Community and Economic Development
Planning Division

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PLANNING COMMISSION DATE: **June 13, 2023**

AGENDA ITEM: **#4**

CUP	**#2023-004**	**Conditional Use Permit for Cell Tower**
APN	**#030-211-004**	**Applicant: Assurance Development**
		Owner: Countryside Fields, LLC
CEQA	**ND #2023-010**	**Negative Declaration**

REQUEST:

The applicant is requesting a Conditional Use Permit #2023-004 to allow installation of an unmanned wireless facility consisting of a 110' monopole within a 40' x 40' lease area.

LOCATION:

On the north side of Avenue 24, approximately 1 mile east from the intersection with Road 20, (No Situs), Chowchilla

ENVIRONMENTAL ASSESSMENT:

A Negative Declaration (ND #2023-010) (Exhibit M) has been prepared and is subject to approval by the Planning Commission.

RECOMMENDATION: Adoption of a resolution approving Conditional Use Permit #2023-004 subject to conditions, Findings of Fact, and Negative Declaration #2023-010.

GENERAL PLAN DESIGNATION (Exhibit A)**:**

SITE: PI (Public Institutional) Designation

SURROUNDING: AE (Agricultural Exclusive) Designation; City of Chowchilla Jurisdiction

ZONING (Exhibit B)**:**

SITE: ARE-40 (Agriculture, Rural, Exclusive 40 Acre) District

SURROUNDING: ARE-40 (Agriculture, Rural, Exclusive 40 Acre) District; City of Chowchilla Jurisdiction

LAND USE:

SITE: Agriculture

SURROUNDING: Agriculture; Valley State Prison

SIZE OF PROPERTY: 3.46 Acres

ACCESS (Exhibit D)**:** The property is accessed by Avenue 24.

BACKGROUND AND PRIOR ACTIONS:

No previous entitlements on the parcel.

PROJECT DESCRIPTION:

This is a request for a Conditional Use Permit to allow an unmanned wireless facility consisting of a 110' monopole within a 40' x 40' lease area with an outdoor generator, and equipment cabinets surrounded by an 8’ chain-link fence. The project site will be accessed by Avenue 24.

The parcel is currently undeveloped. The 40’ x 40’ lease area where the project will be constructed is located on the northeast corner of the parcel. The project site is surrounded by agricultural practices, a single-family residence, and the Valley State Prison.

The proposed installation of this new telecommunications facility will improve wireless coverage to the area and will also increase network capacity. This network will provide an extremely valuable service to those who live, travel, and do business in the local area. It will give people the ability to call for emergency services in the event of an accident, the ability to communicate with employees or clients outside of the office, and the ability to communicate with family members when needed. The project engineer has indicated that the proposed location will provide the necessary coverage and capacity with the ability to hand off the

wireless signal to the next telecommunications site. This will enable travelers and community members to have reliable and continuous wireless coverage.

ORDINANCES/POLICIES:

Chapter 18.53 of the Madera County Zoning Ordinance outlines the permitted uses within the ARE-40 (Agricultural, Rural, Exclusive 40 Acre) District.

Chapter 18.92 of the Madera County Zoning Ordinance outlines the procedures for the processing and approval of conditional use permits.

Part 1 of the Madera County General Plan outlines the PI (Public Institutional) designation.

Telecommunications Act of 1996 authorizes local jurisdictions the discretionary authority over new cellular tower approvals.

ANALYSIS:

Under the Telecommunications Act of 1996, local jurisdictions have discretionary authority over placement of new cellular towers in their jurisdictions. It is only when existing cellular towers are being modified (i.e. new antennas, new ground based equipment, etc.) that local jurisdictions cannot deny the request.

The applicant is requesting to construct an unmanned telecommunications facility consisting of a 110' monopole within a 40' x 40' lease area with an outdoor generator and equipment cabinets surrounded by an 8’ chain-link fence. The monopole design of the tower will assist with coalescing into the surrounding area. The access to the project will be from Avenue 24.

The parcel is currently undeveloped and houses three metal structures. The project site is surrounded by sparse vegetation and trees and is visible from Avenue 24. There is a single-family residence to the west, and agricultural practices to the north, east, and south.

The location of towers in comparison to other cell towers is dependent on several factors. These factors include terrain, signal strength, the amount of calls and data usage, population of the area, and obstructions such as buildings and mountainous terrain. The average distance between towers is two to four miles. Cell phone connectivity is also dependent on the terrain, power of the transmitter in the tower, size of the cellphone network and the design capacity of the network.

Historically, the County has tried to limit the number of new towers, and proximity to each tower, due to aesthetic concerns and public response to towers. There

are two cell towers between 2.0 and 5.0 miles from the site. The neighboring towers do not meet the current needs of the community.

Cellular providers utilize their own variables as well to locate facilities. These variables include local zoning regulations, topography, existing structures, co-location opportunities, site access, available utilities, and a willing landlord. Coverage is also taken into account, specifically areas where there is limited or no coverage available.

Access to the site will be via Avenue 24 just east of its intersection with Road 20. There is an existing dirt road on the property to access the site. The road access must meet current driveway standards prior to the issuance of a building permit for the project. The project site is a 40'x40' lease area on the northeast corner of the parcel. No water will be used as a result of operations. No trash, water or wastewater will be generated by this project.

There will be a minor increase of traffic in the area for the duration of construction of the site. Operationally, a maintenance technician will visit the site once a month for approximately 8 hours at a time. The cell tower facility will be unmanned aside from the maintenance technician visits.

Per the Airport Land Use Compatibility Plan, any cell tower structure within the airport compatibility zones that are 150 feet in height from ground level to peak of tower or higher would be under the Airport Land Use Commission (ALUC) purview for review of compatibility (ALUC Policy 3.5.1). This height measurement is independent of the elevation at ground level. As this monopole style tower is 110' (one hundred ten feet) in height at peak, and is outside the compatibility zones for both airports, an ALUC review is not necessary.

The general plan designation of PI (Public Institutional) allows for public and quasi-public uses as a compatible use with public institutions. Quasi-public uses are typically defined as essentially public (as in services rendered) under private ownership or control. Public uses include public utilities. The zoning designation of ARE-40 (Agriculture, Rural, Exclusive 40 Acre) District allows for a communications tower/wireless communication facility with a conditional use permit. A communication tower with a conditional use permit is consistent with the zoning ordinance.

Cellular radio services transmit using frequencies between 800 and 900 megahertz. Antennas used for cellular transmissions are typically located on towers, water tanks or other elevated structures. The combination of antennas and associated electronic equipment is referred to as a "base station." Typical heights for free standing base station towers are 50 – 200 feet. A cellular base

station may utilize several “Omni-direction” antennas (which are less common) or “sector” antennas. Sector antennas are rectangular panels usually arranged in three groups of three each. One antenna in each group is used to transmit signals to mobile units (cell phones) and the other two in each group are used to receive signals from mobile units.

Wireless services are delivered using radio waves, which are a form of radiofrequency (RF) energy. RF energy is, in turn, a form of electromagnetic energy. Electromagnetic “radiation” can be best described as waves of electric and magnetic energy moving together (“radiating”) through space. These waves are generated by the movement of electrical charge such as in a conductive metal or antenna. Studies have shown that environmental levels of RF energy routinely encountered by the general public are far below levels necessary to produce significant effects. A variety of studies have also been conducted on the effects of exposure to low levels of RF radiation. An FCC (Federal Communication Commission) report has stated that any evidence that such low-level exposure causes harmful effects is ambiguous and unproven.

In 1996 the FCC adopted updated guidelines for evaluating human exposure to radiofrequency (RF) fields from transmitting antennas such as those used for cellular radio. The new guidelines for cellular base stations are identical to those recommended by the National Council on Radiation Protection and Measurements (NCRP). These guidelines are also essentially the same as the 1992 guidelines recommended by the American National Standards Institute and the Institute of Electrical and Electronics Engineers (ANSI/IEEE C95.1-1992).

In the case of cellular and PCS (Personal Communication Service) cell site transmitters, the FCC’s RF exposure guidelines recommend a maximum permissible exposure level to the general public of approximately 580 microwatts per square centimeter. This limit is many times greater than RF levels typically found near the base of cellular or PCS cell site towers or in the vicinity of other, lower-powered cell site transmitters. Calculations corresponding to a “worst-case” situation (all transmitters operating simultaneously and continuously at the maximum licensed power) show that, in order to be exposed to RF levels near the FCC’s guidelines, an individual would essentially have to remain in the main transmitting beam and within a few feet of the antenna for several minutes or longer. Thus, the possibility that a member of the general public could be exposed to RF levels in excess of the FCC guidelines is extremely remote.

Measurements made near typical cellular and PCS installations, especially those with tower-mounted antennas, have shown that ground-level power densities are thousands of times less that the FCC’s limits for safe exposure. Therefore, in order to be exposed to levels at or near the FCC limits for cellular frequencies, an

individual would essentially have to remain in the main transmitting beam (at the height of the antenna) and within a few feet from the antenna. This makes it extremely unlikely that a member of the general public could be exposed to RF levels in excess of those guidelines due to cellular base station transmitters.

The FCC authorizes and licenses devices, transmitters and facilities that generate RF and microwave radiation. It has jurisdiction over all transmitting services in the US. Under the National Environmental Policy Act of 1969 (NEPA), the FCC has certain responsibilities to consider whether its actions will significantly affect the quality of the human environment. Therefore, FCC approval and licensing must be evaluated for significant impact on the environment. Human exposure to RF radiation emitted by FCC-regulated transmitters is one of several factors that must be considered in such environmental evaluations.

Major RF transmitting facilities under the jurisdiction of the FCC, such as cellular and PCS facilities, are required to undergo routine evaluation for RF compliance whenever an application is submitted to the FCC for construction or modification of a transmitting facility or renewal of license. Failure to comply with the FCC's RF exposure guidelines could lead to the preparation of a formal Environmental Assessment, possible Environmental Impact Statement and eventual rejection of an application.

The signals from a cellular base station antenna are essentially directed toward the horizon in a relatively narrow pattern in the vertical plane. The radiation pattern for Omni-directional antenna might be compared to a thin doughnut or pancake centered around the antenna, while the pattern for a sector antenna is fan-shaped, like a wedge cut from a pie. As with all forms of electromagnetic energy, the power density from a cellular or PCS transmitter decreases rapidly as one moves away from the antenna. Consequently, normal ground-level exposure is much less than exposures that might be encountered if one were very close to the antenna and in its main transmitted beam.

The project was circulated to County Departments and outside regulatory agencies for comments and conditions. This included the California Department of Transportation, San Joaquin Valley Air Pollution Control District, Regional Water Quality Control, Department of Fish and Wildlife, State Regional Water Quality Control, the Chowchilla Yokuts Tribe, Picayune Rancheria of Chukchansi, Table Mountain Rancheria, the Dumna Tribe, and Sheriff's Office. Comments were received from the Environmental Health Division and Public Works Department. The California Department of Transportation and the Table Mountain Rancheria had no concerns with the project.

The Department of Fish and Wildlife (formally the Department of Fish and Game) did not respond with comments on the project. A review of their database of species did indicate species potentially being present in the quadrangle in which the project is located. This indication does not imply that said species are or were occurring on the project site. It is not anticipated that any problems will exist as a result of migration of any species as a result of this project.

If this project is approved, the applicant will need to submit a check, made out to the County of Madera, in the amount of $2,814.00 to cover the Notice of Determination (CEQA) filing at the Madera County Clerks' office. The amount covers the $2,764.00 Department of Fish and Wildlife fee that took effect January 1, 2023, and the County Clerk $50.00 filing fee. In lieu of the Fish and Wildlife fee, the applicant may choose to contact the Fresno office of the Department of Fish and Wildlife to apply for a fee waiver. The County Clerk Fee, Department of Fish and Wildlife Fee (or waiver if approved) is due within five days of approval of this permit.

FINDINGS OF FACT:

The following findings of fact must be made by the Planning Commission to make a finding of approval of the project. Should the Planning Commission vote to approve the project, Staff recommends that the Planning Commission concur with the following:

1. *The proposed project does not violate the spirit or intent of the Zoning Ordinance.* The parcel is zoned ARE-40 (Agricultural, Rural, Exclusive –40 Acre) District. The zoning designation allows for cellular towers with an approved conditional use permit. The conditional use permit process requires submittal of supporting documentation that allows the jurisdiction to analyze the project for health, safety, and welfare issues to make a recommendation. The approved conditional use permit provides the local jurisdiction the authority to ensure that the proposed project is maintained in a safe manner in accordance with the conditions included in the approval.

2. *The proposed project is not contrary to the public health, safety, or general welfare.* With the wider use of cell phones, and the decreasing use of land-line phones, the proposed use is intended to increase cell phone and wireless internet coverage in remote areas. This increase is beneficial to residents, visitors and emergency responders in that cell phone and wireless internet coverage is increased and will provide for quicker response times in the event of emergencies. This is beneficial to the health, safety, and welfare of all involved.

3. *The proposed project is not hazardous, harmful, noxious, offensive, or a nuisance because of noise, dust, smoke, odor, glare, or similar factors.* The

project must adhere to the conditions of approval as well as mitigation measures. By its' nature, the project will not generate hazardous, harmful, noxious, or offensive odors. While electromagnetic radio frequencies have been a concern of the public, due to the height of the antennas, and the power output of antennas, the health risk is minimal. The 1996 Federal Communications Commission guidelines recommend a maximum permissible exposure level to the public of approximately 580 microwatts per square centimeter. This limit is many times greater than RF levels typically found near the base of cellular towers or in the vicinity of other, lower-powered cell site transmitters. The possibility that a member of the public could be exposed to RF levels in excess of the FCC guidelines is extremely remote.

4. *The proposed project will not cause a substantial, adverse effect upon the property values and general desirability of the surrounding properties.* The project as designed will not have an adverse effect upon the property values and general desirability of the surrounding properties. Aesthetically, the cell tower is barely noticeable unless immediately adjacent to it, and there are power and telephone poles in the region already, so the proposed project will not be creating any new impacts.

WILLIAMSON ACT:

The property is not subject to a Williamson Act Contract.

GENERAL PLAN CONSISTENCY:

The General Plan designation for the parcel is PI (Public Institutional) Designation which allows for institutional uses such as colleges, schools, hospitals, sanitariums, penal institutions, libraries, government offices and courts, churches, meeting halls, cemeteries, and mausoleums, public or institutional laboratories, and similar and compatible uses. A cell tower falls under a quasi-public use, which is a compatible use under general plan designation PI. The property is zoned ARE-40 (Agriculture, Rural, Exclusive 40 Acre) District which allows for a communications tower/wireless communication facility with a conditional use permit. A cell tower with a conditional use permit is consistent with the General Plan. The General Plan and Zoning designations are consistent and compatible with each other.

RECOMMENDATION:

The analysis provided in this report supports approval of Conditional Use Permit (CUP #2023-004) and Negative Declaration (ND #2023-010).

CONDITIONS

See attached.

JA

ATTACHMENTS:

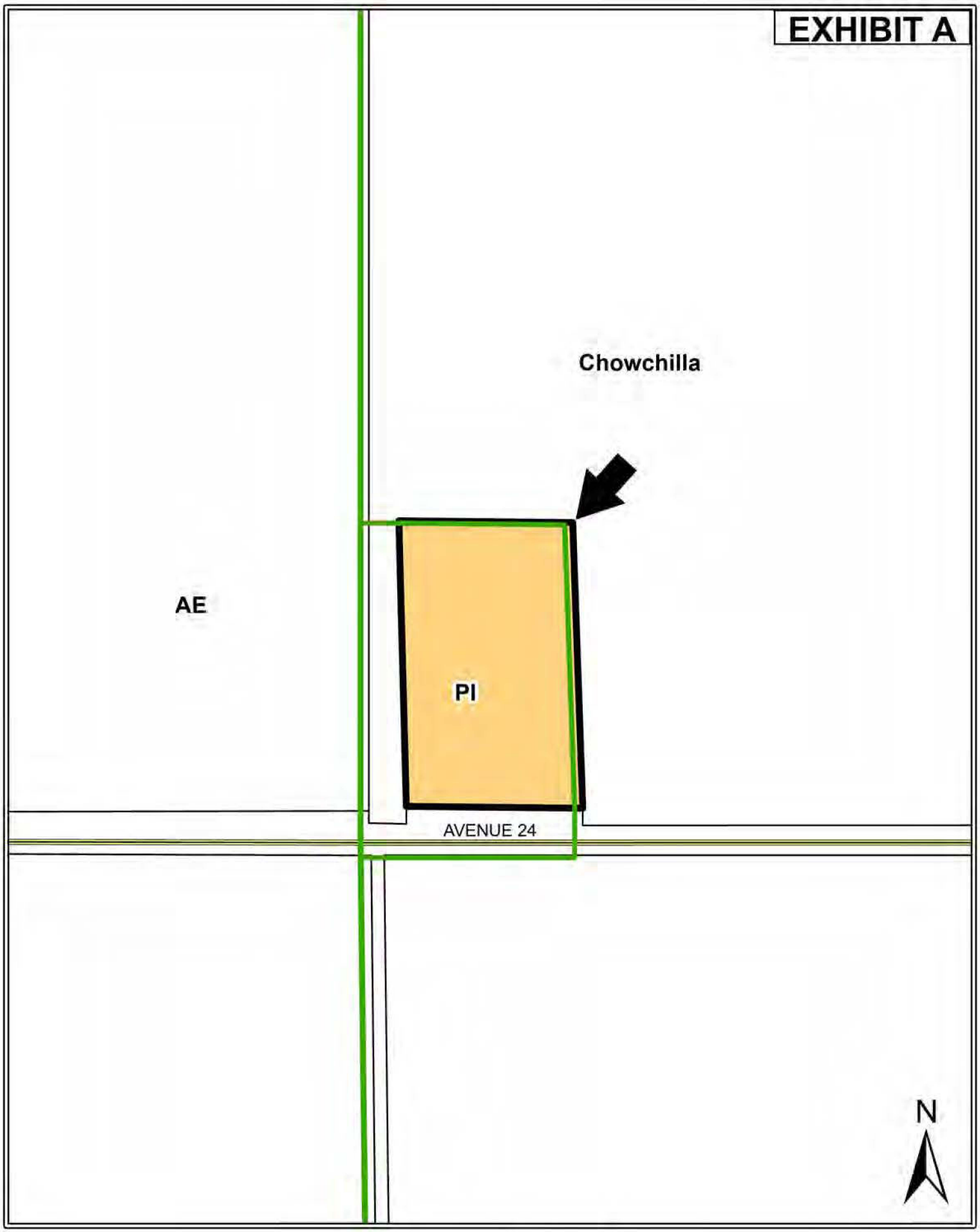
1. Exhibit A, General Plan Map
2. Exhibit B, Zoning Map
3. Exhibit C, Assessor's Map
4. Exhibit D-1, Site Plan
5. Exhibit D-2, Enlarged Site Plan
6. Exhibit D-3, Elevation Plan
7. Exhibit D-4, Topographical Survey
8. Exhibit D-5, Equipment & Antenna Plan
9. Exhibit D-6, Street View - A
10. Exhibit D-7, Street View - B
11. Exhibit D-8, Street View - C
12. Exhibit D-9, Street View - D
13. Exhibit D-10, Existing Site Coverage
14. Exhibit D-11, Proposed Site Coverage
15. Exhibit E, Aerial Map
16. Exhibit F, Topographical Map
17. Exhibit G, Operational Statement
18. Exhibit H, Project Description
19. Exhibit I, Radio Frequency Report
20. Exhibit J, Environmental Health Comments
21. Exhibit K, CalTrans Comments
22. Exhibit L, Initial Study
23. Exhibit M, Negative Declaration ND #2023-010
24. Exhibit N, Resolution

CONDITIONS OF APPROVAL

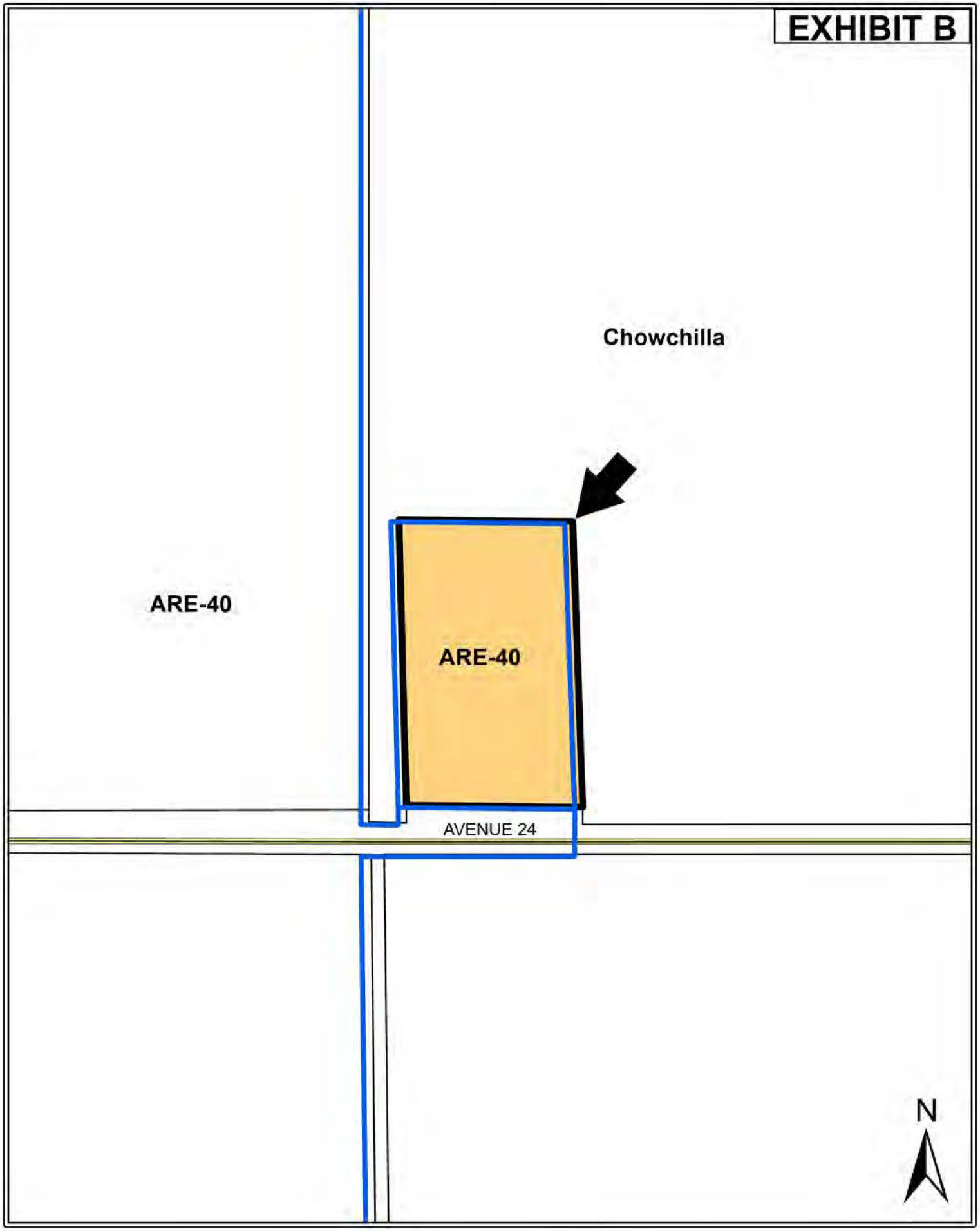
PROJECT NAME:	CUP #2023-004, Assurance Development
PROJECT LOCATION:	Located on the north side of Avenue 24, approximately 1 mile east from the intersection with Road 20, (No Situs), Chowchilla
PROJECT DESCRIPTION:	The applicant is proposing an unmanned 110' monopole wireless facility. The facility includes a 40' by 40' fenced in lease area to house ground equipment
APPLICANT:	Assurance Development - Maree Hoeger
CONTACT PERSON/TELEPHONE NUMBER:	(949) 280-2531

No.	Condition	Department/Agency	Verification of Compliance		
			Initials	Date	Remarks
Environmental Health					
1	The facility will be regulated under the Hazardous Material Business Plan and or Waste Generator depending on the type and/or amount of hazardous material on-site. (Article I, Chapter 6.95, of the California Health & Safety Code)	EH			
2	If facility is already regulated by this Division the applicant must update their Hazardous Material Business Plan if the hazardous material storage location or hazardous material quantity(s) has changed. As of January 2013 all CUPA regulated businesses must submit their Hazardous Material Business Plan electronically into the California Environmental Reporting System (CERS) at: www.cers.calepa.ca.gov	EH			
3	The construction and then ongoing operation must be done in a manner that shall not allow any type of public nuisance(s) to occur including but not limited to the following nuisance(s); Dust, Odor(s), Noise(s), Lighting, Vector(s) or Litter. This must be accomplished under accepted and approved Best Management Practices (BMP) and as required by the County General Plan, County Ordinances and any other related State and/or Federal jurisdiction.	EH			
4	During the application process for required County permits, a more detailed review of the proposed project's compliance with all current local, state & federal requirements will be reviewed by this Division.	EH			
Fire Marshal					
Planning					

No.	Condition	Department/Agency	Verification of Compliance		
			Initials	Date	Remarks
1	Facility to operate in accordance with submitted Operational Statement and plans unless otherwise modified by conditions of approval and CEQA mitigation measures.	Planning			
2	The applicant shall be required to maintain the facility at an acceptable level as determined by the Planning Department regarding visual/aesthetic components of the facility until such time as the tower is removed.	Planning			
3	Lighting associated with this project is to be hooded and directed downward and away from adjoining parcels. Use low-glare lighting to minimize nighttime glare effects on neighboring parcels.	Planning			
4	The tower antennas shall be treated or coated in such a manner as to make it non-reflective.	Planning			
5	Applicant shall allow co-location opportunities on the tower.	Planning			
6	Construction and operation of the facility must meet FCC standards for radio frequency operations.	Planning			
7	No component of the tower or associated equipment shall create or cause to be created electrical interference with aircraft communications or navigation.	Planning			
8	The applicant shall be responsible for the removal of the cell tower when no longer needed.	Planning			
9	If archeological evidence is noted on the site prior to the start of construction, no work shall start without first notifying the Planning Department and completion of an Archeological study.	Planning			
Public Works					



GENERAL PLAN MAP



ZONING MAP

ASSESSOR'S MAP

EXHIBIT C

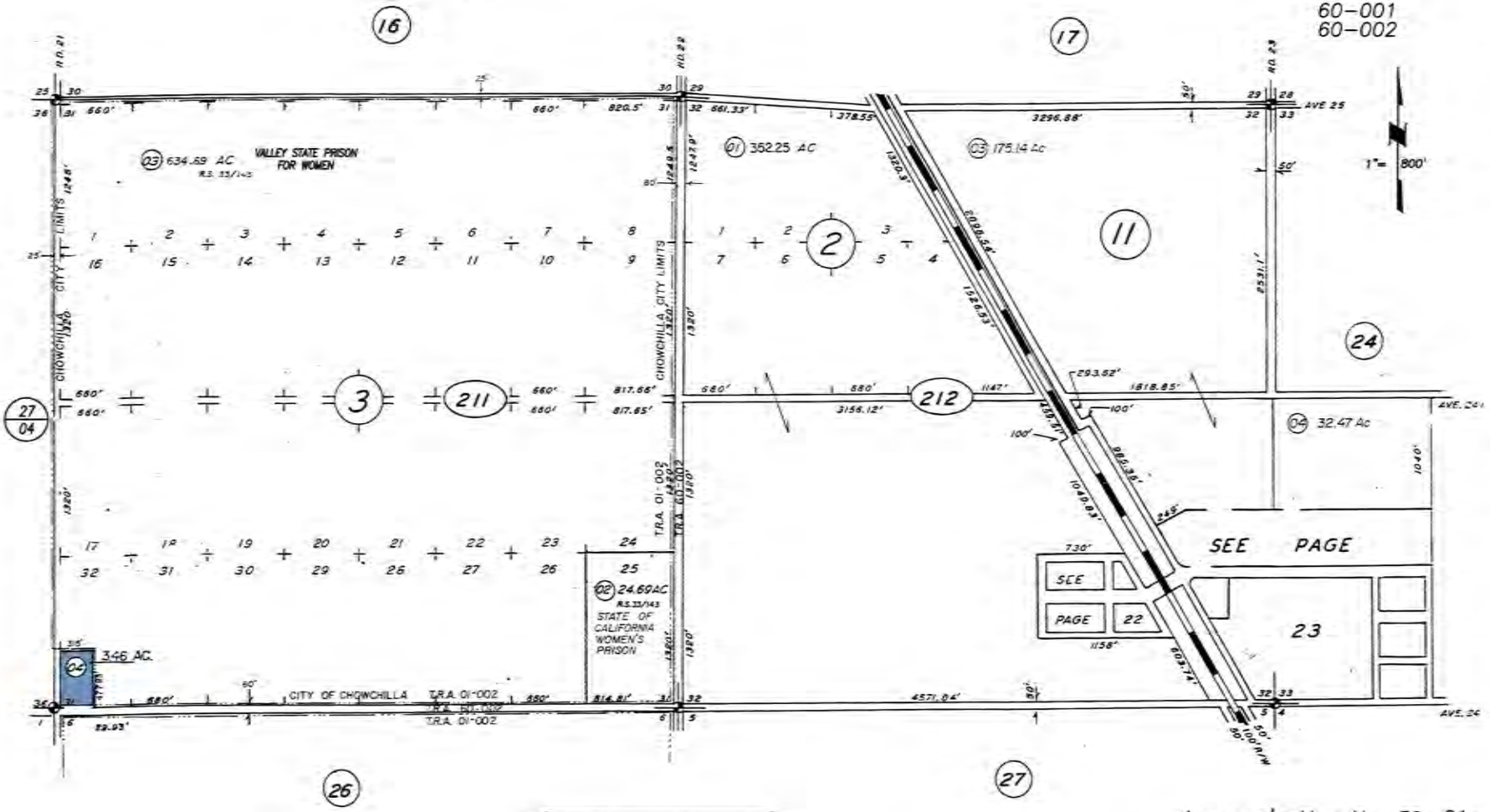
ORIGINAL

SEC 31 & 32 T.9S. R.17E. M.D.B.&M.

BLOCK 2 & 3 SHARON FARMS SUB NO. 1 BLOCK 11 SHARON FARMS SUBD. NO. 2

30-21

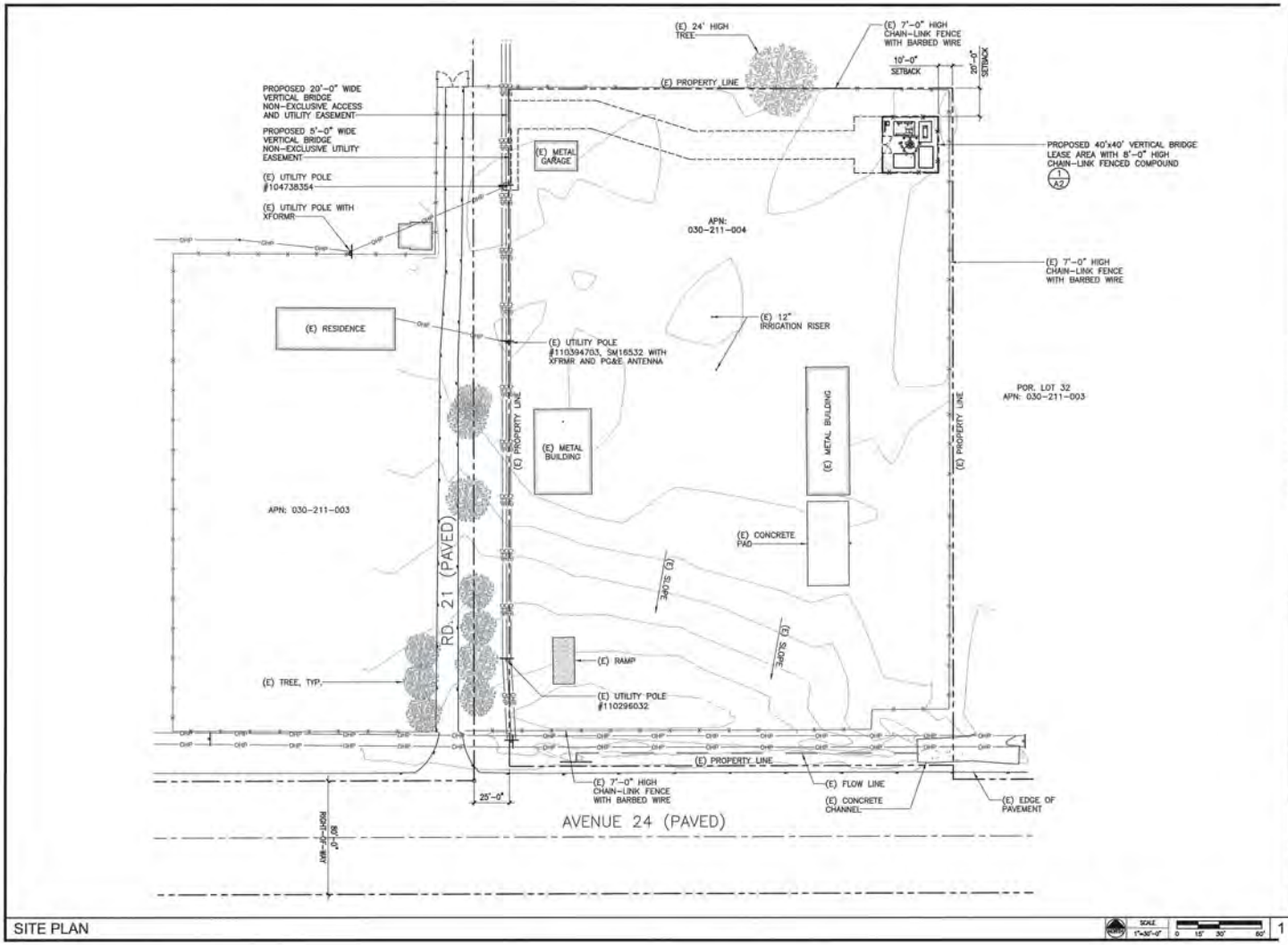
Tax Area Code
01-002
60-001
60-002



NOTE: This map is for assessment purposes only and is not for the intent of interpreting legal boundary rights, zoning regulations and/or legality of land division laws.

Assessor's Map No. 30-21
Sharon
County of Madera, Calif.
1955

SITE PLAN MAP



CLIENT

verticalbridge

750 PARK OF COMMERCE DR.
SUITE 200 | BOCA RATON, FL | 33487
561.948.6367

SITE ACQUISITION

AD
ASSURANCE DEVELOPMENT

1499 HUNTINGTON DR. | SUITE 305
SOUTH PASADENA, CA | 91030
626.766.5079

NO.	SUBMITTAL / REVISION	BY	DATE
1	REV. TO MONOPOLE	APP	02/03/21
0	ISSUED FOR ZONING	APP	01/25/21
A	ISSUED FOR REVIEW	APP	12/15/20

DRAWN: APP
DESIGNED: APP
CHECKED: BL

PROJECT NUMBER: US-CA-5442

PROJECT TITLE:

US-CA-5442
SC60606A
CHOWCHILLA

RD 21 AND AVENUE 24
CHOWCHILLA, CA 93610

ENGINEER STAMP:

DRAWING TITLE:

SITE PLAN

DRAWING SCALE: AS NOTED
DATE: XXXX
ZD

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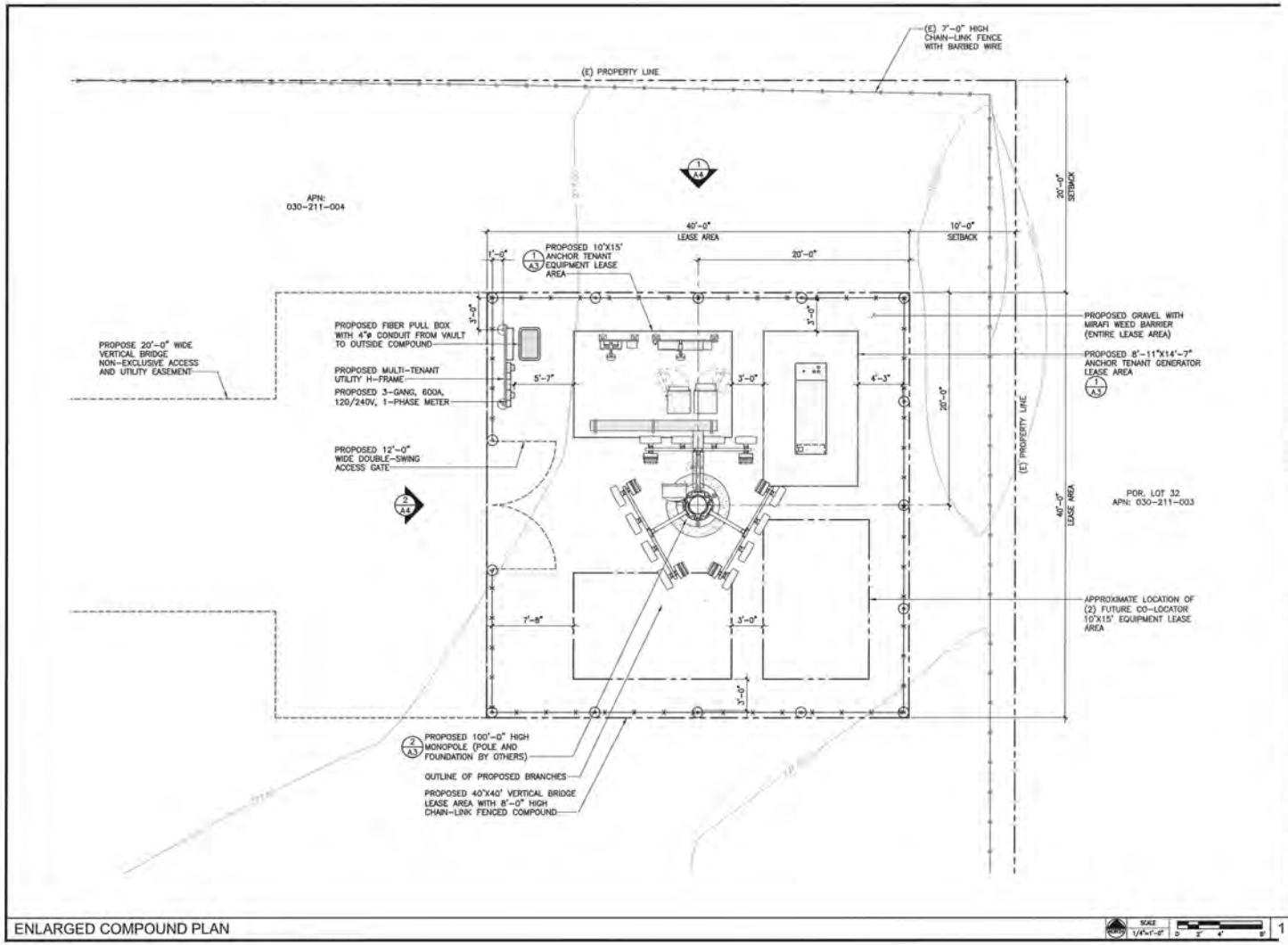
DRAWING NUMBER:

A-1

EXHIBIT D-1

ENLARGED SITE PLAN MAP



CLIENT

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750 PARK OF COMMERCE DR.
SUITE 200 | BOCA RATON, FL | 33487
561.948.8367

SITE ACQUISITION

AD
ASSURANCE DEVELOPMENT

1499 HUNTINGTON DR. | SUITE 305
SOUTH PASADENA, CA | 91030
626.765.5078

NO.	SUBMITTAL / REVISION	BY	DATE
1	REV. TO MONOPOLE	APP	03/15/23
0	ISSUED FOR ZONING	APP	01/25/23
A	ISSUED FOR REVIEW	APP	12/19/22

DRAWN: APP
DESIGNED: APP
CHECKED: BL

PROJECT NUMBER: US-CA-5442

PROJECT TITLE:

US-CA-5442
SC60606A
CHOWCHILLA

RD 21 AND AVENUE 24
CHOWCHILLA, CA 93610

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DRAWING TITLE:
ENLARGED COMPOUND PLAN

DRAWING SCALE: AS NOTED

DATE: XX/XX

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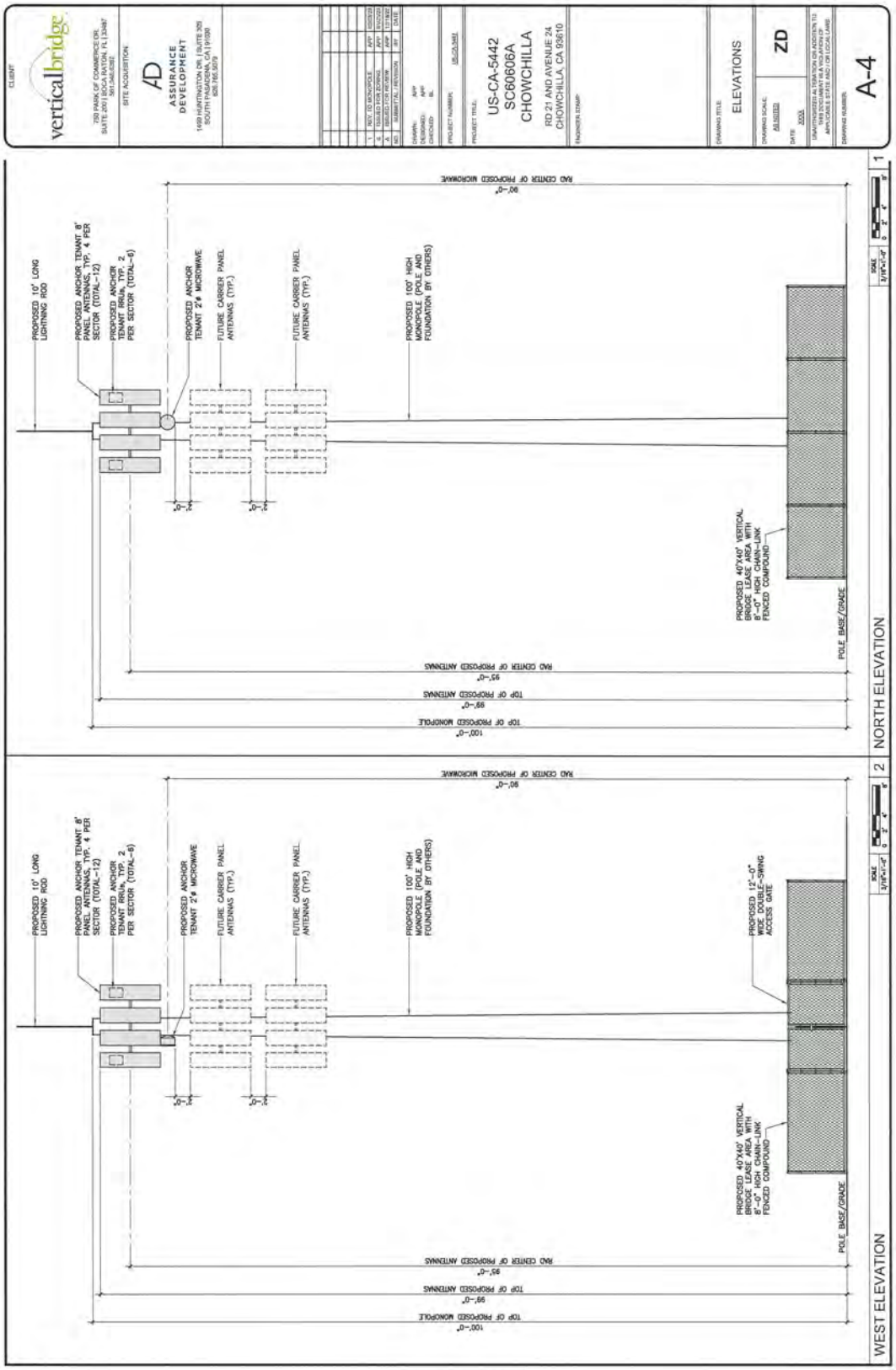
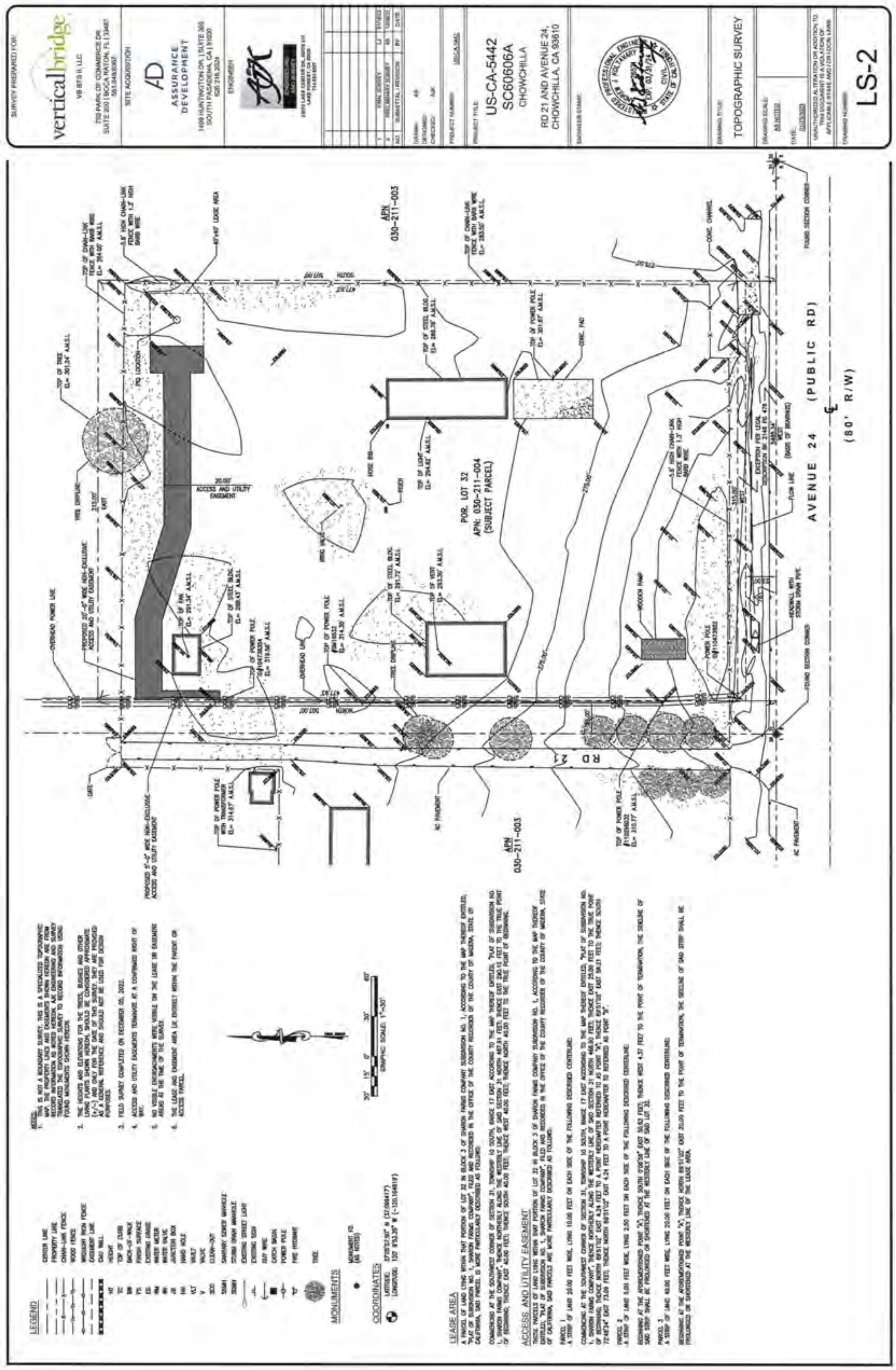
EXHIBIT D-2

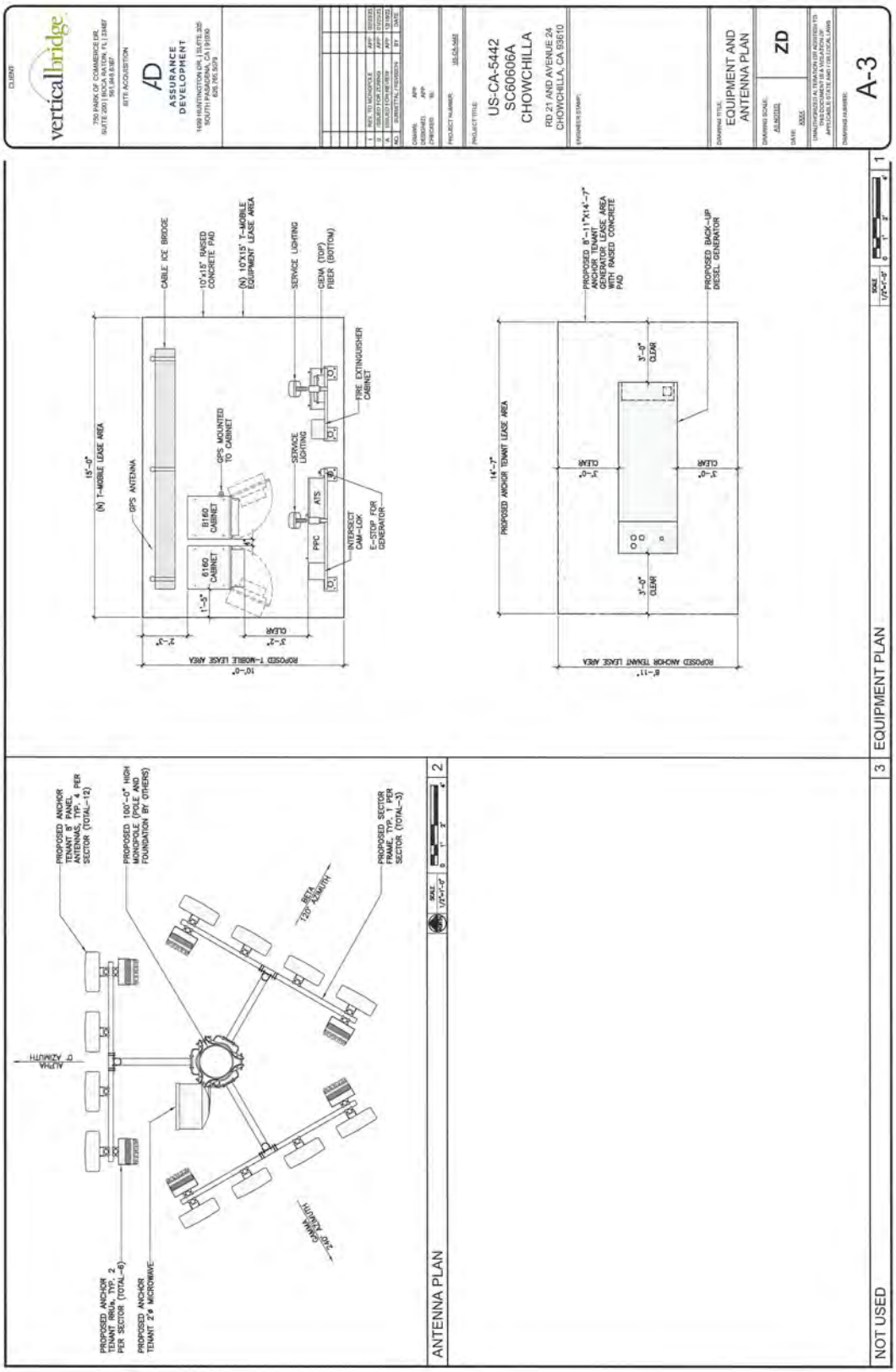


ELEVATIONS PLAN MAP

EXHIBIT D-4



TOPOGRAPHICAL SURVEY MAP



EQUIPMENT AND ANTENNA PLAN

STREET VIEW - A

AERIAL MAP

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EXISTING

PROPOSED

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DRAFTLINK
CONTACT : JOYCE YU
EMAIL : SIMS@DRAFTLINK.COM
PHONE : 949-232-5045
WWW.DRAFTLINK.COM

ASSURANCE DEVELOPMENT

NO.	DATE	REVISIONS	BY
0	01/11/23	ISSUED FOR SUBMITTAL	JFY
1	02/06/23	CHANGE TO MONOPOLE	JFY

verticalbridge

US-CA-5442
CHOWCHILLA
RD 21 AND AVENUE 24
CHOWCHILLA, CA 93610

VIEW	SHEET
A	1/4

EXHIBIT D-6

STREET VIEW - B

AERIAL MAP

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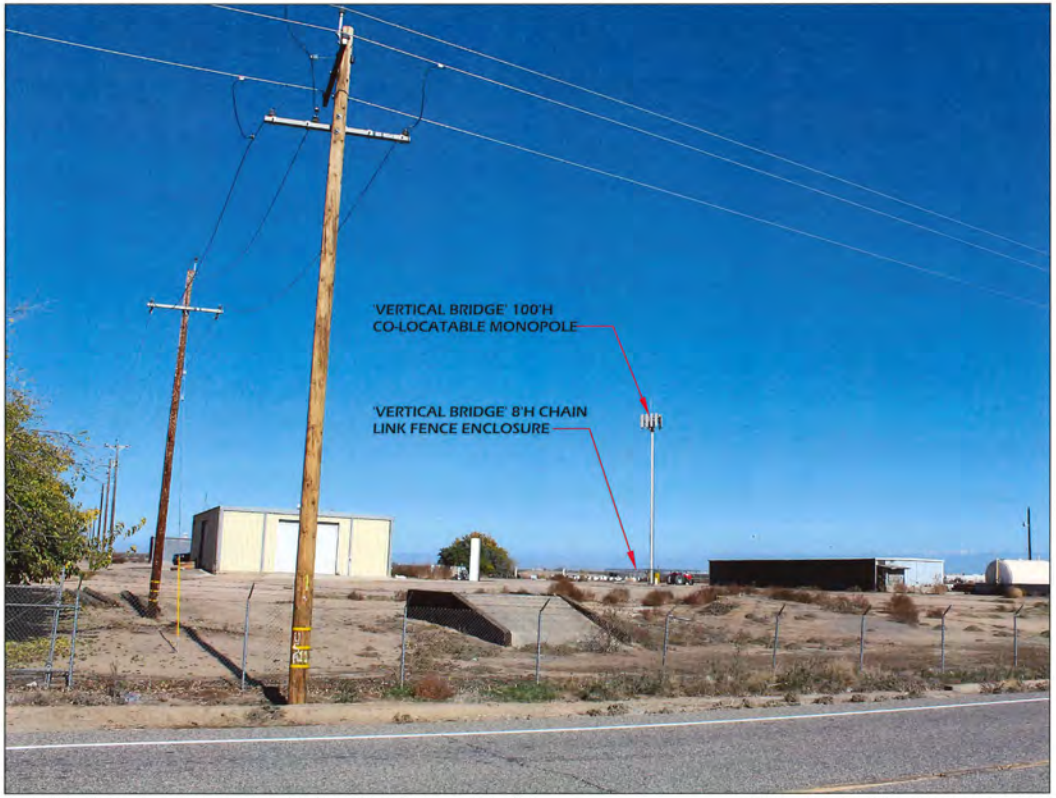

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0	01/11/23	ISSUED FOR SUBMITTAL	JFY
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US-CA-5442
CHOWCHILLA
RD 21 AND AVENUE 24
CHOWCHILLA, CA 93610

VIEW	SHEET
B	2 / 4

EXHIBIT D-7

STREET VIEW - C

EXHIBIT D-8

AERIAL MAP

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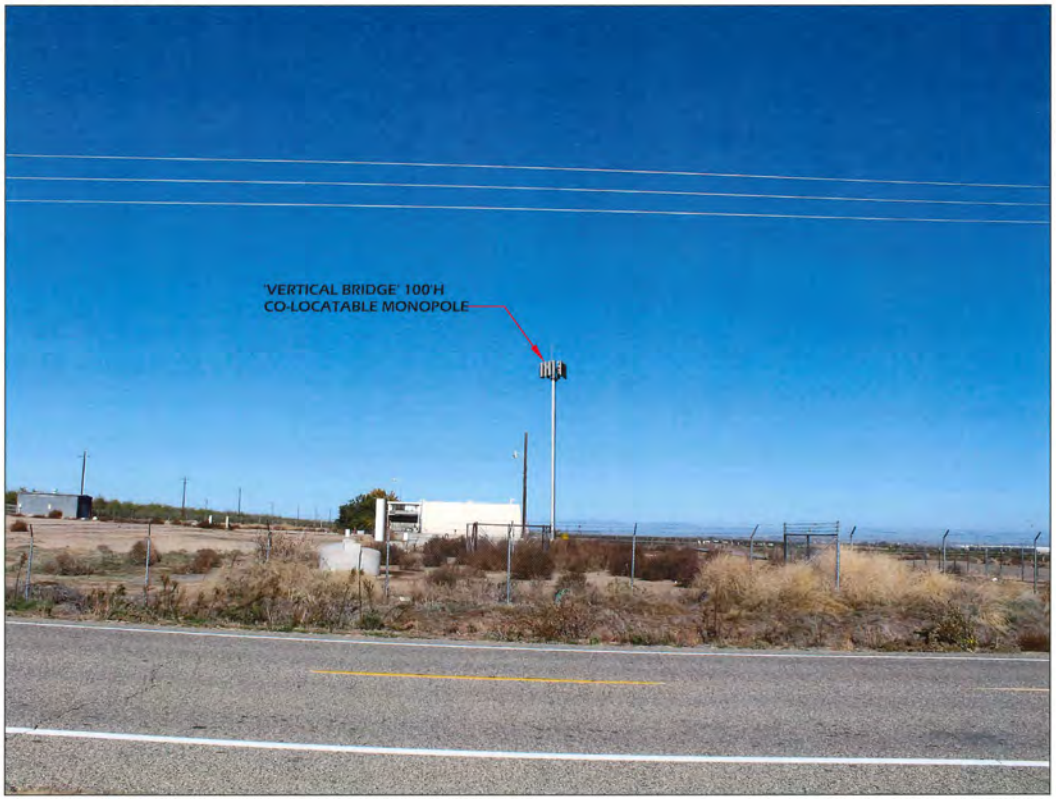
EXISTING

PROPOSED



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verticalbridge

US-CA-5442
CHOWCHILLA
RD 21 AND AVENUE 24
CHOWCHILLA, CA 93610

VIEW	SHEET
C	3 / 4

STREET VIEW - D

AERIAL MAP

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EXISTING

PROPOSED

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0	01/11/23	ISSUED FOR SUBMITTAL	JFY
1	02/06/23	CHANGE TO MONOPOLE	JFY

verticalbridge

US-CA-5442
CHOWCHILLA
RD 21 AND AVENUE 24
CHOWCHILLA, CA 93610

VIEW	SHEET
D	4 / 4

EXHIBIT D-9

EXHIBIT D-10

ASSURANCE DEVELOPMENT

James Cosgrove
Assurance Development
jcosgrove@assurance-realty.com
(323)573-0045
1499 Huntington Drive #305
South Pasadena, CA 91030

Radio Frequency Capacity Information and Justification

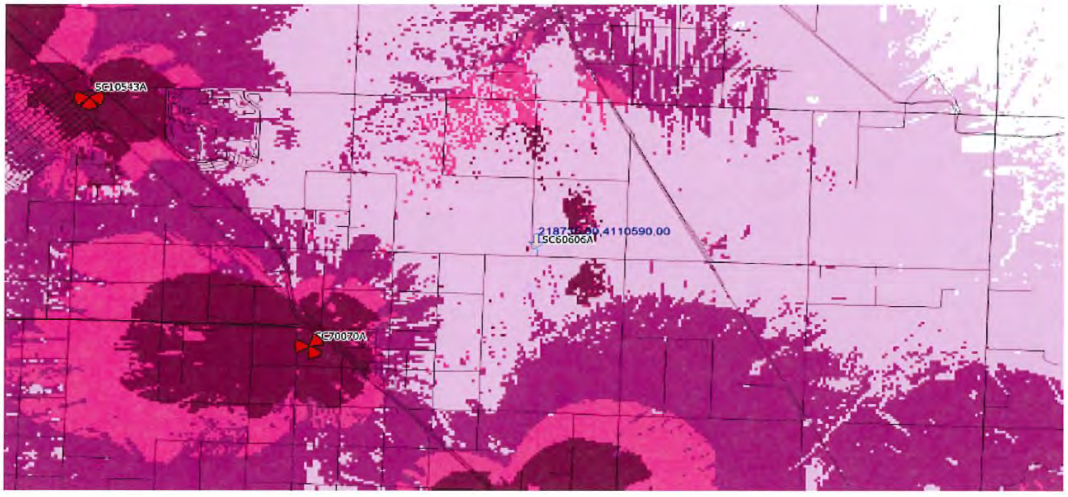
Vertical Bridge for T-Mobile, is requesting to build a site at A.P.N: 030-211-004. With a height of 100' AGL to improve coverage and quality of wireless service to the surrounding area.

The accompanying coverage prediction plots exhibit the need for this site. The colored shade shows existing as well as proposed increase in coverage.

See below for Existing and Proposed Site Coverage. Propagation Maps enclosed for further detail.

Existing Site Coverage:

OFF AIR



Construction Project: **(CA-5442 – Chowchilla)** A.P.N.:
030-211-004
Construction of a new wireless facility.

EXISTING SITE COVERAGE

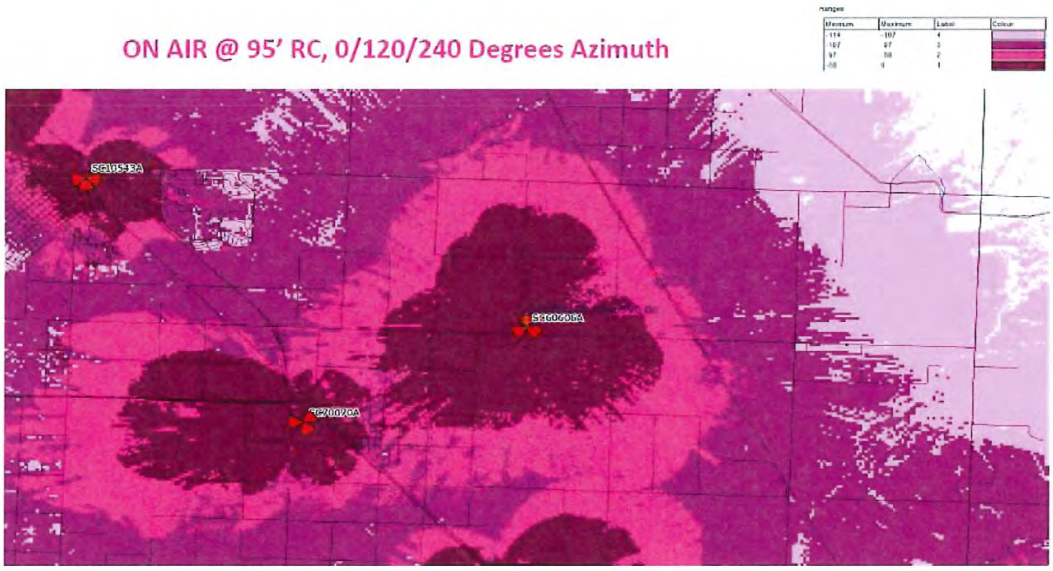
EXHIBIT D-11

ASSURANCE DEVELOPMENT

James Cosgrove
Assurance Development
jcosgrove@assurance-realty.com
(323)573-0045
1499 Huntington Drive #305
South Pasadena, CA 91030

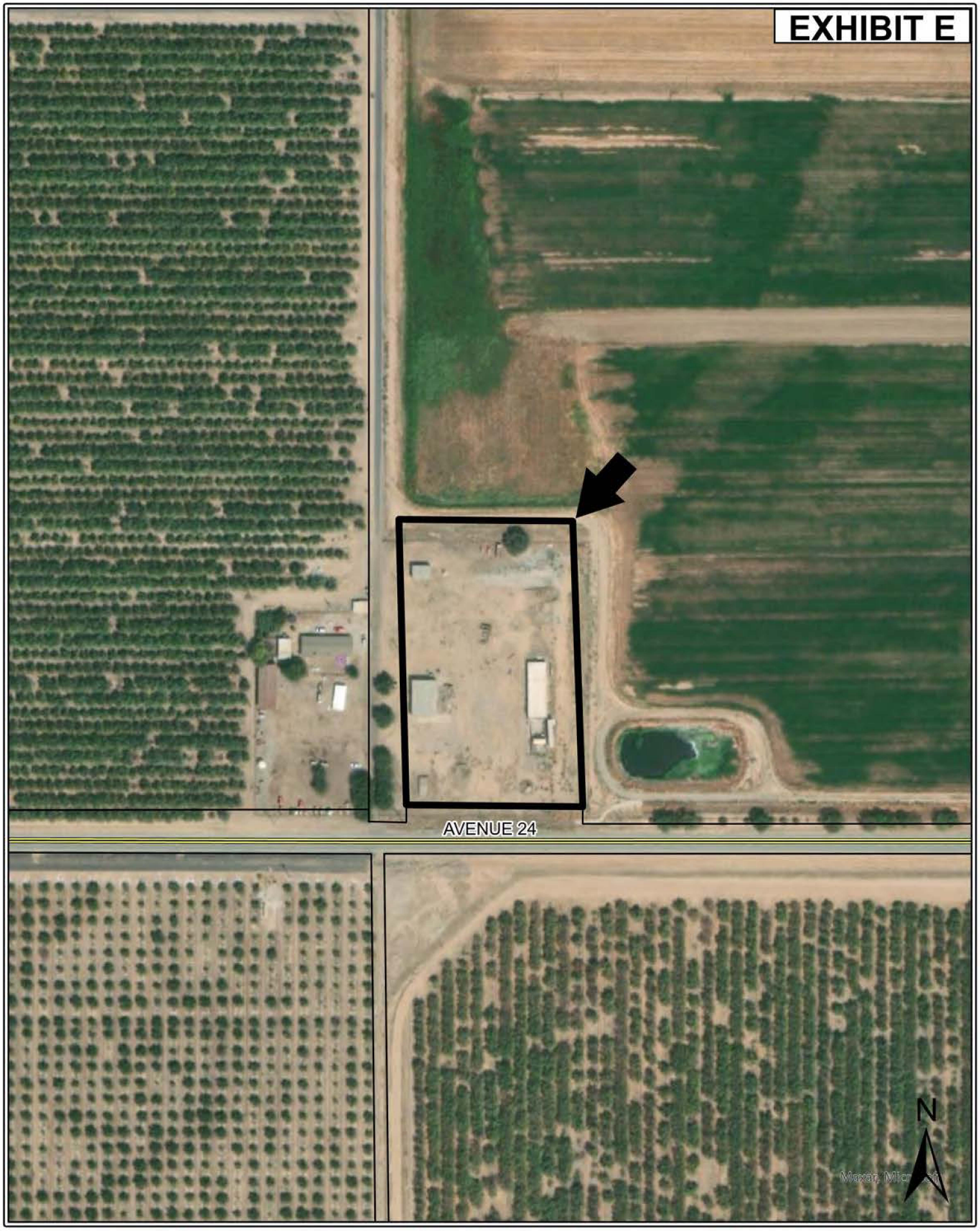
Proposed Site Coverage:

ON AIR @ 95' RC, 0/120/240 Degrees Azimuth

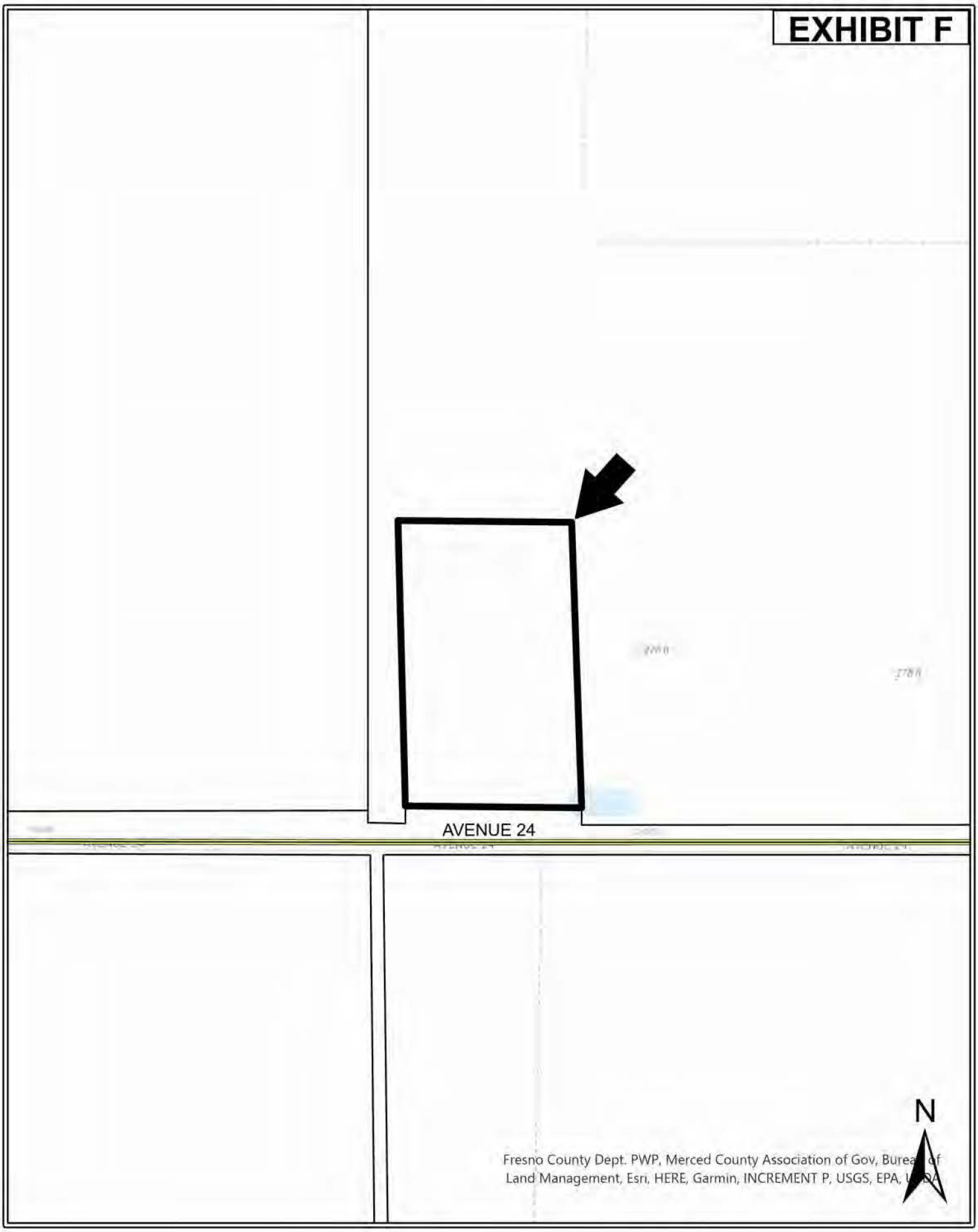


Construction Project: **(CA-5442 – Chowchilla)** A.P.N.: 030-211-004
Construction of a new wireless facility.

PROPOSED SITE COVERAGE



AERIAL MAP



TOPOGRAPHICAL MAP

EXHIBIT G

Community and Economic Development
Planning Division

- 200 W 4th Street
- Suite 3100
- Madera, CA 93637
- (559) 675-7821
- FAX (559) 675-6573
- TDD (559) 675-8970
- mc_planning@madera-county.com

OPERATIONAL/ENVIRONMENTAL STATEMENT CHECKLIST

It is important that the operational/environmental statement provides for a complete understanding of your project proposal. Please be as detailed as possible.

1. Please provide the following information:

Assessor's Parcel Number: 030-211-004

Applicant's Name: Assurance Development

Address: 1499 Huntington Drive,Suite-305, South Pasadena, CA 91030

Phone Number: 323.573.0045

2. Describe the nature of your proposal/operation.

Proposal for an new unmanned wireless facility, 100' monopole. With new 40' x 40' fenced in lease area to house ground equipment

3. What is the existing use of the property?

Agriculture-ARE-40

4. What products will be produced by the operation? Will they be produced onsite or at some other location? Are these products to be sold onsite?

New Wireless Service. Nothing will be sold on site.

5. What are the proposed operational time limits?

Months (if seasonal): 12 months

Days per week: 7 days

Hours (from____to _): Total Hours per day: 24 hours.

6. How many customers or visitors are expected?

Average number per day: One a month, once site is constructed and on-air.

Maximum number per day: One, above.

What hours will customers/visitors be there? 9am to 5pm. Unless their is an emergency, 24/7.

7. How many employees will there be?

Current: 0

Future: One person, once a month to check equipment.

Hours they work: 9am to 5pm, unless there is an emergency outside of normal business hours.

Do any live onsite? If so, in what capacity (i.e. caretaker)? n/a

8. What equipment, materials, or supplies will be used and how will they be stored? If appropriate, provide pictures or brochures.

Monopole,associated ground equipment and one back-up diesel generator.

9. Will there be any service and delivery vehicles? Only if dielsel generator will need to be refilled

Number: Depends if back-up generator is used due to power outage in area.

Type: Diesel truck delivery.

Frequency: Depends on if back-up generator is used.

10. Number of parking spaces for employees, customers, and service/delivery vehicles. Type of surfacing on parking area.

Gravel- Space will be available around lease area to hold 2 cars.

11. How will access be provided to the property/project? (street name)

Road 21.

12. Estimate the number and type (i.e. cars or trucks) of vehicular trips per day that will be generated by the proposed development.

During construction- 2 to 3 trucks per day for approx. 3 to 4 weeks will be on site. Once site is constructed and on-air, site will be visited by a field technician approximately once a month via truck.

13. Describe any proposed advertising, inlcuding size, appearance, and placement.

None

14. Will existing buildings be used or will new buildings be constructed? Indicate which building(s) or portion(s) of will be utilized and describe the type of construction materials, height, color, etc. Provide floor plan and elevations, if applicable.

No new building will be built. Installation of a monopole and ground equipment. See attached drawings.

15. Is there any landscaping or fencing proposed? Describe type and location.

Yes, 40' x 40' x 8' tall fence to enclose ground equipment

16. What are the surrounding land uses to the north, south, east and west property boundaries?

North:PF-Public Facilities-ARE. South:PF-Public Facilities-ARE. East: PF-Public Facilities-ARE West: ARE-40 / Agricultural

17. Will this operation or equipment used, generate noise above other existing parcels in the area?

Yes, when the generator is running. See equipment specification for dielsel generator.

18. On a daily or annual basis, estimate how much water will be used by the proposed development, and how is water to be supplied to the proposed development (please be specific).

N/A

19. On a daily or weekly basis, how much wastewater will be generated by the proposed project and how will it be disposed of?

N/A

20. On a daily or weekly basis, how much solid waste (garbage) will be generated by the proposed project and how will it be disposed of?

N/A

21. Will there be any grading? Tree removal? (please state the purpose, i.e. for building pads, roads, drainage, etc.)

40' x 40' concrete pad will be poured

22. Are there any archeological or historically significant sits located on this property? If so, describe and show location on site plan.

No

23. Locate and show all bodies of water on application plot plan or attached map.

N/A

24. Show any ravines, gullies, and natural drainage courses on the property on the plot plan.

N/.A

25. Will hazardous materials or waste be produced as part of this project? If so, how will they be shipped or disposed of?

N/A

26. Will your proposal require use of any public services or facilities? (i.e. schools, parks, fire and police protection or special districts?)

Power needed to operate the site will be ordered from PG&E.

27. How do you see this development impacting the surrounding area?

It will be 100' tall. Planning advised us via email to submit a monopole instead of a monopine, based on the surrounding area

28. How do you see this development impacting schools, parks, fire and police protection or special districts?

Will provide wireless service to the under served in the area

29. If your proposal is for commercial or industrial development, please complete the following; Proposed Use(s): Unmanned Wireless Facility.

Square feet of building area(s): 1600' Sq. Ft

Total number of employees: 0

Building Heights: 100' monopole

30. If your proposal is for a land division(s), show any slopes over 10% on the map or on an attached map.

N/A

EXHIBIT H

2/10/23

Madera County-Planning Department
200 West Street, Suite 3100
Madera, CA 93637

Applicant: Vertical Bridge
Property Owner: Countyside Fields LLC
Property Address: A.P.N.: 030-211-004-Chowchilla, CA 93610
A.P.N: 030-211-004

RE: Wireless Application Package

Vertical Bridge seeks the requisite approvals and building permit to install a new wireless facility at the parcel with APN number: 030-211-004. The proposal consists of installing (12) new antennas and associated support equipment on a 100' mono-pole. The equipment will be located on the ground within an enclosed 40'x 40' fenced space. Your relevant forms, submittal requirements, and the applicable fees have been submitted with this letter.

Under the Telecommunications Act of 1996 ("Act"), you are required to take action on Vertical Bridge's application "within a reasonable period of time." In a 2009 declaratory ruling, the Federal Communications Commission established a legal presumption that a "reasonable period of time" means 150 days to act on an application for a new wireless facility (the "shot clock"). Because the proposed facility seeks to locate a new personal wireless service facility, the County must take action on Vertical Bridge's application within 150 days. The shot clock begins to run the day the application is submitted. Here, the County must take final action no later than 150 days from today, or January 18th, 2023.

Vertical Bridge respectfully requests that this application be approved and any requisite building permit be issued as soon as possible but no later than July 10th, 2023. If you have any questions regarding this application, please contact me.

Respectfully,

James T. Cosgrove

James T Cosgrove
Assurance Developmentt
1499 Huntington Dr. Suite 305
South Pasadena, CA 91030
Cell:323.573.0045

James Cosgrove
Assurance Development
jcosgrove@assurance-realty.com
(323)573-0045
1499 Huntington Drive #305
South Pasadena, CA 91030

Madera County

Project Description for Site# CA-5442-Chowchilla-Unmanned Wireless Facility

Vertical Bridge is requesting the review and approval of a Conditional Use Permit for the construction of an unmanned wireless facility located in Madera County. Vertical Bridge presents the following project information for your consideration.

Project Site Location

- Site # / Site Name: CA-5442- Chowchilla-Wireless Telecommunications Facility
- Property Address: A.P.N: 030-211-004
- Zoning: ARE-40
- Occupancy: (U)
- Construction Type: (New)
- Longitude / Latitude Type: (NAD 83)
- Latitude: 37.099417 degrees North
- Longitude: -120.164819 degrees West

Property Owner Information

- Owner: Countryside Fields LLC
- Contact Name: Jaskarn
- Address: 856 Los Positos Drive, Milpitas, CA 95035
- Contact Phone #: 510.299.1016

Project Representative

- Name: James Cosgrove
- Company: Assurance Development
- Address: 1499 Huntington Drive #305, South Pasadena, CA 91030
- Contact (Phone): 323.573.0045
- Contact (Email): jcosgrove@assurance-realty.com

Development Contact

- Company: Vertical Bridge
- Address: 750 Park of Commerce Drive, Ste 200, Boca Raton, FL 33487
- Primary Contact: Qabiyl Johnson
- Contact Phone #: 954.608.9538

James Cosgrove
Assurance Development
jcosgrove@assurance-realty.com
(323)573-0045
1499 Huntington Drive #305
South Pasadena, CA 91030

- Email: Qabiyl.johnson@verticalbridge.com
- Attn: Vertical Bridge REIT, LLC

Project Description + Aerial Vicinity Map

Vertical Bridge is proposing to construct a new unmanned wireless telecommunications facility consisting of:

One (1) 100’ monopole with twelve (12) antennas attached. Includes (2) ground mounted radio cabinets on a raised concrete pad, and a multimeter utility service mounted on a H-frame within a 40’ x 40’ fence lease area.

The proposed facility is designed for co-location and includes equipment and tower space for additional carriers.

Vertical Bridge believes that the facility meets all requirements for approval and respectfully requests consideration and approval of our project.

Construction Project: **(CA-5442 – Chowchilla)** A.P.N.:
030-211-004
Construction of a new wireless facility.

James Cosgrove
Assurance Development
jcosgrove@assurance-realty.com
(323)573-0045
1499 Huntington Drive #305
South Pasadena, CA 91030

Aerial Vicinity Map

Construction Project: **(CA-5442 – Chowchilla)** A.P.N.:
030-211-004
Construction of a new wireless facility.

James Cosgrove
Assurance Development
jcosgrove@assurance-realty.com
(323)573-0045
1499 Huntington Drive #305
South Pasadena, CA 91030

Safety RF Emissions- See Attached Report

The FCC regulates RF emissions to ensure public safety. Standards have been set based on peer-reviewed scientific studies and recommendations from a variety of oversight organizations, including the National Council on Radiation Protection and Measurements (NCRP), American National Standards Institute (ANSI), Institute of Electrical and Electronics Engineers (IEEE), Environmental Protection Agency (EPA), Federal Drug Administration (FDA), Occupational Safety and Health Administration (OSHA), and National Institute for Occupational Safety and Health (NIOSH).

Although the purview of the public safety of RF emissions by the FCC was established by the Telecommunications Act of 1996, these standards remain under constant scrutiny. All T-Mobile Wireless cell sites operate well below these standards.

Vertical Bridge • Site No. US-CA-5442
T-Mobile West LLC • Proposed Base Station No. SC60606
Road 21 and Avenue 24 • Chowchilla, California

Statement of Hammett & Edison, Inc., Consulting Engineers

The firm of Hammett & Edison, Inc., Consulting Engineers, has been retained by Vertical Bridge, a wireless telecommunications facilities provider, to evaluate the T-Mobile West LLC base station (Site No. SC60606) proposed to be located at Road 21 and Avenue 24 near Chowchilla, California, for compliance with appropriate guidelines limiting human exposure to radio frequency ("RF") electromagnetic fields.

Executive Summary

T-Mobile proposes to install directional panel antennas on a tall pole to be sited northeast of the intersection of Road 21 and Avenue 24, near Chowchilla. The proposed operation will comply with the FCC guidelines limiting public exposure to RF energy.

Prevailing Exposure Standard

The U.S. Congress requires that the Federal Communications Commission ("FCC") evaluate its actions for possible significant impact on the environment. A summary of the FCC's exposure limits is shown in Figure 1. These limits apply for continuous exposures and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health. The most restrictive limit for exposures of unlimited duration at several wireless service bands are as follows:

Wireless Service Band	Transmit Frequency	"Uncontrolled" Public Limit	Occupational Limit (5 times Public)
Microwave (point-to-point)	1–80 GHz	1.0 mW/cm^2	5.0 mW/cm^2
Millimeter-wave	24–47	1.0	5.0
Part 15 (WiFi & other unlicensed)	2–6	1.0	5.0
C-Band	3,700 MHz	1.0	5.0
CBRS (Citizens Broadband Radio)	3,550	1.0	5.0
BRS (Broadband Radio)	2,490	1.0	5.0
WCS (Wireless Communication)	2,305	1.0	5.0
AWS (Advanced Wireless)	2,110	1.0	5.0
PCS (Personal Communication)	1,930	1.0	5.0
Cellular	869	0.58	2.9
SMR (Specialized Mobile Radio)	854	0.57	2.85
700 MHz	716	0.48	2.4
600 MHz	617	0.41	2.05
[most restrictive frequency range]	30–300	0.20	1.0

General Facility Requirements

Base stations typically consist of two distinct parts: the electronic transceivers (also called "radios") that are connected to the traditional wired telephone lines, and the antennas that send the wireless signals created by the radios out to be received by individual subscriber units. The transceivers are often located at ground level and are connected to the antennas by coaxial cables. Because of the short wavelength of the frequencies assigned by the FCC for wireless services, the antennas require line-of-sight paths for their signals to propagate well and so are installed at some height above ground. The antennas are designed to concentrate their energy toward the horizon, with very little energy wasted toward the sky or the ground. This means that it is generally not possible for exposure conditions to approach the maximum permissible exposure limits without being physically very near the antennas.

Computer Modeling Method

The FCC provides direction for determining compliance in its Office of Engineering and Technology Bulletin No. 65, "Evaluating Compliance with FCC-Specified Guidelines for Human Exposure to Radio Frequency Radiation," dated August 1997. Figure 2 describes the calculation methodologies, reflecting the facts that a directional antenna's radiation pattern is not fully formed at locations very close by (the "near-field" effect) and that at greater distances the power level from an energy source decreases with the square of the distance from it (the "inverse square law"). This methodology is an industry standard for evaluating RF exposure conditions and has been demonstrated through numerous field tests to be a conservative prediction of exposure levels.

Site and Facility Description

Based upon information provided by Vertical Bridge, including zoning drawings by Assurance Development, dated February 3, 2023, T-Mobile proposes to install twelve directional panel antennas – three CommScope Model FFVV-65C-R3-V1, three Ericsson Model AIR6419, and six* antennas for future operation – on a new 100-foot steel pole to be sited in the northeast corner of the unaddressed parcel (APN 030-211-004) at the northeast corner of the intersection of Road 21 and Avenue 24 in unincorporated Madera County, just outside Chowchilla. The CommScope and Ericsson antennas would employ 2° and up to 19° downtilt, respectively, would be mounted at an effective height of about 95 feet above ground, and would be oriented in identical groups of four at about 120° spacing, to provide service in all directions. The maximum effective radiated power in any direction would be

* It is recommended that the RF exposure conditions be re-evaluated for compliance with FCC limits at such time as these antennas are to be put into service.

75,500 watts, representing simultaneous operation at 59,310 watts for BRS,† 6,200 watts for AWS, 5,430 watts for PCS, 950 watts for 700 MHz, and 3,610 watts for 600 MHz service. Also proposed to be located on the pole is a microwave "dish" antenna, for interconnection of this site with others in the T-Mobile network. There are reported no other wireless telecommunications base stations at the site or nearby.

Study Results

For a person anywhere at ground, the maximum RF exposure level due to the proposed T-Mobile operation, including the contribution of the microwave antenna, is calculated to be 0.082 mW/cm^2, which is 9.6% of the applicable public exposure limit. The maximum calculated level at any nearby building‡ is 12% of the public exposure limit. The maximum calculated level at the second-floor elevation of any nearby residence§ is 9.5% of the public exposure limit. It should be noted that these results include several "worst-case" assumptions and therefore are expected to overstate actual power density levels from the proposed operation.

No Recommended Mitigation Measures

Due to their mounting location and height, the T-Mobile antennas would not be accessible to unauthorized persons, and so no measures are necessary to comply with the FCC public exposure guidelines. It is presumed that T-Mobile will, as an FCC licensee, take adequate steps to ensure that its employees or contractors receive appropriate training and comply with FCC occupational exposure guidelines whenever work is required near the antennas themselves.

Conclusion

Based on the information and analysis above, it is the undersigned's professional opinion that operation of the base station proposed by T-Mobile West LLC at Road 21 and Avenue 24 near Chowchilla, California, will comply with the prevailing standards for limiting public exposure to radio frequency energy and, therefore, will not for this reason cause a significant impact on the environment. The highest calculated level in publicly accessible areas is much less than the prevailing standards allow for exposures of unlimited duration. This finding is consistent with measurements of actual exposure conditions taken at other operating base stations.

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† The manufacturer reports that the antenna transmits 75% of the time in this band; this factor is incorporated into the calculations.

‡ Located at least 130 feet away, based on the drawings.

§ Located at least 380 feet away, based on photographs from Google Maps.

Authorship

The undersigned author of this statement is a qualified Professional Engineer, holding California Registration Nos. E-13026 and M-20676, which expire on June 30, 2023. This work has been carried out under his direction, and all statements are true and correct of his own knowledge except, where noted, when data has been supplied by others, which data he believes to be correct.

William F. Hammett, P.E.
707/996-5200

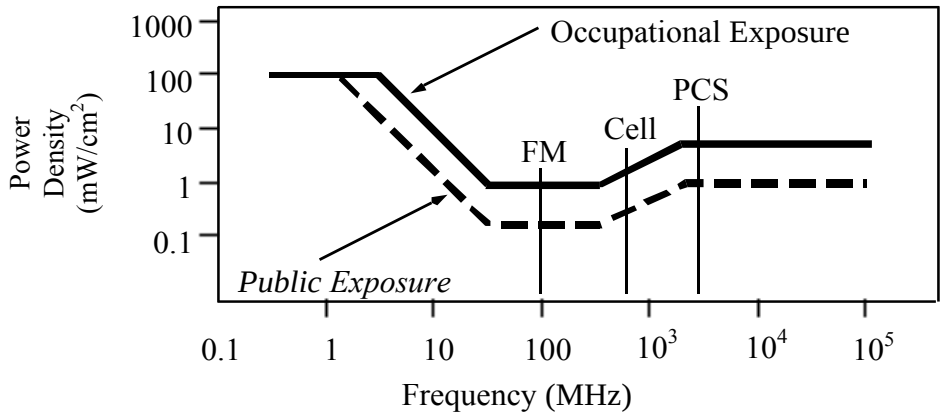
February 6, 2023

FCC Radio Frequency Protection Guide

The U.S. Congress required (1996 Telecom Act) the Federal Communications Commission ("FCC") to adopt a nationwide human exposure standard to ensure that its licensees do not, cumulatively, have a significant impact on the environment. The FCC adopted the limits from Report No. 86, "Biological Effects and Exposure Criteria for Radiofrequency Electromagnetic Fields," published in 1986 by the Congressionally chartered National Council on Radiation Protection and Measurements ("NCRP"). Separate limits apply for occupational and public exposure conditions, with the latter limits generally five times more restrictive. The more recent standard, developed by the Institute of Electrical and Electronics Engineers IEEE C95.1-2019, "Safety Levels with Respect to Human Exposure to Electric, Magnetic, and Electromagnetic Fields, 0 Hz to 300 GHz," includes similar limits. These limits apply for continuous exposures from all sources and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health.

As shown in the table and chart below, separate limits apply for occupational and public exposure conditions, with the latter limits (in *italics* and/or dashed) up to five times more restrictive:

Frequency	Electromagnetic Fields (f is frequency of emission in MHz)					
Applicable Range (MHz)	Electric Field Strength (V/m)		Magnetic Field Strength (A/m)		Equivalent Far-Field Power Density (mW/cm^2)	
0.3 – 1.34	614	*614*	1.63	*1.63*	100	*100*
1.34 – 3.0	614	*823.8/ f*	1.63	*2.19/ f*	100	*180/ f^2*
3.0 – 30	1842/ f	*823.8/ f*	4.89/ f	*2.19/ f*	900/ f^2	*180/ f^2*
30 – 300	61.4	*27.5*	0.163	*0.0729*	1.0	*0.2*
300 – 1,500	$3.54\sqrt{f}$	*$1.59\sqrt{f}$*	$\sqrt{f}/106$	*$\sqrt{f}/238$*	f/300	*f/1500*
1,500 – 100,000	137	*61.4*	0.364	*0.163*	5.0	*1.0*



Higher levels are allowed for short periods of time, such that total exposure levels averaged over six or thirty minutes, for occupational or public settings, respectively, do not exceed the limits, and higher levels also are allowed for exposures to small areas, such that the spatially averaged levels do not exceed the limits. Hammett & Edison has incorporated conservative calculation formulas in the FCC Office of Engineering and Technology Bulletin No. 65 (August 1997) for projecting field levels in a computer program capable of calculating, at thousands of locations on an arbitrary grid, the total expected power density from any number of individual radio frequency sources. The program allows for the inclusion of uneven terrain in the vicinity, as well as any number of nearby buildings of varying heights, to obtain more accurate projections.

RFE.CALC™ Calculation Methodology

Assessment by Calculation of Compliance with FCC Exposure Guidelines

Hammett & Edison has incorporated the FCC Office of Engineering and Technology Bulletin No. 65 ("OET-65") formulas (see Figure 1) in a computer program that calculates, at millions of locations on a grid, the total expected power density from any number of individual radio frequency sources. The program uses the specific antenna patterns from the manufacturers and allows for the inclusion of uneven terrain in the vicinity, as well as any number of nearby buildings of varying heights, to obtain accurate projections of RF exposure levels. The program can account for spatial-averaging when antenna patterns are sufficiently narrow, and time-averaging is typically considered when operation is in single-frequency bands, which require time-sharing between the base station and the subscriber devices.

OET-65 provides this formula for calculating power density in the far-field from an individual RF source:

$$\text{power density} \quad S = \frac{2.56 \times 1.64 \times 100 \times RFF^2 \times ERP}{4 \times \pi \times D^2} \quad \text{in } mW/cm^2$$

where ERP = total Effective Radiated Power (all polarizations), in kilowatts,
RFF = three-dimensional relative field factor toward point of calculation, and
D = distance from antenna effective height to point of calculation, in meters.

The factor of 2.56 accounts for the increase in power density due to reflections, assuming a reflection coefficient of 1.6 (1.6 x 1.6 = 2.56). This factor is typically used for all sources unless specific information from FCC filings by the manufacturer indicate that a different reflection coefficient would apply. The factor of 1.64 is the gain of a half-wave dipole relative to an isotropic radiator. The factor of 100 in the numerator converts to the desired units of power density.

Because antennas are not true "point sources," their signal patterns may not be fully formed at close distances and so exposure levels may be lower than otherwise calculated by the formula above. OET-65 recommends the cylindrical model formula below to account for this "near-field effect":

$$\text{power density} \quad S = \frac{180}{\theta_{BW}} \times \frac{0.1 \times P_{net}}{\pi \times D \times h} \quad \text{in } mW/cm^2$$

where P_{net} = net power input to antenna, in watts,
θ_{BW} = half-power beamwidth of antenna, in degrees,
D = distance from antenna effective height to point of calculation, in meters, and
h = aperture height of antenna, in meters.

The factor of 0.1 in the numerator converts to the desired units of power density.

OET-65 confirms that the "crossover" point between the near- and far-field regions is best determined by finding where the calculations coincide from the two different formulas, and the program uses both formulas to calculate power density.

EXHIBIT J

Community and Economic Development
Environmental Health Division

Dexter Marr
Deputy Director

- 200 W. Fourth St.
- Suite 3100
- Madera, CA 93637
- TEL (559) 661-5191
- FAX (559) 675-6573
- TDD (559) 675-8970

MEMORANDUM

TO: Jacob Aragon

FROM Dexter Marr, Environmental Health Division

DATE: March 31, 2023

RE: Assurance Development - Conditional Use Permit - Chowchilla (030-211-004-000)

Comments

TO: Planning Division
FROM: Environmental Health Division
DATE: March 22, 2023
RE: Conditional Use Permit (CUP) #2023-004, Assurance Development, Chowchilla APN 030-211-004

The Environmental Health Division Comments:

The facility will be regulated under the Hazardous Material Business Plan and or Waste Generator depending on the type and/or amount of hazardous material on-site. (Article I, Chapter 6.95, of the California Health & Safety Code)

If facility is already regulated by this Division the applicant must update their Hazardous Material Business Plan if the hazardous material storage location or hazardous material quantity(s) has changed.

As of January 2013 all CUPA regulated businesses must submit their Hazardous Material Business Plan electronically into the California Environmental Reporting System (CERS) at: www.cers.calepa.ca.gov

The construction and then ongoing operation must be done in a manner that shall not allow any type of public nuisance(s) to occur including but not limited to the following nuisance(s); Dust, Odor(s), Noise (s), Lighting, Vector(s) or Litter. This must be accomplished under accepted and approved Best Management Practices (BMP) and as required by the County General Plan, County Ordinances and any other related State and/or Federal jurisdiction.

During the application process for required County permits, a more detailed review of the proposed project's compliance with all current local, state & federal requirements will be reviewed by this Division.

If there are any questions or comments regarding these conditions, contact Environmental Health Division at (559) 675-7823.

EXHIBIT K

Jacob Aragon

From: Hernandez, Edgar@DOT <Edgar.Hernandez@dot.ca.gov>
Sent: Monday, April 17, 2023 11:52 AM
To: Jacob Aragon
Subject: RE: Project Review CUP #2023-004

Good morning Jacob,

Thank you for sending over this review. The project consists of a Conditional Use Permit to allow a proposed unmanned 100' monopole wireless facility. No development or rezone is proposed at this time. Our office does not have any comments at this time.

Respectfully,

Edgar Hernandez
Senior Transportation Planner, Active Transportation Specialist
California Department of Transportation District 6
Transportation Planning and Local Programs
Work Cell: (559) 981-7436

From: Jacob Aragon <Jacob.Aragon@maderacounty.com>
Sent: Monday, March 20, 2023 1:09 PM
To: ceqa@valleyair.org; Hernandez, Edgar@DOT <Edgar.Hernandez@dot.ca.gov>; R4CEQA@wildlife.ca.gov
Subject: Project Review

Good afternoon,

Please review the attached project review and provide comments/conditions if necessary. If comments/conditions can be delivered on or before April 21, 2023, that would be greatly appreciated.

Thank you!

Jacob Aragon | Planner II
COMMUNITY AND ECONOMIC DEVELOPMENT, PLANNING
200 W. 4th Street, Suite 3100, Madera, CA 93637
Office: (559) 675-7821

EXHIBIT L

County of Madera
California Environmental Quality Act (CEQA)
Initial Study

1. Project title:	Conditional Use Permit #2023-004, Assurance Development
2. Lead agency name and address:	County of Madera Community and Economic Development Department 200 West 4th Street, Suite 3100 Madera, California 93637
3. Contact person and phone number:	Jacob Aragon, Planner II 559-675-7821 Jacob.Aragon@maderacounty.com
4. Project Location & APN:	The project is located on the north side of Avenue 24, approximately 1 mile east from the intersection with Road 20, (No Situs), Chowchilla. APN: 030-211-004
5. Project sponsor's name and address:	Assurance Development 1499 Huntington Drive, Suite 305 South Pasadena, CA 91030
6. General Plan Designation:	PI (Public Institution) Designation
7. Zoning:	ARE-40 (Agriculture, Rural, Exclusive 40 Acre) District

8. Description of project: Installation of a new wireless telecommunications facility. The proposed unmanned telecommunications facility will include a 110' monopole and will be located within a 40'x40' lease area.

9. Surrounding Land Uses and Setting: Agriculture, & City of Chowchilla

10. Other Public Agencies Whose Approval is Required: None

11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code Section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?
Local Tribes were contacted per AB 52. No comments were received.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐ Aesthetics	☐ Agricultural/Forestry Resources	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Energy
☐ Geology/Soils	☐ Greenhouse Gas Emissions	☐ Hazards & Hazardous Materials
☐ Hydrology/Water Quality	☐ Land Use/Planning	☐ Mineral Resources
☐ Noise	☐ Population/Housing	☐ Public Services
☐ Recreation	☐ Transportation	☐ Tribal Cultural Resources
☐ Utilities/Service Systems	☐ Wildfire	☐ Mandatory Findings of Significance

DETERMINATION

On the basis of this initial evaluation:

☒	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
☐	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
☐	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
☐	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
☐	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature Jacob Aragon Date 5/31/2023

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
I. AESTHETICS Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Responses:

(a - d) Less Than Significant Impact. There are no scenic vistas by the true definition (a scene view, or panorama of a particular area) in the vicinity of the project site. The topographic nature of the surroundings may be considered scenic, but the project is not located in a designated scenic route. The proposed design is a monopole tower and is in an area with agriculture use. The site is surrounded by agricultural practices and the Valley State Prison (City of Chowchilla jurisdiction). Lighting associated with this project is to be hooded and directed downward and away from adjoining parcels.

A nighttime sky in which stars are readily visible is often considered a valuable scenic/visual resource. In urban areas, views of the nighttime sky are being diminished by "light pollution." Light pollution, as defined by the International dark-Sky Association, is any adverse effect of artificial light, including sky glow, glare, light trespass, light clutter, decreased visibility at night, and energy waste. Two elements of light pollution may affect city residents: sky glow and light trespass. Sky glow is a result of light fixtures that emit a portion of their light directly upward into the sky where light scatters, creating an orange-yellow glow above a city or town. This light can interfere with views of the nighttime sky and can diminish the number of stars that are visible. Light trespass occurs when poorly shielded or poorly aimed fixtures cast light into unwanted areas, such as neighboring property and homes.

Light pollution is a problem most typically associated with urban areas. Lighting is necessary for nighttime viewing and for security purposes. However, excessive lighting or inappropriately designed lighting fixtures can disturb nearby sensitive land uses through indirect illumination. Land uses which are considered "sensitive" to this unwanted light include residences, hospitals, and care homes.

Daytime sources of glare include reflections off light-colored surfaces, windows, and metal details on cars traveling on nearby roadways. The amount of glare depends on the intensity and direction of sunlight, which is more acute at sunrise and subset because the angle of the sun is lower during these times.

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II. AGRICULTURAL AND FORESTRY RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
In determining whether agricultural impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.				
Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

Responses:

(a - e) No Impact. No impacts associated with this project. The project parcel is not zoned for timberland uses, so there will be no impacts. The parcel is zoned ARE-40 (Agriculture, Rural, Exclusive 40 Acre) District and the General Plan Designation is PI (Public Institution) which allows for communication towers with a Conditional Use Permit.

General Information

The California Land Conservation Act of 1965 -- commonly referred to as the Williamson Act -- enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use. In return, landowners receive property tax assessments which are much lower than normal because they are based upon farming and open space uses as opposed to full market value.

The Department of Conservation oversees the Farmland Mapping and Monitoring Program. The Farmland Mapping and Monitoring Program (FMMP) produce maps and statistical data used for analyzing impacts on California's agricultural resources. Agricultural land is rated according to soil quality and irrigation status; the best quality land is called Prime Farmland. The maps are updated every two years with the use of a computer mapping system, aerial imagery, public review, and field reconnaissance. The program's definition of farmland classification is below:

PRIME FARMLAND (P): Farmland with the best combination of physical and chemical features able to sustain long term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.

FARMLAND OF STATEWIDE IMPORTANCE (S): Farmland similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.

UNIQUE FARMLAND (U): Farmland of lesser quality soils used for the production of the state's leading agricultural crops. This land is usually irrigated but may include non-irrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the four years prior to the mapping date.

FARMLAND OF LOCAL IMPORTANCE (L): Land of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee.

GRAZING LAND (G): Land on which the existing vegetation is suited to the grazing of livestock. This category was developed in cooperation with the California Cattlemen's Association, University of California Cooperative Extension, and other groups interested in the extent of grazing activities. The minimum mapping unit for Grazing Land is 40 acres.

URBAN AND BUILT-UP LAND (D): Land occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel. This land is used for residential, industrial, commercial, institutional, public administrative purposes, railroad and other transportation yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, water control structures, and other developed purposes.

OTHER LAND (X): Land not included in any other mapping category. Common examples include low density rural developments; brush, timber, wetland, and riparian areas not suitable for livestock grazing; confined livestock, poultry or aquaculture facilities; strip mines, borrow pits; and water bodies smaller than 40 acres. Vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as Other Land.

CONFINED ANIMAL AGRICULTURE: Poultry facilities, feedlots, and dairy facilities – this use may be a component of Farmland of Local Importance in some counties.

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	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
III. AIR QUALITY Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with, or obstruct implementation of, the applicable air quality plan?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	☐	☒
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☐	☒

Responses:

(a - d) No Impact. No impacts have been identified as a result of this project. The project will not impact implementation of any air quality plans. There will be construction activity for a temporary period of time, causing a temporary increase in emission levels in the area. Operationally, there are no emissions from the tower itself. Periodic visits to the site will be made for regular testing of equipment and required maintenance as needed. These visits are insignificant in light of the whole.

Sensitive receptors are facilities that "house or attract children, the elderly, people with illnesses, or others who are especially sensitive to the effects of air pollution. Hospitals, schools, convalescent facilities, and residential areas are examples of sensitive receptors." (GAMAQI, 2002).

Global Climate Change

Climate change is a shift in the "average weather" that a given region experiences. This is measured by changes in temperature, wind patterns, precipitation, and storms. Global climate is the change in the climate of the earth as a whole. It can occur naturally, as in the case of an ice age, or occur as a result of anthropogenic activities. The extent to which anthropogenic activities influence climate change has been the subject of extensive scientific inquiry in the past several decades. The Intergovernmental Panel on Climate Change (IPCC), recognized as the leading research body on the subject, issued its Fourth Assessment Report in February 2007, which asserted that there is "very high confidence" (by IPCC definition, a 9 in 10 chance of being correct) that human activities have resulted in a net warming of the planet since 1750.

CEQA requires an agency to engage in forecasting "to the extent that an activity could reasonably be expected under the circumstances. An agency cannot be expected to predict the future course of governmental regulation or exactly what information scientific advances may ultimately reveal" (CEQA Guidelines Section 15144, Office of Planning and Research commentary, citing the California Supreme Court decision in *Laurel Heights Improvement Association* v. *Regents of the University of California* [1988] 47 Cal. 3d 376).

Recent concerns over global warming have created a greater interest in greenhouse gases (GHG) and their contribution to global climate change (GCC). However, at this time there are no generally accepted thresholds of significance for determining the impact of GHG emissions from an individual project on GCC. Thus, permitting agencies are in the position of developing policy and guidance to ascertain and mitigate to the extent feasible the effects of GHG, for CEQA purposes, without the normal degree of accepted guidance by case law.

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	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES Would the project:				

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of a native wildlife nursery site?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Responses:

(a - f) No Impact. There are no habitats identified on this parcel, so no modifications are expected as a result. There are no projects or activities associated with this project off-site, therefore there will be no indirect impacts to habitats as a result. While there are candidate species identified in the quadrangle in which this project is located, given the development that has occurred in the area over the years, including commercial and residential uses, the chances of any of the listed species being on the parcel are less than likely.

The project site is not located in a riparian or wetland habitat. The surrounding area is utilized for agriculture and City of Chowchilla uses. The operation of this project is not anticipated to interfere with any habitats off site, either directly or indirectly.

There are no federally protected wetlands on or in the vicinity of this project. There are no streams or bodies of water of which migratory fish or other species that would use bodies of water would be impacted by this project.

During the construction of the facilities on site there is the potential of minimally impacting the migration patterns of listed species. This is due to noise production during the process of construction, which animals will instinctively avoid. This will be a temporary occurrence for the duration of the construction. Any disruption will be minimal as a result and will return to baseline levels at conclusion of the project construction. Operations of the facilities will have negligible impacts.

While the list below shows a number of species listed in the quadrangle in which this project is located, this does

not necessarily mean that these species are actually located on the project site either in a habitat setting or migrating through.

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

General Information

Special Status Species include:

- Plants and animals that are legally protected or proposed for protection under the California Endangered Species Act (CESA) or Federal Endangered Species Act (FESA);
- Plants and animals defined as endangered or rare under the California Environmental Quality Act (CEQA) §15380;
- Animals designated as species of special concern by the U.S. Fish and Wildlife Service (USFWS) or California Department of Fish and Game (CDFG);
- Animals listed as "fully protected" in the Fish and Game Code of California (§3511, §4700, §5050 and §5515); and
- Plants listed in the California Native Plant Society's (CNPS) Inventory of Rare and Endangered Vascular Plants of California.

A review of both the County's and Department of Fish and Game's databases for special status species have identified the following species:

Species	Federal Listing	State Listing	Dept. Of Fish and Game Listings	CNPS Listing
Swainson's hawk	None	Threatened	-	-
Vernal pool fairy shrimp	Threatened	None	-	-
Heartscale	None	None	-	1B.2
Lesser saltscale	None	None	-	1B.1
Succulent Owl's-Clover	Threatened	Endangered	-	1B.2
Ewan's larkspur	None	None	-	4.2

Berenda Quadrangle

List 1A: Plants presumed extinct
List 1B: Plants Rare, Threatened, or Endangered in California and elsewhere.
List 2: Plants Rare, Threatened, or Endangered in California, but more numerous elsewhere
List 3 Plants which more information is needed – a review list
List 4: Plants of Limited Distributed - a watch list

Ranking

0.1 – Seriously threatened in California (high degree/immediacy of threat)
0.2 – Fairly threatened in California (moderate degree/immediacy of threat)
0.3 – Not very threatened in California (low degree/immediacy of threats or no current threats known)
SSC Species of Special Concern
WL Watch List
FP Fully Protected

Effective January 1, 2007, Senate Bill 1535 took effect that has changed de minimis findings procedures. The Senate Bill takes the de minimis findings capabilities out of the Lead Agency hands and puts the process into the hands of the California Department of Fish and Wildlife (formally the California Department of Fish and Game). A Notice of Determination filing fee is due each time a NOD is filed at the jurisdictions Clerk's Office. The authority comes under Senate Bill 1535 (SB 1535) and Department of Fish and Wildlife Code 711.4. Each year the fee is evaluated and has the potential of increasing. For the most up-to-date fees, please refer to: http://www.dfg.ca.gov/habcon/ceqa/ceqa_changes.html.

The Valley elderberry longhorn beetle was listed as a threatened species in 1980. Use of the elderberry bush by the beetle, a wood borer, is rarely apparent. Frequently, the only exterior evidence of the elderberry's use by the beetle is an exit hole created by the larva just prior to the pupal stage. According to the USFWWS, the Valley Elderberry Longhorn Beetle habitat is primarily in communities of clustered Elderberry plants located within riparian habitat. The USFWS stated that VELB habitat does not include every Elderberry plant in the Central Valley, such as isolated, individual plants, plants with stems that are less than one inch in basal diameter or plants located in upland habitat.

Wetlands are defined under Title 33 §328.3 of the California Code of Regulations as "those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas."

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	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	☐	☐	☒	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☒	☐
c) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	☐

Responses:

(a - d) Less Than Significant Impact. While the County is known to potentially have historical and archaeological resources, due to the development of surrounding properties as agriculture, the chances of finding any archaeological or paleontological resources are less than likely. Most of the paleontological finds in Madera County have been found in the proximity of the landfill, located near the community of Fairmead. Most of the historical finds in Madera County have been found in the mountain and foothill areas above the valley floor due to previous Native American presence in the area. However, any new findings are unlikely on this project due to the scale of the project's 40'x40' lease area. Parcels to the north, east, and south surrounding the site have been developed for agriculture use in conjunction with the Valley State Prison. The likelihood of any finds in this area is minimal. There are no known fossil bearing sediments on the project site. No known unique geological features in the vicinity of the project site exist. However, there is still the potential for uncovering previously unknown human remains or cemeteries. Therefore, the project will cease all operations in the event that any human remains, cemeteries, archaeological, paleontological, or historic resource is uncovered during the construction or operational phase of the project, until the County can determine whether or not the project can continue.

If project construction related activities (including but not limited to ground disturbing activities) result in the disturbing of subsurface cultural deposits, project related activities are to be halted and a professional archaeologist will be brought in to determine the culture of the deposits.

General Information

Public Resource Code 5021.1(b) defines a historic resource as "any object building, structure, site, area or place which is historically significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California." These resources are of such import, that it is codified in CEQA (PRC Section 21000) which prohibits actions that "disrupt, or adversely affect a prehistoric or historic archaeological site or a property of historical or cultural significance to a community or ethnic or social groups; or a paleontological site except as part of a scientific study."

Archaeological importance is generally, although not exclusively, a measure of the archaeological research value of a site which meets one or more of the following criteria:

- Is associated with an event or person of recognized significance in California or American history or of recognized scientific importance in prehistory.
- Can provide information which is both of demonstrable public interest and useful in addressing scientifically consequential and reasonable archaeological research questions.
- Has a special or particular quality such as oldest, best example, largest, or last surviving example of its kind.
- Is at least 100 years old and possesses substantial stratigraphic integrity (i.e. it is essentially undisturbed and intact).
- Involves important research questions that historic research has shown can be answered only with archaeological methods.

(CEQA Guidelines §15064.5 for definitions)

Paleontology is a branch of geology that studies the life forms of the past, especially prehistoric life forms, through the study of plan and animal fossils. Paleontological resources represent limited, non-renewable and impact sensitive and educational resources. Most of the paleontological finds have been on the valley floor.

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	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
VI. ENERGY Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐

Responses:

(a - b) Less Than Significant Impact. The project is located in an agriculture zone district and will be constructed in the same manner as other telecommunication facilities in the area. There is very little likelihood that there will be a significant impact to energy resources or that the project will conflict with any state or local energy resource plans.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
VII. GEOLOGY AND SOILS Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zone Map issued by the State Geologist for the area, or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☒	☐
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c) Be located on a geological unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☐	☒
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒

Responses:

(a i – iii) Less Than Significant Impact. The parcel in question for this project is relatively flat due to the grading from existing structures on site, but due to the long activity history of the San Andreas fault, that lies 45 miles west of the county line, may subject the project site to seismic ground shaking. There are chances of mild erosion potential during rainfall events, however the footprint of the project is minimal (40 feet x 40 feet) is expected to have a less than significant impact.

(a iv) No Impact. The parcel is in an area where it is not topographically conducive to landslides; therefore, hazards associated with landslides are not considered a hazard on the project site.

(b) Less than Significant Impact. With construction there will be some erosion pattern changes. These changes are considered minimal as the footprint size of the project is minimal. There is already current road access the project.

(c - f) No impact. There are no known impacts that will occur as a direct or indirect result of this project.

General Information

Madera County is divided into two major physiographic and geologic provinces: The Sierra Nevada Range and the Central Valley. The Sierra Nevada physiographic province in the northeastern portion of the county is underlain by metamorphic and igneous rock. It consists mainly of homogenous types of granitic rocks, with several islands of older metamorphic rock. The central and western parts of the county are part of the Central Valley province, underlain by marine and non-marine sedimentary rocks.

The foothill area of the county is essentially a transition zone, containing old alluvial soils that have been dissected by the west-flowing rivers and streams which carry runoff from the Sierra Nevada's.

Seismicity varies greatly between the two major geologic provinces represented in Madera County. The Central Valley is an area of relatively low tectonic activity bordered by mountain ranges on either side. The Sierra Nevada's, partly within Madera County, are the result of movement of tectonic plates which resulted in the creation of the mountain range. The Coast Ranges on the west side of the Central Valley are also a result of these forces, and continued movement of the Pacific and North American tectonic plates continues to elevate the ranges. Most of the seismic hazards in Madera County result from movement along faults associated with the creation of these ranges.

There are no active or potentially active faults of major historic significance within Madera County. The County does not lie within any Alquist Priolo Special Studies Zone for surface faulting or fault creep. However, there are two significant faults within the larger region that have been and will continue to be, the principle sources of potential seismic activity within Madera County.

San Andreas Fault: The San Andreas Fault lies approximately 45 miles west of the county line. The fault has a long history of activity and is thus a concern in determining activity in the area.

Owens Valley Fault Group: The Owens Valley Fault Group is a complex system containing both active and potentially active faults on the eastern base of the Sierra Nevada Range. This group is located approximately 80 miles east of the County line in Inyo County. This system has historically been the source of seismic activity within the County.

The *Draft Environmental Impact Report* for the state prison project near Fairmead identified faults within a 100 mile radius of the project site. Since Fairmead is centrally located along Highway 99 within the county, this information provides a good indicator of the potential seismic activity which might be felt within the County. Fifteen active faults (including the San Andreas and Owens Valley Fault Group) were identified in the *Preliminary Geotechnical Investigation*. Four of the faults lie along the eastern portion of the Sierra Nevada Range, approximately 75 miles to the northeast of Fairmead. These are the Parker Lake, Hartley Springs, Hilton Creek and Mono Valley Faults. The remaining faults are in the western portion of the San Joaquin Valley, as well as within the Coast Range, approximately 47 miles west of Fairmead. Most of the remaining 11 faults are associated with the San Andreas, Calaveras, Hayward and Rinconada Fault Systems which collectively form the tectonic plate boundary of the Central Valley.

In addition, the Clovis Fault, although not having any historic evidence of activity, is considered to be active within quaternary time (within the past two million years), is considered potentially active. This fault line lies approximately six miles south of the Madera County line in Fresno County. Activity along this fault could potentially generate more seismic activity in Madera County than the San Andreas or Owens Valley fault systems. However, because of the lack of historic activity along the Clovis Fault, there is inadequate evidence for assessing maximum earthquake impacts.

Seismic ground shaking, however, is the primary seismic hazard in Madera County because of the County's seismic setting and its record of historical activity (General Plan Background Element and Program EIR). The project represents no specific threat or hazard from seismic ground shaking, and all new construction will comply with current local and state building codes. Other geologic hazards, such as landslides, lateral spreading, subsidence, and liquefaction have not been known to occur within Madera County.

According to the Madera County General Plan Background Report, groundshaking is the primary seismic hazard in Madera County. The valley portion of Madera County is located on alluvium deposits, which tend to experience greater groundshaking intensities than areas located on hard rock. Therefore, structures located in the valley will tend to suffer greater damage from groundshaking than those located in the foothill and mountain areas.

Liquefaction is a process whereby soil is temporarily transformed to a fluid form during intense and prolonged ground shaking. According to the Madera County General Plan Background Report, although there are areas of Madera County where the water table is at 30 feet or less below the surface, soil types in the area are not conducive to liquefaction because they are either too coarse in texture or too high in clay content; the soil types mitigate against the potential for liquefaction.

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	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
VIII. GREENHOUSE GAS EMISSIONS Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒

Responses:

(a) Less Than Significant Impact. What little greenhouse gases generated will be from vehicular traffic related to the construction of the facilities. Operationally, there will only be one vehicle traveling to the site for maintenance purposes once per month. In the event of a power outage a backup diesel generator will be in use to keep the monopole in operation. The operations of the site do not require constant staffing and will require a technician for routine maintenance once a month. While these are seen as potential impacts, they will be minimal.

(b) No Impact. There is no anticipated impact as a result of this project.

Greenhouse Gas (GHG) Emissions: The potential effect of greenhouse gas emission on global climate change is an emerging issue that warrants discussion under CEQA. Unlike the pollutants discussed previously that may have regional and local effects, greenhouse gases have the potential to cause global changes in the environment. In addition, greenhouse gas emissions do not directly produce a localized impact but may cause an indirect impact if the local climate is adversely changed by its cumulative contribution to a change in global climate. Individual development projects contribute relatively small amounts of greenhouse gases that when added to other greenhouse gas producing activities around the world would result in an increase in these emissions that have led many to conclude is changing the global climate. However, no threshold has been established for what would constitute a cumulatively considerable increase in greenhouse gases for individual development projects. The State of California has taken several actions that help to address potential global climate change impacts.

Assembly Bill 32 (AB 32), the California Global Warming Solutions Act of 2006, outlines goals for local agencies to follow in order to bring Greenhouse Gas (GHG) emissions to 1990 levels (a 25% overall reduction) by the year 2020. The California Air Resources Board (CARB) holds the responsibility of monitoring and reducing

GHG emissions through regulations, market mechanisms and other actions. A Draft Scoping Plan was adopted by CARB in order to provide guidelines and policy for the State to follow in its steps to reduce GHG. According to CARB, the scoping plan's GHG reduction actions include: direct regulations, alternative compliance mechanisms, monetary and non-monetary incentives, voluntary actions, and market-based mechanisms such as a cap-and-trade system.

Following the adoption of AB 32, the California State Legislature adopted Senate Bill 375, which became the first major bill in the United States that would aim to limit climate change by linking directly to "smart growth" land use principles and transportation. It adds incentives for projects which intend to be in-fill, mixed use, affordable and self-contained developments. SB 375 includes the creation of a Sustainable Communities Strategy (SCS) through the local Metropolitan Planning Organizations (MPO) in order to create land use patterns which reduce overall emissions and vehicle miles traveled. Incentives include California Environmental Quality Act streamlining and possible exemptions for projects which fulfill specific criteria.

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	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
IX. HAZARDS AND HAZARDOUS MATERIALS Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	☐	☐	☐	☒
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
f) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☒	☐

Responses:

A material is considered hazardous if it appears on a list of hazardous materials prepared by a federal, state, or local agency, or if it has characteristics defined as hazardous by such an agency. The California Code of Regulations (CCR) defines a hazardous material as a substance that, because of physical or chemical properties, quantity, concentration, or other characteristics, may either (1) cause an increase in mortality or an increase in serious, irreversible, or incapacitating illness; or (2) pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported or disposed of, or otherwise managed (CCR Title 22 Division 4.5 Chapter 10 Article 2 §66260.10).

Hazardous wastes are defined in the same manner. Hazardous wastes are hazardous materials that no longer have practical use, such as substances that have been discarded, discharged, spilled, contaminated or are being stored prior to proper disposal. Hazardous materials and hazardous wastes are classified according to four properties: toxicity, ignitability, corrosively, and reactivity.

In and of itself, the site will not create or use hazardous materials in the strict definition of the term. The closest material that could be considered a hazardous material is the diesel that will be used in powering the emergency generator.

(a, c, b, d) No Impact. No impacts identified as a result of this project.

Any hazardous material because of its quantity, concentration, physical or chemical properties, pose a significant present or potential hazard to human health and safety, or the environment the California legislature adopted Article I, Chapter 6.95 of the Health and Safety Code, Sections 25500 to 25520 that requires any business handling or storing a hazardous material or hazardous waste to establish a Business Plan. The information obtained from the completed Business Plans will be provided to emergency response personnel for a better-prepared emergency response due to a release or threatened release of a hazardous material and/or hazardous waste.

Business owners that handle or store a hazardous material or mixtures containing a hazardous material, which has a quantity at any one time during the year, equal to or greater than:

1) A total of 55 gallons,
2) A total of 500 pounds,
3) 200 cubic feet at standard temperature and pressure of compressed gas,
4) Any quantity of Acutely Hazardous Material (AHM).

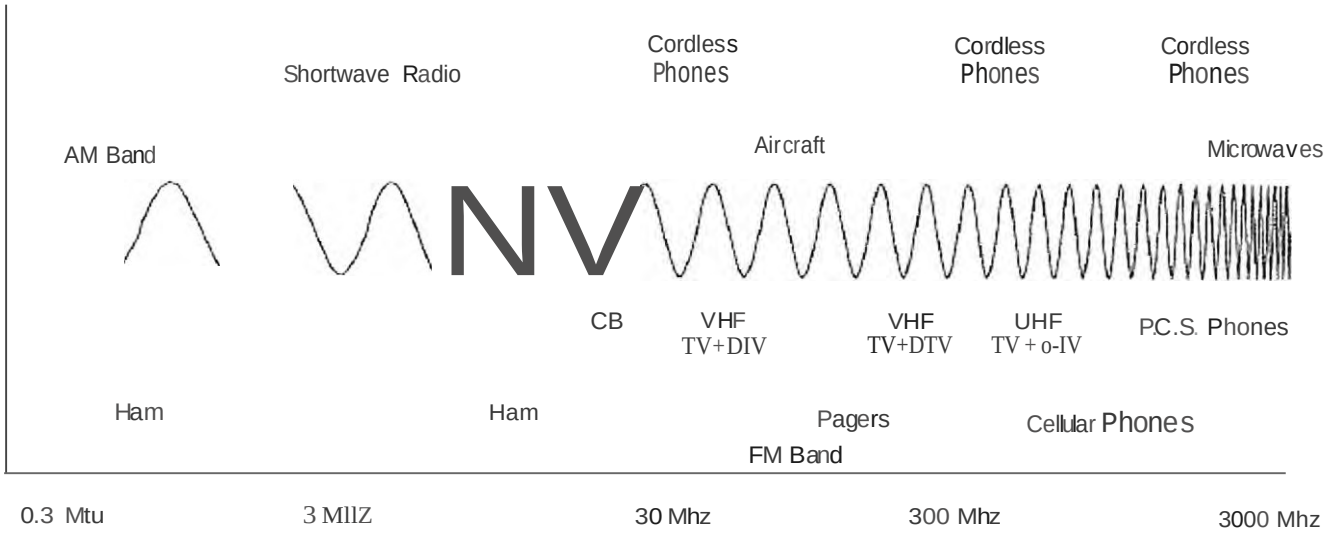
Assembly Bill AB 2286 requires all business and agencies to report their Hazardous Materials Business Plans to the Certified Unified Program Agency (CUPA) information electronically at http://cers.calepa.ca.gov

The site is not located on or near any hazardous waste storage facilities, or on or near any brownfields sites as indicated by the Environmental Protection Agency.

In regard to potential health hazards, the major component to be considered would be RF (radio frequency) electromagnetic fields. Determining whether a potential health hazard could exist with respect to a given transmitting antenna is not always a simple matter. Several important factors must be considered in making that determination. This includes: (1) what is the frequency RF signal being transmitted; (2) what is the operating power of the transmitting station; (3) how long will someone be exposed to the RF signal at a given distance from the antenna; and (4) what other antennas are in the area, and what is the exposure to those antennas.

RF signals may be transmitted over a wide range of frequencies. The frequency of an RF signal is expressed in terms of cycles per second or "Hertz", abbreviated "Hz." One kilohertz (kHz) equals one thousand Hz, one megahertz (MHz) equals one million Hz and one gigahertz (GHz) equals one billion Hz.

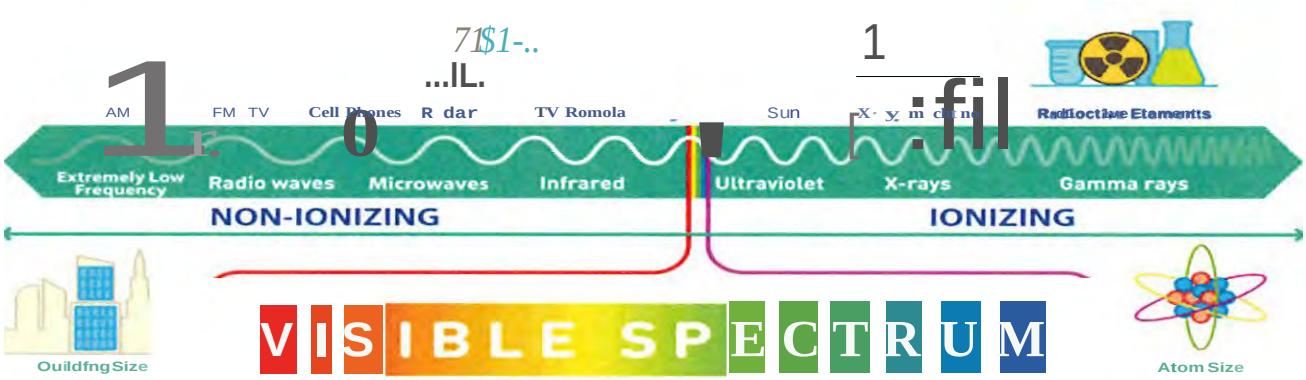
In the figure below, AM radio signals are at the lower end of the RF spectrum, while other radio services, such as analog and digital TV (DTV), cellular and PCS telephony, and point-to-point microwave services are much higher in frequency.



As the frequency increases the wavelength of the transmitted signal *decreases*
Mhz = Megahertz Millions or cycles per second

Illustration *1*

Electromagnetic Spectrum



Electromagnetic Frequency Radiation (EMF) comes in two forms: ionizing and non-ionizing. There has been demonstrated causal links between ionizing EMF and DNA damage and possible cancer risks. No research to date has definitively shown a causal link between specific diseases and non- ionizing EMF. A variety of studies have been conducted on the effects of exposure to low level of RF radiation. An FCC report has stated that any evidence that such low-level exposures causes harmful biological effects is ambiguous and unproven.

Biological effects can result from exposure to very high levels of RF radiation. This is typically referred to as "thermal" effects. Effects are typically at the tissue level are due to the body's inability to cope with the excessive heat. At relatively low levels of exposure, such as those found at ground level relative to cell towers, biological effects is ambiguous and unproven. A number of reports have appeared in the scientific literature describing the observation of a range of biological effects resulting from exposure to low levels of RF energy. However, in most cases, further experimental research has been unable to reproduce those effects. Furthermore, since much of the research is not done on whole bodies, there has been no determination that such effects constitute a human health hazard.

In the case of cellular site transmitters, the FCC's RF exposure guidelines recommend a maximum permissible exposure level to the general public of approximately 580 microwatts per square centimeter. This limit is many times greater than RF levels typically found near the base of cellular cell sites or in the vicinity of lower-powered cell site transmitters. Calculations corresponding to a "worst case" situation (all transmitters operating simultaneously and continuously at the maximum licensed power) show that, in order to be exposed to RF levels near the FCC's guidelines, an individual would essentially have to remain in the main transmitting beam and within a few feet of the antenna for several minutes or longer. Thus, the possibility of a member of the general public could be exposed to RF levels in excess of the FCC guidelines is extremely remote.

The FCC (Federal Communications Commission) requires that applicants for licenses determine whether proposed tower sites will cause human exposure to levels of radiofrequency (RF) radiation in excess of Commission-adopted guidelines. The Federal Communication Commission (FCC or Commission) has determined through calculations and technical analysis that due to their low power or height above ground level, many facilities by their very nature are highly unlikely to cause human exposures in excess of FCC guideline limits. The proposed tower site will be categorically excluded from routine evaluation of RF radiation under Section 1.1307(b) of the Commission's rules because the height above ground level to the lowest point on the antenna is greater than 30 feet.

Cellular wireless radio services transmit using frequencies between 824 and 894 megahertz (MHz). Antennas used for cellular transmissions are typically located on towers, water tanks or other elevated structures. The combination of antennas and associated electronic equipment is referred to as a "base station" or "cell site." Typical heights for free-standing base station towers or structures are 50- 200 feet. A cellular base station may utilize several "omni-directional" antennas that look like poles 10 to 15 feet in length, although these types of antennas are less common in urbanized areas.

In urban and suburban areas, cellular service providers commonly use "sector" antennas for their base stations. These antennas are rectangular panels about 1 by 4 feet in size mounted on towers. Panel antennas are usually arranged in three groups of three each. It is common that not all antennas are used for the transmission of RF energy, some antennas may be receive only.

At a given cell site, the total RF power that could be radiated by the antennas depends on the number of radio channels (transmitters) installed, the power of each transmitter, and the type of antenna. While it is theoretically possible for cell sites to radiate at very high power levels, the maximum power radiated in any direction usually does not exceed 500 watts.

The RF emissions from cellular base station antennas are generally directed toward the horizon in a relatively narrow pattern in the vertical plane. In the case of sector (panel) antenna, the pattern is fan- shaped, like a wedge cut from a pie. As with all forms of electromagnetic energy, the power density from the antenna decreases rapidly as one moves away from the antenna. Consequently, ground- level exposures are much less than exposures if one were at the same height and directly in front of the antenna.

Measurements made near typical cellular installations, especially those with tower-mounted antennas, have shown that ground-level power densities are hundreds to thousands of times less than the FCC's limits for safe exposure. This makes it extremely unlikely that a member of the general public could be exposed to RF levels in excess of FCC guidelines due solely to cellular base station antenna located on towers or monopoles.

Some studies have also examined the possibility of a link between RF exposure and cancer. Results to date have been inconclusive. While some experimental data have suggested a possible link between exposure and tumor formation in animals exposed under certain specific conditions, the results have not been independently replicated. Many other studies have failed to find evidence for a link to cancer or any related condition.

As constructed and maintained, in conjunction with conditions of approval and mitigations, this impact will remain as less than significant.

(e) No Impact. The project is not located near the Chowchilla or Madera airports. The project is located outside of the County's Airport Land Use Compatibility Zone.

Per the Airport Land Use Compatibility Plan, any cell tower structure within the airport compatibility zones that are 150 feet in height from ground level to peak of tower or higher would be under the Airport Land Use Commission (ALUC) purview for review of compatibility (ALUC Policy 3.5.1). This height measurement is independent of the elevation at ground level. As this monopole tower style tower is 110 feet in height at peak, and is outside the compatibility zones for both airports, an ALUC review is not necessary.

The intent of an airspace overlay zone is to reduce the potential for airport or airstrip hazards because it is found that:

- An airport/airstrip hazard endangers the lives and property of users of landing fields and property or occupants in the vicinity of landing fields;
- An airport hazard of the obstructive type in effect reduces the size of the area available for landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of an airport and the public investment therein;
- The creation or establishment of an airport hazard is a public nuisance and an injury to the region served by the airport affected;

- It is necessary to prevent the creation or establishment of airport hazards in order to protect the public health, safety and general welfare, and to promote the most appropriate use of land;
- The elimination removal, alteration, mitigation and lighting of existing airport hazards are public purposes for which political subdivisions may need to raise and expend public funds.

In short, any construction of structures, even cellular structures, in areas proximate to an airstrip or airport must not pose a flight hazard either by design or electronic interference.

(f) No impact. Per the Airport Land Use Compatibility Plan, any cell tower structure within the airport compatibility zones that are 150 feet in height from ground level to peak of tower or higher would be under the Airport Land Use Commission (ALUC) purview for review of compatibility (ALUC Policy 3.5.1). This height measurement is independent of the elevation at ground level. As this monopole style tower is 110' (one hundred and ten feet) in height at peak, and is outside the compatibility zones for both airports, an ALUC review is not necessary.

(g) Less Than Significant Impact. While the project in and of itself would be conducive to starting wildfires, the area around the project is agricultural and the Valley State Prison (City of Chowchilla jurisdiction). There are trees and shrubbery around the project site, but it is located in a landscaped area cleared of debris. The proposed project will not expose residents in the area to higher risks of fire danger.

The California Department of Forestry and Fire Protection (Cal-Fire) provides for protection services to most of Madera County. The stations within the vicinity include the facility located in the unincorporated areas of Chowchilla (Madera County Fire Dept. Station #4), and City of Chowchilla (Station #1).

Access to the project must meet current driveway standards prior to issuance of a building permit for the project.

With associated mitigations and conditions of approval, this impact will be maintained as less than significant.

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	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
X. HYDROLOGY AND WATER QUALITY Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	☐	☐	☐	☒
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☐	☒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
(i) result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	☐	☐	☒	☐
(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☐	☒
(iv) impede or redirect flood flows?	☐	☐	☐	☒
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☐	☒

Responses:
(a, b) No Impact. No impacts identified as a result of this project.

(c- e) Less Than Significant Impact. There are no waterways located within 1 mile of the project site, the surrounding parcels are designed for agriculture and the Valley State Prison (City of Chowchilla jurisdiction) which would prevent drainage from the project into a waterway, by having an additional non-porous surface (the pad where the equipment will be) has the potential of redirecting rainfall.

Rainfall is unable to percolate into paving that is expected to be on each site (building pad, driveways, structures, etc.) and is converted almost entirely into storm run-off, often exceeding the capacity of existing drainage system, causing intermittent flooding, increased flooding and other adverse impacts. It is possible that the quality of storm water may be affected by pollution such as, but not limited to, oil, grease, and fuel, dissolved metals from batteries and glycols from automotive coolant or antifreeze. The applicant shall mitigate any impacts associated with storm water contamination caused by this project.

The project will not substantially, if at all, alter any course in streams. The project does not have watershed drainage through the parcel. The parcel to the west has been developed for agriculture use and the parcels to the north, east, and south have been developed for agriculture with the Valley State Prison. There will be some alteration of site drainage patterns during rainfall patterns, especially if any impervious surfaces are introduced. This rainfall alteration has the potential of inducing erosion at locations not having been exposed to erosion before, but the chances are that it won't be substantial.

There is the potential of localized flooding that could occur in the vicinity of the project. This is dependent on rain fall, site features and drainage.

A seiche is an occasional and sudden oscillation of the water of a lake, bay or estuary producing fluctuations in the water level and caused by wind, earthquakes or changes in barometric pressure. A tsunami (from the Japanese language, roughly translated as "harbor wave") is an unusually large sea wave produced by seaquake or undersea volcanic eruption. According to the California Division of Mines and Geology, there are no active or potentially active faults of major historic significance within Madera County. Additionally, there are no bodies of water (lakes, etc.) within proximity of the site. Madera County is geographically located in the center of the

state, therefore not affected by tsunamis.

With conditions of approval and mitigations throughout the project, this impact will be maintained as less than significant.

General Information

Groundwater quality contaminants of concern in the Valley Floor include high salinity (total dissolved solids), nitrate, uranium, arsenic, methane gas, iron, manganese, slime production, and dibromochloropropane with the maximum contaminant level exceeded in some areas. Despite the water quality issues noted above, most of the groundwater in the Valley Floor is of suitable quality for irrigation. Groundwater of suitable quality for public consumption has been demonstrated to be present in most of the area at specific depths.

Groundwater quality contaminants of concern in the Foothills and Mountains include manganese, iron, high salinity, hydrogen sulfide gas, uranium, nitrate, arsenic, and methylbutylethylene (MTBE) with the maximum concentration level being exceeded in some areas. Despite these problems, there are substantial amounts of good-quality groundwater in each of the areas evaluated in the Foothills and Mountains. Iron and manganese are commonly removed by treatment. Uranium treatment is being conducted on a well by the Bass Lake Water Company.

A seiche is an occasional and sudden oscillation of the water of a lake, bay or estuary producing fluctuations in the water level and caused by wind, earthquakes or changes in barometric pressure. A tsunami is an unusually large sea wave produced by seaquake or undersea volcanic eruption (from the Japanese language, roughly translated as “harbor wave”). According to the California Division of Mines and Geology, there are no active or potentially active faults of major historic significance within Madera County. As this property is not located near any bodies of water, no impacts are identified.

The flood hazard areas of the County of Madera are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare. These flood losses are caused by uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effect of obstruction in areas of special flood hazards which increase flood height and velocities also contribute to flood loss.

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	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XI. LAND USE AND PLANNING Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
b) Cause a significant environmental impact due to a conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒

Responses:

(a - b) No Impact. This project will not physically divide an existing community and is not in conflict with any applicable land use plan, policy, or regulation.

The applicant is following the ordinance by applying for a Conditional Use Permit which would allow the facility in this zone district. The proposal will not be in conflict with applicable land use (zoning) or with the General Plan.

The general plan designation of PI (Public Institution) allows for public and quasi-public uses. Quasi-public uses are typically defined as essentially public (as in services rendered) under private ownership or control. Public uses include public utilities. The zoning designation of ARE-40 (Agriculture, Rural, Exclusive 40 Acre) District allows for communication towers with a conditional use permit. The purpose of the agricultural zones is to provide for areas that are rural in character or areas where agricultural uses are currently desirable. The agricultural zones are intended to accommodate a wide range of agriculture and agriculture-related uses as well as single family dwelling units. The General Plan designation allows for public and quasi-public compatible uses, while the Zoning designations allow for a communications tower/wireless communications facility.

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	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XII. MINERAL RESOURCES Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

Responses:

(a - b) No Impact. There are no known minerals in the vicinity of the project site.

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	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XIII.NOISE Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinances, or applicable standards of other agencies?	☐	☐	☒	☐
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Responses:
(a) Less Than Significant Impact. There is the potential of a slight increase of noise generation for the duration of construction. This increase is expected to be minimal and temporary for the duration of the construction phase of the project. Operationally, it is not expected to generate noise to a significant level, if any at all. The electrical equipment that supports the tower may emit a little noise, but it is not significant enough to be heard by local residents. The back-up generator will only run during routine testing and during power outages, so there are no significant impacts associated with it.

(b - c) No Impact. The proposed project is projected to have no real significant increase in ambient noise levels.

This project is not within proximity to an airstrip or airport. It is not within an airport/airspace overlay district. There will be no impacts as a result.

General Discussion
The Noise Element of the Madera County General Plan (Policy 7.A.5) provides that noise which will be created by new non-transportation noise sources shall be mitigated so as not to exceed the Noise Element noise level standards on lands designated for noise-sensitive uses. However, this policy does not apply to noise levels associated with agricultural operations. All the surrounding properties, while include some residential units, are designated and zoned for agricultural uses. This impact is therefore considered less than significant.

Construction noise typically occurs intermittently and varies depending upon the nature or phase of construction (e.g. demolition/land clearing, grading and excavation, erection). The United States Environmental Protection Agency has found that the average noise levels associated with construction activities typically range from approximately 76 dBA to 84 dBA Leq, with intermittent individual equipment noise levels ranging from approximately 75 dBA to more than 88 dBA for brief periods.

Short Term Noise

Noise from localized point sources (such as construction sites) typically decreases by approximately 6 dBA with each doubling of distance from source to receptor. Given the noise attenuation rate and assuming no noise shielding from either natural or human-made features (e.g. trees, buildings, and fences), outdoor receptors within approximately 400 feet of construction site could experience maximum noise levels of greater than 70 dBA when onsite construction-related noise levels exceed approximately 89 dBA at the project site boundary. Construction activities that occur during the more noise-sensitive eighteen hours could result in increased levels of annoyance and sleep disruption for occupants of nearby existing residential dwellings. As a result, noise-generating construction activities would be considered to have a potentially significant short-term impact. However with implementation of mitigation measures, this impact would be considered less than significant.

Long Term Noise

Mechanical building equipment (e.g. heating, ventilation and air conditioning systems, and boilers), associated with the proposed structures, could generate noise levels of approximately 90 dBA at 3 feet from the source. However, such mechanical equipment systems are typically shielded from direct public exposure and usually housed on rooftops, within equipment rooms, or within exterior enclosures.

Landscape maintenance equipment, such as leaf blowers and gasoline powered mowers, could result in intermittent noise levels that range from approximately 80 to 100 dBA at 3 feet, respectively. Based on an equipment noise level of 100 dBA, landscape maintenance equipment (assuming a noise attenuation rate of 6 dBA per doubling of distance from the source) may result in exterior noise levels of approximately 75 dBA at 50 feet.

MAXIMUM ALLOWABLE NOISE EXPOSURE FOR
NON-TRANSPORTATION NOISE SOURCES*

		Residential	Commercial	Industrial (L)	Industrial (H)	Agricultural
Residential	AM	50	60	55	60	60
	PM	45	55	50	55	55
Commercial	AM	60	60	60	65	60
	PM	55	55	55	60	55
Industrial (L)	AM	55	60	60	65	60
	PM	50	55	55	60	55
Industrial (H)	AM	60	65	65	70	65
	PM	55	60	60	65	60
Agricultural	AM	60	60	60	65	60
	PM	55	55	55	60	55

*As determined at the property line of the receiving land use. When determining the effectiveness of noise mitigation measures, the standards may be applied on the receptor side of noise barriers at the property line.

AM = 7:00 AM to 10:00 PM
PM = 10:00 PM to 7:00 AM
L = Light
H = Heavy

Note: Each of the noise levels specified above shall be lowered by 5 dB for pure tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises. These noise level standards do not apply to residential units established in conjunction with industrial or commercial uses (e.g. caretaker dwellings).

Sensitive Noise Receptors include residential areas, hospitals, schools, performance spaces, businesses, and religious congregations.

Vibrating objects in contact with the ground radiate energy through the ground. Vibrations from large and/or powerful objects are perceptible by humans and animals. Vibrations can be generated by construction equipment and activities. Vibrations attenuate depending on soil characteristics and distance. Vibration perception threshold: The minimum ground or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects. The perception threshold shall be presumed to be a motion velocity of one-tenth (0.1) inches per second over the range of one to one hundred Hz.

Reaction of People and Damage to Buildings from Continuous Vibration Levels		
Velocity Level, PPV (in/sec)	**Human Reaction**	**Effect on Buildings**
0.006 to 0.019	Threshold of perception; possibility of intrusion	Damage of any type unlikely
0.08	Vibration readily perceptible	Recommended upper level of vibration to which ruins and ancient monuments should be subjected

0.10	Continuous vibration begins to annoy people	Virtually no risk of architectural damage to normal buildings
0.20	Vibration annoying to people in buildings	Risk of architectural damage to normal dwellings such as plastered walls or ceilings
0.4 to 0.6	Vibration considered unpleasant by people subjected to continuous vibrations vibration	Architectural damage and possibly minor structural damage
Source: Whiffen and Leonard 1971		

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	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XIV. POPULATION AND HOUSING Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and business) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Responses:
(a - b) No Impact. No impacts identified as a result of this project.

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	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XV. PUBLIC SERVICES				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?	☐	☐	☒	☐
ii) Police protection?	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
iii) Schools?	☐	☐	☐	☒
iv) Parks?	☐	☐	☐	☒
v) Other public facilities?	☐	☐	☐	☒

Responses:
(a.i) Less Tan Significant Impact. While the area may be prone to wildfires, the project itself is not seen as an impact as a result of construction. If anything, it is anticipated to be an asset during emergencies for communications to local residents as well as emergency responders utilizing cell phone related communication devices.

There is a fire station in the City of Chowchilla that would be able to respond in time of need to this location. The closest stations are Madera County Fire Dept. Station #4 in Chowchilla and City of Chowchilla Station #1 are both the closest fire stations to the project site.

(a.ii) Less Than Significant Impact. The proposed project in and of itself would not result in any additional demands for police protection with the exception of ancillary need for potential events of vandalism and theft. Crime and emergency response is provided by the Madera County Sherriff's Department. There will be an incidental need for law enforcement in the events of theft and vandalism on the project site. The Madera County Sheriff had no concerns with the project.

A Federal Bureau of Investigations 2009 study suggests that there is on average of 2.7 law enforcement officials per 1,000 population for all reporting counties. The number for cities had an average of 1. 7 law enforcement officials per 1,000 population.

(a.iii) No Impact. No impacts are anticipated as a result of this project as it does not relate to any educational programs or increase the surrounding population.

Single Family Residences have the potential for adding to school populations. The average per Single Family Residence is:

Grade	Student Generation per Single Family Residence
K – 6	0.425
7 – 8	0.139
9 – 12	0.214

(a.iv) No Impact. No impacts are anticipated as a direct, indirect, short or long term impact as a result of this project.

The Madera County General Plan allocates three acres of park available land per 1,000 residents' population.

(a.v) No Impact. No impacts identified as a result of this project.

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XVI. RECREATION	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

Responses:

(a - b) No Impact. No impacts have been identified to recreational facilities as a result of this project.

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XVII. TRANSPORTATION Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☐	☒
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	☐	☒
c) Substantially increase hazards due to a geometric design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
d) Result in inadequate emergency access?	☐	☐	☐	☒

Responses:

(a – d) No Impact. In the area around the proposed project, opportunities for bicycles and pedestrians, especially as an alternative to the private automobile, are significantly limited by lack of developed shoulders, sidewalks or pavement width accommodating either mode. The condition is not uncommon in rural areas where distances between origins and destinations are long, and the terrain is either rolling or mountainous.

As with most rural areas, Madera County is served by limited alternative transportation modes. Currently, only limited public transportation facilities or routes exist within the area. Volunteer systems such as the driver escort service, as well as the senior bus system, operate for special purpose activities and are administered by the

Madera County Action Committee. The rural densities which are prevalent throughout the region have typically precluded successful public transit systems, which require more concentrated populations in order to gain sufficient ridership.

Local circulation is largely deficient with these same State Highways and County Roads composing the only existing network of through streets. Most local streets are dead-end drives, many not conforming to current County improvement standards. Existing traffic, particularly during peak hour and key intersections, already exhibits congestion.

During the period of any potential construction of the project, it is expected that there will be some construction related vehicles.

The project site is located off Avenue 24 in Chowchilla and would not result in impacts to emergency access.

Madera County currently uses Level Of Service "D" as the threshold of significance level for roadway and intersection operations. The following charts show the significance of those levels.

Level of Service	Description	Average Control Delay (sec./car)
A	Little or no delay	0 – 10
B	Short traffic delay	>10 – 15
C	Medium traffic delay	> 15 – 25
D	Long traffic delay	> 25 – 35
E	Very long traffic delay	> 35 – 50
F	Excessive traffic delay	> 50

Unsignalized intersections.

Level of Service	Description	Average Control Delay (sec./car)
A	Uncongested operations, all queues clear in single cycle	< 10
B	Very light congestion, an occasional phase is fully utilized	>10 – 20
C	Light congestion; occasional queues on approach	> 20 – 35
D	Significant congestion on critical approaches, but intersection is functional. Vehicles required to wait through more than one cycle during short peaks. No long-standing queues formed.	> 35 – 55
E	Severe congestion with some long-standing queues on critical approaches. Traffic queues may block nearby intersection(s) upstream of critical approach(es)	> 55-80
F	Total breakdown, significant queuing	> 80

Signalized intersections.

Level of service	Freeways	Two-lane rural highway	Multi-lane rural highway	Expressway	Arterial	Collector
A	700	120	470	720	450	300
B	1,100	240	945	840	525	350
C	1,550	395	1,285	960	600	400
D	1,850	675	1,585	1,080	675	450
E	2,000	1,145	1,800	1,200	750	500

Capacity per hour per lane for various highway facilities

Madera County is predicted to experience significant population growth in the coming years (62.27 percent between 2008 and 2030). Accommodating this amount of growth presents a challenge for attaining and maintain air quality standards and for reducing greenhouse gas emissions. The increase in population is expected to be accompanied by a similar increase in vehicle miles traveled (VMT) (61.36 percent between 2008 and 2030).

Horizon Year	Total Population (thousands)	Employment (thousands)	Average Weekday VMT (millions)	Total Lane Miles
2010	175	49	5.4	2,157
2011	180	53	5.5	NA
2017	210	63	6.7	NA
2020	225	68	7.3	2,264
2030	281	85	8.8	2,277

Source: MCTC 2007 RTP

The above table displays the predicted increase in population and travel. The increase in the lane miles of roads that will serve the increase in VMT is estimated at 120 miles or 0.94 percent by 2030. This indicates that roadways in Madera County can be expected to become much more crowded than is currently experienced.

Emissions of CO (Carbon Monoxide) are the primarily mobile-source criteria pollutant of local concern. Local mobile-source CO emissions near roadway intersections are a direct function of traffic volume, speed and delay. Carbon monoxide transport is extremely limited; it disperses rapidly with distance from the source under normal meteorological conditions. Under certain meteorological conditions, however, CO concentrations close to congested roadway or intersection may reach unhealthy levels, affecting local sensitive receptors (residents, school children, hospital patients, the elderly, etc.). As a result, the SJVAPCP recommends analysis of CO emissions of at a local rather than regional level. Local CO concentrations at intersections projected to operate at level of service (LOS) D or better do not typically exceed national or state ambient air quality standards. In addition, non-signalized intersections located within areas having relatively low background concentrations do not typically have sufficient traffic volumes to warrant analysis of local CO concentrations.

As with most rural areas, Madera County is served by limited alternative transportation modes. Currently, only limited public transportation facilities or routes exist within the area. Volunteer systems such as the driver escort service, as well as the senior bus system, operate for special purpose activities and are administered by the Madera County Action Committee. The rural densities which are prevalent throughout the region have typically precluded successful public transit systems, which require more concentrated populations in order to gain sufficient ridership.

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	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XVIII. TRIBAL CULTURAL RESOURCES				
Would the project:				
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or	☐	☐	☐	☒
ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☒	☐

Responses:

(a.i) No Impact. There are no sites listed on the historical registry on this parcel.

(a.ii) Less than Significant Impact. No known tribal cultural resources exist on the project site, however there is still the potential for uncovering previously unknown tribal cultural resources. Therefore, the project will cease all operations in the event that any human remains, cemeteries, archaeological, paleontological, or historic resource is uncovered during the construction or operational phase of the project, until the County can determine whether or not the project can continue. The local tribes were invited to comment on the project, no responses were received.

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	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XIX. UTILITIES AND SERVICE SYSTEMS				
Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment, or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☐	☒
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it had adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☐	☒
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	☒

Responses:
(a - e) No Impact. No impacts identified as a result of this project. No water will be utilized, and no wastewater generated as a result of this project as it is an unmanned cellular tower project.

General Discussion

Madera County has 34 County Service Areas and Maintenance Districts that together operate 30 small water systems and 16 sewer systems. Fourteen of these special districts are located in the Valley Floor, and the remaining 20 special districts are in the Foothills and Mountains. MD-1 Hidden Lakes, Bass Lake (SA-2B and SA-2C) and SA-16 Sumner Hill have surface water treatment plants, with the remaining special districts relying solely on groundwater.

The major wastewater treatment plants in the County are operated in the incorporated cities of Madera and Chowchilla and the community of Oakhurst. These wastewater systems have been recently or are planned to be upgraded, increasing opportunities for use of recycled water. The cities of Madera and Chowchilla have adopted or are in the process of developing Urban Water Management Plans. Most of the irrigation and water districts have individual groundwater management plans. All of these agencies engage in some form of groundwater recharge and management.

Groundwater provides almost the entire urban and rural water use and about 75 percent of the agricultural water use in the Valley Floor. The remaining water demand is met with surface water. Almost all of the water use in the Foothills and Mountains is from groundwater with only three small water treatment plants relying on surface water from the San Joaquin River and its tributaries.

In areas of higher precipitation (Oakhurst, North Fork, and the topographically higher part of the Coarsegold Area), groundwater recharge is adequate for existing uses. However, some problems have been encountered in parts of these areas due to well interference and groundwater quality issues. In areas of lower precipitation (Raymond-Hensley Lake and the lower part of the Coarsegold area), groundwater recharge is more limited, possibly requiring additional water supply from other sources to support future development.

Madera County is served by a solid waste facility (landfill) in Fairmead. There is a transfer station in North Fork. The Fairmead facility also provides for Household Hazardous Materials collections on Saturdays. The unincorporated portion of the County is served by Red Rock Environmental Group. Above the 1000-foot elevation, residents are served by EMADCO services for solid waste pick-up.

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XX. WILDFIRE If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☒	☐
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☒	☐
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☒	☐

Responses:

(a - d) Less than Significant Impact. The potential for the project to result in wildland fires is not anticipated to be significant. The project site is located on a site that has adequate access. The access road must comply with current driveway standards prior to issuance of the building permit for the project.

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XIX. MANDATORY FINDINGS OF SIGNIFICANCE	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☒	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
that the incremental effects of a project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)				
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

Responses:

CEQA defines three types of impacts or effects:

- Direct impacts are caused by a project and occur at the same time and place (CEQA §15358(a)(1).

- Indirect or secondary impacts are reasonably foreseeable and are caused by a project but occur at a different time or place. They may include growth inducing effects and other effects related to changes in the pattern of land use, population density or growth rate and related effects on air, water and other natural systems, including ecosystems (CEQA §15358(a)(2).

- Cumulative impacts refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts (CEQA §15355(b)). Impacts from individual projects may be considered minor, but considered retroactively with other projects over a period of time, those impacts could be significant, especially where listed or sensitive species are involved.

(a) Less than Significant Impact. While there are some species of note in the quadrangle, there is no direct evidence that these species are exactly on the footprint of where the monopole will be located.

(b - c) No Impact. While there have been some minimal impacts identified through this study, none are considered significant in and of themselves, and/or cumulative inducing enough to be considered significant. With appropriate mitigations, those impacts can be reduced to less than significant or not significant.

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Bibliography

Madera County General Plan

California Department of Finance

California Department of Transportation (CALTRANS)

California Integrated Waste Management Board

California Environmental Quality Act Guidelines

United States Environmental Protection Agency

Caltrans website http://www.dot.ca.gov/hq/LandArch/scenic_highways/index.htm

California Department of Fish and Game "California Natural Diversity Database" http://www.dfg.ca.gov/biogeodata/cnddb/

Madera County Airport Land Use Compatibility Plan

Madera County Air Quality Element of the General Plan (2010)

Madera County Integrated Regional Water Management Plan

Madera County Department of Environmental Health

Madera County Department of Public Works

Madera County Roads Department

Madera County Fire Marshall's Office

A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance. Federal Communications Commission. 2000

EXHIBIT M

NEGATIVE DECLARATION ND#2023-010

RE: CUP#2023-004– Assurance Development

LOCATION AND DESCRIPTION OF PROJECT:

The property is located on the north side of Avenue 24, approximately 1 mile east from the intersection with Road 20, (No Situs), Chowchilla

ENVIRONMENTAL IMPACT:

An Initial Study has been conducted and findings have been made that the proposed project will have no significant effect on the environment.

BASIS FOR NEGATIVE DECLARATION:

1. Initial Study.

Jacob Aragon
Madera County Environmental Committee

A copy of the negative declaration and all supporting documentation is available for review at the Madera County Planning Department, 200 West Fourth Street, Ste. #3100, Madera, California.

DATED: June 13, 2023

FILED:

PROJECT APPROVED:

EXHIBIT N

BEFORE
THE PLANNING COMMISSION
OF THE COUNTY OF MADERA
STATE OF CALIFORNIA

In the Matter of	)	Resolution No.: PCR 2023-_____
	)	
ASSURANCE DEVELOPMENT	)	RESOLUTION APPROVING THE
CONDITIONAL USE PERMIT	)	APPLICATION OF ASSURANCE
#2023-004	)	DEVELOPMENT FOR A CONDITIONAL
	)	USE PERMIT AND A RELATED
	)	NEGATIVE DECLARATION UNDER
	)	THE CALIFORNIA ENVIRONMENTAL
	)	QUALITY ACT
_____	)	

WHEREAS, the Planning Commission at a regular meeting in the Madera County Government Center, 200 West Fourth Street, Madera, California on Tuesday, _____, 2023 held a duly noticed public hearing to consider the application of Assurance Development for a Conditional Use Permit; and

WHEREAS, County staff has presented substantial factual information regarding the Conditional Use Permit; and

WHEREAS, the hearing was to consider the application of Assurance Development for a Conditional Use Permit (CUP #2023-004) to allow an unmanned wireless facility consisting of a 110' monopole and a 40' x 40' fenced in lease area for ground equipment; and

WHEREAS, the property 030-211-004-000 (3.46 acres) is located on the north side of Avenue 24, approximately 1 mile east from the intersection with Road 20, (No Situs), Chowchilla; and

WHEREAS, the property is zoned ARE-40 (Agricultural, Rural, Exclusive, 40 Acre) District; and

WHEREAS, a draft Negative Declaration (ND #2023-010) was also considered; and

WHEREAS, the Planning Commission has considered all public testimony and information presented during the public hearing regarding this item.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission finds that:

1. The proposed use is consistent with the General Plan and Zoning Ordinance. The General Plan designation for the property is PI (Public Institution) which allows for public and quasi-public uses, which a cell tower would fall under. The property

is zoned ARE-40 (Agricultural, Rural Exlclusive-40 Acre) District which allows for a communication tower/wireless communications facility, with an approved conditional use permit. The Zoning and General Plan designations are consistent with the proposed use.

2. Any potentially significant negative impacts to environmental quality and natural resources have been properly evaluated. Under the provisions of the California Environmental Quality Act (CEQA), Section 15074 and the Madera County Environmental Guidelines, the County has determined that this project will not have a significant effect on the environment. The Planning Commission therefore approves Negative Declaration (ND 2023-010). The foregoing reflects the independent judgment and determination of the Planning Commission.

3. The proposed project does not violate the spirit or intent of the zoning ordinance. The parcel is zoned ARE-40 (Agricultural, Rural, Exclusive –40 Acre) District. The zoning designation allows for cellular towers with an approved conditional use permit. The conditional use permit process requires submittal of supporting documentation that allows the jurisdiction to analyze the project for health, safety, and welfare issues to make a recommendation. The approved conditional use permit provides the local jurisdiction the authority to ensure that the proposed project is maintained in a safe manner in accordance with the conditions included in the approval.

4. The request will not be contrary to the public health, safety, or general welfare of the citizens of Madera County. With the wider use of cell phones, and the decreasing use of land-line phones, the proposed use is intended to increase cell phone and wireless internet coverage in remote areas. This increase is beneficial to residents, visitors and emergency responders in that cell phone and wireless internet coverage is increased and will provide for quicker response times in the event of emergencies. This is beneficial to the health, safety, and welfare of all involved.

5. The proposed project will not be hazardous, harmful, noxious, offensive, or a nuisance because of noise, dust, smoke, odor, glare, or similar factors. The project must adhere to the conditions of approval as well as mitigation measures. By its' nature, the project will not generate hazardous, harmful, noxious, or offensive odors. While electromagnetic radio frequencies have been a concern of the public, due to the height of the antennas, and the power output of antennas, the health risk is minimal. The 1996 Federal Communications Commission guidelines recommend a maximum permissible exposure level to the public of approximately 580 microwatts per square centimeter. This limit is many times greater than RF levels typically found near the base of cellular towers or in the vicinity of other, lower-powered cell site transmitters. The possibility that a member of the public could be exposed to RF levels in excess of the FCC guidelines is extremely remote.

6. The proposed project will not, for any reason, cause a substantial, adverse effect upon the property values and general desirability of the neighborhood. The project as designed will not have an adverse effect upon the property values and general desirability of the surrounding properties. Aesthetically, the cell tower is barely noticeable unless immediately adjacent to it, and there are power and telephone poles in the region already, so the proposed project will not be creating any new impacts.

7. As a result of Findings 1 – 6, the Conditional Use Permit is approved, subject to the applicable conditions.

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The foregoing Resolution was adopted on a motion by Commissioner _____ and seconded by Commissioner _____, at a regular meeting held before the Madera County Planning Commission on this _____ day of _____ 2023 by the following vote:

COMMISSIONER MILES-MATTINGLY VOTED: _____

COMMISSIONER DAL CERRO VOTED: _____

COMMISSIONER BURDETTE VOTED: _____

(VACANT) _____

COMMISSIONER ESTRADA VOTED: _____

_____
Chairperson

ATTEST:

_____
Secretary of the Planning Commission

Approved as to Legal Form:
COUNTY COUNSEL

By: Dale E. Bacigalupi

Digitally signed by: Dale E. Bacigalupi
DN: CN = Dale E. Bacigalupi email = dbacigalupi@lozanosmith.com C = US O = Lozano Smith
Date: 2023.05.25 16:12:25 -07'00'

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