

- 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 religious facility, as described herein, and having
14 complied with all applicable requirements of the law, including the County Zoning Ordinance, the Board
15 hereby resolves and takes the following actions, including making the following findings.

16 NOW, THEREFORE, Section 873(F) of the County Zoning Ordinance requires that the Site for
17 the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls
18 and fences, parking, loading, landscaping and other features required by this Division, to adjust said use
19 with land and uses in the neighborhood (Finding 1), and, in light of such requirement, the Board hereby
20 makes the following findings:

- 21 • The proposed project meets the minimum building setback requirements of the County of
22 Fresno RR Zone District.
- 23 • The proposed project is required by Condition of Approval to apply for and receive
24 approval of a Site Plan Review application to ensure compliance with County development
25 standards.
- 26 • Based on the foregoing facts, which this Board has found, the Application satisfies Finding
27 1.

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

- 5 • Estimated trip generation resulting from the project proposal indicate no adverse impacts
6 to County-maintained roadways that service the parcel.
- 7 • Based on the foregoing facts, which this Board has found, the Application satisfies Finding
8 2.

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

- 12 • A Greenhouse Gas Emissions analysis was prepared and determined that the proposed
13 use would have a less than significant impact in relation to greenhouse gas emissions
14 produced from operation of the proposed use.
- 15 • Based the foregoing facts, which this Board has found, the Application satisfies Finding 3.

16 NOW, THEREFORE, Section 873(F) of the County Zoning Ordinance requires that the proposed
17 development is consistent with the General Plan (Finding 4), and, in light of such requirement, the Board
18 hereby makes the following findings:

- 19 • The subject application is allowed within Rural Residential designated areas subject to a
20 discretionary permit.
- 21 • Estimated water usage has been analyzed and determined to have a less than significant
22 impact on water resources.
- 23 • Based the foregoing facts, which this Board has found, the Application satisfies Finding 4.

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

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THE FOREGOING was passed and adopted by the following vote of the Board of Supervisors of the County of Fresno this 24th day of August, 2021, to wit:

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

BY  _____
Steve Brandau, 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

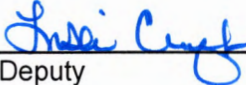
BY  _____
Deputy

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 7705		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): Ejaz Ahmad, Planner		Area Code: 559	Telephone Number: 600-4204		Extension: N/A
Applicant (Name): Govinder K. Sidhu		Project Title: Classified Conditional Use Permit Application No. 3657			
Project Description: Allow a religious facility (temple) with related improvements on an approximately 1.52-acre portion of a 5.02-acre parcel in the RR (Rural Residential, two-acre minimum parcel size) Zone District. The subject parcel is located on the west side of N. Brawley Avenue approximately 435 feet north of its intersection with W. Olive Avenue and 1,864 feet south of the nearest city limits of the City of Fresno (1501 N. Brawley Avenue, Fresno) (SUP. DIST. 1) (APN 312-112-26).					
Justification for Mitigated Negative Declaration: Based upon the Initial Study (IS 7705) prepared for Classified Conditional Use Permit Application No. 3657, staff has concluded that the project will not have a significant effect on the environment. No impacts were identified related to biological resources, hazards and hazardous materials, mineral resources, population and housing, recreation, tribal cultural resources, or wildfire. Potential impacts related to agriculture and forestry resources, air quality, energy, geology and soils, greenhouse gas emissions, hydrology and water quality, land use and planning, noise, public services, and utilities and service systems have been determined to be less than significant. Potential impacts related to aesthetics, cultural resources, 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 – August 11, 2021			Review Date Deadline: Board of Supervisors – August 24, 2021		
Date:	Type or Print Name: David Randall, Senior Planner		Submitted by (Signature):		

State 15083, 15085

County Clerk File No. _____

**LOCAL AGENCY
MITIGATED NEGATIVE DECLARATION**

**Mitigation Monitoring and Reporting Program
Initial Study Application No. 7705
Classified Conditional Use Permit Application No. 3657**

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.	Transportation	<p>Prior to the issuance of building permits for the proposed use on the property, the applicant shall enter into an agreement with the County of Fresno agreeing to participate on a pro-rata basis per acreage developed in the funding of future off-site traffic improvement defined in items 'a' below. The traffic improvement and the project's maximum pro-rata share is as follows:</p> <p>a. Install all-way stop control at Valentine and Olive Avenue. The project's maximum share is \$330.00 for a total cost of \$12,000.00.</p> <p>The County shall update cost estimates for the above specified improvements prior to execution of the agreement. The Board of Supervisors pursuant to</p>	Applicant	Applicant/PWP	As noted

		Ordinance Code Section 17.88 shall annually adopt a Public Facilities Fee addressing the updated pro-rata costs. The Public Facilities Fee shall be related to off-site road improvements, plus costs required for inflation based on the Engineering New Record (ENR) 20 Cities Construction Cost Index.			
Conditions of Approval					
1.	Development of the property shall be in accordance with the Site Plan, Elevations, and Operational Statement approved by the Planning Commission.				
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 dedication, fire protection, landscaping, signage, and lighting.				
3.	Prior to issuance of building permits, the project proponent 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 shall provide proof of payment to the County.				
4.	<p>The Brawley Avenue fronting the project site has a total existing right-of-way of 30 feet west of section line. Brawley Avenue is classified as a Collector road requiring an ultimate road right of way of 42 feet west of the section line. The owner of the property shall record a document irrevocably offering the 12 feet as future right-of-way from the eastern side of the subject parcel which abuts Brawley Avenue.</p> <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 occupancy granted for the religious facility (temple), a drinking water permit shall be obtained from State Water Resources Control Board – Division of Drinking Water (SWRCB-DDW). In that regard, the shall comply with Senate Bill (SB) 1263 which requires that prior to applying for a water permit for a proposed new public water system, a preliminary technical report shall be submitted to SWRCB-DDW a minimum of six (6) months prior to initiating construction of any water-related improvement.				
6.	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 plans 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 permits.				
7.	Prior to issuance of any building permit 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).				
8.	All parking and circulation areas that are not concrete or asphalt concrete paved shall be treated with a dust palliative to prevent the creation of dust.				

9.	The use of outdoor amplification system shall be prohibited on the property.
10.	Items 4 and 5 from "Project Note" shall be completed prior to the issuance of building permit or granting of occupancy for 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.	Construction plans, building permits and inspections are required for all proposed improvements on the property. Contact the Building and Safety Section of the Fresno County Department of Public Works and Planning at (559) 600-4540 for plans, permits and inspections.
3.	A special Inspection Permit is required to verify the removal of previous mobile home and various other structures on the property noted in Zoning comment letter dated January 22, 2020. Any modifications to the existing onsite residence shall require building permits and inspections.
4.	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 south property line adjacent to the parking area of the subject property. The wall shall not exceed three feet (3) in height where it is in the front yard area of the abutting residential district. Note: This requirement shall be addressed through Site Plan Review
5.	The entire 35-foot property frontage along Brawley Avenue shall be landscaped in conjunction with Condition of Approval No. 6 and be maintained. Note: This requirement shall be addressed through Site Plan Review
6.	To address site development impacts resulting from the project, the Development Engineering Section of the Development Services and Capital Projects Division requires the following: <ul style="list-style-type: none"> • An Engineered Grading and Drainage Plan may be required 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 or voucher may be required for any grading that has been done without a permit and any grading proposed with this application. • Any existing or proposed gate shall be setback a minimum of 20 feet from the road right-of-way line or the length of the longest truck entering the site and shall not swing outward.

Notes	
7.	<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"> • Sewage disposal system for the proposed building shall be installed under permit and inspection by the Department of Public Works and Planning Building and Safety Section. • The applicant should consider having the existing septic tanks pumped and have the tank and leach lines evaluated by an appropriately licensed contractor if it has not been serviced and/or maintained within the last five years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the system. • Churches currently do not meet the definition of a retail food facility in the California Retail Food Code (Cal Code 113789(c)(3)), provided that the church gives or sells food to its members and guests, and not to the general public, at an event that occurs not more than three (3) days in any ninety-day period. However, it is recommended that the applicant consider constructing the kitchen to commercial standards. This would allow future use of the facility for approved community events. • The project shall adhere to the County noise ordinance for construction-related noise.
8.	<p>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 District conditions of approval for the project, construction plans shall be submitted to the Fresno County Department of Public Works and Planning for review. It is the Applicant's responsibility to deliver a minimum of one set of plans to NCFPD.</p>
9.	<p>The Fresno Irrigation District (FID) active Victoria Colony E. Branch No 43 runs approximately 4,600 feet northeast; Victoria Colony W. Branch No 43 runs approximately 2,400 feet northeast; Houghton No. 78 run approximately 3,100 feet southwest of the project site. Plans for any street and/or utility improvements along or in the vicinity of these facilities shall require FID review and approval. A privately-owned canal (Tracy S. Branch No. 44) runs 2,000 feet northwest of the project site. It is an active canal and shall be treated as such.</p>
10.	<p>Temporary on-site storm water storage facility shall be provided until permanent Fresno Metropolitan Control District facilities become available and drainage can be directed to the street.</p>
11.	<p>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 proposed driveway approaches to Brawley Avenue.</p>
12.	<p>To identify San Joaquin Valley Unified Air Pollution Control District (District) rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant shall contact the District's Small Business Assistance Office at (559) 230-5888.</p>

EA:

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