

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

ADOPTION OF A MITIGATED NEGATIVE DECLARATION, AND)
APPROVAL OF UNCLASSIFIED CONDITIONAL USE PERMIT) RESOLUTION
NO. 3761 WITH FINDINGS AND CONDITIONS OF APPROVAL)

WHEREAS, Daniel Barnes (Applicant) made an application to the Fresno County Planning Commission (Planning Commission) for adoption of a Mitigated Negative Declaration based on Initial Study No. 8367, and approval of Unclassified Conditional Use Permit (UCUP) No. 3761 proposing to allow an Interstate Freeway Interchange Commercial Development consisting of a travel center and truck stop including the development and operation of a ten position Multi Product Dispenser (MPD) fueling truck fueling station, along with a 9,700 square foot commercial truck stop, with two convenience stores, quick serve restaurant and related facilities including showers, lounge areas, personal storage and laundry facilities; and a commercial truck fueling canopy and a truck service station with retail sales; and

WHEREAS, the site is located in the northwest quadrant of the Interstate 5 and Panoche Road Major Commercial Center, in the AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District; and

WHEREAS, on April 24, 2025, the Planning Commission adopted the Mitigated Negative Declaration based on Initial Study No. 8367 and approved the Application for UCUP No. 3761; and

WHEREAS, an Appeal was made of the Planning Commission's decision to adopt the Mitigated Negative Declaration based on Initial Study No. 8637 and approve UCUP No. 3761 on May 9, 2025; and

WHEREAS, County Zoning Ordinance Chapter 876.6.020.C. requires that an appeal of the Planning Commission's decision be heard by the Board of Supervisors (Board); and

WHEREAS, Pursuant to County Zoning Ordinance Chapter 842.5, in order for the Board to approve Unclassified CUP No. 3761, the Board must make the following findings:

1. That the Site for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping and other

1 features required by this Division to adjust said use with land and uses in the
2 neighborhood.

- 3 2. That the site for the proposed use relates to streets and highways adequate in width and
4 pavement type to carry the quantity and kind of traffic generated by the proposed use.
- 5 3. That the proposed use will have no adverse impact on abutting property and surrounding
6 neighborhood or permitted use thereof.
- 7 4. That the proposed development is consistent with the General Plan.
- 8 5. That the conditions stated in the resolution are deemed necessary to protect the public
9 health, safety, and general welfare; and

10 WHEREAS, after duly giving all required public notices, and an opportunity for the public to speak
11 and present evidence for and against the proposed restaurant, convenience store and gas station, and
12 having complied with all applicable requirements of the law, including the County Zoning Ordinance, the
13 Board hereby resolves and takes the following actions, including making the following findings.

14 NOW, THEREFORE Chapter 842.5 of the County Zoning Ordinance requires that the Site for the
15 proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and
16 fences, parking, loading, landscaping and other features required by this Division, to adjust said use with
17 land and uses in the neighborhood (Finding 1), and, in light of such requirement, the Board hereby makes
18 the following findings:

- 19 • The proposed development is compliant with the applicable development standards of
20 Chapter 834.4.200 of the Zoning Ordinance pertaining to Regulations for Interstate
21 Freeway Interchange Commercial Development.
- 22 • Based on the foregoing facts, which this Board has found, the Application satisfies
23 Finding 1.

24 NOW, THEREFORE, Chapter 842.5 of the County Zoning Ordinance requires that the Site for
25 the proposed use relates to streets and highways adequate in width and pavement type to carry the
26 quantity and kind of traffic generated by the proposed use (Finding 2), and, in light of such requirement,
27 the Board hereby makes the following findings:

- 28 • There are no County roads serving the subject parcels.

- Based on the foregoing facts, which this Board has found, the Application satisfies Finding 2.

NOW, THEREFORE, Chapter 842.5 of the County Zoning Ordinance requires that the proposed use will have no adverse impact on abutting property and surrounding neighborhood or permitted use thereof (Finding 3), and, in light of such requirement, the Board hereby makes the following findings:

- The proposed project is consistent with uses allowed at such Freeway Interchange Commercial Centers and would therefore have no adverse effect on the adjacent or surrounding property.
- Based on the foregoing fact, which this Board has found, the Application satisfies Finding 3.

NOW, THEREFORE, Chapter 842.5 of the County Zoning Ordinance requires that the proposed development is consistent with the General Plan (Finding 4), and, in light of such requirement, the Board hereby makes the following findings:

- That the proposed use is consistent with the requirements of the General Plan and Zoning Ordinance.
- Based on the foregoing fact, which this Board has found, the Application satisfies Finding 4.

NOW, THEREFORE, IT IS ORDERED AND RESOLVED, that the Mitigated Negative Declaration, attached as ATTACHMENT A, based on Initial Study No. 8637 is hereby adopted, and UCUP No. 3761, to allow for the development and operation of a restaurant, convenience store and gas station, is hereby approved, subject to the conditions of approval in ATTACHMENT B.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its adoption by the Board.

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1 THE FOREGOING was passed and adopted by the following vote of the Board of Supervisors
2 of the County of Fresno this 21st day of October, 2025, to wit:

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4 AYES: Supervisors Bredefeld, Chavez, Magsig, Mendes, Pacheco

5 NOES: None

6 ABSENT: None

7 ABSTAINED: None

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

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

13
14 BY Almadin Vini
15 Deputy

ATTACHMENT A

File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721		Space Below For County Clerk Only. CLK-2046.00 E04-73 R00-00	
Agency File No: IS 8367	LOCAL AGENCY MITIGATED NEGATIVE DECLARATION		County Clerk File No: E-
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Jeremy Shaw, Planner	Area Code: 559	Telephone Number: 600-4207	Extension: 0-4207
Project Applicant/Sponsor (Name): Daniel Barnes	Project Title: Unclassified Conditional Use Permit Application No. 3761 & Initial Study No. 8367		
Allow the construction and operation of an Interstate Freeway Interchange Commercial development, to be located on three parcels totaling approximately 26.74 acres in the following configuration: Parcel 1 (APN 065-271-08/2.26-acres) will be developed with a 10 MPD fueling station, and an approximately 9,700 square-foot building containing a convenience store, and a quick serve (QSR) drive through restaurant; Parcel 2 (APN 065-271-10/1.84-acres) will be developed with a 10,230 square-foot building containing a commercial truck stop, with a convenience store, quick serve restaurant (QSR), and appurtenant facilities, including restrooms, showers, lounge areas, storage and laundry facilities; Parcel 3 (APN 065-271--09/ 22.64-acres) will be developed with an 11-position commercial truck fueling canopy, truck scale, and TA Petro three bay truck service station with retail sales, in an 11,000 square-foot building, located in the southwest quadrant of the Dorris Avenue and Interstate 5 interchange, Major Commercial Center, within the AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District.			
Justification for Negative Declaration: It has been determined that there would be no impacts to Agriculture and Forestry Resources, Energy, Hydrology and Water Quality, Mineral Resources, Noise, Land Use and Planning, Public Services, Recreation, Utilities and Service Systems, and Wildfire. Potential impacts related to Air Quality, Greenhouse Gas Emissions, Hazards and Hazardous Materials, have been determined to be less than significant. Potential impacts relating to Aesthetics, Biological Resources, Cultural and Tribal Cultural Resources, Geology and Soils, and Transportation have determined to be less than significant with compliance with the included Mitigation Measures.			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – March 14, 2025		Review Date Deadline: Board of Supervisors – October 21, 2025	
Date:	Type or Print Signature: Tawanda Mtunga Principal Planner	Submitted by (Signature): Jeremy Shaw, Planner	

State 15083, 15085

County Clerk File No.: _____

LOCAL AGENCY MITIGATED NEGATIVE DECLARATION

ATTACHMENT B

**Mitigation Monitoring and Reporting Program
Initial Study No. 8367 & Classified Conditional Use Permit Application No. 3761
(Including Conditions of Approval and Project Notes)**

Mitigation Measures					
Mitigation Measure No.	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Biological Resources	Pre-construction surveys for nesting Swainson's hawks within one quarter-mile mile of the project site shall be required if construction commences between March 1 and September 15. If active nests are found, a qualified biologist should determine the need (if any) for temporal restrictions on construction using criteria set forth in the Swainson's Hawk Technical Advisory Committee (SWHTAC, 2000).	Applicant	Applicant/Consultant/PW&P	During ground-disturbing activities; if such activities occur between March 1 and September 15.
2.	Biological Resources	Pre-construction surveys for burrowing owls within 250 feet of the site shall be required if construction commences between February 1 and August 31. If occupied burrows are found, a qualified biologist shall, determine the need (if any) for temporal restrictions on construction. The determination should be pursuant to criteria set forth by the California Department of Fish and Wildlife.(CDFG, 2012).	Applicant	Applicant/Consultant/PW&P	During ground-disturbing activities; if such activity occurs between February 1 and August 31.
3.	Biological Resources	Pre-construction "walking transect" surveys for San Joaquin Kit Fox dens shall be required within 14 days prior to the commencement of construction as described in the San Joaquin Kit Fox Survey Protocol for the Northern Range (USFWS, 1999). In the unlikely event a kit fox den is found, consultation with USFWS and CDFW shall be required, to develop an appropriate course of action.	Applicant	Applicant/Consultant/PW&P	14 days prior to ground-disturbing/c onstruction activities.

4.	Biological Resources	Shrubs, and grasslands in the site could be used by other birds, protected by the MBTA and FGCC. If shrub or grassland removal is scheduled during the nesting season of raptors (January 1 through July 31), a preconstruction survey for nesting raptors by a qualified biologist shall be required. If other vegetation removal or construction commences during the general avian nesting season (March 1 through July 31), a pre-construction survey for all species of nesting birds shall be required. If active nests are found, work in the vicinity of the nests shall be delayed until the young fledge.	Applicant	Applicant/Consultant/PW&P	During ground-disturbing activities; if such activities occur between January 1 through July 31 or between March 1 through July 31.
5.	Cultural/ Tribal Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PW&P	During ground-disturbing activities
6.	Transportation	Prior to issuance of final building permits, final inspections and certification of occupancy: The project owner shall install all way stop controls at the intersection of the west access driveway and State Route 198 (Dorris Avenue) as recommended by the Intersection Control Evaluation prepared by the Applicant, and approved in concept by Caltrans; and	Applicant	Caltrans/PW&P	Prior to issuance of final building permits, final inspections and certification of occupancy.
7.	Transportation	Prior to issuance of final building permits, final inspections and certification of occupancy:	Applicant	Caltrans/PW&P	Prior to issuance of final

		The project owner shall install all way stop controls at the intersection of the east access driveway and State Route 198 (Dorris Avenue) as recommended by the Intersection Control Evaluation prepared by the Applicant, and approved in concept by Caltrans.			building permits, final inspections and certification of occupancy.
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*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document.
Conditions of Approval reference recommended Conditions for the project.

Conditions of Approval	
1.	Development of the property shall be substantially in compliance with the Site Plans, Floor Plans, Elevations, and Operational Statement approved by the Planning Commission.
2.	Landscaping shall be provided and maintained, and all plants and related materials shall be arranged in a manner which is consistent with and complimentary to the existing building design and materials. Landscaping shall be consistent with surrounding development.
3.	The project shall connect to the Community water and sewer system which provides services for the interchange area or other means permitted through the State Water Quality Control Board.
4.	Before any structure is erected or parcel created under the provisions of Article 4, Chapter 834.4.200 of the Zoning Ordinance, a Site Plan Review application reflecting all conditions of approval shall have been submitted to and approved by the County, in compliance with Chapter 854.5 (Site Plan Review). The site plan shall encompass all of the area shown on the approved master plan.
5.	Prior to certification of occupancy, the project proponent shall irrevocably offer for dedication to the California Department of Transportation (Caltrans) twenty (20) feet of road right-of-way along the subject parcel frontage along Dorris Avenue (SR 198).
6.	Prior to certification of occupancy, the project proponent shall provide for a left-turn channelization at the westerly project access road along Dorris Avenue (SR 198).
7.	The applicant shall comply with requirements of the approved Air Impact Assessment (ISR Project Number: C-20230384) dated April 17, 2024. Additionally, the applicant shall be subject to the San Joaquin Valley Air Pollution Control District enforced emission reduction measures as described in the approved Air Impact Assessment (ISR Project Number: C-20230384).

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	The Site Plan, Operational Statement, and Conditions of Approval of this CUP constitutes an amendment to the existing the Master Plan for The southeast quadrant of the Interchange established by CUP 2498 and as amended by CUP 2862.
2.	Prior to the issuance of building permits, the applicant shall submit three (3) sets of complete plans and specifications regarding the installation of underground fuel tanks and equipment to the Fresno County Department of Public Health, Environmental Health Division.
3.	Prior to operations, the applicants will be required to apply for and secure a Permit to Operate an Underground Storage Tank System from the Fresno County Department of Public Health, Environmental Health Division.
4.	Prior to issuance of building permits, the applicants will be required to submit complete food facility plans and specifications for phases dealing with kitchens/food preparation to the Fresno County Department of Public Health, Environmental Health Division, for review and approval.
5.	Prior to operation, the applicants shall apply for and obtain permits to operate a food facility from the Fresno County Department of Public Health, Environmental Health Division. A permit, once issued, is nontransferable.
6.	Should alcohol sales be proposed, the applicant shall first obtain their license to sell alcoholic beverages.
7.	Facilities that use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Your proposed business will handle hazardous materials and/or hazardous waste and will be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95 (http://cers.calepa.ca.gov/).
8.	If any underground storage tank(s) are found during construction, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division.
9.	Plans, permits and inspections shall be required for all structures based upon the current adopted edition of the California Codes at the time of plan check submittal.
10.	An engineered grading and drainage plan is required to show how the additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties. The grading and drainage

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	plan should provide calculations of the proposed retention basin storage capacity and the basin design storage capacity for verification purposes.

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