



Community and Economic Development Planning Division

Jamie Bax
Director

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

PLANNING COMMISSION DATE: March 12, 2024

AGENDA ITEM: #3

CUP	#2024-002	Conditional Use Permit for Cell Tower
APN	#027-172-021	Applicant: Streamline Engineering & Design Inc
CEQA	Exempt	Owner: Chaidez Ana Maria & Avitia Indolfo Vizcarra
		Notice of Exemption 15303 Construction or Conversion of small new structures

REQUEST:

The applicant is requesting a Conditional Use Permit #2024-002 to allow installation of an unmanned wireless facility consisting of a 120' monopole and a 25' x 25' fenced in lease area.

LOCATION:

Located on the northwest corner of Avenue 22 1/2 and Road 20 1/2, (22680 Road 20 1/2), Chowchilla.

ENVIRONMENTAL ASSESSMENT:

This project is exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15303. Class 3 Categorical Exemptions.



RECOMMENDATION: Adoption of a resolution approving Conditional Use Permit #2024-002 subject to conditions, Findings of Fact and a CEQA Exemption.

GENERAL PLAN DESIGNATION (Exhibit A):

SITE: AR (Agricultural Residential) Designation

SURROUNDING: AE (Agricultural Exclusive) Designation; AR (Agricultural Residential) Designation

ZONING (Exhibit B):

SITE: AR-5 (Agriculture, Rural 5 Acre) District

SURROUNDING: ARE-40 (Agriculture, Rural, Exclusive 40 Acre) District; AR-5 (Agriculture, Rural 5 Acre) District

LAND USE:

SITE: Agriculture

SURROUNDING: Agriculture; Residential

SIZE OF PROPERTY: 19.92 Acres

ACCESS (Exhibit D): The property is accessed by Road 20 1/2.

BACKGROUND AND PRIOR ACTIONS:

61-10: Relocate single family dwelling; 58-122b: Relocate single family dwelling; 69-25: Manufactured housing (void); 80-337: Manufactured housing;

June 1, 2021: The Board of Supervisors adopted the allocation of the American Rescue Plan Act (ARPA) funding which included funds to support the economic stabilization of low-income households and businesses in the unincorporated areas.

January 25, 2022: The Board of Supervisors provided direction for staff to seek community input for the use of funds allocated for Project 20-009 (State and Local Fiscal Recovery Funds Project Inventory Report - Investment in Disadvantaged Communities) to determine the most critical infrastructure needs for those communities.

May-July 2022: Staff conducted community meetings for input on priority projects in the communities of LaVina, Fairmead, Chuk Chanse, Eastin Arcola, & Ripperdan. Broadband access was identified as a priority in those areas.

August 2022: Staff began discussions with Cal.Net to leverage County ARPA funds with Connect America Fund Phase II (CAF II) funds awarded to Cal.Net to effectuate the deployment of broadband internet services to the five unserved communities in the western portion of the county: LaVina, Fairmead, Chuk Chanse, Eastin-Arcola, & Ripperdan.

PROJECT DESCRIPTION:

This is a request for a Conditional Use Permit to allow an unmanned wireless facility consisting of a 120' monopole and a 25' x 25' fenced in lease area. The project site will be accessed by Road 20 1/2.

The parcel is currently developed with an existing single-family residence and accessory structures. The 25' x 25' lease area where the project will be constructed is located on the northeast end of the parcel. The project site is surrounded by agricultural practices and a single-family residence.

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 AR-5 (Agricultural, Rural 5 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 AR (Agricultural Residential) designation.

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

ANALYSIS:

The Connect America Fund (CAF II) is a program under the Universal Service High-Cost program. Its main objective is to expand access to voice and

broadband services in areas where they are not available. CAF Phase II provides funding to service providers to subsidize the cost of building new network infrastructure or performing upgrades. This program is intended to provide voice and broadband service in areas where it is lacking. Cal.Net is one of the recipients of the award for Madera County.

On March 11, 2021, the American Rescue Plan Act (ARPA) of 2021 was signed into law. The ARPA created the State and Local Fiscal Recovery Funds (SLFRF), which provided emergency funding to eligible state, local, territorial, and Tribal governments to respond to the pandemic and mitigate or prevent job losses of critical essential services. Madera County received a direct federal allocation of \$30,558,925.

On January 25, 2022, the Board of Supervisors directed staff to allocate \$5 Million of the county's ARPA allocation for projects in the most severely disadvantaged communities. The staff were also directed to conduct community outreach activities in these communities to identify community priorities. This input was then used to create actionable and feasible projects for the Board's consideration. The five communities that meet the severely disadvantaged designation are La Vina, Chuk Chanse, Fairmead, Eastin-Arcola, and Ripperdan. Community meetings were held at different locations and dates for each community. Broadband access was identified as a priority in these areas.

This request is for the construction of an unmanned telecommunications facility. The facility will include a 120-foot monopole, ground equipment, and a 6-foot chain-link fence that will be enclosed within a 25-foot by 25-foot lease area. The tower's design will blend well into the surrounding area. The access to the project will be from Road 20 1/2. The project site is currently being used for residential and agricultural purposes. The neighboring parcels are being used for agricultural purposes as well.

The design of the telecommunication tower adheres to the specifications outlined in the previously agreed contract between the County and Cal.Net. As per the terms of the contract, the tower is to be constructed as a monopole structure. This design choice aligned with the agreed-upon requirements and considerations, ensuring optimal functionality and compliance with regulatory standards. Due to the limited availability of ARPA funds, a stealth tower was not considered for the project. However, it is expected that the monopole tower located in the rural area of the project site will not have any negative visual impact.

The location of cell towers depends on several factors such as terrain, signal strength, population, number of calls and data usage, and obstructions such as buildings and mountains. The quality of cell phone connectivity depends on the

terrain, transmitter power, network size, and the design capacity of the network. 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 considered, specifically areas where there is limited or no coverage available.

Access to the site will be via Road 20 1/2, approximately 0.4 mile north of its intersection with Avenue 22 1/2, via an existing dirt driveway on the parcel. The project operations will not require the use of water, and no trash, water or wastewater will be generated. However, there will be a slight increase in traffic during the construction of the site. The cell tower facility will be unmanned, except for the occasional maintenance technician visit, which will happen once or twice a year.

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 120' (one hundred twenty 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 AR (Agricultural Residential) allows for public and quasi-public uses as a compatible use. 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 AR-5 (Agriculture, Rural 5 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 operate within the frequency range of 800 to 1,210 megahertz. To transmit these signals, antennas are used which are usually located on elevated structures such as towers or water tanks. The combination of these antennas and the associated electronic equipment is called a "base station." Free standing base station towers typically range in height from 50 to 200 feet. A cellular base station may use either "omni-directional" antennas, which are less common, or "sector" antennas. Sector antennas are rectangular panels arranged in three groups of three each. Each group contains one antenna used for transmitting signals to mobile units (cell phones) and two antennas used for receiving signals from mobile units.

Wireless services rely on radio waves, which are a type of radiofrequency (RF) energy, which in turn, is a type of electromagnetic energy. Electromagnetic radiation is best described as waves of electric and magnetic energy that move through space. These waves are produced by the movement of electrical charges, such as in a conductive metal or antenna. Studies have concluded that the levels of RF energy encountered by the general public are typically below the levels that can produce significant effects. Several studies have also been conducted to investigate the effects of low-level RF radiation exposure. A report by the FCC (Federal Communication Commission) has stated that any evidence of harmful effects caused by such low-level exposure 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 than 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 an 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.

This project is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15303, which includes a list of project categories that have been deemed not to have a significant impact on the environment and are therefore not subject to CEQA provisions. Section 15303 lists Class 3 projects, such as the construction and location of limited numbers of new, small facilities or structures, and installation of small new equipment and facilities in small structures. A small structure is defined as a structure that does not use significant amounts of hazardous substances and does not exceed 2500 square feet in floor area. The project proposed here involves constructing a monopole communication tower with ground equipment and does not necessitate the removal of any structures, vegetation, or trees. Moreover, the project would not impact any known or unknown historical resources. The project site is not listed under Section 65962.5 of the Government Code, nor is it within the viewshed of a scenic highway. The proposed communication tower is a small structure that will not have a significant impact on the environment. Therefore, the project is not subject to CEQA.

The project was circulated to the County Departments for comments and conditions. Comments were received from the Environmental Health Division and Public Works. The comments have been added as conditions of approval for the 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 \$50.00 to cover the Notice of Exemption (CEQA) filing at the Madera County Clerks' office.

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 AR-5 (Agricultural, Rural, 5 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 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.
3. 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. 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, 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. 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 AR (Agricultural Residential) Designation which allows for agricultural uses, limited agricultural support service uses (e.g., barns, animal feed facilities, silos, stables, fruit stands, and feed stores), agriculturally oriented services (e.g., wineries, cotton gins), timber production, mineral extraction, airstrips, and public and quasi-public uses. A cell tower falls under a quasi-public use, which is a compatible use under general plan designation AE. The property is zoned AR-5 (Agriculture, Rural 5 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 #2024-002) and a CEQA Exemption.

CONDITIONS

See attached.

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, Equipment Plan
7. Exhibit D-4, Antenna Plan
8. Exhibit D-5, Elevation Plan
9. Exhibit E, Aerial Map
10. Exhibit F, Topographical Map
11. Exhibit G, Existing Towers Map
12. Exhibit H, Operational Statement
13. Exhibit I, Public Works Comments
14. Exhibit J, Environmental Health Comments
15. Exhibit K, Notice of Exemption
16. Exhibit L, Resolution

CONDITIONS OF APPROVAL

PROJECT NAME:	CUP #2024-002, Streamline Engineering & Design Inc		
PROJECT LOCATION:	Located on the northwest corner of Avenue 22 1/2 and Road 20 1/2, (22680 Road 20 1/2), Chowchilla.		
PROJECT DESCRIPTION:	Conditional Use Permit to allow an unmanned wireless facility consisting of a 120' monopole and a 25' x 25' fenced in lease area. The project site will be accessed by Road 20 1/2.		
APPLICANT:	Streamline Engineering & Design Inc		
CONTACT PERSON/TELEPHONE NUMBER:	(916) 660-1930		

No.	Condition	Department/Agency	Verification of Compliance	
			Initials	Date
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		
5	All parcels shall comply with Madera County Code Title 13 as it relates to water and sewage disposal.	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.	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					

No.	Condition	Department/Agency	Verification of Compliance		
			Initials	Date	Remarks
1	At the time of applying for the building permits, if any grading is to occur, the applicant is required to submit a grading, drainage, and erosion control plans to the Public Works Department for review. Such improvement plans shall be prepared by a licensed professional.	PW			
2	Drainage easements must be shown on plans if deemed necessary. All National Pollution Discharge Elimination System (NPDES) storm water regulations and standards shall be met. It is possible that the quality of storm water may be affected by pollutants. The applicant shall mitigate any impacts associated with storm water contamination caused by this project. A Storm Water Pollution Prevention Plan (SWPPP) is required for all projects 1-acre or more of site disturbance. All stabilized construction on and off site access locations shall be constructed per the latest edition of the California Stormwater Quality Association (CASQA) details to effectively prevent tracking of sediment onto paved areas. If applicable, all BMPs to be inspected weekly and before and after each rain event. Repair or replace as necessary. The contractor shall abide all of the laws, ordinances, and regulations associated with the NPDES and the Clean Water Act.	PW			
3	Contractor shall be responsible for locating all underground utilities prior to the start of any work by contacting Underground Service Alert (USA) 48 hours prior to any excavation at 1-800-227-2600 Contractor shall be responsible for contacting the appropriate party in advance of any work for necessary inspections in compliance to these plans, standard plans and standard specifications.	PW			



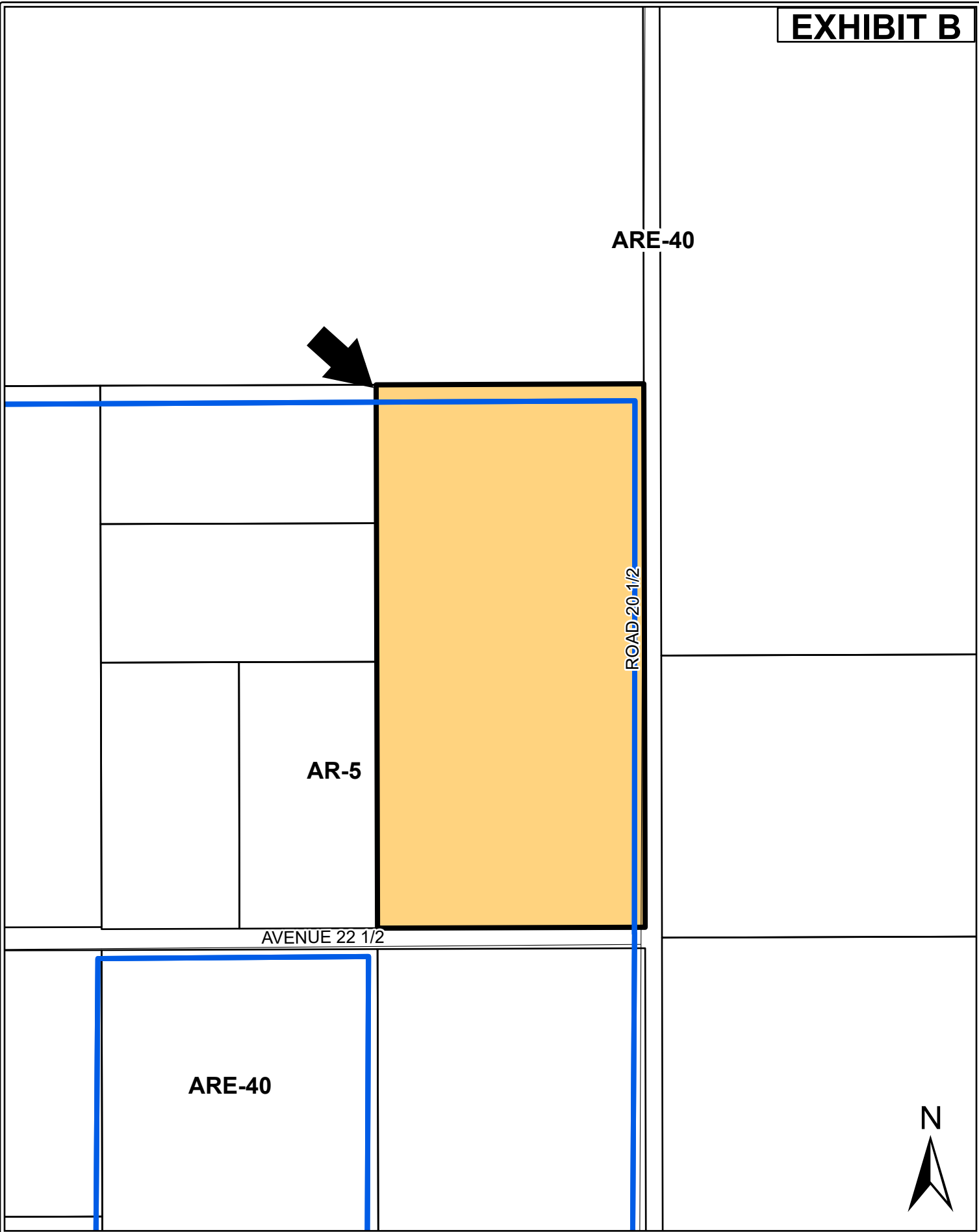
AR

ROAD-20 1/2

AE

AVENUE 22 1/2





ARE-40

AR-5

AVENUE 22 1/2

ROAD-20-1/2

ARE-40



Sections 11 & 12, Township 10 South, Range 16 East, M.D.B.&M.

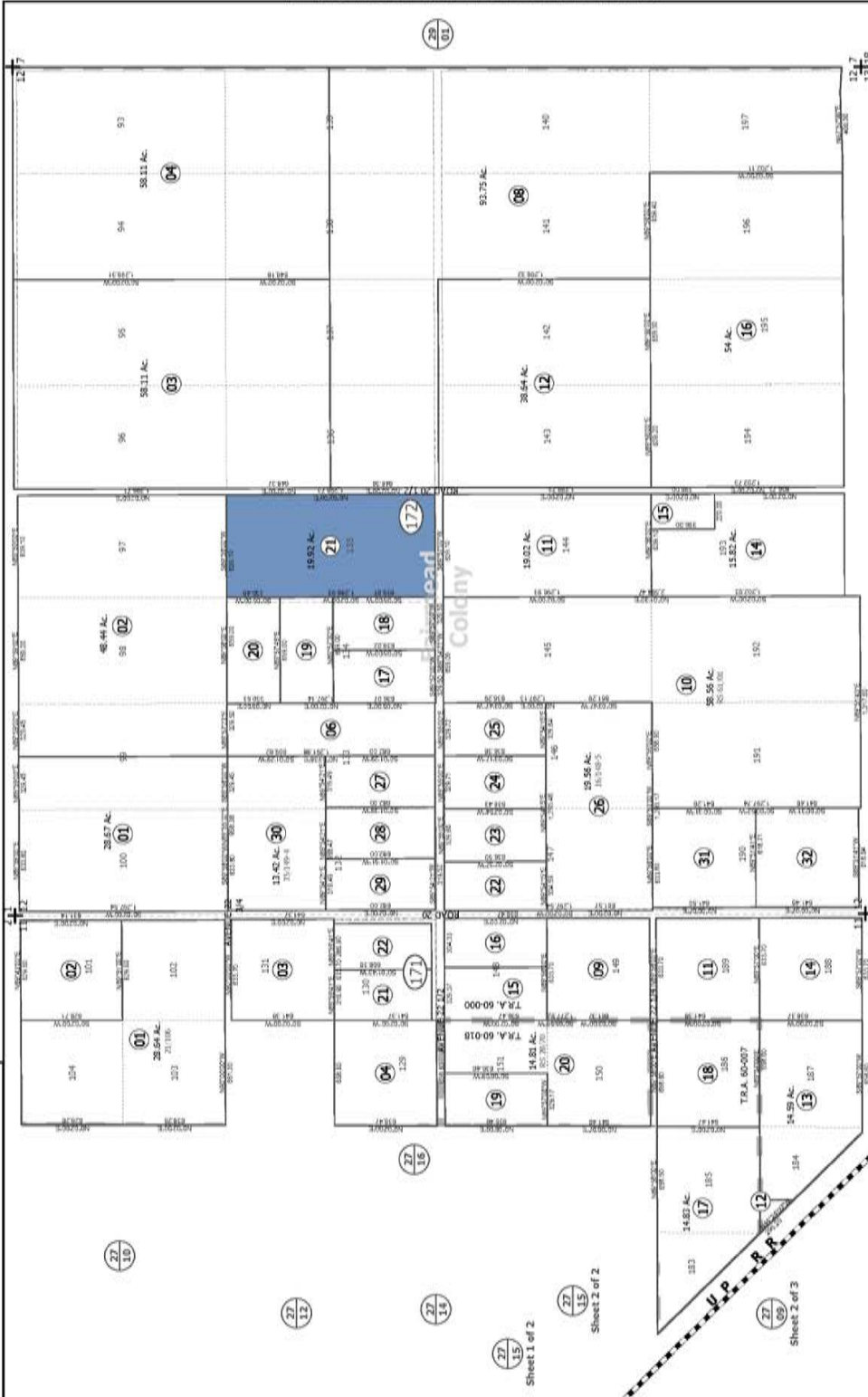
27/17
Sheet 1 of 1



1" = 600'

Tax Area Code
60-000
60-007
60-018

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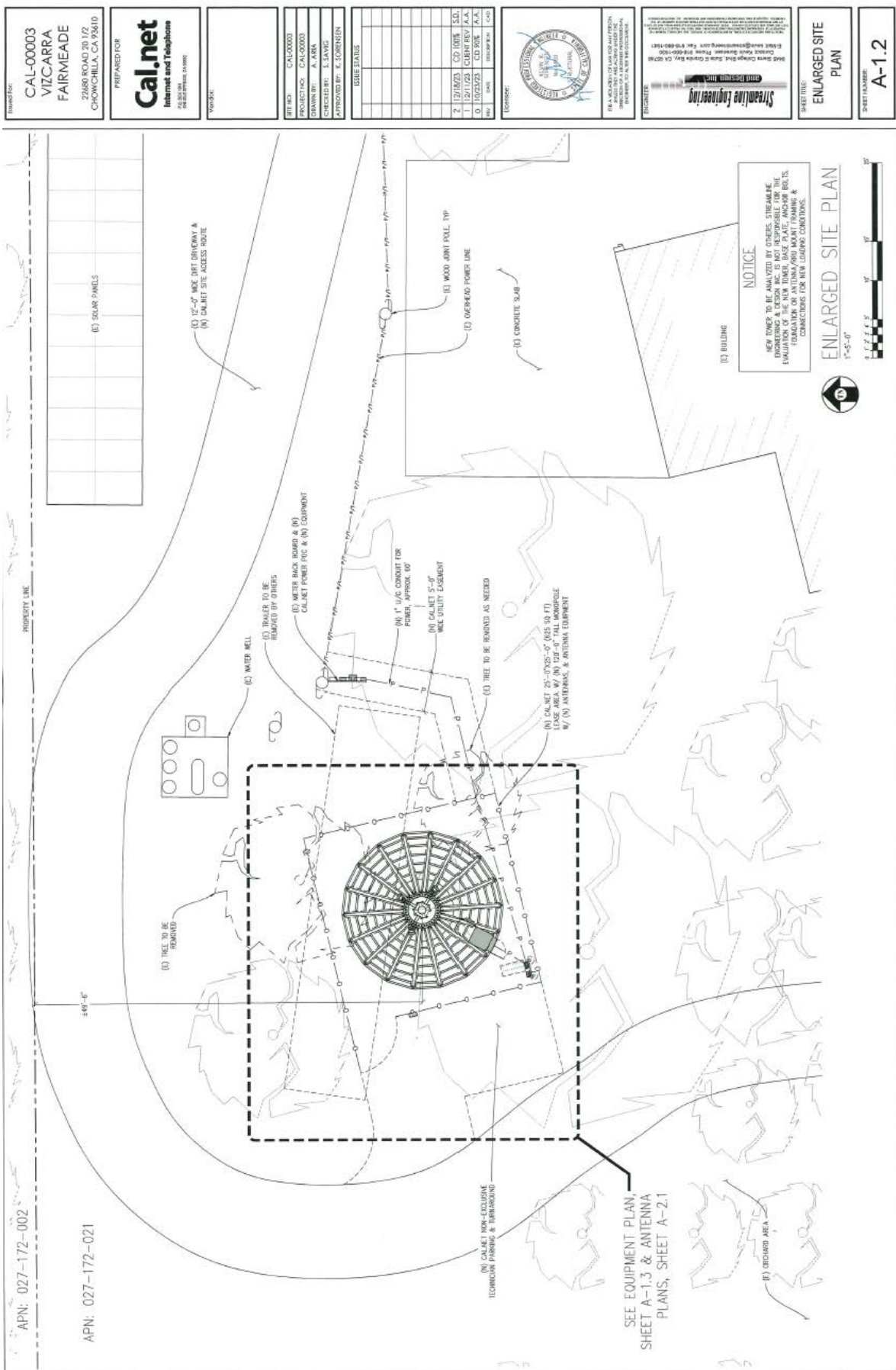
Note: This map is for assessment purposes only and is not for the intent of interpreting legal boundary rights, zoning regulations and/or legality of land division laws.

Assessor's Map of Blk. 27, Pg. 17
Madera Unified School District
Fairmead
County of Madera, California
Sheet 1 of 2

Note: Assessor's Block Shown in Ellipses
Assessor's Parcel Number Shown in Circles
Subdivision Blocks Labeled BLK #

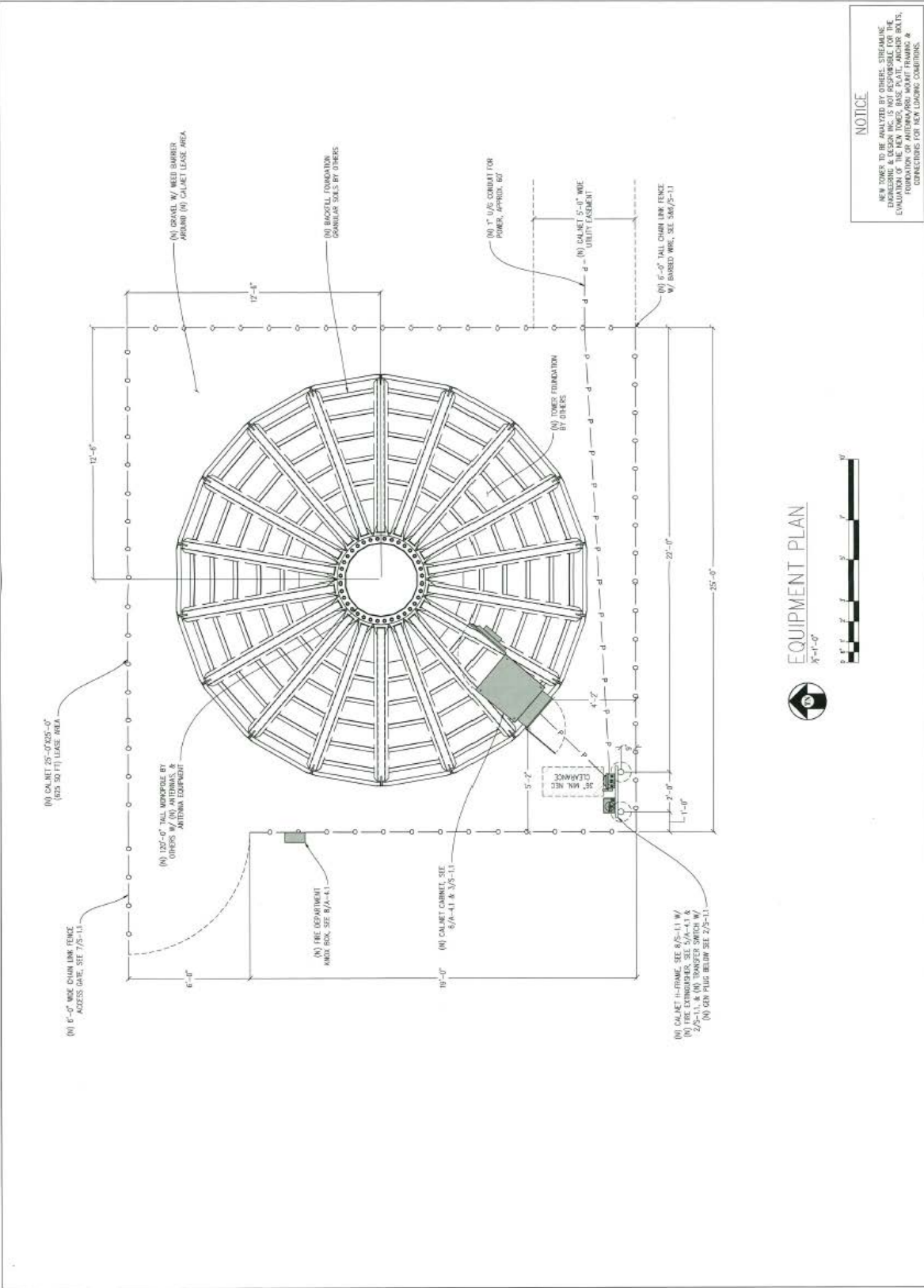
Volume 2 Page(s) 53

Assessor's Cadastral Map	Subdivision(s)
Revised Date	Fairmead Colony
09/10/2003	
Revised By:	
Pro-West	



ENLARGED SITE PLAN MAP

Prepared For: CAL-00003 VIZCARRA FAIRMADE 22680 ROAD 20 1/2 CHOWCHILLA, CA 93610	PREPARED FOR: Cal.net Internet and Telephone 2025 1st Ave. CA 95021	SHEET NO.: CA-00003 PROJECT NO.: CAL-00003 DRAWN BY: A. MIRA CHECKED BY: S. SAHIG APPROVED BY: C. CORRESEN	SHEET TITLE: EQUIPMENT PLAN SHEET NUMBER: A-1.3
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NOTICE:
 NEW TOWER TO BE ANALYZED BY OTHERS. STREAMLINE ENGINEERING HAS CONDUCTED VISUAL EVALUATION OF THE NEW TOWER, BASE PLATE, ANCHOR BOLTS, FOUNDATION OF ANTENNA/MOUNT BRACING & CONNECTIONS FOR NEW LOADING CONDITIONS.

EQUIPMENT PLAN

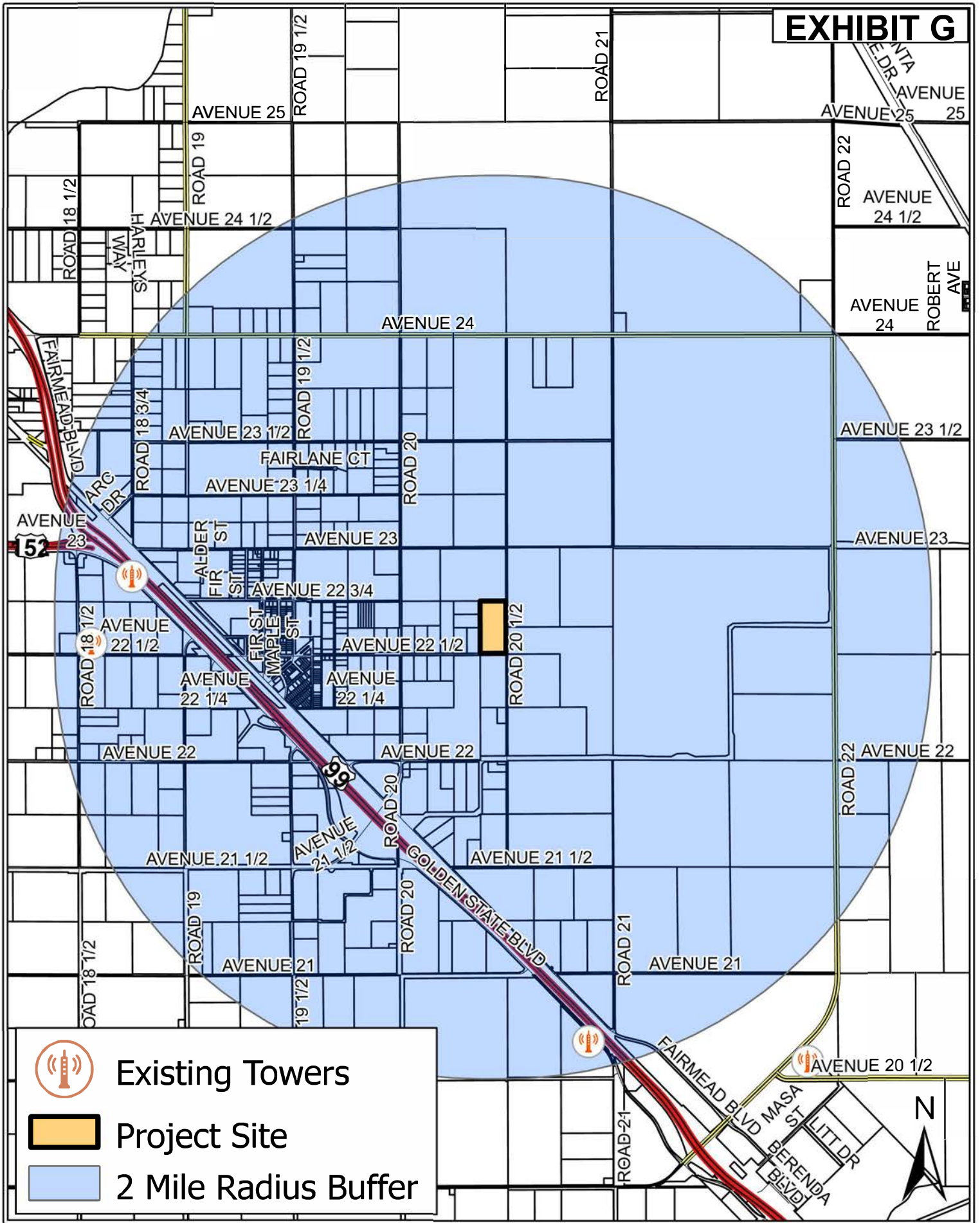




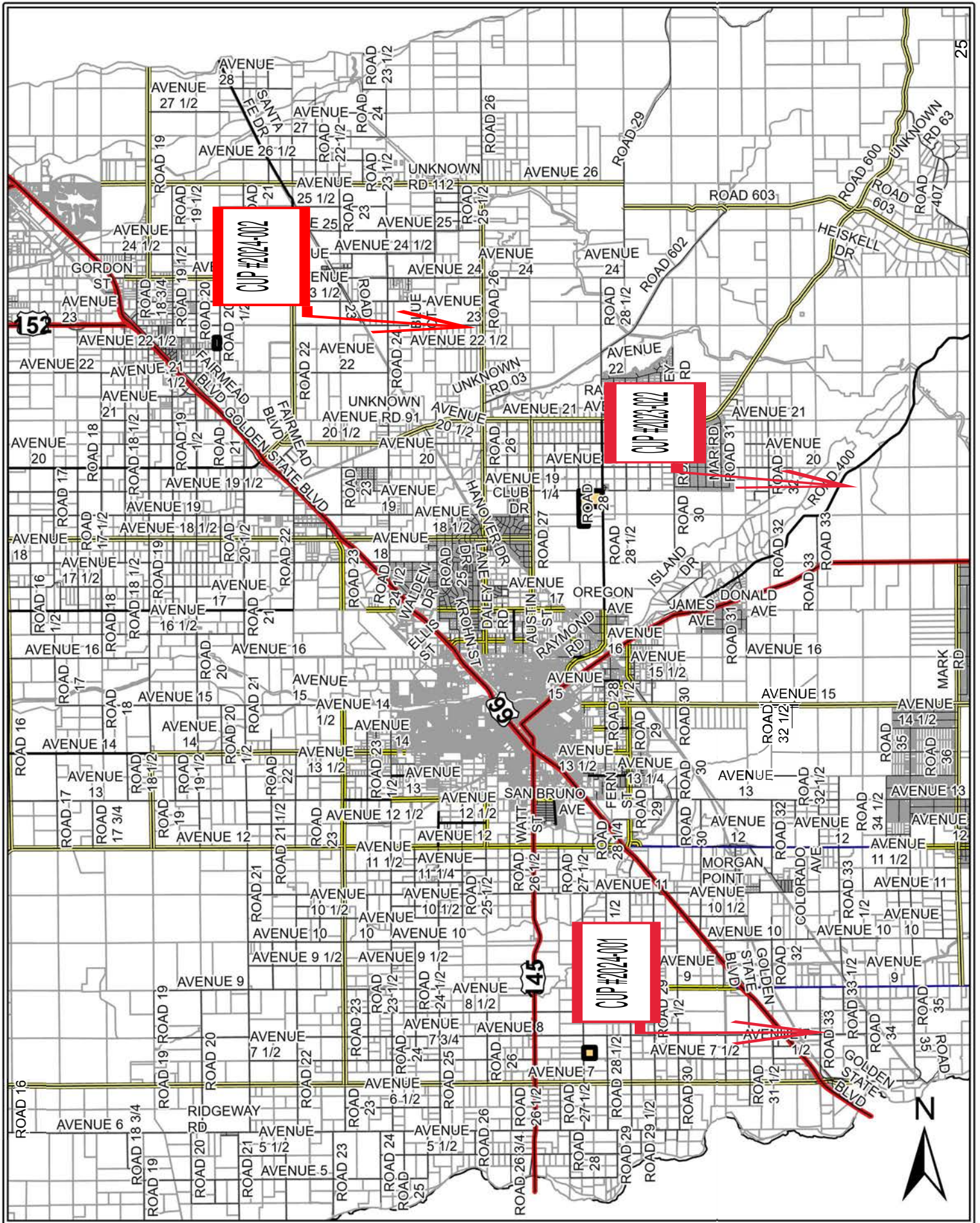
AERIAL MAP



Esri Community Maps Contributors, Fresno County Dept. PWP, Merced County Association of Gov, California State Parks, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, MIT, NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA, USFWS, Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, US NMA, Geodatastyrelsen, Rijkswaterstaat, CSA, Geo and, FEMA, Intermap and the GIS user community



EXISTING CELL TOWERS MAP



CELL TOWER PROJECT LOCATIONS



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@maderacounty.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.

- Please provide the following information:

Assessor's Parcel Number: 027-172-021

Applicant's Name: Alyse Mathis, Streamline Engineering & Design on Behalf of CalNet

Address: 8445 Sierra College Blvd. Ste. E Granite Bay, CA 95746

Phone Number: 916.996.4327
- Describe the nature of your proposal/operation.

Installation of a (N) unmanned Calnet Telecommunication Facility.
- What is the existing use of the property?

Agricultural
- 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?

None.
- What are the proposed operational time limits?

Months (if seasonal): year around

Days per week: 7 days

Hours (from ___ to ___): Total Hours per day: 24 hours a day.
- How many customers or visitors are expected?

Average number per day: N/A

Maximum number per day: N/A

What hours will customers/visitors be there? N/A
- How many employees will there be?

Current: N/A

Future: N/A

Hours they work: N/A

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.

9. Will there be any service and delivery vehicles? N/A

Number: N/A

Type: N/A

Frequency: N/A

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

N/A

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

Road 20 1/2

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

After construction is completed a site tech would visit the site 1-2 times per year for approximately 1 hour at a time.

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

N/A

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.

N/A

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

(N) Chain Link Fence with Barbed Wire.

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

Agricultural

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

No.

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.)
 N/A
-
22. Are there any archeological or historically significant sites located on this property? If so, describe and show location on site plan.
 N/A
-
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?)
 N/A
-
27. How do you see this development impacting the surrounding area?
 N/A
-
28. How do you see this development impacting schools, parks, fire and police protection or special districts?
 N/A
-
29. If your proposal is for commercial or industrial development, please complete the following; Proposed Use(s): Telecommunication Facility
 Square feet of building area(s): 625 Lease area
 Total number of employees: N/A
 Building Heights: Tower height is 120'

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

**COUNTY OF MADERA
DEPARTMENT OF PUBLIC WORKS**

200 West 4th Street
Madera, CA 93637-8720
Main Line - (559) 675-7811
Special districts - (559) 675-7820
Fairmead Landfill - (559) 665-1310

MEMORANDUM

DATE: February 28, 2024
TO: Jacob Aragon
FROM: Madera County Public Works
SUBJECT: Streamline Engineering & Design Inc - Conditional Use Permit - Chowchilla (027-172-

Comments

At the time of applying for the building permits, if any grading is to occur, the applicant is required to submit a grading, drainage, and erosion control plans to the Public Works Department for review. Such improvement plans shall be prepared by a licensed professional.

Drainage easements must be shown on plans if deemed necessary.

All National Pollution Discharge Elimination System (NPDES) storm water regulations and standards shall be met. It is possible that the quality of storm water may be affected by pollutants. The applicant shall mitigate any impacts associated with storm water contamination caused by this project. A Storm Water Pollution Prevention Plan (SWPPP) is required for all projects 1-acre or more of site disturbance.

All stabilized construction on and off site access locations shall be constructed per the latest edition of the California Stormwater Quality Association (CASQA) details to effectively prevent tracking of sediment onto paved areas. If applicable, all BMPS to be inspected weekly and before and after each rain event. Repair or replace as necessary. The contractor shall abide all of the laws, ordinances, and regulations associated with the NPDES and the Clean Water Act.

Contractor shall be responsible for locating all underground utilities prior to the start of any work by contacting Underground Service Alert (USA) 48 hours prior to any excavation at 1-800-227-2600
Contractor shall be responsible for contacting the appropriate party in advance of any work for necessary inspections in compliance to these plans, standard plans and standard specifications.



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: February 28, 2024
RE: Streamline Engineering & Design Inc - Conditional Use Permit - Chowchilla (027-172-0

Comments

TO: Planning Division
FROM: Environmental Health Division
DATE: January 19, 2024
RE: Conditional Use Permit (CUP) #2024-02, Streamline Engineering, Madera APN 027-172-021

The Environmental Health Division Comments:

All parcels shall comply with Madera County Code Title 13 as it relates to water and onsite wastewater treatment systems setback requirements.

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

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.

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.

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

EXHIBIT K

Appendix E

Notice of Exemption

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk
County of: _____

From: (Public Agency): _____

(Address)

Project Title: _____

Project Applicant: _____

Project Location - Specific:

Project Location - City: _____ Project Location - County: _____

Description of Nature, Purpose and Beneficiaries of Project:

Name of Public Agency Approving Project: _____

Name of Person or Agency Carrying Out Project: _____

Exempt Status: (check one):

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: _____
- Statutory Exemptions. State code number: _____

Reasons why project is exempt:

Lead Agency
Contact Person: _____ Area Code/Telephone/Extension: _____

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: _____ Date: _____ Title: _____

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

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

In the Matter of)	Resolution No.: <u>PCR 2024-</u>
)	
STREAMLINE ENGINEERING & DESIGN)	RESOLUTION APPROVING THE
INC)	APPLICATION OF STREAMLINE
CONDITIONAL USE PERMIT #2024-002)	ENGINEERING & DESIGN INC FOR A
)	CONDITIONAL USE PERMIT AND
_____)	APPROVING A RELATED NOTICE OF
)	EXEMPTION

WHEREAS, the Planning Commission at a regular meeting in the Madera County Government Center, 200 West Fourth Street, Madera, California on Tuesday, March 12, 2024, held a duly noticed public hearing to consider the application of Streamline Engineering & Design Inc 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 Streamline Engineering & Design Inc for a Conditional Use Permit (CUP #2024-002) to allow an unmanned wireless facility consisting of a 120 foot monopole and a 25' x 25' fenced in lease area; and

WHEREAS, the property 027-172-021-000 (19.92 acres) is located on the northwest corner of Avenue 22 1/2 and Road 20 1/2, (22680 Road 20 1/2), Chowchilla; and

WHEREAS, the property is zoned AR-5 (Agricultural, Rural, 5 Acre) District; and

WHEREAS, the project was categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3), Article 19 Section 15303, the proposed project is covered by the categorical exemption for new construction of small structures; 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. A Notice of Exemption is approved.
2. The proposed use is consistent with the General Plan and Zoning Ordinance. The General Plan designation for the property is AR (Agriculture Residential) that allows for public and quasi-public uses, which a cell tower would fall under. The property is zoned AR-5 (Agricultural, Rural, 5 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.
3. The Commission found that 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) Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3), Article 19 Section 15303, the proposed project is exempt from CEQA by the categorical exemption for new construction of small structures.

4. The proposed project does not violate the spirit or intent of the zoning ordinance. The parcel is zoned AR-5 (Agricultural, Rural, 5 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.

5. 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.

6. 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. 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.

7. 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. There are power and telephone poles in the region already, so the proposed project will not be creating any new impacts.

8. As a result of Findings 1 – 7, the Conditional Use Permit is approved, subject to the attached 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 _____ 2024 by the following vote:

COMMISSIONER MILES-MATTINGLY VOTED: _____

COMMISSIONER DAL CERRO VOTED: _____

COMMISSIONER BURDETTE VOTED: _____

COMMISSIONER PALMER VOTED: _____

COMMISSIONER ESTRADA VOTED: _____

Chairperson

ATTEST:

Secretary of the Planning Commission

Approved as to Legal Form:
COUNTY COUNSEL

By: _____