



PLANNING COMMISSION AGENDA

Room 301, Hall of Records
2281 Tulare Street
Northwest Corner of Tulare & M
Fresno, CA 93721-2198

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Web Site: <http://www.co.fresno.ca.us/PlanningCommission>

AGENDA January 10, 2019

8:45 a.m. - CALL TO ORDER

INTRODUCTION

Explanation of the REGULAR AGENDA process and mandatory procedural requirements. Staff Reports are available on the table near the room entrance.

PLEDGE OF ALLEGIANCE

ROLL CALL

ELECTION OF OFFICERS (Chairman and Vice Chairman for 2019)

CONSENT AGENDA

Items listed under the Consent Agenda are considered to be routine in nature and not likely to require discussion. Prior to action by the Commission, the public will be given an opportunity to comment on any consent item. The Commission may remove any item from the Consent Agenda for discussion.

There are no consent agenda items for this hearing.

REGULAR AGENDA

1. **PUBLIC PRESENTATIONS** (This portion of the meeting is reserved for persons desiring to address the Planning Commission on any matter within the Commission's jurisdiction and not on this Agenda.)
2. **INITIAL STUDY APPLICATION NO. 7471** and **UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3616** filed by **VERIZON WIRELESS** proposing to allow an unmanned telecommunications facility consisting of a 70-foot-tall wireless communication tower (monopine design) with related facilities on an approximately 900 square-foot portion of a 5.03-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The project site is located on the southeast corner of N. Willow and E. International Avenues approximately 175 feet west of the nearest city limits of the City of Fresno (3237 E. International Avenue, Clovis) (SUP. DIST. 5) (APN 580-071-26). Adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7471, and take action on Unclassified Conditional Use Permit Application No. 3616 with Findings and Conditions.

-Contact person, Ejaz Ahmad (559) 600-4204, email: eahmad@fresnocountyca.gov

-Staff Report Included

-Individual Noticing

3. **VARIANCE APPLICATION NO. 4056** filed by **JAMES PELLEGRINI**, proposing to allow the creation of a 2.5-acre parcel and a 27.32-acre parcel from a 29.82-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District, and waive the required road frontage for the 2.5-acre parcel. The project site is located on the north side of McKinley Avenue 325 feet east of its intersection with Newmark Avenue, approximately 3.3 miles northeast of the nearest city limits of the City of Sanger (14600 E. McKinley Avenue) (SUP. DIST. 5) (APN 309-070-42, -43).

-Contact person, Danielle Crider (559) 600-9669, email: dacrider@fresnocountyca.gov.

-Staff Report Included

-Individual Noticing

4. **GENERAL PLAN CONFORMITY APPLICATION (GPC)** filed by **CLOVIS UNIFIED SCHOOL DISTRICT**, proposing to acquire approximately 22 acres of property for a new elementary school site (with related facilities) in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The proposed site is located on the northeast corner of North Fowler Avenue and the East McKinley Avenue Alignment, approximately 1,600 feet east of the nearest city limits of the City of Fresno (SUP. DIST. 5) (APN 310-041-15 and 17).

-Contact person, Marianne Mollring (559) 600-4569, email: mmollring@fresnocountyca.gov

-Staff Report Included

-Individual Noticing

5. **INFORMATION/DISCUSSION ITEM:**

Report from staff on prior Agenda Items, status of upcoming Agenda, and miscellaneous matters.

-Contact person, Marianne Mollring (559) 600-4569, email: mmollring@fresnocountyca.gov

Requests for disability-related modification or accommodation reasonably necessary in order to participate in the meeting must be made to Suzie Novak, Planning Commission Clerk, by calling (559) 600-4497 or email knovak@fresnocountyca.gov, no later than the Monday preceding the meeting by 9:00 a.m.



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 2 January 10, 2019

SUBJECT: Initial Study Application No. 7471 and Unclassified Conditional Use Permit Application No. 3616

Allow an unmanned telecommunications facility consisting of a 70-foot-tall wireless communication tower (monopine design) with related facilities on a 900 square-foot portion of a 5.03-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the southeast corner of N. Willow and E. International Avenues approximately 175 feet west of the nearest city limits of the City of Fresno (3237 E. International Avenue, Clovis) (SUP. DIST. 5) (APN 580-071-26).

OWNER: Robert & Elizabeth Lewellen
APPLICANT: Verizon Wireless

STAFF CONTACT: Ejaz Ahmad, Planner
(559) 600-4204

Marianne Mollring, Senior Planner
(559) 600-4569

RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7471; and
- Approve Unclassified Conditional Use Permit (CUP) No. 3616 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Mitigation Monitoring, Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Site Plan/Floor Plan/Elevations
6. Applicant’s Submitted Operational Statement and Response to Fresno County Wireless Communication Guidelines/Supplemental Information
7. Coverage Maps (current and proposed) and Photographic Simulations
8. Summary of Initial Study Application No. 7471
9. Draft Mitigated Negative Declaration

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agriculture in the County General Plan	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	5.03 acres	No change
Project Site	A single-family residence with a garage, accessory structures, and a drive access off International Avenue	Allow a new telecommunications facility consisting of a 70-foot-tall telecommunications tower (monopine design) with related facilities on an approximately 900 square-foot area of a 5.03-acre parcel.
Structural Improvements	A Single-family residence with garage; accessory structures	<ul style="list-style-type: none"> • 70-foot-tall wireless telecommunications tower (monopine design) • Equipment cabinet(s) • Diesel generator (20 kilowatt) • Eight-foot-tall slated chain-link fence
Nearest Residence	Approximately 1,152 feet west of the proposed tower site	No change

Criteria	Existing	Proposed
Surrounding Development	A church to the north, plant nursery to the south, orchard with residential dwellings to the east, and Clovis Community College to the west	No change
Operational Features	N/A	Unmanned wireless communications facility
Employees	N/A	N/A
Customers	N/A	N/A
Traffic Trips	Residential traffic	One trip per month by a maintenance person
Lighting	Residential lighting	None
Hours of Operation	N/A	24 hours a day, seven days a week, year-round

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

ENVIRONMENTAL ANALYSIS:

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

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: September 21, 2018

PUBLIC NOTICE:

Notices were sent to seven 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 (CUP) 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:

This proposal entails construction and operation of a new wireless telecommunications facility consisting of a 70-foot-tall communication tower (monopine design), equipment cabinet(s), diesel generator, and related facilities on a 900 square-foot lease area of a 5.03-acre parcel. The proposal also includes a 12-foot-wide non-exclusive public access route off International Avenue connecting the tower site.

According to the Applicant’s Operational Statement, the tower will provide coverage and capacity to the wireless customers in the area as well as colocation opportunities for other carriers.

The project site is approximately 220 feet east of the nearest city limits of the City of Fresno. The site lies within the City of Clovis Sphere of Influence and is designated under the Clovis General Plan as ‘Park’. Per the City of Clovis, the Open Space Conservation Zone District (O) allows the park but no wireless communication facilities as a permitted or conditionally permitted use. The City would allow construction and operation of the facility on a temporary basis until such time that the site is acquired and fully annexed, zoned or dedicated for park use by the City of Clovis. When that happens, the Applicant will be required to remove the tower and related facilities from the property and restore it as near as practical to its original condition. This requirement from the City will be included as a Condition of Approval and recorded as a covenant running with the land. The County and the City of Clovis concur with this condition (Condition No. 5, Exhibit 1), and it has been provided to the Applicant.

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

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	Front: 35 feet Side: 20 feet Rear: 20 feet	Front (Willow Avenue; west property line): 44 feet; Street Side (north property line): 53 feet; Side (south property line): 20 feet; Rear (east property line): 1,264 feet	Yes
Parking	N/A	N/A	Yes
Lot Coverage	No Requirement	N/A	N/A
Separation Between Buildings	Six-foot minimum	N/A	Yes
Wall Requirements	<ul style="list-style-type: none"> • Maximum six feet in height on side and rear property lines • Maximum three feet in height 	Eight-foot-tall masonry wall around a 900 square-foot tower site/lease area	Yes

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
	within required front-yard setback		
Septic Replacement Area	100 percent	N/A	Yes
Water Well Separation	Septic tank: 50 feet; Disposal field: 100 feet; Seepage pit: 150 feet	N/A	N/A

Reviewing Agency/Department Comments Regarding Site Adequacy:

Zoning Section of the Fresno County Department of Public Works and Planning: The subject proposal satisfies the building setback requirements of the AE-20 Zone District.

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

Analysis:

Staff review of the Site Plan demonstrates that the proposed facility meets the minimum building setback requirements of the AE Zone District. The proposed tower and related facilities, located on a 900 square-foot lease area, will be set back 44 feet from the ultimate right-of-way line for Willow Avenue (35-foot minimum required), 54 feet from the ultimate right-of-way line for International Avenue (35-foot minimum required), 1,264 feet from the east property line (20-foot minimum required) and 20 feet from the south property line (20-foot minimum required). Adequate area is available on the 5.03-acre project site to accommodate the proposed facility and a 12-foot-wide non-exclusive public access route connecting the tower site to International Avenue (Exhibit 5).

Based on the above information, staff believes the project site is adequate in size and shape to accommodate the proposal.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Finding 1 can be made.

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

	Existing Conditions		Proposed Operation
Private Road	No	N/A	N/A
Public Road Frontage	Yes	International Avenue; Good condition	No change

		Existing Conditions	Proposed Operation
		Willow Avenue; Very good condition	
Direct Access to Public Road	Yes	International Avenue; Good condition	No change
Road ADT (Average Daily Traffic)		1,100 (International Avenue) 6,400 (Willow Avenue)	No change No change
Road Classification		Local (International Avenue) Super Arterial (Willow Avenue)	No change No change
Road Width		20-foot right-of-way south of section line (International Avenue) 30-foot right-of-way east of section line (Willow Avenue)	The project (tower site) will be set back from the ultimate right-of-way line for Willow and International Avenues.
Road Surface		23 feet asphalt concrete paved (International Avenue) 32.4 feet asphalt concrete paved (Willow Avenue)	No change No change
Traffic Trips		Residential traffic	One trip per month to the tower site by a maintenance crew
Traffic Impact Study (TIS) Prepared	No	N/A	Not required by the Design Division of the Fresno County Department of Public Works and Planning
Road Improvements Required		International Avenue; Good condition Willow Avenue; Very good condition	Not required Not required

Reviewing Agency/Department Comments:

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: The proposed facility shall be set back from the ultimate right-of-way line for Willow and International Avenues in accordance with the City of Clovis General Plan. Any access drive for the tower site shall be a minimum 300 feet from the curb return at the intersection of International at Willow, and no drive approach shall be constructed off Willow Avenue. The project design (Exhibit 5) reflects these requirements.

An encroachment permit shall be obtained from the County prior to any work within the County road right-of-way along International. This requirement has been included as a Project Note.

Design Division of the Fresno County Department of Public Works and Planning: No concerns with the proposal.

No other reviewing Agencies or Departments expressed concerns related to the adequacy of streets for the project.

Analysis:

The 5.03-acre project site borders with Willow and International Avenues which are maintained by the County. Willow Avenue is classified as a Super Arterial road with pavement width of 32.4 feet, and an Average Daily Traffic (ADT) of 6,400. International Avenue is classified as a Local road with pavement width of 23 feet, and an Average Daily Traffic (ADT) of 1,100. A new 12-foot-wide non-exclusive public access route will connect the proposed tower site with International Avenue.

As required by the Road Maintenance and Operations (RMO) Division of the Fresno County Department of Public Works and Planning, the tower site will gain access from International Avenue and will be set back from the ultimate right-of-way line for Willow and International Avenues in accordance with the City of Clovis General Plan. The RMO Division expressed no concerns with the current pavement type (asphalt concrete) for International Avenue to serve the project, and the Design Division of the Fresno County Department of Public Works and Planning expressed no concerns with the traffic generated by the proposal during construction or operation of the facility.

Based on the above information and with the adherence to the Project Note for mandatory requirement, staff believes International and Willow Avenues will remain adequate to accommodate the proposal.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 2 can be made.

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

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:
North	40 acres	Church	AE-20	None
South	19.46 acres	Fallow	AE-20	None
East	11 acres	Field crops	AE-20	None
West	14.35 acres	Clovis Community College	PI (Public and Institutional in the City of Fresno)	1,152 feet east of the proposed tower site on the subject property

Reviewing Agency/Department Comments:

City of Clovis Planning and Development Services: The construction and operation of the proposed telecommunication facility shall be subject to the execution of a written agreement between the Applicant and the City of Clovis governing the operational period and ultimate removal of the facility when a City park is developed on the property. This requirement will be included as a Condition of Approval.

San Joaquin Valley Air Pollution Control District (Air District): The Applicant shall contact the Air District's Small Business Assistance Office to identify District rules or regulations that may apply to this project or obtain information about District permit requirements.

Development Engineering Section of the Fresno County Department of Public Works and Planning: A Grading Permit or Voucher shall be required for any grading proposed with this application. On-site turnarounds are required for vehicles leaving the site to enter International Avenue in a forward motion.

The 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. All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5.

Fresno Metropolitan Flood Control District (FMFCD): A temporary storm water storage facility shall be provided on site. Said facility shall be located and constructed so that once permanent FMFCD facilities become available, drainage can be directed to the street. The Applicant shall pay the District Development Review fees.

Fresno Irrigation District (FID): FID's active Enterprise No.109 Canal runs westerly along the south side of the subject property, crosses Willow Avenue and continues west along the south side of International Avenue. FID shall review and approve all plans for any improvements along the south or west side of the property or any street and/or utility improvements along Willow Avenue, International Avenue, or near the canal. All utilities shall be located outside of the canal right-of-way and any structure or permanent improvements constructed on the subject property shall be raised to a minimum of one (1) foot above the high water level of the Enterprise Canal. (Note: FID can review and comment on plans, but approval authority remains with the County.)

Building and Safety Section of the Fresno County Department of Public Works and Planning: Plans, permits and inspections shall be required for all proposed on-site improvements.

Zoning Section of the Fresno County Department of Public Works and Planning: Fences/gate entrances exceeding six feet in height shall require a building permit.

Fresno County Fire Protection District: The project shall comply with the California Code of Regulations Title 24 – Fire Code when a building permit or certificate of occupancy is sought.

The aforementioned requirements have been included as Project Notes with modification to the FID comments. FID's review of the all plans will be limited to review and comments only.

Central Valley Regional Water Quality Control Board; Road Maintenance and Operations, Design, and Water and Natural Resources Divisions of the Fresno County Department of Public Works and Planning; U.S. Fish and Wildlife Service; City of Fresno; Fresno County Department of Agriculture; Table Mountain Rancheria, Tribal Government Office; Santa Rosa Rancheria Tachi Yokut Tribe; Picayune Rancheria of the Chukchansi Indians and Dumna Wo Wah Government: No concerns with the proposal.

Analysis:

This proposal entails construction and operation of a new wireless communications facility consisting of a 70-foot-tall telecommunications tower (monopine design), equipment cabinets, a diesel generator and related improvements on a 900 square-foot area of a 5.03-acre parcel.

The project site is near the City of Fresno and within the City of Clovis Sphere of Influence. The site's easterly portion contains a single-family residence, a garage, accessory structures, and a drive access from International Avenue. The proposed tower and related facilities will be located within the westerly undeveloped portion of the property.

Aesthetics is typically the concern associated with this type of use because of the substantial height of towers which are used to support communication antennas. The visibility of a tower is a function of its height, design, and its exposure to neighbors and the general public. In the case of this application, the proposed 70-foot-tall telecommunications tower will be a monopine design.

The proposed tower site will be set back approximately 44 feet east of the ultimate right-of-way line for Willow Avenue and 54 feet south of the ultimate right-of-way line for International Avenue. The on-site single-family residence is approximately 1,056 feet to the east of the tower site. Significantly tall mature landscaping exists on the west side of the residence to provide a visual buffer between the house and the visibility of the proposed telecommunication tower. Additionally, the monopine design of the tower will blend in with the existing landscaping in the area.

The Initial Study prepared for this project identified potential impacts related to aesthetics. Regarding aesthetics, eight-foot-tall slated cyclone fencing around the tower site/lease area will visually screen the ground equipment from neighboring properties, and any proposed outdoor lighting will be hooded and directed downward so as not to shine upon adjacent roads and properties. These requirements have been included as Mitigation Measures.

Potential Impacts related to air quality, geology and soils, hazards and hazardous materials, hydrology and water quality, and public services have been determined to be less than significant. The project will comply with the Air District permitting requirements, obtain grading permits or vouchers for any grading proposed with this application, handle all hazardous material according to the state and local requirements, and comply with the current Fire and Building Codes. These requirements have been included as Conditions of Approval/Project Notes.

The project site is approximately 4.5 miles east of the Clovis VORTAC CZQ Airport and outside the traffic pattern zone. Although no tower painting for daytime visibility nor lighting for nighttime visibility would be required for this proposal, a Project Note will advise the Applicant to file FAA (Federal Aviation Administration) Form 7460-1 with the Western Regional Office of the FAA.

The Federal Communications Commission (FCC), which regulates the wireless communications industry, has referenced prior studies concluding that radio frequency (RF) emission exposure levels associated with this type of facility have been determined to be safe. Therefore, staff does

not anticipate concerns regarding radio frequency emissions as it relates to residential development in the area.

The project site is not located within any area designated to be highly or moderately sensitive for archeological resources. No impact on historical, archeological, or paleontological resources would result from this proposal. Pursuant to Assembly Bill (AB) 52, a letter was sent to the Dumna Wo Wah Tribal Government; Table Mountain Rancheria, Tribal Government Office; Santa Rosa Rancheria Tachi Yokut Tribe; and Picayune Rancheria of the Chukchansi Indians offering the opportunity to consult under Public Resources Code (PRC) Section 21080.3(b), with a 30-day window to formally respond in writing to request a Cultural Resources Consultation. No tribe responded to the consultation offer, resulting in no further action on the part of the County.

Based on the above information and with the adherence to the Mitigation Measures, recommended Conditions of Approval, and Project Notes for mandatory requirements, staff believes the project will not have an adverse effect upon the surrounding neighborhood.

Recommended Conditions of Approval:

See Mitigation Measures and recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Finding 3 can be made.

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

Relevant Policies:	Consistency/Considerations:
<p>General Plan Policy PF-J.4: County shall require compliance with the Wireless Communication Guidelines for siting of communication towers in unincorporated areas of the County.</p>	<p>The Communication Guidelines indicate that the need to accommodate new communication technology must be balanced with the need to minimize the number of new tower structures, thus reducing the impacts towers can have on the surrounding community. The Applicant has provided a written response to the County Wireless Communication Guidelines which describes the basis for the site selection and need for a new tower site. Considering the information provided, the proposal is consistent with this Policy.</p>
<p>General Plan Policy LU-G.1: County acknowledges that the cities have primary responsibility for planning within their Local Agency Formation Commission (LAFCo)-adopted Spheres of Influence and are responsible for urban development and the provision of urban services within their Spheres of Influence.</p>	<p>The project is located within the City of Clovis Sphere of Influence and is inconsistent with the City’s General Plan due to being located in an area identified as ‘park’. Per the City of Clovis, the Open Space Conservation Zone District (O) allows the park but no wireless communication facilities as a permitted or conditionally permitted use. The City would allow construction and operation of the facility on a temporary basis until such time that the City acquires the property and develops it as a park. This requirement will be recorded as a Covenant running with the land.</p>

Relevant Policies:	Consistency/Considerations:
General Plan Policy PF-C.17: County shall undertake a water supply evaluation, including determinations of water supply adequacy, impact on other water users in the County, and water sustainability.	The proposed facility requires no use of water. The Water and Natural Resources Division reviewed the proposal and expressed no concerns related to water. The proposal is consistent with this Policy.

Reviewing Agency Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: The subject parcel is designated Agriculture in the County General Plan. According to General Plan Policy PF-J.4, compliance with the Wireless Communication Guidelines is required for the siting of communication towers in unincorporated areas of the County. General Plan Policy LU-G.1 states that cities are responsible for planning and providing urban services within their Sphere of Influence. General Plan Policy PF-C.17 requires water sustainability for the project.

Analysis:

General Plan Policy PF-J.4 requires compliance with the Wireless Communication Guidelines which encourage the utilization of City-adopted standards for new tower facilities if such a proposal is within one half-mile of City boundaries. The Guidelines also indicate that the need to accommodate new communication technology must be balanced with the need to minimize the number of new tower structures, thus reducing the impacts towers can have on the surrounding community.

In this case, the Applicant proposes construction and operation of a new slim-line (monopine design) telecommunications tower and related facilities on a 900 square-foot area of a 5.03-acre parcel within the City of Clovis Sphere of Influence. The Applicant has provided a written response and related information to the County Wireless Communication Guidelines, which describes the basis of site selection and the Applicant’s inability to collocate the proposed wireless facilities.

According to the Applicant’s response to the County Wireless Communication Guidelines, Verizon examined the search for collocation opportunities and did not locate any existing freestanding collocatable wireless towers within the search area that would provide the required height. Verizon Wireless investigated varieties of different properties, but all were deemed unsuitable for the proposed facility due to land use/parking mitigations, required height and safe access to the site. In some cases, property owners expressed no interest in the project. All of these efforts resulted in the subject proposal for a new telecommunication facility.

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

The project site is within the City of Clovis Sphere of Influence (SOI) and is designated as ‘Park’ in the City’s General Plan. A Condition of Approval from the City would allow the construction and operation of the proposed facility on a temporary basis until such time that the site is acquired and fully annexed, zoned or dedicated for park use by the City of Clovis. When that happens, the Applicant will remove the tower and related facilities and restore the site as near

as practical to its original condition. Being an unmanned facility, no water is required for the operation of the facility. As such, no water supply evaluation was necessary and the project will have no impact on other water users in the area.

Based on the above considerations, staff believes the proposal is consistent with the Wireless Communication Guidelines and the County General Plan.

Recommended Conditions of Approval:

See Mitigation Measures and Recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Finding 4 can be made.

PUBLIC COMMENT:

None.

CONCLUSION:

Staff believes the required Findings for granting the Unclassified Conditional Use Permit can be made, based on the factors cited in the analysis and the recommended Conditions of Approval and Project Notes regarding mandatory requirements. Staff therefore recommends adoption of the Mitigated Negative Declaration prepared for the project and approval of Unclassified Conditional Use Permit No. 3616, subject to the recommended Conditions.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7471; and
- Move to determine the required Findings can be made and move to approve Unclassified Conditional Use Permit No. 3616, subject to the Conditions of Approval and Project Notes attached as Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Denial Action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Unclassified Conditional Use Permit No. 3616; 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.

EA:ksn

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Mitigation Monitoring and Reporting Program
Initial Study Application No. 7471/Unclassified Conditional Use Permit Application No. 3616
(Including Conditions of Approval and Project Notes)

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Aesthetics	Ground equipment for the telecommunication tower shall be screened from view behind slatted fencing utilizing a non-reflective or earth-tone color.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	As long as the project lasts
2.	Aesthetics	All outdoor lighting shall be hooded and directed so as not to shine toward adjacent properties and public streets.	Applicant	Applicant/PW&P	As long as the project lasts
Conditions of Approval					
1.	Development of the property shall be in accordance with the Site Plan, Floor Plan, Elevations and Operational Statement approved by the Planning Commission				
2.	The approval shall expire in the event the use of the tower ceases for a period in excess of two years. At such time, the tower and related facilities shall be removed and the lease area shall be restored as nearly as practical to its original condition. This stipulation shall be recorded as a Covenant running with the land. Note: This Department will prepare the Covenant upon receipt of the standard processing fee, which is currently \$243.50.				
3.	The maximum number of antennas allowed on the tower shall be determined according to wind load calculations as approved by the Fresno County Department of Public Works and Planning.				
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 lease area for colocation of equipment, or other information that demonstrates the facility shall make itself available for colocation.				
5.	<p>If at any time ten (10) years after the construction and final inspection of the wireless facility, the City of Clovis should acquire the parcel upon which the facility is located and the parcel shall have been fully annexed, zoned or dedicated for park use by the City of Clovis, then the City of Clovis shall provide one year's written notice to the Applicant of the termination of this permit and demand the removal of the wireless facilities. At the conclusion of the one-year notice period, this permit shall terminate. Prior to the expiration of the one-year notice period and resulting termination of the permit, Applicant shall remove the tower and related facilities, including any underground facilities, from the parcel and restore the parcel as near as practical to its original condition.</p> <p>Applicant, and any successors, assignees, licensees, lessees, or any person or entity acquiring an interest in the wireless facility, and the parcel owner or lessor (collectively "Applicant and Assignees"), expressly agree and understand that should</p>				

EXHIBIT 1

	<p>the City of Clovis provide the requisite notice under this Condition, the Applicant and Assignees shall not be entitled to any compensation from either the City Clovis or the County of Fresno for the value of the wireless facility, loss of use, consequential damages, or any other damages under a theory of taking, contract interference, or other law.</p> <p>This Condition shall be recorded as a Covenant running with the land and may be removed only with the express consent of the City of Clovis.</p> <p>Should the Applicant and Assignees fail to remove the wireless facility as required by this Condition, the City of Clovis may remove the wireless facility at the expense of Applicant and Assignees. Applicant and the Assignees agree to defend, indemnify, and hold harmless the City of Clovis and the County of Fresno from any liability associated with execution of the City's rights under this Condition.</p>
6.	Maintenance of the emergency back-up power generator shall occur during the daytime hours of 7:00 a.m. to 5:00 p.m.

*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. Conditions of Approval reference recommended Conditions for the project.

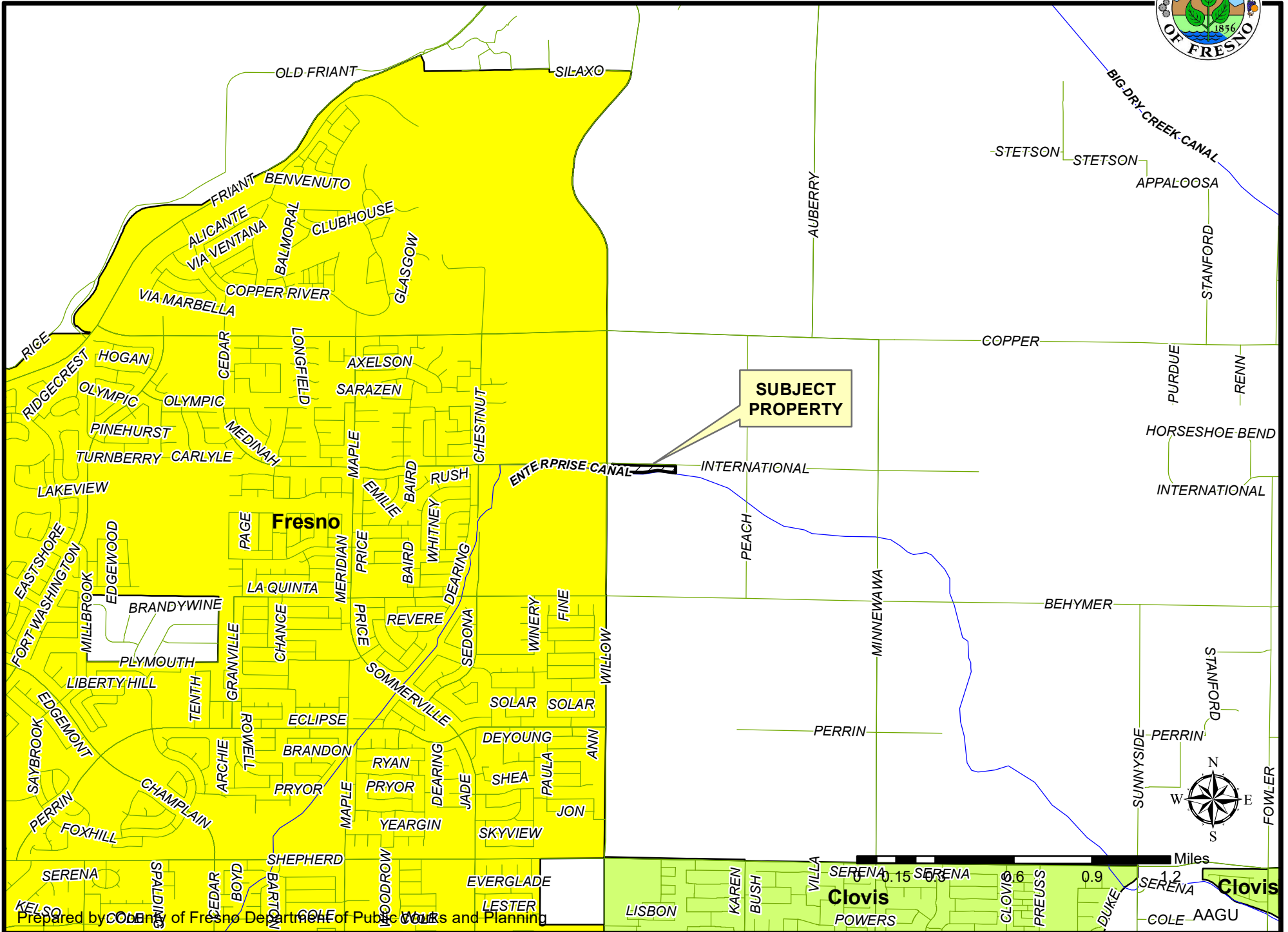
Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	This Use Permit will become void unless there has been substantial development within two years of the effective date of approval.
2.	Plans, permits and inspections shall be required for all proposed improvements on the property, including fences/gate entrances exceeding six feet in height. Contact the Building and Safety Section of the Development Services and Capital Projects Division at (559) 600-4540 for permits and inspections.
3.	Wind load calculations and footing designed by a registered civil engineer shall be submitted to the Building and Safety Section of the Fresno County Department of Public Works and Planning before permits are issued.
4.	Prior to any improvements constructed in the International Avenue right-of-way, an encroachment permit shall be obtained from the Fresno County Road Maintenance and Operations Division.
5.	<p>To address health impacts resulting from the project, the Fresno County Department of Public Health, Environmental Health Division requires the following:</p> <ul style="list-style-type: none"> • 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.
6.	To address site development impacts, the Development Engineering Section of the Development Services and Capital Projects Division requires the following:

Notes	
	<ul style="list-style-type: none"> • A Grading Permit or Voucher shall be required for any grading proposed with this application. • On-site turnarounds are required for vehicles leaving the site to enter International Avenue in a forward motion.
7.	<p>To address site development impacts, the Fresno Metropolitan Flood Control District (FMFCD) requires the following:</p> <ul style="list-style-type: none"> • A temporary on-site storm water storage facility shall be required. Such facility shall be located and constructed so that once permanent FMFCD facilities become available, drainage can be directed to the street. • The Applicant shall pay the District Development Review fees.
8.	<p>The Applicant shall contact the San Joaquin Valley Air Pollution Control District's Small Business Assistance Office to identify District rules or regulations that may apply to this project or to obtain information about District permit requirements.</p>
9.	<p>To address site development impacts, the Fresno Irrigation District (FID) requires the following:</p> <ul style="list-style-type: none"> • FID's active Enterprise NO. 109 Canal runs westerly along the south side of the subject property, crosses Willow Avenue and continues west along the south side of International Avenue. FID may review and comment on all plans for any improvements along the south or west side of the property or any street and/or utility improvements along Willow Avenue, International Avenue, or near the canal. • All utilities shall be located outside of canal right-of-way. • Any structure or permanent improvements constructed on the subject property shall be raised to a minimum of one (1) foot above the high water level of the Enterprise Canal.
10.	<p>The project shall comply with California Code of Regulations Title 24 - Fire Code. Prior to receiving FCFPD conditions of approval for the subject application, plans must be submitted 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.</p>
11.	<p>The Applicant shall file FAA Form 7460-1 with the Western Regional Office of the FAA in conjunction with the proposal.</p>

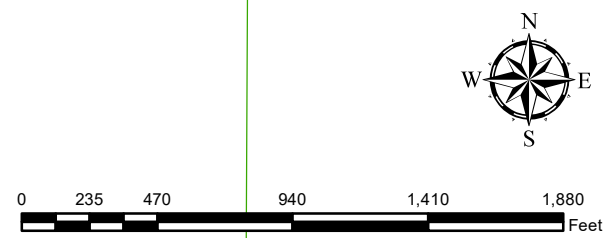
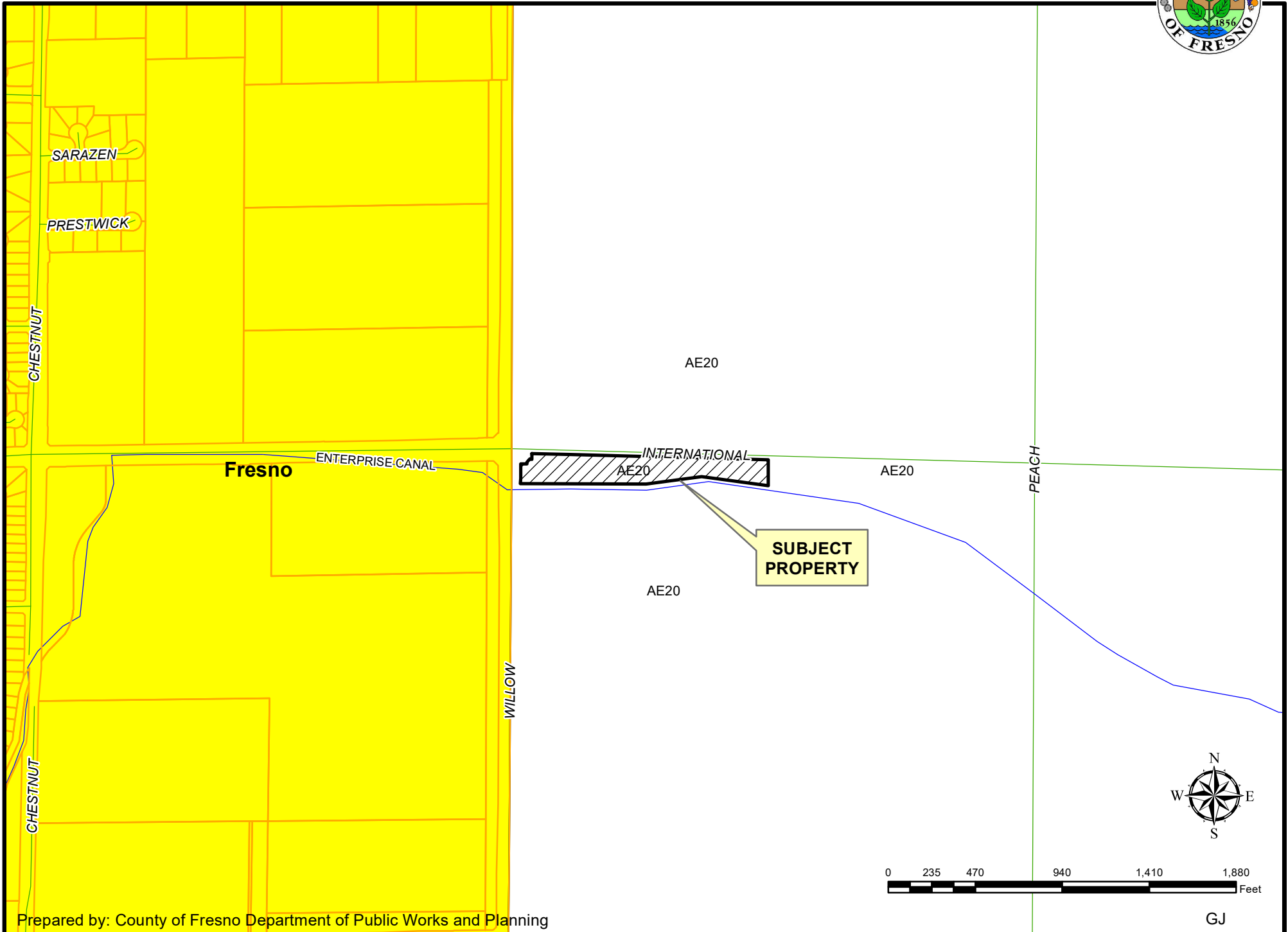
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G:\4360Devs&Pln\PROJSEC\PROJDOCS\CUP\3600-3699\3616\SR\CUP 3616 MMRP (Ex 1).docx

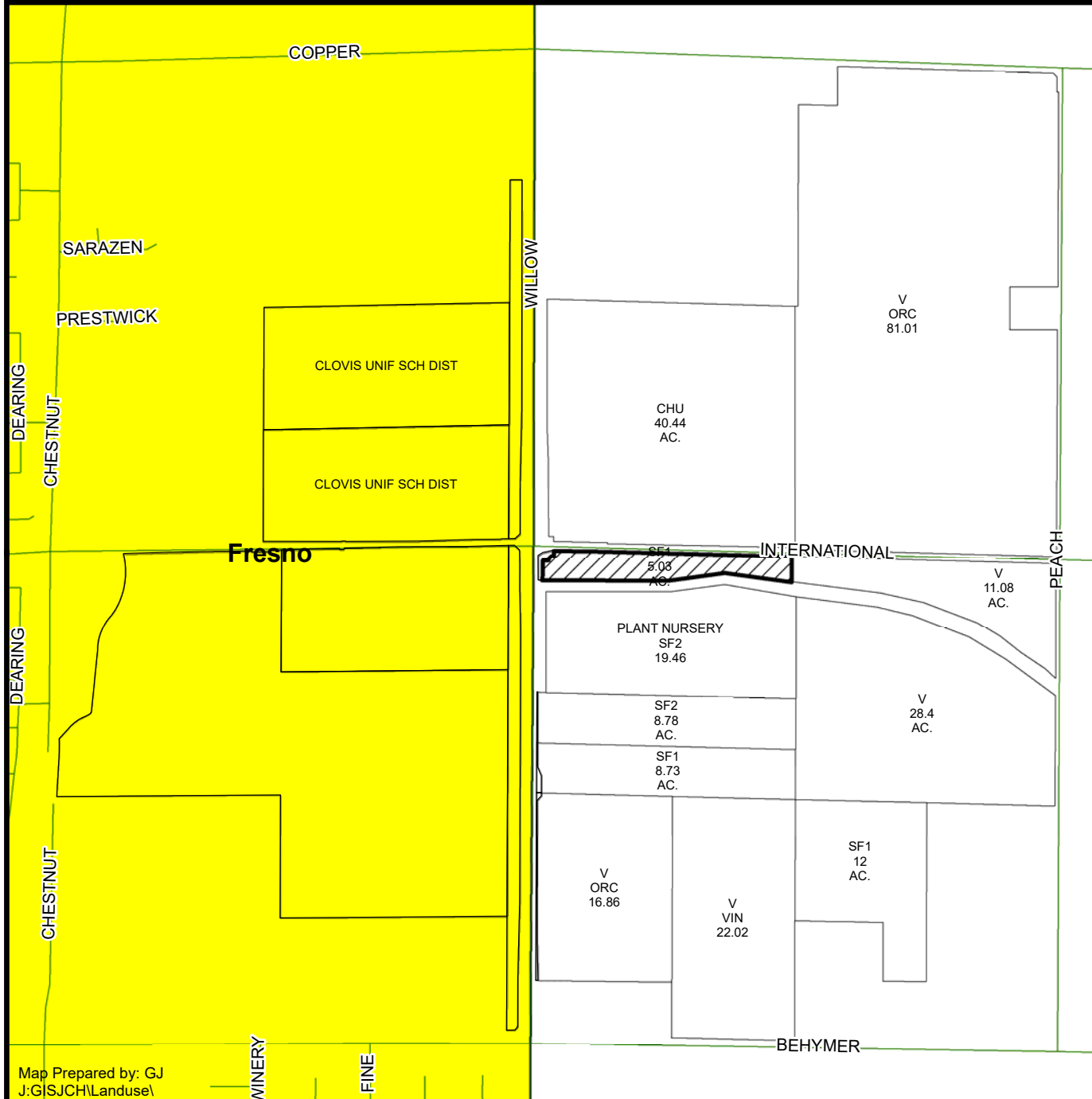
LOCATION MAP



EXISTING ZONING MAP



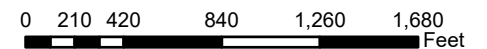
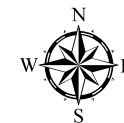
EXISTING LAND USE MAP



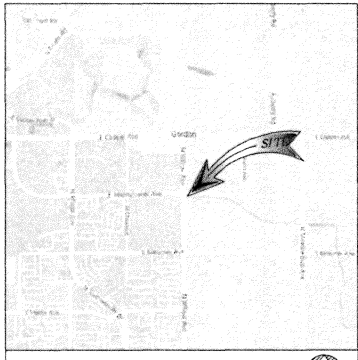
LEGEND	
CHU	CHURCH
ORC	ORCHARD
SF#	SINGLE FAMILY RESIDENCE
V	VACANT
VIN	VINEYARD

LEGEND:

-  Subject Property
-  Ag Contract Land



Department of Public Works and Planning
Development Services Division



VICINITY MAP

APN
580-071-26
SITE ADDRESS
3237 E INTERNATIONAL AVE., CLOVIS, CA 93619
RECORD OWNER
ROBERT HEWITT LEWELLEN AND PEARL ELIZABETH LEWELLEN, TRUSTEES OF THE ROBERT HEWITT LEWELLEN AND PEARL ELIZABETH LEWELLEN REVOCABLE LIVING TRUST DATED 10/12/2015

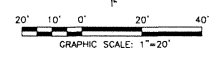
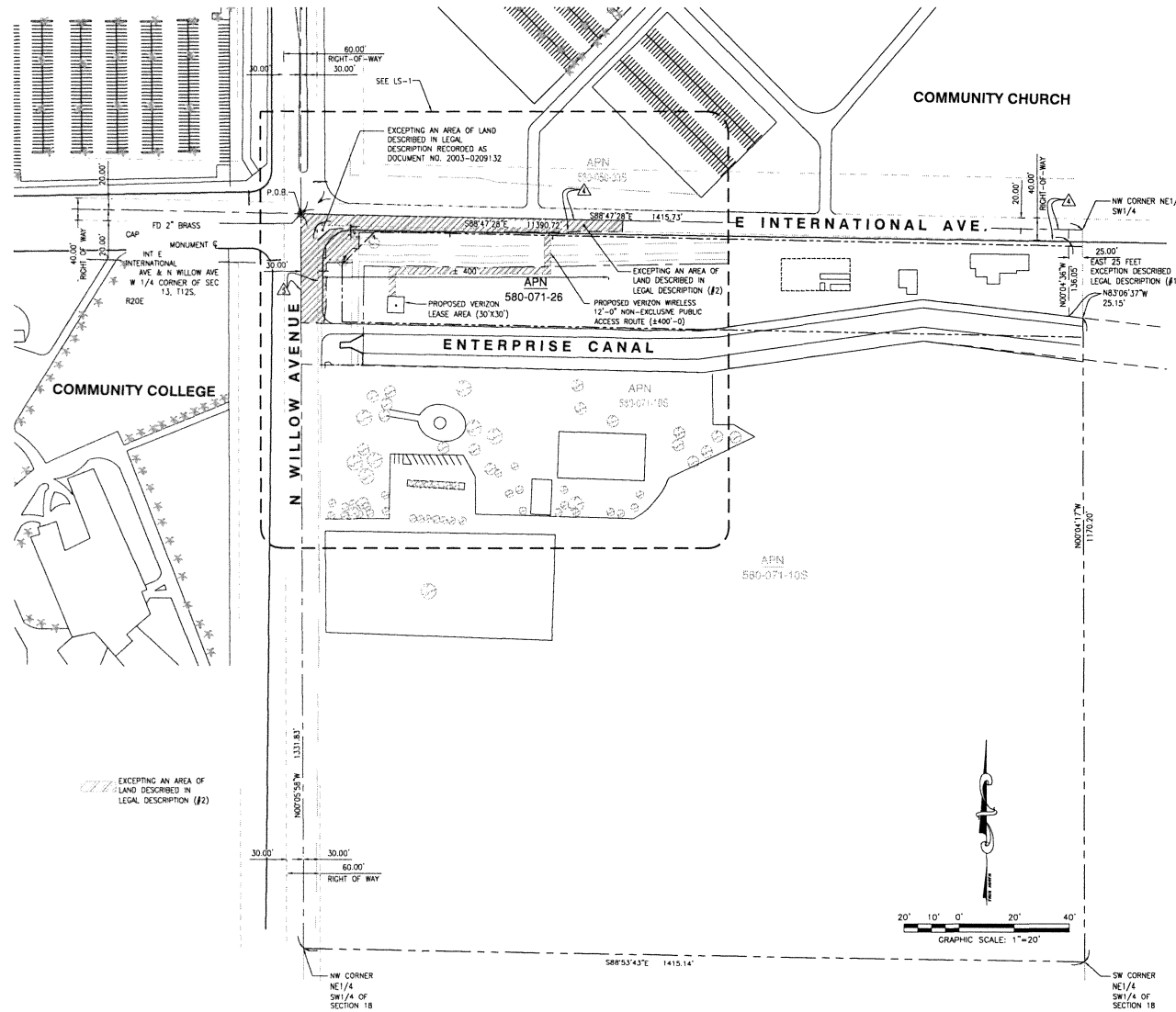
TITLE REPORT
ABSTRACTED TITLE REPORT WAS PREPARED BY FIRST AMERICAN TITLE JURMANCE COMPANY WITH FILE NO. 5572884 DATED OCTOBER 17, 2017.

ENCH MARK
E ELEVATIONS ARE ESTABLISHED FROM THE GPS DERIVED ORTHOMETRIC HEIGHTS BY APPLICATION OF NGS "GEOID 12A" MODELLED SEPARATIONS TO ELLIPSOID HEIGHTS TERMINATED BY OBSERVATIONS OF THE "LEICA SMARTNET" REAL TIME NETWORK. ALL ELEVATIONS SHOWN HEREON WERE REFERENCED TO NAVD83.

LOOD ZONE
FLOOD MAP FOR THE SELECTED AREA AT ZONE "X" WITH PANEL NUMBER 339C1240E EFFECTIVE ON 9/26/2008.

EGAL DESCRIPTION
ALL PROPERTY IN THE UNINCORPORATED AREA OF THE COUNTY OF FRESNO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:
AT PORTION OF THE FRACTIONAL NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 12 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN, THE COUNTY OF FRESNO, STATE OF CALIFORNIA, ACCORDING TO THE UNITED STATES VERMENT TOWNSHIP PLAT THEREOF, LYING NORTH OF THE ENTERPRISE CANAL, BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 18, THENCE SOUTH 88°47'19" EAST, ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 18, A DISTANCE OF 582.36 FEET; THENCE SOUTH 01°12'47" WEST, A DISTANCE OF 20.00 FEET; THENCE SOUTH 89°46'44" WEST, A DISTANCE OF 476.62 FEET; THENCE SOUTH 00°12'44" WEST, A DISTANCE OF 29.08 FEET; THENCE NORTH 89°47'29" WEST, A DISTANCE OF 11.34 FEET; THENCE SOUTH 45°33'37" WEST, A DISTANCE OF 22.69 FEET; THENCE SOUTH 02°06'01" EAST, A DISTANCE OF 9.04 FEET; THENCE SOUTH 87°54'15" WEST, A DISTANCE OF 32.00 FEET; THENCE SOUTH 02°08'01" EAST, A DISTANCE OF 79.57 FEET; THENCE SOUTH 07°52'09" WEST, A DISTANCE OF 37.84 FEET, MORE OR LESS, TO THE NORTH LINE OF THE ENTERPRISE CANAL; THENCE NORTH 88°47'19" WEST, ALONG SAID NORTH LINE OF THE ENTERPRISE CANAL, A DISTANCE OF 40.26 FEET, MORE OR LESS, TO THE WEST LINE OF SAID SOUTHWEST QUARTER OF SECTION 18; THENCE NORTH 02°08'01" WEST, ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER OF SECTION 18, A DISTANCE OF 204.87 FEET TO THE POINT OF BEGINNING EXCEPTING THEREFROM THAT AREA OF LAND LYING WITHIN AN EXISTING RIGHT OF WAY FOR ROAD PURPOSES AS DESCRIBED IN A DOCUMENT RECORDED IN BOOK 546 AT PAGE 373, OFFICIAL RECORDS OF FRESNO COUNTY, A DOCUMENT RECORDED IN BOOK 17 OF RECORDS AT PAGE 560, OFFICIAL RECORDS OF FRESNO COUNTY, ON JANUARY 5, 1881, AND IN A DOCUMENT RECORDED AS DOCUMENT NO. 2003-0209132, FRESNO COUNTY RECORDS.

SCHEDULE B
ITEMS 1-3 ARE TAX/LENS RELATED
ITEM 4 IS DEED RELATED
ITEM 7 IS RIGHTS RELATED
AN EASEMENT FOR PUBLIC ROAD AND INCIDENTAL PURPOSES, RECORDED MARCH 26, 1925 AS BOOK 546, PAGE 373 OF OFFICIAL RECORDS, IN FAVOR OF COUNTY OF FRESNO
A SET BACK LINE ACROSS THE EAST 46 FEET OF WEST 78 FEET OF SAID LAND FOR FUTURE WIDENING OF WILLOW AVE, AS DISCLOSED BY A MAP OF SURVEY OF SAID LAND AND OTHER LAND RECORDED IN BOOK 22 PAGE 41 AND 42 OF RECORD OF SURVEYS, RECORDS OF SAID COUNTY



verizon
15500 SAND CANYON AVENUE
IRVINE, CALIFORNIA 92618

SEQUOIA
DEPLOYMENT SERVICES, INC.
22471 ASPAN STREET, STE. 290
LAKE FOREST, CA 92630

e site
10650 SCRIPPS RANCH BLVD., SUITE 224
SAN DIEGO, CA 92131
Tel: (650) 433-7173 / (650) 433-7176

REV	DATE	DESCRIPTION
2	9/21/2018	ULTIMATE RIGHT-OF-WAY REVISION
1	12/26/2017	FINAL SURVEY
0	11/27/2017	PRELIMINARY SURVEY

ISSUED DATE:
SEPTEMBER 21, 2018

ISSUED FOR:
FINAL SURVEY

LICENSURE:

PROJECT INFORMATION:
WILLOW INTERNATIONAL
LOCATION CODE: 303641
3237 E INTERNATIONAL AVE.,
CLOVIS, CA 93619

DRAWN BY: GJM
CHECKED BY: AJK

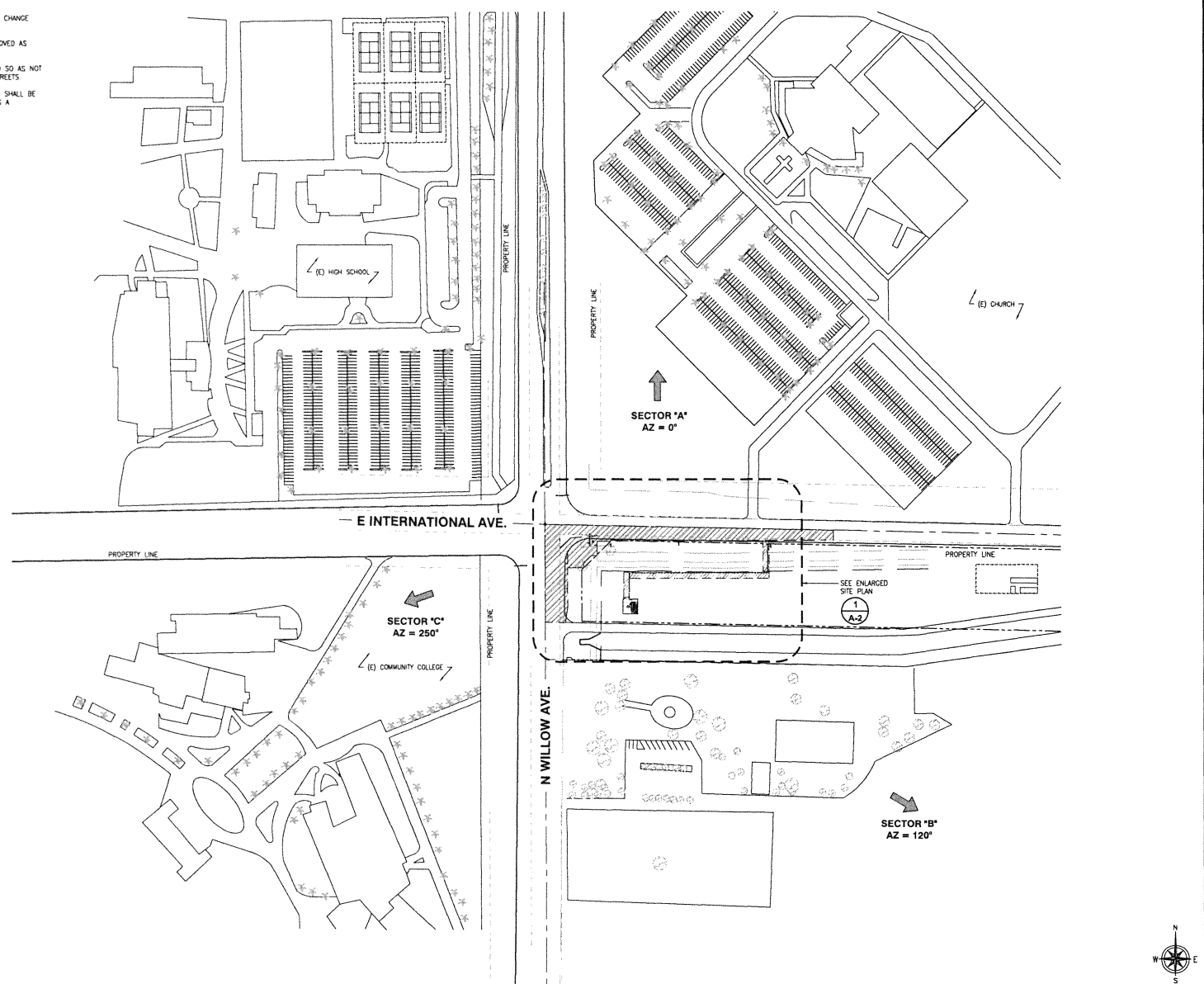
SHEET TITLE:
TOPOGRAPHIC SURVEY

SHEET NUMBER:
LS-1

EXHIBIT 5

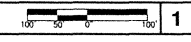
EXHIBIT 5

- NOTES:**
1. THE PROPOSED LAYOUT IS PRELIMINARY AND SUBJECT TO CHANGE PENDING FULL STRUCTURAL AND GEOTECHNICAL ANALYSIS.
 2. NO EXISTING PARKING STALLS ARE BEING ADDED OR REMOVED AS PART OF THE PROPOSED INSTALLATION.
 3. ALL OUTDOOR LIGHTING SHALL BE HOODED AND DIRECTED SO AS NOT TO SHINE TOWARD ADJACENT PROPERTIES AND PUBLIC STREETS.
 4. GROUND EQUIPMENT FOR THE TELECOMMUNICATION TOWER SHALL BE SCREENED FROM VIEW BEHIND SLATTED FENCING UTILIZING A NON-REFLECTIVE OR EARTH-TONE COLOR.



SITE PLAN

24"x36" SCALE: 1" = 100'-0"
 11"x17" SCALE: 1" = 200'-0"



verizon
 2785 MITCHELL DRIVE, BLDG. 9
 WALNUT CREEK, CA 94598

SEQUOIA
 DEPLOYMENT SERVICES, INC.
 22471 ASPEN STREET, STE 290
 LAKE FOREST, CA 92650

CELSIUS
 ENGINEERING GROUP
 10650 SCRIPPS BANCH BLVD., SUITE 224
 SAN DIEGO, CA 92131
 TEL: (858) 433-7773 / (858) 433-7176

REV	DATE	DESCRIPTION
6	10/11/2018	REDESIGN
5	9/21/2018	ULTIMATE RIGHT-OF-WAY REVISION
4	04/23/2018	100% ZD
3	12/27/2017	ENCLOSURE REVISION
2	11/16/2017	90% ZD
1	11/13/2017	80% ZD

ISSUED DATE:
OCTOBER 11, 2018

ISSUED FOR:
100% ZD SET

LICENSURE:

PROJECT INFORMATION:
WILLOW INTERNATIONAL
 LOCATION CODE: 303641
 3237 E INTERNATIONAL AVE.
 CLOVIS, CA 93619

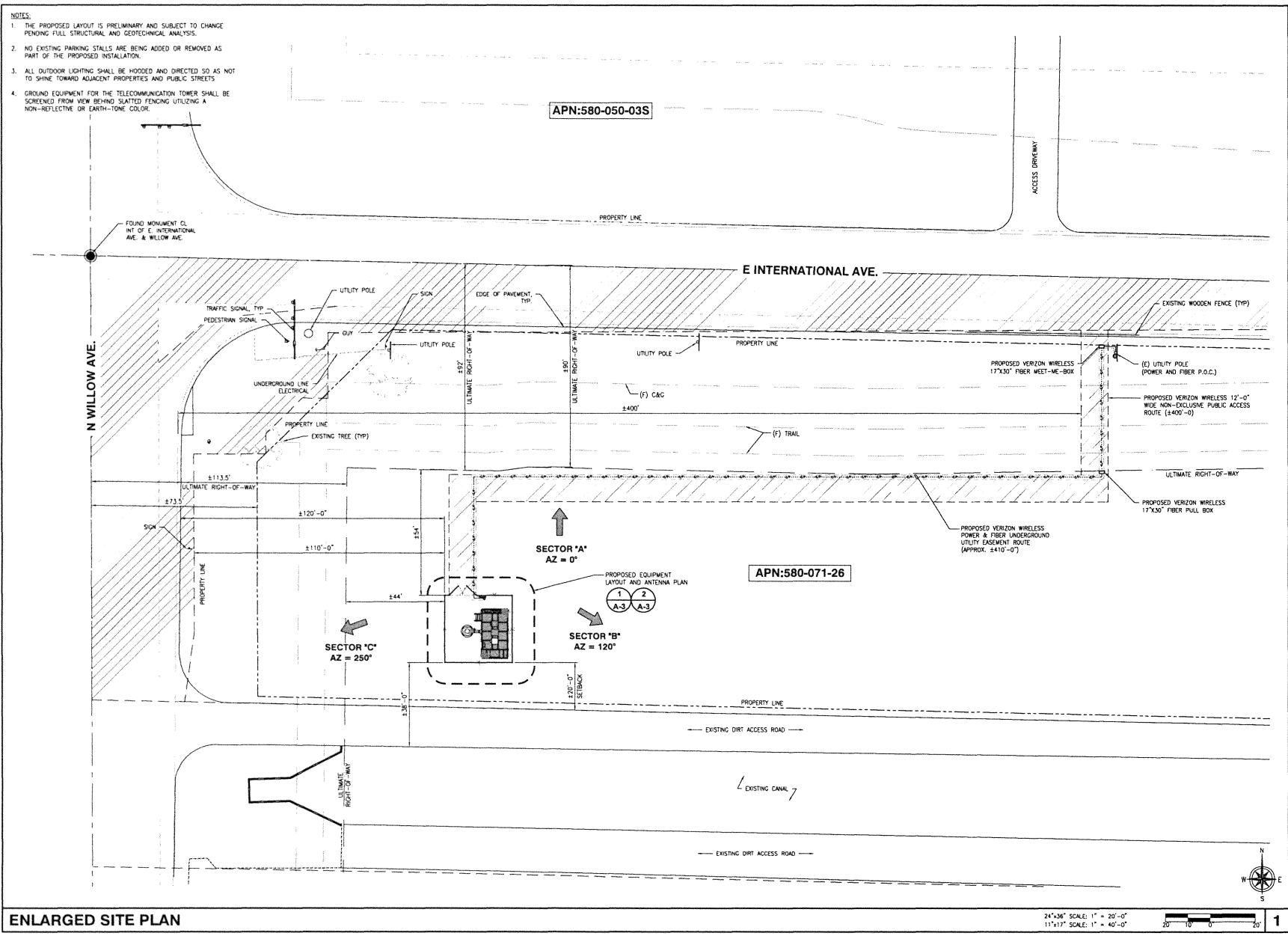
DRAWN BY: MAM
 CHECKED BY: RGG

SHEET TITLE:
SITE PLAN

SHEET NUMBER:
A-1

NOTES:

1. THE PROPOSED LAYOUT IS PRELIMINARY AND SUBJECT TO CHANGE PENDING FULL STRUCTURAL AND GEOTECHNICAL ANALYSIS.
2. NO EXISTING PARKING STALLS ARE BEING ADDED OR REMOVED AS PART OF THE PROPOSED INSTALLATION.
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4. GROUND EQUIPMENT FOR THE TELECOMMUNICATION TOWER SHALL BE SCREENED FROM VIEW BEHIND SLATED FENCING UTILIZING A NON-REFLECTIVE OR EARTH-TONE COLOR.



ENLARGED SITE PLAN

24"x36" SCALE: 1" = 20'-0"
 11"x17" SCALE: 1" = 40'-0"



REV	DATE	DESCRIPTION
6	10/11/2018	REDESIGN
5	9/21/2018	ULTIMATE RIGHT-OF-WAY REVISION
4	04/23/2018	100% ZD
3	12/27/2017	ENCLOSURE REVISION
2	11/16/2017	90% ZD
1	11/13/2017	80% ZD

ISSUED DATE:
OCTOBER 11, 2018

ISSUED FOR:
100% ZD SET

LICENSURE:

PROJECT INFORMATION:
WILLOW INTERNATIONAL
 LOCATION CODE: 303641
 3237 E INTERNATIONAL AVE.
 CLOVIS, CA 93619

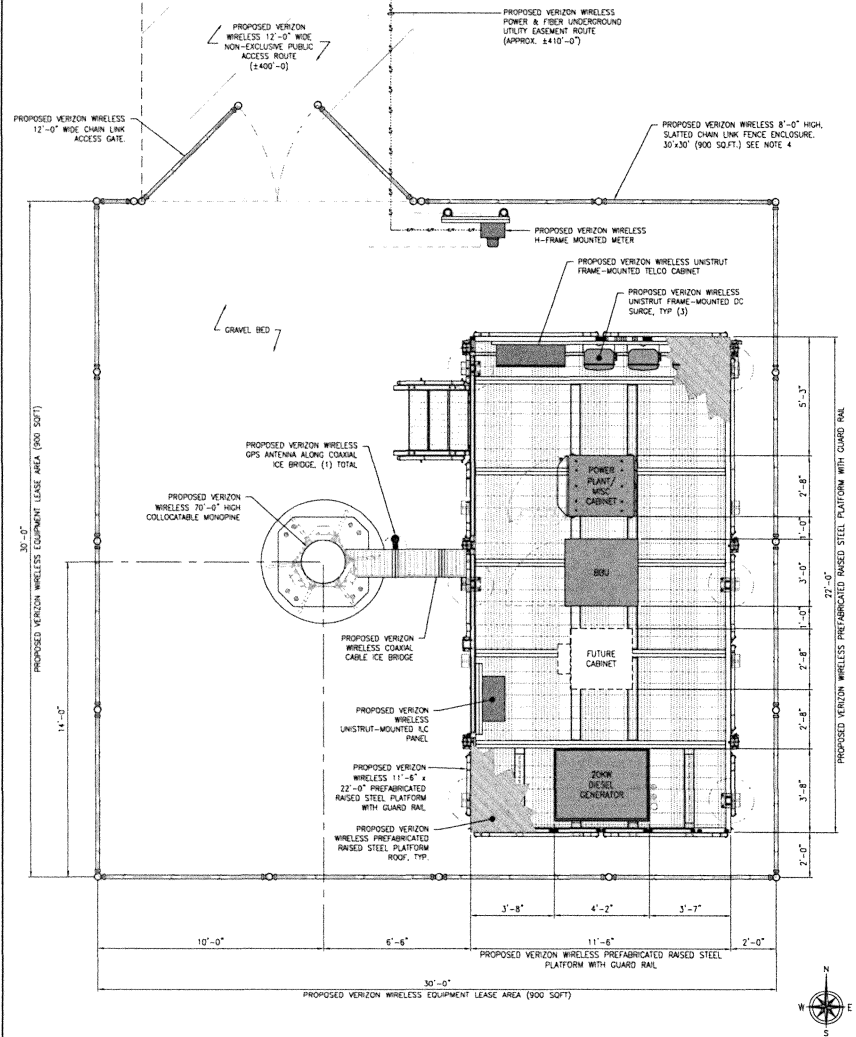
DRAWN BY: MAM
 CHECKED BY: RGC

SHEET TITLE:
ENLARGED SITE PLAN

SHEET NUMBER:
A-2

NOTES:

1. THE PROPOSED LAYOUT IS PRELIMINARY AND SUBJECT TO CHANGE PENDING FULL STRUCTURAL AND GEOTECHNICAL ANALYSIS.
2. NO EXISTING PARKING STALLS ARE BEING ADDED OR REMOVED AS PART OF THE PROPOSED INSTALLATION.
3. ALL OUTDOOR LIGHTING SHALL BE HOODED AND DIRECTED SO AS NOT TO SHINE TOWARD ADJACENT PROPERTIES AND PUBLIC STREETS
4. GROUND EQUIPMENT FOR THE TELECOMMUNICATION TOWER SHALL BE SCREENED FROM VIEW BEHIND SLATED FENCING UTILIZING A NON-REFLECTIVE OR EARTH-TONE COLOR.

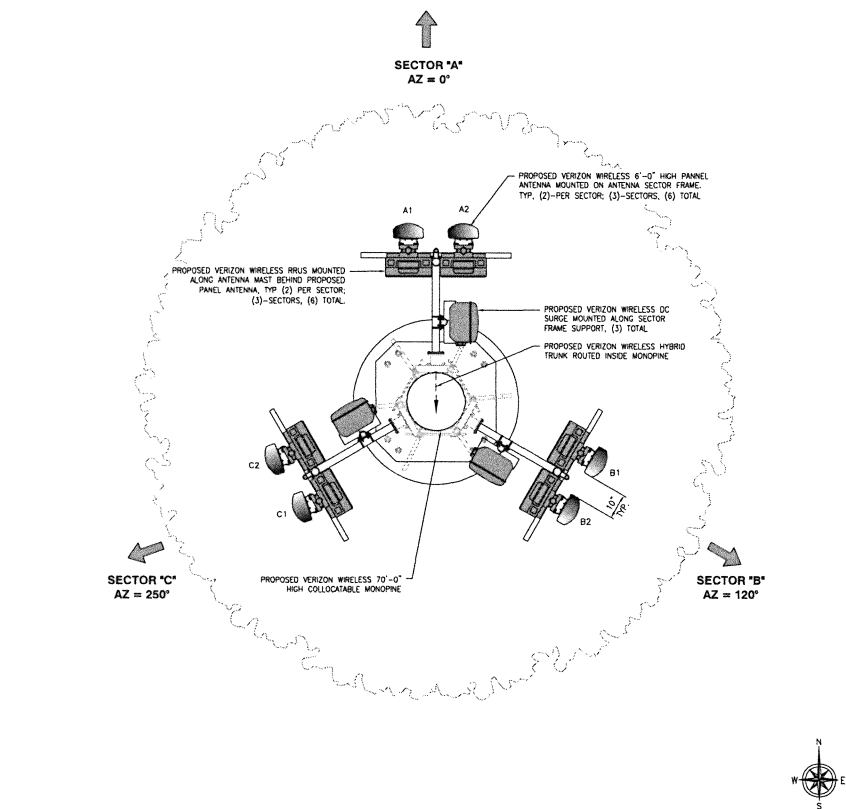


EQUIPMENT LAYOUT

24"x36" SCALE: 3/8" = 1'-0"
 11"x17" SCALE: 3/16" = 1'-0"
 1

PROPOSED ANTENNA SCHEDULE											
ANTENNA POSITION	STATUS	RAD CENTER	ANTENNA MAKE/MODEL	AZIMUTH	ANTENNA COUNT	MECH DOWN/TLT	ELEC DOWN/TLT	TRANSMISSION LENGTH	TRANSMISSION TYPE(S)	RRUS MAKE/MODEL	RRUS COUNT
ALPHA SECTOR	A1	62'-0"	COMSCOPE NH4-1D65B	0°	1	0	0	±80'-0"	(2) 6x12 HYBRID TRUNK	ERICSSON RRUS	1
	A2	62'-0"	COMSCOPE NH4-1D65B	0°	1	0	0	±80'-0"		ERICSSON RRUS	1
BETA SECTOR	B1	62'-0"	COMSCOPE NH4-1D65B	120°	1	0	0	±80'-0"		ERICSSON RRUS	1
	B2	62'-0"	COMSCOPE NH4-1D65B	120°	1	0	0	±80'-0"		ERICSSON RRUS	1
GAMMA SECTOR	C1	62'-0"	COMSCOPE NH4-1D65B	250°	1	0	0	±80'-0"		ERICSSON RRUS	1
	C2	62'-0"	COMSCOPE NH4-1D65B	250°	1	0	0	±80'-0"		ERICSSON RRUS	1

- ANTENNA NOTE:**
1. PROPOSED VERIZON WIRELESS PANEL ANTENNAS, MICROWAVE ANTENNA AND RRUS TO BE PAINTED FOR CONCEALMENT AS NECESSARY.
 2. PROPOSED VERIZON WIRELESS ANTENNAS, ANTENNA SECTOR FRAME, DC SURGE, AND RRUS TO BE PAINTED GREEN FOR CONCEALMENT. PANEL ANTENNAS TO BE WRAPPED WITH NEEDLE SOCKS FOR CONCEALMENT, TYP.

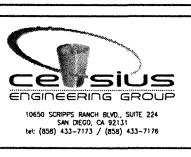


ANTENNA LAYOUT

24"x36" SCALE: 1/2" = 1'-0"
 11"x17" SCALE: 1/4" = 1'-0"
 2



2785 MITCHELL DRIVE, BLDG. 9
 WALNUT CREEK, CA 94598



REV	DATE	DESCRIPTION
6	10/11/2018	REDESIGN
5	9/21/2018	ULTIMATE RIGHT-OF-WAY REVISION
4	04/23/2018	100% ZD
3	12/27/2017	ENCLOSURE REVISION
2	11/16/2017	90% ZD
1	11/13/2017	80% ZD

ISSUED DATE:
OCTOBER 11, 2018

ISSUED FOR:
100% ZD SET

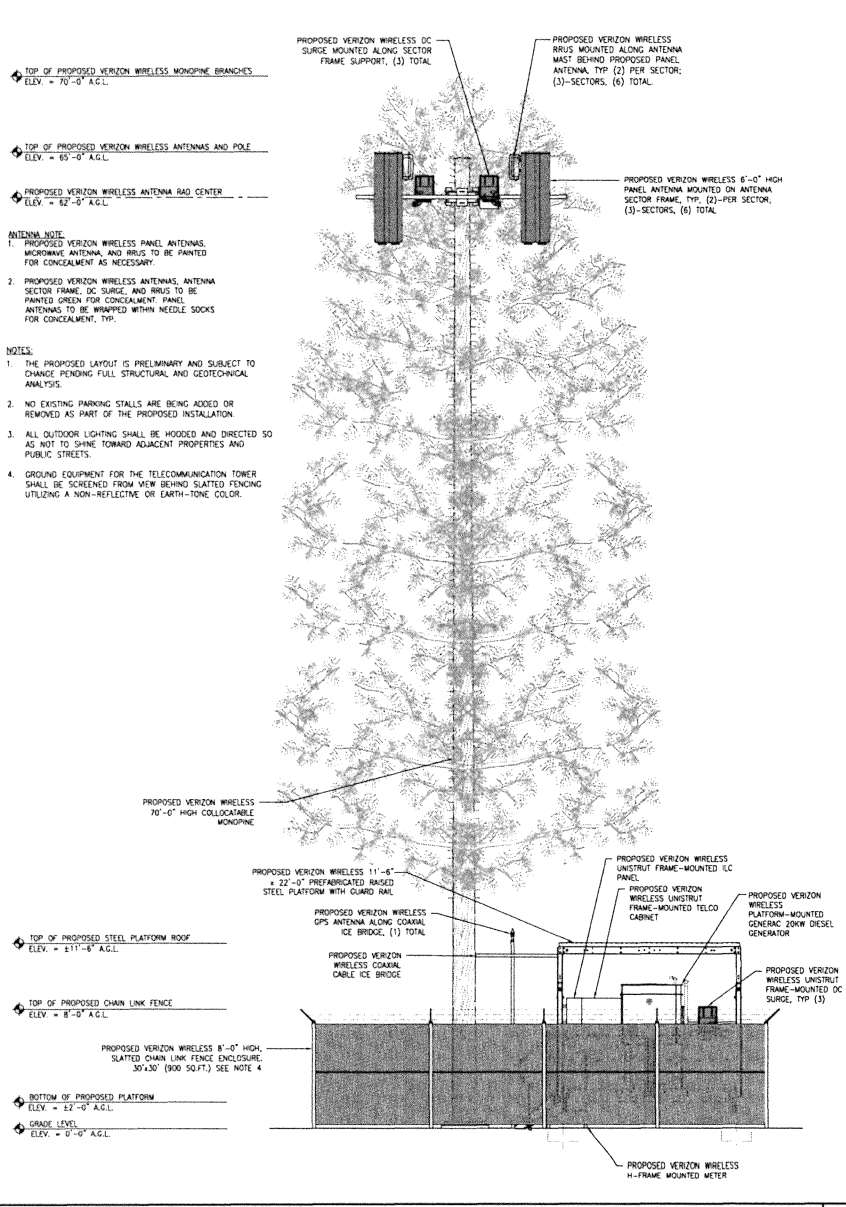
LICENSURE:

PROJECT INFORMATION:
WILLOW INTERNATIONAL
 LOCATION CODE: 303641
 3237 E INTERNATIONAL AVE.
 CLOVIS, CA 93619

DRAWN BY: MAM
 CHECKED BY: RGC

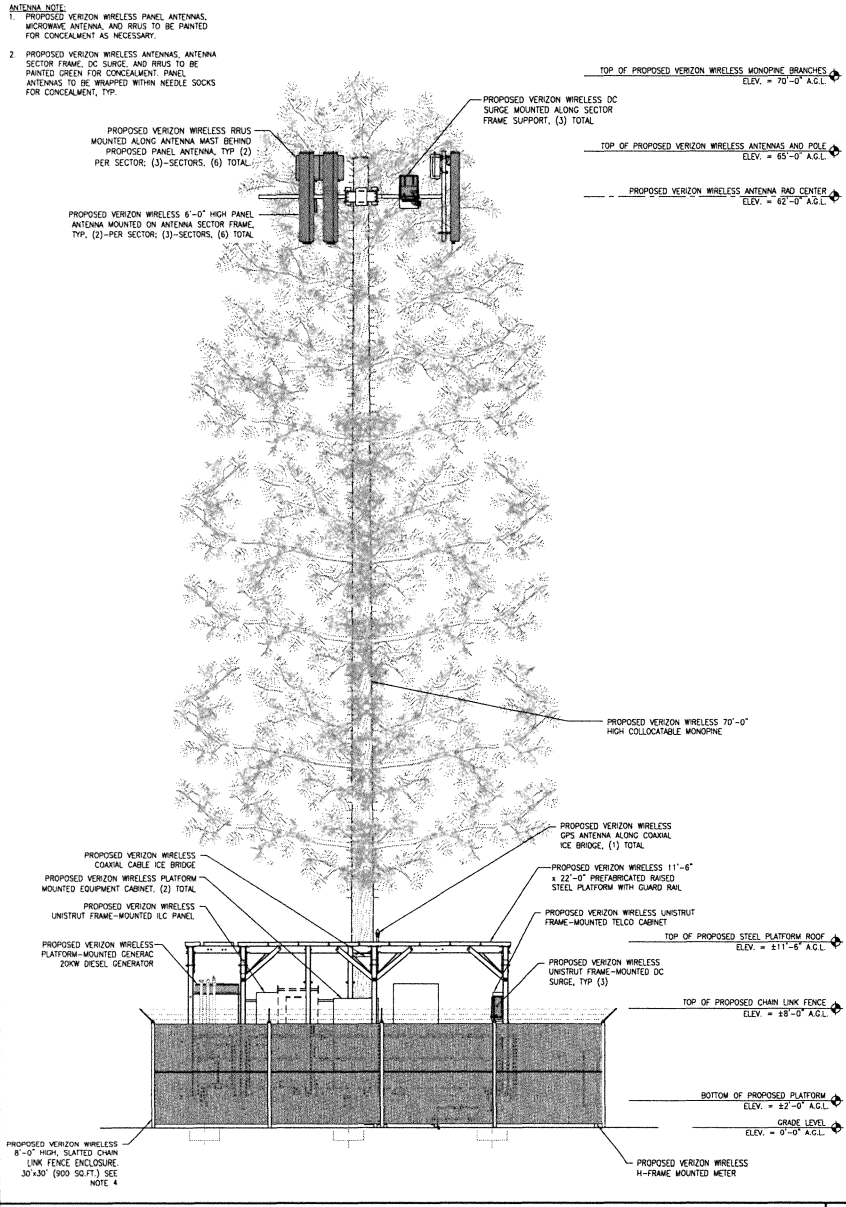
SHEET TITLE:
ARCHITECTURAL ELEVATIONS

SHEET NUMBER:
A-3



SOUTH ELEVATION

24'x36" SCALE: 1/4" = 1'-0"
 11'x17" SCALE: 1/8" = 1'-0"



EAST ELEVATION

24'x36" SCALE: 1/4" = 1'-0"
 11'x17" SCALE: 1/8" = 1'-0"



REV	DATE	DESCRIPTION
6	10/11/2018	REDESIGN
5	9/21/2018	ULTIMATE RIGHT-OF-WAY REVISION
4	04/23/2018	100% ZD
3	12/27/2017	ENCLOSURE REVISION
2	11/16/2017	90% ZD
1	11/13/2017	80% ZD

ISSUED DATE: **OCTOBER 11, 2018**

ISSUED FOR: **100% ZD SET**

LICENSURE:

PROJECT INFORMATION:
WILLOW INTERNATIONAL
 LOCATION CODE: 303641
 3237 E INTERNATIONAL AVE.
 CLOVIS, CA 93619

DRAWN BY: MAM
 CHECKED BY: RGC

SHEET TITLE:
ARCHITECTURAL ELEVATIONS

SHEET NUMBER:
A-4

TOP OF PROPOSED VERIZON WIRELESS MONOPINE BRANCHES
ELEV. = 70'-0" A.G.L.

TOP OF PROPOSED VERIZON WIRELESS ANTENNAS AND POLE
ELEV. = 65'-0" A.G.L.

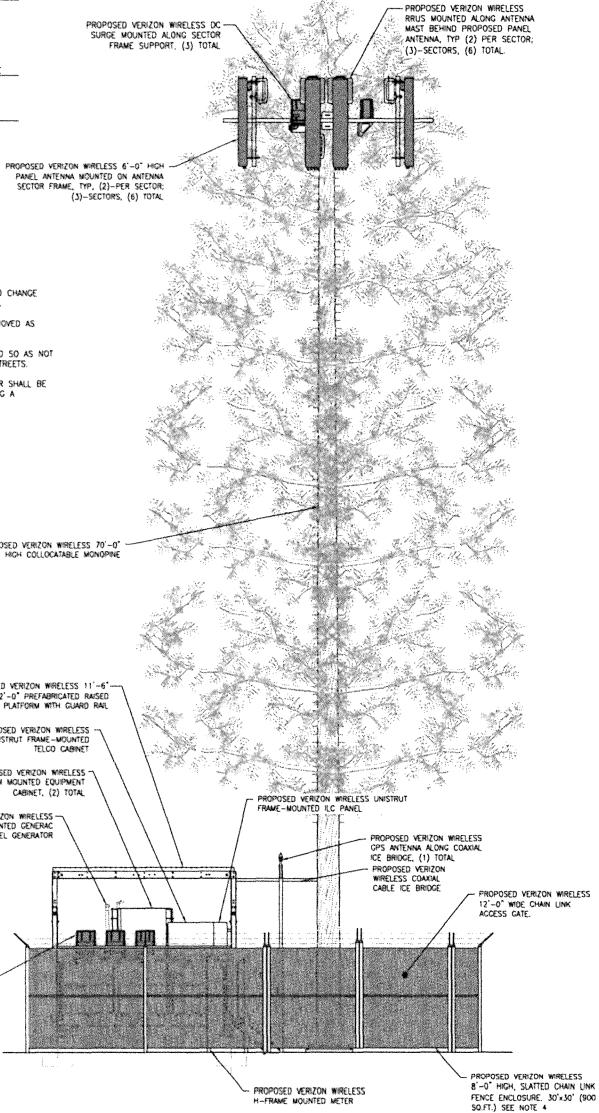
PROPOSED VERIZON WIRELESS ANTENNA RAD CENTER
ELEV. = 62'-0" A.G.L.

ANTENNA NOTE:

1. PROPOSED VERIZON WIRELESS PANEL ANTENNAS, MICROWAVE ANTENNA AND RRUS TO BE PAINTED FOR CONCEALMENT AS NECESSARY.
2. PROPOSED VERIZON WIRELESS ANTENNAS, ANTENNA SECTOR FRAME, DC SURGE, AND RRUS TO BE PAINTED GREEN FOR CONCEALMENT. PANEL ANTENNAS TO BE WRAPPED WITH NEEDLE SOCKS FOR CONCEALMENT, TYP.

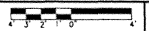
NOTES:

1. THE PROPOSED LAYOUT IS PRELIMINARY AND SUBJECT TO CHANGE PENDING FULL STRUCTURAL AND GEOTECHNICAL ANALYSIS.
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3. ALL OUTDOOR LIGHTING SHALL BE HOODED AND DIRECTED SO AS NOT TO SHINE TOWARD ADJACENT PROPERTIES AND PUBLIC STREETS.
4. GROUND EQUIPMENT FOR THE TELECOMMUNICATION TOWER SHALL BE SCREENED FROM VIEW BEHIND SLATTED FENCING UTILIZING A NON-REFLECTIVE OR EARTH-TONE COLOR.

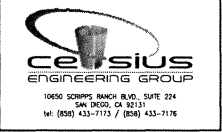


NORTH ELEVATION

24"x36" SCALE: 1/4" = 1'-0"
11"x17" SCALE: 1/8" = 1'-0"



1



REV	DATE	DESCRIPTION
6	10/11/2018	REDESIGN
5	9/21/2018	ULTIMATE RIGHT-OF-WAY REVISION
4	04/23/2018	100% ZD
3	12/22/2017	ENCLOSURE REVISION
2	11/16/2017	90% ZD
1	11/13/2017	80% ZD

ISSUED DATE:
OCTOBER 11, 2018

ISSUED FOR:
100% ZD SET

LICENSURE:

PROJECT INFORMATION:
WILLOW INTERNATIONAL
LOCATION CODE: 303641
3237 E INTERNATIONAL AVE.
CLOVIS, CA 93619

DRAWN BY: MAM
CHECKED BY: RGG

SHEET TITLE:
ARCHITECTURAL ELEVATIONS

SHEET NUMBER:
A-5



Verizon Wireless Proposed Wireless Telecommunications Facility
Willow & International-3237 E International Ave, Fresno, CA 93619

Operational Checklist

- 1) Verizon Wireless is proposing and requesting the approval of a new wireless telecommunications facility within Fresno County. The proposed project consists of the installation of (1) 70' colocabable Monopine, (6) 6' Panel antennas, (1) CMU Wall Enclosure, (2) Pad-mounted Equipment Cabinets, (6) Radio Remote Units, (3) Hybrid trunks, (3) DC Surges, (1) Rack-mounted Telco Cabinet, (1) Rack-mounted Meter, (1) Pad mounted 20 kW AC Generator and (1) Rack-mounted ILC Cabinet.

The following describes the everyday operation of the wireless facility:

- 2) The proposed project will not consist of any operational time limits as the scope is to develop a tower with the ability to provide coverage and capacity to our customers.
- 3) This site will not result in any customers and there may be one employee, with a service vehicle, at the site per month for routine maintenance.
- 4) This site will only result in the amount of one maintenance employee who would care for the site monthly
- 5) This site will not result in having any service and delivery vehicles as the finished product is a Wireless Telecommunications Facility
- 6) As the site will be on private property, there is an access driveway that leads onto the parcel allowing us to maintain our site.
- 7) There will not be any addition or subtracting of parking stalls as this project will not require them due the lack of employees, customers or service vehicles. The site is also private property and there is an ample amount of space for any needed maintenance
- 8) The wireless facility will not offer any goods for sale as this site is not a retail store.

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- 9) The wireless Facility will only use equipment for the purpose of coverage and capacity for the wireless consumers. Please see Photo simulation for view of tower and antennas
- 10) The wireless facility will not use any daily supplies or materials, nor will it need to store any supplies or materials
- 11) The Wireless Facility will change the surrounding aesthetics as the need for a 70' monopine is needed to aid in the coverage and capacity of the surrounding areas. This pole construction is designed to provide the least amount of impact to the surrounding areas in the least intrusive means. The design is being proposed that will not create conditions or situations that may be objectionable, detrimental or incompatible with the surrounding land uses
- 12) As this project will not have any customers or employees to the site daily, there will be no solid or liquid waste to dispose of
- 13) There will not be any water volume needed for this project as there is no equipment that would require any water
- 14) The site will not include any advertisement for Verizon or any other carrier or company
- 15) There will not be any additional building(s) proposed with this project as the scope is to install a new monopole
- 16) As stated above, there will be no need for the construction of new building(s) as the proposed site is to construct a monopole for the use of Wireless Telecommunications
- 17) The site will not produce any additional lighting or sound systems as the site noise will only be minor from the needed equipment. If the County will require a light for the site and FAA, please advise.
- 18) The site will be enclosed at the base of the pole and around the equipment to keep it separated from any citizen or customer in the surrounding area
- 19) All information is provided within the Plans, Site Analysis,
- 20) The signed LOA shall be used for the information needed from the signed owner on the application page



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Verizon Wireless Proposed Wireless Telecommunications Facility
Willow & International – 3237 E International Ave, Fresno, CA 93619

Wireless Guidelines Response

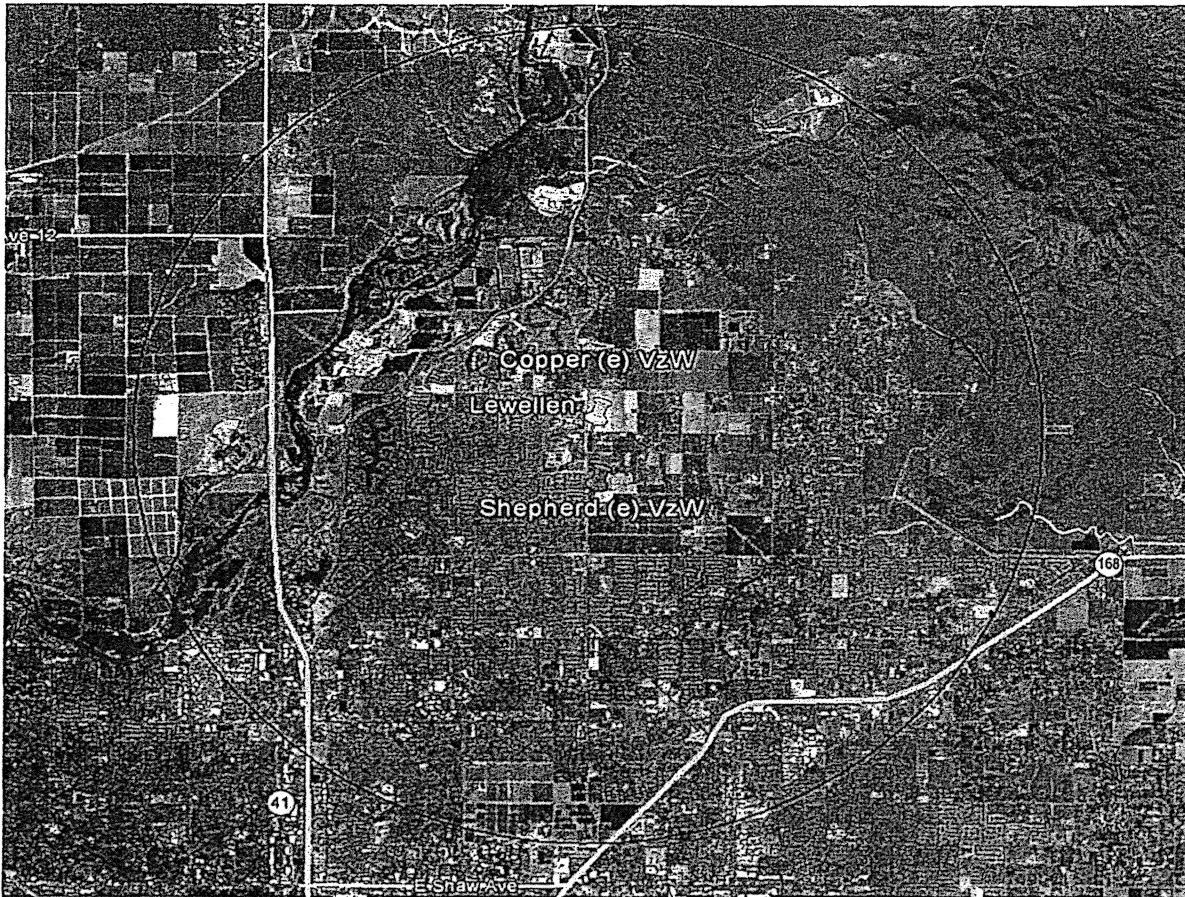
- Submit detailed information to justify the need for the tower site (e.g. network design, search ring, specific site selection criteria).
 - Please refer to Project Description and Alternative Site Analysis provided in the submittal
- Submit 18 color copies of service coverage maps and other necessary graphics that demonstrate the need for the proposed tower site.
 - Noted and added with the submittal
- Identify the location of any existing or approved future tower within a five-mile radius of the proposed site. Include information regarding the operator/owner of the tower, and the tower height.
 - Please refer to the “5-Mile Radius Map” included within the submittal packet
- Submit information including correspondence which documents efforts to negotiate "co-location" on existing towers and other existing structures in the area.
 - Please refer to the Alternative Site Analysis
- Submit detailed information documenting consideration of any alternative sites (other than existing towers).
 - Please refer to the Alternative Site Analysis
- Provide documentation that provisions are included in your lease agreement that reserves "co-location" opportunities for other service providers.
 - The 70' Monopine is set up for colocation and this is expressed throughout the submittal documents on the Zoning Drawings
- Depict on the site plan the area available within the tower site to accommodate other future equipment buildings/towers.
 - The Site Plan shows ample amount of ground space for additional carriers and notes that the pole is colocatable
- Identify the distance and location of the nearest residence(s) within one-quarter mile from the proposed tower site.
 - Please refer to the “.25-mile Radius Map” included in the submittal documents
- Identify the location of any airstrip or airport within a five-mile radius of the proposed tower site.
 - No airstrips were located within a 5-mile radius
- Tower sites proposed in rural agricultural areas must include information relevant to the siting criteria and requirements found in item No. 7 of the "Guidelines" handout.
 - A) As the proposed site is not located in any aircraft path, near farm irrigation systems or by farm equipment, the site location was chosen to have the least obtrusive impact on the property and surrounding land uses

- B) The site is located at the South East corner of the parcel and setback as needed from N. Willow Ave. The location was chosen as it is close to our Ring Center and does not limit the Parcel as it would if we had placed the tower in the Center of the property
 - C) No guy wires are proposed on this project
 - D) Due to the location of the site and the surrounding Land Uses, a stealth tower, in the form of a Pine Tree is being proposed. This tower type provides the least obtrusive design and fits within the surrounding land uses.
 - E) Due to the location of the site, this site would not have any impacts on adjacent and surrounding farming properties
- Tower sites proposed within one-half mile of the boundary of the Cities of Fresno and Clovis must give consideration to City-adopted Guidelines (see attached Guidelines presently utilized by the City of Fresno).
 - Consideration was given with the proposed stealth and colocatable tower for the guidelines put forth by City of Fresno
- Tower sites proposed adjacent to roads classified as major roads on the Circulation Element of the General Plan and other aesthetically sensitive areas (e.g. river bottom, existing/planned residential areas) must include information regarding measures taken to minimize aesthetic impacts (e.g. substantial setback from major road, trees, stealth tower design, slim-line monopole).
 - The proposed tower is a stealth MonoPine due to its location
- Identify total number of existing towers in Fresno County.
 - This information would be unknown to Verizon, however the previous requirement for the Verizon sites within a 5-mile radius has been provided
- Identify total number of existing tower sites on which co-location has occurred with other communication carriers.
 - This information would be unknown to Verizon, however the previous requirement for the Verizon sites within a 5-mile radius has been provided
- Indicate total number of tower sites planned for location in Fresno County.
 - This information would be unknown to Verizon, however the previous requirement for the Verizon sites within a 5-mile radius has been provided
 -



Verizon Wireless Proposed Wireless Telecommunications Facility
Willow & International – 3237 E International Ave, Fresno, CA 93619

5-Mile Existing Verizon Sites



Per the request of the County code, Verizon was asked to provide any existing sites within a 5-mile radius. The map above depicts 5-mile radius around the proposed site "Willow & International".

As of today, there are two known existing Verizon Wireless sites within the 5-mile radius zone. With "Copper" and "Shepherd" are both over (1) mile in distance from the proposed site.

Lewellen is the proposed site which is placed strategically to provide better service and coverage in the immediate area of Fresno County. Please refer to the provided coverage maps for service and coverage justification.



Verizon Wireless Proposed Wireless Telecommunications Facility
Willow & International – 3237 E International Ave, Fresno, CA 93619

.25-Mile Radius for Residential



Per the request of the County, Verizon was asked to provide any search ring for residential properties within a .25-mile radius. The map above depicts an .25-mile radius around the proposed site "Willow & International".

As of today, there are no existing residential properties within the .25-mile ring. I also extended the ring to .5 miles (orange), and the same conclusion was found.



Verizon Wireless Proposed Wireless Telecommunications Facility
Willow & International – 3237 E International Ave, Fresno, CA 93619

Project Description

Verizon Wireless is proposing and requesting the approval of a new wireless telecommunications facility within Fresno County. The proposed project consists of the installation of (1) 70' colocabable Monopine, (6) 6' Panel antennas, (1) CMU Wall Enclosure, (2) Pad-mounted Equipment Cabinets, (6) Radio Remote Units, (3) Hybrid trunks, (3) DC Surges, (1) Rack-mounted Telco Cabinet, (1) Rack-mounted Meter, (1) Pad mounted 20 kW AC Generator and (1) Rack-mounted ILC Cabinet.

The proposed telecommunications facility would be located at 580-071-26 and is currently surrounded Clovis Community College to the west and Agriculture to the East and is zoned AE20, permitting the use of wireless telecommunications facilities. The aesthetic change will be the 70' monopine with attached antennas and the new equipment cabinet(s) placed at ground level. The proposed facility does not conflict with the spirit or intent of the county's zoning ordinance for new wireless telecommunications facilities.

In an effort to meet customer demands, Verizon Wireless is proposing this facility in a manner that will not create conditions or situations that may be objectionable, detrimental or incompatible with the surround land uses. The facility is not staffed having no impact on current (traffic or parking) circulation systems. In addition, the facility continues to only require periodic maintenance, which equates to approximately one trip per month. Furthermore, Verizon will continue to operate in full compliance with all local, state and federal regulations. Verizon Wireless respectfully requests approval of this modification to continue operating and improve the existing wireless facility in order to provide seamless coverage to subscribers.

Verizon Wireless is a registered public utility, licensed and regulated by the California Public Utilities Commission (CPUC) and the Federal Communications Commission (FCC). Verizon Wireless technology does not interfere with any other forms of private or public communications systems.

Alternative Site Analysis

Based on the research conducted on the requirements and intent of Fresno County's Zoning Ordinances and the needs of the Verizon Wireless' RF Engineers, the proposed location should be considered the most viable and desirable for the placement of a new Verizon Wireless telecommunications facility.

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In most cases, it is Verizon's preference to pursue a collocation whenever it is deemed possible as cost for a collocation are generally less and the zoning requirements and process is typically less restrictive. For this reason, Verizon always has the best interest to investigate and fully vet the possibilities for collocation where the opportunity exists. However, in this instance, there are not any collocation opportunities within the search area that were viable.



Verizon Wireless Proposed Wireless Telecommunications Facility
Willow & International – 3237 E International Ave, Fresno, CA 93619

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Alternative Site Analysis

Verizon Wireless conducted a thorough search in efforts to contact and investigate all alternative feasible site locations that would eliminate or substantially reduce significant gaps in the coverage or network capacity when a new site is proposed. In this instance, the "Willow & International" search area is in the County of Fresno; the terrain is flat with surrounding hills and existing uses in the area consist of predominantly Rural commercial/residential with very limited large existing commercial properties being available.

The proposed site, a 70' monopine, fits the intent of the surrounding land use areas as a stealth type tower will conform to the surrounding areas. The monopine would also fit what has been previously approved in this surrounding with stealth like type structures.

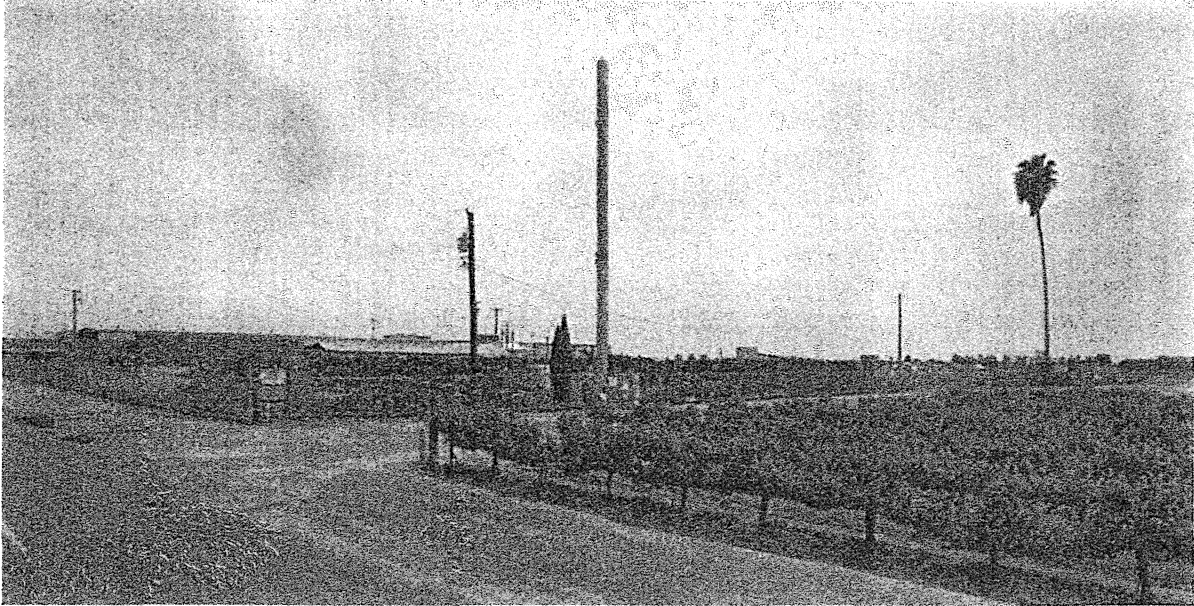
Verizon examined the search for co-location opportunities and did not locate any existing free standing co-locatable wireless towers within the search area that would provide the required height. It is Verizon's preference to pursue a collocation whenever it is possible. However, in this instance, the only related opportunity within the search area resulted in a new monopole.

A variety of different properties were investigated by Verizon Wireless, but all were deemed unsuitable for the proposed facility. The main reason for these sites being unsuitable are either land use/parking mitigations, required height and safe access to the site.

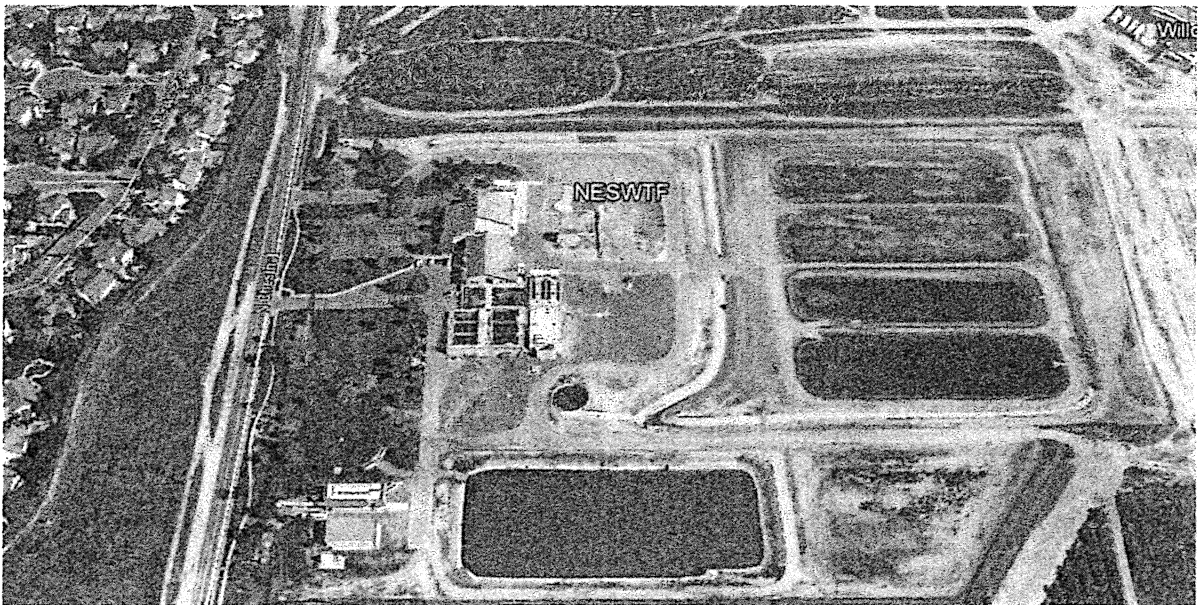
Alternative Sites in relation to the proposed Willow & Internationals Site



• **CCI 823571-** 36°53'44.54"N, 119°43'56.86"W and owned by Crown Castle. The below tower was examined for colocation, however it is an existing slim line pole and not colocatable. There is no existing ground space for an additional carrier and the tower owner showed no interest to an additional site in the preliminary stages. The proposed scope would have included the replacement of the existing pole with a new pole. However due to our required height and the lack there of on the new pole with the current user, the site would not fill a gap in capacity and/or coverage: **NOT A VIABLE CANDIDATE.**



• **NESWTF-** 36°53'3.57"N, 119°44'14.16"W N Chestnut Fresno, CA 93730. Site is a City of Fresno Water Treatment Plant with an existing tower. Letter of intent was sent for colocation, however Property Onwer was not interested: **NOT A VIABLE CANDIDATE.**



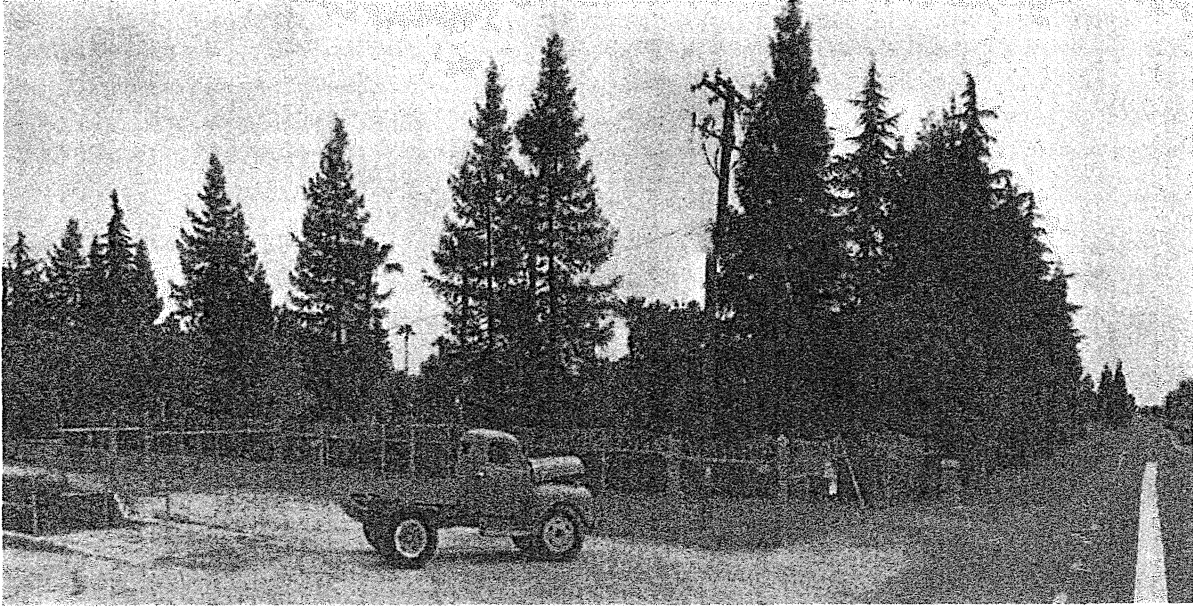
- **Willow International Center-** 10309 N Willow Ave, Fresno CA 93720. Existing use is the Willow International Center. Location was examined, however multiple Letters Of Intent were send and the Property Owner/Land Lord were not responsive: NOT A VIABLE CANDIDATE

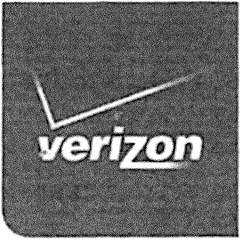


- **Penn** –Lats/Long: 36°53'10.85"N, 119°43'41.18"W. 10326 N Willow Ave, Clovis CA. Proposed New Structure on Residential parcel. Letter of Intent was mailed and conversation with Property owner was held, however there was no interest: NOT A VIABLE CANDIDATE.



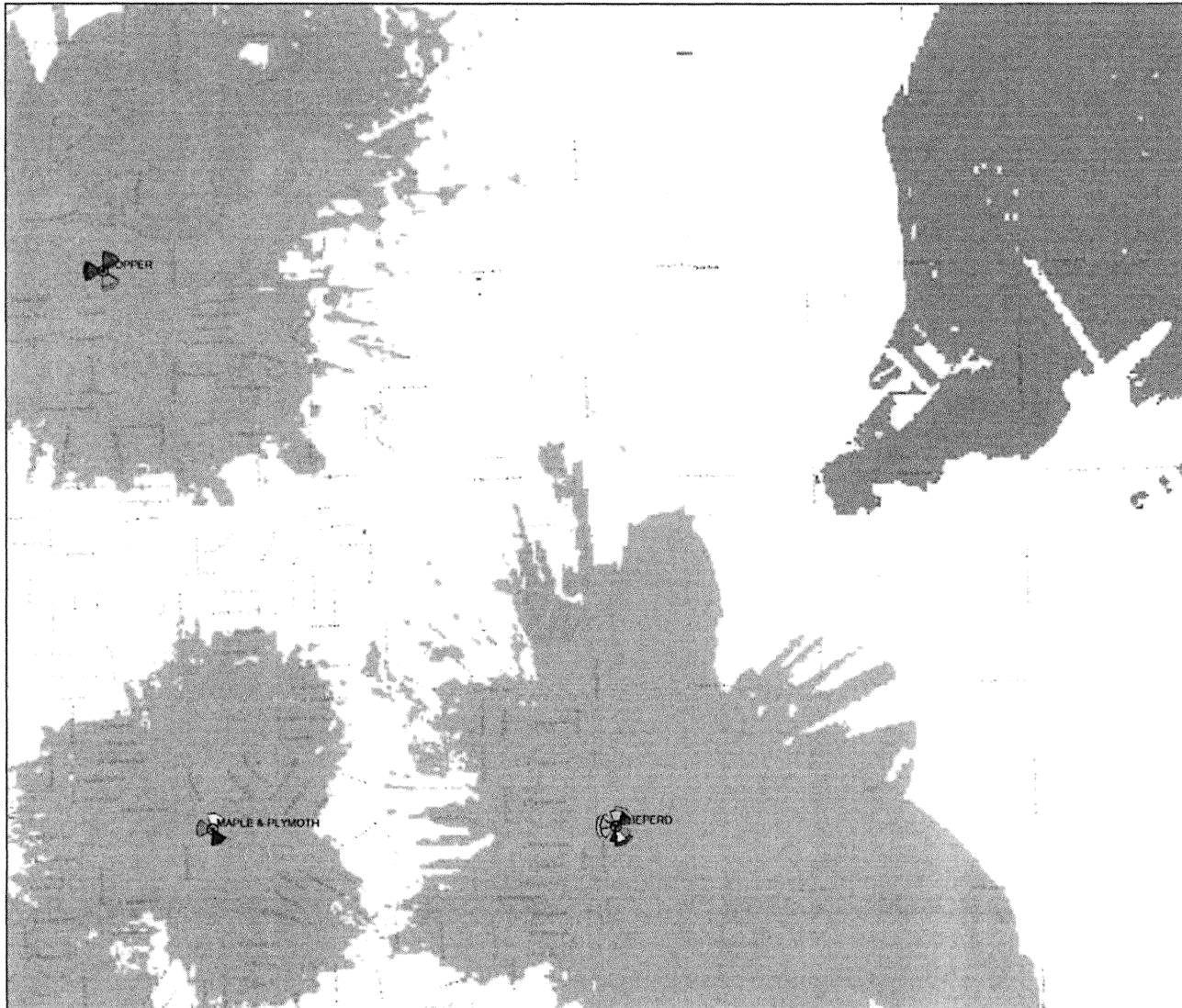
Willow Gardens Nursery- 36°53'16.33"N, 119°43'46.63"W. 10428 N Willow Ave, Clovis, CA.
Proposed scope was for a New tower structure on nursery property. Letter of Intent was sent to property owner, we then spoke with the property owner who was not interested: NOT A VIABLE CANDIDATE





Willow & International – Existing Coverage

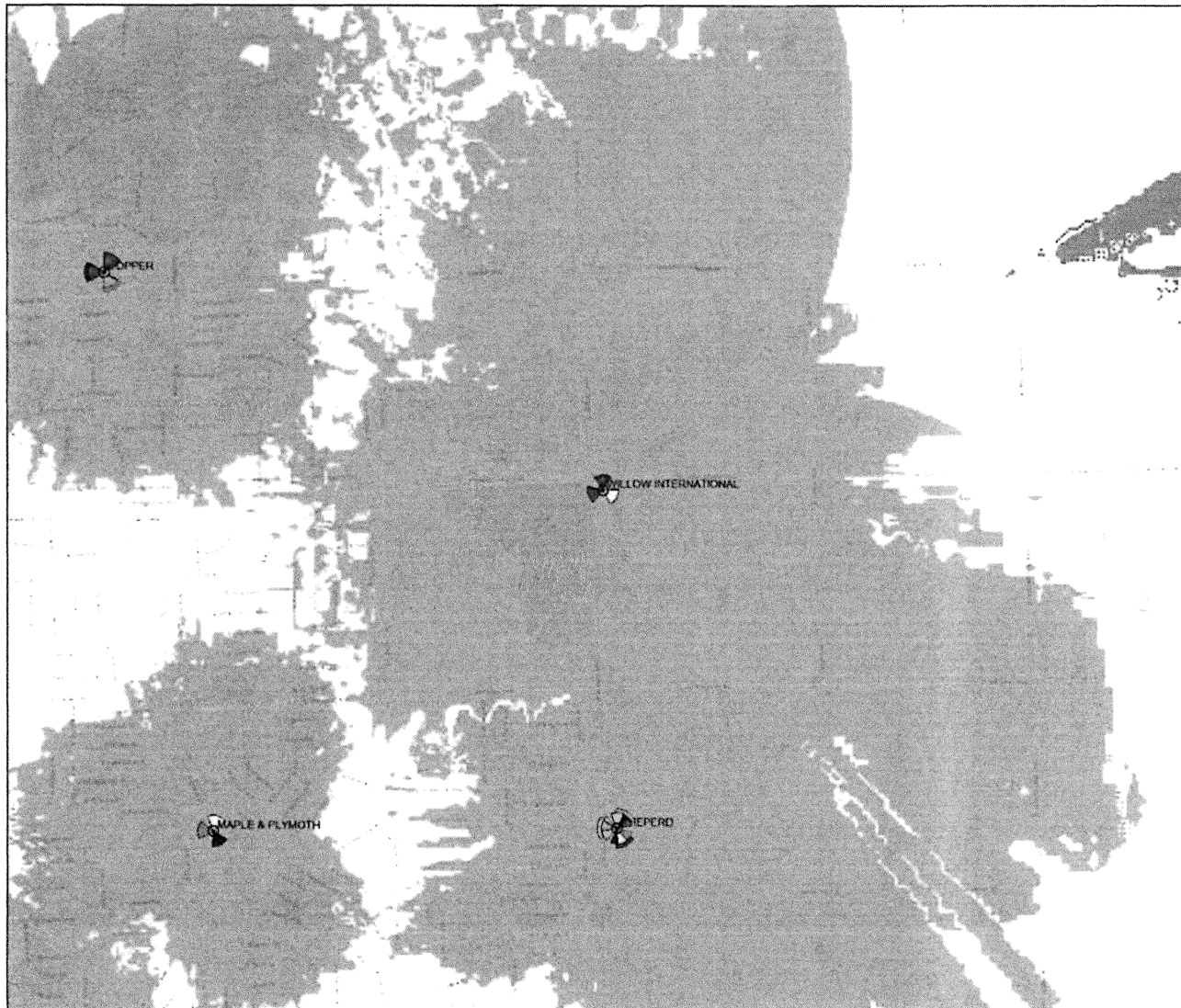
EXHIBIT 7



LTE: RSRP
Indoor
Vehicle
Outdoor



Willow & International – Proposed Coverage



LTE: RSRP
Indoor
Vehicle
Outdoor

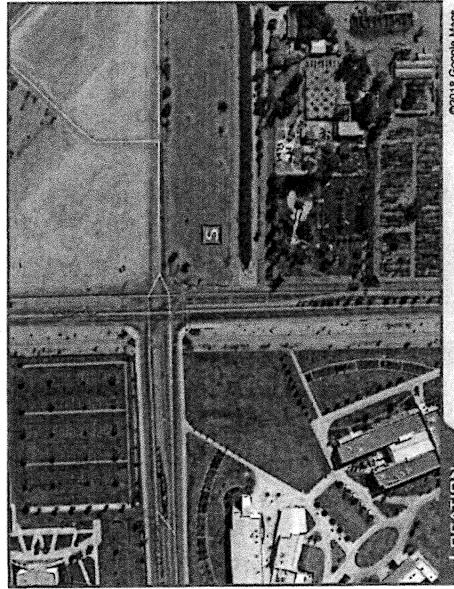


WILLOW INTERNATIONAL

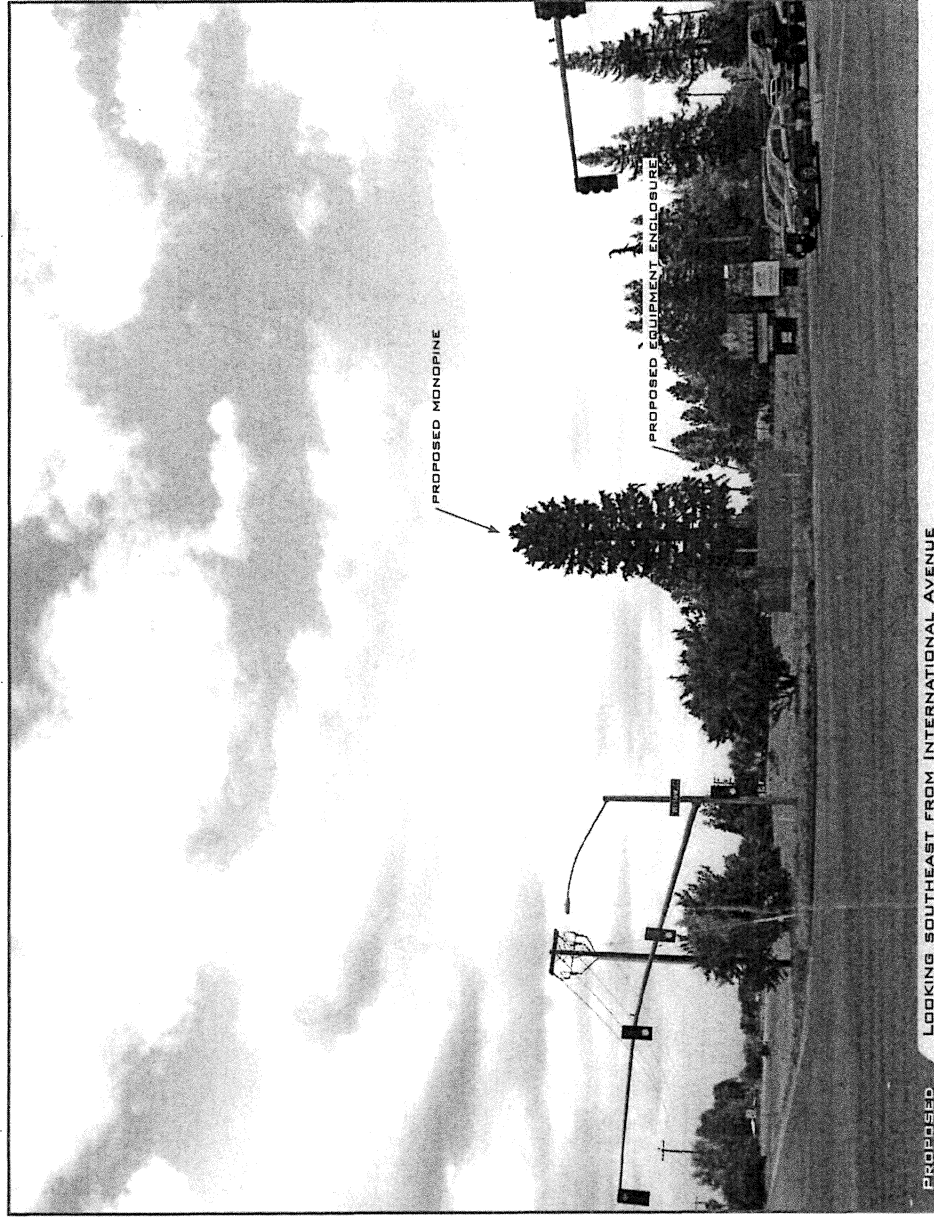
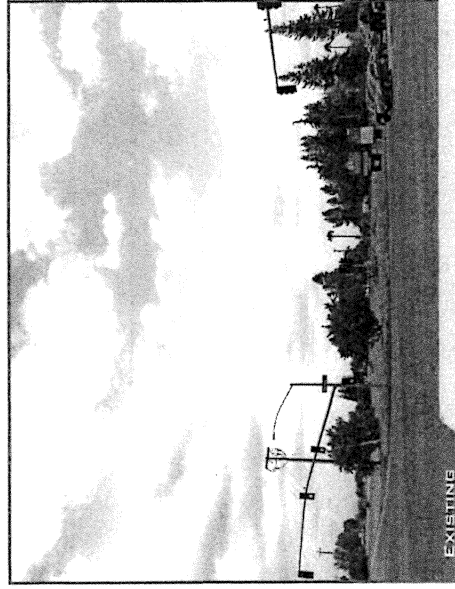
3237 E INTERNATIONAL AVENUE CLOVIS CA 93619



VIEW 1



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LOOKING SOUTHEAST FROM INTERNATIONAL AVENUE

ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.

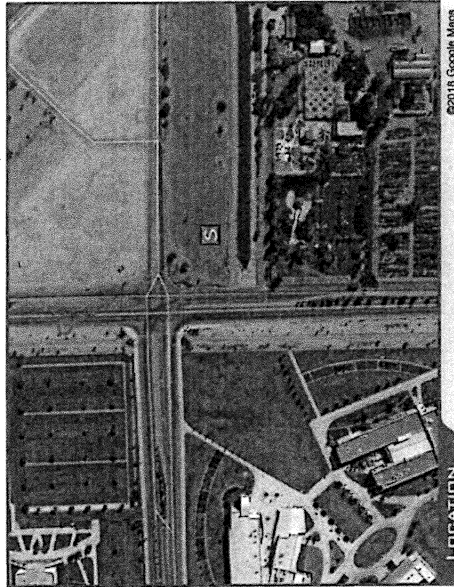


WILLOW INTERNATIONAL

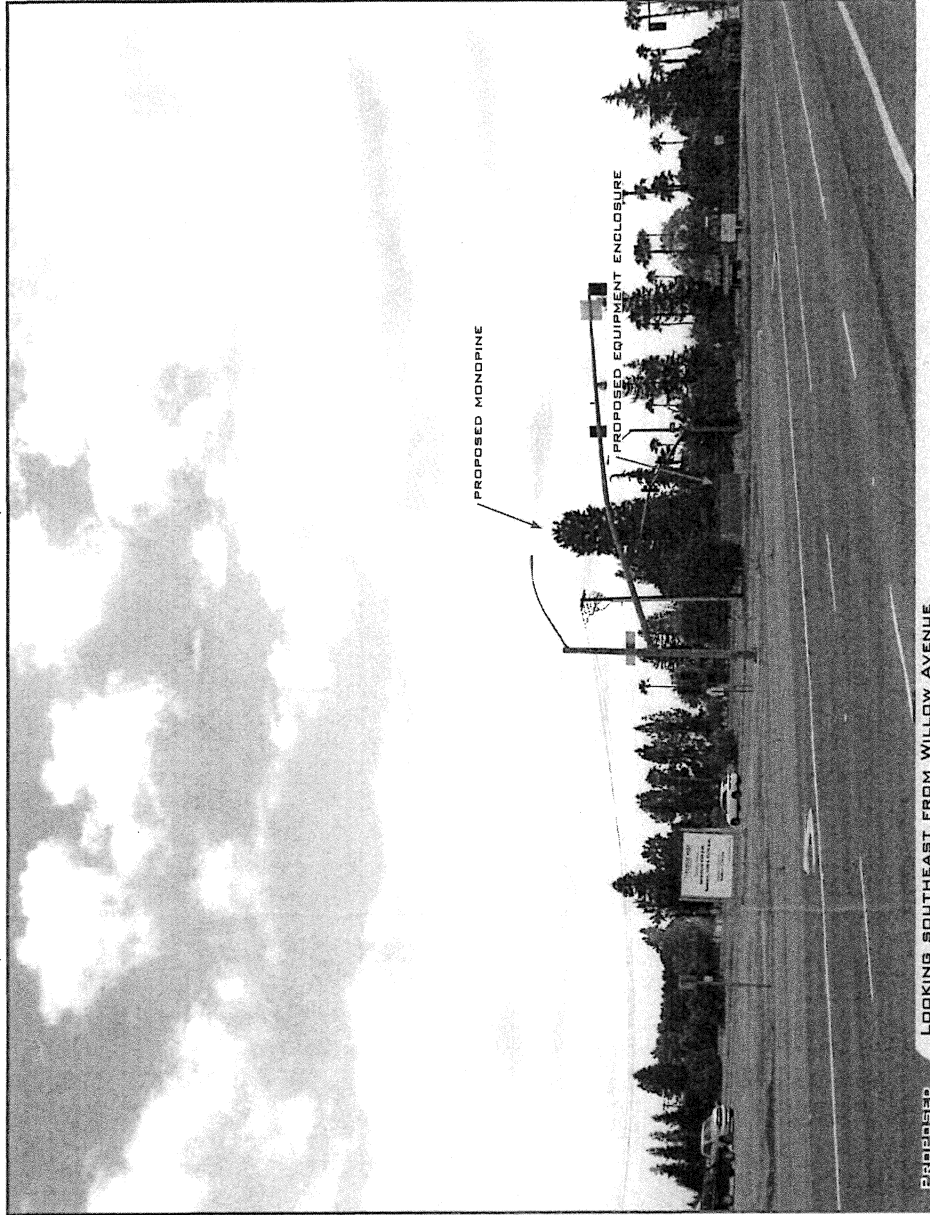
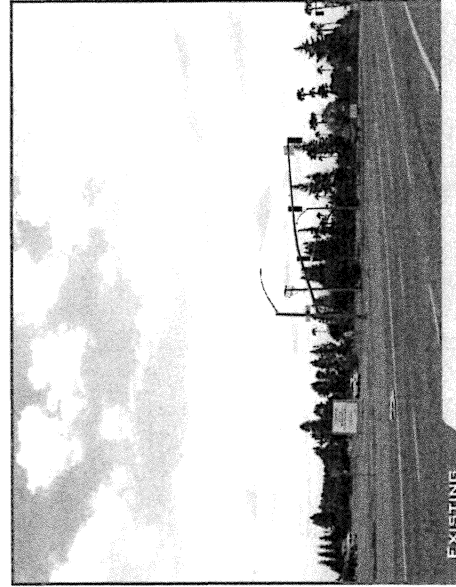
3237 E INTERNATIONAL AVENUE CLOVIS CA 93619



VIEW 2



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LOOKING SOUTHEAST FROM WILLOW AVENUE

ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.



WILLOW INTERNATIONAL

3237 E INTERNATIONAL AVENUE CLOVIS CA 93619



VIEW 3



LOCATION

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EXISTING



PROPOSED MONOPINE

PROPOSED EQUIPMENT ENCLOSURE

PROPOSED

LOOKING SOUTHWEST FROM INTERNATIONAL AVENUE

ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.

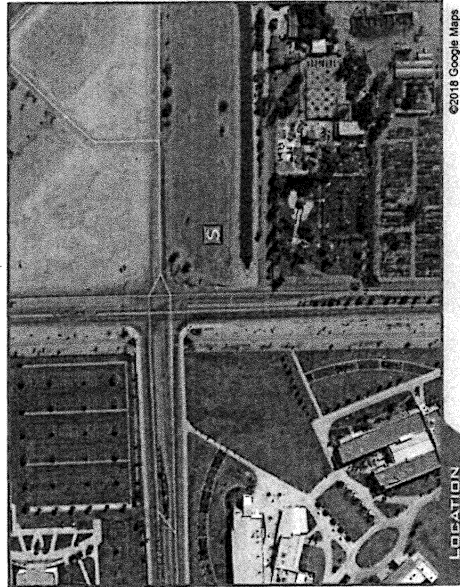


WILLOW INTERNATIONAL

3237 E INTERNATIONAL AVENUE CLOVIS CA 93619

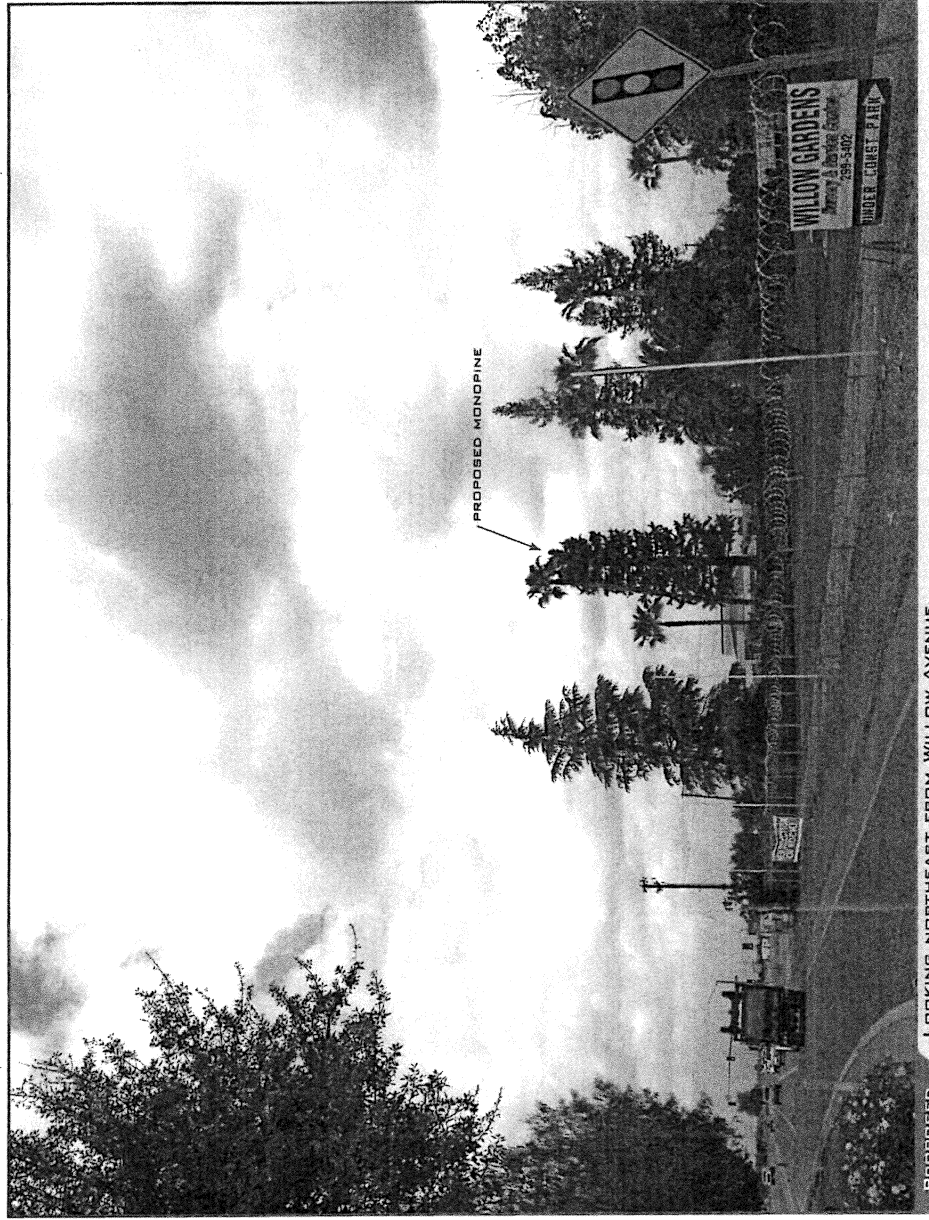


VIEW 4



LOCATION

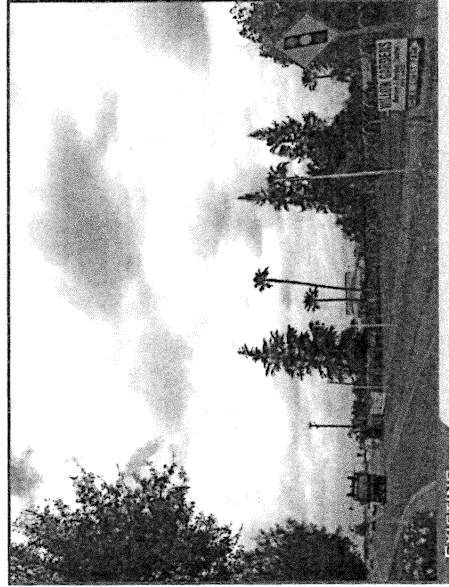
©2018 Google Maps



PROPOSED MONDPINE

PROPOSED

LOOKING NORTHEAST FROM WILLOW AVENUE



EXISTING

ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: Verizon Wireless
- APPLICATION NOS.: Initial Study Application No. 7471 and Unclassified
Conditional Use Permit Application No. 3616
- DESCRIPTION: Allow an unmanned telecommunications facility consisting of a 70-foot-tall wireless communication tower (monopine design) with related facilities on an approximately 900 square-foot portion of a 5.03-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.
- LOCATION: The project site is located on the southeast corner of N. Willow and E. International Avenues approximately 175 feet west of the nearest city limits of the City of Fresno (3237 E. International Avenue, Clovis) (SUP. DIST.: 5) (APN: 580-071-26).

I. AESTHETICS

- A. Would the project have a substantial adverse effect on a scenic vista; or
- B. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?

FINDING: NO IMPACT:

The project site is located near the City of Fresno in an area comprised of commercial and non-commercial uses. The site is not located along a designated Scenic Highway. No scenic vistas or scenic resources, including trees, rock outcroppings, and historic buildings were identified on or near the site that may be impacted by this proposal. The project will have no impact on scenic resources.

- C. Would the project substantially degrade the existing visual character or quality of the site and its surroundings?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION
INCORPORATED:

Aesthetics is typically the concern associated with this type of use because of the substantial height of towers, which support communication antennas. The visibility of a tower is a function of its height, design, and its exposure to neighbors and the public. In

the case of this application, the proposed tower will be a low-height 70-foot-tall slim line, monopine design (stealth designed as a pine tree).

The project site is near the City of Fresno within the City of Clovis Sphere of Influence. The site's easterly portion contains a single-family residence, a garage, accessory structures, and a drive access from International Avenue. The site's westerly portion will accommodate the proposed tower and related facilities. Various commercial and non-commercial uses surround the property. This includes a church to the north, a plant nursery to the south, orchard with residential dwellings to the east, and a community college to the west.

The proposed 900 square-foot tower site will set back approximately 44 feet east of Willow Avenue and 52 feet south of International Avenue. The on-site single-family dwelling is approximately 1,056 feet to the east of the tower site. Significantly tall mature landscaping exists on the west side of the residence to provide a visual buffer between the house and the visibility of the tower. Additionally, the monopine design of the telecommunications tower will blend in with the existing landscaping, thereby resulting in less than significant visual impacts on the surrounding area. The visual impacts will be further reduced with a Mitigation Measure requiring six-foot-tall slatted fencing around ground equipment to visually screen the equipment from the neighboring properties.

* **Mitigation Measure**

1. *Ground equipment for the telecommunication tower shall be screened from view behind slatted fencing utilizing a non-reflective or earth-tone color.*

- D. Would the project 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:

According to the applicant's Operational Statement, the project will not utilize any outdoor lighting. However, in order to reduce any lighting and glare impact resulting from the installation of any outdoor lighting, a Mitigation Measure would require that all lighting shall be hooded and directed as to not shine toward adjacent properties and public streets.

* **Mitigation Measure:**

1. *All outdoor lighting shall be hooded and directed so as not to shine toward adjacent properties and public streets.*

II. AGRICULTURAL AND FORESTRY RESOURCES

- A. Would the project convert prime or unique farmlands or farmland of state-wide importance to non-agricultural use; or
- B. Would the project conflict with existing agricultural zoning or Williamson Act Contracts; or

- C. Would the project conflict with existing zoning for or cause rezoning of forest land, timberland, or timberland zoned Timberland Production; or
- D. Would the project result in the loss of forest land or conversion of forest land to non-forest use; or
- E. Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural uses or conversion of forest land to non-forest use?

FINDING: NO IMPACT:

The subject parcel is not farmland or forestland, nor is it subject to a Williamson Act Contract. No impacts would occur to agricultural or forestry resources. The parcel is zoned Agriculture and developed with a single-family residence and related improvements.

III. AIR QUALITY

- A. Would the project conflict with or obstruct implementation of the applicable Air Quality Plan; or
- B. Would the project violate any air quality standard or contribute to an existing or projected air quality violation; or
- C. 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
- D. Would the project expose sensitive receptors to substantial pollutant concentrations?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The San Joaquin Valley Air Pollution Control District (Air District) reviewed the proposal and expressed no concerns with the project. The applicant will be required to contact the Air District's Small Business Assistance Office to identify District rules or regulations that may apply to this project or obtain information about District permit requirements. This will be included as a Project Note.

- E. Would the project create objectionable odors affecting a substantial number of people?

FINDING: NO IMPACT:

The project will not create any objectionable odors. The San Joaquin Valley Air Pollution Control District expressed no concerns related to odor.

IV. BIOLOGICAL RESOURCES

- A. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any candidate, sensitive, or special-status species; or

- B. Would the project 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 (CDFW) or U.S. Fish and Wildlife Service (USFWS); or
- C. Would the project have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption or other means; or
- D. Would the project 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 near urban development in the City of Fresno. The surrounding uses include a church, plant nursery, orchard with residential dwellings and a community college.

This proposal was referred to the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) for review and comments. No concerns were expressed by either agency. Therefore, no impacts were identified in regard to: 1.) any candidate, sensitive, or special-status species; 2.) any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS; 3.) federally-protected wetlands as defined by Section 404 of the Clean Water Act; or 4.) the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impediment of native wildlife nursery sites.

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

V. CULTURAL RESOURCES

- A. Would the project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5; or

- B. Would the project cause a substantial adverse change in the significance of an archeological resource pursuant to Section 15064.5; or
- C. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or
- D. Would the project disturb any human remains, including those interred outside of formal cemeteries?

FINDING: NO IMPACT:

The project site is not located within any area designated to be highly or moderately sensitive for archeological resources. No impact on historical, archeological, or paleontological resources would result from this proposal.

- E. Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074?

FINDING: NO IMPACT:

The project will have no impact on tribal Cultural Resources. The project was routed to the Dumna Wo Wah Tribal Government, Santa Rosa Rancheria Tachi Yokut Tribe, Picayune Rancheria of the Chukchansi Indians, and Table Mountain Rancheria in accordance with Public Resources Code Section 21080.3.1(b). No concerns were expressed by the Tribes.

VI. GEOLOGY AND SOILS

- A. Would the project expose people or structures to potential substantial adverse effects, including risk of loss, injury or death involving:
 - 1. Rupture of a known earthquake; or
 - 2. Strong seismic ground shaking; or
 - 3. Seismic-related ground failure, including liquefaction; or
 - 4. Landslides?

FINDING: NO IMPACT:

The area is designated as Seismic Design Category C in the California Geological Survey. No agency expressed concerns or complaints related to ground shaking, ground failure, liquefaction or landslides.

- B. Would the project result in substantial erosion or loss of topsoil?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Changes in topography of the site could result from grading activities. According to the project review by the Development Engineering Section of the Development Services and Capital Projects Division, a Grading Permit or Voucher shall be required for any grading proposed with this application. This will be included as a Project Note.

- C. Would the project result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse; or
- D. Would the project be located on expansive soils, creating substantial risks to life or property?

FINDING: NO IMPACT:

The subject parcel is not located within an area of known risk of landslides, lateral spreading, subsidence, liquefaction, collapse, or within an area of known expansive soils.

- E. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative disposal systems where sewers are not available for wastewater disposal?

FINDING: NO IMPACT:

This proposal entails an unmanned communications facility and requires no restroom facility. The Fresno County Department of Public Health, Environmental Health Division, reviewed the proposal and expressed no concerns related to wastewater disposal.

VII. GREENHOUSE GAS EMISSIONS

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

FINDING: NO IMPACT:

Comments received from the Air District expressed no specific project-related concerns, supporting the determination that the project will not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

VIII. HAZARDS AND HAZARDOUS MATERIALS

- A. Would the project create a significant public hazard through routine transport, use or disposal of hazardous materials; or
- B. Would the project create a significant public hazard involving accidental release of hazardous materials into the environment; or

- C. Would the project create hazardous emissions or utilize hazardous materials, substances or waste within one quarter-mile of a school?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Fresno County Department of Public Health, Environmental Health Division reviewed the proposal and requires that 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. Additionally, 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, and all hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. With adherence to these requirements, the proposed use will have a less than significant impact related to hazardous materials.

The nearest school, Clovis North High School, is approximately 365 feet northwest of the proposed tower site.

- D. Would the project be located on a hazardous materials site?

FINDING: NO IMPACT:

No hazardous materials sites were identified in the project analysis.

- E. Would a project located within an airport land use plan or, absent such a plan, within two miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area; or
- F. Would a project located within the vicinity of a private airstrip result in a safety hazard for people residing or working in the project area?

FINDING: NO IMPACT:

The project site is approximately 4.5 miles east of the Clovis VORTAC CZQ Airport. The low-height 70-foot-tall proposed tower will not hinder air traffic.

- G. Would the project impair implementation of or physically interfere with an adopted Emergency Response Plan or Emergency Evacuation Plan?

FINDING: NO IMPACT:

The project will not impair implementation or physically interfere with an adopted Emergency Response Plan.

- H. Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

FINDING: NO IMPACT:

The project site is not located within a wildland area, and therefore is not subject to wildland fires.

IX. HYDROLOGY AND WATER QUALITY

- A. Would the project violate any water quality standards or waste discharge requirements or otherwise degrade water quality?

FINDING: NO IMPACT:

See discussion in VI. E. Geology and Soils above.

- B. Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge so that there would be a net deficit in aquifer volume or a lowering of the local groundwater table?

FINDING: NO IMPACT:

The project requires no use of water. As such, no impact on groundwater would occur.

The Water and Natural Resources Division of the Fresno County Department of Public Works and Planning reviewed the proposal and expressed no concerns related to water.

- C. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off site; or
- D. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in flooding on or off site; or
- E. Would the project create or contribute run-off which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted run-off?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Enterprise canal runs along southern boundary of the project site. The proposed tower and related improvements will be set back approximately 38 feet north of the canal. The project will have no impact on the canal and be subject to grading permit or voucher for any grading proposed with this application.

The project site is located within the boundaries of the Fresno Metropolitan Flood Control District. The District reviewed the proposal and requires that the project shall provide a temporary on-site storm water retention facility and pay the District Development Review fees. These requirements will be included as Project Notes.

- F. Would the project otherwise substantially degrade water quality?

FINDING: NO IMPACT:

The project requires no use of water.

- G. Would the project place housing within a 100-year floodplain; or
- H. Would the project place structures within a 100-year flood hazard area that would impede or redirect flood flows?

FINDING: NO IMPACT:

According to the Federal Emergency Management Authority (FEMA) FIRM Panel 1040H, the project site is not subject to flooding from the 100-year storm.

- I. Would the project expose persons or structures to levee or dam failure; or
- J. Would the project cause inundation by seiche, tsunami or mudflow?

FINDING: NO IMPACT:

The proposal will not expose persons or structures to potential levee or dam failures, and is not prone to hazards such as seiche, tsunami or mudflow.

X. LAND USE AND PLANNING

- A. Will the project physically divide an established community?

FINDING: NO IMPACT:

This proposal will not physically divide a community. The proposed tower site is outside and approximately 220 feet east of the nearest city limits of the City of Fresno.

- B. Will the project conflict with any Land Use Plan, policy or regulation of an agency with jurisdiction over the project?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is designated Agriculture in the County General Plan and is located near City of Fresno within the City of Clovis Sphere of Influence.

According to General Plan Policy LU-G.1, the County acknowledges that the cities have primary responsibility for planning within their LAFCo (Local Agency Formation Commission)-adopted Spheres of Influence and are responsible for urban development and the provision of urban services within their Spheres of Influence. The City of Clovis reviewed the proposal and stated that the project is inconsistent with City's general plan due to being located in an area identified as park under the General Plan. Further, the general plan/zoning consistency chart identifies that parks would be implemented through the Open Space Conservation Zone District (O), which does not include wireless communication facilities as a permitted or conditionally-permitted use.

However, based on mutual understanding between the City and the project proponent, the City permitted the site to be improved with the proposed tower for a minimum of 10 years subject to completion of an agreement between the parties governing the operational period and ultimate removal of the facility. This requirement will be reflected in a Condition of Approval for the project.

According to General Plan Policy PF-J.4, compliance with the Wireless Communication Guidelines is required for the siting of communication towers in unincorporated areas of the County.

The Wireless Communication Guidelines indicate that the need to accommodate new communication technology must be balanced with the need to minimize the number of new tower structures, thus reducing the impacts towers can have on the surrounding community. According to the applicant's response to the County Wireless Communication Guidelines, Verizon searched for sites for co-location opportunities and did not locate any existing freestanding co-locatable wireless towers within the search area that would provide the required height. However, in this instance, the only related opportunity within the search area resulted in a new monopole.

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

According to General Plan Policy PF-C.17, the County shall undertake a water supply evaluation, including determinations of water supply adequacy, impact on other water users in the County, and water sustainability. The subject proposal is an unmanned facility. The Water and Natural Resources Division of the Fresno County Department of Public Works and Planning reviewed the proposal and expressed no concerns with the project regarding water usage.

- C. Will the project conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan?

FINDING: NO IMPACT:

The project will not conflict with any Habitat Conservation or Natural Community Conservation Plans.

XI. MINERAL RESOURCES

- A. Would the project result in the loss of availability of a known mineral resource; or
- B. Would the project result in the loss of availability of a locally-important mineral resource recovery site designated on a General Plan?

FINDING: NO IMPACT:

No mineral resource impacts were identified in the project analysis.

XII. NOISE

- A. Would the project result in exposure of people to severe noise levels; or
- B. Would the project result in exposure of people to or generate excessive ground-borne vibration or ground-borne noise levels; or
- C. Would the project cause a substantial permanent increase in ambient noise levels in the project vicinity; or
- D. Would the project result in a substantial temporary or periodic increase in ambient noise levels?

FINDING: NO IMPACT:

The project will utilize an on-site emergency back-up generator in case of emergencies. The Fresno County Department of Public Health, Environmental Health Division (Health Department) reviewed the proposal and expressed no concerns related to noise.

- E. Would the project expose people to excessive noise levels associated with a location near an airport or a private airstrip; or
- F. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

FINDING: NO IMPACT:

See discussion in Section VIII. E. F. above.

XIII. POPULATION AND HOUSING

- A. Would the project induce substantial population growth either directly or indirectly; or
- B. Would the project displace substantial numbers of existing housing; or
- C. Would the project displace substantial numbers of people, necessitating the construction of housing elsewhere?

FINDING: NO IMPACT:

No housing is proposed with this application.

XIV. PUBLIC SERVICES

- A. Would the project result in substantial adverse physical impacts associated with the provision of new or physically-altered public facilities in the following areas:

1. Fire protection?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Fresno County Fire Protection District (CalFire) reviewed the proposal and requires the project compliance with the California Code of Regulations Title 24 – Fire Code when a building permit or certificate of occupancy is sought. The District also requires the property annexation to Community Facilities District (CFD) No. 2010-01 of the Fresno County Fire Protection District. These requirements will be included as Project Notes.

2. Police protection; or

3. Schools; or

4. Parks; or

5. Other public facilities?

FINDING: NO IMPACT:

The project will not result in the need for public services related to police, schools and parks.

XV. RECREATION

- A. Would the project increase the use of existing neighborhood and regional parks; or
- B. Would the project require the construction of or expansion of recreational facilities?

FINDING: NO IMPACT:

No impact on recreational resources were identified in the project analysis.

XVI. TRANSPORTATION/TRAFFIC

- A. Would the project conflict with any applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation; or
- B. Would the project conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demands measures?

FINDING: NO IMPACT:

The traffic generated by the project during construction will be short term and last for a few months. After construction and during operation of the facility, one service vehicle per month will visit the site to conduct routine maintenance.

The Design and Road Maintenance and Operations Divisions of the Department of Public Works and Planning reviewed the proposal and expressed no concerns related to traffic and required no Traffic Impact Study.

C. Would the project result in a change in air traffic patterns?

FINDING: NO IMPACT:

The project will not result in a change in air traffic patterns.

D. Would the project substantially increase traffic hazards due to design features; or

E. Would the project result in inadequate emergency access?

FINDING: NO IMPACT:

The tower site will gain access from International Avenue.

The project design or location on the property will not contribute to traffic hazards on International Avenue, nor would it result in inadequate emergency access.

F. Would the project conflict with adopted plans, policies or programs regarding public transit, bicycle or pedestrian facilities or otherwise decrease the performance or safety of such facilities?

FINDING: NO IMPACT:

The proposal will not impact any plans, policies or programs supporting alternative transportation.

XVII. UTILITIES AND SERVICE SYSTEMS

A. Would the project exceed wastewater treatment requirements; or

B. Would the project require construction of or the expansion of new water or wastewater treatment facilities?

FINDING: NO IMPACT:

The project is an unmanned facility and does not require use of water or produce wastewater.

- C. Would the project require or result in the construction or expansion of new storm water drainage facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion above in Section IX. E. Hydrology and Water Quality.

- D. Would the project have sufficient water supplies available from existing entitlements and resources, or are new or expanded entitlements needed; or

- E. Would the project result in a determination of inadequate wastewater treatment capacity to serve project demand?

FINDING: NO IMPACT:

The project is an unmanned facility and does not involve wastewater disposal.

- F. Would the project be served by a landfill with sufficient permitted capacity; or

- G. Would the project comply with federal, state and local statutes and regulations related to solid waste?

FINDING: NO IMPACT:

The project will not produce solid waste going into local landfill.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

- A. Does the project have the potential to 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, 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 prehistory or history?

FINDING: NO IMPACT:

No impacts on biological or cultural resources were identified in the analysis.

- B. Does the project have impacts that are individually limited, but cumulatively considerable?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will adhere to the permitting requirements and rules and regulations set forth by the Fresno County Grading and Drainage Ordinance, San Joaquin Air Pollution Control District, and California Code of Regulations Fire Code. No cumulatively considerable impacts were identified in the project analysis other than aesthetics, which will be addressed with the Mitigation Measure discussed in Section I.D. above.

- C. Does the project have environmental impacts 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 analysis.

CONCLUSION/SUMMARY

Based upon the Initial Study (No. 7471) prepared for Unclassified Conditional Use Permit Application No. 3616, 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 agricultural and forestry resources, biological resources, cultural resources, greenhouse gas emissions, mineral resources, noise, population and housing, recreation, or transportation/traffic.

Potential impacts related to air quality, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, public services, and utilities and service systems have been determined to be less than significant.

Potential impacts to aesthetics have been determined to be less than significant with the identified Mitigation Measures.

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

EA:ksn

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File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721		Space Below For County Clerk Only. CLK-2046.00 E04-73 R00-00	
Agency File No: IS 7471	LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION		County Clerk File No: E-
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Ejaz Ahmad, Planner	Area Code: 559	Telephone Number: 600-4204	Extension: N/A
Applicant (Name): Verizon Wireless	Project Title: Unclassified Conditional Use Permit Application No. 3616		
Project Description: Allow an unmanned telecommunications facility consisting of a 70-foot-tall wireless communication tower (monopine design) with related facilities on an approximately 900 square-foot portion of a 5.03-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The project site is located on the southeast corner of N. Willow and E. International Avenues approximately 175 feet west of the nearest city limits of the City of Fresno (3237 E. International Avenue, Clovis) (SUP. DIST.: 5) (APN: 580-071-26)			
Justification for Mitigated Negative Declaration: Based upon the Initial Study (IS 7471) prepared for Unclassified Conditional Use Permit Application No. 3616, staff has concluded that the project will not have a significant effect on the environment. No impacts were identified related to agricultural and forestry resources, biological resources, cultural resources, greenhouse gas emissions, mineral resources, noise, population and housing, recreation, or transportation/traffic. Potential impacts related to air quality, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, public services, and utilities and service systems have been determined to be less than significant. Potential impact related to aesthetics have been determined to be less than significant with the identified mitigation measure. The Initial Study and MND is available for review at 2220 Tulare Street, Suite A, Street Level, located on the southeast corner of Tulare and "M" Street, Fresno, California.			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – September 21, 2018		Review Date Deadline: October 22, 2018	
Date: October 22, 2018	Type or Print Name: Marianne Mollring, Senior Planner	Submitted by (Signature):	

State 15083, 15085

County Clerk File No.: _____

**LOCAL AGENCY
MITIGATED NEGATIVE DECLARATION**



County of Fresno

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

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

SUBJECT: Variance Application No. 4056

Allow the creation of a 2.5-acre parcel and a 27.32-acre parcel from a 29.82-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District, and waive the required public road frontage (165 feet) for the 2.5-acre parcel.

LOCATION: The project site is located on the north side of E. McKinley Avenue, 325 feet east of its intersection with N. Newmark Avenue, approximately 3.3 miles northeast of the nearest city limits of the City of Sanger (14600 E. McKinley Avenue) (SUP. DIST. 5) (APN 309-070-42, -43).

OWNER: WM Boos & Co./James and Alecia Pellegrini
APPLICANT: James Pellegrini

STAFF CONTACT: Danielle Crider, Planner
(559) 600-9669

Marianne Mollring, Senior Planner
(559) 600-4569

RECOMMENDATION:

- Deny Variance No. 4056; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Proposed Parcel Configuration (Site Plan)
6. Variance Map
7. Applicant's Statement of Variance Findings

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agricultural	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	Parcel 1: 29.82 acres	Parcel 1: 27.32 acres Parcel 2: 2.5 acres
Structural Improvements	Parcel 1: One single-family residence and well	Parcel 1: Unimproved Parcel 2: One single-family residence and well
Nearest Residence	100 feet	Parcel 1: No Change Parcel 2: 490 feet
Surrounding Development	Agricultural and low-density residential	No change

EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: N**ENVIRONMENTAL ANALYSIS:**

It has been determined pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) guidelines, that the proposed project will not have a significant effect on the environment and is not subject to CEQA.

PUBLIC NOTICE:

Notices were sent to 10 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:

A Variance (VA) may be approved only if the four Findings specified in the Fresno County Zoning Ordinance, Section 877-A are made by the Planning Commission.

The decision of the Planning Commission on a Variance Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission's action.

BACKGROUND INFORMATION:

The subject property is identified by two Assessor's Parcel Numbers. The 2.5-acre parcel (Parcel 1) is identified by APN 309-070-30 and the 27.32-acre parcel (Parcel 2) is identified by APN 309-070-43. The existing 29.82-acre parcel currently conforms to the 20-acre minimum parcel size and

road frontage requirements of the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The subject property was rezoned to the AE-20 Zone District from an R-A (Single-Family Residential Agricultural) Zone District by Ordinance No. 490-T-23 on July 20, 1965. The parcel is bounded to the south by the Fresno Canal No. 3, and is accessible from E. McKinley Avenue. The single-family residence and well are situated on the southern edge of the parcel. If the proposed Variance and subsequent mapping procedure are approved, the residence and well would be included in a substandard 2.5-acre parcel with no public road frontage (165 feet required). The 27.32-acre portion of the existing parcel is currently used for agricultural purposes and would have sufficient public road frontage.

The 2.5-acre piece of land was deeded to Frances Schmidt by WM Boos & Co. in 1983 without the creation of a legal parcel. The piece of land was then transferred to Jeff and Cindy Pharris in 2005, then to James and Alicia Pellegrini in 2013. The Fresno County Parcel Map Ordinance, which went into effect on March 4, 1972, allows no division of land without zoning approval and a mapping procedure for the subdivision of land into four or less parcels, as authorized by the local jurisdiction. 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 2.5-acre parcel was not created in conformance with the Parcel Map Ordinance. For the 2.5-acre parcel to be recognized as a separate legal nonconforming parcel, a Variance application to waive the minimum lot area in the AE-20 Zone District must be approved and followed by a mapping application to legalize the property division. Additionally, a Variance is required for the 2.5-acre parcel because it does not have public road frontage.

The existing 29.82-acre parcel is enrolled in the Williamson Act Program under Contract No. 50. On November 28, 2012, a Notice of Partial Nonrenewal was recorded on the 2.5-acre portion of the property. The contract for this portion of the property will expire on the last day of December 2023. The remaining 27.32-acre portion of the property will remain under contract. Nonrenewal of a Contract cannot be rescinded once filed. The Applicant's decision to take the property out of the Williamson Act Contract 6 years ago is final, and creates an additional distinction between the 27.32-acre portion of the property and the 2.5-acre portion of the property.

In addition to the subject application, there have been three other variance applications within one mile of the subject property that have requested the creation of parcels with fewer than 20 acres in the AE-20 Zone District. There have been no variance applications within one mile of the subject property requesting the creation of a parcel with no public road frontage. The following table provides a brief summary of these Variance (VA) applications and final actions.

Application/Request:	Date of Action:	Staff Recommendation:	Final Action:
VA No. 4046: Allow the creation of a 2.02-acre parcel and a 49.28-acre parcel from existing 16.12-acre and 35.18-acre parcels in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.	June 28, 2018	Denial	Approved by the Planning Commission
VA No. 3277: Allow the creation of a 2.00-acre parcel and a 16.72-acre parcel from an existing 18.72-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.	July 26, 1990	Denial	Approved by the Planning Commission

VA No. 2991: Allow the creation of a 16.55-acre and a 10.1-acre parcel from a 60.87-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.	June 10, 1986	Denial	Approved by the Planning Commission
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Although there is a history of variance requests in the area surrounding the subject parcel, each variance request is considered on its own merit, based on unique site conditions and circumstances.

ANALYSIS/DISCUSSION:

Findings 1 and 2: There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity having the identical zoning classification; and

Such a Variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification.

	Current Standard:	Proposed Configuration:	Is Standard Met (y/n):
Setbacks	Front: 35 feet Side: 20 feet Street Side: 35 Rear: 20 feet	<u>Parcel 1:</u> N/A <u>Parcel 2:</u> Front (south property line): Approx. 50 feet Side (west property line): Approx. 80 feet Side (east property line): Approx. 335 feet Rear (north property line): Approx. 75 feet	Yes
Parking	One parking space shall be required per residence, and it must be located on the same parcel as the residence.	The existing residence has sufficient parking and this parking will be included on the same parcel as the residence.	Yes
Lot Coverage	No Requirement	No Requirement	N/A
Separation Between Buildings	No Requirement	No Change	N/A
Wall Requirements	No Requirement	No Requirement	N/A
Water Well	Septic tank: 50	No Change	Yes

	Current Standard:	Proposed Configuration:	Is Standard Met (y/n):
Separation	feet; Disposal field: 100 feet; Seepage pit: 150 feet		

Reviewing Agencies/Department Comments Regarding Site Adequacy:

Development Engineering Section of the Fresno County Department of Public Works and Planning: According to FEMA, FIRM Panel 1620H, the subject parcels are in Flood Hazard Zone A and are subject to flooding from the 100-year storm.

Staff notes that no new development is proposed at this time, and that no new land uses will be allowed a result of this project.

Fresno Irrigation District (FID): FID requires that the Applicant consult with them on all proposed development, and that the owner grant an easement to FID for the width of Fresno Canal No. 3 and the space required to maintain this canal. No development is proposed with this application. As a Condition of Approval, the Applicant will be required to map the portion of the properties beneath Fresno Canal No. 3 and grant an exclusive easement on this land to the Fresno Irrigation District. The width of the easement shall be determined by FID, in consultation with the owner’s Land Surveyor, based on the width of the canal, height of the banks, and final alignment. **This shall be required as a Condition of Approval.**

Analysis:

The AE-20 Zone District requires a minimum parcel size of 20 acres and minimum public road frontage of 165 feet for parcels less than five acres in size. Therefore, a Variance is required to waive the minimum parcel size requirement and road frontage requirement in order to recognize the 2.5-acre parcel.

In support of Finding 1 and 2, the Applicant states that the existing residence was initially constructed in 1981 for a family member, and the 2.5-acre parcel was conveyed to them. It was then sold to a non-relative, and the current owner is now attempting to make the parcel legal with this Variance application and the subsequent mapping procedure.

Staff notes that the 2.5-acre parcel was deeded to Frances Schmidt in 1983 from WM Boos & Co., then to the Pharrises and most recently, in 2013, to the Pellegrinis. According to Fresno County Ordinance Section 816.5-A, homesite parcels may be conveyed to an individual related to the owner if the parcel is between 60,000 square feet and 2.5 acres in size in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. However, the 2.5-acre parcel was not originally conveyed with a gift deed, and did not follow the required procedure with the County for deeding a gift parcel or a Variance at that time. As a result, this Variance is necessary to make the 2.5-acre portion of the land a legal parcel, and to clear the title. WM Boos & Co. is still the owner of the 27.23-acre portion of the land.

In addition to having different owners, the two portions of the property have distinct uses. The 2.5-acre portion of land is clearly used for residential purposes, while the 27.32-acre remainder is used for agricultural purposes. Aerial photographs indicate that this distinction has been present since at least 1998. This distinction is further evidenced by the partial Williamson Act Contract Nonrenewal filed for the 2.5-acre portion of the property six years ago.

Further, there is not enough road frontage on the subject parcel to create two parcels with adequate road frontage from the 29.82-acre parcel. This is primarily a result of the property's location on the Fresno Canal No. 3. The existing deed for the 2.5-acre parcel includes no road frontage, but does include an adequate 20-foot-wide access easement. The deed's property description and the Williamson Act partial nonrenewal boundary both match the proposed configuration. Therefore, this configuration has precedent. It is also the only logical choice when it is taken into account that the primary goal of this Variance is to clear the title of a property, which was improperly conveyed.

A consideration in addressing a variance application is whether there are alternatives available that would avoid the need for the variance. In this instance, such alternatives are limited to rescinding ownership of the 2.5-acre parcel to the property owner who originally created this nonconforming situation. However, staff does not believe this alternative is plausible, as it does not serve any purpose to the owners of Parcel 1 (James and Alicia Pellegrini), who purchased the parcel with the existing single-family residence. Staff finds that there are special circumstances present, and that the granting of this Variance is necessary for the enjoyment of full property rights for the current owner.

Recommended Condition of Approval:

See recommended Condition of Approval attached as Exhibit 1.

Conclusion:

Findings 1 and 2 can be made.

Finding 3: *The granting of a Variance will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located.*

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:
North:	354.54 acres	Orchard/Single-Family Residence	AE-20	1,880 feet
West:	18.4 acres	Orchard/Single-Family Residence	AE-20	100 feet
	4.77 acres	Single-Family Residence	AE-20	740 feet
South:	4.45 acres	Orchard	AE-20	N/A
	36.18 acres	Orchard	AE-20	N/A
East:	35.87 acres	Orchard/Single-Family Residence	AE-20	1,370 feet

Reviewing Agencies/Department Comments:

Environmental Health Division of the Fresno County Department of Public Health: In the case of this application, it appears that the parcel can accommodate the sewage disposal system and expansion area, meeting the mandatory setbacks and policy requirements as established with

the implementation of the Fresno County Tier 2 Local Area Management Plan (LAMP), on-site wastewater treatment system (OWTS) policy and California Plumbing Code.

It is recommended that the Applicant consider having the existing septic tank pumped, and have the tank and drain field evaluated by an appropriately-licensed contractor if they have not been serviced and/or maintained within the last five years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the system. **This comment shall be included as a Project Note.**

Water and Natural Resources Division of the Fresno County Department of Public Works and Planning: The proposed project is not within an area of the County defined as being water short; as such, the Division has no comments.

Development Engineering Section of the Fresno County Department of Public Works and Planning: McKinley Avenue is classified as a Local road with an existing 60-foot right-of-way (30/30) from Academy Avenue to Newmark Avenue. The minimum width for a Local road right-of-way is 60 feet.

McKinley Avenue is a County-maintained road. Records indicate this section of McKinley Avenue, from Academy Avenue to Newmark Avenue, has an ADT of 400, pavement width of 21.7 feet, 0.38 feet AC, and is in fair condition.

A grading permit/voucher shall be required for any grading that has been done without a permit or proposed with this application.

Analysis:

In support of Finding 3, the Applicant states that the residence has been occupied since 1981 with no negative impacts to surrounding property owners.

Staff notes that with the current parcel configuration, only one single-family residence is allowed by right. However, if this Variance is approved, a single-family residence could be constructed by right on the 27.32-acre parcel. This could result in minor traffic impacts to the surrounding properties, which would not be automatically allowed if the parcel were to be left in its current configuration. However, the impacts of one additional single-family residence in this area would be less than significant. The 27.32-acre parcel will be accessible via a public road (McKinley Avenue). An existing 20-foot access easement will provide the 2.5-acre parcel sufficient access because it would have no public road frontage. Staff has no concerns about septic system density due to the size of the proposed parcels.

Based on the above analysis, Finding 3 can be made.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 3 can be made.

Finding 4: *The granting of such a Variance will not be contrary to the objectives of the General Plan.*

Relevant Policies:	Consistency/Considerations:
<p>Policy LU-A.6: The County shall maintain twenty (20) acres as the minimum permitted parcel size in areas designated Agricultural, except as provided in Policies LU-A.9, LU-A.10 and LU-A.11. The County may require parcel sizes larger than twenty (20) acres based on zoning, local agricultural conditions, and to help ensure the viability of agricultural operations.</p>	<p>This Variance would allow the creation of a 2.5-acre parcel, and the subject property is zoned AE-20, with a 20-acre minimum parcel size requirement. As such, the creation of a 2.5-acre parcel in the AE-20 Zone District is inconsistent with Policy LU-A.6. Further, the proposed project does not qualify for an exception under Policies LU-A.9, LU-A.10, or LU-A.11:</p> <ul style="list-style-type: none"> - LU-A.9: The lot is not for a financing parcel, gift lot, or owned by the property owner prior to the date the policies were implemented. - LU-A.10: The request is not to allow for the development of an agricultural commercial center. - LU-A.11: The request is not to allow the recovery of mineral resources, oil, or gas. <p>Staff does note that if a gift parcel had been created in 1983 to convey the 2.5-acre parcel to a family member, an exemption would be met and the project would be in accordance with this General Plan policy.</p>
<p>Policy LU-A.7: The County shall generally deny requests to create parcels less than the minimum size specified in Policy LU-A.6 based on concerns that these parcels are less viable economic farming units, and that the resultant increase in residential density increases the potential for conflict with normal agricultural practices on adjacent parcels. Evidence that the affected parcels may be an uneconomic farming unit due to its current size, soil conditions, or other factors shall not alone be considered a sufficient basis to grant an exception. The decision-making body shall consider the negative incremental and cumulative effects such land divisions have on the agricultural community.</p>	<p>The Variance request proposes to create a 2.5-acre parcel smaller than 20 acres in an area designated as Agricultural and zoned AE-20. As such, this proposal is not consistent with General Plan Policy LU-A.7.</p>
<p>Policy PF-C. 17: The County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation.</p>	<p>The project is not in a water-short area, and no change in land use is proposed as a part of this application.</p>

Reviewing Agencies/Department Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: The subject parcel is subject to Williamson Act Contract No. 50. A partial nonrenewal for the 2.5-acre portion of land that the Applicant wishes to separate into a separate parcel was filed in November of 2012. The contract will officially end for this portion of land in December of 2023.

Analysis:

In support of Finding 4, the Applicant states that the granting of a 2.5-acre parcel to a family member is in accordance with the General Plan. Staff agrees with this statement because General Plan Policy LU.A-6 does allow for the transfer of land to a family member. The original transfer was to Frances Schmidt, the daughter of William Boos (owner of WM Boos & Co.). WM Boos & Co. has remained the owner of the 27.32-acre parcel since the time of the original transfer. However, the property was not initially transferred as a gift parcel in accordance with the Map Act and Zoning Ordinance; it was transferred as if it were a typical legal parcel, and without County approval.

According to General Plan Policy LU-A.6 and LU-A.7, the creation of parcels less than the minimum size specified by the Agriculture designation is discouraged due to a concern that such parcels are less viable economic farming units, and that the resultant increase in residential density may conflict with normal agricultural practices on adjacent properties. Further, the decision-making body shall consider the negative incremental and cumulative effects land divisions have on the agricultural community. In regard to the subject Variance request, the 2.5-acre parcel is developed with an existing single-family residence, and no new development is approved. Under consideration is the creation of a 2.5-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District, which is not in conformance with the above General Plan Policies because it does not meet the exemptions cited in LU-A.9, LU-A.10, or LU-A.11. Finding 4 cannot be made.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 4 cannot be made.

PUBLIC COMMENT:

None.

CONCLUSION:

Staff believes that required Finding No. 4 for granting the Variance cannot be made based on the factors cited in the analysis. Staff therefore recommends denial of Variance No. 4056.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Denial Action)

- Move to determine the required Findings cannot be made and move to deny Variance No. 4056; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Approval Action)

- Move to determine that the required Findings can be made (state basis for making the Findings) and move to approve Variance No. 4056; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

DTC:sn

G:\4360Devs&PIn\PROJSEC\PROJDOCS\VA\4000-4099\4056\SR\VA 4056 SR.docx

**Variance Application No. 4056
Conditions of Approval and Project Notes**

Conditions of Approval	
1.	Development shall be in substantial compliance with the site plan, as approved by the Planning Commission.
2.	Prior to final Parcel Map approval, the Applicant shall have the portions of APN 309-070-42 and APN 309-070-43 that are under the Fresno Canal No. 3 surveyed, and shall grant exclusive easements on these portions of this land to the Fresno Irrigation District. The width of the easement shall be determined by FID, in consultation with the owner's Land Surveyor, based on the width of the canal, height of the banks, and final alignment.

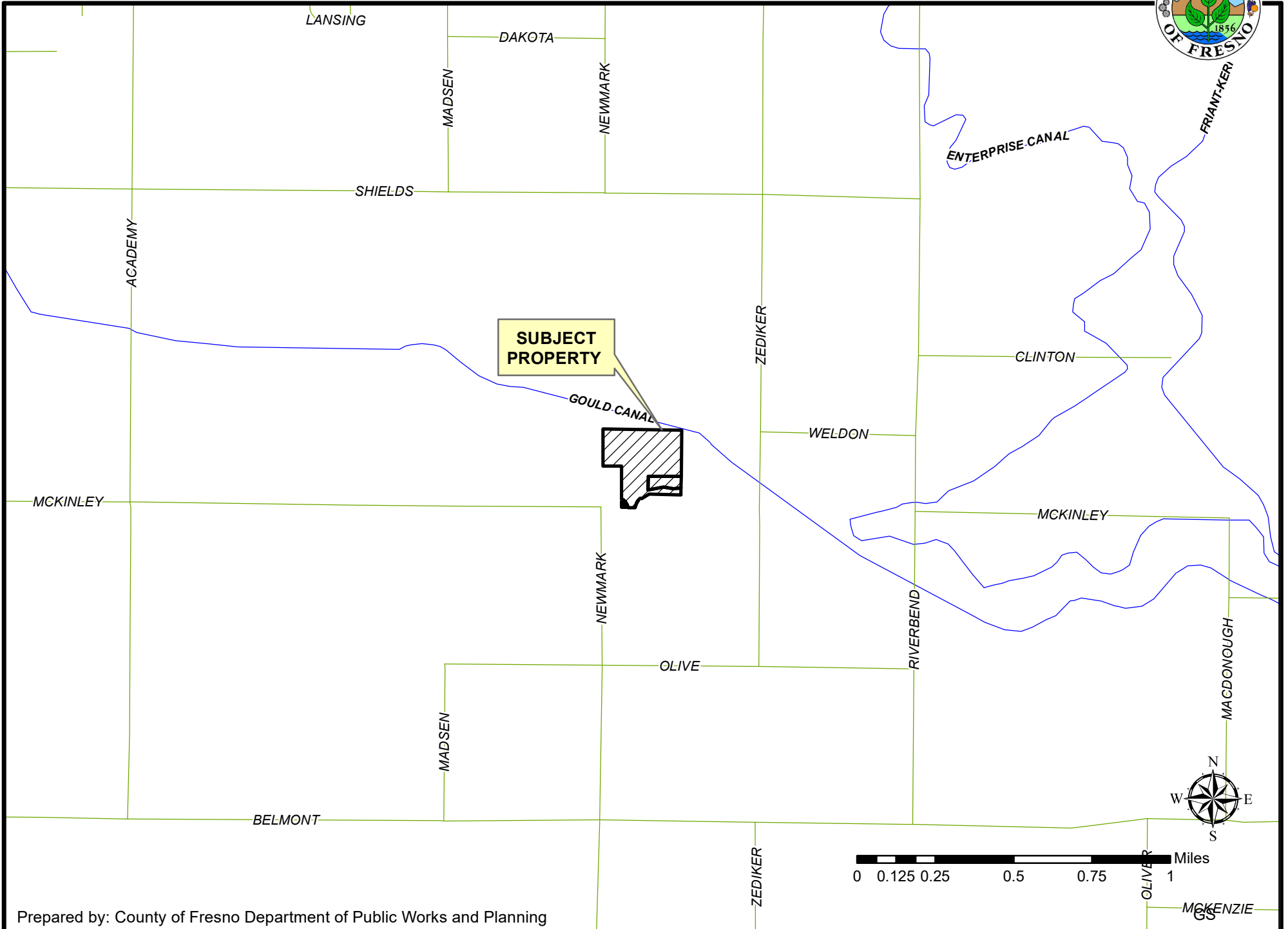
Conditions of Approval reference recommended Conditions for the project.

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	It is recommended that the Applicant consider having the existing septic tank pumped, and have the tank and drain field evaluated by an appropriately-licensed contractor if they have not been serviced and/or maintained within the last five years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the system.

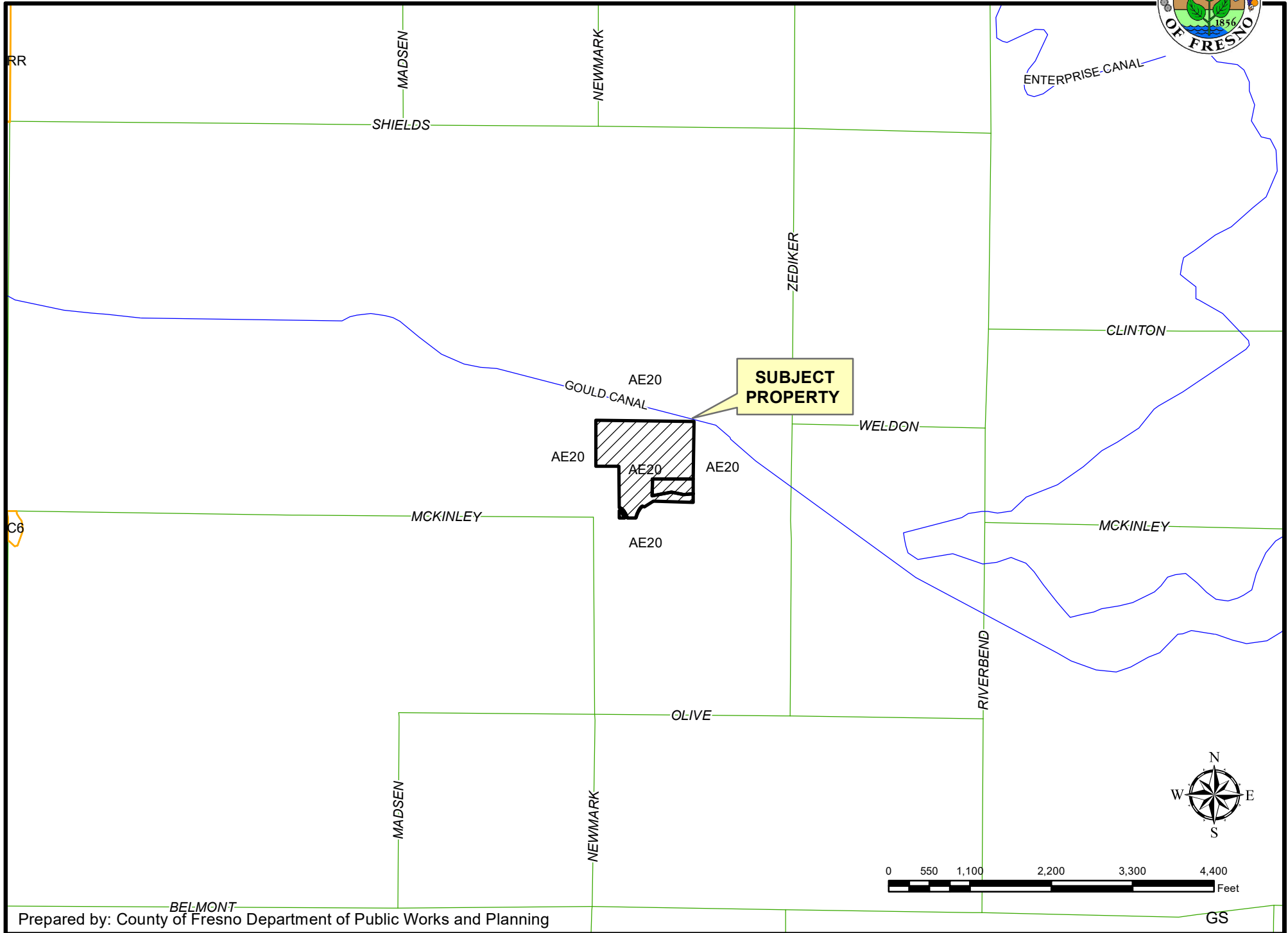
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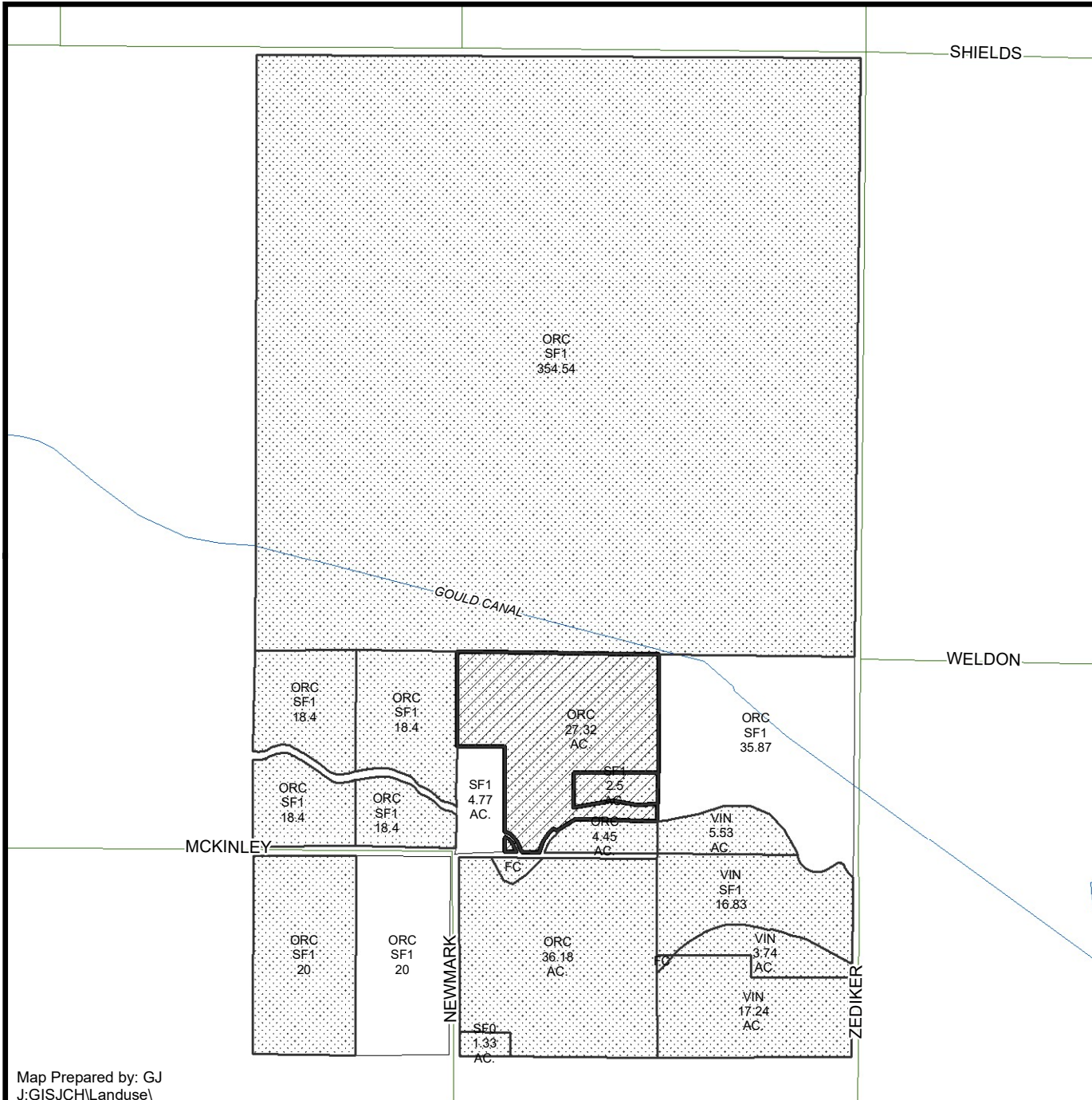
LOCATION MAP



EXISTING ZONING MAP



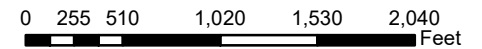
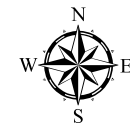
EXISTING LAND USE MAP



LEGEND	
FC	FIELD CROP
ORC	ORCHARD
SF#	SINGLE FAMILY RESIDENCE
VIN	VINEYARD
V	VACANT

LEGEND:

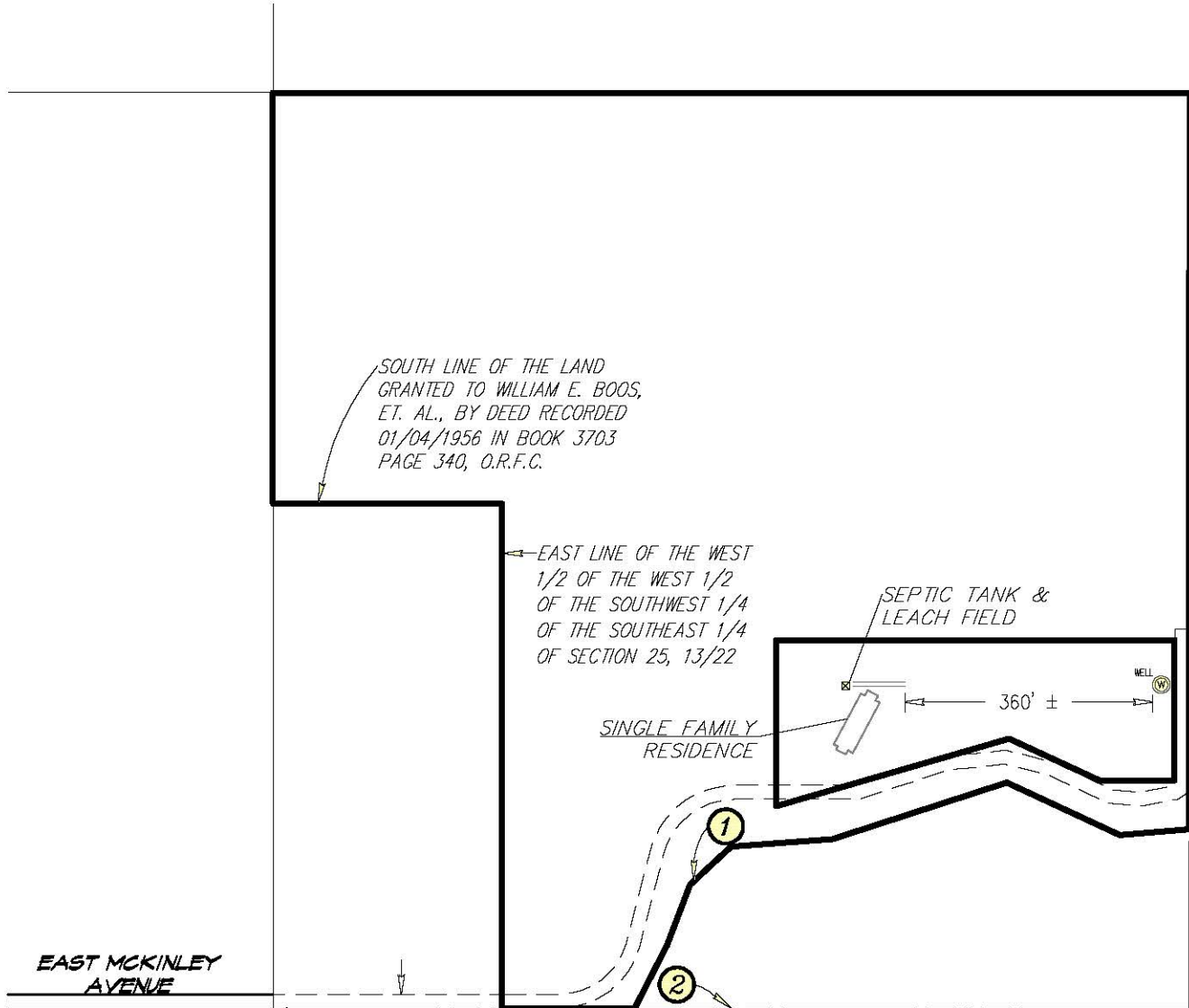
- Subject Property
- Ag Contract Land



Department of Public Works and Planning
Development Services Division

VARIANCE EXHIBIT

FRESNO COUNTY, CALIFORNIA
SHEET 3 OF 3

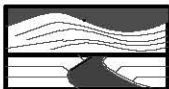


LEGEND

- ① CENTERLINE OF THE FRESNO MAIN CANAL
- ② SOUTHWEST CORNER OF THE E 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 25, 13/22

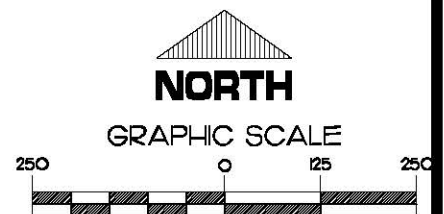
PREPARED FOR:
WM BOOS & CO.

PREPARED BY:



**DALE G. MELL
& ASSOCIATES**

ENGINEERING & SURVEYING SERVICES
2090 NORTH WINERY AVENUE, FRESNO, CALIFORNIA 93703
(559) 292-4046 * FAX 251-9220



BY: R.ESPINOZA - 12/20/17
DMA CADFILE: 17-104EX01

VARIANCE EXHIBIT

FRESNO COUNTY, CALIFORNIA
SHEET 1 OF 3

NOTES:

RECORD OR CALCULATED BEARINGS AND DISTANCES PER THE 2005 SURVEY BY JON RUSSELL, L.S. 7405, SHOWN ON THE RECORD OF SURVEY FILED IN BOOK 49 OF RECORD OF SURVEYS AT PAGE 17, F.C.R.

**SEE SHEET 2 OF 3
FOR KEYNOTE LEGEND
AND LINE TABLE**

(S89°59'18"W 1323.61')R-1

592.53'

SOUTH LINE OF THE LAND GRANTED TO WILLIAM E. BOOS, ET. AL., BY DEED RECORDED 01/04/1956 IN BOOK 3703 PAGE 340, O.R.F.C.

APN 309-070-43

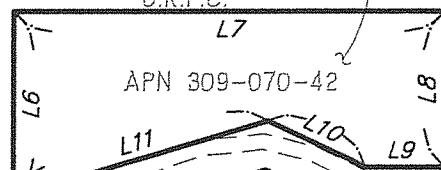
EXCEPTION TO SUBJECT SITE / NOT A PART GRANT DEED DOC. 2013-0118972, O.R.F.C.

APN 309-070-15

(N0°00'25"E 1320.43')R-1

APN 309-070-12
EXCEPTION TO SUBJECT SITE / NOT A PART GRANT DEED DOC. 2016-0025604 O.R.F.C.

EAST LINE OF THE WEST 1/2 OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 25, 13/22



APN 309-070-30
EXCEPTION TO SUBJECT SITE / NOT A PART GRANT DEED DOC. 2009-0132325, O.R.F.C.

1062.70'
(N0°04'38"E 1320.70')R-1 (S0°04'W)R-2

(258')R-2

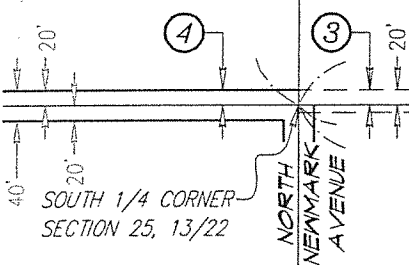
(726.41')R1 & R-3

660.996'

(N90°00'00"W 1321.99')R-1

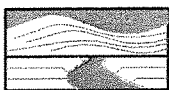
660.996' (661.11)R-2 (WEST)R-2 (EAST)R-3

EAST MCKINLEY AVENUE (ALIGNMENT)



PREPARED FOR:
WM BOOS & CO.

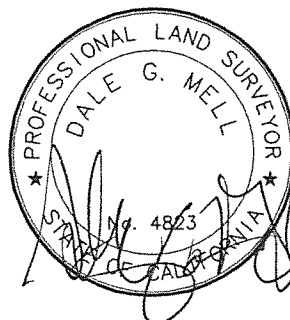
PREPARED BY:



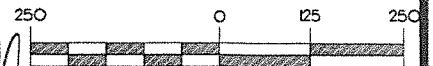
**DALE G. MELL
& ASSOCIATES**

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(559) 292-4046 * FAX 251-9220



GRAPHIC SCALE



1 INCH = 250 FEET

BY: R.ESPINOZA - 12/20/17
DMA CADFILE: 17-104EX01

PLOTTED BY: ROCIO ESPINOZA - 12/20/2017 11:11:40 AM C:\MY DOCUMENTS\17-104EX01.DWG

VARIANCE EXHIBIT

FRESNO COUNTY, CALIFORNIA
SHEET 2 OF 3

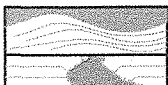
LEGEND

- ()R-1 RECORD DATA PER THE 2005 SURVEY BY JON RUSSELL, L.S. 7405, SHOWN ON THE RECORD OF SURVEY FILED IN BOOK 49 OF RECORD OF SURVEYS AT PAGE 17, F.C.R.
- ()R-2 RECORD DATA PER THE INDIVIDUAL QUITCLAIM DEED RECORDED SEPTEMBER 09, 1983 AS DOCUMENT NO. 83083659, O.R.F.C.
- ()R-3 RECORD DATA PER THE INDIVIDUAL GRANT DEED RECORDED SEPTEMBER 09, 1983 AS DOCUMENT NO. 83083663, O.R.F.C. AND GRANT DEED RECORDED AUGUST 20, 2013 AS DOCUMENT NO. 2013-0118972, O.R.F.C.
- ① CENTERLINE OF THE FRESNO MAIN CANAL
- ② SOUTHWEST CORNER OF THE E 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 25, 13/22
- ③ NON-EXCLUSIVE EASEMENT FOR INGRESS & EGRESS IN FAVOR OF WM J. BOOS ET.AL. PER INSTRUMENT RECORDED 10/31/1980 IN BOOK 7615 PAGE 654 AS DOCUMENT NO. 106443, O.R.F.C.
- ④ 20' WIDE RIGHT OF WAY FOR PUBLIC ROAD GRANTED TO THE COUNTY OF FRESNO PER DOCUMENT RECORDED 02/04/1908 IN VOLUME 404 OF DEEDS PAGE 16, RECORDS OF FRESNO COUNTY
- ⑤ 20' WIDE EASEMENT FOR ROAD PURPOSES IN FAVOR OF FRANCES GAY SCHMIDT PER INSTRUMENT RECORDED 09/09/1983 AS DOCUMENT NO. 83083663, O.R.F.C.

LINE TABLE		
LINE #	BEARING	LENGTH
L1	N0°02'31"E	232.50'
(L1)R-2	N0°2'E	232.5'
(L2)R-2	N85°41'E	147'
(L3)R-2	N72°00'E	264.8'
(L4)R-2	S65°00'E	180'
(L5)R-2	N85°00'E	100'
(L6)R-1	S0°00'00"E	240.18'
(L6)R-3	NORTH	240.18'
(L7)R-1	N90°00'00"W	575.74'
(L7)R-3	EAST	575.74'
(L8)R-1	S0°00'00"E	202.26'
(L8)R-3	SOUTH	202.26'
(L9)R-1	N90°00'00"W	109.18'
(L9)R-3	WEST	109.18'
(L10)R-1	N65°19'04"W	143.03'
(L10)R-3	N65°19'04"W	143.03'
(L11)R-1	S73°49'21"W	350.48'
(L11)R-3	S73°49'24"W	350.48'
(L12)R-1	S0°00'00"E	290.98'
(L12)R-3	NORTH	290.98'

PREPARED FOR:
WM BOOS & CO.

PREPARED BY:

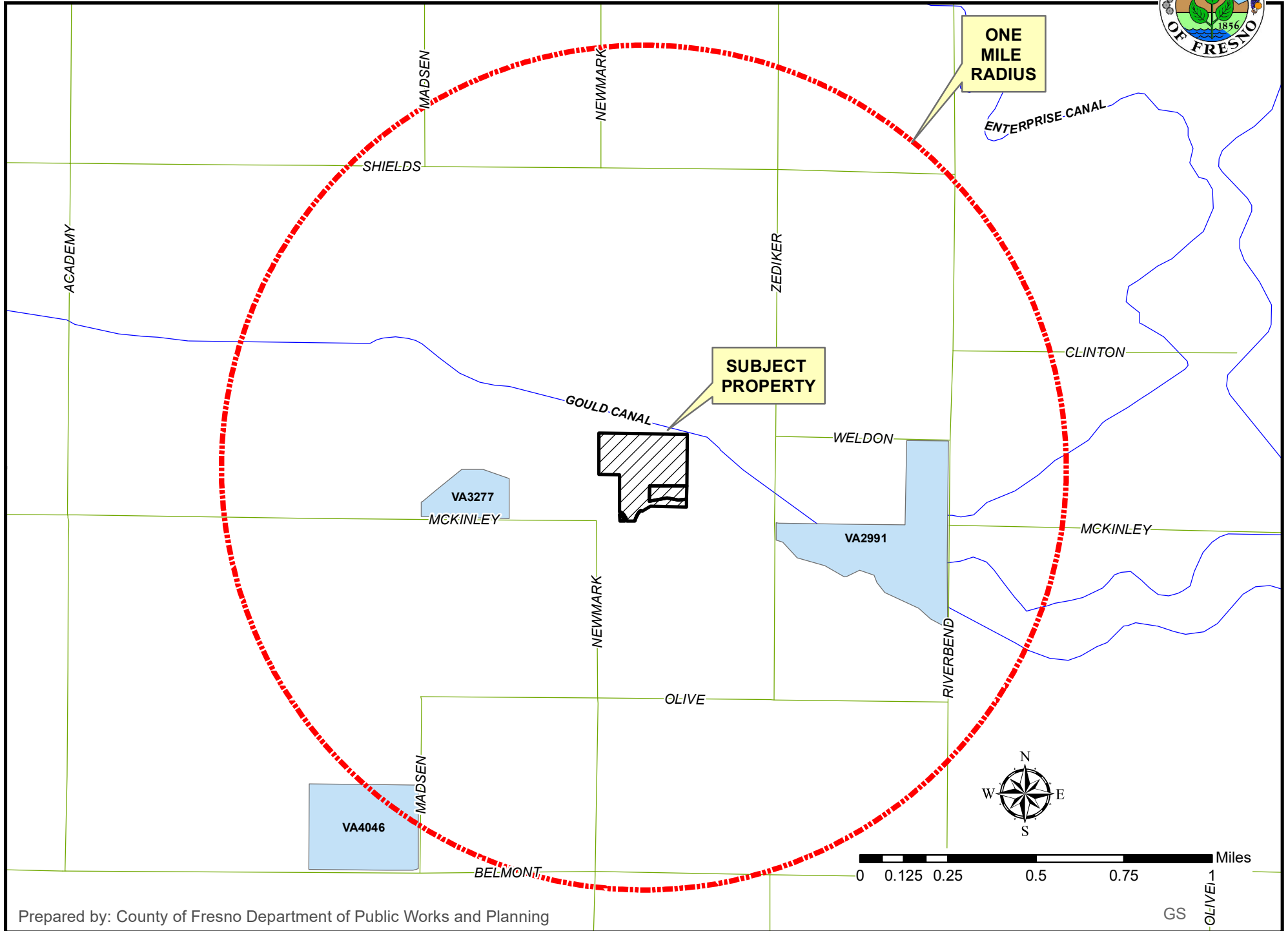


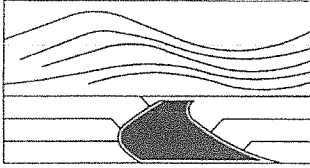
DALE G. MELL
& ASSOCIATES

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(559) 292-4046 • FAX 251-9228

BY: R.ESPINOZA - 12/20/17
DMA CADFILE: 17-104EX01

APPROVED VARIANCES WITHIN A ONE MILE RADIUS





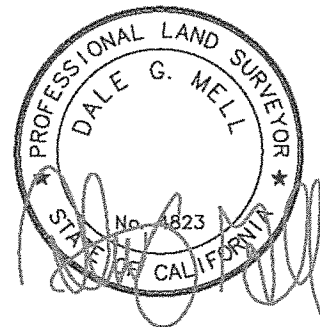
DALE G. MELL & ASSOCIATES

ENGINEERING & SURVEYING SERVICES

2090 N. WINERY AVENUE · FRESNO, CALIFORNIA 93703 · PH (559) 292-4046 · FAX (559) 251-9220

Supplemental Application Findings for Variance

- 1. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties in the vicinity having the identical zoning classification;**
Residence was constructed for family member in 1981 and parcel created by gift deed to the same family member house was built for. Application for gift parcel acquired in 2011 by James Pellegrini unaware that an application was not filed to perfect the right to create and convey per Section 816.5.A.2.C of the Zoning Ordinance.
- 2. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification;**
The right to have clear title to land without subdivision map act on zoning code violations.
- 3. The granting of a variance will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located;**
The residence was constructed in 1981 and occupied continuously without impact to public welfare or properties within the general vicinity.
- 4. The granting of such variance will not be contrary to the objectives of the Fresno County General Plan.**
The General Plan does provide for the creation of parcels for convenience to family as this was; unfortunately an oversight occurred in processing the gift parcel application.





County of Fresno

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

Planning Commission Staff Report Agenda Item No. 4 January 10, 2019

SUBJECT: General Plan Conformity Application – Clovis Unified School District Proposed Elementary School

Acquire approximately 22 acres of property for a new elementary school site (with related facilities) in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The proposed site is located on the northeast corner of North Fowler Avenue and the East McKinley Avenue Alignment, approximately 1,600 feet east of the nearest city limits of the City of Fresno (SUP. DIST. 5) (APN: 310-041-15 and -17).

OWNERS: Fowler Partners LLC
Alfred and Maytha Sebasto

APPLICANT: Clovis Unified School District

STAFF CONTACT: Marianne Mollring, Senior Planner
(559) 600-4569

Chris Motta, Principal Planner
(559) 600-4227

RECOMMENDATION:

- Determine that the proposed site acquisition is in conformance with the County General Plan and its policies relating to city fringe areas; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Location Map
2. Existing Zoning Map
3. Existing Land Use Map
4. Aerial Photograph of Proposed School Site
5. Airport Influence Area and Safety Zones

ZONING AND LAND USE DESIGNATIONS:

Criteria	Designation
General Plan Designation	Agriculture in the Fresno County General Plan and the McLane Community Plan
City of Fresno General Plan Designation	Elementary School, Urban Neighborhood, and Medium-Density Residential
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)

SITE AND PROPERTY CHARACTERISTICS:

Criteria	Existing	Proposed
Parcel Size	0.93 acres (APN 310-041-15) 36.67 acres (APN 310-041-17)	An approximately 22-acre portion of the combined parcels will be developed as an elementary school site
Project Site	Rural Residential and Agricultural	Elementary School campus
Nearest Residence	410 feet west of the proposed site (three existing residences on the proposed site)	The City of Fresno General Plan proposes an elementary school and residential development in this quarter section
Surrounding Development	Field crops, vineyard, rural residential development, and a contractors storage and recycling yard	Elementary School campus

SURROUNDING PROPERTIES:

Surrounding Parcels			
	Size:	Use:	Zoning:
North:	7.82-acre and 13.72-acre parcels	Contractors storage and recycling yard	AE-20
South:	15.32-acre parcel	Ponding Basin	AE-20
East:	9.85-acre, 17.50-acre, and 10.92-acre parcels	Single-family rural residential home and field crops	AE-20
West:	Two 40-acre parcels	Vineyard and one single-family residence	AE-20

PROCEDURAL CONSIDERATIONS/BACKGROUND INFORMATION:

Public Resources Code Section 21151.2 requires a school district to notify the local Planning Agency having jurisdiction of its intention to acquire title to property for use as a school site. The Code requires the Planning Agency to investigate and evaluate the proposed acquisition and submit a written report of the investigation, together with recommendations to the Governing Board of the school district within thirty (30) days of the request. If the report does not favor the acquisition of the property for a school site, or for an addition to a present school site, the Governing Board of the school district shall not acquire title to the property until thirty (30) days after the Commission's report has been received.

Similarly, State Government Code Section 65402 requires a school district, prior to authorizing construction of a public building, disposing of any real property, or acquiring property, to submit the location, purpose, and extent of such acquisition, disposition, or public building to the Planning Agency having jurisdiction for its review as to conformity with the local General Plan. Section 65402 further states that the Planning Agency shall render its report as to conformity with said adopted General Plan or part thereof within forty (40) days after the matter was submitted to it, or such longer period of time as may be designated by the legislative body.

Staff notes that school sites are exempt from the County's Zoning Code per State Government Code.

On November 14, 2018, the Clovis Unified School District (District) submitted an application for determination of General Plan Conformity on an approximately 22-acre site for the purpose of establishing a new elementary school. The proposed site is located on the northeast corner of North Fowler Avenue and the McKinley Avenue Alignment in the City of Fresno Sphere of Influence. The proposed school site is in an area experiencing urbanization and planned future residential development. The timing for the construction of the school is estimated to be in approximately five years to coincide with planned residential development in the area and funding availability.

The District has stated that the new site is necessary to serve the planned student population growth generated by urban development. The school would be in regular session on weekdays from late August to early June with additional special events and classes during evenings, on weekends, and during the summer recess. The planned grade levels and enrollment would typically serve approximately 750 students in kindergarten through sixth grade. The school would have approximately 50 employees (including administrators, faculty, and support staff), and would have administrative offices, 28 classrooms, a multi-purpose building, and physical education facilities/outdoor play areas.

The school would be designed with vehicular, bicycle, and pedestrian access to the surrounding circulation systems. The City of Fresno's water and sewer systems are proposed to serve the school, and the location and design of the water and sewer facilities would be subject to review and approval by the City of Fresno.

The Fresno Irrigation District (FID) Mill No. 36 canal runs westerly through the southern portion of the proposed site, and development of the site will be subject to FID requirements. FID requirements could include piping, easements, bank improvements, drive approaches, and channel stabilization.

The Fresno Metropolitan Flood Control District (FMFCD) would be the storm water drainage service provider for the project, and the location and design of storm water drainage facilities would be subject to review and approval by FMFCD. FMFCD reviewed the project, which lies within the District's Drainage Area "BS." The District's Master Plan can accommodate the General Plan land use. A drainage fee is due at the time of development and is estimated to be \$341,340.

Adopted Public Land Use Policy: The City of Fresno General Plan designates the proposed school site and adjoining land as Elementary School, Urban Neighborhood, and Medium-Density Residential. Schools are a permitted use in all single-family residential areas per the Fresno General Plan. The siting of a school at this location is consistent with the City of Fresno General Plan, Goal 8 (Develop Complete Neighborhoods). The Clovis Unified School District expects the site to be annexed by the City of Fresno at the time of development.

Access: The Fresno General Plan designates Fowler Avenue as an Arterial, which is currently a two-lane County-maintained road, and designates the McKinley Avenue alignment as a future Collector. The Fresno County General Plan designates both Fowler Avenue and McKinley Avenue as Arterials. The school site will have street frontage on Fowler Avenue and roads will be constructed to City of Fresno standards at the time of development.

Airport Land Use Commission: The site is in the Zone 6 traffic pattern and Airport Influence Area (AIA) for the Fresno-Yosemite International Airport (Exhibit 5) according to the *Airport Land Use Compatibility Plan* adopted December 3, 2018. The Traffic Pattern Zone (TPZ) prohibits outdoor stadiums and similar uses with very high-intensity non-residential uses of 300 persons per acre or more. It requires that 10% of the land be kept open for emergency landings, and prohibits any hazards to flight. An Airport disclosure notice is required.

ANALYSIS/DISCUSSION/GENERAL PLAN CONSISTENCY:

Relevant Policies:	Consistency/Considerations:
Policy LU-G.1: Cities have primary responsibility for planning within their LAFCo-adopted Spheres of Influence; they are responsible for urban development and the provision of urban services within those Spheres.	The proposed school site is within the City of Fresno Sphere of Influence and is designated for an elementary school and residential development in the City of Fresno General Plan. The project should be referred to the City of Fresno for review and comment.
Policy LU-A.13: The County shall protect agricultural operations from conflicts with non-agricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations.	The proposed site is in an area designated for future urban development by the City of Fresno and is planned to be developed with an elementary school and residential uses. A tentative tract map has been approved for the adjacent property. Property to the south is developed as a ponding basin, and property to the west is planned for industrial use.
Policy PF-I.1: County shall encourage school districts to provide quality educational facilities to accommodate projected student growth in locations consistent with Land Use Policies in the General Plan.	The District is attempting to accommodate growth projections and neighborhood needs with acquisition of this school site.

Relevant Policies:	Consistency/Considerations:
<p>Policy PF-I.6: Discourages the siting of schools in agricultural areas due to the growth-inducing potential of these facilities and conflicts with farming practices.</p>	<p>It is the intent of Policy PF-I.6 to discourage establishment of school facilities in agricultural areas because school facilities attract urban growth such as new residential developments, which could result in premature annexation of land as well as adversely affecting the surrounding farming operations. It is acknowledged that the proposed site is in an area designated for future urban development by the City of Fresno and is planned to be developed with an elementary school and residential uses.</p>
<p>Policy PF-I.7: County shall include schools among those public facilities and services considered an essential part of development; County shall work with residential developers and school districts to ensure needed school facilities are available to serve development.</p>	<p>The District has submitted the General Plan Conformity Application as part of the early process of site acquisition for development of an elementary school; analysis of this request has taken into consideration not solely existing land use patterns in the site's vicinity, but anticipated land uses based on the City and County General Plan policies that address urban fringe areas.</p>
<p>Policy HS-E.1: The County shall review the Fresno County Airport Land Use Commission's Airport Land Use Policy Plans (CLUPPs) to determine the appropriate land uses around airports. The County shall limit land uses in airport safety zones to those uses listed in the applicable CLUPPs as compatible uses. Exceptions shall be made only as provided for in the CLUPPs. Such uses shall also be regulated to ensure compatibility in terms of location, height, and noise.</p>	<p>The <i>Airport Land Use Compatibility Plan</i> (adopted December 3, 2018) addresses land use policies for the nine public use airports in Fresno County, including Fresno-Yosemite International Airport. The Plan is intended to protect and promote the safety and welfare of residents, businesses, and airport users near the airports. Specifically, the Plan seeks to: ensure that people and facilities are not concentrated in areas susceptible to aircraft accidents; protect the public from the adverse effects of airport noise; and ensure that no structures or activities encroach upon or adversely affect the use of navigable airspace.</p>
<p>Policy HS-E.2: The County shall ensure that new development, including public infrastructure projects, does not create safety hazards such as glare from direct or reflective sources, smoke, electrical interference, hazardous chemicals, or fuel storage in violation of adopted safety standards.</p>	<p>The proposed project is the purchase of approximately 22 acres of land for the development of an elementary school. An elementary school is not expected to create glare, smoke, electrical interference, or have hazardous chemicals or fuel storage on site.</p>

Relevant Policies:	Consistency/Considerations:
<p>Policy HS-E.3: The County shall ensure that development, including public infrastructure projects, within the airport approach and departure zones complies with Part 77 of the Federal Aviation Administration Regulations (Objects Affecting Navigable Airspace).</p>	<p>Airport land use compatibility involves two overarching concepts: a community’s need for safe and efficient air transportation and orderly compatible land use development within the airport environs. These two concepts need to be balanced to achieve a favorable result for the airport, the residents, and other uses in the airport’s vicinity. The proposed school site is within Safety Zone 6 (Traffic Pattern Zone) and approximately 800 feet east of Safety Zone 3 (Inner Turning Zone).</p>
<p>Policy HS-G.3: The County shall allow the development of new noise-sensitive land uses (which include, but are not limited to, residential neighborhoods, schools, and hospitals) only in areas where existing or projected noise levels are “acceptable” according to the Chart HS-1: “Land Use Compatibility for Community Noise Environments.” Noise mitigation measures may be required to reduce noise in outdoor activity areas and interior spaces to these levels.</p>	<p>According to County General Plan Chart HS-1, the Community Noise Exposure Levels (CNEL) for schools are normally acceptable between 50 and 60 dB and conditionally acceptable between 55 and 65 dB. CNEL over 65 dB are generally unacceptable. It is anticipated that traffic noise could exceed 65 dB within 182 feet of Fowler Avenue and 75 feet from McKinley Avenue. As such, the District plans to set back structures at least 182 feet from Fowler Avenue and 75 feet from McKinley Avenue.</p>
<p>Policy HS-G.8: The County shall evaluate the compatibility of proposed projects with existing and future noise levels through a comparison to Chart HS-1, “Land Use Compatibility for Community Noise Environments.”</p>	<p>The proposed school site is approximately 500 feet outside of the 60 dB noise prediction area for the Fresno-Yosemite International Airport.</p>

GENERAL PLAN POLICY CONSIDERATIONS:

The proposed school site and immediate surrounding area are within the City of Fresno’s Sphere of Influence and are designated for an elementary school and residential land use. The site is also within the Fresno County adopted McLane Community Plan. The land use element of this community plan is consistent with the land use element of the Fresno County General Plan and subject to County-wide goals, objectives, and standards. The McLane Community Plan recommends that the *Airport Land Use Compatibility Plan* (previously the “Fresno Air Terminal Environs Plan”) should be reviewed to determine the appropriate land use policy for areas impacted by that Plan.

A fundamental policy directive of the County’s General Plan is to direct urban growth to the cities and unincorporated communities. County General Plan Policy LU-G.1, related to city fringe areas, states that cities have primary responsibility for planning within their LAFCo-adopted Spheres of Influence and they are responsible for urban development and the provision of urban services within those Spheres.

The City of Fresno has not started annexation of this site and did not comment on the proposed school site.

As previously mentioned, the subject area is zoned for exclusive agricultural land uses (AE-20). Current zoning in this area is illustrated in Exhibit 2. General Policy PF-I.6 discourages the siting of schools in agricultural areas due to the growth-inducing potential of these facilities and conflicts with farming practices. In this case, however, the area is within the City of Fresno Sphere of Influence and planned for an elementary school, medium-density single-family residential neighborhoods, and urban neighborhood uses. The subject school is being located at this site to accommodate planned student growth in the area.

Fresno County General Plan Policy PF-I.1, related to the locating of school facilities, states that the County shall encourage school districts to provide quality educational facilities to accommodate projected student growth in locations consistent with Land Use Policies in the General Plan. Policy PF-I.7 states that the County shall include schools among those public facilities and services that are considered an essential part of the development service facilities that should be in place as development occurs, and shall work with residential developers and school districts to ensure that needed school facilities are available to serve new residential development. This proposal is consistent with this policy.

Other directives of the County General Plan relate to Airport Hazards and Noise. Policies HS-E.1, HS-E.2, and HS-E.3 (described in the previous chart) address issues related to Airport Hazards, while policies HS-G.3. and HS-G.8 address noise hazards. The General Plan policies related to airport hazards and noise have been reviewed in conjunction with the *Airport Land Use Compatibility Plan* and the HS-1 General Plan Land Use Compatibility for Community Noise Environments Chart.

The site is located one mile east of the Fresno-Yosemite International Airport and Army National Guard Base and within the Zone 6 Traffic Pattern. Additionally, the site will be adjacent to Fowler Avenue, which is designated an Arterial roadway. The District plans to address noise by siting structures outside of the predicted 65 dB traffic noise generation zones and by utilizing architectural treatments to insulate structures from other noise generators, such as air traffic. However, noise levels from street and air traffic may have the potential to exceed recommended thresholds, at times, for outdoor activities.

OTHER CONSIDERATIONS

The proposed school site is not subject to an Agricultural Land Conservation Contract under the provisions of the Williamson Act. Thus, the proposed site is not in conflict with related provisions and land uses.

REVIEWING AGENCY/DEPARTMENT COMMENTS:

Staff received comments from the following agencies/departments: Policy Planning Unit, Zoning Section, and Building and Safety Section of the Development Services and Capital Projects Division, Road Maintenance and Operations Division, Water and Natural Resources Division, and Design Division of the Fresno County Department of Public Works and Planning; County of Fresno Department of Public Health, Environmental Health Division; Fresno Metropolitan Flood Control District; Fresno Irrigation District; State Water Resources Control Board; San Joaquin Valley Air Pollution Control District; and Fresno County Fire Protection District. The comments did not express any concerns regarding General Plan conformity.

The Fresno County Airport Land Use Commission (ALUC) staff expressed concern with the site being within the Zone 6 traffic pattern for the Fresno-Yosemite International Airport, but did not express concerns related to General Plan policy.

CONCLUSION:

County staff can find the proposed elementary school site consistent with General Plan policy, based on analysis provided in this report. Although there are no specific General Plan policy issues related to placing an elementary school at this site, based on comments from the ALUC, staff has concerns about the proximity of the site to the Fresno-Yosemite International Airport, considering the site is within the Zone 6 traffic pattern and just outside the projected 60 dB noise contour for air traffic. Staff recommends that the Clovis Unified School District apply for a no-fee Land Use Compatibility Determination by the Fresno County Airport Land Use Commission prior to acquiring the property.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Finding of Consistency)

- Find that the proposed site acquisition is in conformance with the County General Plan and its policies relating to city fringe areas and siting of schools, and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Finding of Non-Consistency)

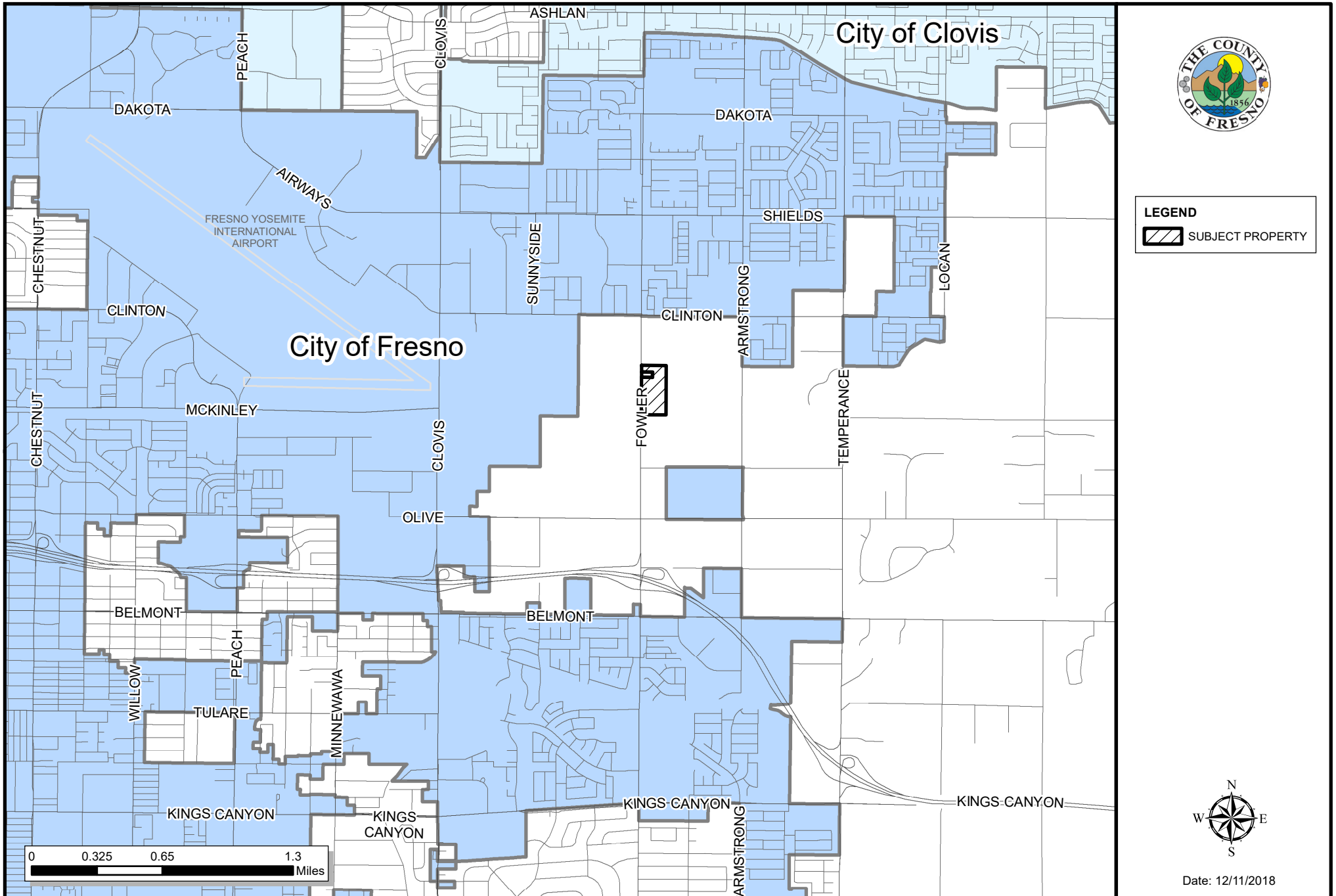
- Move to determine that the proposed site acquisition does not conform to the County General Plan (state the basis for not making the General Consistency Finding); and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

MM:ksn


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LOCATION MAP

General Plan Conformity - Clovis Unified School District



LEGEND

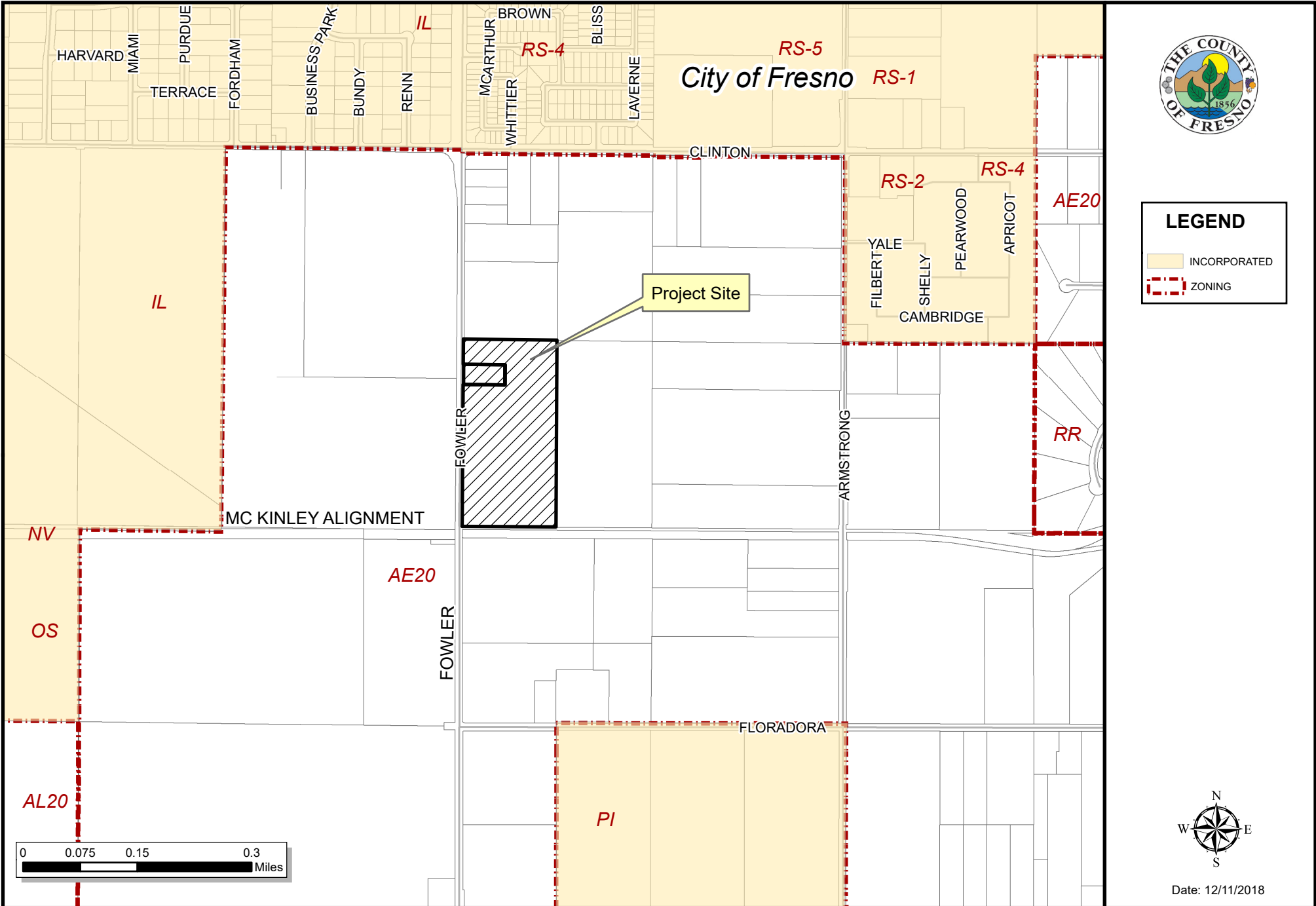
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Date: 12/11/2018

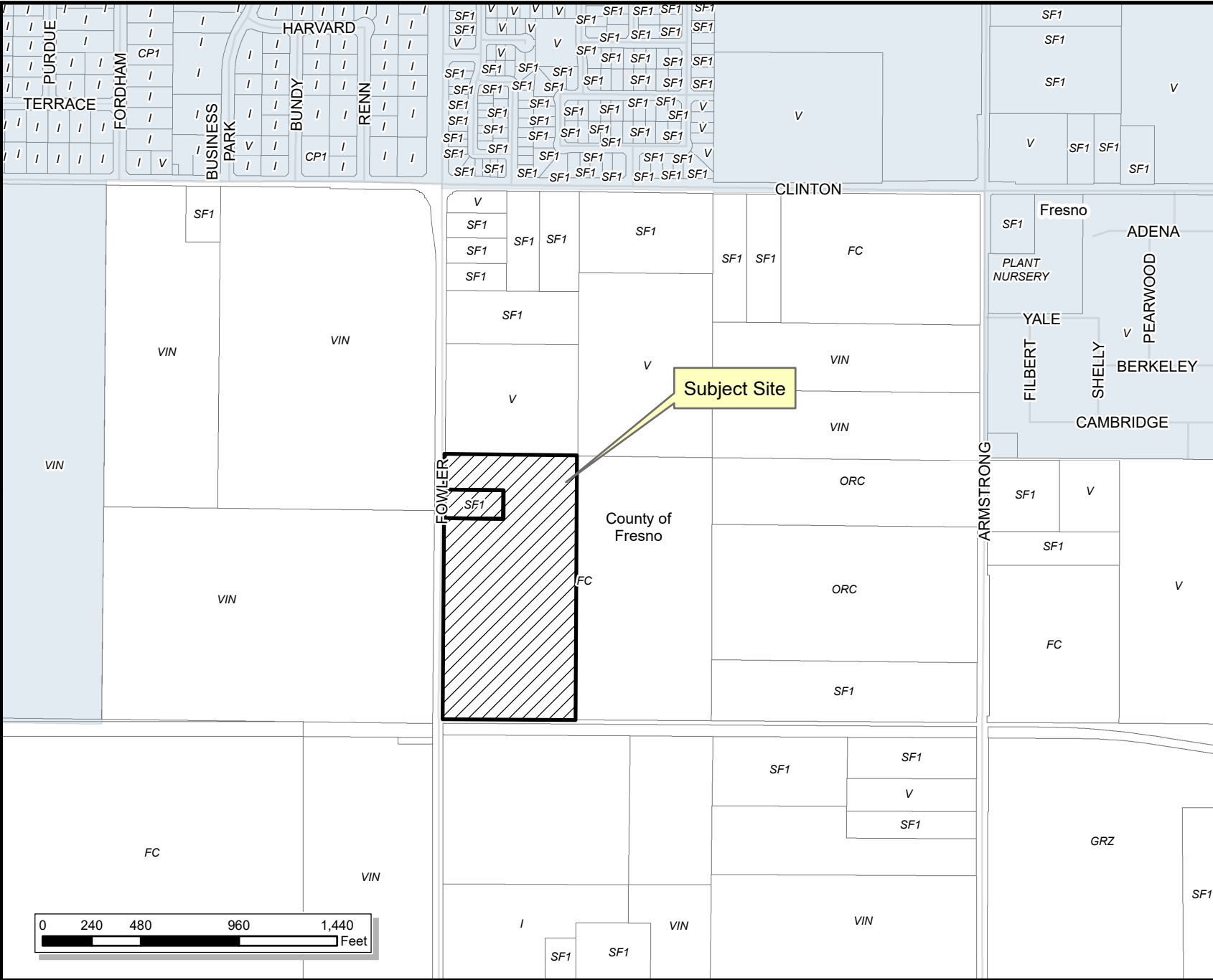
EXISTING ZONING

General Plan Conformity - Clovis Unified School District



EXISTING LAND USE MAP

General Plan Conformity - Clovis Unified School District



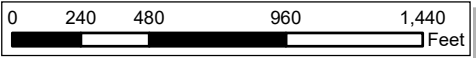
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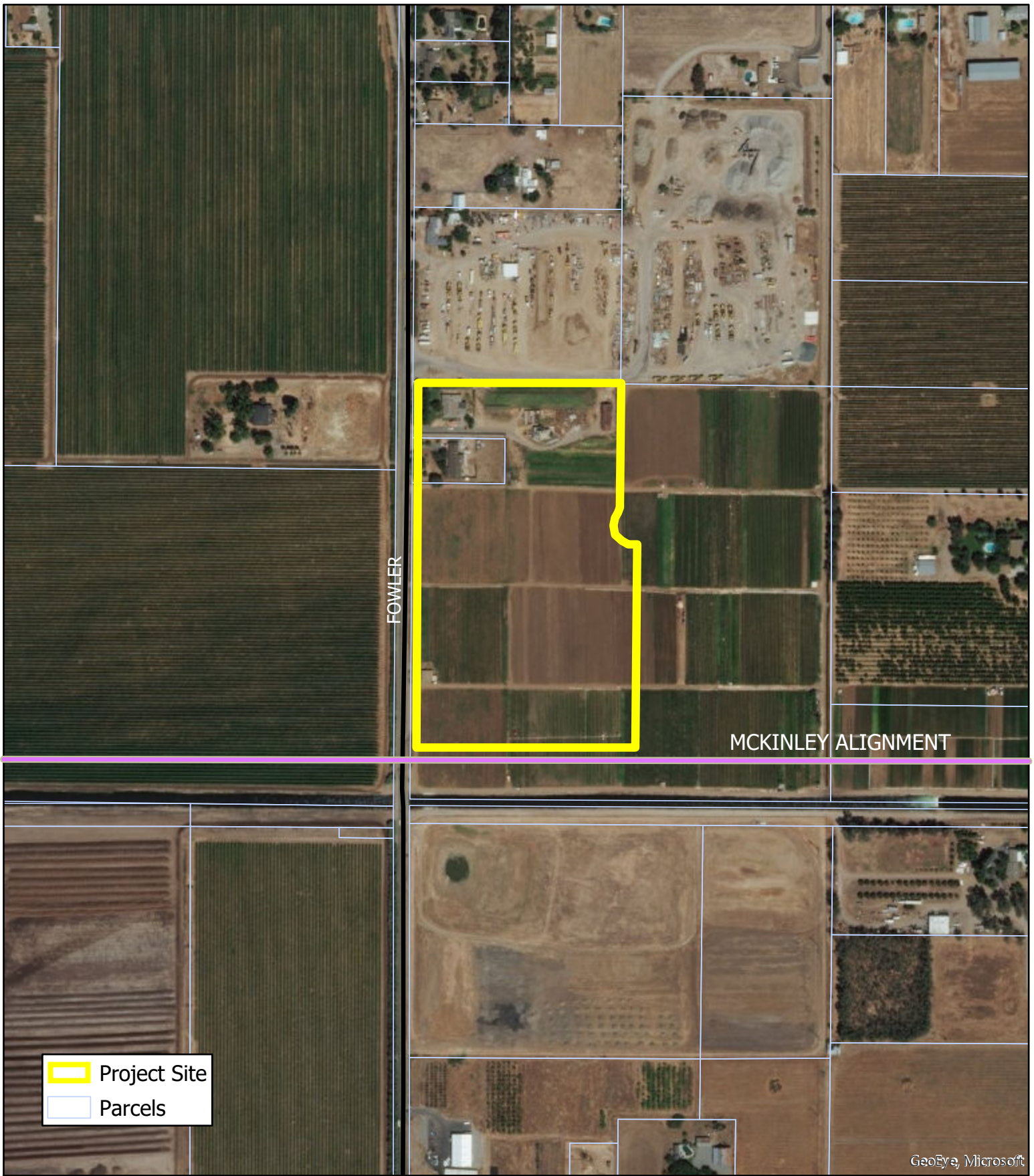
- AG CONTRACT
- SUBJECT PROPERTY

- CP# - OFFICE COMM./PROF
- FC - FIELD CROP
- GRZ - GRAZING
- I - INDUSTRIAL
- ORC - ORCHARD
- SF#- SINGLE FAMILY
- V - VACANT
- VIN - VINEYARD



Date: 12/11/2018

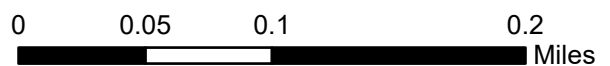




Project Site

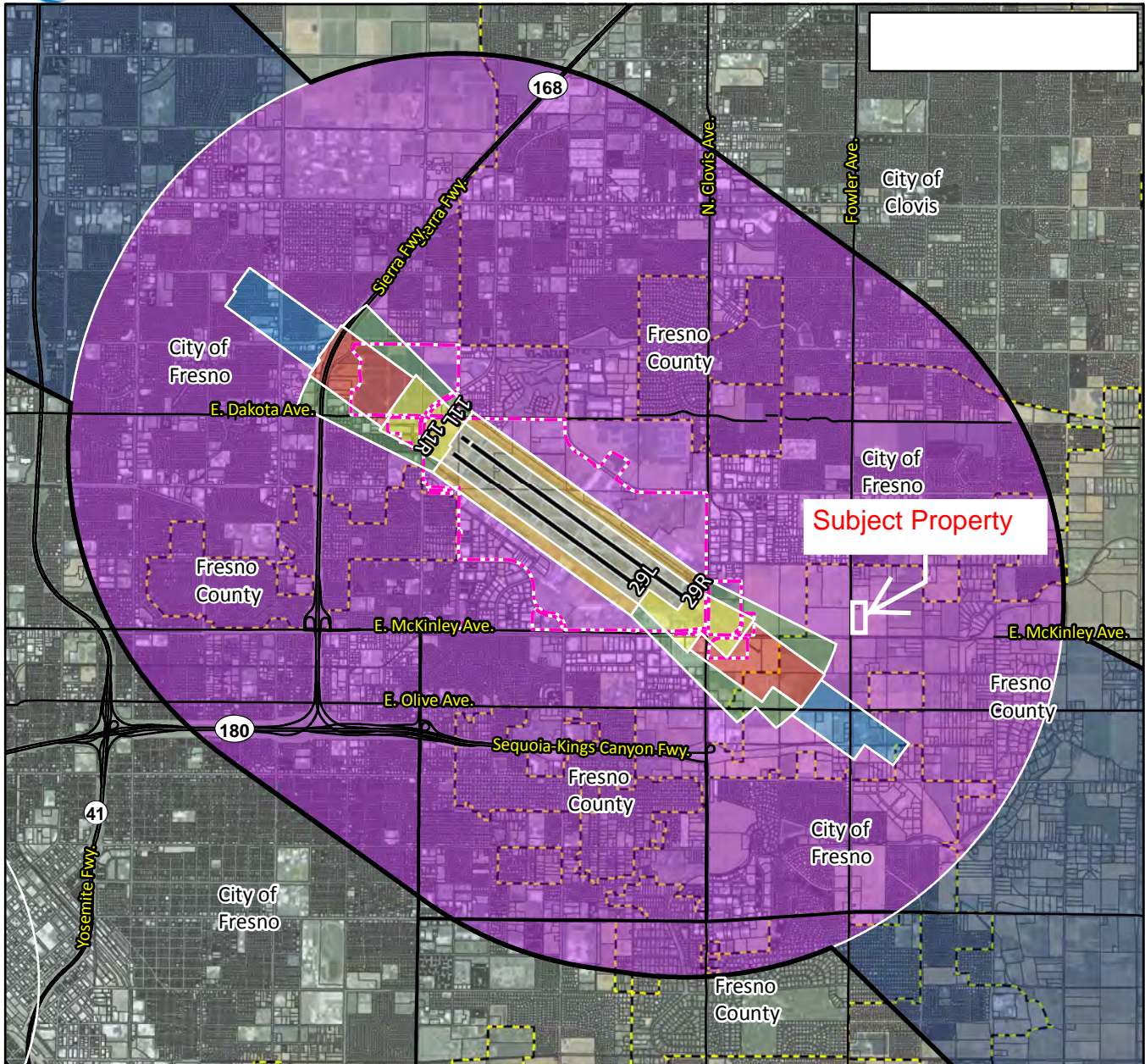
Fowler-McKinley Elementary School Project
Clovis Unified School District

EXHIBIT 4



N



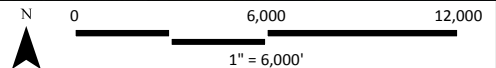


LEGEND

- Existing Runway¹
- Ultimate Runway¹
- Airport Property¹
- Parcel Boundary
- Municipal Boundary
- Streets
- Airport Influence Area (AIA)²

Safety Zones³

- 1. Runway Protection Zone
- 2. Inner Approach/Departure Zone
- 3. Inner Turning Zone
- 4. Outer Approach/Departure Zone
- 5. Sideline Zone
- 6. Traffic Pattern Zone
- 7. Precision Approach Zone



¹FresnoYosemite Intl. Airport Layout Plan (2013)
²AIA drawn from Part 77 Conical and Outer-Transitional surfaces. See 14 CFR, Subchapter E, Part 77, §77.25.
³Figure 3A, California Airport Land Use Planning Handbook (2011), and Coffman Associates Analysis. Sources: Fresno County Parcels, Fresno County Streets, ESRI Basemap Imagery (2016).