

BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF FRESNO  
STATE OF CALIFORNIA

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IN THE MATTER OF FRESNO )	RESOLUTION SETTING ASIDE )
COUNTY INITIAL STUDY NO. 7104 )	APPROVAL OF UNCLASSIFIED )
AND UNCLASSIFIED CONDITIONAL )	CONDITIONAL USE PERMIT NO. 3528 AND )
USE PERMIT NO. 3528 )	ADOPTION OF THE MITIGATED )
)	DECLARATION PREPARED FOR INITIAL )
)	STUDY NO. 7104 )

WHEREAS, at its October 17, 2017, hearing the Fresno County Board of Supervisors considered the Agenda Item with attachments including the Planning Commission Staff Report, the proposed land use applications, the Planning Commission’s resolution, verbal and/or written public testimony on the proposed amendment; and

WHEREAS, Initial Study No. 7104 and Unclassified Conditional Use Permit No. 3528 consisted of authorization of an Interstate Freeway Interchange Commercial Development comprised of a restaurant, market, automobile and truck fueling station, laundry and shower facility, petroleum gasoline sales, site signage and photovoltaic solar power generation system; and

WHEREAS, the project site is a 10.10-acre parcel located on the northwest corner of Interstate 5 and W. Nees Avenue zoned Exclusive Agricultural with a 40-acre-minimum parcel size; and

WHEREAS, the Board acted to deny the appeal filed by Grand Petroleum, Inc. and in its denial of the appeal determined that the required findings specified in Fresno County Ordinance Code Section 873-F could be made for approval of a conditional use permit by adopting staff’s proposed findings found in the staff report to the Planning Commission, and approve Unclassified Conditional Use Permit Application No. 3528, subject to conditions; and

WHEREAS, following the Board's approval, Grand Petroleum, Inc., a neighboring property owner and business operator, challenged the project approvals by filing a Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief with the Fresno County Superior Court in case no. 17CECGO3813; and

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1           WHEREAS, the Fresno County Superior Court rendered a judgment on August 15, 2018 in  
2 favor of the County of Fresno, the Respondent, and Shawn Shiralian, the Real Party in Interest; and

3           WHEREAS, following this judgment, Grand Petroleum, Inc., the Petitioner, appealed the matter  
4 to the Court of Appeal of the State of California, Fifth Appellate District, case no. F078035; and

5           WHEREAS, the Court of Appeal, on October 18, 2019, filed an opinion reversing the judgement  
6 and remanding the matter to the Fresno County Superior Court with direction to set aside the order  
7 granting the petition and compel the County to set aside the Project Approvals pending further work on  
8 the Initial Study to comply with the California Environmental Quality Act and County General Plan  
9 Policy PF-C.17; and

10           WHEREAS, on December 18, 2019 the Fresno County Superior Court entered an Order in case  
11 no. 17CECGO3813, directing the County to set aside the Project Approvals pending further work on the  
12 Initial Study to comply with the California Environmental Quality Act and County General Plan Policy  
13 PF-C.17; and

14           WHEREAS, the Real Party in Interest has decided to proceed with the Interstate Freeway  
15 Interchange Commercial Development and address the issues raised in the opinion of the Court of  
16 Appeal and the Order of the Superior Court as related to the California Environmental Quality Act and  
17 County General Plan Policy PF-C.17.

18           NOW, THEREFORE IT IS HEREBY RESOLVED that the Fresno County Board of Supervisors  
19 that the October 17, 2017 adoption of Mitigated Negative Declaration prepared for Initial Study  
20 Application No. 7104, including the Mitigation Monitoring and Reporting Program, and the approval of  
21 Unclassified Conditional Use Permit No. 3528, which collectively authorized an Interstate Freeway  
22 Interchange Commercial Development on 10.10 acres of property zoned Exclusive Agricultural with a  
23 40-acre minimum parcel size, is hereby set aside pending further work on the Initial Study and  
24 recirculation of the Project Approvals through the standard County land use approvals process as  
25 appropriate.

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THE FOREGOING was passed and adopted by the following vote of the Board of Supervisors  
of the County of Fresno the 28th day of April 2020, to wit:

AYES: Supervisors Brandau, Magsig, Mendes, Pacheco, Quintero  
NOES: None  
ABSENT: None  
ABSTAINED: None

BY Ernest Buddy Mendes  
Ernest Buddy Mendes, Chairman of the Board of  
Supervisors of the County of Fresno

ATTEST:  
Bernice E. Seidel  
Clerk of the Board of Supervisors  
County of Fresno, State of California

By Lisa Cruz  
Deputy