

Inter Office Memo

ATTENTION: FOR FINAL ACTION OR MODIFICATION TO OR ADDITION OF CONDITIONS, SEE FINAL BOARD OF SUPERVISORS' ACTION SUMMARY MINUTES.

- DATE: October 10, 2019
- TO: Board of Supervisors
- FROM: Planning Commission
- SUBJECT: RESOLUTION NO. 12800 INITIAL STUDY APPLICATION NO. 7611 and UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3648
 - APPLICANT: Jason Osborne
 - OWNER: Iva M. Arthur, Trustee
 - REQUEST: Allow construction of a new unmanned wireless telecommunications facility consisting of a 150-foot lattice tower with associated antennas and equipment on a 40foot by 50-foot fenced area on a 1.45-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.
 - LOCATION: The project site is located on the west side of South Elm Avenue approximately 1,764 feet north of its nearest intersection with East Elkhorn Avenue, approximately 3.36 miles southeast of the unincorporated community of Caruthers (16629 S. Elm Avenue, Caruthers, CA) (SUP. DIST. 4) (APN 042-200-06S).

PLANNING COMMISSION ACTION:

At its hearing of October 10, 2019, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Chairman Abrahamian and seconded by Commissioner Vallis to determine the required Findings could not be made, stating Finding 3 could not be made because of the impact on the neighborhood and Finding 4 could not be made because of the necessity to remove the existing tower and the proposal was not compatible with the Wireless Guidelines; and deny Unclassified Conditional Use Permit No. 3648.

RESOLUTION # 12800

This motion passed on the following vote:

)TING: Yes:	Commissioners Abrahamian, Vallis, Burgess, Ede, Hill and Eubanks
No:	None
Absent:	Commissioners Chatha, Delahay and Lawson
Abstain:	None
	Yes: No: Absent: Abstain:

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

By: ("

William M. Kettler, Manager Development Services and Capital Projects Division

WMK:ksn

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Attachments

EXHIBIT A

U	Initial Study Application No. 7611 Inclassified Conditional Use Permit Application No. 3648
Staff:	The Fresno County Planning Commission considered the Staff Report dated October 10, 2019, and heard a summary presentation by staff.
Applicant:	The Applicant concurred with the Staff Report and the recommended Conditions. He described the project and offered the following information to clarify the intended use:
	 We will be relocating and decommissioning the existing tower; we are unable to renegotiate the land lease of the existing site.
	 The existing tower has been at this location for 25 years; if the application is denied, we will lose coverage in the area.
	• The proposed site is the only one in the vicinity that we were able to secure; other sites will not provide the existing coverage; we will construct the proposed tower prior removing the existing tower.
	 Crown Castle is in the business of owning towers and providing those towers for cell carriers that would like to provide coverage for the area.
Others:	A representative of the Applicant spoke in support of the application and provided additional information regarding the proposal.
	 If the permit is approved, the current carrier service will be transferred to the proposed tower and the existing tower; Verizon is aware of the proposed new site and agrees with the location change.
	 The lease and agreement conflict are a private matter between the company and the property owner.
	One person presented a letter of opposition and provided testimony about the existing tower and the expired lease agreement with Crown Castle.
	• I am concerned that this application is only a negotiation tactic to drive down the lease rates on the existing tower at the expense of the property owner.
	 I believe Crown Castle has used this approach with other lease agreements.
Correspondence:	One letter was presented to the Planning Commission in opposition to the application.
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EXHIBIT "B"

ATTACHMENT TO AGENDA ITEM

FISCAL IMPACT STATEMENT

Initial Study Application No. 7611 (State Clearinghouse #2019099025) Unclassified Conditional Use Permit Application No. 3648

Listed below are the fees collected for the land use applications involved in this Agenda Item:

Total Fees Collected	\$	<u>15,620.00</u>
Land Use Appeal Fee	<u>\$</u>	508.00
Agricultural Commissioner Fee	\$	93.00 ⁴
Public Health Department Review	\$	992.00 ³
Environmental Assessment	\$	5,151.00 ²
Conditional Use Permit Application	\$	9,123.00 ¹

Includes project routing, coordination with reviewing agencies, preparation and incorporation of analysis into Staff Report.
 Review proposal to provide appropriate California Environmental Quality Act (CEQA) Analysis and include documentation to prepare a Mitigated Negative Declaration.

3 Review of proposal and associated environmental documents by the Department of Public Health, Environmental Health Division; comments.

4 Review of proposal and associated environmental documents by the Department Agriculture; comments.

ATTACHMENT B



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 3 October 10, 2019

SUBJECT: Initial Study Application No. 7611 and Unclassified Conditional Use Permit Application No. 3648

> Allow construction of a new unmanned wireless telecommunications facility consisting of a 150-foot lattice tower with associated antennas and equipment on a 40-foot by 50-foot fenced area on a 1.45-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

- LOCATION: The project site is located on the west side of South Elm Avenue approximately 1,764 feet north of its nearest intersection with East Elkhorn Avenue and is located approximately 3.36 miles southeast of the unincorporated community of Caruthers (16629 S. Elm Avenue, Caruthers, CA) (SUP. DIST. 4) (APN 042-200-06S).
- OWNER:Iva M. Arthur, TrusteeAPPLICANT:Jason Osborne on behalf of Crown Castle
- STAFF CONTACT: Thomas Kobayashi, Planner (559) 600-4224

Marianne Mollring, Senior Planner (559) 600-4569

RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7611; and
- Approve Unclassified Conditional Use Permit No. 3648 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. Cell Tower Vicinity Map
- 6. Site Plans, Elevations, and Detail Drawings
- 7. Service Coverage Maps (with and without project)
- 8. Project Description, Operational Statement, and Response to Fresno County Wireless Communication Guidelines
- 9. Summary of Initial Study Application No. 7611
- 10. Draft Mitigated Negative Declaration

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agricultural	No change
Zoning	AE-20 (Exclusive Agricultural, 20- acre minimum parcel size) Zone District	No change
Parcel Size	1.45 acres	No change
Project Site	N/A	40-foot by 50-foot fenced area
Structural Improvements	Single-Family Residences, Accessory Building, Domestic Well	150-foot lattice tower and associated wireless telecommunications equipment
Nearest Residence	Approximately 49 feet north	No change
Surrounding Development	Residential, Agricultural, and Southwest Transportation Agency	No change
Operational Features	N/A	Operates 24 hours per day, 7 days per week, 52 weeks per year

Criteria	Existing	Proposed
Employees	N/A	One off-site service employee
Customers	N/A	None
Traffic Trips	Residential	Up to two round trips/four total trips per month for service after construction
Lighting	Residential	Tower lighting
Hours of Operation	N/A	24 hours per day

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

ENVIRONMENTAL ANALYSIS:

Initial Study No. 7611 was prepared for the project by County staff in conformance with the provisions 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 9.

Notice of Intent of Mitigated Negative Declaration publication date: September 9, 2019

PUBLIC NOTICE:

Notices were sent to 7 property owners within 1,320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

An Unclassified Conditional Use Permit may be approved only if four 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 CUP Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission's action.

BACKGROUND INFORMATION:

The proposal entails the construction of an unmanned wireless telecommunications facility consisting of a 150-foot lattice tower, and related antennas and equipment. The project will be built on a 40-foot by 50-foot fenced portion of a 1.45-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The Applicant intends to replace the existing tower approximately 1,688 feet south of the proposed tower to maintain the coverage needs of the carriers installed on the existing tower. The existing tower will be decommissioned and removed upon construction of the new wireless facility.

On March 4, 1972, the Fresno County Parcel Map Ordinance went into effect requiring a mapping procedure be completed for the subdivision of land into four or less parcels. Prior to

the implementation of the Parcel Map Ordinance, a parcel of any size and dimension could be created through the recordation of a deed. However, parcels created in such a manner were still subject to the development standards prescribed by the Zoning Ordinance. The subject parcel is in the same configuration as shown on the 1971-72 Assessor Map Rolls. This indicates that the parcel was created prior to the Parcel Map Ordinance coming into effect.

On June 8, 1960, the Fresno County Zoning Ordinance was adopted by the Board of Supervisors and the subject parcel was initially zoned Interim R-A (Single-Family Residential Agricultural, 36,000 square-foot minimum parcel size). Amendment Application No. 2870, pursued by the County of Fresno, was approved by the Board of Supervisors on August 31, 1976. Amendment Application No. 2870 (AA No. 2870) rezoned the subject parcel from the Interim R-A (Single-Family Residential Agricultural, 36,000 square-foot minimum parcel size) Zone District to an AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

Building permit records indicate the presence of two residences, a detached garage, and an animal cover. Additional structures on the property shown in the site plan have been determined to be pre-1958 structures and not subject to building permits. According to the California Building Code, structures 120 square feet or under, and used for storage purposes, are not subject to building permits. Therefore, is has been determined that the additional structures meet either requirement and are not subject to building permits.

<u>Finding 1</u>: 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	AE-20 Zone District Front: 35 feet Side: 20 feet Rear: 20 feet	Front: Approximately 347 feet Side: Approximately 30 feet Rear: Approximately 20 feet	Y
Parking	No requirement	No change	Y
Lot Coverage	No requirement	No change	Y
Space Between Buildings	No animal or fowl pen, coop, stable, barn or corral within 40 feet of any dwelling or other building used for human habitation	Proposal not used for human habitation	Y
Wall Requirements	No requirement	No change	Y
Septic Replacement Area	100 percent replacement	No change	Y
Water Well Separation	Septic Tank: 100 feet	No new septic system proposed	Y

Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Disposal Field: 100 feet		
Seepage Pit: 150 feet		

Reviewing Agency/Department Comments Regarding Site Adequacy:

Building and Safety Section of the Fresno County Department of Public Works and Planning: Plans, permits, and inspections will be required for all on-site improvements. **This shall be included as a Project Note.**

Mapping Section of the Fresno County Department of Public Works and Planning: Prior to site development, all survey monumentation – Property Corners, Centerline Monumentation, Section Corners, County Benchmarks, Federal Benchmarks and Triangulation Stations, etc. – within the subject area shall be preserved in accordance with Section 8771 of the Professional Land Surveyors Act and Section 6730.2 of the Professional Engineers Act. **This shall be included as a Project Note.**

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

Analysis:

Staff review of the submitted site plan shows that the proposed 40-foot by 50-foot fenced area will be located in the southwest corner of the subject 1.45-acre parcel. The 150-foot lattice tower will be located outside of setbacks established by the AE-20 Zone District. Based on the conducted analysis, staff believes that the project site is adequate in shape and size to accommodate the proposed use.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 1 can be made.

<u>Finding 2</u>: 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	An existing on-site access road	The existing access road will be improved with a 12-foot-wide access easement to access the project site.

		Existing Conditions	Proposed Operation
Public Road Frontage	No	The subject parcel fronts Elm Avenue, a County-maintained road.	The project site does not directly front Elm Avenue and will utilize an existing access road and proposed access easement.
Direct Access to Public Road	Yes	An existing access road and driveway provide access to Elm Avenue.	Existing access road and proposed access easement will be utilized for access to Elm Avenue.
Road ADT		900 ADT	No change
Road Classification		Local Road	No change
Road Width		60 feet	No change
Road Surface		Paved asphalt	No change
Traffic Trips		Residential	2 round trips; 4 one-way trips per month
Traffic Impact Study (TIS) Prepared	No	N/A	No significant increase in traffic expected
Road Improvements Required		N/A	None required.

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

Development Engineering Section of the Fresno County Department of Public Works and Planning: Elm Avenue is classified as a Local road with an existing 30-foot right-of-way west of the section line along the parcel frontage, per Plat Book. The minimum width for a Local road right-of-way south of the section line is 30 feet.

Elm Avenue is a County-maintained road. Records indicate this section of Elm, from Clarkson to Highway 41, has an ADT of 900, pavement width of 25 feet, structural section of 0.5 AC, and is in fair condition.

If not already present, 10' x 10' corner cutoffs should be improved for sight distance purposes at the existing driveway onto Elm Avenue. **This shall be included as a Project Note.**

According to FEMA, FIRM Panel the parcel is not subject to flooding from the 100-year storm.

According to U.S.G.S. Quad Maps, there are no existing natural drainage channels traversing the subject parcel.

A grading voucher is required. This shall be included as a Project Note.

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

Analysis:

Per the Applicant's Operational Statement, they estimate that the unmanned wireless telecommunications facility will require at least two maintenance trips a month. This indicates a total of four one-way traffic trips a month. The Applicant also indicates that the purpose of this project is to replace an existing tower that is on a different parcel, but is located in close proximity to the project site. The existing tower is located on Elkhorn Avenue, and it can be assumed that the existing tower produces the same amount of traffic trips as the proposed replacement tower. The proposed project will redistribute trips to Elm Avenue, but will not significantly increase traffic above current conditions. Based on this information, staff believes that Finding 2 can be made.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 2 can be made.

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

Surrou	Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:	
North	37.74 acres	Orchard	AE-20	1,590 feet northeast	
South	37.74 acres	Orchard	AE-20	520 feet south	
East	36.81 acres	Southwest Transportation Agency	AE-20 and AE-40	N/A	
West	37.74 acres	Orchard	AE-20	N/A	

Reviewing Agency/Department Comments:

Fresno County Department of Agriculture: The amount of acres lost to the project are minimal and would not have a significant impact to the overall agricultural production.

The Applicant should acknowledge the Fresno County Right-to-Farm Notice. Fresno County Right-to Farm-Notice: "It is the declared policy of Fresno County to preserve, protect, and encourage development of its agricultural land and industries for the production of food and other agricultural products. Residents of property in or near agricultural districts should be prepared to accept the inconveniencies and discomfort associated with normal farm activities." Consistent with this policy, California Civil Code 3482.5 (right-to-farm law) provides that an

agricultural pursuit, as defined, maintained for commercial uses shall not become a nuisance due to a changed condition in a locality after such agricultural pursuit has been in operation for three years." This shall be included as a Condition of Approval.

Fresno County Department of Public Health, Environmental Health Division: Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95. The default State reporting thresholds that apply are: \geq 55 gallons (liquids), \geq 500 pounds (solids), \geq 200 cubic feet (gases), or at the threshold planning quantity for extremely hazardous substances. This shall be included as a Project Note.

All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. This Division discusses proper labeling, storage and handling of hazardous wastes. **This shall be included as a Project Note.**

The proposed construction has the potential to expose residents to short-term elevated noise levels. Considerations should be given to the County of Fresno Noise Ordinance Code. This shall be included as a Project Note.

Fresno County Fire Protection District: The project shall comply with California Code of Regulations Title 24 – Fire Code. Prior to receiving Fresno County Fire Protection District (FCFPD) conditions of approval, the Applicant must submit construction plans to the Fresno County Department of Public Works and Planning for review. It is the Applicant's responsibility to deliver a minimum of three sets of plans to FCFPD. **This shall be included as a Project Note.**

Project/Development, including Single-Family Residential (SFR) property of three of more lots, Multi-Family Residential (MFR) property, Commercial property, Industrial property, and/or Office property, shall annex into Community Facilities District No. 2010-01 of the Fresno County Fire Protection District. **This shall be included as a Project Note.**

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. This shall be included as a **Project Note.**

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

Analysis:

The project site is located in an agricultural area. The subject parcel is zoned for agricultural, but is utilized mainly for single-family residential purposes. The subject 1.45-acre parcel is surrounded by a 37.74-acre parcel to the north, west and south and is actively farmed. The eastern parcel contains the Southwest Transportation Agency. The proposed lattice tower will be similar to the existing lattice tower. Ground equipment will be screened from public view, as the project site is located towards the rear of the subject property and various structures are orientated to break line of sight to the project area. Additionally, the subject parcel is surrounded by orchards that further screen the use. Staff believes that aesthetic impacts are limited, as there is an existing tower that will be decommissioned if the proposed project is

approved, and the project location will be properly screened by existing buildings and orchards from the surrounding agricultural operations.

Mitigation Measures discussed in the Initial Study prepared for the project address the potential installation of outdoor lights. In the even that outdoor lighting is installed, a Mitigation Measure has been implemented that all outdoor lighting shall be hooded and directed downward so as not to shine on public roads or surrounding properties.

The Department of Agriculture, Department of Public Health, and the Fresno County Fire Protection District have reviewed the project and provided requirements that further reduce the potential of adverse effects that the project could have on abutting properties and the surrounding agricultural community.

Due to the height of the proposed tower and proximity to Lemoore Naval Air Station, a Condition of Approval has been added requiring the Applicant to file and receive approval of the tower by the Federal Aviation Administration (FAA) prior to obtaining permits for the construction of the tower.

Based on the above information, staff believes the proposal will not have an adverse effect upon surrounding properties.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Finding 3 can be made.

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

Relevant Policies:	Consistency/Considerations:
General Plan Policy LU-A.3: The	In regard to Policy LU-A.3, the subject proposal
County may allow by discretionary	is allowed in Agricultural areas, subject to an
permit in areas designated as	Unclassified Conditional Use Permit.
Agricultural, special agricultural uses	
and agriculturally-related activities,	In regard to Policy LU-A.3.a, the proposal will
including value-added processing	maintain wireless coverage for the surrounding
facilities, and certain non-agricultural	agricultural community, as an existing wireless
uses. Approval of these and similar	communications tower in the vicinity is set to be
uses in areas designated as Agricultural	decommissioned and removed. As wireless
shall be subject to the following criteria:	telecommunications coverage is based on the
	location of the tower and associated equipment,
Policy LU-A.3.a: The use shall provide a	the project cannot be located more efficiently in
needed service to the surrounding	an urban area.
agricultural area which cannot be	
provided more efficiently within urban	In regard to Policy LU-A.3.b, the subject parcel is
areas or which requires location in a	utilized for residential purposes and is not
non-urban area because of unusual site	actively farmed.
requirements or operational	
characteristics.	In regard to Policy LU-A.3.c, the project is
	proposing an unmanned facility and will not

Relevant Policies:	Consistency/Considerations:
Policy LU-A.3.b: The use should not be sited on productive agricultural lands if	require the use of water resources to operate. Therefore, the project will not have a detrimental
less productive land is available in the vicinity.	impact on water resources.
Policy LU-A.3.c: The operational or physical characteristics of the use shall not have a detrimental impact on water resources or the use or management of surrounding properties within a least one quarter (1/4)-mile radius. Policy LU-A.3.d: A probable workforce should be located nearby or be readily available.	In regard to Policy LU-A.3.d, the project site is located approximately 3.36 miles southeast of the unincorporated community of Caruthers. Additionally, the project site is located near Highway 41, which provides efficient access from larger population areas.
General Plan Policy PF-J.4: The County shall require compliance with the Wireless Communications Guidelines for siting of communication towers in unincorporated areas of the County.	Applicants are required to submit evidence regarding alternative sites being considered for colocation opportunities and evidence of due diligence on negotiating for colocation. Additional guidelines are related to placement and aesthetics of the tower.
	The Applicant has submitted an Alternative Site Analysis and explanation for the new tower. An old tower is set to be decommissioned and removed and the Applicants would like to replace the tower on a nearby property to ensure coverage throughout the area. The Alternative Site Analysis also stated that the only other available tower in the vicinity that would meet coverage needs is a guyed wire tower, and the Applicant has concerns regarding structural issues for colocating additional equipment. The proposed tower will be located on a residential parcel and located at the rear (southwest edge) of the property, minimizing aesthetic impacts. After staff review of the design and Alternative Site Analysis, it has been determined that sufficient evidence has been presented to be consistent with the County of Fresno Wireless
	Communications Guidelines, and therefore be consistent with General Plan Policy PF-J.4.

Reviewing Agency Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: The subject parcel is designated as Agricultural in the Fresno County General Plan and is not enrolled in the Williamson Act program.

No other comments specific to General Plan Policy were expressed by reviewing Agencies or Departments.

Analysis:

General Plan Policy PF-J.4 requires compliance with the Wireless Communications Guidelines, which address several concerns related to the development of cell towers, including site placement, colocation opportunities, and alternative site locations. The Applicant indicates that the proposal will maintain coverage for the area, as an existing tower is set to be decommissioned and removed. County records indicate that there are seven approved cell towers located within a five-mile radius of the project site. This count includes the aforementioned tower that is set to be decommissioned. As a Condition of Approval, the Applicant will be required to obtain and finalize a demolition permit for the existing tower that is set to be decommissioned wireless telecommunications facility.

Fresno County Wireless Communication Guidelines require that towers should be sited to minimize aesthetic impact to adjacent properties. Based on the submitted site plans, the proposed tower is set back approximately 347 feet from the front property line, approximately 30 feet from the closest side property line, and approximately 20 feet from the rear property line. Existing buildings and surrounding orchards will screen ground equipment from the public right-of-way.

Based on the prepared Alternative Site Analysis, the colocation opportunities for the existing equipment would not meet the needs of the Applicant and carrier, as coverage is being provided from the existing tower. With the decommissioning of the existing tower, the Applicant has proposed another site that would maintain coverage. Colocation opportunities for this site is shown on the Site Plan and Elevations of the project, and a Condition of Approval will be implemented to provide colocation opportunities for other carriers.

Based on the above analysis, staff believes that the proposed project is consistent with the General Plan and County Wireless Communications Guidelines.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Finding 4 can be made.

PUBLIC COMMENT:

None.

CONCLUSION:

Based on the factors cited in the analysis, staff believes the required Findings for granting the Unclassified Conditional Use Permit can be made. Staff therefore recommends approval of Unclassified Conditional Use Permit No. 3648, subject to the recommended Conditions and Project Notes.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7611; and
- Move to determine the required Findings can be made and move to approve Unclassified Conditional Use Permit No. 3648, subject to the Mitigation Measures, Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Denial Action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Unclassified Conditional Use Permit No. 3648; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Mitigation Measures, Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

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	Initial Stud	Mitigation Monitoring and Reporting y Application No. 7611/Unclassified Conditional L (Including Conditions of Approval and Pi	Program Jse Permit App roject Notes)	lication No. 3648	
		Mitigation Measures			
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
	Aesthetics	All outdoor lighting shall be hooded and directed downward so as not to shine on adjacent properties or public right-of- way.	Applicant	Applicant/Department of Public Works and Planning (PW&P)	Ongoing
2	Cultural Resources/ Tribal Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PW &P	During ground- disturbing activities
ω	Energy	The idling of on-site vehicles and equipment will be avoided to the most possible extent to avoid wasteful or inefficient energy consumption during the construction of the project.	Applicant	Applicant/PW&P	During construction activities
		Conditions of Approval			
1.	Development by the Comm	of the property shall be in accordance with the Site Plan, Flooc ission.	d Plan, Elevations, a	and Operational Stateme	nt approved
<u> </u>	The approval related faciliti shall be recor	shall expire in the event that use of the tower ceases for a perines shall be removed and the lease area shall be restored as ne ded as an Agreement.	od in excess of two arly as practical to i	years. At such time, the its original condition. Thi:	tower and s stipulation
	Note: This D	epartment will prepare the Agreement upon receipt of the stand	lard processing fee,	which is currently \$243.	50.
Ω	The Applican located on AF telecommunio	t must apply for and receive a demolition permit, and acquire fir N: 042-200-35S prior to finalization of the building permits asso cations facility.	nal inspection of the ociated with the pro	demolition of the existing posed unmanned wireles	g tower ss

The proposed construction has the potential to expose residents to short-term elevated noise levels. Considerations should be given to the County of Fresno Noise Ordinance Code.	7.
All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. This Division discusses proper labeling, storage and handling of hazardous wastes.	<u>රි</u>
Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95. The default State reporting thresholds that apply are: ≥55 gallons (liquids), ≥500 pounds (solids), ≥200 cubic feet (gases), or at the threshold planning quantity for extremely hazardous substances.	បា
A grading voucher is required.	4.
If not already present, 10' x 10' corner cutoffs should be improved for sight distance purposes at the existing driveway onto Elm Avenue.	ယ
Prior to site development, all survey monumentation – Property Corners, Centerline Monumentation, Section Corners, County Benchmarks, Federal Benchmarks, and Triangulation Stations, etc. – within the subject area shall be preserved in accordance with Section 8771 of the Professional Land Surveyors Act and Section 6730.2 of the Professional Engineers Act.	2
Plans, permits, and inspections will be required for all on-site improvements.	
tes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	The following No
Notes	
RE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. I reference recommended Conditions for the project.	MITIGATION MEASU Conditions of Approva
Note: This Department will prepare the Covenant upon receipt of the standard processing fee, which is currently \$243.50.	
Prior to the issuance of a building permit, the Applicant shall enter into a Covenant acknowledging the Fresno County Right-to- Farm Notice. Fresno County Right-to-Farm Notice: "It is the declared policy of Fresno County to preserve, protect, and encourage development of its agricultural land and industries for the production of food and other agricultural products. Residents of property in or near agricultural district should be prepared to accept the inconveniences and discomfort associated with normal farm activities." Consistent with this policy, California Civil Code 3482.5 (right-to-farm law) provides that an agricultural pursuit, as defined, maintained for commercial uses shall not become a nuisance due to a changed condition in a locality after such agricultural pursuit has been in operation for three years.	م
Prior to the issuance of a building permit, the Applicant shall obtain Federal Aviation Administration (FAA) approval of the tower.	5
Prior to the issuance of permits, evidence shall be submitted showing provisions have been made to accommodate colocation, such as provision for colocation in a signed lease agreement and additional area within the lease area for colocation of equipment, or other information that demonstrates the facility shall make itself available for colocation.	4.

10.	9	<u>8</u>	
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.	Project/Development, including Single-Family Residential (SFR) property of three or more lots, Multi-Family Residential (MFR) property, Commercial property, Industrial property, and/or Office property, shall annex into Community Facilities District No. 2010-01 of the Fresno County Fire Protection District.	The project shall comply with California Code of Regulations Title 24 – Fire Code. Prior to receiving Fresno County Fire Protection District (FCFPD) conditions of approval, the Applicant must submit construction plans to the Fresno County Department of Public Works and Planning for review. It is the Applicant's responsibility to deliver a minimum of three sets of plans to FCFPD.	Notes

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EXHIBIT 4





EXHIBIT 6

SHEET NUMBER:	LICENSER:	CONSULTANT: BEACON DEVELOPMENT, LLC BARWS COURT SUITE M LIVERMORE, CA 94551 CONSULTANT: BEACON DEVELOPMENT, LLC BEACON DEVELOPMENT, LLC DRAWN RY: CHK - APV -	REV:::DATE:::::::::::::::::::::::::::::::::
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GENERAL CONSTRUCTION NOTES

- PLANS ARE INTENDED TO BE DIAGRAMMATIC OUTLINE ONLY, UNLESS OTHERWISE. THE WORK SHALL INCLUDE FURNISHING MATERIALS, EQUIPMENT, APPURTENANCES AND LABOR NECESSARY TO COMPLETE ALL INSTALLATIONS AS INDICATED ON THE DRAWINGS.
- THE CONTRACTOR SHALL OBTAIN IN WRITING, AUTHORIZATION TO PROCEED BEFORE STARTING WORK ON ANY ITEM NOT CLEARLY DEFINED OR IDENTIFIED BY THE CONTRACT DOCUMENTS.
- CONTRACTOR SHALL CONTACT USA (UNDERGROUND SERVICE ALERT) AT (800) 227-2600. FOR UTILITY LOCATIONS, 48 HOURS BEFORE PROCEEDING WITH ANY EXCAVATION, SITE WORK OR CONSTRUCTION.
- THE CONTRACTOR SHALL INSTALL ALL EQUIPMENT AND MATERIALS IN ACCORDANCE WITH MANUFACTURERS RECOMMENDATIONS UNLESS SPECIFICALLY INDICATED OTHERWISE. OR WHERE LOCAL CODES OR REGULATIONS TAKE PRECEDENCE.
- ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CBC / UBCS REQUIREMENT RECARDING EARTHOUNKE RESSTANCE. FOR, BUT NOT LIMITED TO, PRING, LIGHT FRITURS, CELLING GRID, INTERIOR FARTITIONS, AND MECHANICAL EQUIPMENT, ALL WORK MUST COMPLY WITH LOCAL EARTHOUNKE CODE AND REGULTIONS.
- REPRESENTATIONS OF TRUE NORTH, OTHER THAN THOSE FOUND ON THE PLOT OF SURVEY DRAWINGS, SHALL NOT BE USED TO IDENTIFY OR RESTABLISH BE-ARING OF TRUE NORTH AT THE STE. THE CONTRACTOR SHALL BELY SOLELY ON THE FUED TO PS SURVEY DRAWING AND ANY SURVEYORS MARKINGS AT THE STE FOR THE SETABLISHMENT OF TRUE NORTH, AND SHALL BELY SOLELY ON THE FUED TO SURVEY DRAWING AND DAY SURVEYORS MARKINGS AT THE STE FOR THE SETABLISHMENT OF TRUE NORTH, AND SHALL MOTIFY THE ACCHIECT / ENGINEER PROR TO PROCEEDING WITH THE WORK FOR DISCREPANCY IS FOUND BETWEEN THE VARIOUS ELEMENTS OF THE WORKING DRAWINGS AND THE THE NORTH ORBITATION AS DEPICTED ON THE CAVIL SURVEY. THE CONTRACTOR SHALL ASSUME SOLE LIABUITY FOR ANY FAILURE TO NOTIFY THE ARCHIECT / ENGINEER CAVIL SURVEY. THE CONTRACTOR SHALL ASSUME SOLE LIABUITY FOR ANY FAILURE TO NOTIFY THE ARCHIECT FOR SURVEY. THE BUILDING DEFARINENT ISSUES OLE LIABUITY FOR ANY FAILURE TO NOTIFY THE ARCHIECT THE ACCHIECT FOR SURVEY. THE SURVEY. THE CONTRACTOR STALL ASSUME SOLE LIABUITY FOR ANY FAILURE TO NOTIFY THE ARCHIECT FOR SURVEY. THE SURVEY. THE CONTRACTOR THE FORMITS SHALL BE NOTIFY DRAWEN AND THE ARCHIECT FOR THE ARCHIECT FOR ANY FAILURE TO NOTIFY THE ARCHIECT FOR THE FORMER.
- CEREANCY IS FOUND BETWEEN THE VARIOUS ELEMENTS OF THE WORKING DRAWN I'L SURVEY. THE CONTRACTOR SHALL ASSUME SOLE LUBLITY FOR ANY FALLURE TO I SUILING DEPARTMENT SSUING THE FERMITS SHALL BE NOTIFIED AT LEAST TWO IN ERWISE STIPULATED BY THE CODE ENFORCEMENT OFFICIAL HAVING, JURSDICTION
- DO NOT EXCAVATE OR DISTURB BEYOND THE PROPERTY LINES OR LEASE LINES, UNLESS OTHERWISE NOTED.
- ALL EXSING UNITES, FACUITES, CONDITIONS, AND HER DIMENSIONS SHOWN ON THE PLANT HAVE BEEN PLOTED FROM AVAILABLE RECORD. THE ACCHTECT / BRACHER AND THE OWNER ASSUMEND SENDOWABLEW MAXDEVER AS TO THE SUFFICIENCY OF DIFFE. INFORMATION SHOWN ON THE PLANS, OR THE MANNER OF THER REMOVAL OF ADJUSTMENT CONSTRUCTION. CONTRACTORS SHALL ASSO OFFIN PERSMANNES EACH TOCATION OF ALL EXSTINCT UTITES AND ACCHTER REMOVAL OF ADJUSTMENT CONSTRUCTION. CONTRACTORS SHALL ASSO OFFIN PERSMANNES EACH UTILTY COMFANY DETAILED INFORMATION RELATIVE TO WORKING SCHEDUES AND METHODS OR REMOVING OR ADJUSTING EXSTING PROME EACH UTILTY COMFANY DETAILED INFORMATION RELATIVE TO WORKING SCHEDUES AND METHODS OR REMOVING OR ADJUSTING EXSTING
- ē CONTRACTOR SHALL VERIFY ALL EXISTING UTILITIES, BOTH HORIZONTAL AND VERIFICALLY, PRIOR TO THE START OF CONSTRUCTION, ANY DISCREPANCIES OR DOUBLY AS TO THE INTERNETION OF THE PLANS SHOULD BE IMMEDIATELY REPORTED TO THE ARCHITECT / SHORERER FOR RESOLUTION AND INSTRUCTIONA, AND NO FURTHE WORK SHALL BE PERFORMED WITI. THE DISCREPANCY IS OHERCET AND CORRECTED BY THE ARCHITECT / ENGINEER, FAILURE TO SECURE SUCH INSTRUCTIONS MEANS CONTRACTOR WILL HAVE WORKED AT HIS/HER OWN RISK AND EXPENSE.
- п. ALL NEW AND EXSTING UTILITY STRUCTURES ON SITE AND IN AREAS TO BE DISTURBED BY CONSTRUCTION SHALL BE ADJUSTED TO FINSH ELEVATIONS PRIOR TO FINAL INSPECTION OF WORK.
- 12. ANY DRAW AND / OR FELD THE ENCOUNTEED / DISTUREED DIRING CONSTRUCTIONS SHALL BE RELINRED TO TRO ORGANAL CONDITION PROOT TO CONFERION OR WORK: SIZE, LOCATIONS: AND TIFE OR ANY UNDERGROUND JITLINES OR IMPROVEMENTS SHALL BE ACCURED: AND PLACED ON "AS-BUILT" DRAWINGS BY GENERAL CONTRACTOR. AND SSUED TO THE ARCHITECT / ENGINEER AT COMPLETION OF PROJECT.
- 13. ALL TEMPORARY EXCAVATIONS FOR THE INSTALLATION OF FOUNDATIONS, UTILITIES, ETC... SHALL BE PROPERLY LAD BACK OR BRACED IN ACCORDANCE WITH CORRECT OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) REQUIREMENTS.
- 14. INCLUDE MISC. ITEMS PER CROWN CASTLE SPECIFICATIONS.

GENERAL NOTES FOR EXISTING CELL SITES

- PROP TO THE SUBMASSION OF BIDS THE BIDDING SUBCONTRACTOR SHALL VISIT THE CELL SITE TO FAMILIARZE WITH THE EXISTING CONDITIONS AND TO CONFIRM THAT THE WORK CAN BE ACCOMPLISHED AS SHOWN ON THE CONSTRUCTION DRAWINGS. ANY DISCREPANCY FOUND SHALL BE BROUGHT TO THE ATTENTION OF CONTRACTOR.
- SUSCONTRACTOR SHALL VEREY ALL EXEMPLE DIMENSIONS AND CONDITIONS PROR TO COMMENCING ANY WORK ALL DIMENSIONS OF EXEMING CONSTRUCTION SHOWN ON THE DARAMING MAIST BE VERIFIED. SUBCONTRACTOR SHALL NOTIFY THE CONTRACTOR OF ANY DISCREPANCIES PROR TO ORDERING MATERIALS OR PROCEEDING WITH CONTRUCTION.
- THE EXSTING CELL SITE SI N FULL COMMERCIAL OPERATION, ANY CONSTRUCTION WORK BY SUBCONTRACTOR SHALL NOT DISPLIPT THE EXSTING NORMAL OPERATION ANY WORK ON EXISTING GUIPHART MURT BE COORDINATED WITH CONTRACTOR. ALSO WORK SHOULD BE SCHEDULED FOR AN APPROPRIATE MAINTENANCE WINDOW USUALLY IN LOW TRAFFIC PERIODS AFTER MIDNIGHT.
- SINCE THE CELLSITE BACTIVE. ALL SAFETY RECAUTIONS MUST BETAKEN WHEN WORKING AROUND HIGH LEVELS OF ELECTROMAGNETIC AND ATOM EQUIPMENT SHOULD BE SHUTDOWN PRIOR TO PREPONNING ANY WORK THAT COULD BROSE THE WORKERS TO DANGER. PERSONAL RF EPOSURE MONITORS ARE ADVISED TO BE WORN TO ALERT OF ANY DANGEROUS EXPOSURE LEVELS.
- SUBCONTRACTOR SHALL DETERMINE ACTUAL ROUTING OF CONDUIT, FOWER AND TI CALES, GROUNDING CALES AS HOWN ON THE FOWER, GROUNDING AND ELICOP FAN DRAWINGS SUBCONTRACTOR SHALL UTULE BERTING TRAYS AND/OR SHALL ADD NEW TRAYS AS NECESSARY, SUBCONTRACTOR SHALL CONFIRM THE ACTUAL ROUTING WITH THE CONTRACTOR.
- SUBCONTRACTOR SHALL LEGALLY AND PROPERLY DISPOSE OF ALL SCRAP MATERIALS SUCH AS COAXIAL CABLES AND OTHER TEMS REMOVED FROM THE EXISTING FACILITY, ANTENNAS REMOVED SHALL BE RETURNED TO THE OWNER'S DESIGNATED LOCATION.

APPLICABLE CODES, REGULATIONS AND STANDARDS

SUBCONTRACTOR'S WORK SHALL COMPLY WITH ALL APPLICABLE NATIONAL, STATE AND LOCAL CODES AS ADOPTED BY THE LOCAL AUTHORITY HAVING JURISDICTION (AHJ) FOR THE LOCATION.

THE EDITION OF THE AHJ ADOPTED CODES AND STANDARDS IN EFFECT ON THE DATE OF CONTRACT AWARD SHALL GOVERN THE DESIGN.

SUBCONTRACTOR'S WORK SHALL COMPLY WITH THE LATEST EDITION OF THE FOLLOWING STANDARDS:

- AMERCAN CONCRETE INSTITUTE (ACI) 218, BUILDING CODE REQUIREMENTS FOR STRUCTIONAL CONCRETE AMERCAN INSTITUTE OF STEEL CONSTRUCTION (ASC), MANUAL OF STEEL CONSTRUCTION ASD. NINTH EDITON TELECOMMUNICATIONS INDUSTRY, SISSOCATION (IN) 222-6, STRUCTURAL SIANDARD FOR STRUCTURAL ANTENIA AND ANTENIA SUPPORTING STRUCTURES. INSTITUTE FOR ELECTRICAL AND ELECTRONICS ENGINEER (IEEE) 81, GUIDE FOR MEASURING EARTH RESISTIVIT, GROUND IMPEDANCE. AND EARTH SISTINUTE FOR ELECTRICAL. AND ELECTRONICS ENGINEER (IEEE) 81, GUIDE FOR MEASURING EARTH RESISTIVIT, GROUND IMPEDANCE. AND EARTH SISTINUTE FOR ELECTRICAL. AND ELECTRONICS ENGINEER (IEEE) 81, GUIDE FOR MEASURING EARTH RESISTIVIT, GROUND IMPEDANCE. AND EARTH SISTINUE FOR ELECTRICAL. AND ELECTRONICS ENGINEER (IEEE) 81, GUIDE FOR MEASURING EARTH RESISTIVIT, GROUND IMPEDANCE. AND EARTH SISTING FOR ENGINE

- IEEE C42.41, RECOMMENDED PRACTICES ON SURGE VOLTAGES IN LOW VOLTAGE AC POWER CIRCUITS (FOR LOCATION CATEGORY "C3" AND " HIGH SYSTEM EXPOSURE")

TIA 607 COMMERCIAL BUILDING GROUNDING AND BONDING REQUIREMENTS FOR TELECOMMUNICATIONS TELCORDIA GR-63 NETWORK TELORIDA GR-1253 CONTRAL OFFICE POWER WIRDECTION TELCORDIA GR-1253 CONTRAL OFFICE POWER WIRDER TELCORDIA GR-1253 CONTAL CABLE CONNECTIONS

ANY AND ALL OTHER LOCAL & STATE LAWS AND REGULATIONS

FOR ANY CONFLICTS BETWEEN SECTIONS OF USTED CODES, AND STANDARDS, BECARDING MATERIAL, METHODS OF CONSTRUCTION, OR OTHER BEQUIERMENTS, THE MOST RESTRUCTIVE SHALL GOVERN, WHERE THERE IS CONFLICT BETWEEN A GENERAL REQUIREMENT AND A SPECIFIC REQUIREMENT, THE SPECIFIC REQUIREMENT SHALL GOVERN.

GENERAL TRENCHING NOTES

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- MANTAIN 47 MINMUM COVER FOR ALL ELECTRICAL CONDUITS MANTAIN 47 MINMUM COVER FOR ALL ELECTRICAL CONDUITS MANTAIN 37 MINMUM COVER FOR ALL FLECOMMUNICATIONS CONDUTS REQUIRED. MINMUM 1' SAND SHADING BELOW CONDUTS, AND 6' COVERING ON TOP OF CONDUITS REQUIRED. MINMUM 1' SAND SHADING BELOW CONDUTS, AND 6' COVERING ON TOP OF CONDUITS REQUIRED. MIL ELECTRICAL CONDUITS FROM FOWER COMPARY FROM ANY FOLE. TRANSFORMER OR OTHER LOCATIONS ML ELECTRICAL CONDUITS FROM FOWER COMPARY FROM ANY FOLE. TRANSFORMER OR OTHER LOCATIONS ML ELES LURREY FOR GRADE AND DILL 2004 POR COMPARY ON MATTE SOLL FOR BALANCE. IN DIFFILIREY 1F FOM GRADE AND FILL 5955, COMPARY ON MATTE SOLL FOR BALANCE. IN DIFFILIREY 1F FOM GRADE AND FILL 5955, COMPARY ON MATTE SOLL FOR BALANCE.

GENERAL GROUNDING NOTES

- 5/8" x 8" ROD, CAD WELD BELOW GRADE. GROUND INSTED AT 5 OHMS OR LESS. #5 GROUND AND BOND WRE. #5 GROUND 3" FROM ROLE. PIACE 3 # 10 GA MERE FROM IESCO BREAKER TO PBMD OR STRONG BOX. WOOD MOULDING, STAPLED EVERY 3" AND AT EACH END.

GENERAL CONDUIT NOTES

- ALL CONDUITS WILL BE MANDREED AND EQUIPED WITH 3/8" PULL ROPE. SCHEDULE 40 CONDUIT FOR INDEGRACUND USE. SCHEDULE 80 CONDUIT FOR INSEE USE. Z'GALVANIZED STEEL CONDUIT FOR NAY CONDUIT UNDER 3", STUB UP 10" THEN CONVERT TO SCHEDULE 80. CONVERT.4" CONDUIT TO A 3" FASE OF POLE. CONVERT.4" CONDUIT TO A 3" FASE OF FOLE.

TYPICAL R.O.W POLE CONSTRUCTION NOTES

- μ A W N -
- .10 CABLE NOT IMPEDE 15" CLEAR SPACE OFF POLE FACE. ALL CLMB STEPS NEXT TO CONDULT SHALL HAVE EXTRIDED STEPS. NO BOLT THREADS TO PROTRUDE MORE THAN 1.1.12" ALL HOLDS IN POLI EFF FROM RE-ARRANGEMENT OF CLIMBERS TO BE FILLED. ALL HOLDS IN THE ARRANGEMENT OF CLIMBERS TO BE FILLED. ALL HOLDS IN THE ARRANGEMENT OF CLIMBERS TO BE FILLED. ALL HOLDS IN THE ARRANGEMENT OF CLIMBERS TO BE FILLED. ARM (NO CASLE ON TOP OF CASH. ARRAN, ALL CABLES MUST TRANSITION ON THE INSIDE OR BOTTOM OF THE ARM (NO CASLE ON TOP OF CASH. CONNECTION FOR OMNI ANTENNAS. USE OF CONNECTOR AT CASLE CONNECTION FOR OMNI ANTENNAS. USE SPE CONNECTOR AT CASLE TO ARMS. FLACE 2" CROWN CASTLE CABLE I.D. TAGS ON BOTH SIDES OF ARMS.
- 9 œ 1/2" DIA, CABLE ON ANTENNAS UNLESS OTHERWISE SPECIFIED. CE GPS ON ARM OF SOUTHER SKY EXPOSURE AT MINIMUM 6" FROM TRANSMIT ANTENNA WHICH IS 24" AWAY
- 10 FROM CENTER OF POLE. FILL VOID AROUND CABLES AT CONDUIT OPENING WITH FOAM SEALANT TO PREVENT WATER INTRUSION.























DETAIL





SINGLE LINE DIAGRAM AND PANEL SCHEDULE	CABINET		 SERVICE GROUND WIRED CONNECTION TIMER SWITCH, WATERPROOF OUTDOOR LIGHT GFI OUTLET, WATERPROOF (N) NEMA 3R 600A 120/24G 3W SERVICE MAIN W/ DISCON 	
IGLE LINE DIAGRAM	(N) GET OUTLET (2)#12, #12 CND, 1/2" C (2)#12, #12 CND, 1/2" C (1) WATERPROOF (2)#12, #12 CND, 1/2" C (1) OUTDOOR LED LIGHT SWIVEL WOUNT, TYP OF 4	(3) 3/0 COPPER WIRE (3) 3/0 COPPER WIRE (4) 200 AMP INTERSECT W/ APPLETON PLUG INSIDE (N) VERIZON WIRELESS EQUIPMENT LEASE AREA	(E) NCOMING SERVICE SIZE PER UTULITY COMPANY (N) NEMA 3R 600A 1# BUSS GUTTER (N) NEMA 3R 600A 1# BUSS GUTTER (F) 200A SERVICE (F) 200A SERVICE (F) 200A SERVICE (F) 200A SERVICE (F) 200A SERVICE (F) 200A SERVICE	
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ELECTRIC NOTES

- M MECHANICAL INTERLINK



- KWH METER

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- GROUNDING

- A. POWER PLANT SHALL BE SUPPLIED BY THE WIRELESS CARRIER AS A PULL-TAG ITEM AND INSTALLED BY THE CONTRACTOR. B. CONDUCTORS SHALL NOT BE SMALLER THAN #12 AWG COPPER MIN, CONDUCTORS FOR BRANCH CIRCUITS SUPPLYING MORE THAN ONE APPLIANCE SHALL BE TO AWG CU MIN, CONTRACTOR SHALL SIZE CONDUCTORS BASED ON MFGR'S DATA FOR THE

- GROUNDING SHALL COMPLY WITH CEC ARTICLE 250.
 USE #2 COPPER STRANDED WIRE WITH GREEN COLOR INSULATION FOR ABOVE GRADE GROUNDING (UNLESS OTHERWISE SPECIFIED) AND #2 SOLID TINED BARE COPPER WIRE FOR BELOW GRADE GROUNDING AS INDICATED ON THE DRAWING.
 EXOTHERMIC WELDS SHALL BE USED FOR ALL GROUNDING CONNECTIONS BELOW GRADE.
 EXOTHERMIC WELDS SHALL BE USED FOR ALL GROUNDING CONNECTIONS BELOW COMPRESSION TYPE CONNECTIONS SHALL BE MADE WITH BURNDY HYGROUND COMPRESSION TYPE CONNECTIONS OR EXOTHERMIC WELDS AS SPECIFIED IN THE PLANS.
 CONNECTIONS TO EQUIPMENT SHALL BE MADE USING STAINLESS STEEL HARDWARE.
 APPLY BUTYL & ELECTRICAL TAPE OVER COLD SHRINK AT ALL LOCATIONS FOR WEATHER PROOFING OVER COXX GROUND KITS.
 CONNECTIONS TO EQUIPMENT SHALL BE MADE WITH TWO HOLE COMPRESSION TYPE COPPER LUGS WITH STAR WASHERS AND NO-OX OR EQUIVALENT PLACED BETWEEN CONNECTIONS TO GROUND BARS.
 ROUT & REOVINION GROUND BARS.
 ROUT AFROMING BAR.
 ROUT AFROMING BAR.
 ROHT ANGLES, ALWAYS MAKE A 12" RADIUS BEND, HOWEVER, #6 WIRE CAN BE BENT AT A 6" RADIUS WHEN NECESSARY.
 THE SYSTEM GROUND RESISTANCE MUST BE 10 OHNS OR LESS. TO ACHIEVE THIS LEVEL OF RESISTANCE THE CONTRACTOR SHALL PURSUE ONE OF THE FOLLOWING FOUR OPTIONS.
- A. CONNECT TO EXISTING GROUNDING SYSTEMS B. CONNECT TO BUILDING STEEL COLUMNS C. INSTALL A NEW GROUNDING SYSTEM

- VERIZON AT&T CROWN CAS CARRIE LOAI

NOTES

UPON COMPLETION OF THE GROUNDING INSTALLATION THE CONTRACTOR SHALL EMPLOY AN OWNER APPROVED 3RD PARTY TO CONDUCT A "FALL OF POTENTIAL" TEST AND SUBMIT A REPORT OF SUCH TEST FOR APPROVAL TO EITHER THE OWNER OR CONSTRUCTION MANAGER.

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For any complete requirements of listed codes and standards regarding material, methods of construction, or other requirements the most restrictive shall cover. Where there is complete between a seneral requirement and a specific requirement, the specific requirement shall covern.	 SUBCONTRACTOR'S WORK SHALL COMPLY WITH ALL APPLICABLE MITIONAL, STATE, AND LOCAL CODES AS ADOPTED BY THE LOCAL AUTHORITY HAVING JURSDICTION (ANJ) FOR THE LOCATION. THE EDTION OF THE ANJ ADOPTED CODES AND STANDARDS IN EFFECT ON THE DATE OF CONTRACT AWARD SHALL SUBCONTRACTOR'S WORK SHALL COMPLY WITH THE LATEST EDTION OF THE FOLLOWING STANDARDS: MERICAN CONCRETE INSTITUTE (ACI) 318, BUILDING CODE REDUREMENTS FOR STRUCTURAL CONCRETE AMERICAN INSTITUTE OF STEEL CONSTRUCTION (IN) 222-C, STRUCTURAL CONCRETE AMERICAN INSTITUTE OF STEEL CONSTRUCTION (IN) 222-C, STRUCTURAL CONCRETE AMERICAN INSTITUTE FOR ELECTRONICS ENGINEERIS (IEEE) 81, GUIDE FOR MEASURING EARTH RESISTINT. DISTRUCTURES INFORMATION OF A GROUND SYSTEM IEEE 1100 (1999) RECOMMENDED PRACTICE FOR POWERING ELECTROAL EQUIPMENT. ELECTROAL EQUIPMENT. IEEE CORACT, DECOMMENDED PRACTICES ON SURGE VOLTAGES IN LOW VOLTAGE AC FOWER CIRCUITS (FOR LOCATION GROUND MEDANCE. AND "HIGH SYSTEM EXPOSURE") TAR OCHMERCH. BUILDING GROUNDING AND BONDING REQUIREMENTS FOR TELECOMMUNICATIONS TELCORDIN ELCORDIN GR-337 CENTRAL OFFICE POWER WRING ELCORDIN GR-357 CENTRAL OFFICE CONNECTION ELCORDIN GR-357. STELM (NEBS): PHYSICAL PROTECTION ELCORDIN GR-357. STELMA OFFICE CONNECTIONS ELCORDIN GR-357. STELMA OFFICE CONNECTIONS ELCORDIN GR-357. STELMA OFFICE CONNECTIONS ANY AND ALL OTHER LICAL & STATE LAWS AND REGULATIONS 	 DENERAL CONSTRUCTION DECLARATION OF DE DAGRAMANTE OTILLE ONLY UNUSE NOTED OTHERNES. IN VIEW SINCE OTHERNES. IN VIEW S
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3 Rovina Lane Petaluma, CA 94952 T 415-529-8868 jason@beacondev.net

PROJECT PROPOSED LOCATION Crown Castle Telecommunication Facility 16629 S. Elm Avenue, Caruthers, CA 93609 Site Name: Iva Arthur (831105) APN: 042-200-06S

Nature of Request

Crown Castle seeks a Planning Department approval to build a new wireless telecommunication facility with a lattice tower at 16629 S. Elm Avenue, Caruthers, CA. The purpose of this facility would be to maintain coverage.

Property Description

The subject property is zoned AE-30 (Agricultural Exclusive) and is owned by Iva M Arthur, Trustee.

Project Description

This is an unmanned telecommunication facility consisting of the installation of a new 150' lattice tower, a 40' x 50' Crown Castle multi-carrier fenced compound consisting of the installation and operation of antennas and associated equipment. This project is located on private property and will continue to provide wireless coverage in the local community as the existing tower will be decommissioned. The installation will not adversely affect the surrounding area and will have no impact on traffic other than during construction activities, which take less than 30.

The proposal includes the following scope of work:

- New 150'-0" tall lattice tower.
- New 40'-0" x 50'-0" chain-link fence with barbed wire equipment enclosure.
- New electrical 400 meter with fused disconnect, intersect cable.
- 9 new antennas (3 per sector).
- 9 new radio remote radios (3 per sector).

Statement of Operations

This proposed facility will be to replace a currently operating wireless telecommunication facility that we be decommissioned upon construction of a "new" wireless facility to maintain cellular and emergency coverage in the area. This facility will be an unmanned facility operating 24 hours a day, 7 days per week, and 52 weeks per year. There will not be any employees as the facility is unmanned, entirely self-monitored and connects directly to a central office where sophisticated computers alert personnel to any equipment malfunction or breach of security. Upon completion of construction, fine-tuning of the facility may be necessary, meaning the site will be adjusted once or twice a month by a service technician for routine maintenance. Periodic testing and maintenance to keep the facility operational will require a service vehicle to access the property occasionally but no parking spaces will be required. No goods are sold on this facility location, materials to be used for construction are outlined in the zoning drawings included with the zoning package. This facility will

EXHIBIT 8

CCCROWN



3 Rovina Lane Petaluma, CA 94952 T 415-529-8868 jason@beacondev.net

not cause unsightly appearance in the area as it will be painted to jurisdictional requirements and will not have any solid or liquid waste as well as no requirement for additional water usage. There will be no advertising of the facility but there will be owner, safety, and required signing as set forth by the FCC and local jurisdiction. Two new small buildings will be added within the 100'x100' compound and fencing to house and protect sensitive equipment, fencing with barbed wire will encompass the 100'x100' lease area and tower as a security measure as well as lighting for the top and sides of the 280' lattice tower as required by the FAA and local jurisdiction.

Zoning Analysis

The site of the proposed facility is currently zoned AE-30 (Exclusive Agricultural District). Based on a Pre-App Meeting with Ms. Danielle Crider, of the Fresno County Planning Department, we have been instructed to submit for a Conditional Use Permit which would be taken into consideration by Fresno County staff.

<u>Alternative Sites Analysis</u>

As requested, Beacon Development has provided a separate document for submission to the County of Fresno which identifies all neighboring telecom facilities within roughly a (10+) mile radius. Please understand, even taking into account the topography in this particular area, most cellular systems can only transmit 3-5 miles, depending on a number of factors. Our analysis reflects a number of adjacent sites, most of which are over (8) miles away and would not provide coverage in our requested area coupled with the fact we are requesting to *replace* the tower on the adjacent property. Please note, during our pre-app meeting we discussed Ms. Danielle Crider and discussed the project and process, namely in our review of colocations, using another property with an existing tower would be preferred, but given there are no immediate towers, we need to reflect them on our supplemental report. With the above being said, please find an attached PowerPoint report which reflects our findings.

Compliance with Federal Regulations

Crown Castle (as the owner of the facility) will not only comply with all FCC rules governing construction requirements, technical standards, interference protection, power and height limitations, and radio frequency standards, but ensure our respective tenants do as well. In addition, the company will comply with all FAA rules on site location and operation. We have also provided an EMF Study which reflects our adherence to FCC guidelines for RF exposure.

Federal Regulations Applicable to This Application

Federal law and the FCC's rules implementing the law require that this permit application be processed to a final decision by this jurisdiction without delay. Specifically, because this application proposes to install new equipment on a new tower outside the public rights of way, this application must be approved or denied within one hundred fifty (150) days from its submission, today.¹

¹ In re Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B) to Ensure Timely Siting Review, Declaratory Ruling, 24 FCC Rcd. 13994 ¶¶ 32, 45-46 (2009) ("FCC Shot Clock Order"); In the matter of Acceleration of Broadband Deployment By Improving Wireless Facilities Siting Policies, Report and Order, FCC 14-153, WT Docket No. 13-238, ¶ 272 (FCC Oct. 21, 2014) ("Wireless Infrastructure Order") (clarifying that DAS nodes that involve installation of new poles trigger the 150 day shot clock).

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Moreover, pursuant to FCC regulations, this application is deemed complete 30 days after today, unless written notice is provided to the applicant.² If the application is incomplete, within the next 30 days written notice must be provided specifying any items missing to make the application complete.³ For each item missing, the written notice must specify the code provision, ordinance, application instruction, or otherwise publically-stated procedure that requires the submission of the information.⁴

The Telecommunications Act limits the authority of local jurisdictions by, among other restrictions, requiring approval within a reasonable period of time. In submitting this application, Crown Castle expressly reserves all of its Federal and State Rights, including, without limitation, its rights under federal and state law to challenge the requirement for a discretionary permit for its proposed installation. Neither the act of submitting the application nor anything contained therein shall be construed as a waiver of any such rights.

Please send all written requests for additional information regarding this application to:

Jason F. Osborne Beacon Development, LLC 3 Rovina Lane Petaluma, CA 94952 (415) 529-8868 mbl jason@beacondev.net



² Wireless Infrastructure Order at ¶ 257, 259.

³ Wireless Infrastructure Order at ¶ 259-260.



AR COUNA	Development	
	Services and	Operational Statement Checklist
	Capital Projects	
FDEST	Division	Department of Public Works and Planning
AD		

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. <u>Your Operational Statement must be typed or written in a</u> <u>legible manner on a separate sheet(s) of paper. Do not submit this checklist as</u> <u>your Operational Statement</u>. It should serve only as a guide for preparing a complete Statement.

<u>X</u>	1.	Nature of the operation-	-what do you pro	pose to do? Describe	in detail.
24/7	2.	Operational time limits: Months (if seasonal): Hours (fromto Special activities:) Frequency:	Days per wee Total hours p Hours:	ek: ber day: Are these indoors or outdoors?
0	3.	Number of customers or Average number per day:	r visitors: Maximu	ım number per dav:	Hours (when they will be there):
0	4.	Number of employees: Current:	Future:	Hours they work:	Do any live on-site as a caretaker?
<u>X</u>	5.	Service and delivery veh Number: 1 per Month	iicles: Type: Telecom	Frequency: <u>(2) Times</u>	-
<u>X</u> 6.	Access	to the site: Public Road:	Private Road: X	Surface:	Unpaved (dirt/gravel) / Paved:
0	7.	Number of parking spac Type of surfacing on parki	es for employees ng area.	s, customers, and serv	vice/delivery vehicles.
<u>N/A</u>	8.	Are any goods to be sole location?	d on-site? If so, a Explain.	are these goods growr	n or produced on-site or at some other
X	9.	What equipment is used	? If appropriate, p	rovide pictures or broch	ure. <u>*Hand tools</u>
N/A	10.	What supplies or materia	als are used and	how are they stored?	
<u>X</u>	11.	Does the use cause an u Noise? Glare? If so, explain how this will	Insightly appeara Dust? be reduced or elim	ance? *Telecom Tower Odor? ninated.	r
<u>N/A</u>	12.	List any solid or liquid w Estimated volume of waste How is it hauled, and whe	vastes to be produces: How an re is it disposed?	uced. d where is it stored? How often?	
N/A	13.	Estimated volume of wa	ter to be used (ga	allons per day). Source	e of water?
N/A	14.	Describe any proposed a	advertising inclu	ding size, appearance	, and placement.
<u>X</u>	15.	Will existing buildings b Describe type of construct * <u>Telecom Equipment</u>	e used or will nev tion materials, heig	w buildings be constru ght, color, etc. Provide F	ucted? Floor Plan and elevations, if appropriate.
N/A	16.	Explain which buildings	or what portion of	of buildings will be us	ed in the operation.
<u>X</u>	17.	Will any outdoor lighting Describe and indicate whe	g or an outdoor s e en used. <u>*(1) Equi</u>	ound amplification sys pment Light / Safety	stem be used?
X	18.	Landscaping or fencing	proposed? Desci	ribe type and location. *	See Plans, (1) Fence
X	19.	Any other information th	nat will provide a	clear understanding o	of the project or operation.
N/A.	_20.	Identify all Owners, accomplished by subm application forms.	Officers and/or hitting a cover	Board Members for <u>letter</u> in addition to	each application submitted; <u>this may be</u> the information provided on the signed

16629 S Elm, Caruthers, CA 93609 SITE ALTERNATIVES 831105





831105 OVERVIEW

AMT	AMY	AMT	AMT	AMT	Ĉ	ĉ	СС	ß	CCI	CC	CC	SITE OWNER
302109	301192	300790	300608	43846	873493	873487	845815	845796	815766	815123	814686	SITE ID
SELF SUPPORT	SELF SUPPORT	SELF SUPPORT	MONOPOLE	SELF SUPPORT	SELF SUPPORT	SELF SUPPORT	SELF SUPPORT	GUYED	SELF SUPPORT	GUYED	SELF SUPPORT	ТҮРЕ
6910 East Clarkson Avenue, Selma, CA 93662-9455	7245 W. Manning, Fresno, CA 93706-9347	3293 W. Kamm, Caruthers, CA 93609-9545	10258 Elder Ave., Hanford, CA 93230-9101	8355 South McMullin Grade, FRESNO, CA 93706-9350	1861 West Mount Whitney RIVERDALE, CA 93656	6034 E HARLAN LATON, CA 93242	7700 SOUTH BLYTHE AVENUE FRESNO, CA 93706	13178 SOUTH CEDAR AVENUE FRESNO, CA 93725	4502 10th Ave Hanford, CA 93230	13005 S. Jameson Fresno, CA 93627	82 West Elkhorn Avenue Caruthers, CA 93609	ADDRESS
7 miles	11 miles	4 miles	11 miles	16 miles	4 miles	6 miles	11 miles	5 miles	10 miles	12 miles	0.30 miles	NOTES

NEIGHBORING SITES

CCI 814686 –(0.30 miles): Subject Tower to be removed based on expiring ground lease.



CCI 815123 –(12 miles)





CCI 815766 - (10 miles)

CCI 845796 –(5 miles)



CCI 845815 –(11 miles)





CCI 873487 –(5 miles)



CCI 873493 –(4 miles)

AMT 43346 – (16 miles)



AMT 300608 - (11 miles)





AMT 300790 – (4 miles)

AMT 301192 (11 miles)



AMT 302109 – (7 miles)



Fresno County Tower (0.6 Mile): Unable to use 'guy tower' based on structural issues, wherein we are adding at least 12 antennas, and we are contractually responsible to our carrier to replace the tower and existing site configuration.





Fresno County Tower (0.6 Mile)

Fresno County Tower (0.6 Mile)





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

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: Jason Osborne, Beacon Development on behalf of Crown Castle
- APPLICATION NOS.: Initial Study Application No. 7611 and Unclassified Conditional Use Permit Application No. 3648
- DESCRIPTION: Allow construction of a new unmanned wireless telecommunications facility consisting of a 150-foot lattice tower with associated antennas and equipment on a 40-foot by 50-foot fenced area on a 1.45-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.
- LOCATION: The project site is located on the west side of Elm Avenue approximately 1,764 feet north of its nearest intersection with Elkhorn Avenue and is located approximately 3.36 miles southeast of the nearest unincorporated community of Caruthers (042-200-06S).

I. 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:

According to Figure OS-2 of the Fresno County General Plan, the project site is not located on or near an identified Scenic Roadway. No scenic vista has been identified that would be affected by the proposed project. The project site is located in a mainly agricultural area with the Southwest Transportation Agency being located across Elm Avenue.

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?

DEVELOPMENT SERVICES AND CAPITAL PROJECTS DIVISION 2220 Tulare Street, Sixth Floor / Fresno, California 93721 / Phone (559) 600-4497 / 600-4022 / 600-4540 / FAX 600-4200 The County of Fresno is an Equal Employment Opportunity Employer

EXHIBIT 9
FINDING: LESS THAN SIGNIFICANT IMPACT:

According to Assessor Parcel Map records, the subject parcel is approximately 390 feet in depth. The project site is located in the rear of the property. Existing residences and accessory buildings along with mature landscaping on the property and orchards surrounding the project site, ground equipment will be effectively screened from the public right-of-way. The lattice tower design has been proposed to resemble other cell towers that have been approved within the vicinity of the project site. The proposed project will have a less than significant impact on the existing visual character or quality of public view of the site and its 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 Applicant has indicated that lighting for the tower will be installed per Federal Aviation Administration (FAA) guidelines. In the event that lighting is also installed at ground level, a mitigation measure will be implemented so that all installed lighting will be hooded and directed downward so as not to shine on adjacent properties or public right-of-way.

* <u>Mitigation Measure(s)</u>

1. All outdoor lighting shall be hooded and directed downward 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: LESS THAN SIGNIFICANT IMPACT:

Based on the 2016 Fresno County Important Farmland map, the project site is located within land designated as Urban and Built-Up Land and Farmland of Statewide

Importance. Aerial photographs of the project site and site photographs provided by the Applicant show that the subject parcel is utilized for residential use and is not being used for agricultural purposes. Staff believes that although the project site may be located on or near Farmland of Statewide Importance, the proposed project will not convert farmland as there is no indication that farmland is present on the subject parcel.

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) and is not subject to a Williamson Act Contract. According to Policy LU-A.3 of the Fresno County General Plan, certain non-agricultural uses are allowed in areas designated as Agricultural subject to a discretionary permit. Per the Fresno County Zoning Ordinance, the discretionary permit is an Unclassified Conditional Use Permit. Based on the General Plan Policy and use permitted subject to an Unclassified Conditional Use Permit, there will be no conflict with the existing agricultural zoning.

- 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: NO IMPACT:

The project site is not located on or near forest land, timberland, or timberland zoned Timberland Production. Therefore no conflict with forest land, timberland, or timberland zoned Timberland Production is seen and the project will not result in the lost of forest land or conversion of forest land to 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 subject parcel is utilized for residential use and is not being used for farmland or forest land. The project will not result in 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. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under a Federal or State ambient air quality standard; or
- C. Expose sensitive receptors to substantial pollutant concentrations?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Temporary increases in criteria pollutants could occur during project construction. As there are two residences on the subject parcel, they could temporarily be exposed to pollutants during construction of the project. Once construction is complete, the proposed telecommunications facility will not produce criteria pollutants that would expose sensitive receptors. Additionally, operation of the project proposal will not conflict with or obstruct implementation of the applicable Air Quality Plan. Although there will be a temporary increase in criteria pollutants during construction, long-term operation of the facility will not produce pollutants that would have a detrimental effect on sensitive receptors, therefore, staff believes that the project will have a less than significant impact.

D. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Emissions from project construction could have an impact on people in the vicinity of the project site, but construction will be temporary. Ongoing operation of the proposed use will not result in emissions that could adversely affect people in the project vicinity.

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:

According to the California Natural Diversity Database (CNDDB), there are no reported occurrences of any special status species on or in the vicinity of the project site. The project site is located on a parcel that has been improved with multiple buildings for human occupation. Additionally, the surrounding land is being utilized for agricultural purposes, which experiences human disturbance on a daily basis. Based on the proposed location of the cell tower and daily human disturbance, no impact is seen on any 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:

No riparian habitat or other sensitive natural community has been identified on or near the project site. According to the National Wetlands Inventory, there are no identified wetlands that could be affected by the proposal. Photos provided by the Applicant do not show any wetland characteristics that would suggest the presence of a wetland.

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 site is located towards the rear of the property that is being utilized for residential purposes. The project will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native residents. No migratory wildlife corridors or wildlife nursery sites have been identified on or near 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:

The project will not conflict with any local policies or ordinances protecting biological resources and will not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or any other approved local, regional, or state Habitat Conservation Plan.

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 site has been improved with two single-family residences and multiple accessory structures. Based on the existing improvements, ground disturbance has already occurred on the project site. In the event that cultural resources are unearthed during project construction, a Mitigation Measure will be implemented to address any cultural resource found during construction or deconstruction of the project.

* 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, videos, 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: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The project will be built to current California Building Code standards to meet state energy efficiency plans. The project is not expected to result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during project operation. A Mitigation Measure will be incorporated with the project to reduce the potential for wasteful or inefficient consumption of energy resources during project construction. The idling of onsite vehicles and equipment will be avoided to the most possible extent to avoid wasteful or inefficient energy consumption during the construction of the project.

* Mitigation Measure(s)

- 1. The idling of onsite vehicles and equipment will be avoided to the most possible extent to avoid wasteful or inefficient energy consumption during the construction of the project.
- 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 the Earthquake Zone Application administered by the California Department of Conservation and Figure 9-2 of the Fresno County General Plan Background Report (FCGPBR), the project site is not located on a known earthquake fault or rupture of a known earthquake fault.

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

FINDING: NO IMPACT:

According to Figure 9-5 of the FCGPBR, the project site is not located on or near identified probabilistic seismic hazard areas.

4. Landslides?

FINDING: NO IMPACT:

According to Figure 9-6 of the FCGPBR, the project site is not located near any identified landslide hazard areas. The project site is located in flat agricultural land.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project proposes to construct a cell tower and ground related equipment. The ground related equipment will be built on top of a new concrete pad therefore reducing topsoil for the parcel. Planning of the lease area also shows additional space for colocation equipment if pursued reducing topsoil further. Although topsoil is lost from the proposal, the loss of topsoil is not substantial and is only a small portion of the subject parcel which is a less than significant impact.

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 soil has been identified to be unstable or would become unstable as a result of the project. Multiple improvements have already been built on the property to suggest that the soil is stable to support the project. The project will be built to current building code standards that can take into account soil conditions.

D. 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:

According to Figure 7-1 of the Fresno County General Plan Background Report (FCGPBR), the project site is not located on any identified expansive soils.

E. 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?

FINDING: NO IMPACT:

The project is not proposing the use of septic tanks or alternative waste water disposal systems. The facility will be unmanned and will have a maintenance worker visit the site at least once a month.

F. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

FINDING: NO IMPACT:

No paleontological resource or unique geologic feature has been identified on the project site. The subject parcels have been improved with single-family residences and accessory buildings. Past ground-disturbing activities indicate that no paleontological or geological resource is present 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:

The project proposal is not expected to generate greenhouse gas emissions that could have a significant impact on the environment. Daily operation of the proposal will not generate greenhouse gas emissions that will have a significant impact. A backup generator is being proposed in case of an emergency to maintain service. Although the generator will produce emissions, the generator is there only to provide backup power and will not run continuously. The project will have a less than significant impact on greenhouse gas emissions.

IX. 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: LESS THAN SIGNIFICANT IMPACT:

The Department of Public Health, Environmental Health Division has reviewed the subject application and has provided comments related to hazards and hazardous materials.

Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95.

All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. This Division discusses proper labeling, storage and handling of hazardous wastes.

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 not located within one-quarter mile of an existing or proposed 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 a NEPAssist report produced for the project site, there are no hazardous materials sites on or near the project location.

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?

FINDING: NO IMPACT:

The project will not physically interfere with an adopted emergency response plan or emergency evacuation plan. Reviewing agencies did not express concerns to indicate that the project would interfere with an adopted emergency response plan or emergency evacuation plan.

G. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the 2007 Fire Hazard Severity Zones in LRA adopted by the California Department of Forestry and Fire Protection (CalFire), the project site is not located in a fire hazard severity zone. Additionally, the Fresno County Fire Protection District (FCFPD) has provided comments on the subject application that do not indicate a significant risk of wildland fire hazard. The project shall comply with California Code of Regulations Title 24 – Fire Code and 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. The project proposed for an unmanned wireless telecommunication facility therefore reducing exposure of people at the project site.

X. HYDROLOGY AND WATER QUALITY

- 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 an unmanned wireless telecommunications facility and will not utilize water as part of its operation. The project will not violate any water quality standards or waste discharge requirements and will not substantially decrease groundwater supplies or interfere with groundwater recharge.

- 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; or
 - 4. Impede or redirect flood flows?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to U.S.G.S. Quad Maps, there are no existing natural drainage channels traversing the subject parcel. The project site is also not located in a flood zone, therefore the project will not impeded or redirect flood flows. As new construction is involved, the project may increase surface runoff. The project will be subject to County Standards, which require that drainage of the project not drain across property. The project will not substantially increase the amount of surface runoff in a manner which would result in flooding on- or off-site.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is not located in a flood zone, but according to Figure 9-8 of the Fresno County General Plan Background Report (FCGPBR), the project site is located in a dam failure flood inundation area. Although located in a flood inundation area, the project proposes an unmanned facility with minimal hazardous materials onsite. Risk of

release of pollutants is less than significant based on project proposal and storage of materials onsite. The project is not located near a body of water that would indicate tsunami or seiche zone risks.

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

FINDING: NO IMPACT:

The project will not conflict with or obstruct implementation of 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 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: LESS THAN SIGNIFICANT IMPACT:

Policy PF-J.4 of the Fresno County General Plan requires compliance with the Fresno County Wireless Communications Guidelines for siting of communication towers in unincorporated areas of the County. One key issue of the Wireless Communications Guidelines is for new towers. Applicants are required to submit evidence regarding alternative sites being considered for colocation opportunities and evidence of due diligence on negotiating for colocation. Additional guidelines are related to placement and aesthetics of the tower.

The Applicant has submitted an Alternative Site Analysis and explanation for the new tower. An old tower is set to be decommissioned and the Applicants would like to replace the tower on a difference property to ensure coverage throughout the project area. The Alternative Site Analysis also stated that the only other available tower in the vicinity that would meet coverage needs is a guyed wire tower that the Applicant has concerns regarding structural issues when collocating their equipment. The proposed tower will be located on a residential parcel and located at the rear (southwest edge) of the property minimizing aesthetic impacts.

XII. MINERAL RESOURCES

- 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: LESS THAN SIGNIFICANT IMPACT:

According to Figure 7-7 of the Fresno County General Plan Background Report (FCGPBR), the project site may be located on or near identified oil field resources. Based on current conditions of the project site and the footprint of the project site, the proposal is not expected to adversely impact identified mineral resources that may occur on or near the project area.

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 Department of Public Health, Environmental Health Division (EHD) commented that the proposed construction and operation of the project has the potential to expose nearby residents to short-term elevated noise levels and that consideration should be given to the County of Fresno Noise Ordinance Code. The project is not expected to generate substantial permanent increase in ambient noise levels or generate excessive ground-borne vibration or ground-borne noise levels. A temporary increase from project construction and a slight increase in noise will occur from project construction and operation, but will have a less than significant impact.

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

FINDING: NO IMPACT:

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

XIV. POPULATION AND HOUSING

- 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 substantial unplanned population grown nor displace substantial numbers of existing people or housing. The project site is located at the rear of the subject parcel and is not requiring the relocation of housing or people on the property.

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:

The Fresno County Fire Protection District (FCFPD) has provided comments on the project and did not express concerns with the project to indicate that the proposal will adversely impact their level of service. No other reviewing Agency expressed concerns to indicate that the project will significantly impact the provision of new facilities or level of service.

XVI. RECREATION

- 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 will not result in increased use of existing neighborhood and regional parks such that substantial physical deterioration of the facility would occur or be accelerated. Additionally, the project will not require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment.

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: LESS THAN SIGNIFICANT IMPACT:

The project intends to replace an existing tower on a different property. Based on the intention, the project is not likely to increase vehicle miles traveled significantly, as the project will be located approximately 0.30 miles from the existing tower. A less than significant impact is seen as the project will increase vehicle miles traveled minimally and is not conflicting with or being inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). The project does not conflict with a program, plan, ordinance, or policy addressing the circulation system. The project is for an unmanned wireless telecommunications facility and will only require up to two maintenance visits a month. As an existing tower is located in the vicinity of the project site, the change in location of the existing tower to the proposed site will not significantly impact the circulation system or be inconsistent with CEQA Guidelines.

- 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:

The project proposes to take access off an existing driveway from Elm Avenue that services the existing residential units on the property. A twelve-foot access easement will be constructed from the existing driveway to the project site. No hazards from the

design of the project's access way has been identified on the project site. The project will not result in inadequate emergency access. No reviewing Agencies/Departments have expressed concerns that indicate that the project design is dangerous or will result in inadequate emergency access.

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:
 - 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
 - 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:

Per California Assembly Bill 52 (AB52), participating California Native American Tribes were notified of the project and given the opportunity to enter into consultation with the County of Fresno. No participating California Native American Tribe expressed concerns with the project to indicate that a Tribal Cultural Resource (TCR) was present on or near the project site. In the event that a TCR is identified on the project site, a Mitigation Measure will be implemented so that TCR's are adequately addressed.

* Mitigation Measure(s)

1. See Section V.A., B, and C., 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: LESS THAN SIGNIFICANT IMPACT:

New electrical connections are being proposed for the subject application, but will not require the relocation or construction of electrical supply facilities. The project will not result in the construction of new or expanded water, wastewater treatment, storm water drainage or natural gas. An existing telecommunications facility is located approximately 0.30 miles south of the proposed site. The project proposes to construct a new tower and decommission the existing tower.

- B. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years; or
- 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 proposes an unmanned facility and will not require the use of water or construction of wastewater treatment systems. Based on this, the project will not have an impact on water supplies and will not be served by a wastewater treatment system.

- 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:

The project is for an unmanned wireless telecommunications facility and will not generate solid waste in excess of State or local standards. The project will comply 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:

According to the 2007 Fire Hazard Severity Zones in Local Responsibility Areas map from the California Department of Forestry and Fire Protection, the project site is located in a Local Responsibility Area (LRA) and is not in lands classified as very high fire hazard severity zones.

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: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Impacts to Cultural Resources and Tribal Cultural Resources will be less than significant with mitigation incorporated. There are no impacts to Biological Resources and reviewing agencies did not express concern to indicate the presence of special status species. The project will not substantially degrade the quality of the environment or substantially reduce the habitat of fish or wildlife species.

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 WITH MITIGATION INCORPORATED:

Cumulative impacts identified in the analysis were related to Aesthetics, Cultural Resources, Energy, and Tribal Cultural Resources. These impacts will be reduced to a less than significant impact with incorporated Mitigation Measures discussed in Section 1.D., Section V.A., B., and C., Section VI.A and B., and Section XVIII.A.1., and 2.

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

FINDING: NO IMPACT:

No substantial impacts on human beings, either directly or indirectly, were identified in the project analysis.

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for 7611 and Unclassified Conditional Use Permit Application No. 3648, 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 Biological Resources, Population and Housing, Public Services, Recreation, and Wildfire.

Potential impacts related to Agricultural and Forestry Resources, Air Quality, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use Planning, Mineral Resources, Noise, Transportation, and Utilities and Service Systems have been determined to be less than significant. Potential impacts relating to Aesthetics, Cultural Resources, Energy, and Tribal Cultural Resources have determined to be less than significant with compliance with incorporated Mitigation Measures.

A Mitigated Negative Declaration is recommended and is subject to approval by the decisionmaking 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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File original and one copy with:		Space Below For Cou	nty Clerk Only.	
Fresno County Clerk 2221 Kern Street				
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Agency File No:	LOCA	L AGENCY	County Clerk File No:	
IS 7611	PROPOSE	ED MITIGATED	F-	
CUP 3648	NEGATIVE	DECLARATION		
Responsible Agency (Name):	Address (Str	reet and P.O. Box):	City:	Zip Code:
Fresno County	2220 Tulare St. Sixt	th Floor	Fresno	93721
Agency Contact Person (Name and	Title):	Area Code:	Telephone Number:	Extension:
Thomas Kobayashi Plannor		559	600-4224	N/A
Project Applicant/Sponsor (Name):		Proiect Title:		
Jason Osborne. Beacon Developme	nt	Unclassified Cond	tional Use Permit Application No	o. 3648
on behalf of				
Crown Castle				
Project Description:				
Allow construction of a new unmann	ed wireless telecommunic	ation facility consisting of	of a 150-foot lattice tower with a	ssociated antennas and equipmen
on a 40-foot by 50-foot fenced comp	bound on a 1.45-acre parce	el in the AE-20 (Exclusiv	e Agricultural, 20-acre minimum	n parcel size) Zone District.
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LOCAL AGENCY MITIGATED NEGATIVE DECLARATION

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EXHIBIT 10

ATTACHMENT C

Natalie Clark 16725 S. Elm Ave Caruthers, CA 93609

Thomas Kobayashi Department of Public Works and Planning 2220 Tulare Street Fresno, CA 93721 October 9, 2019

Re: Unclassified Conditional Use Permit No. 3648 & Initial Study App. No. 7611

Dear Mr. Kobayashi,

I write to you today because I am opposed to the construction of a 150 foot tall Cell Tower only 500 feet from my property.

When I purchased my property over twenty years ago I was aware of the existing Cell Tower which stands today. The existing Tower is over 1,134 feet from my home. The applicant proposes to move that tower so that it is only 500 feet from my home.

This cell tower, at 150 feet tall, is much larger than anything in an urban area. The detrimental effect on my property value is obvious. I will lose tens of thousands of dollars in value of my home.

The existing cell tower is much further away and has been standing for 25 years. To move the tower next to my home is ridiculous. The applicant wants to relocate the tower on a property with three residences and much closer to my property. It does not make any sense. Why would you approve that?

I've enclosed photographs from a Google satellite view of the relative distance of my home from the existing Cell Tower and the proposed site.

The approval of this Conditional Use Permit violates my constitutional rights. Fresno County would be taking the value of my property without just compensation.

Please do not grant this applicant a Conditional Use Permit to build this tower adjacent to my home.

Sincerely,

e Oule Natalie Clark

Natalie Clar Enclosures RECEIVED COUNTY OF FRESNO OCT 0 9 2019 DEPARTMENT OF PUBLIC WORKS AND PLANNING DEVELOPMENT SERVICES DIVISION





ATTACHMENT C S New Tower Distance.

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×

SEIm Ave

SEM Ave

Transpo

900

16629 South Elm Avenue

Measure distance Click on the map to add to your path

Total distance: 537.35 ft (163.78 m)

ATTACHMENT C

Ted Miller's statement before the Fresno County Planning Commission on October 10, 2019

My name is Ted Miller and I live at 16891 S. Elm Ave in Caruthers, CA. This is the parcel that the existing Cell Tower is located on.

In 1994 Fresno County issued a Conditional Use Permit to a company that would eventually become familiar to most of us as Verizon Wireless. They built the existing 150 ft tall Cell Tower and Verizon has been using the facility since 1994 (or early 1995, due to construction delays). Verizon negotiated a 5 year lease with 4 ca. 5 year extensions, for a total of 25 years, with Adrian Acosta who owned the farmland and raised Almonds. The 25 year lease expired at midnight on October 1, 2019, nine days ago.

In 1999 Verizon formed a Joint Venture with Crown Castle. Verizon contributed the leases to 2,300 Cell Towers, including the one on Adrian Acosta's farm in Caruthers. Crown Castle contributed Cash and Crown Castle stock. Under the terms of this joint venture Crown Castle was assigned the lease. The minutiae of the financial transaction becomes complicated by corporate structures and such. It is easiest to think of the arrangement this way: Verizon sold it's leases to Crown Castle and agreed to pay Crown Castle to lease the Cell sites. They agreed to pay Crown Castle more in monthly payments than Crown Castle was required to pay the landowners (like Adrian Acosta). Crown Castle kept the difference. When the lease ended Adrian Acosta's trust was being paid \$1,340 per month. I estimate that Crown Castle was being paid \$3,800 per month. Crown Castle's monthly profit was \$2,460, a yearly profit of \$29,520.

Very soon after Crown Castle acquired the lease a representative approached Adrian Acosta regarding the lease. He said that Crown Castle was losing money on the Cell Tower on Adrian's property and that they wanted Adrian to reduce the rent so Crown Castle could afford to keep the Tower on his property. If he did not reduce the rent, Crown Castle would remove the tower. After careful consideration, Adrian declined to lower the rent and Crown Castle never removed the Cell Tower.

Adrian Acosta passed away in November, 2005 from cancer. The property is now owned by his widow, Mollie Acosta.

Mollie Acosta has been negotiating with Crown Castle for years regarding the Cell Tower on her property. Crown Castle has been unwilling to increase the rent to market rates. Ms. Acosta's latest proposal was in July, 2018. As I mentioned above, the lease expired on October 1, 2019.

The proposed "New" Cell Tower location is inferior in many ways to the existing Cell Tower location at 82 W. Elkhorn Ave. The closest home to the existing Tower is Ms. Acosta's

ATTACHMENT C

residence, and it is approximately 500 feet north. The next closest residence is 224 W. Elkhorn, and that residence is 765 feet away. The "New" location under consideration today has a mobile home approximately 85 feet away, an occupied RV trailer 190 feet away, Iva Arthur's residence is 260 feet away and Natalie Clark's residence is 470 feet away. All of these residences, 3 on the subject parcel and 1 a neighboring residence, are closer than the closest residence to the existing tower. In addition, Southwest Transportation (a school bus and Information Technology JPA serving area schools) is across the street, about 700 feet away.

In August of 2018 this body approved Condition Permit Application 3615. Like this application, Crown Castle sought to move a Firebaugh Cell Tower a short distance. That was about 14 months ago. As of Sunday Afternoon, October 6, 2019 no construction work has been done, there is no sign of any planning or work being done, and the existing Cell Tower has not been moved.

I believe Crown Castle's motivation for seeking this CUP is to use it to threaten landowners with moving the Cell Tower off of their property. I also believe they never intend and never would move a Cell Tower. Verizon does not move Cell Towers unless they have to (like for High Speed Rail). It costs more to move a Cell Tower than it costs to build a new Cell Tower, about \$550-750K. If Crown Castle moved the existing Cell Tower for \$550K they would save about \$18K/year. At that rate it would take 30 years to pay back the \$550K cost. That is not a rational course of action and that is why Crown Castle will not move the existing Cell Tower.

One must also note that Crown Castle's lease expired 9 days ago. They have no right to trespass on Ms. Acosta's land, much less to bring in the equipment needed to dismantle a 150 foot tall Cell Tower.

For these reasons and others I respectfully request the Fresno County Planning commission deny the request for Conditional Use Permit No. 3648. This permit seeks to move the tower to an inferior location, it will negatively impact residents and Southwest Transportation, and it is being sought strictly to gain an negotiation advantage over Adrian Acosta's widow.

Respectfully submitted,

2 mill el

Ted Miller BSEE, MBA

		CEIVE DCT 2 5 2019		For Office Use Only Date received: 192519 Copied to: Ketter methe, methe Date copy sent: 192519 Hearing set for:
	NOTICE OF A			SION DECISION
Date: October 2	23, 2019	FEAL OF ILAN	Appeal Fee	: \$508 – Due when filing appeal
APPELLANTE		US LINE THIS SID	E ONLY - PLEAS	E PRINT OR TYPE
Project Site Ad	dress			
16629	S. Elm Avenue	Caruthers	93609	042-200-065
Number	Street	City	Zip	Assessor's Parcel Number
Appellant's Inf Name: Crown	formation a Castle		Applicant's Int	formation check if same as Appellant)
Mailing Addres	s: <u>c/o Parker Legal</u>	Group	Mailing Addres	s:
600 West Broa	dway, Suite 700, Sar	n Diego, CA 92101		
Telephone: (6	19) 930-9821		Telephone	
I wish to appeal Varianc Conditi Directo Tentativ Amendi Other:	the Planning Comm e Application No.* onal Use Permit No. r Review and Approve Tract Application ment Application No ment to Text Applica	ission's decision to <u>3648</u> val Application No No ation No	Approve 1	Deny
Date of Plannin	g Commission Actio	n October 10, 2019		
Reason(s) for A	ppeal (Attach addition	onal sheets if necessa	ry)	
The decision of the	e Planning Commission	was based on factual err	ors in the interpretation	a of the Fresno County Zoning Ordinance
requirements as the	y apply to the project. 7	The findings for denial of	the permit are not supp	orted, and Applicant can make each of the
findings required by	y Fresno County Zoning	Ordinance, Section 873-F	Additionally, federal	law requires approval because denial of the
permit has the effect	ct of prohibiting the provi	sion of personal wireless	services in violation of 4	17 U.S.C. § 332.
		NIAA	\frown	

Joseph M. Parker, Counsel for Appellant/Applicant

* Fresno County Zoning Ordinance§ 877(c) requires that any appellant, other than the applicant, County Department Director, or Board of Supervisors member, must be a property owner within a certain distance from the Variance Application property. The Department of Public Works and Planning will verify that the ordinance requirements are met. If the requirements are not met, the appeal fee will be returned and no date for appeal hearing before the Board of Supervisors will be set.

Please return completed form to Clerk of the Board, 2281 Tulare Street, Room 301, Fresno, CA 93721.

Mitigation Monitoring and Reporting Program Initial Study Application No. 7611/Unclassified Conditional Use Permit Application No. 3648 (Including Conditions of Approval and Project Notes)
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		Mitigation Measures			
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
	Aesthetics	All outdoor lighting shall be hooded and directed downward so as not to shine on adjacent properties or public right-of- way.	Applicant	Applicant/Department of Public Works and Planning (PW&P)	Ongoing
2	Cultural Resources/ Tribal 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	Durring ground- disturbing activities
ઌ૽	Energy	The idling of on-site vehicles and equipment will be avoided to the most possible extent to avoid wasteful or inefficient energy consumption during the construction of the project.	Applicant	Applicant/PW&P	During construction activities
		Conditions of Approval			
.	Development by the Comm	t of the property shall be in accordance with the Site Plan, Flood ilssion.	Plan, Elevations, a	nd Operational Statemer	nt approved
2.	The approval related faciliti shall be recor	shall expire in the event that use of the tower ceases for a perio es shall be removed and the lease area shall be restored as nea rded as an Agreement.	od in excess of two arly as practical to i	years. At such time, the ts original condition. This	tower and s stipulation
	Note: This D	epartment will prepare the Agreement upon receipt of the stands	ard processing fee,	which is currently \$243.5	50.
ŕ	The Applican located on Af telecommunic	t must apply for and receive a demolition permit, and acquire fin. ⊃N: 042-200-35S prior to finalization of the building permits asso cations facility.	ial inspection of the ociated with the pro	demolition of the existing oosed unmanned wireles	g tower s

ATTACHMENT E

4	Prior to the issuance of permits, evidence shall be submitted showing provisions have been made to accommodate colocation, such as provision for colocation in a signed lease agreement and additional area within the lease area for colocation of equipment, or other information that demonstrates the facility shall make itself available for colocation.
<u>ى</u> .	Prior to the issuance of a building permit, the Applicant shall obtain Federal Aviation Administration (FAA) approval of the tower.
ω	Prior to the issuance of a building permit, the Applicant shall enter into a Covenant acknowledging the Fresno County Right-to- Farm Notice. Fresno County Right-to-Farm Notice: "It is the declared policy of Fresno County to preserve, protect, and encourage development of its agricultural land and industries for the production of food and other agricultural products. Residents of property in or near agricultural district should be prepared to accept the inconveniences and discomfort associated with normal farm activities." Consistent with this policy, California Civil Code 3482.5 (right-to-farm law) provides that an agricultural pursuit, as defined, maintained for commercial uses shall not become a nuisance due to a changed condition in a locality after such agricultural pursuit has been in operation for three years.
	Note: This Department will prepare the Covenant upon receipt of the standard processing fee, which is currently \$243.50.
*MITIGATION MEASU Conditions of Approve	RE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. I reference recommended Conditions for the project.
	Notes
The following No	tes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.
1.	Plans, permits, and inspections will be required for all on-site improvements.
5	Prior to site development, all survey monumentation – Property Corners, Centerline Monumentation, Section Corners, County Benchmarks, Federal Benchmarks, and Triangulation Stations, etc. – within the subject area shall be preserved in accordance with Section 8771 of the Professional Land Surveyors Act and Section 6730.2 of the Professional Engineers Act.
ri	If not already present, 10' x 10' corner cutoffs should be improved for sight distance purposes at the existing driveway onto Elm Avenue.
4.	A grading voucher is required.
ۍ.	Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95. The default State reporting thresholds that apply are: \geq 55 gallons (liquids), \geq 500 pounds (solids), \geq 200 cubic feet (gases), or at the threshold planning quantity for extremely hazardous substances.
Ö	All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. This Division discusses proper labeling, storage and handling of hazardous wastes.
7.	The proposed construction has the potential to expose residents to short-term elevated noise levels. Considerations should be given to the County of Fresno Noise Ordinance Code.

TK:ksn G:\4360Devs&PIn\PROJSEC\PROJDOCS\CUP\3600-3699\3648\SR\CUP 3648 MMRP (Ex 1).docx

ATTACHMENT F

	one copy with.					
Fresno Co 2221 Kern Fresno, Ca	unty Clerk Street Ilifornia 93721					
			CLK-2046.00 E04-73 R0	0-00		
Agency File No:		LOCA	LAGENCY	County Cl	erk File No:	
IS CL	5 7611 JP 3648	PROPOSE NEGATIVE	D MITIGATED	E-		
Responsible Age	ncy (Name):	Address (Str	eet and P.O. Box):	City		Zip Code:
Fresno Count	y 22	20 Tulare St. Sixt	h Floor	Fre	esno	93721
Agency Contact F	Person (Name and Title)):	Area Code	Telephone	e Number:	Extension:
Thomas Koba Planner	ayashi		559	600-422	24	N/A
Project Applicant	/Sponsor (Name):		Project Title:			
Jason Osborne, I	Beacon Development		Unclassified Cond	litional Use Perm	nit Application No.	3648
on behalf of						
Crown Castle						
Project Description	on:					
Justification for N	Negative Declaration:	d on a 1.45-acre parce	el in the AE-20 (Exclus	ve Agricultural, 2	20-acre minimum p	parcel size) Zone District.
Justification for N Based upon the I have a significan Public Services, Recreation, and	00-foot fenced compound Negative Declaration: Initial Study prepared fo It effect on the environm Wildfire.	d on a 1.45-acre parce r 7611 and Unclassifie ent. It has been deter	el in the AE-20 (Exclus ed Conditional Use Per mined that there would	ve Agricultural, 2 mit Application N be no impacts t	20-acre minimum p lo. 3648, staff has o Biological Reso	parcel size) Zone District.
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LOCAL AGENCY MITIGATED NEGATIVE DECLARATION

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