

- 1 1. That the Site for the proposed use is adequate in size and shape to accommodate said
2 use and all yards, spaces, walls and fences, parking, loading, landscaping, and other
3 features required by this Division to adjust said use with land and uses in the
4 neighborhood.
- 5 2. That the Site for the proposed use relates to streets and highways adequate in width and
6 pavement type to carry the quantity and kind of traffic generated by the proposed use.
- 7 3. That the proposed use will have no adverse impact on abutting property and surrounding
8 neighborhood or permitted use thereof.
- 9 4. That the proposed development is consistent with the General Plan.
- 10 5. That the conditions stated in the resolution are deemed necessary to protect the public
11 health, safety, and general welfare; and

12 WHEREAS, after duly giving all required public notices, and an opportunity for the public to speak
13 and present evidence for and against the proposed Rural Commercial Center, as described herein, and
14 having complied with all applicable requirements of the law, including the County Zoning Ordinance, the
15 Board hereby resolves and takes the following actions, including making the following findings with the
16 inclusion of an additional condition:

- 17 1. The Applicant shall enter into an agreement indemnifying the County for all legal costs
18 associated with its approval of IS No. 7664 and CUP No. 3655 and provide security in an
19 amount determined by the County for any such legal costs incurred. The agreement and
20 payment of security shall be due unless the litigation period has expired, in which case
21 the requirements for the indemnification agreement and security shall be considered null
22 and void.

23 NOW, THEREFORE, Section 873(F) of the County Zoning Ordinance requires that the Site for
24 the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls
25 and fences, parking, loading, landscaping, and other features required by this Division, to adjust said use
26 with land and uses in the neighborhood (Finding 1), and, in light of such requirement, the Board hereby
27 makes the following findings:
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- 1 • The proposed project meets the minimum building setback requirements of the County of
2 Fresno RR Zone District.
- 3 • The proposed project is required by Project Notes to apply for and receive approval of a
4 Site Plan Review application to ensure compliance with County development standards.
- 5 • Based on the foregoing facts, which this Board has found, the Application satisfies
6 Finding 1.

7 NOW, THEREFORE, Section 873(F) of the County Zoning Ordinance requires that the Site for
8 the proposed use relates to streets and highways adequate in width and pavement type to carry the
9 quantity and kind of traffic generated by the proposed use (Finding 2), and, in light of such requirement,
10 the Board hereby makes the following findings:

- 11 • Estimated trip generation resulting from the project proposal indicate no adverse impacts
12 to County-maintained roadways that service the parcel.
- 13 • Based on the foregoing facts, which this Board has found, the Application satisfies
14 Finding 2.

15 NOW, THEREFORE, Section 873(F) of the County Zoning Ordinance requires that the proposed
16 use will have no adverse impact on abutting property and surrounding neighborhood or permitted use
17 thereof (Finding 3), and, in light of such requirement, the Board hereby makes the following findings:

- 18 • The project's compliance with regulatory requirements and mitigation measures, and
19 conditions of approval would ensure that the project does not have an adverse impact on
20 abutting property and the surrounding neighborhood.
- 21 • Based the foregoing facts, which this Board has found, the Application satisfies Finding 3.

22 NOW, THEREFORE, Section 873(F) of the County Zoning Ordinance requires that the proposed
23 development is consistent with the General Plan (Finding 4), and, considering such requirement, the
24 Board hereby makes the following findings:

- 25 • The subject application is allowed within Rural Residential designated areas subject to a
26 discretionary permit.
- 27 • Estimated water usage has been analyzed and determined to have a less than significant
28 impact on water resources.

1 • Based the foregoing facts, which this Board has found, the Application satisfies Finding 4.

2 NOW, THEREFORE, Section 873(F) of the County Zoning Ordinance requires that the conditions
3 stated in the resolution are deemed necessary to protect the public health, safety, and general welfare
4 (Finding 5), and, in light of such requirement, the Board hereby finds that the following conditions are
5 deemed necessary to protect the public health, safety, and general welfare:

6 • The proposed Mitigation Measures and Conditions of Approval were developed based on
7 studies and consultation with specifically qualified staff, consultants, and outside
8 agencies, in order to address the specific impacts of the proposed project and were
9 designed to address the public health, safety and welfare.

10 NOW, THEREFORE, IT IS ORDERED AND RESOLVED that the Mitigated Negative Declaration
11 prepared based on Initial Study No. 7664 and the Mitigation Monitoring Reporting Program attached as
12 EXHIBITS A and B be adopted; and

13 BE IT ALSO ORDERED AND RESOLVED, that Classified Conditional Use Permit No. 3655 for
14 development of a Rural Commercial Center, is hereby approved subject to the mitigation measures,
15 conditions of approval and noted mandatory requirements in the Attached EXHIBIT B.

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

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1 THE FOREGOING was passed and adopted by the following vote of the Board of Supervisors of
2 the County of Fresno this 22nd day of February, 2022, to wit:

3
4 AYES:

5 NOES:

6 ABSENT:

7 ABSTAINED:

8
9 BY _____
10 Brian Pacheco, Chairman of the
11 Board of Supervisors of the County of Fresno

12 **ATTEST:**
13 Bernice E. Seidel
14 Clerk of the Board of Supervisors
15 County of Fresno, State of California

16 BY _____
17 Deputy

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EXHIBIT 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 7664	LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION	County Clerk File No: E-	
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Ejaz Ahmad, Planner	Area Code: 559	Telephone Number: 600-4204	Extension: N/A
Applicant (Name): Daulat Sandhue	Project Title: Classified Conditional Use Permit Application No. 3655		
Project Description: Allow a Rural Commercial Center consisting of a convenience store/fast-food restaurant and a gasoline fueling facility (fuel island canopy with gasoline pumps) and related improvements on an approximately 1.78-acre portion of a 4.99-acre parcel in the RR (Rural Residential, two-acre minimum parcel size) Zone District. The project site is located on the northwest corner of W. Belmont and N. Cornelia Avenues approximately 2,190 feet south of the nearest city limits of the City of Fresno (5064 W. Belmont Avenue, Fresno) (APN 312-390-13) (SUP. DIST. 1).			
Justification for Mitigated Negative Declaration: Based upon the Initial Study (IS 7664) prepared for Classified Conditional Use Permit Application No. 3655, staff has concluded that the project will not have a significant effect on the environment. No impacts were identified related to biological resources, mineral resources, population and housing, recreation, or wildfire. Potential impacts related to agriculture and forestry resources, air quality, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, public services, tribal cultural resources and utilities and service systems have been determined to be less than significant. Potential impacts related to aesthetics, cultural resources, energy, and transportation have been determined to be less than significant with the included Mitigation Measure. The Initial Study and Mitigated Negative Declaration (MND) is available for review at 2220 Tulare Street, Suite A, Street Level, located on the southeast corner of Tulare and "M" Street, Fresno, California.			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – [REDACTED] 2022		Review Date Deadline: County Board of Supervisors – February 22, 2022	
Date: January 3, 2022	Type or Print Name: David Randall, Senior Planner	Submitted by (Signature):	

State 15083, 15085

County Clerk File No. _____

**LOCAL AGENCY
MITIGATED NEGATIVE DECLARATION**

EXHIBIT B

Mitigation Monitoring and Reporting Program
Initial Study Application No. 7664
Classified Conditional Use Permit Application No. 3655

Mitigation Measures						
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span	
*1.	Aesthetics	All outdoor lighting shall be hooded and directed downward as to not shine toward adjacent properties and public streets.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PWP)	On-going; for duration of the project	
*2.	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 shall 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/PWP	As noted	
*3.	Energy	The idling of on-site vehicles and equipment will be avoided to the most extent possible to avoid wasteful or inefficient energy consumption during project construction.	Applicant	Applicant/PWP	As noted	
*4.	Transportation	At the time of application for a Site Plan Review for the proposed use, the applicant shall enter into an agreement with the County of Fresno to participate on a pro-rata basis per acreage developed in the funding of future off-site traffic improvement defined in items a, b, c, d below. The traffic improvement and the project's maximum pro-rata share is as follows:	Applicant	Applicant/PWP	As noted	

		<p>A. Install a traffic signal (one) at Olive and Cornelia Avenues. The project's fair share construction cost is \$7,676.00 (or 1.9%) of a total construction cost estimate of \$404,000.</p> <p>B. Install a traffic signal (one) at Belmont and Hayes Avenues. The project's fair share construction cost is \$14,136.00 (or 3.8%) of a total construction cost of \$372,000.</p> <p>C. Install a traffic signal (one) at Belmont and Cornelia Avenues. The project's fair share construction cost is \$16,968.00 (or 4.2%) for a total construction cost of \$404,000.</p> <p>Install a traffic signal (one) at Belmont and Blythe Avenues. The project's fair share construction cost is \$10,100.00 (or 2.5%) for a total construction cost of \$404,000</p>		
Conditions of Approval				
1.		Development of the property shall be substantially in accordance with the Site Plan, Elevations, and Operational Statement approved by the Planning Commission, including development of street and public improvements along the frontage of the project which may be deferred until requested by the County by entering into and recording a deferral agreement with the County on the property.		
2.		Prior to issuance of building permits, the project shall pay Traffic Signal Mitigation Impact (TSMI) Fee per the City's Master Plan Schedule, Fresno Major Street Impact (FMSI) Fee and Regional Transportation Mitigation Fee (RTMF) to the City of Fresno and provide proof of the payments to the County.		
3.		Belmont Avenue fronting the project site is classified as Arterial in the County General Plan and has an existing right-of-way of 30 feet north of section line. The owner of the property shall record a document irrevocably offer an additional 18-foot right-of-way along Belmont Avenue per the Precise Plan Line Serial No. 91.	<p>Note: A Preliminary Title Report or Lot Book Guarantee is required before the irrevocable offer of dedication can be processed. The owner is advised that where deeds of trust or any other type of monetary liens exist on the property, the cost of obtaining a partial re-conveyance, or any other document required to clear title to the property, shall be borne by the owner or developer.</p>	
4.		Cornelia Avenue fronting the project site is classified as Collector in the County General Plan and has an existing right-of-way of 40 feet west of section line per County Plat Book and approved Parcel Map No. 3101. The owner of the property shall record a document irrevocably offering an additional two (2) feet of right-of-way along Cornelia Avenue frontage of the property to meet the City of Fresno Public Works Standards.	<p>Note: A Preliminary Title Report or Lot Book Guarantee is required before the irrevocable offer of dedication can be processed. The owner is advised that where deeds of trust or any other type of monetary liens exist on the property, the cost of obtaining a partial re-conveyance, or any other document required to clear title to the property, shall be borne by the owner or developer.</p>	

5.	Prior to the issuance of building permits, the property owner shall record a document on the subject property incorporating the provisions of the County Right-To-Farm Notice (Fresno County Ordinance Code Section 17.04.100).
6.	Prior to the issuance of building permits an Air Impact Application (AIA) shall be filed and applicable off-site mitigation fee shall be paid to the San Joaquin Valley Air Pollution Control District if the District determines that proposed fast food restaurant exceeds 2,000 square feet commercial space and is subject to District Rule 9510.
7.	The project is subject to Senate Bill 1263 (SB 1263) and be permitted as a public water system by State Water Resources Control Board (SWRCB), Division of Drinking Water (DDW). Prior to granting of occupancy to the proposed use, the project proponent shall obtain a public water system permit from SWRCB-DDW to operate a new well on the property.
8.	Compliance with Items 4, 5, 6, 7, 8, 9, and 11 from "Project Notes" shall be verified prior to the issuance of building permits and/or prior to granting occupancy to the use.

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

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	This Use Permit will become void unless there has been substantial development within two years of the effective date of this approval, or there has been a cessation of the use for a period in excess of two years.
2.	Prior to the issuance of building permits, a Site Plan Review application shall be submitted to and approved by the Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance. Conditions of the Site Plan Review may include but not limited to the design of parking and circulation areas, wall/fencing, access, on-site grading and drainage, right-of-way dedications, fire protection, landscaping, signage, and lighting.
3.	The Fresno Irrigation District (FID) open canal (Houghton No. 78) runs westerly approximately 2,700 feet east of the project site and crosses the intersection of Belmont and Cornelia Avenues and FID Tracy No. 44 runs southerly traversing the east side of the subject property and crosses Belmont Avenue approximately 30 feet south of the subject property. Plans for any street and/or utility improvements along or in the vicinity of Blythe Avenue, Cornelia Avenue, Belmont Avenue shall require FID's review and approval. A Grading and Drainage Plan shall be provided to FID review and approval to ensure that the proposed development will not endanger the structural integrity of the pipeline/canal.
4.	<p>The Fresno Metropolitan Flood Control District (FMFCD) requires the following:</p> <ul style="list-style-type: none"> • The project shall pay drainage fees at such time development occurs on the property based on the fee rates in effect at that time. • All improvement plans for the construction of curb and gutter or storm drainage facilities shall be approved by FMFCD for conformance to the District Master Plan within the project area. • Site development shall not interfere with the operation and maintenance of the existing canal/pipeline on the property. • Temporary onsite storm drainage facility shall be provided until permanent service becomes available. • Construction activity shall secure a storm water discharge permit.

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5.	<p>If the proposed fast-food restaurant exceeds 2,000 square feet of commercial space, the project proponent shall contact the San Joaquin Valley Air Pollution Control District to determine if the restaurant is subject to District Rule 9510. If subject to the rule, an Air Impact Assessment (AIA) application shall be filed with the District prior to the issuance of building permits.</p> <p>As required by section 855-E.3.a of the Zoning Ordinance, a solid masonry wall not less than five (5) feet nor more than six (6) feet in height shall be constructed along the west property line between the commercial and any residential district. Given only a portion of the site is to be developed, a wall shall extend to the edge of the proposed development as depicted on the Site Plan (Exhibit 5)</p> <p>Note: This requirement shall be addressed through Site Plan Review.</p>
6.	<p>Any proposed landscape improvement area of 500 square feet or more shall comply with California Code of Regulations Title 23, Division 2, Chapter 2.7 Model water Efficient Landscape Ordinance (MWELO) and require submittal of Landscape and Irrigation Plans per the Governor's Drought Executive Order of 2015. The Landscape and Irrigation Plan shall be submitted to the Department of Public Works and Planning, Site Plan Review Unit for review and approval prior to the issuance of Building permit.</p> <p>Note: This requirement shall be addressed through Site Plan Review.</p>
7.	<p>To address site development impacts resulting from the project, the Development Engineering Section of the Development Services and Capital Projects Division requires the following:</p> <ul style="list-style-type: none"> • An Engineered Grading and Drainage Plan to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties and be retained on-site per County standards. • A grading permit prior to any site grading. • Onsite turn around for vehicles leaving the site to enter the arterial road (Belmont Avenue) in a forward motion. • Direct access to Belmont Avenue shall be limited to one common point. • Any proposed entrance gate shall be setback a minimum of 20 feet or from the road right-of-way line or the length of the longest truck entering the site and shall not swing outward.
8.	<p>To address public health impacts resulting from the project, Fresno County Department of Public Health, Environmental Health Division (Health Department) requires the following:</p> <ul style="list-style-type: none"> • A sewage feasibility analysis/engineered septic system shall be provided for the Health Department's review and approval and be installed under permit and inspection by the Department of Public Works and Planning Building and Safety Section. • The location of the onsite sewage disposal area shall be identified and cordoned off to prevent vehicle traffic from driving over, causing damage and possible failure of the septic system. • The sewage disposal system serving the abandoned residence shall be properly destroyed under permit and inspection. • Prior to the operation of the fuel facility, a spill prevention control and countermeasure plan (SPCC) shall be required for aboveground petroleum storage tanks with greater than or equal to 1320-gallons of storage capacity. • Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5.
9.	<p>To address public health impacts resulting from the project, Fresno County Department of Public Health, Environmental Health Division (Health Department) requires the following:</p> <ul style="list-style-type: none"> • A sewage feasibility analysis/engineered septic system shall be provided for the Health Department's review and approval and be installed under permit and inspection by the Department of Public Works and Planning Building and Safety Section. • The location of the onsite sewage disposal area shall be identified and cordoned off to prevent vehicle traffic from driving over, causing damage and possible failure of the septic system. • The sewage disposal system serving the abandoned residence shall be properly destroyed under permit and inspection. • Prior to the operation of the fuel facility, a spill prevention control and countermeasure plan (SPCC) shall be required for aboveground petroleum storage tanks with greater than or equal to 1320-gallons of storage capacity. • Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5.

Notes	
	<ul style="list-style-type: none"> Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan electronically pursuant to the HSC, Division 20, Chapter 6.95. All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. Waste Tire Haulers may require obtaining a permit from the California Department of Resources Recycling and Recovery. A license to sell alcohol shall be obtained prior to the sale of alcohol on the property.
10.	The project shall comply with California Code of Regulations Title 24 - Fire Code and California Code of Regulations Title 19. Prior to receiving North Central Fire Protection District (NCFPD) conditions of approval for the project, construction plans shall be submitted to the NCFPD's review and approval. It is the Applicant's responsibility to deliver a minimum of one set of plans to NCFPD.
11.	<p>To address public health impacts resulting from the project, The San Joaquin Valley Air Pollution Control District (District) requires the following:</p> <ul style="list-style-type: none"> The District's Small Business Assistance office shall be contacted regarding compliance with the District Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review) and Authority to Construct (ATC) permit. The project shall also comply with Regulation VIII Fugitive PM₁₀ Prohibitions, Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review) Rule 9510 (Indirect Source Review), Rule 4692 (Commercial Charbroiling, Rule 4002 (National emissions Standards for Hazardous Air Pollutants), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings) and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).
12.	An encroachment permit shall be obtained from Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning for any work in the County road right-of-way and for the construction of the access drives to the site off Belmont and Cornelia Avenues.