



# County of Fresno

Hall of Records, Rm. 301  
2281 Tulare Street  
Fresno, California  
93721-2198

## Legislation Details (With Text)

**File #:** 20-0792      **Name:** Initial Study No. 7423 and Conditional Use Permit Application No. 3600 - Rural Commercial Center

**On agenda:** 9/1/2020      **In control:** Public Works & Planning  
**Final action:** 9/1/2020

**Enactment date:**      **Enactment #:** Resolution No. 20-281

**Title:** Conduct a public hearing on Conditional Use Permit application number 3600 pursuant to 873(F) of the Zoning Ordinance Code to: a. consider and adopt the Proposed Mitigated Negative Declaration and Mitigation Monitoring Reporting Program prepared for Initial Study Application No. 7423; and b. determine that the required findings specified in Fresno County Zoning Ordinance Section 873-F can be made to approve development of an outpatient clinic on a 0.79-acre parcel in the Rural Residential (RR) Zone District; and, c. adopt a Resolution approving Classified Conditional Use Permit Application No. 3600. The project is located on the northern side of Auberry Road, 340 feet west of its intersection with Morgan Canyon Road (29323 Auberry Road) (Sup. Dist. 5) (APN 118-422-46)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Agenda Item, 2. Attachments A - D, 3. Resolution No. 20-281, 4. Additional Information

| Date     | Ver. | Action By            | Action              | Result |
|----------|------|----------------------|---------------------|--------|
| 9/1/2020 | 1    | Board of Supervisors | approved as amended | Pass   |

**DATE:** September 1, 2020

**TO:** Board of Supervisors

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

**SUBJECT:** Initial Study No. 7423 and Conditional Use Permit Application No. 3600 (Applicant: Central Valley Indian Health, Inc.)

### RECOMMENDED ACTIONS:

**Conduct a public hearing on Conditional Use Permit application number 3600 pursuant to 873(F) of the Zoning Ordinance Code to:**

- a. Consider and adopt the Proposed Mitigated Negative Declaration and Mitigation Monitoring Reporting Program prepared for Initial Study Application No. 7423; and
- b. Determine that the required findings specified in Fresno County Zoning Ordinance Section 873-F can be made to approve development of an outpatient clinic on a 0.79-acre parcel in the Rural Residential (RR) Zone District; and
- c. Adopt a Resolution approving Classified Conditional Use Permit Application No. 3600.

**The project is located on the northern side of Auberry Road, 340 feet west of its intersection with**

**Morgan Canyon Road (29323 Auberry Road) (Sup. Dist. 5) (APN 118-422-46).**

The subject request before your Board comes with a recommendation for approval from the Fresno County Planning Commission (8 to 0, with one Commissioner absent). Per the Fresno County Zoning Ordinance, final approval action on a Rural Commercial Center must be taken by the Board of Supervisors.

ALTERNATIVE ACTION(S):

If your Board determines that the required findings for granting Conditional Use Permit No. 3600 cannot be made, a motion to deny the subject applications, stating which findings cannot be made and the reasoning for the inability to make those findings, would be appropriate.

FISCAL IMPACTS:

There is No Net County Cost associated with the recommended actions. Pursuant to the County's Master Schedule of Fees, the applicant paid \$9,462 in fees to process the application.

DISCUSSION:

The applicant is requesting the allowance of the construction and operation of an approximately 5,000 square-foot outpatient medical clinic on a 0.79-acre parcel in the RR Zone District.

Per the Zoning Ordinance section 873-E, final approval decisions on Conditional Use Permits for Rural Commercial Centers are made at the Board level rather than at the Planning Commission. This item is coming to your Board with a recommendation for approval from the Planning Commission. The Planning Commission Resolution, project mitigation measures and conditions of approval are included as Attachment A.

Pursuant to Zoning Ordinance Section 873(F), in order to approve CUP 3600, the following Findings must be made:

1. That the site for the propose use is adequate in size and shape to accommodate said use and all yards, spaces, wall 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 related to streets and highways is adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.
3. That the proposed use will have no adverse impact on abutting property and surrounding neighborhood or permitted use thereof.
4. That the proposed development is consistent with the General Plan.
5. That the conditions stated in the resolution are deemed necessary to protect the public health, safety, and general welfare.

The five findings required to approve a Conditional Use Permit are discussed in detail in the Staff Report to the Planning Commission (Attachment B).

On July 23, 2020, the Planning Commission considered the subject applications. After receiving staff's presentation and considering public testimony from the Applicant's Representative (Architect), the Commission voted 8 to 0, with one Commissioner absent, in favor of forwarding to the Board a recommendation to adopt the Mitigated Negative Declaration prepared for Initial Study No. 7423 and to approve the proposed Conditional Use Permit subject to the Conditions of Approval, Mitigation Measures, and mandatory Project Notes listed in the Staff Report to the Planning Commission.

The proposed outpatient clinic is consistent with the General Plan and The Sierra-North Regional Plan policies and standards and is allowed in the RR Zone District subject to a Conditional Use Permit. The project is being developed specifically to provide services to Native Americans and to the people of Prather, Auberry, and the Tollhouse area.

There has been no opposition to the Project and the proposal is recommended to your Board for approval by the Planning Commission.

During the July 23<sup>rd</sup> Planning Commission hearing, the applicant's representative raised a concern regarding the block wall and landscaping condition as presented in the staff report. The representative stated that the Applicant would be agreeable to wrought iron fencing rather than a block wall. Staff advised the Commission that the block wall is an ordinance requirement for Rural Commercial Centers when abutting residentially zoned properties (east and west sides) and approval of a variance would be necessary. Project Note 21 has been added to cite the wall requirement per the Zoning Ordinance. The applicant has been advised of this issue.

The rear of the parcel abuts Exclusive Agriculture zoned property and the property faces commercially zoned properties to the southwest, both of which would not require the block wall. Condition of Approval No. 3 reads: *"Except in the front yard setback, a dense landscape visual screen or 6-foot-tall masonry wall shall be provided between the use and adjacent residential uses to the east and west."* The wording of this condition was in error, and as such staff recommends revising this condition to reflect a lesser improvement requirement for the rear property line (fencing or a combination of fencing and landscaping) and adding Project Note No. 21 which states the requirement for a block wall along the site's eastern and western property lines. The revisions have been included in Attachment D.

If your Board is able to make the required findings (see above) for granting approval of Conditional Use Permit No 3600, concurring with the Planning Commission's recommendation for approval, with the modified conditions of approval included in Attachment D, an approval motion adopting the findings for approval on file with the Clerk of the Board for this item would be appropriate, stating in its motion to approve that the Board is adopting the Mitigated Negative Declaration prepared for Initial Study 7423.

If your Board is unable to make the required findings for granting approval of Conditional Use Permit No. 3600, denial of this application would then be appropriate, citing the reasons for denial.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachments A - D  
On file with Clerk - Resolution

CAO ANALYST:

Debbie Paolinelli