



Board Agenda Item 6

DATE: October 21, 2025

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director
Department of Public Works and Planning

SUBJECT: Appeal of Planning Commission's approval of Unclassified Conditional Use Permit No. 3761. Applicant: Daniel Barnes. Appellant: Advocates for the Environment.

RECOMMENDED ACTION(S):

- 1. Consider appeal of the Planning Commission's approval of Unclassified Conditional Use Permit No. 3761, proposing to allow the development and operation of an interstate freeway commercial travel center; and**
- 2. If the appeal is denied and the Planning Commission's approval of Unclassified Conditional Use Permit No. 3761 is upheld:**
 - a. Adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program based on Initial Study No. 8367 with the recommended Mitigation Measures and Conditions of Approval; and**
 - b. Make the required findings specified in Zoning Ordinance Chapter 842.5 for approval of Unclassified Conditional Use Permit No. 3761; and**
 - c. Adopt a Resolution approving Unclassified Conditional Use Permit No. 3761.**

The project site is located on the south side of W. Dorris Avenue (SR 198) westerly adjacent to Interstate 5 (APNs 065-271-08, 09,10).

The request before your Board is an appeal of the Planning Commission's April 24, 2025 approval (8-0 with one commissioner absent) of Unclassified Conditional Use Permit (UCUP) No. 3761. The Zoning Ordinance requires your Board to determine, independent from the decision of the Planning Commission, whether the application should be approved, approved with stated conditions, or disapproved. A copy of the Planning Commission's action is included as Attachment A. This item pertains to a location in District 4.

ALTERNATIVE ACTION(S):

If your Board is unable to make the required Findings for granting UCUP No. 3761 you may make a motion to uphold the appeal and overturn the Planning Commission's approval, and deny the project, citing in the motion how the Findings cannot be made.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended actions. Pursuant to the County's Master

Schedule of Fees, the Applicant paid \$15,112 in fees for the processing of the Unclassified Conditional Use Permit Application and preparation of the Initial Study.

DISCUSSION:

The project proposes the development and operation of an Interstate Freeway Interchange Commercial travel center, to be located on three parcels totaling approximately 26.74 acres. The project is located in the southwest quadrant of the Dorris Avenue and Interstate 5 Commercial Interchange.

At its April 24, 2025, the Planning Commission considered the Staff Report, staff's presentation and testimony from the Applicant. No letters or testimony were received in opposition to the project. Following the Applicant's testimony and discussion by the Commission, a motion was made to adopt the Mitigated Negative Declaration (MND) based on the Initial Study (IS) prepared for the project. The motion passed on a vote of 8-0 with one Commissioner absent. No other individuals provided testimony in support of or in opposition to the project.

An appeal was filed on May 9, 2025, asserting that the MND adopted for the project adopted two significance thresholds based on the CEQA Guidelines, and that the County's determination that the project would have a less than significant impact related to Greenhouse Gas (GHG) Emissions was not supported by substantial evidence. Staff notes that the appellant was not present at the Planning Commission's April 24, 2025 hearing.

In their appeal, the Appellant asserts that the analysis was inadequate and that there is a fair argument that the project would have a significant impact; and that the MND prepared based on the IS did not analyze other applicable plans (for reducing GHG emissions); and that the project is not consistent with Executive Order B-55-18 which requires the State of California to achieve carbon neutrality, i.e., net zero GHG emissions by 2045, because the project does not prohibit the sale of fossil fuel products and does not include the installation of electric truck charging stations.

Staff notes that a review of Executive Order B-55-18 (Order) demonstrates that the Order does not impose such requirements on land use projects, rather it requires State agencies to work toward implementation of a goal, and "engage the support, participation, and partnership of universities, businesses, investors, and communities, as appropriate, to achieve the goals contained in this order". "The order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person".

The Appellant also asserts that the MND did not address the California Air Resources Board 2022 Scoping Plan, for the reduction of GHG emissions. The Air Quality/GHG Report (Report) discusses the ARB 2022 Scoping Plan and Executive Order B-55-18 on page 2-19 of the Report (Attachment D). Lastly, the appeal asserts that the County should have prepared an Environmental Impact Report because project GHG emissions would result in a significant impact based on its inconsistency with "applicable plans". Staff notes that the Greenhouse Gas analysis included as Exhibit 7 of Attachment B (Planning Commission Staff Report) was based upon the Coalinga Harris Ranch Air Quality/GHG Report prepared for the Applicant by BaseCamp Environmental and dated September 2023. The conclusions of the Air Quality/GHG Report were that project construction and operations related GHG emissions would result in a less than significant impact to cumulative GHG emissions and be consistent with State GHG emission reduction goals.

If your Board is able to make the required Findings for granting UCUP No. 3761, it would be appropriate to make a motion to adopt the proposed resolution on file with the Clerk, which adopts the MND (Exhibit 8 of Attachment B) prepared for the Project based on IS No. 8367, and uphold the Planning Commission's approval by stating the basis of approval being the ability to make the required Findings and approve UCUP No. 3761 subject to the mitigation measures, conditions of approval and project notes, included as Attachment A.

Pursuant to Zoning Ordinance Chapter 842.5, to approve UCUP 3761, the following Findings must be made:

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 features required by this Division, to adjust said use with land and uses in the neighborhood.*
2. *The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.*
3. *The proposed use will have no adverse impact on abutting property and the surrounding neighborhood or the allowed use thereof.*
4. *The proposed development is consistent with the General Plan.*

Staff recommends that if your Board approves the request, the following indemnification condition also be included in your motion:

The Applicant shall enter into an agreement indemnifying the County for all legal costs associated with its approval of IS No. 8367 and UCUP No. 3761 and provide security in an amount determined by the County for any such legal costs incurred. The agreement and payment of security shall be due unless that litigation period has expired, in which case the requirements for the indemnification agreement and security shall be considered null and void.

If your Board is unable to make the required Findings for granting approval of UCUP No. 3761, it would be appropriate to make a motion stating the reasons the Findings cannot be made and uphold the appeal, thereby overturning the Planning Commission's approval decision of the Conditional Use Permit.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachments A-D
On file with Clerk - Resolution
Additional Information

CAO ANALYST:

Maria Valencia