

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

APPROVAL OF CLASSIFIED CONDITIONAL USE)
PERMIT NO. 3600 FOR A RURAL COMMERCIAL CENTER) RESOLUTION
WITH CONDITIONS OF APPROVAL)

WHEREAS, Central Valley Indian Heath Inc. (Applicant) made an application to the Fresno County Planning Commission (Planning Commission) for approval of Classified Conditional Use Permit (CUP) No. 3600, and adoption of Mitigated Negative Declaration prepared for Initial Study No. 7568 in relation to a rural commercial center with an outpatient medical clinic; and

WHEREAS, the clinic will provide service to the people of Prather, Auberry, and the Tollhouse area on property located at 29323 Auberry Avenue, on the north side of Auberry Avenue, approximately 340 feet west of its intersection with Morgan Canyon Road (the Site); and

WHEREAS, the Site, is located in the RR (Rural Residential) Zone District; and

WHEREAS, on July 23, 2020, the Planning Commission recommended approval of CUP No. 3600 to the Board of Supervisors (Board); and

WHEREAS, County Zoning Ordinance Section 873(E) requires that Conditional Use Permit Applications relating to Rural Commercial Centers be heard by the Board; and

WHEREAS, Pursuant to County Zoning Ordinance Section 873(F), in order for the Board to approve CUP No. 3632, 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 features required by this Division to adjust said use with land and uses in the neighborhood.
2. That 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.

1 3. That the proposed use will have no adverse impact on abutting property and
2 surrounding neighborhood or permitted use thereof.

3 4. That the proposed development is consistent with the General Plan.

4 5. That the conditions stated in the resolution are deemed necessary to protect the
5 public health, safety, and general welfare; and

6 WHEREAS, after duly giving all required public notices, and an opportunity for the public to
7 speak and present evidence for and against the proposed rural commercial center with medical
8 clinic, as described herein, and having complied with all applicable requirements of the law,
9 including the County Zoning Ordinance, the Board hereby resolves and takes the following actions,
10 including making the following findings.

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

- 16 • The proposed project meets the minimum building setback requirements of the
17 County of Fresno RR Zone District.
- 18 • The Site is required by mitigation measure to install an onsite wastewater treatment
19 system as approved by Fresno County Chief Building Inspector.
- 20 • Based the foregoing facts, which this Board has found, the Applicant has satisfied
21 Finding 1.

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

- 26 • Site access will be from Auberry Avenue and ample area is available on the Site for
27 circulation and parking.

- Auberry Avenue has sufficient width and capacity to serve the Site without further improvements.
- Based the foregoing facts, which this Board has found, the Applicant has satisfied Finding 2.

NOW, THEREFORE, Section 873(F) 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 rural commercial center will not have an adverse effect on abutting property because operation will be limited to normal business hours and the installation of landscaping will minimize aesthetic impacts on the scenic roadway and neighboring properties.
- The Mitigation Measures for aesthetics require that all outdoor lighting shall be hooded and directed so as not to shine toward adjacent properties and public streets and that landscaping be installed to screen the project from view of neighboring residences and Auberry Avenue.
- The Mitigation Measure for utility and services systems requires the operator to maintain a record of water usage at the project site and reduce water usage if the usage cap established by the Prather Water District is exceeded annually.
- The Mitigation Measure for cultural resources requires that 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.

- Based the foregoing facts, which this Board has found, the Applicant has satisfied Finding 3.

NOW, THEREFORE, Section 873(F) 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:

- The Site is located in an area where sewer service is not available. The Site will connect to the Prather Water District for water service.
- The Site is located near a major transportation corridor and within one quarter-mile of the Auberry Avenue and Morgan Canyon Road intersection.
- Based the foregoing facts, which this Board has found, the Applicant/Appellant has satisfied Finding 4.

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

- Development of the Site shall be in accordance with the Site Plan, Floor Plans, Elevations, and Operational Statement approved by the Board.
- A Site Plan Review application shall be submitted to and approved by the Director of the Public Works and Planning, Development Services and Capital Projects Division in accordance with Section 874 of the Fresno County Zoning Ordinance.
- The rear of the property shall incorporate fencing and/or a combination of fencing and landscaping to screen the use from agricultural properties to the north. Fencing may consist of chain link with slats, wrought iron with landscaping or some other combination as approved by the Department of Public Works and Planning.
- There shall be no outdoor storage allowed on the site including but not limited to vehicles, materials, and containers, etc.

- The colors and material of all structures shall be aesthetically harmonious and compatible with development in the area. No strident materials, colors, or designs that would be dissimilar from the surrounding area shall be allowed.
- Based the foregoing conditions, which this Board has deemed necessary to protect the public health, safety, and general welfare, the Applicant has satisfied Finding 5.

NOW, THEREFORE, IT IS ORDERED AND RESOLVED that Classified Conditional Use Permit No. 3600, for the rural commercial center, is hereby approved subject to the conditions of approval in Finding 5, above.

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

THE FOREGOING was passed and adopted by the following vote of the Board of Supervisors of the County of Fresno this 1st day of September, 2020, to wit:

AYES: Supervisors Brandau, Magsig, Mendes, Pacheco, Quintero

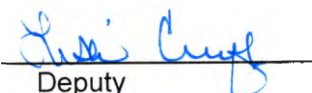
NOES: None

ABSENT: None

ABSTAINED: None


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: 
Deputy