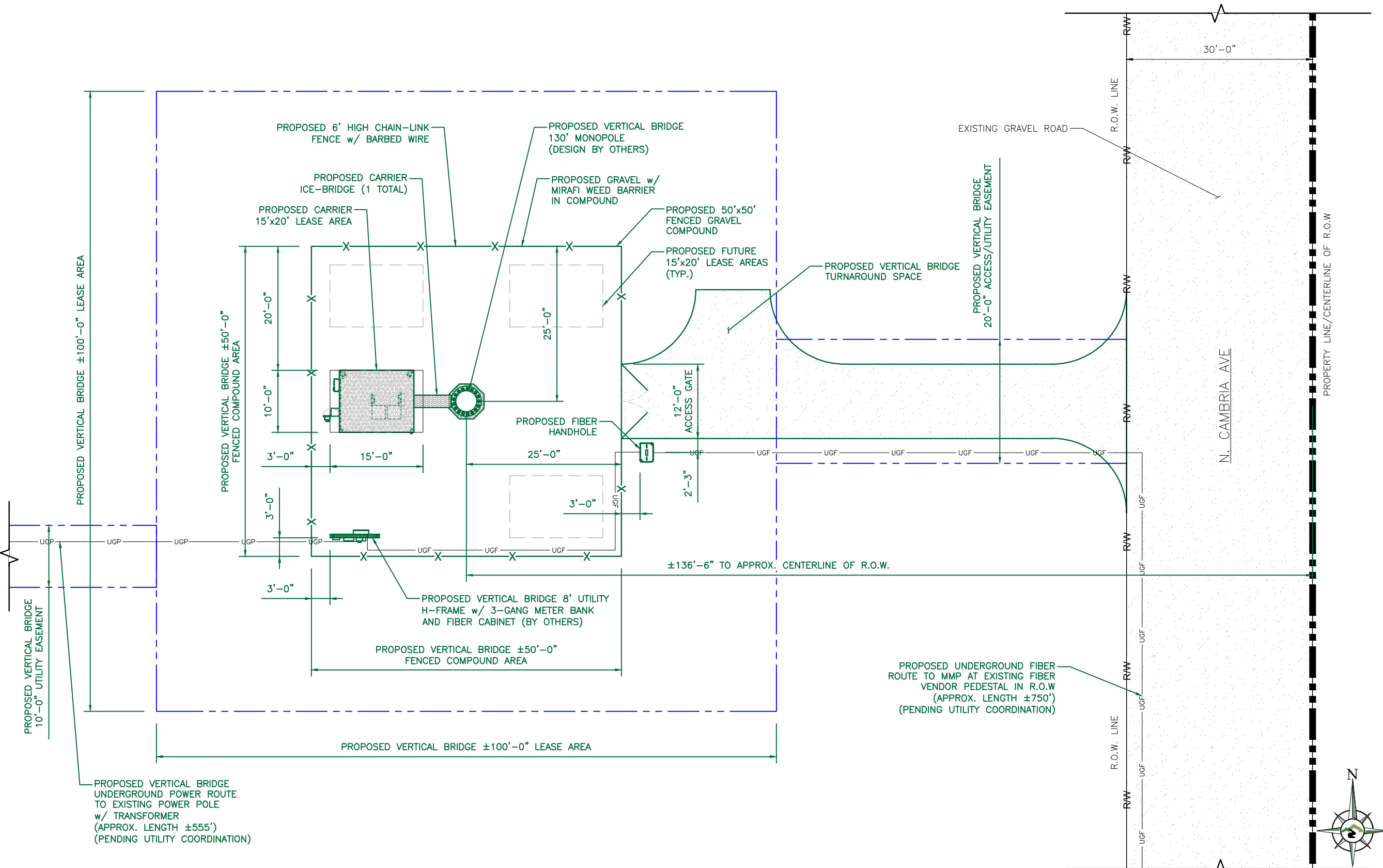
SITE INFORMATION
VERTICAL BRIDGE
SITE#: US-CA-5369
SITE NAME: FIREBALL

CARRIER
SITE#: SC60262A

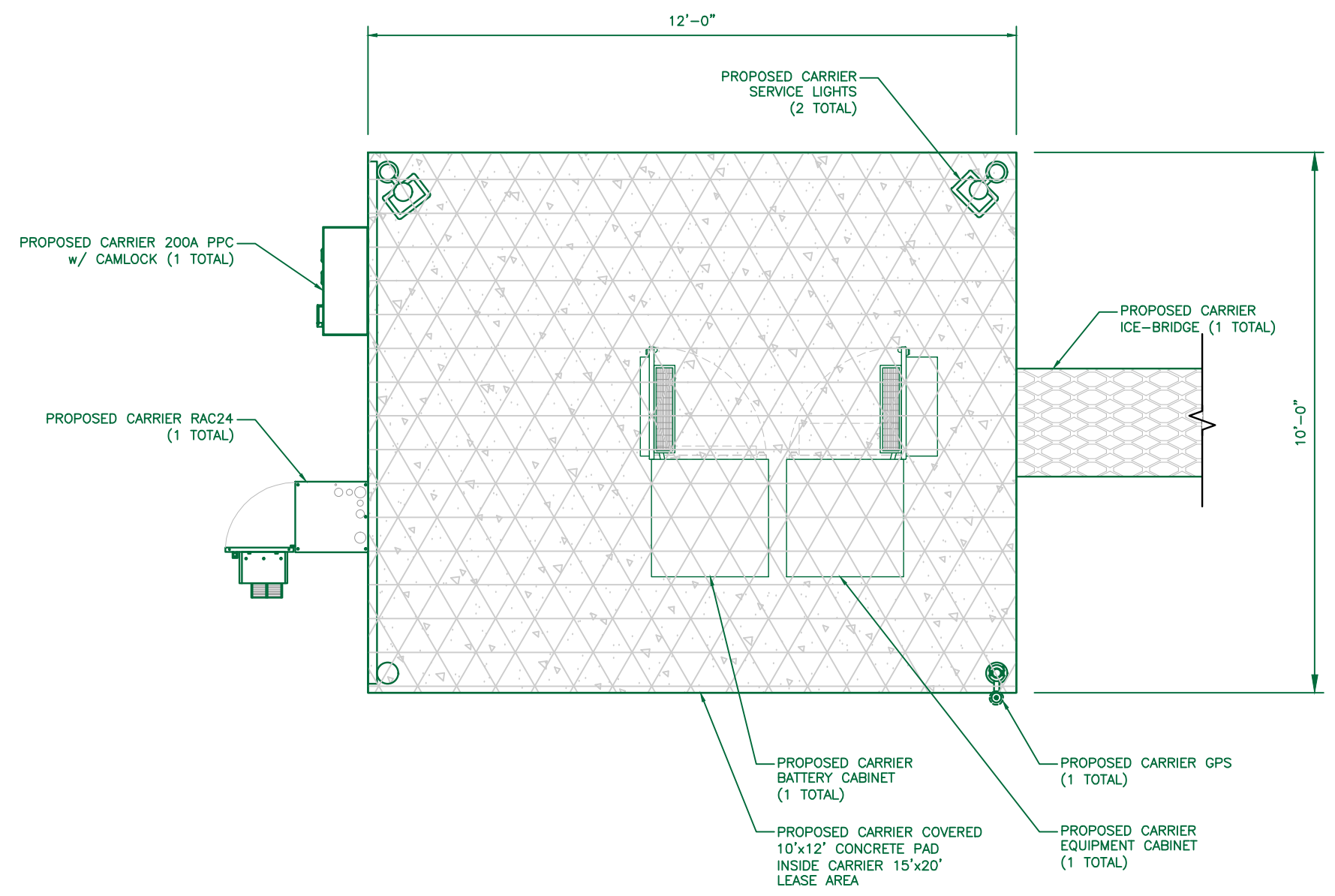
50080 W. ALTHEA AVE.
FIREBAUGH, CA 93622

SHEET TITLE:
**ENLARGED
SITE PLAN**

SHEET NUMBER:
ZD-3



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BUSINESS LICENSE #: N/A

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A	05/22/23	ISSUED FOR REVIEW 90%	JHT

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SITE INFORMATION
VERTICAL BRIDGE
 SITE#: US-CA-5369
 SITE NAME: FIREBALL

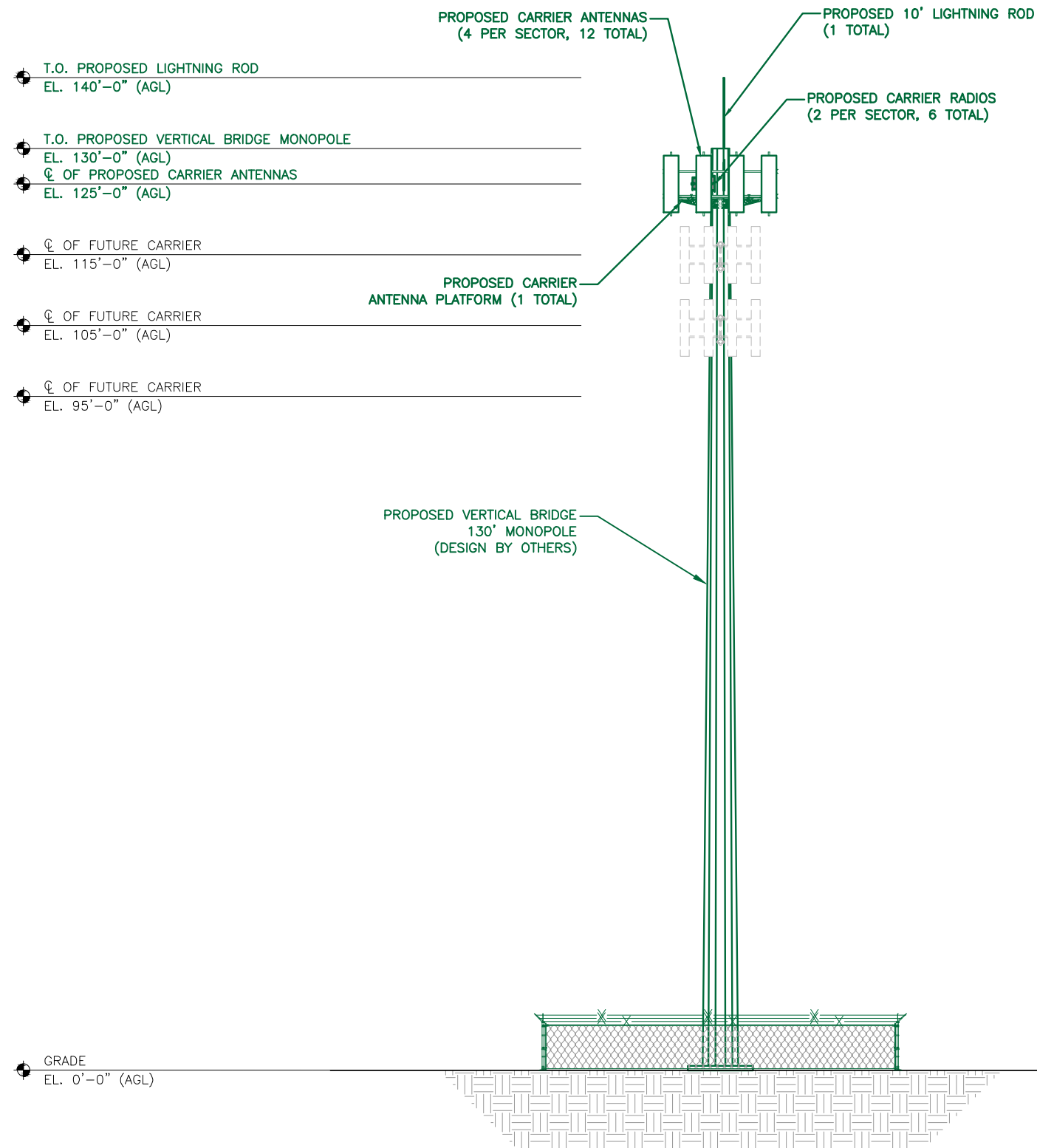
CARRIER
 SITE#: SC60262A

 50080 W. ALTHEA AVE.
 FIREBAUGH, CA 93622

SHEET TITLE:
EQUIPMENT PLAN

SHEET NUMBER:
ZD-4

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PRIOR TO CONSTRUCTION, STRUCTURAL ANALYSIS SHALL BE PERFORMED FOR ALL NEW AND EXISTING SUPPORTING TOWERS, ROOFTOPS, FLAG POLES, LIGHT POLES AND ASSOCIATED EQUIPMENT MOUNTS. CONTRACTOR SHALL REVIEW THE SIGNED/SEALED STRUCTURAL ANALYSIS REPORTS PRIOR TO CONSTRUCTION AND SHALL NOTIFY THE ENGINEER OF ANY DISCREPANCIES LISTED WITHIN THE REPORT(S). ALL CONSTRUCTION, MODIFICATIONS AND/OR REPLACEMENT SPECIFICATIONS SHALL BE FULLY IMPLEMENTED EXACTLY AS NOTED WITHIN THE STRUCTURAL ANALYSES REPORTS/LETTERS.

POWDER RIVER DEVELOPMENT SERVICES, LLC HAS NOT PERFORMED STRUCTURAL ANALYSIS FOR THE NEW EQUIPMENT MOUNTS, NOR THE SUPPORTING STRUCTURE(S), AND ASSUMES NO RESPONSIBILITY FOR ITS ABILITY TO SUPPORT THE PROPOSED MODIFICATIONS.

NOTE: 3' MINIMUM SEPARATION BETWEEN RRUS & ANTENNAS



BUSINESS LICENSE #: N/A

REVISIONS			
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C	06/27/23	ISSUED FOR REVIEW 90%	BMW
B	06/12/23	ISSUED FOR REVIEW 90%	BMW
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SITE INFORMATION
VERTICAL BRIDGE
SITE#: US-CA-5369
SITE NAME: FIREBALL

CARRIER
SITE#: SC60262A

50080 W. ALTHEA AVE.
FIREBAUGH, CA 93622

SHEET TITLE:
ELEVATION

SHEET NUMBER:
ZD-5

Alternative Site Analysis



Vertical Bridge

Wireless Telecommunications Facility

50080 W. Althea Ave. Firebaugh, CA 93622

Site ID: US-CA-5369 Fireball

Introduction

T-Mobile USA Inc. has a significant gap in its service coverage in an agricultural area on the cross streets of W. Althea Ave and W. Cambria Ave. in the city of Firebaugh, Fresno County. Vertical Bridge proposes to develop a new wireless communication facility (“WCF”) for T-Mobile's telecommunication antennas and associated equipment on a piece of property located on 50080 W. Althea Ave. Firebaugh CA 93622 (“Proposed Facility”) to fill T-Mobile USA Inc.'s gap in coverage in this portion of the county. This property is zoned (AE-20) Exclusive Agricultural zone (Not more than one (1) residence may be constructed or placed per lot)

The Proposed Facility consists of a new 130’ monopole tower within a 12’x10’ fenced compound within a 100’x100’ lease area. Tower to be constructed to allow for other future carriers for colocation. Subject tower to be made of non-reflective material. The Proposed Facility is the least intrusive means to fill the significant gap of the alternatives investigated by T-Mobile USA Inc. as explained below.

Objective

T-Mobile USA Inc. has identified a significant gap in its service coverage in Fresno County, in an area roughly bordered by W Cooper Ave to the North, W. Althea Ave to the South, W. Cambria Ave to the East and N. Oxford Ave to the West. The Proposed Facility will improve coverage to nearby farmsteads, the Eagle Field drags, Oro Loma Market on N. Russel Ave. and other points of interest in the immediate vicinity. The service coverage in this portion of the County is described in the accompanying Radio Frequency propagation maps.

Methodology and Zoning Criteria

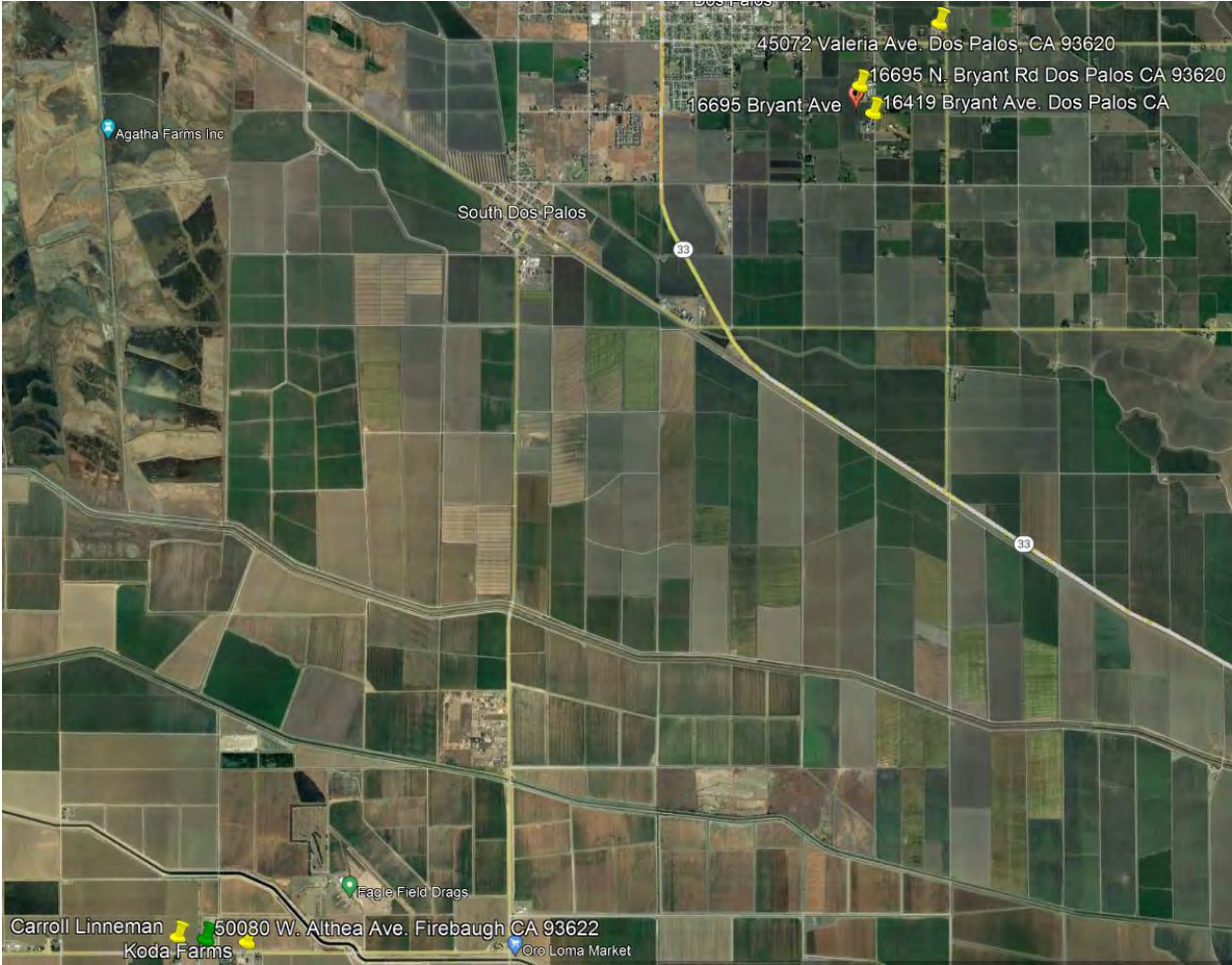
The location of a WCF to fill a significant gap in coverage is dependent upon topography, zoning, existing structures, collocation opportunities, available utilities, and access. Wireless communication is line-of-sight technology that requires WCFs to be in relatively proximity to the wireless handsets to be served.



T-Mobile USA Inc. seeks to fill a significant gap in service coverage using the least intrusive means under the values expressed in the Fresno County Board of Supervisors adopted “Wireless Communication Guidelines.” Thus, T-Mobile USA Inc.'s is guided by and used its best efforts to negotiate colocation on existing structures in the area. T-Mobile USA Inc. seeks to meet the Fresno County guidelines and provide the best available design by placing this WCF in a (AE-20) Exclusive Agricultural zone at the minimum height needed to address the significant service coverage gap.

Analysis

T-Mobile USA Inc. investigated potential alternative sites for facilities to fill the identified coverage gap in this portion of Fresno County. T-Mobile USA Inc. searched for, but did not find, feasible opportunities and or other existing structures in and around the coverage objective. Due to the need for antennas with a height of 130’ feet above ground level, T-Mobile USA Inc. proposed a new WCF 130’ monopole tower. The following map shows the locations of the Proposed Facility and the alternative sites that T-Mobile USA Inc. investigated. The alternatives are discussed in the analysis which follows.

Location of Candidate Sites



	Proposed Facility
	Alternative Candidate

Proposed Facility- 500800 W. Althea Ave. Firebaugh, CA 93622



Conclusion: Based upon location, a willing landlord and the superior coverage as shown in the proposed T-Mobile USA Inc.'s Radio Frequency coverage service maps, the Proposed Facility is the least intrusive means for T-Mobile USA Inc. to meet its service coverage objective.

This Rural residential property is located on W. Althea Ave and N. Oxford Ave. It is an (AE-20) Exclusive Agricultural zone. T-Mobile USA Inc. proposes to install a new 130' monopole telecommunication tower with accompanying tower equipment. Ground equipment will be installed near the tower within a 50'x 50' fenced compound within a 100'x100' lease area. The Proposed Facility is the best available design to minimize visual impacts in the area. The Proposed Facility is the least intrusive means to fill the significant gap of the alternatives investigated by T-Mobile USA Inc.

Alternative 1 – Crown Castle (36.983385°, -120.601353°)



Conclusion: Not Viable

This agricultural plot is located approximately 8.12 miles Northeast from the Proposed Facility. T-Mobile is planning on occupying this tower as well as the proposed location.

Alternative 2 – Middle School, 16695 N Bryant Rd, Dos Palos, CA 93620



Conclusion: Not Viable

This school site is located approximately 7.40 miles Northeast from the Proposed Facility. Ring was originally shifted to this more Northeastern site but when original ring was reinstated, this site was no longer necessary.

Alternative 3 – William Cantrell, 16419 Bryant Ave. Dos Palos, CA



Conclusion: Not Viable

This property is located approximately 7.27 miles Northeast from the Proposed Facility. With the ring being shifted to the Northeast, SAC left several emails to determine interest. LL never replied.

Alternative 4– Koda Farms (36.890295, -120.687346)



Conclusion: Not Viable

This property is located approximately 0.27miles East from the Proposed Facility. SAC received lukewarm interest at best. Was held as a contingency site.

Alternative 5 – Carroll Linneman (36.890786 -120.695927)



Conclusion: Not Viable

This property is located approximately .19 miles West from the Proposed Facility. The property owner had only a small level of interest. This site was never submitted to RF as they came in after Bennett was approved. This was held a contingency site.

Document: Operational Statement

Supporting: Conditional Use Permit Application for 140' Monopole located at 50080 W. Althea Ave, Firebaugh

Applicant: Vertical Bridge

Landowner: John Bennett

Representative: Gerard Byrnes, Powder River Development Services, LLC

Date: August 23rd, 2023

It is important that the Operational Statement provides for a complete understanding of your proposal. The Operational Statement that you submit must address all of the following that apply to your proposal. Your Operational Statement must be typed or written in a legible manner on a separate sheet(s) of paper. Do not submit this checklist as your Operational Statement. It should serve only as a guide for preparing a complete Statement.

___ 1. Nature of the operation--what do you propose to do? Describe in detail. ***Our client Vertical Bridge plans to construct a 140' unmanned telecommunication facility. The proposed design is a 130' monopole (additional ten-foot lightning rod). The Tower would have the structural capacity to accommodate a total of three carriers, and with a fenced and graveled 50' x 50' compound within a 100' x 100' lease area, would also have room for the ground equipment associated with a Carriers cell site.***

___ 2. Operational time limits: ***This unmanned, outdoor facility would be in silent operation 365, 24/7. Barring any unforeseen interruptions caused by mother nature (lightning strike, windstorms etc.) causing a disruption in service, the only visits to the facility would be the occasional preventative maintenance trip by the Carriers technicians; or by Vertical Bridge to maintain the compound and access road to the Tower. The vast majority of the time the site is unmanned.***

___ 3. Number of customers or visitors: Average number per day: Maximum number per day: Hours (when they will be there). ***Approximately once a month, for each carrier on the tower, the site will be visited after it has been constructed.***

___ 4. Number of employees: Current: Future: Hours they work: Do any live on-site as a caretaker? ***There will be no employees directly dedicated to this proposed facility. Again, barring reactionary visits due to service interruptions, only the occasional carrier technician will visit the site to provide maintenance for the cell sites. Even more rarely, occasional tech for the Tower Owner will visit the site maintenance the tower, lease area, access road.***

___ 5. Service and delivery vehicles: ***Approximately Once a month per carrier on the tower.***

___ 6. Access to the site: ***Paved public road (Cambria Ave) provides access via a public right of way to the dirt/gravel access and utility easement leading directly to the Tower.***

___ 7. Number of parking spaces for employees, customers, and service/delivery vehicles.

Type of surfacing on parking area. ***No dedicated parking spaces are planned or needed***

___ 8. Are any goods to be sold on-site? If so, are these goods grown or produced on-site or at some other location? Explain. ***No goods will be sold on site as this is an unmanned telecommunications facility.***

___ 9. What equipment is used? If appropriate, provide pictures or brochure. ***130' tall Monopole Tower (140' including the lighting rod) with a fenced and graveled 50' x 50' compound.***

___ 10. What supplies or materials are used and how are they stored? ***No applicable***

___ 11. Does the use cause an unsightly appearance? Noise? Glare? Dust? Odor? ***The tower will be visible from the surrounding area; but is critical infrastructure for this rural part of the Fresno County. No noise, glare, dust, or Odor will be associated with the facility.***

___ 12. List any solid or liquid wastes to be produced. Estimated volume of wastes: How and where is it stored? How is it hauled, and where is it disposed? How often? ***Doesn't apply***

___ 13. Estimated volume of water to be used (gallons per day). Source of water? ***Doesn't apply***

___ 14. Describe any proposed advertising including size, appearance, and placement. ***None***

___ 15. Will existing buildings be used or will new buildings be constructed? ***Neither just the tower***

Describe type of construction materials, height, color, etc. Provide Floor Plan and elevations, if appropriate. ***Please see attached drawings that show elevations of the tower.***

___ 16. Explain which buildings or what portion of buildings will be used in the operation. ***No applicable***

___ 17. Will any outdoor lighting or an outdoor sound amplification system be used?

Describe and indicate when used. **No**

____ 18. Landscaping or fencing proposed? Describe type and location. ***Fencing proposed 6' high chain link fence surrounding the 50' x 50' compound.***

____ 19. Any other information that will provide a clear understanding of the project or operation. **See drawings that are part of the drawing's application**

____ 20. Identify all Owners, Officers and/or Board Members for each application submitted; this may be accomplished by submitting a cover letter in addition to the information provided on the signed application forms. ***Please see Header at the beginning of this document***

Document: Responses to Wireless Communications Guidelines
Supporting: Conditional Use Permit Application for 140' Monopole located at 50080 W. Althea Ave, Firebaugh
Applicant: Vertical Bridge
Landowner: John Bennett
Representative: Gerard Byrnes, Powder River Development Services, LLC
Date: August 23rd, 2023

► Submit detailed information to justify the need for the tower site (e.g., network design, search ring, specific site selection criteria).

The anchor tenant for the proposed tower is T-Mobile. Vertical Bridge is building this tower specifically to provide coverage for T-Mobile; however, the tower will accommodate two other carriers. Vertical Bridge will market the tower to other carriers and desires to have the tower filled up. Please refer to the attached document titled "Firebaugh Propagation Maps US-CA-5369" that demonstrates the need for this Tower:

- Slide 2 shows no towers that are available for collocation in the area.
- Slide 3 shows the T-Mobile coverage today, without the proposed tower, demonstrating a lack of service in the area.
- Slide 4 shows the T-Mobile coverage with addition of the proposed tower. The maps show a significant improvement for T-Mobile customers in the area, benefiting residents in this part of the County who currently don't have service.

► Submit 18 color copies of service coverage maps and other necessary graphics that demonstrate the need for the proposed tower site.

- Please see attached soft copy "Firebaugh Propagation Maps US-CA-5369" Maps provided by T-Mobile

► Identify the location of any existing or approved future tower within a five-mile radius of the proposed site. Include information regarding the operator/owner of the tower, and the tower height.

Existing Towers 2 Miles: There are no existing Towers, or other existing structures that would accommodate a new wireless telecommunication facility, within two miles of the proposed Monopole.



SITES WITHIN 5-MILE RADIUS

The purpose of this letter is to outline the existing wireless infrastructure in the 5-mile radius of the proposed wireless facility at 50080 W. Althea Ave. in Firebaugh. 2 existing sites with identified within 5 miles with 2 towers right outside the 5-mile ring.

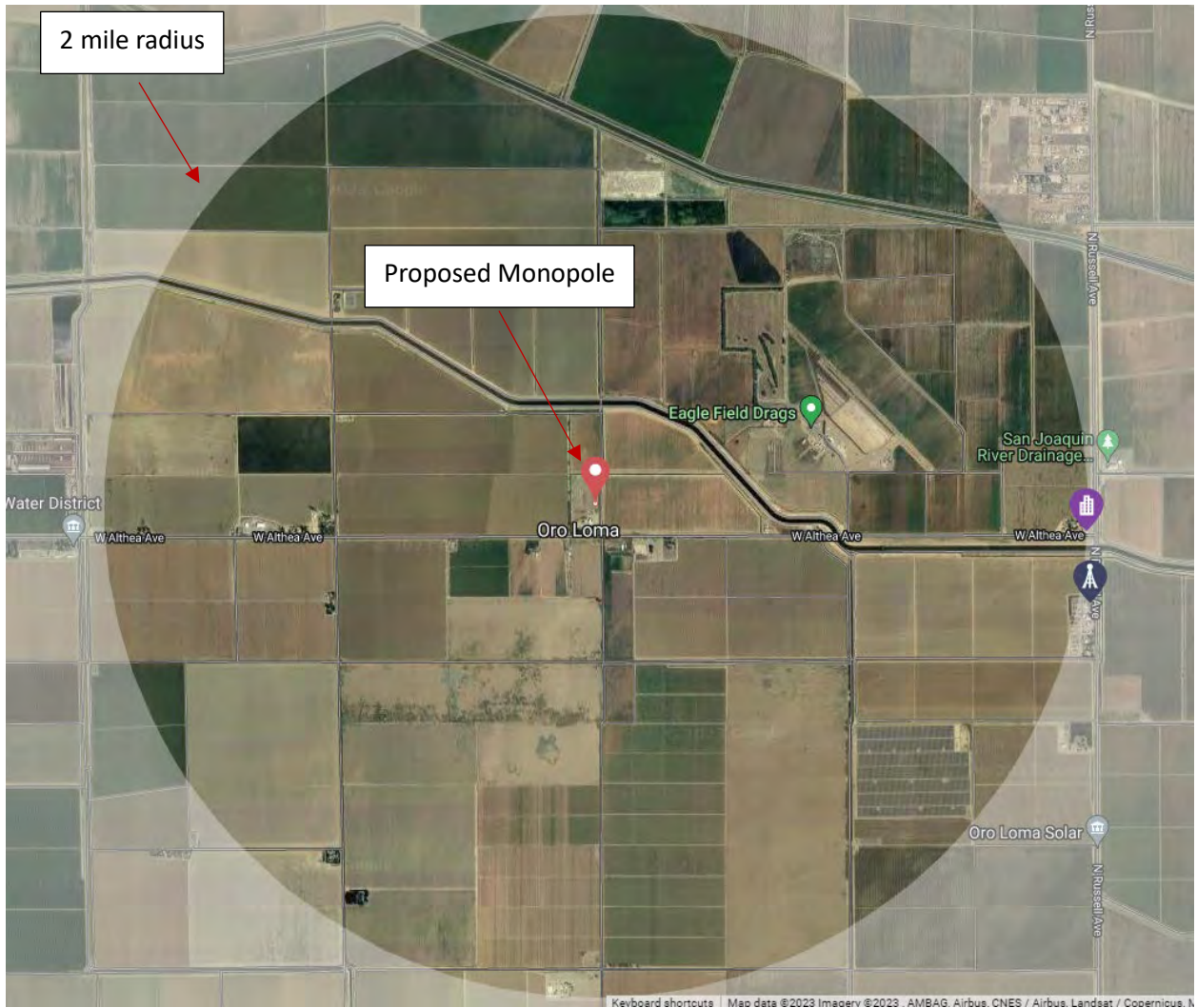
Inside Ring:

1. 47759 W Nees Ave (APN 00515073)
 - 3.7 miles from proposed site
2. 53555 W Nees Ave (APN 00512053)
 - 4.8 miles from proposed site

Directly Outside Ring:

There are two towers located on APN 00512028 that are 5.05 miles away from the proposed site.





Towers within 5 Mile radius

Tower #1

Operator: Unknown

Operator ID: 420374

Type: Lattice

Height 531'

Address: 53555 W Nees Ave, Firebaugh, CA (36.84881, -120.75808)

- 2.04 miles from proposed WCF. This tower is This existing tower outside of search ring area and too close to "Tower 2" on at 47759 West Nees Avenue as Vertical Bridge's anchor tenant, T-Mobile, is already on this tower.

Tower #2

Operator: Crown Castle

Operator ID: 845798

Type: Lattice

Height: 472'

Address: 47759 West Nees Avenue, Firebaugh, CA (36.85035, -120.65095)

- 3.65 miles from proposed WCF. Vertical Bridge's anchor tenant, T-Mobile, is already on this tower.

Tower #3

Operator: Unknown

Operator Site ID: TS-N03688667W12065467

Type: Lattice

Height: 276'

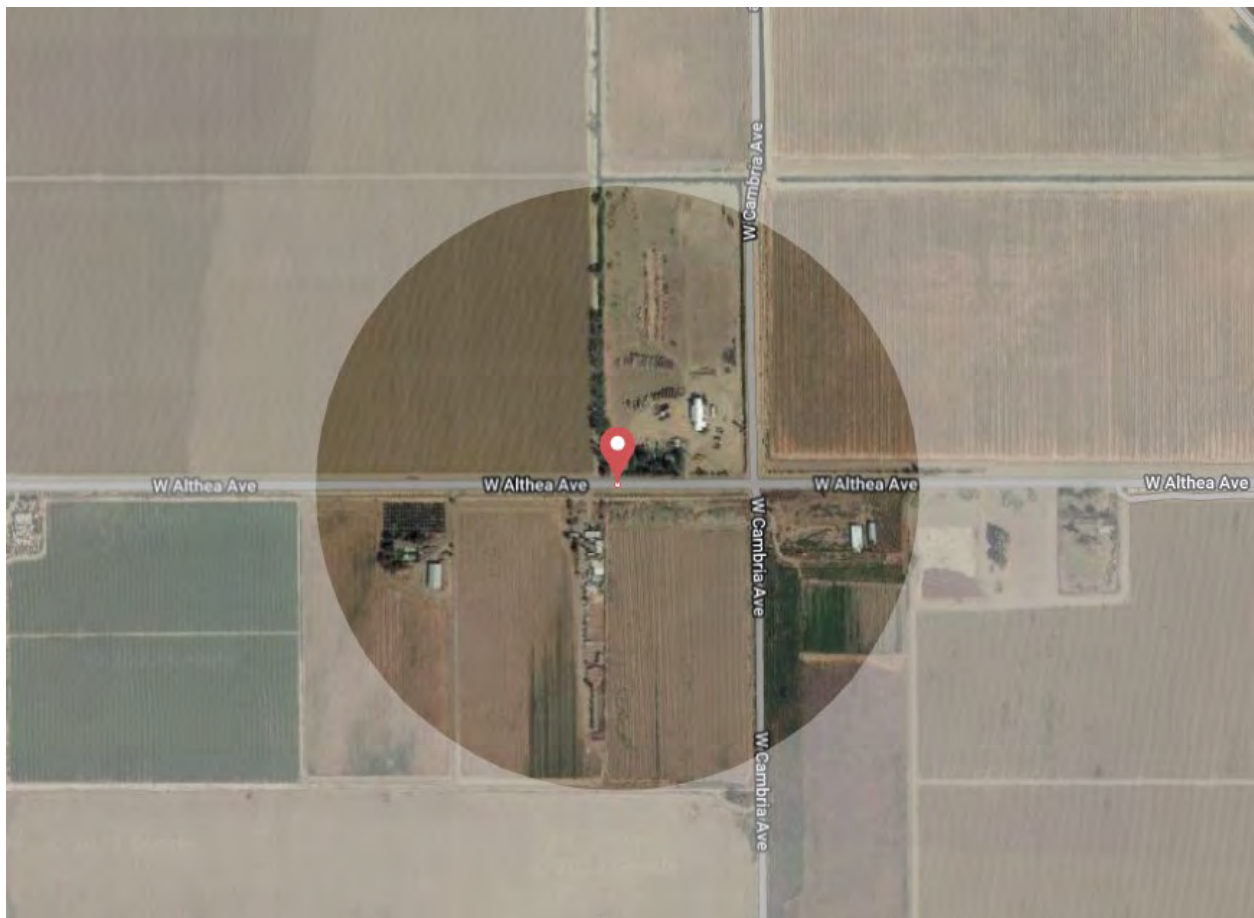
Address: ORO LOMA SUB RUSSEL RD 5 1/2 Mi S/O, Dos Palos, CA (36.88667, -120.65467)

4.79 miles from proposed WCF. This existing tower outside of search ring area and not beneficial for carrier coverage

- ▶ Submit information including correspondence which documents efforts to negotiate "co-location" on existing towers and other existing structures in the area.
 - Not applicable
- ▶ Submit detailed information documenting consideration of any alternative sites (other than existing towers).
 - We did reach out to other property Owners in the area, but ultimately, we considered the subject property as the best choice. All alternative sites were also for a new tower with the same height as is being requested in our CUP application.
- ▶ Provide documentation that provisions are included in your lease agreement that reserves "co-location" opportunities for other service providers.
 - Vertical Bridge is a Tower company that is more profitable with more carriers on the tower. They are in the business of building towers for wireless service providers, so they

will benefit with more tenants on their Tower. Vertical Bridge's lease with the Owner of the property gives them the right to lease the tower to additional carriers.

- ▶ Depict on the site plan the area available within the tower site to accommodate other future equipment buildings/towers.
 - The drawings provided with this application depict the space available for future carriers on page ZD-3 or "Enlarged Site Plan."
- ▶ Identify the distance and location of the nearest residence(s) within one-quarter mile from the proposed tower site.
 - There are two residential structures within one-quarter mile from the proposed tower site.



- ▶ Identify the location of any airstrip or airport within a five-mile radius of the proposed tower site.
 - There are no airports within five miles of the proposed tower site
- ▶ Tower sites proposed in rural agricultural areas must include information relevant to the siting criteria and requirements found in item No. 7 of the "Guidelines" handout.

- Addressed below
- ▶ Tower sites proposed within one-half mile of the boundary of the Cities of Fresno and Clovis must give consideration to City-adopted Guidelines (see attached Guidelines presently utilized by the City of Fresno).

- Not applicable

- ▶ Tower sites proposed adjacent to roads classified as major roads on the Circulation Element of the General Plan and other aesthetically sensitive areas (e.g., river bottom, existing/planned residential areas) must include information regarding measures taken to minimize aesthetic impacts (e.g., substantial setback from major road, trees, stealth tower design, slim-line monopole).

- Not applicable

FRESNO COUNTY WIRELESS COMMUNICATION GUIDELINES

1. The need to accommodate new communication technology must be balanced with the need to minimize the number of new tower structures which can adversely impact other segments of the community.
2. The land use permitting process should rely on general guidelines and policies rather than specific standards which are not flexible enough to accommodate the evolving technology.
3. Applicants for new tower permits should be required to submit detailed information in their applications to justify the need for the tower site (e.g., network design, search ring, specific site selection criteria).
4. Applicants for new tower permits should be required to submit evidence regarding alternative sites considered, information regarding potential co-location opportunities, and evidence of negotiation for co-location on other existing towers where such opportunities exist.
5. A map documenting the location of all existing communication towers in the County should be maintained by the County.
6. Applications for new tower sites within one-half mile of the boundary of the Cities of Fresno and Clovis should give consideration to City-adopted Guidelines (see attached Guidelines presently utilized by the City of Fresno) .

- In response to 1-6 of the Fresno County Wireless Communication Guidelines, these are all logical goals for Fresno County, and we feel our application materials have demonstrated that the proposed tower will provide new communication technology to the residents of Fresno County. Due to the lack of existing collocatable structures in the area, a new Tower is the only path forward allowing this to happen. In addition, this tower will have the structural capacity and ground space to accommodate additional wireless service providers helping to minimize the number of new tower structures in the area in the future.

7. Siting of towers in rural agricultural areas should be subject to the following criteria and requirements:
 - a. Tower sites should be selected to minimize disruption to agricultural aircraft operations, farm irrigation systems, and movement of farm equipment. Applicants should describe factors specific to the property that have been addressed in the site selection. If site selection negotiation is conducted with an absentee owner, a supporting statement from the farm manager should be provided.
 - While the subject property is zoned “Exclusive Agriculture” and surrounded by Farmland, the proposed tower location is currently open space and raw, unutilized land. The proposed tower location will not disrupt agricultural aircraft operations, farm irrigation systems, or the movement of farm equipment.
 - b. Towers should be placed adjacent to the farm homesite or other existing farm buildings. If there are no improvements on the property, the preferred location is at the edge of the field or adjacent to existing farm access roads. Locations at the center of fields or sections of land should be avoided.
 - The proposed tower location is approximately 256’ from the Landowner’s residence, which we would consider “adjacent to” as required by code.
 - c. Generally, guyed towers should not be allowed, except for Broadcast T.V., Broadcast Radio, and Amateur Radio.
 - We are proposing a Monopole Tower, not a Guyed Tower, as required by code.
 - d. Towers should be sited to minimize aesthetic impacts to adjacent homesites on surrounding properties.
 - There are two residential structures within one-quarter mile from the proposed tower site. However, these are across the street, Aletha Ave, from the subject property. The code also requires siting of the tower to “be placed adjacent to the farm homesite” which is what we have done.
 - e. Towers should be sited to minimize impacts to adjacent farming operations on surrounding properties.
 - The proposed tower location was chosen based on a variety of factors including easy access off Cambria Ave and existing utilities, and so that it would minimize any negative impacts to farming operations.
8. Permits for new tower sites should include provision for removal of towers when they are no longer in use.
9. Applicants for new tower sites should include provisions in their land lease agreements that reserve co-location opportunities.
10. Tower sites adjacent to roads classified as major roads on the Circulation Element of the General Plan should include measures to minimize aesthetic impacts when feasible.
 - Not applicable

11. The County should consider modified procedures that encourage applicants to fully utilize existing tower sites, and to consider use of existing structures and industrial locations when proposing new sites.

- There are no viable tower sites, or other colcoatable structures, in the area that would meet T-Mobile's coverage object.

SC60262A SCIP/CSF REVIEW - Fireball

Site OFF vs ON Air

SC60262A Fireball Dropped PIN

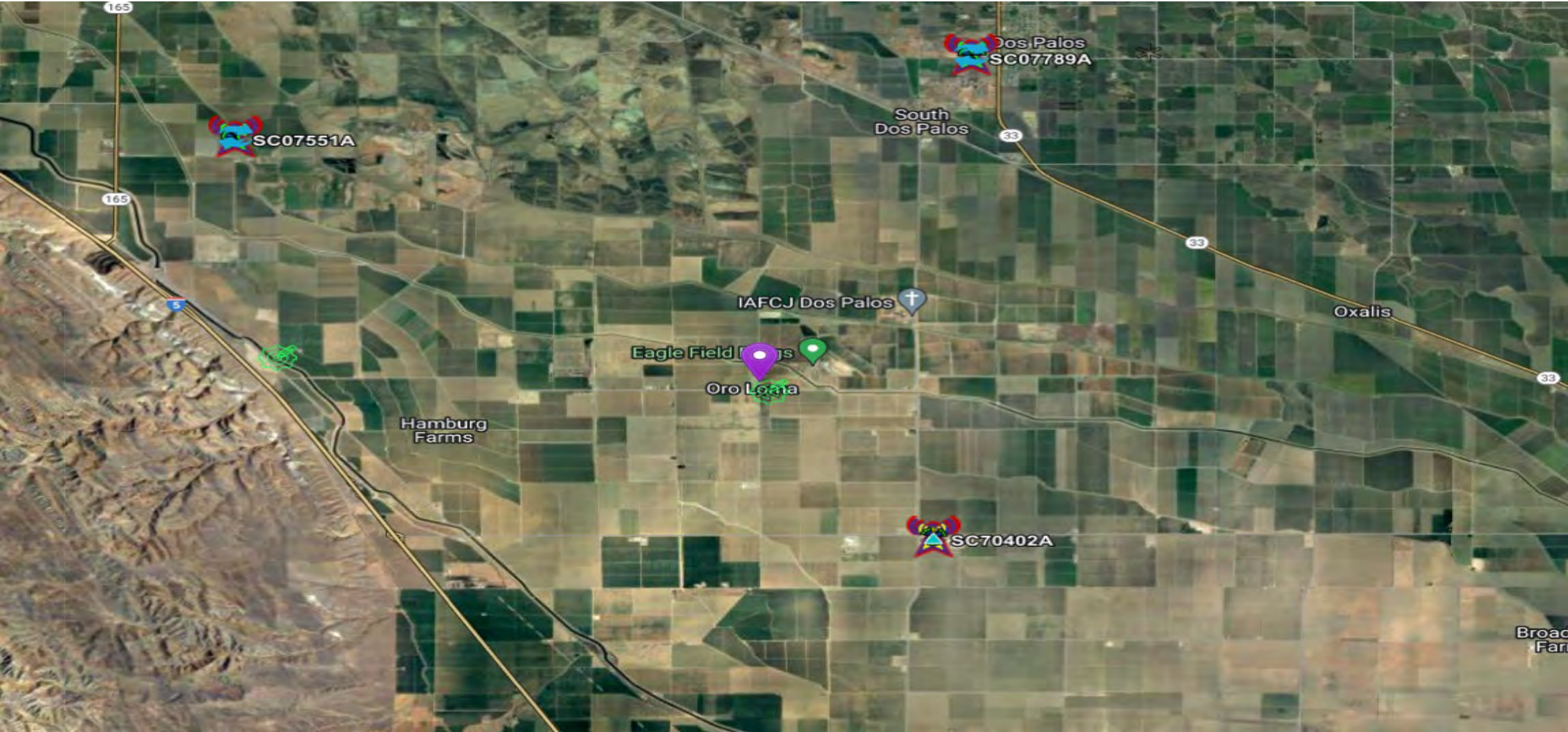


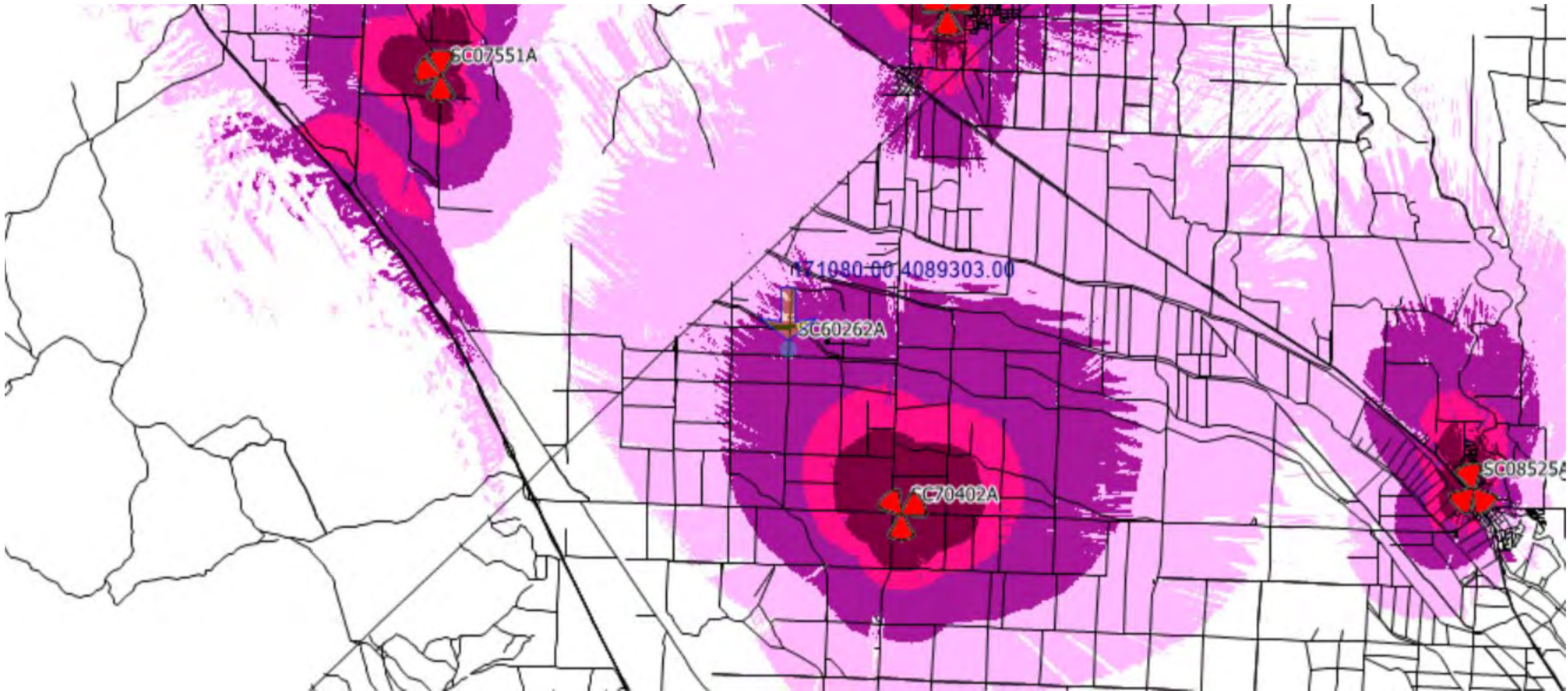
EXHIBIT 7 PAGE 2

SC60262A OFF AIR

Ranges

Minimum	Maximum	Label	Colour
-114	-107	4	Lightest Purple
-107	-97	3	Light Purple
-97	-88	2	Medium Purple
-88	0	1	Darkest Purple

EXHIBIT 7 PAGE 3



SC60262A ON AIR @ 125' RC, 45/180/315Degrees Azimuth

Ranges			
Minimum	Maximum	Label	Colour
-114	-107	4	Lightest Purple
-107	-97	3	Light Purple
-97	-88	2	Medium Purple
-88	0	1	Darkest Purple



EXHIBIT 7 PAGE 4

SC60262A Starling RSRP

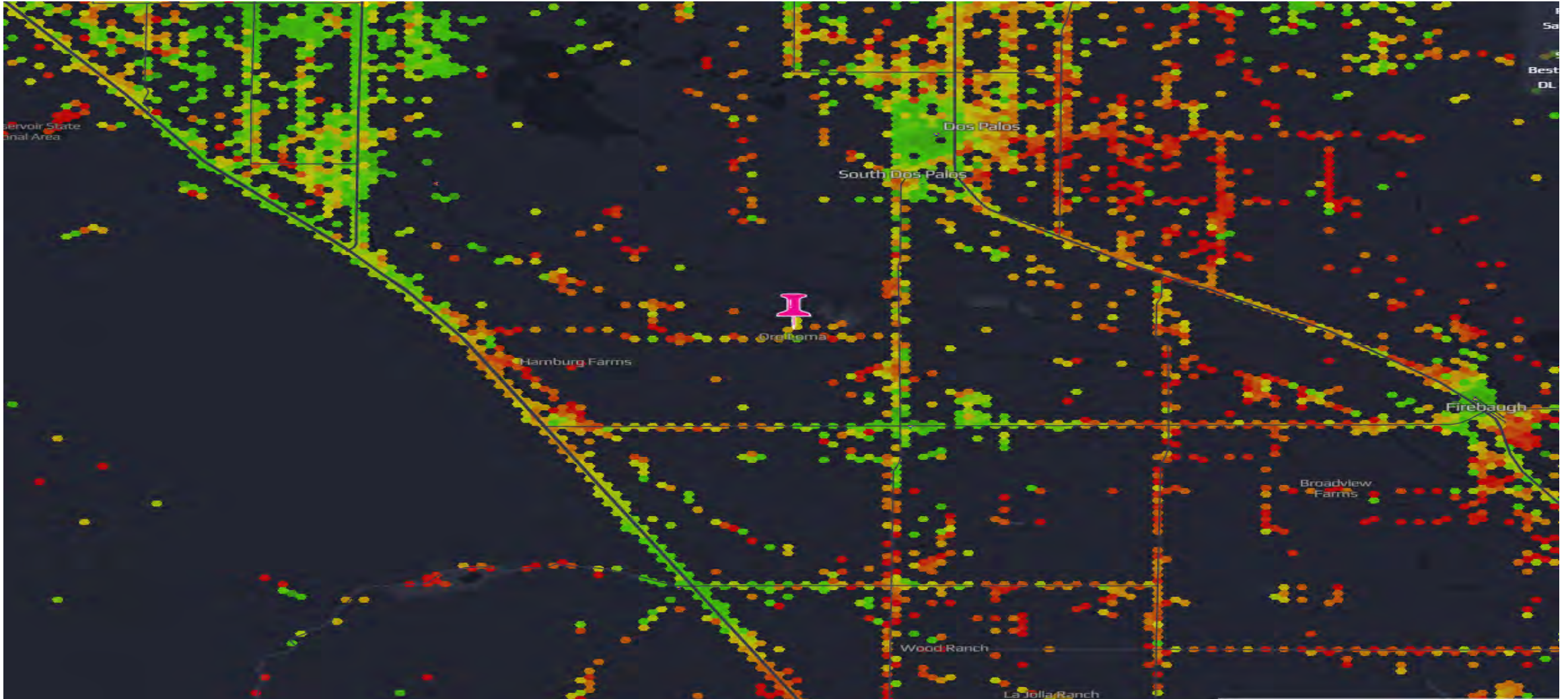
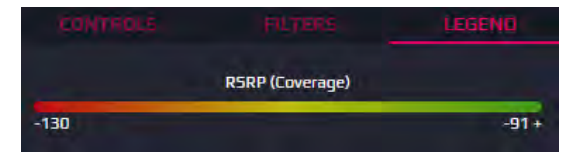
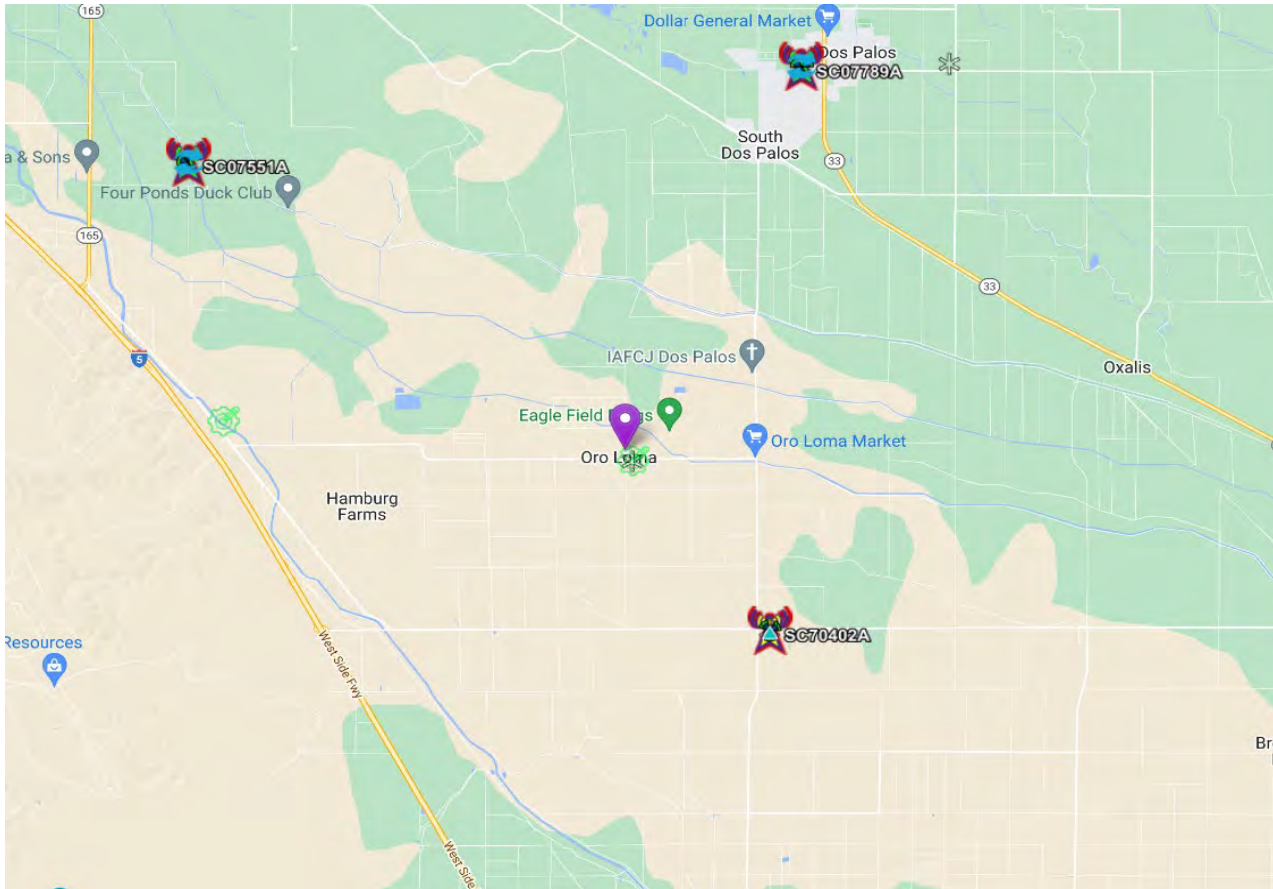


EXHIBIT 7 PAGE 5

SC60262 Candidates:



- **SC60262A** 36.892444 -120.690814
- **New Build on RAW Land**
- **130' New Monopole**
- **Potential Rad Center of 125'**
- **10' X 15' Equipment Lease area**
- **100' X 100' Fenced Area**

SC60262 Candidates:

- No other candidates presented near the search ring.

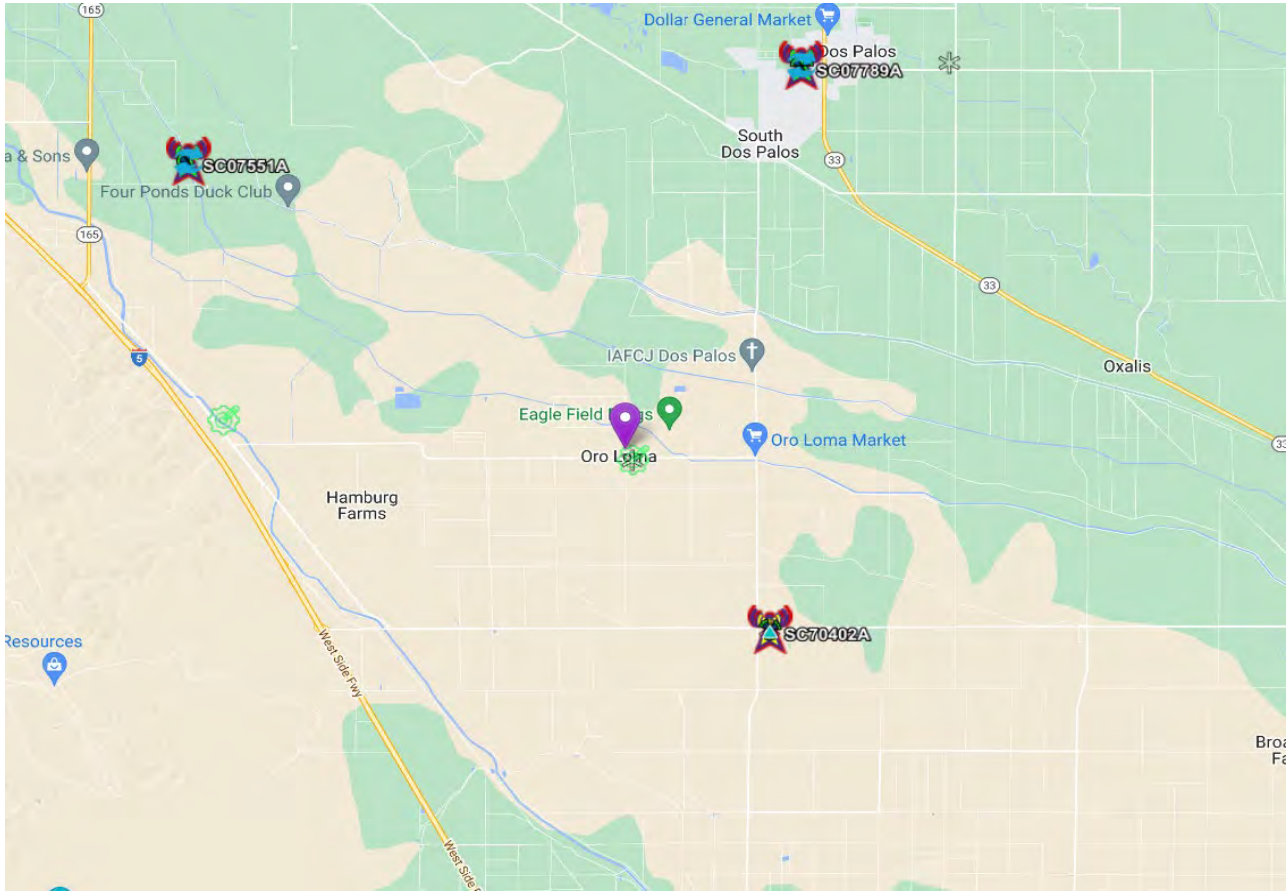


EXHIBIT 7 PAGE 7



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

- CONSULTANT:** Rachael Reynolds
- APPLICATION NOS.:** Initial Study Application No. 8527 and Unclassified Conditional Use Permit Application No. 3780
- DESCRIPTION:** Allow the installation of a 130-foot-tall monopole style co-locatable wireless telecommunications tower and related facilities on a 20-acre parcel located within the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.
- LOCATION:** The subject parcel is located on the northwest corner of West Althea Avenue and North Cambria Avenue, approximately 12-miles west from the City of Firebaugh. (APN: 004-150-11s) (Address: 50080 W. Althea Avenue) (Sup. Dist.1).

AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:

- A. Have a substantial adverse effect on a scenic vista; or
- B. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

FINDING: NO IMPACT:

The project anticipates the placement of new telecommunications facility consisting of an 130' foot-tall monopole wireless communication tower (monopole design) with related facilities on a 100' by 100' fenced site leased area. Per Figure OS-2 of the Fresno County General Plan, there are no scenic roadways fronting the project site. The development of the permanent tower will be placed within an already disturbed area and would not be impacted by the project. Therefore, the project will not have a substantial adverse effect on a scenic vista or scenic resource.

- C. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized

area, would the project conflict with applicable zoning and other regulations governing scenic quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is located 12-miles west from the City of Firebaugh. The placement and construction of the project would create a new communications tower on the project site that would change the existing visual character, however, this change is not expected to result in a significant impact as the designed incorporated will adhere to the surrounding landscape (monopole designed tower) intended on reducing any unsightly visual character which would degrade the surroundings.

- D. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The project does not anticipate the use of outdoor lighting, however in the event that outdoor lighting is installed, mitigation measures related to the design and orientation of the lighting shall be implemented to ensure that no new source of substantial light would adversely affect day or nighttime views of the area.

Mitigation Measure(s)

1. *Ground equipment for the telecommunication tower shall be screened from view behind slatted fencing utilizing a non-reflective or earth-tone color and shall be located, designed, and landscaped to reasonably minimize their visual impact on the surrounding area.*
2. *All outdoor lighting shall be hooded and directed downwards so as not to shine on adjacent properties or public right-of-way.*

II. AGRICULTURAL AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology in Forest Protocols adopted by the California Air Resources Board. Would the project:

- A. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

FINDING: NO IMPACT:

Per the 2016 Fresno County Important Farmland Map, the subject parcel is designated as Semi-agricultural and Rural Commercial Land. Therefore, the project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.

- B. Conflict with existing zoning for agricultural use, or a Williamson Act Contract?

FINDING: NO IMPACT:

The subject parcel is zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District and is not subject to a Williamson Act Contract. The project will not conflict with the existing zoning for agricultural use and would not conflict with the Williamson Act Contract.

- C. Conflict with existing zoning for forest land, timberland, or timberland zoned Timberland Production; or
- D. Result in the loss of forest land or conversion of forest land to non-forest use?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is not located on land zoned for forest land, timberland or timberland zoned Timberland Production, however the area proposed is small in nature (10,000 square feet in size) in an already disturbed area, and as such will not result in the loss of forest land or conversion of land for non forest use.

- E. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?

FINDING: NO IMPACT:

The project intends to construct a permanent tower for communication purposes. The footprint of the permanent tower is small and would not result in the off-site conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use.

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

- A. Conflict with or obstruct implementation of the applicable Air Quality Plan; or
- B. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Reviewing Agencies and Departments did not express concern with the project to indicate that the project would result in a conflict with an applicable Air Quality Plan or result in cumulatively considerable net increase of any criteria pollutant. Project construction is anticipated to result in minor temporary increases in criteria pollutants, however, the minor increases resulting from construction are not anticipated to result in a significant impact.

- C. Expose sensitive receptors to substantial pollutant concentrations; or
- D. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Emissions resulting from the use of the tower will not result in significant noise and pollutant concentrations. The nearest sensitive receptor is located approximately 450 feet south of the location of the communication facility. In consideration of the proximity of the site to sensitive receptors, the project is not anticipated to result in substantial pollutant concentrations or adverse emissions and will have a less than significant impact.

IV. BIOLOGICAL RESOURCES

Would the project:

- A. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

FINDING: NO IMPACT:

Per the California Natural Diversity Database, there are no reported occurrences of a special-status species encompassing the project site or located in vicinity of the project site.

The California Department of Fish and Wildlife (CDFW) and the U.S. Fish and Wildlife Service (USFWS) did not express concern with the project to indicate impacts to special-status species. Therefore, development of the project is not expected to negatively impact through habitat modification as the site is not occupied or has not significant habitat for special-status species.

- B. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; or

- C. Have a substantial adverse effect on state or federally-protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

FINDING: NO IMPACT:

According to the National Wetlands Inventory mapper web application, the project site does not contain wetlands. The project will not be located or affect any wetlands. No riparian habitat or other sensitive natural community was identified on the project site.

- D. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

FINDING: NO IMPACT:

The project intends to construct a communications tower on the subject parcel. The project does not cut off movement of the site for any wildlife resident. No migratory wildlife corridor or native wildlife nursery site was identified on the project site.

- E. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- F. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan?

FINDING: NO IMPACT:

Reviewing Agencies and Departments did not identify a local policy or ordinance adopted for the protection of a biological resource that would be in conflict with the project proposal. No Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or state Habitat Conservation Plans were identified as being in conflict with the project proposal.

V. CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5; or
- B. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5; or
- C. Disturb any human remains, including those interred outside of formal cemeteries?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The project intends to develop a telecommunications tower on land that has already be disturbed. No reviewing Agencies and Departments express concern with the project to indicate that a cultural or historical resource is present on the site and would be affected by the project proposal. However, a mitigation measure will be implemented in the event that a cultural resource is identified during ground-disturbing activities related to project development.

Mitigation Measure(s)

1. *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.*

VI. ENERGY

Would the project:

- A. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation; or
- B. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

FINDING: NO IMPACT:

The project will be built to current building code standards which would take into consideration applicable energy efficiency standards. The project construction and operation would not result in a potentially significant impact due to wasteful, inefficient, or unnecessary consumption of energy resources. No state or local plan for renewable energy or energy efficiency was identified during Agency and Department review.

VII. GEOLOGY AND SOILS

Would the project:

- A. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?

FINDING: NO IMPACT:

According to Figure 9-2 of the Fresno County General Plan Background Report and the California Department of Conservation Earthquake Hazard Zone Application (EQ Zapp), the project is not located on a known earthquake fault zone.

2. Strong seismic ground shaking?
3. Seismic-related ground failure, including liquefaction?

FINDING: NO IMPACT:

Per Figure 9-5 of the Fresno County General Plan Background Report (FCGPBR), the project site is located on land designated as having a 40%-60% chance of reaching peak horizontal ground acceleration assuming a 10% probability of a seismic hazard in 50 years. In considering the lower chance of reaching peak horizontal ground acceleration and mandatory compliance of the development with the California Building Code, there is minimal adverse risks associated with the project related to strong seismic ground shaking or seismic-related ground failure.

4. Landslides?

FINDING: NO IMPACT:

Figure 9-6 of the FCGPBR indicates that the project site is not located in a moderate or high landslide hazard area.

- B. Result in substantial soil erosion or loss of topsoil?

FINDING: NO IMPACT:

The project would result in the development of the site where impervious surface would be added, and a loss of topsoil would occur. The subject site is relatively flat with small changes in elevation. The project would not result in a loss of topsoil or soil erosion where a significant risk of loss, injury, or death would occur.

- C. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

FINDING: NO IMPACT:

No geologic unit or unstable soil was identified on the project site.

- C. Be located on expansive soil as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

FINDING: NO IMPACT:

Per Figure 7-1 of the Fresno County General Plan Background Report (FCGPBR), the project site is not located on soils exhibiting moderately high to high expansion potential.

- D. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water; or
- E. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

FINDING: NO IMPACT:

The project does not propose the development or use of a septic system or alternative waste water disposal system. There were no unique paleontological resource or unique geologic feature identified on the project site.

VIII. GREENHOUSE GAS EMISSIONS

Would the project:

- A. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- B. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Project construction is expected to generate greenhouse gas emissions. Long-term project operation is expected to rely on existing electrical infrastructure and not produce greenhouse gas emissions that may have a significant impact on the environment. Therefore, these instances would not result a significant generation of greenhouse gas emission where a significant impact would occur. Reviewing Agencies and Departments did not express concern with the project to indicate that a conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases exists as a result of the project.

VIII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- A. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or
- B. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

FINDING: NO IMPACT:

Operation of the tower does not anticipate the use of a hazardous material or production of a hazardous waste. Storage and handling of equipment related to the tower would not result in a significant hazard to the public.

- C. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

FINDING: NO IMPACT:

The project site is located within eleven miles west of an existing school (Firebaugh High School). As noted, the project is not anticipating using any backup generator and associated fuel and therefore there will be no hazardous emissions within one-quarter mile of a school.

- D. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

FINDING: NO IMPACT:

According to the NEPAAssist Database, the project site is not located on a listed hazardous materials site and the project would not result or create a significant hazard to the public or the environment.

- E. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

FINDING: NO IMPACT:

The project site is not located within two miles of a public airport or public use airport.

- F. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or
- G. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

FINDING: NO IMPACT:

Reviewing Agencies and Departments did not identify any conflict with the project and any adopted emergency response plan or emergency evacuation plan. Additionally, no concerns were expressed that the project would result in a significant risk of loss, injury, or death involving wildland fires.

X. HYDROLOGY AND WATER QUALITY

Would the project:

- A. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality; or
- B. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

FINDING: NO IMPACT:

The project proposes to construct a communications facility consisting of a communications tower. The use is anticipated to be unmanned and operated remotely. The project does not propose the use of water resources and would not violate water quality standards, waste discharge requirements or substantially degrade surface or ground water quality. With the project not utilizing water supplies, no impact to groundwater supplies or groundwater recharge would occur.

- C. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on or off site?
 - 1. Result in substantial erosion or siltation on- or off-site;
 - 2. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?
 - 3. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

FINDING: NO IMPACT:

The project anticipates the development of a new tower and equipment shelter. The most substantial addition of impervious surface would be the equipment shelter which proposed to be a 100-foot by 100-foot lease area. The proposed facility is located on relatively flat land and does not anticipate substantial erosion or siltation events occurring as a result of the project. Surface runoff is anticipated to be kept onsite per County of Fresno standards and is not expected to result in flooding on- or offsite.

Reviewing Agencies and Departments did not express concern with the project to indicate that the project would result in runoff water contributions that would exceed the capacity of existing or planned stormwater drainage systems or provide additional sources of polluted runoff.

4. Impede or redirect flood flows?

FINDING: NO IMPACT:

The project site is not located within a flood hazard area. Applicable agencies reviewed the project site and did not have any comments regarding any requirements and asserted the project as proposed would not impede or redirect flood flows.

- D. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

FINDING: NO IMPACT:

Although the project site is located within a flood hazard area, the project will not increase the risk of release of pollutants due to project inundation. Additionally, the project site is not located near a body of water where a tsunami or seiche risk is prevalent.

- E. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

FINDING: NO IMPACT:

The project does not anticipate the use of water resources and would not contribute to a degradation of water quality. Reviewing Agencies and Departments did not express concern with the project in regard a conflict with a water quality control plan or sustainable groundwater management plan.

XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community?

FINDING: NO IMPACT:

The project anticipates construction of a permanent tower. The project will not physically divide an established community.

- B. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

FINDING: NO IMPACT:

There were no land use plans, policies, or regulations for the purpose of avoiding or mitigating an environmental effect identified in the Fresno County General Plan as being in conflict with the project proposal.

XII. MINERAL RESOURCES

Would the project:

- A. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; or
- B. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local General Plan, Specific Plan or other land use plan?

FINDING: NO IMPACT:

Figure 7-7 and 7-8 of the Fresno County General Plan Background Report (FCGPBR) depicts mineral resource locations and principal mineral producing locations within the County of Fresno. The project site is not located on or near an identified mineral resource or mineral producing site.

XIII. NOISE

Would the project result in:

- A. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; or
- B. Generation of excessive ground-borne vibration or ground-borne noise levels?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project involves the construction and operation of a tower and associated communications equipment. Noise levels and vibrations associated with the project are not expected to result in significant impacts.

- C. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels; or
- D.

FINDING: NO IMPACT:

The project site is not located within two miles of a public airport or public use airport. The project site is not located in an airport land use plan.

XIV. POPULATION AND HOUSING

Would the project:

- A. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?; or
- B. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

FINDING: NO IMPACT:

The project will not induce unplanned population growth in the area. The project would not displace a substantial number of people or housing.

XV. PUBLIC SERVICES

Would the project:

- A. Result in substantial adverse physical impacts associated with the provision of new or physically-altered governmental facilities, or the need for new or physically-altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?

- 1. Fire protection;
- 2. Police protection;
- 3. Schools;
- 4. Parks; or
- 5. Other public facilities?

FINDING: NO IMPACT:

Reviewing agencies and departments did not provide concerns regarding the project where additional governmental facilities or alteration to existing governmental facilities are needed. The Fresno County Fire Protection District provided comments referencing Fire Code requirements when a building permit is issued for the project.

XVI. RECREATION

Would the project:

- A. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or
- B. Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

FINDING: NO IMPACT:

The project intends to develop a communications tower. The use is intended to be unmanned with maintenance work being the only time where employees would be present. Therefore, the project is not expected to increase the use of existing neighborhood and regional parks and does not include the construction or expansion of recreational facilities.

XVI. TRANSPORTATION

Would the project:

- A. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities; or
- B. Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

FINDING: NO IMPACT:

The project does anticipate the occasional maintenance trip for the facility; however, the volume of maintenance trips is not expected to result in impacts related to vehicle miles traveled or any County-adopted program, plan, ordinance, or policy addressing the circulation system. Reviewing Agencies and Departments did not express concern with the project in terms of a transportation impact resulting from the project.

- C. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?; or
- D. Result in inadequate emergency access?

FINDING: NO IMPACT:

Reviewing Agencies and Departments did not express concern with the project design or access to indicate that a hazard due to design features or inadequate emergency access will result from the project.

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

- A. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
 2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Participating California Native American Tribes were notified of the project proposal and given the opportunity to enter into consultation with the County of Fresno in addressing potential tribal cultural resources occurring on the project site. No notified California Native American Tribe expressed concern with the project and did not enter into consultation. The subject parcel has been previously disturbed. No reviewing Agency or Department provided comments to indicate that a listed or eligible historical resource is located on the project site. A Mitigation Measure will be implemented to establish procedure for the addressing of a tribal cultural resource, should it be identified during ground disturbing activities related to the project.

* **Mitigation Measure(s)**

1. *See Section V. Cultural Resources Mitigation Measure #1*

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

- A. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

FINDING: NO IMPACT:

The project proposes to construct a new telecommunication facility consisting of a communications equipment shelter. Reviewing Agencies and Departments did not identify any significant environmental effects as a result of the project.

- B. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

FINDING: NO IMPACT:

The project intends to develop an unmanned telecommunication facility. The proposed use would not utilize water resources for the operation and would not have an impact on water supplies.

- C. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

FINDING: NO IMPACT:

The project does not propose the development of a wastewater treatment system and would not have employees onsite where wastewater generation would occur. Therefore, the project does not necessitate a wastewater treatment provider.

- D. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or
- E. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

FINDING: NO IMPACT:

Reviewing Agencies and Departments did not provide comments to indicate that the project would result in solid waste generation in excess of State or local standards, or result in a conflict with federal, state, and local management and reduction statutes and regulations related to solid waste.

XX. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

- A. Substantially impair an adopted emergency response plan or emergency evacuation plan, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects; or
- B. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; or
- C. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or

- D. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

FINDING: NO IMPACT:

As depicted in the 2007 Fresno County Fire Hazard Severity Zones in LRA Map, produced by the California Department of Forestry and Fire Protection, the project site is not located within a very high fire hazard severity zone or within a State Responsibility Area (SRA).

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

- A. Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

FINDING: NO IMPACT:

The subject site has been determined to be previously disturbed and occupied with human activity. The project does not have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a wildlife species and would not cause a wildlife population to drop below self-sustaining levels.

- B. Have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

It has been determined that the project would result in impacts to Aesthetics, Cultural Resources, and Tribal Cultural Resources. These impacts were determined to be less than significant with the implementation of mitigation measures. With the implementation of mitigation measures, the project is not anticipated to result in a cumulative considerable impact and would result in a less than significant impact regarding the identified section.

- C. Have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

FINDING: NO IMPACT:

The project has been determined to not result in substantial adverse effect on human beings.

CONCLUSION/SUMMARY

Based upon the Initial Study No. 8527 prepared for Unclassified Conditional Use Permit Application No. 3780, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to Hydrology, Land Use Planning, Mineral Resources, Population and Housing, Public Services, Recreation, Transportation, and Utilities and Service Systems.

Potential impacts related to Aesthetics, Agricultural and Forestry, Biological Resources, Energy, Geology and Soils, Green House Gas Emissions, Hazards and Hazardous Materials, Noise, Wildfire, and Mandatory Findings of Significance have been determined to be less than significant.

Potential impacts relating to Cultural Resources have determined to be less than significant with mitigation.

A Mitigated Negative Declaration is recommended and is subject to approval by the decision-making body. The Initial Study is available for review at 2220 Tulare Street, Suite A, street level, located on the southwest corner of Tulare and "M" Street, Fresno, California.

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EXHIBIT 9

File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721		Space Below For County Clerk Only. CLK-2046.00 E04-73 R00-00	
Agency File No: IS 8527	LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION		County Clerk File No: E- 202410000044
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Alyce Alvarez, Planner	Area Code: 559	Telephone Number: 600-9669	Extension: N/A
Project Applicant/Sponsor (Name): Rachael Reynolds	Project Title: Initial Study No. 8527 & Unclassified Conditional Use Permit Application No. 3780		
Project Description: Allow the installation of a 130-foot-tall monopole style co-locatable wireless telecommunications tower and related facilities on a 20-acre parcel located within the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The subject parcel is located on the northwest corner of West Althea Avenue and North Cambria Avenue, approximately 12-miles west from the City of Firebaugh. (APN: 004-150-11s) (Address: 50080 W. Althea Avenue) (Sup. Dist.1).			
Justification for Negative Declaration: Based upon the Initial Study prepared for 8527 Unclassified Conditional Use Permit Application No. 3780, staff has concluded that the project will not a significant effect on the environment. It has been determined that there would be no impacts to Hydrology, Land Use Planning, Mineral Resources, Population and Housing, Public Services, Recreation, Transportation, and Utilities and Service Systems. Potential impacts related to Aesthetics, Agricultural and Forestry, Biological Resources, Energy, Geology and Soils, Green House Gas Emissions, Hazards and Hazardous Materials, Noise, Wildfire, and Mandatory Findings of Significance have been determined to be less than significant. Potential impacts relating to Cultural Resources have determined to be less than significant with mitigation.			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – February 12, 2024		Review Date Deadline: Planning Commission – April 11, 2024	
Date: February 12, 2024	Type or Print Signature: David Randall Senior Planner	Submitted by (Signature): Alyce Alvarez Planner	

State 15083, 15085

County Clerk File No.: E- 202410000044

**LOCAL AGENCY
MITIGATED NEGATIVE DECLARATION**

EXHIBIT 10

Photo from site looking North



Photo from site looking East



Photo from site looking South



Photo from site looking West



**US-CA-5369 - 130-FT Monopole
Photo Simulations**



SOUTHEAST ELEVATION - EXISTING



SOUTHEAST ELEVATION - PROPOSED

**US-CA-5369 - 130-FT Monopole
Photo Simulations**



**US-CA-5369 - 130-FT Monopole
Photo Simulations**



SOUTHWEST ELEVATION - EXISTING



SOUTHWEST ELEVATION - PROPOSED