



# County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING  
STEVEN E. WHITE, DIRECTOR

## Planning Commission Staff Report Agenda Item No. 3 July 23, 2020

**SUBJECT:** Initial Study Application No. 7423 and Classified Conditional Use Permit Application No. 3600

Allow the construction and operation of an outpatient medical clinic on a 0.79-acre parcel in the RR (Rural Residential) Zone District to provide services specifically to Native Americans and also to the people of Prather, Auberry, and the Tollhouse area.

**LOCATION:** The project site is located on the northern side of Auberry Road, approximately 340 feet west of its intersection with Morgan Canyon Road (29323 Auberry Road) (Sup. Dist. 5) (APN 118-422-46).

**OWNER:** Central Valley Indian Health, Inc.  
**APPLICANT:** Victor Fabionar

**STAFF CONTACT:** Chrissy Monfette, Planner  
(559) 600-4245

Dave Randall, Senior Planner  
(559) 600-4050

### RECOMMENDATION:

- Recommend that the Board of Supervisors adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7423 and
- Recommend that the Board of Supervisors approve Classified Conditional Use Permit Application No. 3600 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution to forward Conditional Use Permit Application No. 3600 to the Board of Supervisors with a recommendation of approval, subject to the Conditions of Approval and Mitigation Measures listed as Exhibit 1 to the Staff Report.

**EXHIBITS:**

1. Mitigation Monitoring, Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Site Plans and Detail Drawings
6. Elevations
7. Applicant's Operational Statement
8. Summary of Initial Study Application No. 7423

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
General Plan Designation	Mountain Urban	No change
Zoning	Rural Residential	No change
Parcel Size	0.79 acre	No change
Project Site	None	Entire Parcel
Structural Improvements	None	One new building with parking lot and septic system
Nearest* Residence	20 feet east	No change
Surrounding Development	Surrounding uses include residential directly east and west of the site; a Shell gas station and Dollar General further to the east; and a CVS and Mexican restaurant to the south.	No change
Operational Features	None	New building with parking lot and septic system
Employees	None	9
Customers	None	Average daily: 15 Maximum daily: 24
Traffic Trips	None	Up to 87 daily round trips

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
Lighting	None	Pole-mounted parking lot lighting, walkway lighting, and exterior building lighting
Hours of Operation	N/A	8:00 AM to 5:00 PM, closed Noon to 1PM.

\*As measured from the subject property line to the nearest point of residence

**EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: N**

**ENVIRONMENTAL ANALYSIS:**

An Initial Study (IS) was prepared for the project by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the IS, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study is below and included as Exhibit 8.

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: June 12, 2020

**PUBLIC NOTICE:**

Notices were sent to 18 property owners within 600 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

**PROCEDURAL CONSIDERATIONS:**

The final decision on a conditional use permit for a rural commercial development in the RR Rural Residential Zone District is determined by the Board of Supervisors. The Planning Commission will adopt a resolution making its recommendations on the application and environmental documents to the Board of Supervisors.

A Classified Conditional Use Permit Application may be approved only if Five Findings specified in the Fresno County Zoning Ordinance, Section 873-F are made by the Planning Commission.

**BACKGROUND INFORMATION:**

The project site was originally zoned A-1 (Agricultural District). The zoning was amended to RR (Rural Residential) on November 30, 1982, in order to make the zoning consistent with the newly-adopted Sierra-North Regional Plan. The rezone did not limit the uses available in the RR Zone District and the proposed use is permitted through approval of a Conditional Use Permit (this application).

This application proposes to allow the construction and operation of a medical clinic to replace the existing Central Valley Indian Health Clinic located elsewhere in Prather, CA. The clinic would provide services to Native Americans, as well as the people of Prather, Auberry, and the Tollhouse area.

**Finding 1:** *That the site of 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*

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Setbacks	Front (south): 35 ft Rear (north): 20 ft Side: 20 ft	Front: 75 feet Rear: 20 feet East: 20 feet West: ~115 feet	Y Y Y Y
Parking	One stall for every 1,000sf of gross area, plus one for every three employees	19 Spaces	Y
Lot Coverage	No requirements	N/A	N/A
Space Between Buildings	6 feet	N/A	Y
Wall Requirements	No walls higher than 3 feet in front or side yard setbacks, no walls greater than 6 feet in height on rear and interior side	Walls may be built in accordance with the Zoning Ordinance	Y
Septic Replacement Area	100 percent	Per Engineered System	Y
Water Well Separation	Septic tank: 50 feet; Disposal field: 100 feet; Seepage pit: 150 feet	Water will be provided by Prather Water District	Y

**Reviewing Agency/Department Comments Regarding Site Adequacy:**

Fresno County Department of Public Works and Planning Building Department: Plans, permits, and inspections will be required for onsite improvements.

Fresno County Department of Public Works and Planning Site Plan Review: Parking spaces shall be constructed in compliance with the county and the state standards. A minimum back up clearance of 18 feet should be provided and clearly labeled to conform with County Parking Standards.

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 Governors Drought Executive Order of 2015. The Landscape and Irrigation Plans shall be submitted to the Fresno County Department of Public Works and Planning, Site Plan Review (SPR) unit for review and approval prior to the issuance of building permits.

Any proposed driveway should be a minimum of 9 feet and a maximum of 28 feet in width as approved by the Road Maintenance and Operation Division. If only the driveway is to be paved, the first 100 feet off the end of the ultimate right-of-way shall be concrete or asphalt.

No building or structure erected in this District shall exceed thirty-five (35) feet in height, unless authorized under Section 820.5 D of the Fresno County Zoning Ordinance.

Outdoor lighting should be hooded and directed away from adjoining streets and properties. All proposed signs require submittal to the Department of Public Works and Planning permits county to verify compliance with the Zoning Ordinance.

State Water Resources Control Board, Division of Drinking Water – Fresno District: The applicant has already worked with the Division of Drinking Water to receive water service from an existing public water system, Prather Water District. This project will not rely on the creation of a new public water system and will not be regulation by the Division. The District therefore has no comment.

Fresno County Department of Public Works and Planning Resources Division: The application is subject to the following regulations:

- AB 341 - Mandatory Commercial Recycling Program (MCR) - (if applicable)
  - After July 1, 2012, all businesses that generates four cubic yards or more of commercial solid waste per week or a multifamily residential dwelling of five units or more shall make arrangements to establish a recycling program for the business
- AB 1826 - Mandatory Commercial Organics Recycling (MORe) - (if applicable)
  - Effective January 1, 2019, Businesses that generate 4 cubic yards or more of commercial solid waste per week shall arrange for organic waste recycling services.
- SB 1374 – Construction and Demolition Diversion Requirements; including Title 15 Building Standards code related to diversion requirements

Fresno County Department of Public Health, Environmental Health Division:

- Construction permits for the proposed development should be subject to assurance that the City of Prather Water District, Inc., has the capacity and quality to serve this project. Concurrence should be obtained from the State Water Resources Control Board, Division of Drinking Water-Southern Branch.
- The applicant may be required to obtain a Medical Waste Permit from the California Department of Health Services, Medical Waste Management Program.
- The proposed construction and commercial project(s) have the potential to expose nearby residents to short-term elevated noise levels. Consideration should be given to County of Fresno Noise Ordinance Code.
- If the applicant proposes to use and/or store hazardous materials and/or hazardous wastes, they 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. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the California Health and Safety Code (HSC), Division 20, Chapter 6.95, Section 25507.
- As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.

- Prior to destruction of agricultural wells, a sample of the upper most fluid in the water well column should be sampled for lubricating oil. The presence of oil staining around the water well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with federal, state, and local government requirements.
- Should any underground storage tank(s) be found during the project, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division.

Fresno County Department of Public Works and Planning Development Engineering Division: According to FEMA FIRM Panel No. 06019C0675H, the property is not located in an area subject to flooding as a result of the 100-year storm. According to U.S.G.S. Quad Maps, there are no existing natural drainage channels adjacent to or running through the parcel.

Typically, runoff generated by the proposed development of this site cannot be drained across property lines and must be retained or disposed of per County Standards. 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. A grading permit or voucher may be required for any grading that has been done without and permit and any new grading proposed by this application.

Fresno County Fire Protection District: This project shall comply with California Code of Regulations Title 24 – Fire Code. Prior to receiving Fresno County Fire Protection District (FCFPD) conditions of approval for this project, the applicant/developer must submit construction plans to the County of Fresno Public Works and Planning for review. It is the Applicant/Developer’s responsibility to deliver a minimum of three sets of plans to the FCFPD.

This project shall annex to Community Facilities District No. 2010-01 of the Fresno County Fire Protection District. The project also will be subject to the requirement of the current Fire Code and Building code when a building permit or certificate of occupancy is sought. Please note, requirements for this project may include, but are not limited to water flow requirements, water storage requirements, fire pumps, road access, Public Resources Code 4290, fire hydrants, fire sprinklers system, fire alarm systems, premises identification, and title 15.60 County Ordinance.

The following agencies provided a “no comments” or “no concerns” response to the request for comments: United States Fish and Wildlife Service, San Joaquin Valley Air Pollution Control District, Fresno Metropolitan Flood Control District,

No other comments specific to the adequacy of the site were expressed by reviewing Agencies or Departments.

**Finding 1 Analysis:**

The project site is a 0.79-acre parcel is currently unimproved. If this application is approved, the developer would be allowed to construct a 5,000 square-foot medical clinic with parking lot and onsite wastewater treatment system. The site is sloped terrain, which slopes downward from north to south and supports some trees and other vegetative growth.

An engineered septic system was designed for this project site, which was reviewed by the County and determined to be of sufficient design for the subject parcel, which the described variance from the required 50-foot property line setbacks. Installation of this system, or another

system which has been similarly approved by the County, is required as a mitigation measure. The existing well on the parcel must be abandoned, as the property will connect to Prather Water District for water service and the well would otherwise be located too near the proposed septic system.

Excepting the setback variance request for the septic system, the project site is able to accommodate all of the proposed improvements while maintaining all required property setbacks.

Staff finds that the proposed parcel, with adherence to the approved designs for the onsite wastewater treatment system, is adequate in size and shape to accommodate the proposed use. Additional engineered designs may be required as described by ministerial and construction permitting requirements; however, those divisions reviewed the preliminary site plan and determined that engineered plans would not need to be approved in advance.

**Recommended Conditions of Approval:**

*See recommended Conditions of Approval attached as Exhibit 1.*

**Conclusion:**

Finding 1 can be made.

*Finding 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*

		<b>Existing Conditions</b>	<b>Proposed Operation</b>
Private Road	No	N/A	N/A
Public Road Frontage	Yes	210 feet on Auberry Ave	No change
Direct Access to Public Road	Yes	None	Two points of access
Road ADT		3,400	Minor increase
Road Classification		Arterial	No change
Road Width		31.9 feet	No change
Road Surface		0.25 foot Asphalt Concrete, 0.6 feet Asphalt Base	No change
Traffic Trips		None	Up to 87 daily round trips
Traffic Impact Study (TIS) Prepared	Yes	None	No road impacts identified
Road Improvements Required		None	None

## **Reviewing Agency/Department Comments Regarding Adequacy of Streets and Highways:**

Fresno County Department of Public Works and Planning Design Division: Staff has reviewed the Traffic Impact Study and no traffic-related mitigations are required, per the findings.

Fresno County Department of Public Works and Planning Site Plan Review: An encroachment permit shall be required from Road Maintenance and Operations for any work on the County right-of-way. Internal access roads shall comply with required widths by the Fire District for emergency apparatus. A dust palliative should be required on all parking and circulation areas.

Fresno County Department of Public Works and Planning Design Division: A limited TIS may be necessary to study the project site access for the ingress and egress of the projects traffic. Also, because the project site is within proximity of newly constructed roundabout on SR 168, coordination with Caltrans and County will be necessary to make sure placement of the project access location is acceptable to both agencies.

Fresno County Department of Public Works and Planning Development Engineering: Auberry Road is a County-maintained arterial with an existing 30-foot right-of-way north of the centerline along the parcel frontage, per Record of Survey in Book 47, Page 66. The minimum width of an arterial right-of-way north of the centerline is 53 feet. Records indicate this section of Auberry Road, from Quail Hollow Lane to Highway 168 has an Average Daily Traffic of 3,400, pavement width of 31.9 feet, structural section of 0.25 AC/0.6 AB and is in excellent condition.

If not already present, on-site turnarounds are required for vehicles leaving the site to enter the arterial road in a forward motion such that vehicles do not back out onto the roadway. Direct access to an arterial road is usually limited to one common point. No new access points are allowed without prior approval, and any existing driveway must be used.

if not already present, 10-foot-by-10-foot corner cutoffs should be improved for sight distance purposes at the exiting driveway onto Auberry Road.

No other comments specific to the adequacy of streets and highways were expressed by reviewing Agencies or Departments.

## **Finding 2 Analysis:**

The applicant's operational statement estimates a maximum patient attendance of 25 per day, with an average of 15 per day. With nine employees, this results in an anticipated maximum daily increase of up to 34 additional round trips. A Traffic Impact Study (TIS) was prepared to determine the likely impacts to local roads as a result of this application.

The numbers discussed in the TIS were based on the rate given by the *Trip Generation Manual, 10<sup>th</sup> Edition, Institute of Transportation Engineers 2017*, which estimate a higher rate of traffic at the site than the operational statement: 34.8 daily one-way trips for every 1,000 square-foot section of the medical-dental office. Therefore, this project was calculated to generate 87 new daily round trips. This higher estimate was used to determine if the project would result in adverse impacts to local roads.

The TIS determined that the nearby intersections would continue to operate with acceptable queuing conditions through the year 2040, and that no left turn lane was warranted at the propose driveway to the project site.



The addition of medical services in this area will provide for a reduction in overall Vehicle Miles Traveled (VMT) by allowing local residents to use a clinic closer to their homes instead of traveling to more distant locations. In addition, the project site is located in the same area as an existing CVS Pharmacy where patients can fulfill medications prescribed by the clinic doctors with little increase in overall VMT. There is also an open-air mall and grocery store within one-quarter-mile of the project site, which provide additional destinations in this development cluster.

The driveway design features two access points to Auberry Road, one which is dedicated to ingress and the other to egress. This design allows vehicles to turn around onsite and enter Auberry Avenue in a forward motion, without the need to back onto the street.

Because the analysis relied on a number of traffic trips that is more than double the anticipated operational trips to the project site, impacts are likely to be less significant than proposed by the analysis.

Based on the above information, Auberry Avenue is of sufficient width and pavement to accommodate the proposed use.

**Recommended Conditions of Approval:**

*None.*

**Conclusion:**

Finding 2 can be made.

*Finding 3:* *That the proposed use will have no adverse effect on abutting property and surrounding neighborhood or the permitted use thereof*

<b>Surrounding Parcels</b>				
	Size:	Use:	Zoning:	Nearest* Residence:
North	4.18 acres	Residential	AE-40 (Exclusive Agricultural, 40-acre minimum parcel size)	180 feet
South	1.72 acres 10.57 acres	Commercial Commercial	C-6 (General Commercial)	None None
East	1.14 acres	Residential	RR	20 feet
West	1.06 acres	Residential	RR	70 feet

\*As measured from the subject property line to the nearest point of residence

**Reviewing Agency/Department Comments:**

San Joaquin Valley Information Center: The project area has not been surveyed by a qualified cultural resource consultant and the archaeological sensitivity of the project site is unknown. Based upon the known archaeological sensitivity of the region, prehistoric or historic cultural resources may be present within the project site. An Archeological survey should be done by a

professional archaeologist prior to approval of any project plans and a professional archaeologist should be retained to monitor any ground disturbance activities.

The following agencies provided a “no comments” or “no concerns” response to our request for comments: San Joaquin Valley Air Pollution Control District and the Local Agency Formation Commission.

No other comments specific to land use compatibility were expressed by reviewing Agencies or Departments.

### **Finding 3 Analysis:**

The project site is located along Auberry Road, which is a designated scenic roadway in Fresno County; however, no scenic resources were identified on the project site. The area is currently cleared of uses and presents a vacant grassland/lawn appearance. Surrounding development consists of some residential uses and intensive commercial uses. Development of the proposed medical facility will increase the Urban appearance of this area but will not damage any scenic resources. A mitigation measure is proposed to reduce the impact of development on the scenic drive by requiring that the applicant/developer install and maintain landscaping to a depth of at least 15 feet off the road and that the colors and material of all structures shall be aesthetically harmonious and compatible with development in the area.

The County requested consultation with local Native American Tribal Governments who had requested notice of this project through the provisions of Assembly Bill 52. Staff received one response to the four mailed notices and the nonresponsive three were presumed to have declined Consultation. The response from Table Mountain Rancheria also declined consultation. A mitigation measure was included to describe appropriate steps to be undertaken in the event that previously undiscovered resources are unearthed during project construction.

Another mitigation measure is proposed which would require that the applicant point any exterior lights downwards so that light does not shine on adjacent parcels. Given the small size of parcels in the immediate vicinity of the project site, this requirement is necessary to ensure that new lighting does not shine on any living areas on nearby residences. The density of development also resulted in the need to restrict the type of septic system that could be installed to serve the proposed development. With the limitation that the proposed design must be approved by County Staff prior to construction of the septic system, the County will ensure that the system is installed per current regulations, which will protect the wells of surrounding property owners.

An Air Quality Assessment was prepared for this project by LSA (October 2019) which estimated emissions from this project. No criteria pollutants were estimated to be produced in amounts that would exceed thresholds established by the San Joaquin Valley Air Pollution Control District.

The project proposes to connect to the Prather Water District for water service; however, the District established a usage cap of 125,000 gallons/year as part of the will-serve notice. The operator is required to track (or meter) water usage and compare the annual number to the cap. This ensures that the project will not result in unsustainable water usage that could adversely affect surrounding property owners by requiring accountability on the part of the operator.

Finally, the project would operate only during normal business hours (Monday through Friday, excepting holidays and 8AM to 5PM), which is the time when the noise ordinance is at its least

stringent and when the residents of surrounding developments are least likely to be at home. Therefore, typical operation of the proposed medical facility would not result in any adverse noise impacts are nearby residences.

Based on the above information, staff believes the proposal would not have an adverse effect upon surrounding properties.

**Recommended Conditions of Approval:**

*See recommended Conditions of Approval and Mitigation Measures attached as Exhibit 1.*

**Conclusion:**

Finding 3 can be made.

*Finding 4:* *That the proposed development is consistent with the General Plan*

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
General Plan Policy: LU-F.22 – The County shall generally require that significant new office developments locate near major transportation corridors and concentrations of residential uses. New office development may serve as buffers between residential uses and high-intensity commercial uses.	Consistent: The project site is a medical office which is located adjacent to both intensive commercial uses and residential development.
General Plan Policy: LU-F.23 – The County shall require community sewer and water services for commercial development in accordance with the provisions of the Fresno County Ordinance Code, or as determined by the State Water Quality Control Board.	Consistent: In consultation with the State Water Resources Control Board, the County determined that the project would be served water service from the Prather Water District and would process generated wastewater onsite in an engineered septic system.
General Plan Policy: LU-F.24 – The County shall require new commercial development to be designed to minimize the visual impact of parking areas on public roadways and maintain compatibility with surrounding land uses.	Consistent: the project is required to install landscaping for at least the first 15 feet off the edge of the road, which will minimize the visual impact of its parking areas on drivers along Auberry Road.
General Plan Policy: LU-F.25 – The County shall require that new commercial development be designed to encourage and facilitate pedestrian circulation within and between commercial sites and nearby residential areas rather than being designed primarily to serve vehicular circulation.	Not consistent: The project site is located proximate to other commercial developments; however, the existing path of the roadways and topography of the area do not provide a pedestrian connection. No sidewalks exist in this area, with the exception of in the area around the new roundabout at Auberry and Morgan Canyon Road. Further, the operation of the medical facility is likely to be driven by the need of the patients rather than ease of accessibility for surrounding residents.

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
Sierra-North Regional Plan Policy: 402-01:12.03.b: Commercial development shall be served by community water and sewer systems or provide suitable alternatives.	Consistent: In consultation with the State Water Resources Control Board, the County determined that the project would be served water service from the Prather Water District and would process generated wastewater onsite in an engineered septic system.
Sierra-North Regional Plan Policy: 402-01:12.03.c – The impacts that service and heavy commercial uses can have on residential areas should be mitigated by on-site buffering measures.	Consistent: Review of this application determined that several mitigation measures would be necessary to reduce impacts on nearby properties to less than significant. These measures are listed in the Mitigation Monitoring and Reporting Plan (MMRP) attached as Exhibit 1.
Sierra-North Regional Plan Policy: 402-01:12.03.e – The development of new commercial uses shall be guided by the following criteria: 1. Off-street parking shall be sufficient for the proposed use; and 2. A minimum setback of 50 feet shall be provided from the roadway, where possible.	Consistent: The project site shows parking spaces in excess of what would be required based on the zoning ordinance. Due to the size of the parcel, a setback of 50 feet is not possible; however, the developer is required to install landscaping along the first 15 feet off the roadway to help screen the site.
Sierra-North Regional Plan Policy: 402-01:12.03.a.2 – “In Prather, commercial uses should be located along Auberry Road within ¼ mile of the Morgan Canyon Road intersection.”	Consistent: The project site is on Auberry Road within a ¼ Mile of the Morgan Canyon Road Intersection (.15 Miles actual distance)

**Reviewing Agency Comments:**

Fresno County Department of Public Works and Planning, Policy Planning Division: The subject parcel is designated as Mountain Urban in the Sierra-North Regional Plan and is located in the RR (Rural Residential) Zone District. The subject parcel is not enrolled in the Williamson Act Program.

No other comments specific to General Plan Policy were expressed by reviewing Agencies or Departments.

**Finding 4 Analysis:**

The project site is subject to both the County General plan and the Sierra-North Regional Plan, which provides more specific policies to guide development of parcels. In this case, many of the policies of the Sierra-North Plan overlap with the policies of the County General Plan.

Both Plans have policies (General Plan Policy: LU-F.23 and Sierra-North Regional Plan Policy: 402-01:12.03.b) which require that commercial uses are provided water and sewer service from existing public or private utilities. This project will receive water from the Prather Water District; however, sewer service was not available. Therefore, the County has approved an Engineered Septic System which is large enough to accommodate the expected water flow at the project

site. Because the engineered system was approved by the County, it is considered to be a suitable alternative to sewer connection and the project is consistent with these policies.

Several policies relate to the location of a proposed commercial use and specify that offices may be used to provide a buffer between residential development and commercial development. In this case, the project is located between several houses and other commercial uses, showing consistency with General Plan Policy: LU-F.22. Similarly, mitigation measures were adopted to reduce impacts on adjacent properties, consistent with Sierra-North Regional Plan Policy: 402-01:12.03.c.

These plans also contain policies which require that the County and private development maintain a natural aesthetic in areas that are sensitive to such impacts, such as when a building is proposed along a Scenic Drive. In this case, the project is not able to meet the 50-foot setback described by Sierra-North Regional Plan Policy: 402-01:12.03.e; however, landscaping is required for at least 15 feet off the road, which will help to screen the building and parking area from view (showing consistency with General Plan Policy: LU-F.24.)

The project is not consistent with General Plan Policy: LU-F.25 because it does not have any features which encourage residents to walk rather than drive to their desired location. However, there are no sidewalks in the area of the project, even in the area of other commercial development (with the exception of around the new roundabout development) and therefore such improvements onsite would not connect to other commercial uses. Further, the project is a medical office, which is likely to treat patients based on need (and preventative care, which is typically scheduled in advance of a visit). Therefore, even if sidewalks were provided near and around this site, nearby residents would not be compelled to walk to this site unless they already had a scheduled appointment. In conclusion, the site is not located in an area where pedestrian circulation would be efficient or effective and this policy is determined not to apply.

Based on these factors, the proposed project is consistent with the General Plan.

**Recommended Conditions of Approval:**

*See recommended Conditions of Approval attached as Exhibit 1.*

**Conclusion:**

Finding 4 can be made.

*Finding 5:* *That the conditions stated in the Resolution are deemed necessary to protect the public health, safety, and general welfare*

Per Section 873-F of the Zoning Ordinance, Finding 5 addresses the question of whether the included Conditions can be deemed necessary to protect the public health, safety and general welfare of the public and other such conditions as will make possible the development of the County in an orderly and efficient manner and in conformity with the intent and purposes set forth in this Division. The required Conditions of Approval will be addressed through the Site Plan Review process required for this project. The Site Plan Review process and requirements are contained in Section 874 of the Fresno County Zoning Ordinance.

The Mitigation Measures proposed for this project are required to reduce the identified adverse impacts such that they are considered to be “less than significant”. For additional detail

regarding the analysis of environmental impacts, please see the Initial Study which has been attached to this staff report as Exhibit 8.

The Conditions of Approval for this project include filing a Site Plan Review application, which is necessary to ensure compliance with the Zoning Ordinance and the conditions of this CUP application and restrict the applicant to development of what was approved (i.e. the site plan, detail drawings, and elevations attached as Exhibits 5 and 6). This restriction is necessary to ensure that new impacts are not generated as a result of deviation from the documents reviewed by the Commission. Conditions which restrict the material of new structures and the installation of visual screening are required to protect the existing natural views of surrounding residential development.

No other Conditions are proposed. The project notes represent existing regulations to which the applicant/developer is subject and are provided to aid the applicant/developer during construction and/or operation.

***Reviewing Agency/Department Comments:***

Refer to comments under Findings 1 through 4 of this report.

**Recommended Conditions of Approval:**

*None.*

**PUBLIC COMMENT:**

None.

**CONCLUSION:**

Based on the factors cited in the analysis, staff believes the required Findings for granting the Classified Conditional Use Permit be made. Staff therefore recommends approval of Classified Conditional Use Permit No. 3600, subject to the recommended Conditions of Approval, Mitigation Measures, and Project Notes.

**PLANNING COMMISSION MOTIONS:**

**Recommended Motion** (Approval Action)

- Recommend that the Board of Supervisors adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7423 and
- Recommend that the Board of Supervisors approve Classified Conditional Use Permit Application No. 3600 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution to forward Conditional Use Permit Application No. 3600 to the Board of Supervisors with a recommendation of approval, subject to the Conditions of Approval and Mitigation Measures listed as Exhibit 1 to the Staff Report.

**Alternative Motion** (Denial Action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Classified Conditional Use Permit No. 3600; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**Mitigation Measures, Recommended Conditions of Approval and Project Notes:**

See attached Exhibit 1.

CMM:im  
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**Mitigation Monitoring and Reporting Program  
Initial Study Application No. 7423  
Classified Conditional Use Permit Application No. 3600  
(Including Conditions of Approval and Project Notes)**

<b>Mitigation Measures</b>					
<b>Mitigation Measure No.*</b>	<b>Impact</b>	<b>Mitigation Measure Language</b>	<b>Implementation Responsibility</b>	<b>Monitoring Responsibility</b>	<b>Time Span</b>
1.	Aesthetics	Landscaping shall be installed across the parcel frontage to a depth of at least 15 feet in order to screen the parking lot from view of the roadway.	Applicant	Applicant/Fresno County Department of Public Works and Planning	Prior to occupancy
2.	Aesthetics	All outdoor lighting shall be hooded and directed so as not to shine toward adjacent properties and public streets.	Applicant	Applicant/Fresno County Department of Public Works and Planning	Ongoing
3.	Cultural Resources/ Tribal 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, and etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/Fresno County Department of Public Works and Planning	During ground-disturbing activities
4.	Hydrology and Water Quality	The on-site wastewater treatment system shall be designed and installed in accordance with California Well Standards, California Plumbing Code and the Sewage Feasibility report dated February 21, 2020, or as otherwise approved by the Fresno County Chief Building Inspector.	Applicant/ County	Applicant/Fresno County Department of Public Works and Planning	Ongoing
5.	Utilities and Service Systems	A record of water usage at the project site shall be retained and reviewed annually by the Prather Water District to ensure that water usage does not exceed 125,000 gallons annually. If this amount is exceeded, the property owner shall implement water reduction strategies, including reduced service if necessary, to reduce usage under this cap or shall obtain a 'will serve' letter from Prather Water District authorizing a	Applicant/ Prather Water District	Applicant/Fresno County Department of Public Works and Planning	Annually



		higher annual usage. If a revised 'will serve' letter is provided, the annual water usage shall be compared to the revised annual cap.			
<b>Conditions of Approval</b>					
1.	Development of the property shall be in accordance with the Site Plan, Floor Plan, Elevations, and Operational Statement approved by the Commission.				
2.	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. Appropriate screening of the eastern and western property lines shall be considered as part of this review.				
3.	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				
4.	There shall be no outdoor storage allowed on the site including but not limited to vehicles, materials, and containers, etc.				
5.	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.				

\*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.

<b>Notes</b>	
<b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b>	
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.	Plans, permits and inspections are required for all onsite proposed improvements. Contact the Building and Safety Section of the Fresno County Department of Public Works and Planning at (559) 600-4540 for permits and inspections.
3.	The Application shall comply with California Code of Regulations (CCR), Title 24 – Fire Code. Prior to receiving Fresno County Fire Protection District (FCFPD) conditions of approval for the project, the Applicant must submit construction plans to the Fresno County Department of Public Works and Planning for review. It is the Applicant's responsibility to deliver a minimum of three sets of plans to FCFPD.
4.	Project/Development will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.

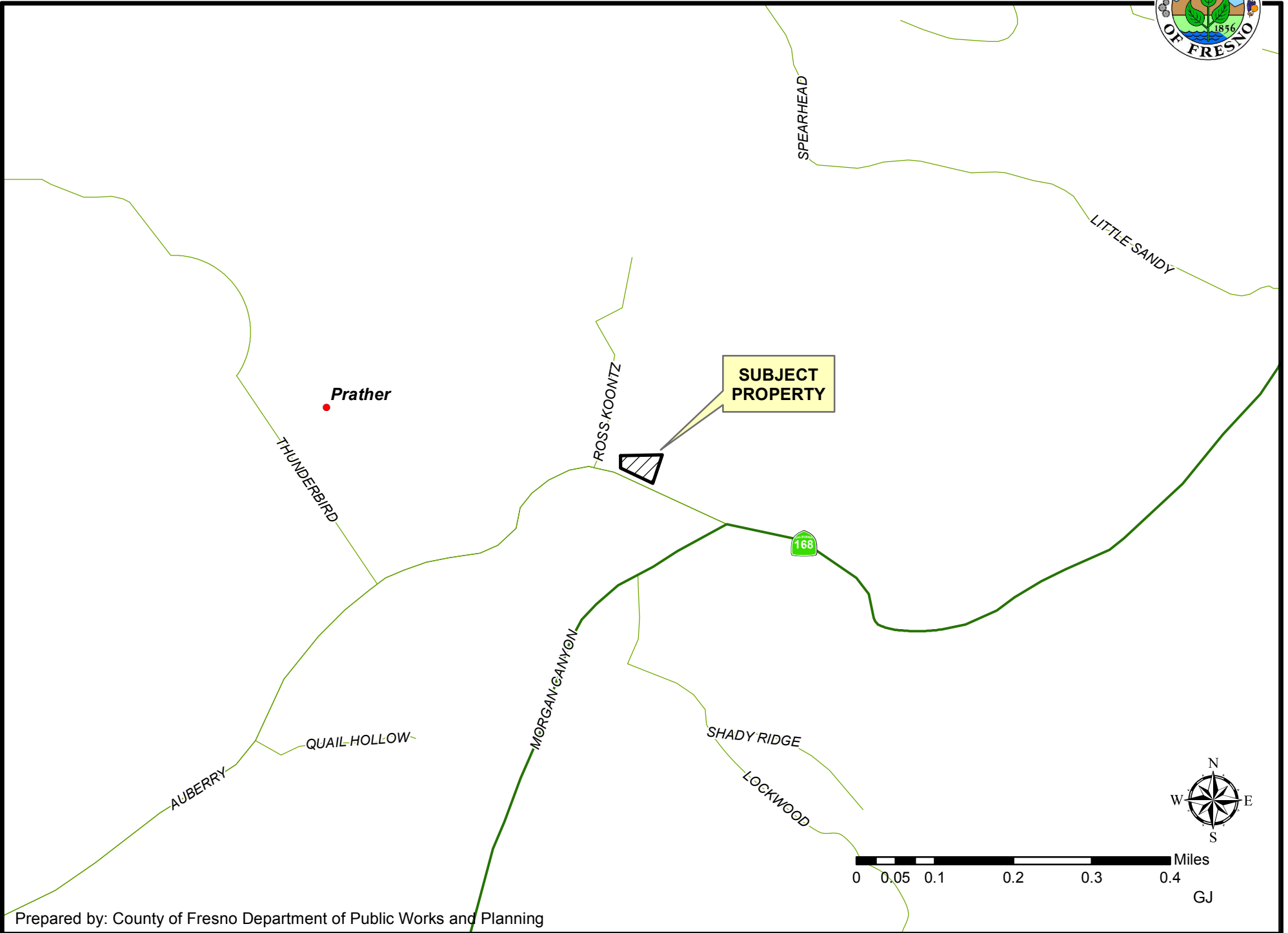
<b>Notes</b>	
5.	This project shall annex to Community Facilities District No. 2010-01 of the Fresno County Fire Protection District. The project also will be subject to the requirement of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought. Please note, requirements for this project may include, but are not limited to water flow requirements, water storage requirements, fire pumps, road access, Public Resources Code 4290, fire hydrants, fire sprinklers system, fire alarm systems, premises identification, and title 15.60 County Ordinance.
6.	If the applicant proposes to use and/or store hazardous materials and/or hazardous wastes, they 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. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the California Health and Safety Code (HSC), Division 20, Chapter 6.95, Section 25507 ( <a href="http://cers.calepa.ca.gov/">http://cers.calepa.ca.gov/</a> ). Contact the Certified Unified Program Agency at (559) 600-3271 for more information.
7.	As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.
8.	Prior to destruction of agricultural wells, a sample of the upper most fluid in the water well column should be sampled for lubricating oil. The presence of oil staining around the water well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with federal, state, and local government requirements.
9.	Should any underground storage tank(s) be found during the project, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 600-3271 for more information.
10.	AB 341 - Mandatory Commercial Recycling Program (MCR): After July 1, 2012, a business that generates four cubic yards or more of commercial solid waste per week or a multifamily residential dwelling of five units or more shall make arrangements to establish a recycling program for the business.
11.	AB 1826 - Mandatory Commercial Organics Recycling (MORe): Effective January 1, 2017: Businesses that generate 4 cubic yards of organic waste per week shall arrange for organic waste recycling services.
12.	An Engineered Grading and Drainage Plan is required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties. Typically, any additional runoff generated by the proposed development of this site cannot be drained across property lines and must be retained or disposed of per County Standards.
13.	A grading permit or voucher shall be required for any grading that has been done without a permit and any grading proposed with this application.
14.	Any work done within the right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division.

<b>Notes</b>	
15.	Typically, in an Arterial classification, if not already present, onsite turnarounds are required for vehicles leaving the site to enter the Arterial road in a forward motion so that vehicles do not back out onto the roadway. Direct access to an Arterial road is usually limited to one common point.
16.	No new access points are allowed without prior approval, and any existing driveway shall be utilized.
17.	If not already present, the following corner cutoffs shall be improved: 10-foot by 10-foot cutoffs at the exiting driveways onto American and Del Rey Avenues; and 30-foot by 30-foot cutoffs at the intersection of American and Del Rey Avenues.
18.	A minimum back up clearance of 18 feet should be provided and clearly labeled to conform with County Parking Standards.
19.	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 Governors Drought Executive Order of 2015. The Landscape and Irrigation Plans shall be submitted to the Fresno County Department of Public Works and Planning, Site Plan Review (SPR) unit for review and approval prior to the issuance of building permits.
20.	The applicant may be required to obtain a Medical Waste Permit from the California Department of Health Services, Medical Waste Management Program. Call (916) 449-5671 for more information.

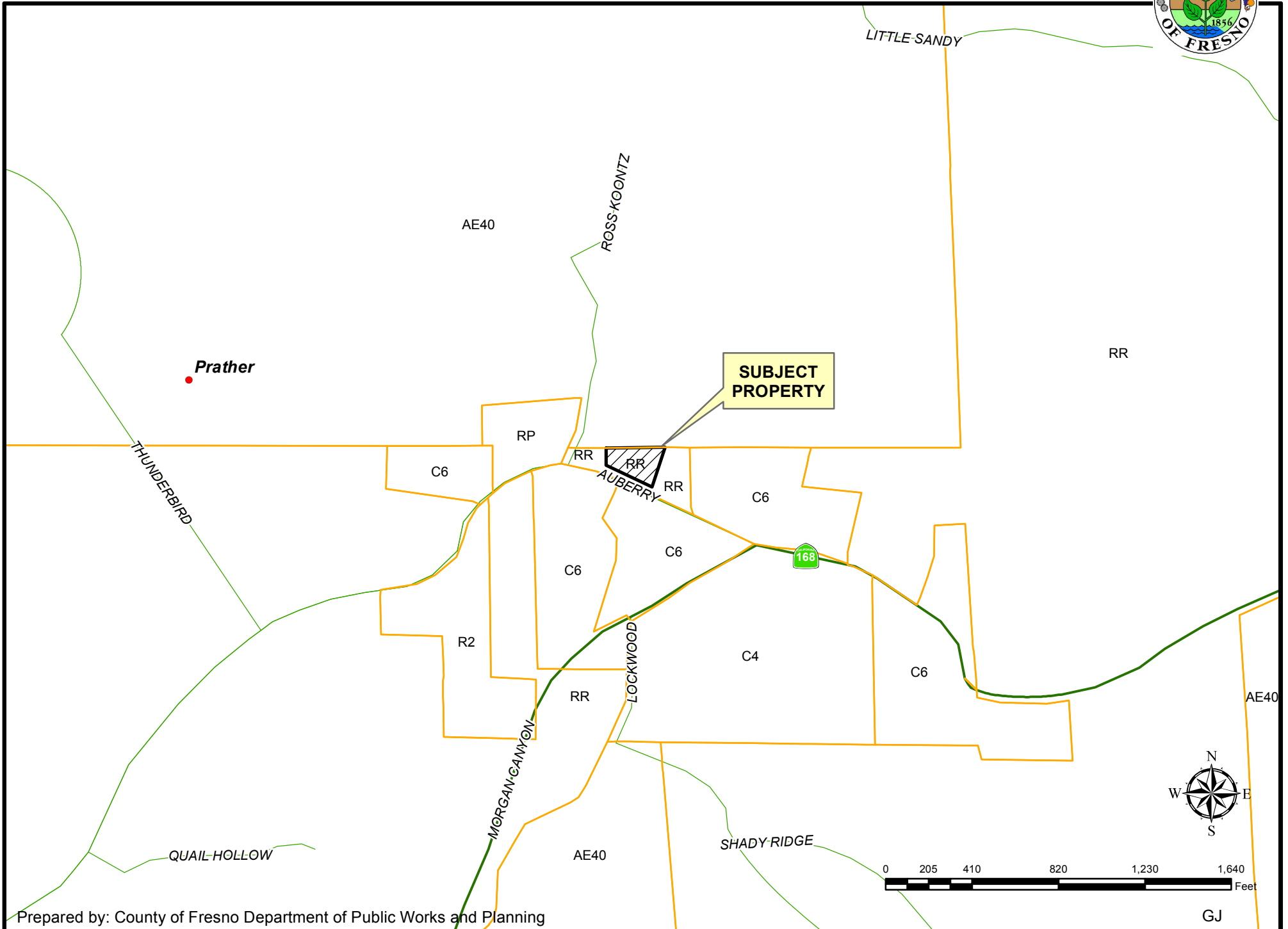
CMM:

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# LOCATION MAP

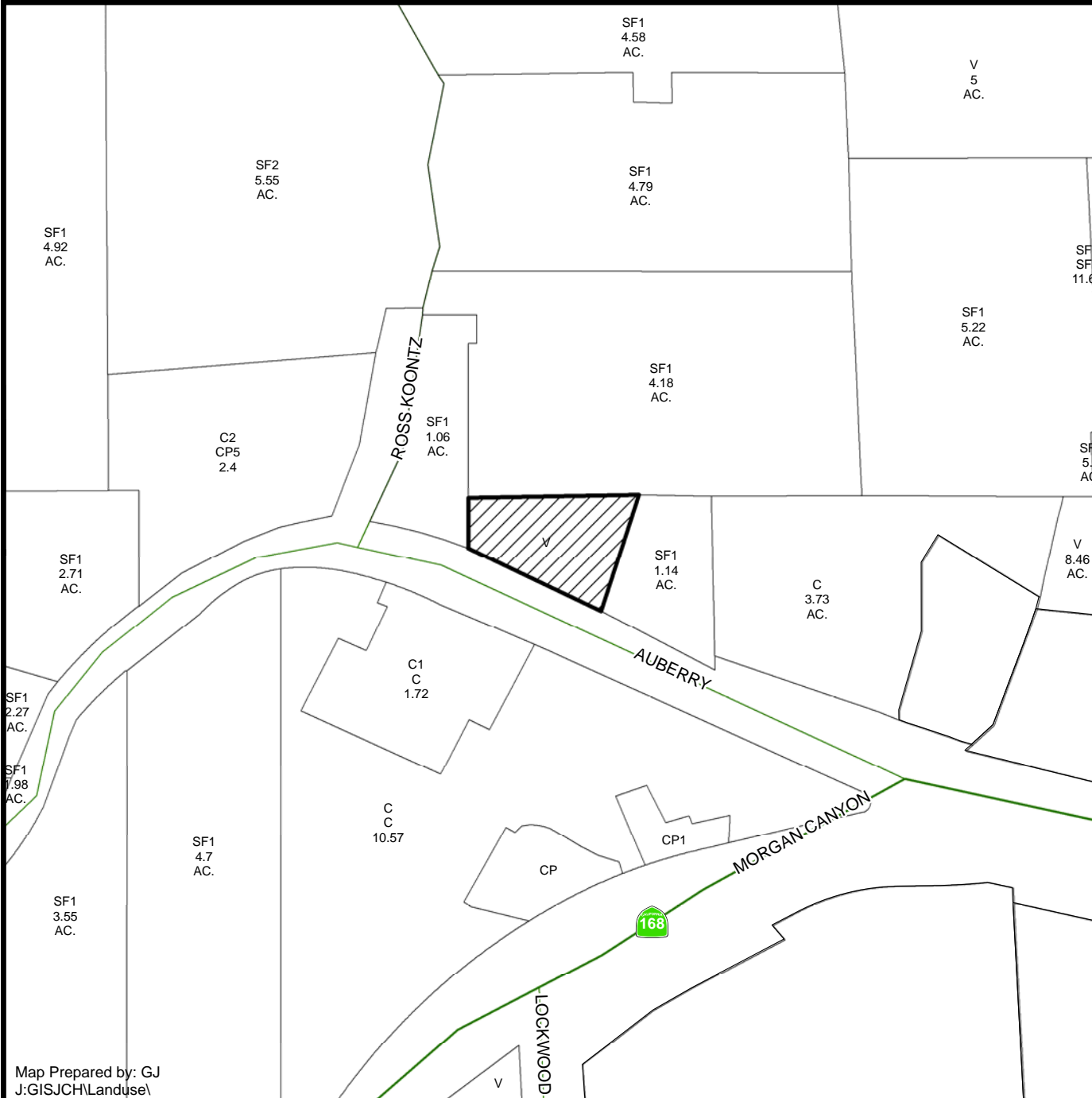


# EXISTING ZONING MAP





## EXHIBIT 3

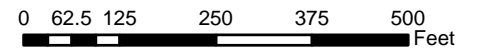
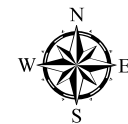
# EXISTING LAND USE MAP



LEGEND
C - COMMERCIAL
C# - COMMERCIAL
CP - OFFICE COMM./PROF.
CP# - OFFICE COMM./PROF
SF#- SINGLE FAMILY RESIDENCE
V - VACANT

### LEGEND:

-  Subject Property
-  Ag Contract Land



Department of Public Works and Planning  
Development Services Division



**1 FLOOR PLAN**  
scale: 1/4" = 1'-0"

**EXHIBIT 5**

**Victor R. Fabionar**  
Architect  
LICENSE NO. C12752  
4315 E. Clinton Ave.  
Fresno, California 93703  
TEL: (559) 225 - 4853  
FAX: (559) 225 - 4855

OWNER INFORMATION  
OWNER: CENTRAL VALLEY INDIAN HEALTH  
CONTACT: CHUCK FOWLER  
ADDRESS: 20 N. DEWITT  
CLOVIS, CA 93612  
PHONE: 559.225.4953  
FAX: 000.000.0000  
E-MAIL: victorfabionar@gmail.com

DATE	REVISION	MARK

PROJECT NAME: **CVIH MEDICAL CLINIC - PRATHER**  
29323 ALBERRY ROAD, PRATHER, CA  
SHEET TITLE: **FLOOR PLAN**

PROJECT NO: 2017-04  
CAD DWG FILE: 2017  
DRAWN BY: H. MARTINEZ  
CHKD BY: VRF  
COPYRIGHT:  
START DATE: xxxx



**A-100**



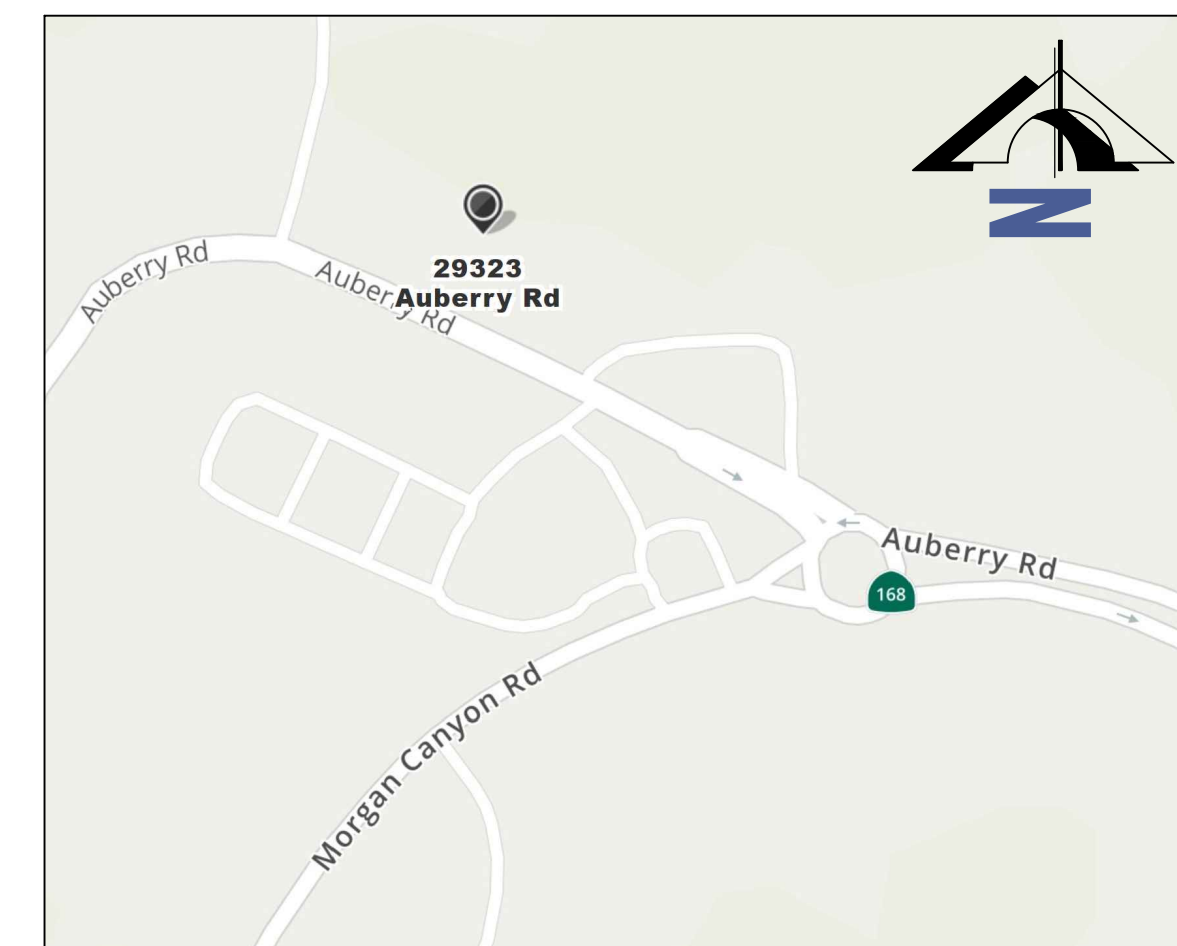


**LEGAL DESCRIPTION**

For APN/Parcel ID(s): 118-422-46  
 THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA, COUNTY OF FRESNO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:  
 ALL THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 10 SOUTH, RANGE 22 EAST, LYING NORTH OF THE AUBERRY ROAD, COUNTY OF FRESNO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF BEGINNING AT A POINT ON THE NORTH SIDE OF AUBERRY ROAD 225 FEET WEST OF THE WEST BOUNDARY LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 25; THENCE WEST ON NORTHSIDE OF AUBERRY ROAD 233.5 FEET; THENCE NORTH TO SECTION LINE COMMON TO SECTIONS 24 AND 25; THENCE EAST ON SECTION LINE TO A POINT 130 FEET WEST OF THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER; THENCE SOUTHERLY TO THE POINT OF BEGINNING ON AUBERRY ROAD.

PARCEL AREA = 0.7909 ACRES

**VICINITY MAP**



**1 SITE PLAN**  
 scale: 1" = 10'-0"

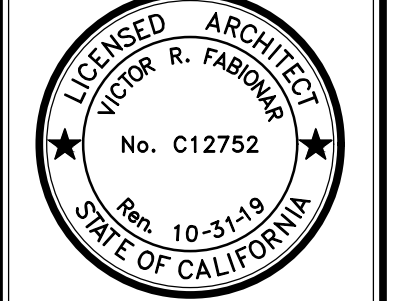
**Victor R. Fabionar**  
 Architect  
 LICENSE NO. C12752  
 4315 E. Clinton Ave.  
 Fresno, California 93703  
 TEL: (559) 225-4853 FAX: (559) 225-4853

OWNER INFORMATION  
 OWNER: CENTRAL VALLEY INDIAN HEALTH  
 CONTACT: CHUCK FOWLER  
 ADDRESS: 20 N. DEWITT  
 CLOVIS, CA 93612  
 PHONE: 559.225.4953  
 FAX: 000.000.0000  
 E-MAIL: victorfabionar@gmail.com

DATE	REVISION	MARK

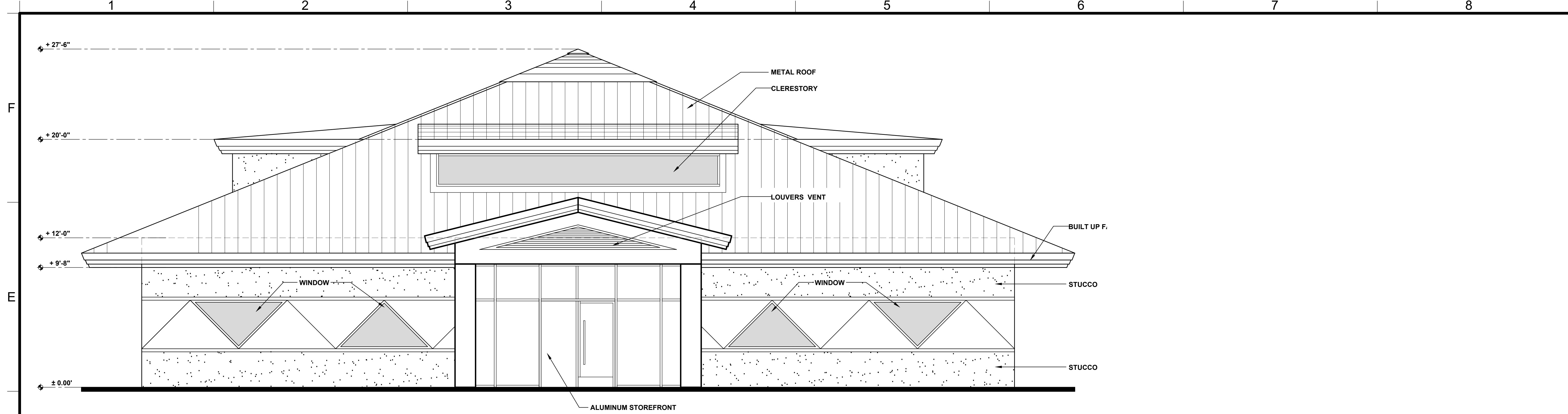
PROJECT NAME: CVIH MEDICAL CLINIC - PRATHER  
 SHEET TITLE: SITE PLAN  
 29323 AUBERRY ROAD, PRATHER, CA

PROJECT NO:	2017-04
CAD DWG FILE:	2017
DRAWN BY:	H. MARTINEZ
CHKD BY:	VRF
COPYRIGHT:	
START DATE:	xxxx

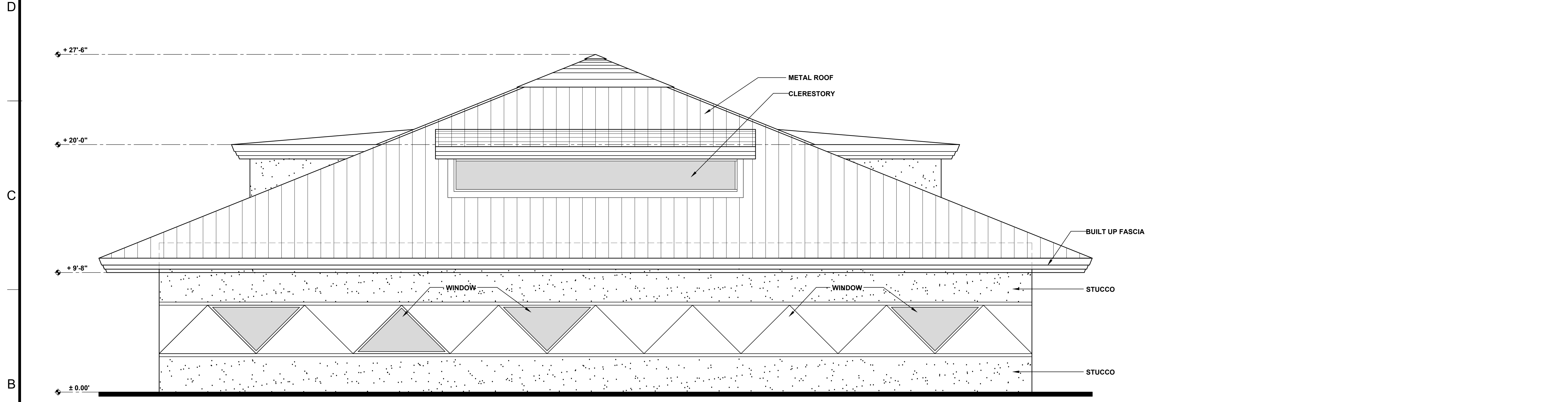


SP-100





**1 NORTH ELEVATION**  
scale: 1/4" = 1'-0"



**2 SOUTH ELEVATION**  
scale: 1/4" = 1'-0"

EXHIBIT 6

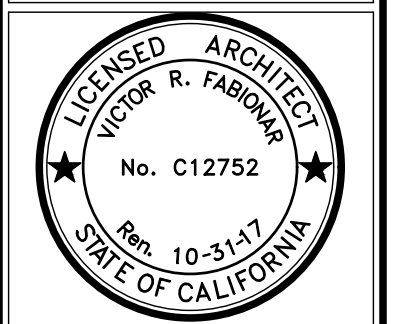
**Victor R. Fabionar**  
Architect  
LICENSE NO. C12752  
4315 E. Clinton Ave.  
Fresno, California 93703  
TEL: (559) 225 - 4853 FAX (559) 225 - 4855

OWNER INFORMATION  
OWNER: CENTRAL VALLEY INDIAN HEALTH  
CONTACT: CHUCK FOWLER  
ADDRESS: 20 N. DEWITT  
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PHONE: 559.225.4953  
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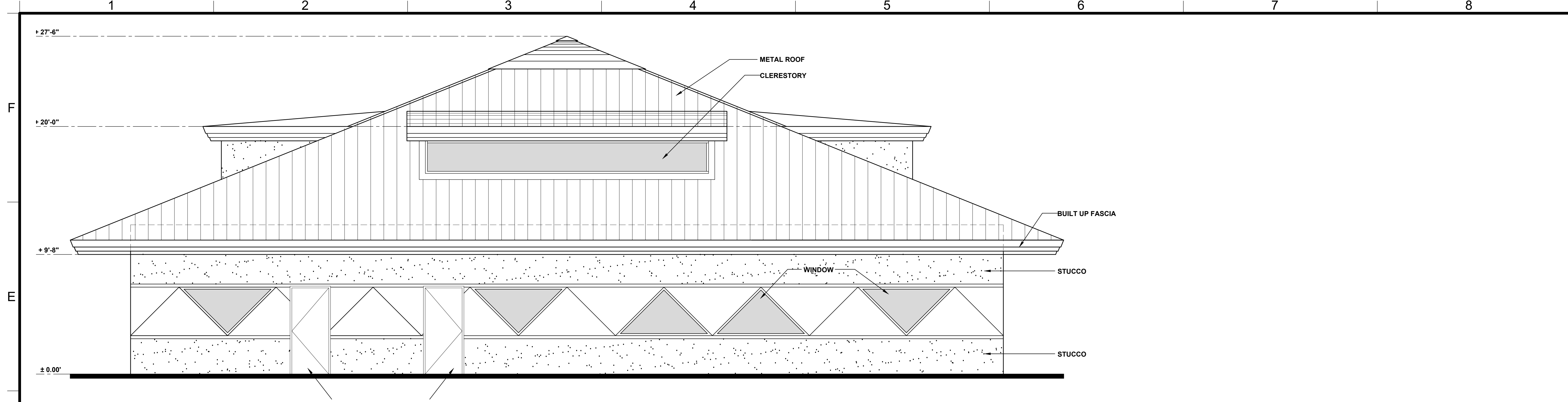
DATE	REVISION	MARK

PROJECT NAME: CVIH MEDICAL CLINIC - PRATHER  
SHEET TITLE: EXTERIOR ELEVATIONS  
29323 ALBERRY ROAD, PRATHER, CA

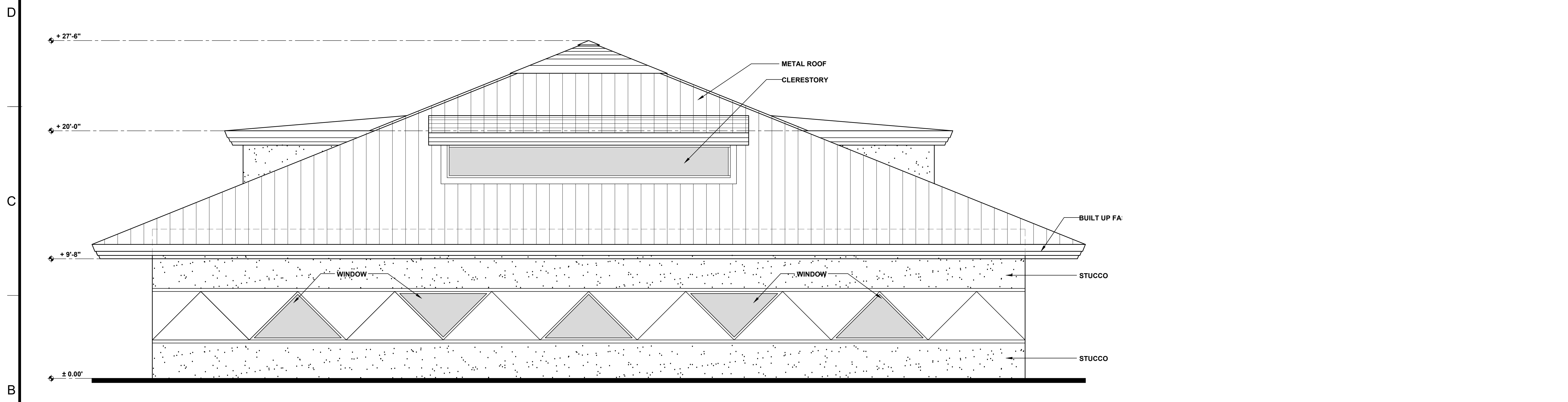
PROJECT NO: 2017-04  
CAD DWG FILE: 2017  
DRAWN BY: H. MARTINEZ  
CHK'D BY: VRF  
COPYRIGHT:  
START DATE: xxxx



A-305



**1 EAST ELEVATION**  
scale: 1/4" = 1'-0"



**2 WEST ELEVATION**  
scale: 1/4" = 1'-0"

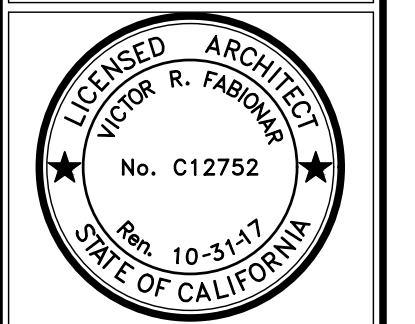
**Victor R. Fabionar**  
Architect  
LICENSE NO. C12752  
4315 E. Clinton Ave.  
Fresno, California 93703  
TEL: (559) 225 - 4853 FAX (559) 225 - 4855

OWNER INFORMATION  
OWNER: CENTRAL VALLEY INDIAN HEALTH  
CONTACT: CHUCK FOWLER  
ADDRESS: 20 N. DEWITT  
CLOVIS, CA 93612  
PHONE: 559.225.4953  
FAX: 000.000.0000  
E-MAIL: victorfabionar@gmail.com

DATE	REVISION	MARK

PROJECT NAME: CVIH MEDICAL CLINIC - PRATHER  
29323 ALBERRY ROAD, PRATHER, CA  
SHEET TITLE: EXTERIOR ELEVATIONS

PROJECT NO: 2017-04  
CAD DWG FILE: 2017  
DRAWN BY: H. MARTINEZ  
CHK'D BY: VRF  
COPYRIGHT:  
START DATE: xxxx



A-305.1

REVISED COPY

RECEIVED  
COUNTY OF FRESNO

VICTOR R FABIONAR ARCHITECT, 921 e Hampton way, Fresno, CA 93704

JUL 01 2019

PROJECT: CENTRAL VALLEY INDIAN HEALTH, PRATHER, CA

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

REVISED OPERATIONAL STATEMENT CHECKLIST

27 June 2019

CWP 3600

- 1. Central Valley Indian Health, Inc. proposes to build a 5,000 square foot outpatient medical clinic at 29323 Auberry Road, Prather, CA 93651. The clinic is specific for providing services to Native Americans, services also are provided to people of Prather, Auberry and the Tollhouse area. The current clinic population is about 35% non-Native American

Central Valley Indian Health Inc. has an existing clinic at 29369 Auberry Road, Suite 102, at the Prather Professional Center in Prather.

The intention is to build an approximately 5,000 square foot clinic to include offices for one physician, registered nurse, licensed vocational nurse, medical assistant, one dentist, one assistant, receptionist referral clerk and security guard.

- 2. Operational time limits:

Months: 12 months/year

Hours: 8 AM to 5 PM, closed noon to 1 PM

Days per week: Monday through Friday, less holidays

Total hours per day: 9

Services indoors

- 3. Number of patients:

15/day average, 24 maximum, 8 AM-12 PM, 1 PM-5PM

- 4. Number of employees: 9, current and future

- 5. Service/Delivery vehicles: Number: 5, type: N/A, frequency: N/A

*CLARIFY VAN OR ?  
DELIVERY VANS, NO LARGE TRUCKS*

- 6. Access to property: Paved private road accessed from public road

- 7. Number of parking stalls provided: 22

- 8. Goods sold on-site: none

- 9. Equipment: None

- 10. Supplies and materials used and stored: Standard medical, dental supplies, stored in locked cabinets and or storage rooms.

11. Unsightly appearance: no
12. Solid or liquid wastes: Medical wastes stored in a locked bio-hazard room and disposed by contracted State certified waste disposal company.
13. Estimated volume of water usage: 500 gallons/day, Prather Water District
14. Proposed signage : Monument, 4feet x 6 feet
15. Type of building: Wood frame with stucco finish, metal roofing, colors to be natural.
16. Building uses: 5,000 square foot building to be used for clinic.
17. Type of lighting: Pole mounted parking lot lighting, pole mounted or ground walkway lighting, wall mounted and soffit building lighting.
18. Site fencing: wrought iron, retaining walls of concrete or concrete masonry.
19. Landscaping: Drought tolerant, drip irrigation.
20. Owners: See attached Board of Directors.



# County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING  
STEVEN E. WHITE, DIRECTOR

## EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: Central Valley Indian Health (Victor Fabionar)
- APPLICATION NOS.: Initial Study Application No. 7423 and Classified Conditional Use Permit Application No. 3600
- DESCRIPTION: Allow the construction and operation of an outpatient medical clinic on a 0.79-acre parcel in the RR (Rural Residential Zone District) to provide services specifically to Native Americans and also to the people of Prather, Auberry, and the Tollhouse area.
- LOCATION: The project site is located on the northern side of Auberry Road, approximately 340 feet west of its intersection with Morgan Canyon Road. Address: 29323 Auberry Road (APN: 118-422-46) (Sup. Dist. 5)

### I. AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:

- A. Have a substantial adverse effect on a scenic vista?

FINDING: NO IMPACT:

No scenic vistas have been identified in Fresno County.

- B. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

FINDING: LESS THAN SIGNIFICANT IMPACT

The project site is located along Auberry Road, which is a designated scenic roadway in Fresno County; however, no scenic resources were identified on the project site. The area is currently cleared of uses and presents a vacant grassland/lawn appearance. Development of the proposed medical facility will increase the industrial appearance of this area but will not damage any scenic resources.

- C. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized

area, would the project conflict with applicable zoning and other regulations governing scenic quality?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

This project proposes to construct a new building with a parking lot on a parcel of land that was previously undisturbed. Surrounding uses include residential directly east and west of the site; a Shell gas station and Dollar General further to the east; and a CVS and Mexican restaurant to the south. The southern operations do not take access from Auberry road; however, the development is visible at the project site. As a result of the visibility of other sites along this road and the visibility of the project site, it will have a potentially significant cumulative impact on the degradation of natural views in this area. To mitigate this impact, the applicant shall be required to install landscaping along the frontage of the parcel to a depth of at least 15 feet.

\* **Mitigation Measure**

1. *Landscaping shall be installed across the parcel frontage to a depth of at least 15 feet in order to screen the parking lot from view of the roadway.*

- D. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

This project has the potential to adversely impact nighttime views in the area due to the proposed installation of outdoor lighting. In order to prevent adverse impacts from light pollution, the developer/operator will be required to install all outdoor lighting in such a manner that light is directed downwards and/or away from neighboring properties and the public right-of-way.

\* **Mitigation Measure**

2. *All outdoor lighting shall be hooded and directed so as not to shine toward adjacent properties and public streets.*

## II. AGRICULTURAL AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology in Forest Protocols adopted by the California Air Resources Board. Would the project:

- A. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use; or
- B. Conflict with existing zoning for agricultural use, or a Williamson Act Contract; or
- C. Conflict with existing zoning for forest land, timberland or timberland zoned Timberland Production; or
- D. Result in the loss of forest land or conversion of forest land to non-forest use; or
- E. Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forestland to non-forest use?

FINDING: NO IMPACT:

The project site is designated by the Department of Conservation's Important Farmlands Map (2016) as rural residential land and therefore this project will have no impact on the conversation of important farmlands to non-agricultural use. No agricultural uses are currently present on the parcel. Similarly, the project site is not zoned for or used for timberland production and therefore will have no impacts on such resources.

### III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

- A. Conflict with or obstruct implementation of the applicable Air Quality Plan; or
- B. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The scope of this project includes the construction and operation of a medical clinic to serve the local community, including dentistry services. These types of services do not generate onsite criteria pollutants in excess of thresholds. Therefore, the air quality impacts are limited to the construction of the building and the daily impact of traffic to and from the site. Construction must comply with existing San Joaquin Valley Air Pollution Control District restrictions, which will ensure that emissions do not exceed significance thresholds. These regulations include implementation of best management practices such as the use of dust palliatives.

An Air Quality Assessment was prepared for this project by LSA (October 2019) which estimated emissions from this project. No criteria pollutants were estimated to be produced in amounts that would exceed thresholds established by the San Joaquin Valley Air Pollution Control District. Therefore, the project will have less than significant impacts on individual or cumulative contributions to air quality impacts.

- C. Expose sensitive receptors to substantial pollutant concentrations; or
- D. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

FINDING: NO IMPACT:

This project proposes to develop an out-patient medical facility and therefore does not include any industrial uses that would result in substantial pollutant concentrations or emissions that could result in odors/other adverse effects.

#### IV. BIOLOGICAL RESOURCES

Would the project:

- A. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; or
- B. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; or
- C. Have a substantial adverse effect on state or federally-protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means; or
- D. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; or
- E. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- F. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan?



FINDING: NO IMPACT:

This project was reviewed by the Fish and Wildlife Service who did not identify any potential impacts to special status species. Review of reports submitted to the California Natural Diversity Database (CNDDDB) show that no special-status species observations have been reported within more than one mile of the site. In addition, surrounding properties have been developed with commercial and residential usage, reducing the opportunity for special-status species to occur.

V. CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5; or
- B. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5; or
- C. Disturb any human remains, including those interred outside of formal cemeteries?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Pursuant to the provisions of Assembly Bill 52 (AB 52), notice was sent to the following tribal governments that this application was complete on January 24, 2018: Table Mountain Rancheria, Picayune Rancheria of Chukchansi Indians, and Dumna Wo Wah. The project site was not in the area of interest for Santa Rosa Rancheria. Table Mountain Rancheria declined consultation within the window and the Dumna Wo Wah Government responded with a request to consult following the 30-day window. This tribe was invited to provide public comment, but they did not provide any information regarding their concerns. The Picayune Rancheria did not respond at all and were assumed to decline. Therefore, the County's responsibilities under AB 52 were met.

However, despite the lack of known cultural resources at the project site, it cannot be concluded with certainty that subsurface resources are not present. Therefore, a mitigation measure which describes the steps necessary to preserve a resource in the event of discovery has been included to reduce such impacts to less than significant.

\* **Mitigation Measure**

1. *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, and etc. If such*

*remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.*

## VI. ENERGY

Would the project:

- A. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation; or
- B. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

FINDING: NO IMPACT:

As new construction, this building will be subject to the most current requirements of the California Green Code. The proposed use is also not likely to conflict with state and local plans for renewable energy because the operation of an outpatient facility is not the type of use which requires large amounts of energy input.

## VII. GEOLOGY AND SOILS

Would the project:

- A. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
  - 1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?
  - 2. Strong seismic ground shaking?
  - 3. Seismic-related ground failure, including liquefaction?
  - 4. Landslides?

FINDING: NO IMPACT:

Figure 9-5 of the Fresno County General Plan Background Report (FCGPBR) shows that the project site is not located in areas which were determined to have moderate or high chance of seismic hazard. In addition, Figure 9-6 shows that the site is not located in an area determined to be at risk from landslide or subsidence.

- B. Result in substantial soil erosion or loss of topsoil; or

- C. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse; or
- D. Be located on expansive soil as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

FINDING: NO IMPACT:

Figure 7-1 (FCGPBR) shows that the project site is not in an area identified as having soils with moderately high to high expansion potential. Review of the Department of Agriculture's Web Soil Survey indicates that the project site is a mix of Auberry coarse sandy loam and Auberry very rocky coarse sandy loam. Both types of soil contain approximately 18% clay, which is a primary factor in shrink-swell potential; however, the majority of the clay occurs at depths greater than three feet. The overall (average) coefficient of soil extensibility is reported at 2.8%, which does not represent a hazard to life or property as a result of the shrink-swell potential.

Figure 9-6 indicates that the project site is not in an area determined to be at high risk of landslide hazard. The site does not have nearby or onsite steep slopes that would present a local risk. Therefore, there is a less than significant impact on risk as a result of landslides and expansive soils.

- E. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The project site is not located in an area that is served by a public sewer system and therefore must install a septic tank to process wastewater. An engineered system was designed to show how the parcel could support a septic system of sufficient size. Due to the small size of the parcel and existing regulations regarding setbacks from property lines and water wells, the project must install the system described by the Technicon Engineering Services, Inc. Sewage Feasibility Analysis as revised on February 21, 2020 or an alternative system as approved by the Chief Building Inspector prior to installation.

\* **Mitigation Measure**

1. *The on-site wastewater treatment system shall be designed and installed in accordance with California Well Standards, California Plumbing Code and the Sewage Feasibility report dated February 21, 2020, or as otherwise approved by the Fresno County Chief Building Inspector.*

- F. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

FINDING: NO IMPACT:

No unique paleontological resources or geologic features were identified on this parcel. While it is possible that resources may be present at the subsurface level, it is not considered likely that such resources would meet the qualifications of a “unique” resource.

VIII. GREENHOUSE GAS EMISSIONS

Would the project:

- A. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- B. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

FINDING: LESS THAN SIGNIFICANT IMPACT:

An Air Quality Assessment was prepared for this project by LSA (October 2019) which estimated construction impacts to total approximately 59.8 metric tons of carbon dioxide equivalent (MTCO<sub>2e</sub>). Operation of the facility, including emissions from traffic, was estimated to produce approximately 135 MTCO<sub>2e</sub>. The report also considered a “business as usual” model for the operation of this facility in the absence of environmental regulations. Compared to a 2005 model of this facility, which represents a business-as-usual estimate from before the adoption of Assembly Bill 32, the project shows a 36% reduction in emissions. This reduction is realized through adherence with San Joaquin Valley regulations regarding best practices and through the introduction of increasingly stringent regulation of vehicular emissions. Therefore, because the reduction in emissions is greater than 29%, the project is determined to have a less than significant impact regarding conflicts with greenhouse gas reduction plans.

IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- A. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or
- B. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

FINDING: LESS THAN SIGNIFICANT IMPACT:

While some household hazardous materials may be used at the project site, it is not anticipated that large amounts of hazardous waste would be transported to or from the site in volumes that would create a significant hazard to the public.

- C. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one quarter-mile of an existing or proposed school?

FINDING: NO IMPACT:

The project site is not located within one quarter mile of a school. The Sierra Unified School District has a building at the corner of Auberry Road and Thunderbird Lane which is within one quarter-mile of the project site; however, this location is an administrative office and is not attended by students. Therefore, the project is not located within one quarter-mile of an existing or proposed school and will have no impacts relating to the handling of hazardous materials within such a radius.

- D. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

FINDING: NO IMPACT:

The project site is not located on a site which is listed on the National Priorities/Superfund list, the Resource Conservation and Recovery Act list, the Toxic Releases Inventory, the Brownfields Assessment, Cleanup, and Redevelopment Exchange System, or the Toxic Substances Control Act.

- E. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area?

FINDING: NO IMPACT:

The project site is not located within two miles of a public or private airport.

- F. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

FINDING: NO IMPACT:

The project will not require the closure of any roads which would result in interference with an adopted emergency response plan. The traffic management plan for the operation of the proposed clinic will ensure that traffic on-site and transiting to the site do not cause traffic impacts that could result in interference with an emergency evacuation plan.

- G. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is located in an area which is at high risk of wildland fires. The development of the project site is subject to additional regulations to ensure the protection of residents in the case of fire and the scope of the project is not likely to increase such risk. Medical clinics typically do not generate large piles of vegetation which could exacerbate risk. Further, the site will be generally paved over, except where landscaping is required adjacent to the roadway, further limiting impacts from wildland fires.

## X. HYDROLOGY AND WATER QUALITY

Would the project:

- A. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Due to the size of the parcel, an improperly designed septic system could result in a violation of waste discharge requirements which could degrade local groundwater quality. However, compliance with the mitigation measure which requires the developer to install the wastewater treatment system approved by the Chief Building Inspector will also reduce such impacts to less than significant.

\* **Mitigation Measure**

1. *See Section VII.*

- B. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

FINDING: NO IMPACT:

This project will have no impact on the availability of groundwater supplies or groundwater recharge in this area because the clinic will be provided water service from the Prather Water District.

- C. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

1. Result in substantial erosion or siltation on or off site?
2. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site?

3. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or
4. Impede or redirect flood flows?

FINDING: NO IMPACT:

The County ordinance requires that all run-off from developed properties be retained on the project site and that such runoff cannot be diverted to neighboring parcels or the road right-of-way, except where drainage systems have been established for that purpose. A preliminary drainage plan was provided to the County which shows that the anticipated runoff can be retained in this manner, despite the size of the parcel. Final grading permits must be obtained prior to the performance of any grading at the site. Therefore, compliance to existing regulation will ensure that there is no impact from this project on surface runoff or drainage .

- D. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

FINDING: NO IMPACT:

The project site is in an area designated by FEMA as “X” or minimal flood hazard (Panel No. 06019C0675H). The parcel is distant from the coast, precluding impacts from tsunami and is not located near a large, still body of water that could be the subject of seiche.

- E. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

FINDING: NO IMPACT:

The project will be provided water service through the Prather Water District, which confirmed that sufficient supply was available to serve the proposed use.

## XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community; or
- B. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

FINDING: NO IMPACT:

The scope of the project is limited to the property lines and therefore does not have the potential to divide an established community.

## XII. MINERAL RESOURCES

Would the project:

- A. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; or
- B. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local General Plan, Specific Plan or other land use plan?

FINDING: NO IMPACT:

Figure 7-7 shows the areas which the County has designated as mineral resource locations. While the project site is near a tungsten deposit, it will not affect access to that resource. No other known mineral resources are present on the site and therefore, this project will have no impact on mineral resources.

## XIII. NOISE

Would the project result in:

- A. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; or
- B. Generation of excessive ground-borne vibration or ground-borne noise levels?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The operation of the proposed medical clinic will not generate noises in excess of the County Noise Ordinance. During construction, there is potential for temporary increase in noise; however, construction noise is exempt from the County Noise Ordinance, provided construction occurs between 6:00 a.m. and 9:00 p.m. on weekdays, and between 7:00 a.m. and 5:00 p.m. on Saturday or Sunday. Compliance with the noise ordinance during construction will result in less than significant impacts as a result of noise or groundborne vibration.

- C. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels; or



FINDING: NO IMPACT:

The project site is not located within two miles of a public or private airport.

#### XIV. POPULATION AND HOUSING

Would the project:

- A. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The addition of a health clinic in this area will increase access for nearby residents of Prather and the Tollhouse area to medical services. The clinic proposes to employ one physician, registered nurse, licensed vocational nurse, medical assistant, and dentist, with one assistance, receptionist/referral clerk, and a security guard for a total of nine employees. It is anticipated that an average of 15 patients with a maximum of 24 patients will be seen on a daily basis. This increase in medical services may make this area more appealing to potential residents but does not present a substantial increase in services in this area such that substantial unplanned population increase would occur.

- B. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

FINDING: NO IMPACT:

This project will not displace people or housing – the project site is currently vacant of any uses.

#### XV. PUBLIC SERVICES

Would the project:

- A. Result in substantial adverse physical impacts associated with the provision of new or physically-altered governmental facilities, or the need for new or physically-altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:
  - 1. Fire protection;
  - 2. Police protection;
  - 3. Schools;

4. Parks; or
5. Other public facilities?

FINDING: NO IMPACT:

As this project will not be increasing the local population, no increases are necessary to maintain Police and Fire staffing ratios and response times. Similarly, the project will not result in an increase in the amount of school age children in the area, precluding impacts to the school systems. No neighborhood parks are located near the project site.

## XVI. RECREATION

Would the project:

- A. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or
- B. Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

FINDING: NO IMPACT:

There are no neighborhood parks or other recreational facilities in the vicinity of the project site. Therefore, no environmental impacts will occur as a result of the need to create new facilities or expand existing facilities.

## XVII. TRANSPORTATION

Would the project:

- A. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

FINDING: NO IMPACT:

The Traffic Impact Study (TIS) prepared for this project (Peters Engineering Group, May 16, 2019) estimated that up to 87 daily round trips could occur at the project site. The Fresno County General Plan contains policies requiring that the project limit the growth of delay as measured by Level of Service and the TIS determined that no deterioration of existing Level of Service conditions would occur until 2040, when delay at the project site (along with other local projects) would decrease to a "C" rating. This does not violate County Guidelines for Level of Service in this area. There are no requirements for bicycle or pedestrian facilities in this area.

- B. Be in conflict or be inconsistent with the California Environmental Quality Act (CEQA) Guidelines Section 15064.3, subdivision (b)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The addition of medical services in this area will provide for a reduction in overall Vehicle Miles Travelled by allowing local residents (and specifically Native American residents) to use a clinic closer to their homes instead of traveling to more distant locations. In addition, the project site is located in the same area as an existing CVS Pharmacy where patients can fulfill any medications prescribed by the clinic doctors. This results in further reduction in vehicle miles travelled. Therefore, this project is determined to have a less than significant impact on increase in Vehicle Miles Travelled.

- C. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

As part of this project, a new driveway will provide access from Auberry Road. This drive will be one-way with another drive on the western portion of the project site which will be one-way back out to Auberry Road. Queuing analysis was performed for the ingress driveway and determined that a left turn storage lane would not be required to reduce impacts due to queuing. Aside from the two new access (one ingress, one egress), the project will make no additional modifications to the roadway and therefore will have a less than significant impact on geometric design hazards.

- D. Result in inadequate emergency access?

FINDING: NO IMPACT:

The ingress and egress access roads will be approximately 18 feet wide, which is sufficient to allow access to the project site for oversize vehicles such as fire trucks and ambulances. This project was reviewed by the Fresno County Fire Department who identified no concerns with access to the project site.

## XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
  - 1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k); or
  - 2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision

(c) of Public Resources Code Section 5024.1? (In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.)

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

As discussed in Section V., the County provided notice to Native American Tribal Governments who have a cultural history within the area of the project. No resources were identified which were listed or eligible to be listed in the California Register of Historical Resources or determined to be otherwise significant. However, it cannot be determined with certainty that no such resources are present beneath the ground surface. Therefore, the mitigation measure identified in Section V., which prescribes certain actions in the event of a potentially significant discovery, would also reduce impacts on Tribal Cultural Resources to less than significant.

\* **Mitigation Measure**

1. See Section V.

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

- A. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Prather Water District has agreed to provide water to the project site. Additional construction may be necessary to establish the connection; however, installation of pipelines will not result in additional significant environmental impacts. The existing onsite well will be abandoned and the Water District did not identify the need to create new treatment plants to accommodate this application.

- B. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years; or
- C. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The Prather Water District determined that there was sufficient supply for this project so long as water usage did not exceed 125,000 gallons of water per year. The applicant

estimates a daily water usage of 500 gallons/day. The sewage feasibility analysis estimated that the clinic (without landscape irrigation water) would use approximately 370 gallons/day. The clinic will operate during weekdays and excepting holidays, resulting in approximately 250 days of water usage per year. Therefore, the project is estimated to require 125,000 gallons of water annually. Usage in excess of this amount could have a significant adverse impact.

\* **Mitigation Measure**

1. *A record of water usage at the project site shall be retained and reviewed annually by the Prather Water District to ensure that water usage does not exceed 125,000 gallons annually. If this amount is exceeded, the property owner shall implement water reduction strategies, including reduced service if necessary, to reduce usage under this cap or shall obtain a 'will serve' letter from Prather Water District authorizing a higher annual usage. If a revised 'will serve' letter is provided, the annual water usage shall be compared to the revised annual cap.*

- D. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

FINDING: LESS THAN SIGNIFICANT IMPACT:

While the generation of solid waste at this site does present an increase in total solid waste that would need to be processed by the County on a daily basis, the contribution of the project site to overall capacity and waste reduction goals would be less than significant. During construction, the developer will be required to comply with Fresno County regulations which require percentages of the solid waste generated to be recycled or reused rather than discarded.

- E. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

FINDING: NO IMPACT:

The project will comply with existing regulations related to solid waste. Space is available on the parcel for regulation waste and recycle containers.

XX. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

- A. Substantially impair an adopted emergency response plan or emergency evacuation plan, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects; or

- B. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; or
- C. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or
- D. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

FINDING: NO IMPACT:

The project site is located in an area which is considered a State Responsibility Area in regard to wildland fires. Review of this project by the Fire Department did not identify any parts of the project which would impair the implementation of an emergency response plan. The traffic flow of the site has been designed so as not to result in back-up on Auberry Road and the parking lot is designed for vehicles to pull through so that they can return to Auberry Road without the need to back into traffic.

The project will be required to develop in accordance with Fresno County Regulations which restrict runoff from the site from being directed to the right-of-way or adjacent properties. The slope of the site is approximately

## XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

- A. Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The project has the potential to degrade the environment due to the limited on-site space for operation of the septic system. An engineered septic system, which can accommodate the anticipated flow, must be installed. Construction of the project also has the potential to disturb previously unknown historic and/or cultural resources. Mitigation Measures have been adopted to protect such resources.

\* **Mitigation Measures**

1. See Section V.
2. See Section VII.



# County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING  
STEVEN E. WHITE, DIRECTOR

## NOTICE OF DETERMINATION

To:  Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

County Clerk, County of Fresno  
2221 Kern Street  
Fresno, CA 93721

From: Fresno County Department of Public Works and Planning, Development Services  
and Capital Projects  
2220 Tulare Street (corner of Tulare and "M") Suite "A", Fresno, CA 93721

Contact: Chrissy Monfette, (559) 600-4245

Subject: Filing of Notice of Determination in compliance with Section 21152 of the Public  
Resource Code

Project: Initial Study Application No. 7423 and Classified Conditional Use Permit  
Application No. 3600

Location: The project site is located on the northern side of Auberry Road, approximately  
340 feet west of its intersection with Morgan Canyon Road. Address: 29323  
Auberry Road (APN: 118-422-46) (Sup. Dist. 5)

Sponsor: Victor Fabionar obo Central Valley Indian Health

Description: Allow the construction and operation of an outpatient medical clinic on a 0.79-  
acre parcel in the RR (Rural Residential Zone District) to provide services  
specifically to Native Americans and also to the people of Prather, Auberry, and  
the Tollhouse area.

This is to advise that the County of Fresno ( Lead Agency  Responsible Agency) has approved the above described project on July 23, 2020, and has made the following determination:

1. The project [ will  will not] have a significant effect on the environment.
2.  An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.  
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [ were  were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [ was  was not] adopted for this project.

5. A statement of Overriding Considerations [ was  was not] adopted for this project.
6. Findings [ were ] were not made pursuant to the provisions of CEQA.

This is to certify that the Initial Study with comments and responses and record of project approval is available to the General Public at Fresno County Department of Public Works and Planning, 2220 Tulare Street, Suite A, Corner of Tulare and "M" Streets, Fresno, California.

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Chrissy Monfette, Planner  
(559) 600-4245 /EMAIL [cmonfette@fresnocountyca.gov](mailto:cmonfette@fresnocountyca.gov)

Date



File original and one copy with: <b>Fresno County Clerk 2221 Kern Street Fresno, California 93721</b>		Space Below For County Clerk Only.  CLK-2046.00 E04-73 R00-00	
Agency File No: <b>IS 7423</b>	<b>LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION</b>	County Clerk File No: <b>E-</b>	
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): Chrissy Monfette, Planner	Area Code: 559	Telephone Number: 600-4245	Extension: N/A
Project Applicant/Sponsor (Name): Victor Fabionar obo Central Valley Indian Health	Project Title: Initial Study Application No. 7423 and Classified Conditional Use Permit Application No. 3600		
Project Description:  Allow the construction and operation of an outpatient medical clinic on a 0.79-acre parcel in the RR (Rural Residential Zone District) to provide services specifically to Native Americans and also to the people of Prather, Auberry, and the Tollhouse area.			
Justification for Negative Declaration:  Based upon the Initial Study prepared for Conditional Use Permit Application No. 3600, staff has concluded that the project will not/will have a significant effect on the environment. It has been determined that there would be no impacts to Agricultural and Forestry Resources, Biological Resources, Energy, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, Recreation, and Wildfire.  Potential impacts related to Air Quality, Hazards and Hazardous Materials, Greenhouse Gas Emissions, Noise, and Transportation have been determined to be less than significant.  Potential impacts relating to Aesthetics, Cultural Resources, Geology and Soils, Hydrology and Water Quality, and Utilities and Service Systems have determined to be less than significant with compliance with the identified mitigation measures.			
FINDING:  The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – June 12, 2020		Review Date Deadline: Planning Commission – July 23, 2020	
Date:	Type or Print Signature: David Randall, Senior Planner	Submitted by (Signature): Chrissy Monfette, Planner	

State 15083, 15085

County Clerk File No.: \_\_\_\_\_

**LOCAL AGENCY  
MITIGATED NEGATIVE DECLARATION**

- B. Have impacts that are individually limited, but cumulatively considerable (“cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects); or
- C. Have environmental effects which will cause substantial adverse effects on human beings either directly or indirectly?

FINDING: NO IMPACT:

This project will not have any cumulatively considerable impacts because compliance with increasingly-strict state and federal regulations associated with air quality/emissions, construction standards, and automobile manufacture/efficiency will reduce such impacts to less than cumulatively considerable. No substantial adverse effects on humans was identified. It is possible that this project will result in minor beneficial impacts on human beings by increasing accessibility of medical services.

## **CONCLUSION/SUMMARY**

Based upon the Initial Study prepared for Conditional Use Permit Application No. 3600, staff has concluded that the project will have a significant effect on the environment. It has been determined that there would be no impacts to Agricultural and Forestry Resources, Biological Resources, Energy, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, Recreation, and Wildfire.

Potential impacts related to Air Quality, Hazards and Hazardous Materials, Greenhouse Gas Emissions, Noise, and Transportation have been determined to be less than significant.

Potential impacts relating to Aesthetics, Cultural Resources, Geology and Soils, Hydrology and Water Quality, and Utilities and Service Systems have determined to be less than significant with compliance with the identified mitigation measures.

A Mitigated Negative Declaration is recommended and is subject to approval by the decision-making body. The Initial Study is available for review at 2220 Tulare Street, Suite A, street level, located on the southwest corner of Tulare and “M” Street, Fresno, California.

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