



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 4 April 27, 2023

SUBJECT: Variance Application No. 4108 & Initial Study No. 8088

Allow a reduction in the minimum parcel size, for a subsequent mapping procedure in the creation of a 2.5-acre parcel with an existing residential dwelling, and a 26.98-acre parcel from an existing 29.48-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located on the northwest corner of the intersection of E. American Avenue and S. DeWolf Avenue, approximately 1.75 miles northeast of the City of Fowler (APN: 331-061-67S) (7916 E. American Avenue) (Sup. Dist. 4).

**OWNER/
APPLICANT:** Boparai Farms

STAFF CONTACT: Jeremy Shaw, Planner
(559) 600-4207.

David Randall, Senior Planner
(559) 600-4052

RECOMMENDATION:

- Move to determine that the required Findings cannot be made and move to deny Variance Application No. 4108; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Site Plan
6. Applicant's Variance Findings
7. Summary of Initial Study Application No. 8088

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agricultural	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.	No change
Parcel Size	29.48 acres	Parcel: 2.5 acres (home site) Parcel: 26.98 acres (agricultural)
Project Site	See above	See above
Structural Improvements	Single family dwelling with attached garage	Single family dwelling will be located on proposed 2.5-acre parcel
Nearest Residence	Approximately 95 feet (east)	No change
Surrounding Development	Agricultural/low density residential	No change

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

ENVIRONMENTAL ANALYSIS:

Initial Study No. 8088 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 Negative Declaration would be appropriate, should the Planning Commission determine that the required Findings can be made. A summary of the Initial Study is included as Exhibit 7.

PUBLIC NOTICE:

Notices were sent to 43 property owners within one half-mile of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

A Variance Application may be approved only if four Findings specified in the Fresno County Zoning Ordinance, Section 873-F are made by the Planning Commission.

The decision of the Planning Commission on a Variance Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission’s action.

BACKGROUND INFORMATION:

According to available records, the subject parcel currently identified as Assessors Parcel Number (APN) 331-061-67S was created by Certificate of Parcel Map Waiver 05-11 Document No. 115188, June 1, 2006, as a 29.48-acre parcel. The subject parcel is enrolled in the Williamson Act program under Contract No. 378. According to the applicant’s Findings, the parcel is improved with a 2,672 square-foot single-family dwelling, permitted in 2010.

The current Variance request, submitted on July 8, 2021, proposes to allow a reduction in the minimum parcel size of the underlying Zone District, to allow for a subsequent mapping procedure in the creation of a 2.5-acre parcel with an existing dwelling, and a 26.98-acre agricultural remainder parcel from an existing 29.48-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

According to available records, there have been no other variances granted, within one half-mile of the subject property.

Finding 1: *There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity having the identical zoning classification.*

	Current Standard:	Proposed Configuration:	Is Standard Met (y/n):
Setbacks	<u>AE-20</u> Front: 35 feet Side: 20 feet Rear: 20 feet	2.5-acre parcel: Front (east): 309 feet Side (north): 73.8 feet Street side (south): 57.8 feet Rear: (west) 72.3 feet 26.18-acre parcel: Front: 35 feet Side: 20 feet Street side: 35 feet Rear: 20 feet	Yes

	Current Standard:	Proposed Configuration:	Is Standard Met (y/n):
Parking	<p>Zoning Ordinance Section 855-I. Property Development Standards-Off Street Parking, shall apply.</p> <p>Summary of requirements:</p> <p>Section 855-I.1.</p> <p>a. Off street automobile parking space being maintained in connection with any existing main building or structure shall be maintained so long as said main building or structure remains.</p>	No change	N/A
Lot Coverage	No requirement	N/A	N/A
Separation Between Buildings	No requirement for residential or accessory structures, excepting those used to house animals which must be located a minimum of 40 feet from any human-occupied building.	No change	Yes
Wall Requirements	N/A	N/A	N/A
Septic Replacement Area	100 percent of the existing system	No change	N/A
Water Well Separation	<p>Building sewer/septic tank: 50 feet</p> <p>Disposal field: 100 feet</p> <p>Seepage pit/cesspool: 150 feet</p>	No change	Yes

Reviewing Agency/Department Comments:

No significant comments specific to extraordinary circumstances or conditions on the site were expressed by reviewing Agencies or Departments.

Finding 1 Analysis:

In support of Finding 1, the Applicant's submitted findings do not identify any unique physical feature or circumstance relative to the parcel itself. The applicant only provides information about their personal desire for use of the property, stating that the owner wishes to create a 2.5-

acre home site, encompassing the existing home that has frontage on E. American Avenue, and that the home and related improvements, represents an exceptional circumstance because all improvements are existing; and additionally asserting that no change to the site will occur as a result of the proposed parcel creation, that the owner also wishes to sell the home to a family member without encumbrances, and that the owner is not interested in using the existing home as a rental.

The existence of the home and other improvements on the land are uses that are allowed in the Agricultural Zone District, and do not create an extraordinary circumstance or condition as this is common to many other properties in the vicinity with the same zoning.

Recommended Conditions of Approval:

None

Finding 1 Conclusion:

Finding 1 cannot be made as there are no identifiable extraordinary circumstances relating to the property that do not apply generally to other properties in the vicinity under the same zoning classification.

Finding 2: Such Variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification.

Reviewing Agency/Department Comments:

No significant comments specific to a deficit of a substantial property right were expressed by reviewing Agencies or Departments.

Finding 2 Analysis:

In support of Finding 2, the Applicant's findings do not identify an unrealized substantial property right, that due to the strict application of the Zoning Ordinance deprives them from the same rights that other properties with the same zoning enjoy. Rather the applicant incorrectly asserts that the applicant has the right to optimize and retain the value of the existing home.

The applicant also asserts that he has the option of demolishing the existing dwelling and constructing a larger dwelling to accommodate other members of the family; or alternatively, renting the property, with the potential negative effects of maintaining a rental property. While those options are available to the applicant, the same property rights are available to other owners in the vicinity, under the same zoning, therefore no deficit of a property right exists which would justify the granting of the Variance.

Recommended Conditions of Approval:

None

Finding 2 Conclusion:

Finding 2 cannot be made as denial of this Variance would not deprive the Applicant of any right enjoyed by other property owners in the AE-20 Zone District, since all property owners are subject to the same development standards and are restricted from reducing or further developing parcels less than 20 acres in size. Granting of the appeal could be construed as granting of a special privilege not enjoyed by surrounding properties with the same zoning.

Government Code Section 65906 states in part that “Variances from the terms of the zoning ordinances shall be granted only when, because of special circumstances applicable to the property including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification, and any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated”.

Finding 3: *The granting of a variance will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located.*

Surrounding Parcels

	Size:	Use:	Zoning:	Nearest Residence:
North	44.91 acres	Orchard	AE-20	Approximately 910 feet
South	40.0 acres	Field crops/Single Family Residential	AE-20	Approximately 2,250 feet
East	16.9 acres	Field crops/Single Family Residential	AE-20	Approximately 95 feet
West	21.92 acres	Orchard/Single Family Residential	AE-20	Approximately 775 feet

		Existing Conditions	Proposed Operation
Private Road	No	N/A	N/A
Public Road Frontage	Yes	E. American Avenue De Wolf Avenue	E. American Avenue De Wolf Avenue
Direct Access to Public Road	Yes	E. American Avenue De Wolf Avenue	E. American Avenue De Wolf Avenue
Road ADT		E. American Avenue: 1,800 VPD De Wolf Avenue: 700 VPD	No change
Road Classification		E. American Avenue: Arterial De Wolf Avenue: Local Road	No change
Road Width		E. American Avenue: o 21.75 feet paved width o 60-foot Right-of-way	No change

		Existing Conditions	Proposed Operation
		De Wolf Avenue: <ul style="list-style-type: none"> o 27.10 feet paved width o 40-foot Right-of-way 	
Road Surface		E. American Avenue: Asphalt Paved De Wolf Avenue: Asphalt Paved	No change
Traffic Trips		E. American Avenue: Residential/agricultural De Wolf Avenue: Residential/agricultural	No change/no increase in traffic trips is anticipated
Traffic Impact Study (TIS) Prepared	No	TIS was not required	N/A
Road Improvements Required		No road improvements required	N/A

Reviewing Agency/Department Comments Finding 3:

Department of Public Health, Environmental Health Division: It is recommended that the Applicant consider having the existing septic tanks pumped and have the tank and leach lines evaluated by an appropriately licensed contractor if it has not been serviced and/or maintained within the last five years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the system.

Road Maintenance and Operations Division: American Avenue is a County maintained road classified as an Arterial in the General Plan, with an existing 60-foot right-of-way and an ultimate right-of-way of 106 feet. Paved width is 21.9 feet with dirt shoulders, a pavement condition index (PCI) of 70.4 and is in fair condition. Road average daily traffic (annual) is 1,800 vehicles per day (VPD).

De Wolf Avenue is a County maintained road classified as a local road with an existing right-of-way of 40 feet and an ultimate right-of-way of 60 feet. Paved width is 27.1 feet with dirt shoulders, a pavement condition index (PCI) of 58.7 and is in fair condition.

While the above information about the project sight was provided, there were no comments specific to land use compatibility were expressed by reviewing Agencies or Departments.

Finding 3 Analysis:

In support of Finding 3, the Applicant’s Findings state that the granting of the Variance will not be detrimental to the public welfare or injurious to property or improvements in the vicinity, because the variance only seeks to authorize the creation of a residential parcel for the existing dwelling unit, and no additional improvements are proposed.

The approval of this Variance would require completion of a mapping procedure to divide the existing parcel into two separate legal parcels, one of which is already developed, and the other, although it is currently engaged in agriculture, may be developed separately with a single-family dwelling; as such, there would be a potential increase in residential density, necessitating the installation of an additional domestic well and septic system to serve the future development. While the division of the subject parcel, and the potential for the remainder to be developed would constitute a minor and incremental increase in density, it could be considered in the context of cumulative increases in density, were there to be similar land division variance requests approved in the area.

While the impact of this singular variance may not constitute a materially detrimental impact, staff notes that parcel creation has the potential to increase residential density in the area by allowing a primary residence by right and one secondary residence through DRA on each parcel. Cumulatively this and other such increases in residential density has the potential to conflict with adjacent agricultural operations. The minimum acreage requirement of the AE-20 Zone district is intended to arrest this parcellation pattern and limit the potential conflicts between residential agricultural activities. However, the limited scale of this individual request by itself does not represent a significant material detriment to other properties in the vicinity.

Recommended Conditions of Approval:

None

Finding 3 Conclusion:

Finding 3 can be made due to the limited scale of this individual request, the request to create a substandard size “residential” parcel in the agricultural zone district does not in itself present a significant material detriment to properties in the vicinity.

Finding 4: The granting of such a variance will not be contrary to the objectives of the General Plan.

Relevant Policies:	Consistency/Considerations:
<p>General Plan Policy: LU-A.6: <i>The County shall maintain twenty (20) acres as the minimum permitted parcel size in areas designated Agriculture, except as provided in Policy LU-A.9.</i></p>	<p>The applicant elected not to apply for the homesite parcel provision under Policy LU-A.9. The proposed 2.5 acre parcel does not meet the minimum acreage for the AE-20.</p>
<p>General Plan Policy LU-A. 7: <i>The County shall generally deny requests to create parcels less than the minimum size specified in Policy LU-A. 6 based on concerns that these parcels are less viable economic farming units, and that the resultant increase in residential density increases the potential for conflict with normal agricultural practices on adjacent parcels. Evidence that the affected parcel may be an uneconomic farming unit due to its current size, soil conditions, or other factors shall not alone be considered a sufficient basis to grant an</i></p>	<p>As noted above, the creation of a parcel less than 20 acres in the AE-20 Zone District would be inconsistent with Policy LU-A.7 and set a precedent for parcellation of farmland into smaller parcels which are economically less viable farming units and could potentially allow additional single-family homes on the proposed parcels. Such increase in the area, as noted by Fresno County Department of Agriculture, may conflict with normal agricultural practices on adjacent properties.</p>

Relevant Policies:	Consistency/Considerations:
<p><i>exception. The decision-making body shall consider the negative incremental and cumulative effects such land divisions have on the agricultural community.</i></p>	
<p>General Plan Goal LU-A: <i>To promote the long-term conservation of productive and potentially productive agricultural lands and to accommodate agricultural support services and agriculturally related activities that support the viability of agriculture and further the County's economic development goals.</i></p>	<p>The creation of a residential parcel is not consistent with this goal. Even though the remaining balance of the property would remain in agricultural production, should the Variance be approved, the resultant 26.98 parcel could be developed with a single-family dwelling, thus creating the potential for higher residential density in an area predominately dedicated to agriculture.</p>
<p>General Plan Policy LU-A. 9: <i>The County may allow creation of homesite parcels smaller than the minimum parcel size required by Policy LU-A.6, if the parcel involved in the division is at least twenty (20) acres in size, subject to the following criteria:</i></p> <p><i>a. The minimum lot size shall be sixty thousand (60,000) square feet of gross area, except that a lesser area shall be permitted when the owner submits evidence satisfactory to the Health Officer that the soils meet the Water Quality Control Board Guidelines for liquid waste disposal, but in no event shall the lot be less than one (1) gross acre; and</i></p> <p><i>b. One of the following conditions exist:</i></p> <ol style="list-style-type: none"> <i>1. A lot less than twenty (20) acres is required for financing construction of a residence to be owned and occupied by the owner of abutting property; or</i> <i>2. The lot or lots to be created are intended for use by persons involved in the farming operation and related to the owner by adoption, blood, or marriage within the second degree of consanguinity, there is only one (1) lot per related person, and there is no more than one (1) gift lot per twenty (20) acres; or</i> <i>3. The present owner owned the property prior to the date these policies were implemented and wishes to retain his/her</i> 	<p>In the case of this Variance request, the applicant elected not to apply for the homesite parcel provisions of LU-A.9. The homesite parcel has inherent restrictions including how and when the property subject to it, may be conveyed.</p>

Relevant Policies:	Consistency/Considerations:
<p><i>homesite and sell the remaining acreage for agricultural purposes.</i></p> <p><i>Each homesite created pursuant to this policy shall reduce by one (1) the number of residential units otherwise authorized on the remainder parcel created from the original parcel. The remainder parcel shall be entitled to no less than one residential unit.</i></p>	

Reviewing Agency Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: The Agriculture and Land Use Element of the General Plan maintains 20 acres as the minimum parcel size in areas designated for Agriculture. Policies LU-A.6 and LU-A.7 state that the County shall generally deny requests to create parcels less than the minimum size specified in areas designated Agriculture.

The subject parcel is enrolled in the Williamson Act program under Contract No. 378. Fresno County’s Williamson Act guidelines require that parcels enrolled in the Williamson Act program have an active agricultural operation and contain a minimum of 20 acres for Prime Farmland, and a minimum of 40 acres for Non-Prime Farmland.

The proposed 2.5-acre parcel does not meet the minimum acreage to remain under contract and must be removed from the Williamson Act program. This can be accomplished through recording a notice of nonrenewal on the 2.5-acre portion of land which would remove the parcel nine years after the notice of nonrenewal is recorded.

Alternatively, the applicant may elect to have the parcel removed from the Williamson Act with immediate effect through filing a Cancellation Petition. The cancellation is considered by the Agricultural Land Conservation Committee (ALCC) who would make a recommendation to the Board of Supervisors on the proposed cancellation. Approval of the cancellation is at the discretion of the Board of Supervisors.

Regarding Policies LU-A.6 and LU-A.7, this application proposes to create a substandard size parcel for residential uses in an area designated for agricultural uses, thereby creating a conflict with surrounding agricultural uses. As such, this requested Variance does not appear to be consistent with the aforementioned General Plan Policies.

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

Finding 4 Analysis:

The applicant filed a petition for cancellation of the Williamson Act contract and on April 12, 2023, Staff presented a staff report and the ALCC received testimony from the applicant and their representative. After deliberation, the Committee unanimously (4-0 Vote) recommended that the Board of Supervisors deny the Cancellation Petition based on the inability to make Finding No. 2, and 3 of Government Code Section 51282(b) “That the cancellation is not likely

to result in the removal of adjacent lands from agricultural use.” and “That the cancellation is for an alternative use that is consistent with the provisions of the County General Plan.”

In support of Finding 4, the Applicant states that development in the area has not been consistent with the General Plan and the Zoning Ordinance regarding restrictions on the creation of substandard-size parcels, and that this proposal would be consistent with the creation of “estate”-size lots which has taken place in the vicinity.

Staff notes that the creation of estate sized lots is not a stated goal of the General Plan, nor is it consistent with the Exclusive Agricultural Zoning.

General Plan Goal LU-A is “to promote the long-term conservation of productive and potentially productive agricultural lands and to accommodate agricultural support services and agriculturally related activities that support the viability of agriculture and further the County’s economic development goals”.

Staff does not concur with the Applicant’s statement that the subdivision would not be contrary to the objectives of the General Plan. The General Plan contains certain policy provisions which allow for the creation of substandard-sized lots for the creation of home site parcels, subject to certain specific criteria; specifically, Policy LU-A.9 provides for an exception from the requirements of the minimum parcel size designation where those specific criteria are met. The relevant policies and criteria are listed in the preceding table. In the case of this application, the subject parcel either does not meet the required criteria listed under Policy LU-A.9 to allow creation of a substandard size lot, or the applicant elected not to pursue this option.

Policy LU-A.7 restricts the creation of parcels with less than the required acreage for the zone district. Specifically, the Policy states that evidence that the parcel is already not an economic farming unit is not a basis for granting an exception. Hence, the application is not consistent with this General Plan Policy.

Recommended Conditions of Approval:

None

Finding 4 Conclusion:

Finding 4 cannot be made as the project would be contrary to General Plan Goal LU-A, Policies LU-A.6, LU-A.7 as discussed above.

PUBLIC COMMENT:

No public comment was received as of the date of preparation of this report.

SUMMARY/CONCLUSION:

Based on the factors cited in the analysis, Staff has concluded that the required Findings 1, 2, & 4 for granting the Variance Application cannot be made as there are no exceptional or extraordinary circumstances or conditions applicable to the property, the variance is not necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity, and will be contrary to the objectives of the General Plan. Staff therefore recommends denial of Variance Application No. 4108.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Denial Action)

- Move to determine that required Findings 1, 2, & 4 cannot be made as stated in the staff report, and move to deny Variance Application No. 4108; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Approval Action)

- Move to determine the required Findings can be made (state basis for making each Finding) and move to approve Variance Application No. 4108 and adopt the Negative Declaration based on Initial Study No. 8088 subject to the Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

JS:jp

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EXHIBIT 1

Variance Application (VA) No. 4108
Condition(s) of Approval and Project Notes

Condition(s) of Approval	
1.	Division of the property shall be substantially consistent with the site plan (Exhibit 5) as submitted to the Planning Commission.

Conditions of Approval reference recommended Conditions for the project.

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	<p>Division of the subject property is subject to the provisions of the Fresno County Parcel Map Ordinance. A Parcel Map Application shall be filed to create the two proposed parcels. The Map shall comply with the requirements of Title 17.72.</p> <p>The Fresno County Parcel Map Ordinance (County Ordinance Code, Title 17- Divisions of Land) provides that “Property access improvements associated with the division of the subject property are subject to the provisions of the Fresno County Parcel Map Ordinance, including dedication, acquisition of access easement, roadway improvements, and roadway maintenance.” These requirements will be satisfied through recordation of a parcel map to create the subject parcels, subsequent to the approval of the Variance. The Applicant(s) may apply for an exception request from the road standards through the parcel map process.</p>
2.	The approval of this Variance will expire one year from the date of approval unless the required mapping application to create the parcels is filed in substantial compliance with the Conditions and Project Notes and in accordance with the Parcel Map Ordinance.
3.	All abandoned water wells and septic systems on the subject parcel or resultant parcels shall be properly destroyed by an appropriately licensed contractor, subject to permits and inspections by the Fresno County Department of Public Works and Planning and the Fresno County Department of Public Health.
4.	Prior to destruction of agricultural wells, a sample of the uppermost fluid in the well column shall be checked for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil shall 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.
5.	Should any underground storage tank(s) be found during development, the Applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division.
6.	A Grading Permit or Voucher shall be required for any grading that has been done without a permit and any grading associated with future development of the existing and proposed parcel(s).

EXHIBIT 1

Notes

7.	Any additional runoff generated by development of the proposed parcels cannot be drained across property lines and must be retained or disposed of per County standards.
8.	An encroachment permit from the Fresno County Road Maintenance and Operations Division will be required for any work proposed within the County road right-of-way.

JS:jp
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LOCATION MAP



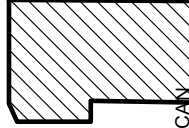
VA 4108

CENTRAL

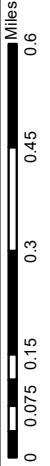
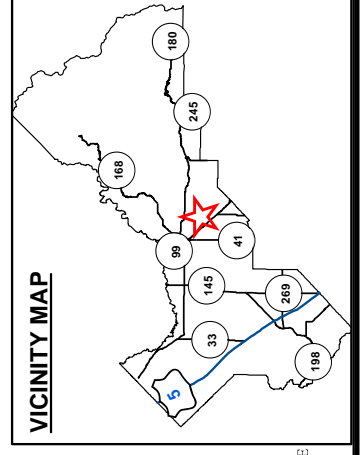
TEMPERANCE

AMERICAN

Subject Property



Legend
 Subject Property



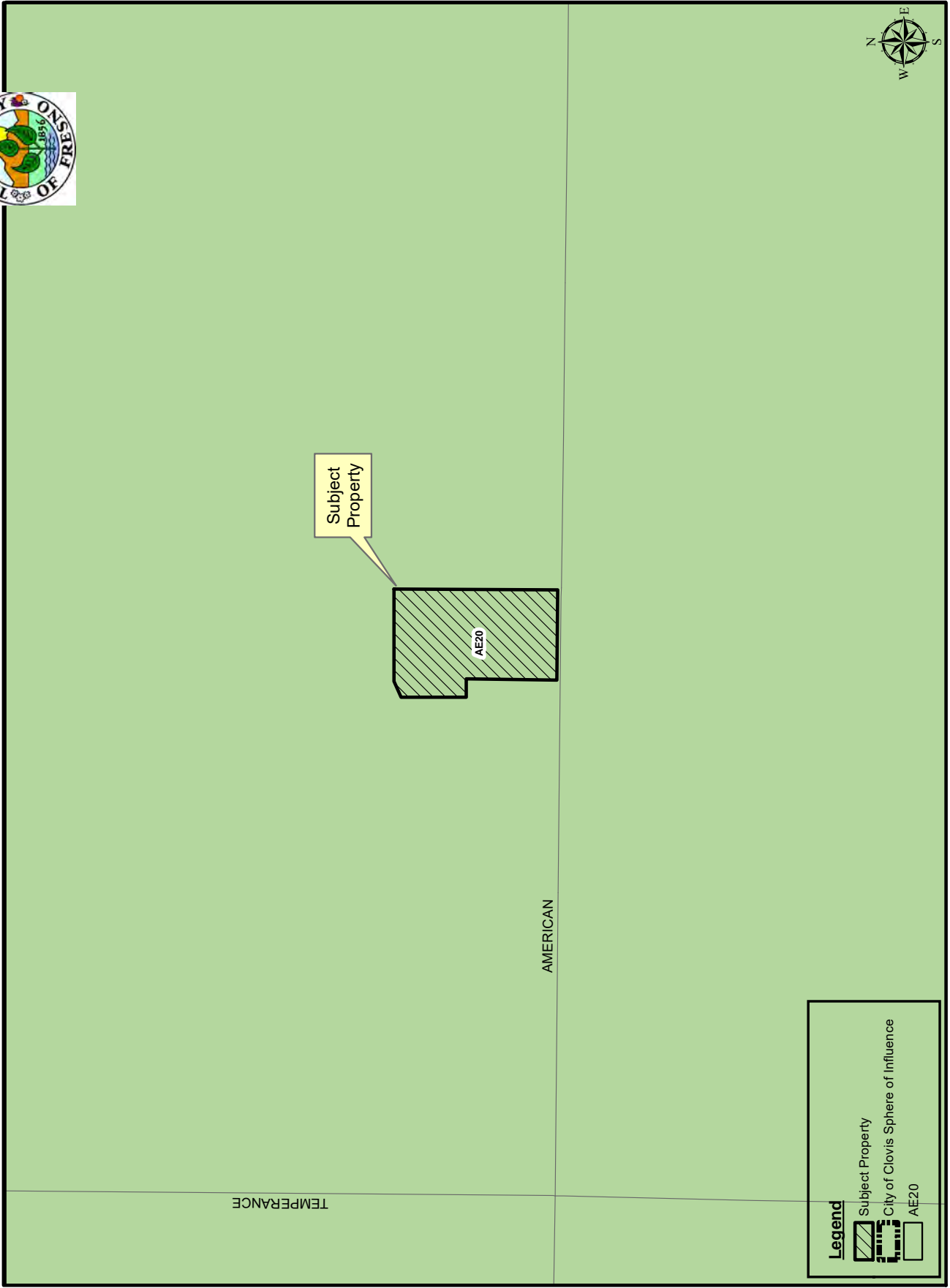
Prepared by: County of Fresno Department of Public Works and Planning

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EXHIBIT 3

EXISTING ZONING MAP

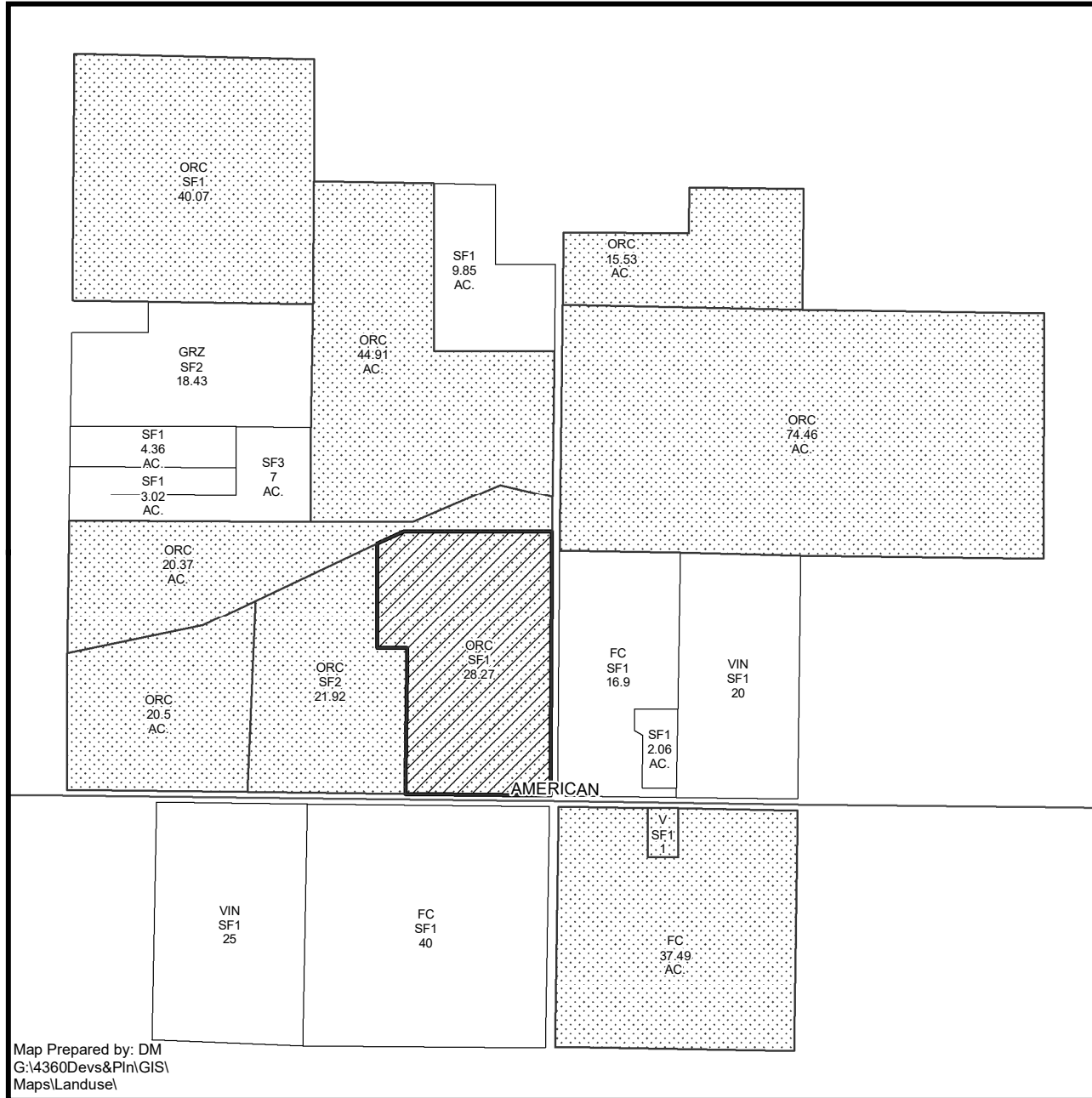
VA 4108
STR 35-14/21



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Feet
Prepared by: County of Fresno Department of Public Works and Planning, Development Services Division

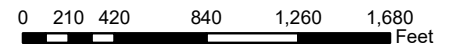
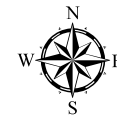
EXISTING LAND USE MAP

VA 4108



- LEGEND**
- FC - FIELD CROP
 - GRZ - GRAZING
 - ORC - ORCHARD
 - SF#- SINGLE FAMILY RESIDENCE
 - V - VACANT
 - VIN - VINEYARD

- LEGEND:**
- Subject Property
 - Ag Contract Land



Department of Public Works and Planning
Development Services Division

Map Prepared by: DM
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EXHIBIT 4

EXHIBIT MAP

IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA. JANUARY 19, 2023

Section 35, Township 14 South, Range 21 East, Mount Diablo Base and Meridian,
Fresno County, California

Map Prepared by:



4630 W. Jennifer Ave. #101
Fresno, CA 93722-6415
Phone: 559-447-8075
FAX: 559-447-8074
www.tricityengineering.com

Owner and Applicant:

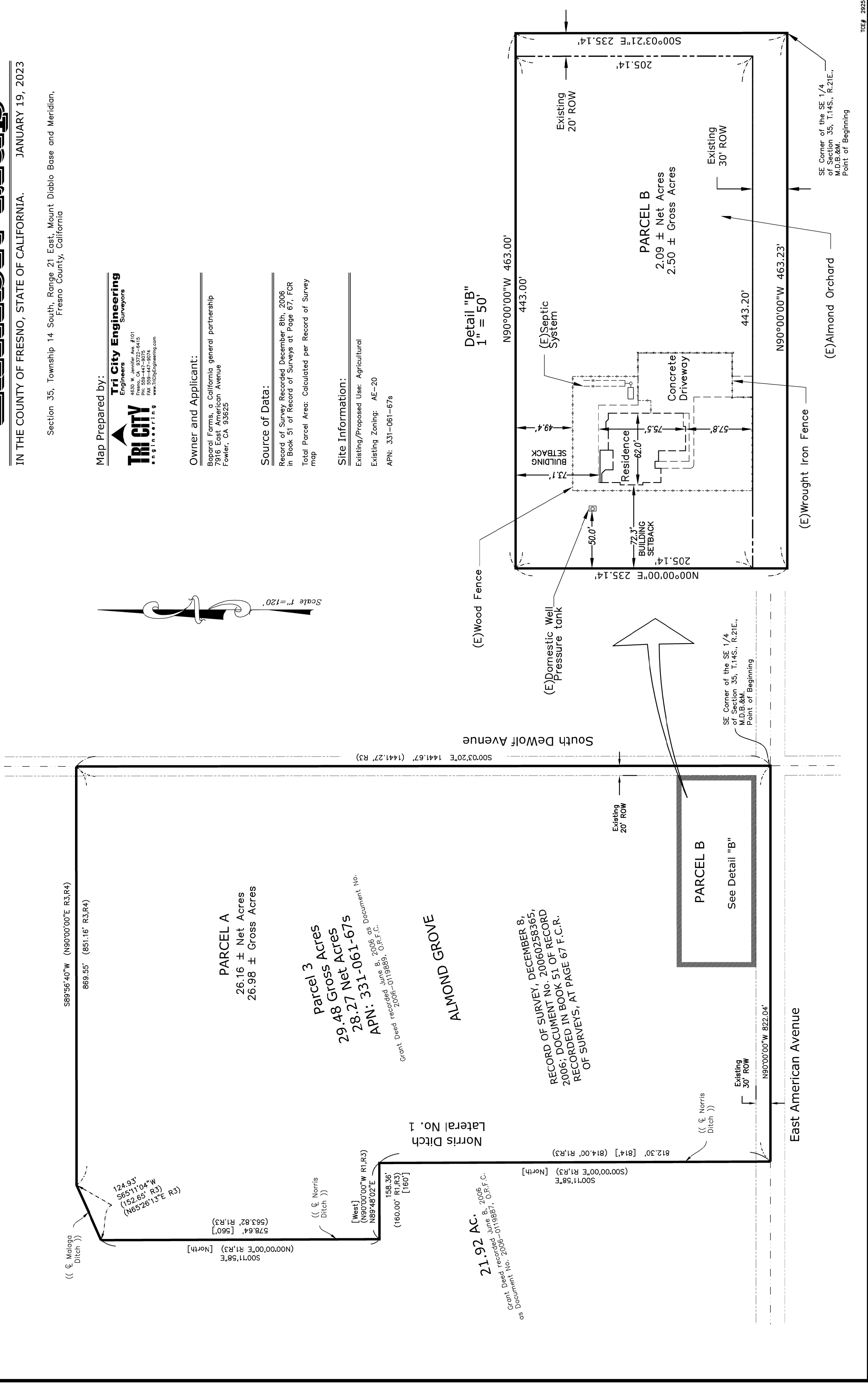
Bocardi Farms, a California general partnership
7916 East American Avenue
Fowler, CA 93625

Source of Data:

Record of Survey Recorded December 8th, 2006
in Book 51 of Record of Surveys at Page 67, FOR
map

Site Information:

Existing/Proposed User: Agricultural
Existing Zoning: AE-20
APN: 331-061-67s



VARIANCE FINDINGS

BOPARI FARMS

May 28, 2021

Revised April 12, 2023

Owner:

Baljit Boparai
Boparai Farms
P.O. Box 118
Fowler, CA 93625

Applicant:

Same as above.

Representative:

Dirk Poeschel Land Development Services, Inc.
923 Van Ness Ave., Suite 200
Fresno, CA 93721
559-445-0374

Property Location:

The project site is located on N. American Ave. between Locan and De Wolf Aves.

APN:

331-061-67s

Existing General Plan Land Use Designation:

Exclusive Agriculture

Existing Zone Designation:

AE-20 (Fresno County land use designation)

Request:

Grant a variance to allow the creation of a 2.50-acre parcel from an existing 28.27 +/- acre parcel within the AE-20 zone district.

Background:

The applicant has owned and farmed the subject property for over 15 years. The 28.27 +/- acre parcel contains 27 acres of almonds and a 2,672 sq. ft., home that was constructed in 2010. The applicant wishes to sell the existing home to his daughter. The home does not accommodate the applicant's wishes to move his elderly parents in with him due to the home's size and configuration.

Finding 1:

There are exceptional or extraordinary circumstances or conditions applicable to the property involve which do not apply generally to other property in the vicinity having the identical zoning classification.

The applicant wishes to create a 2.50-acre homesite, encompassing the existing home that fronts E. American Avenue. The home, constructed in 2010, and its related improvements represents an exceptional circumstance because all such improvements are existing. No change to the site will occur as a result of the proposed variance.

Selling the home to his daughter allows her to have a home with her own financing and ownership benefits. Other alternatives such as renting the home is not of interest to the applicant as he loses control of its maintenance and causes other issues relative to renting a rural home site.

Finding 2:

Such Variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification.

The applicant has the right to optimize and retain the value of the existing home. If the applicant cannot sell the home to his daughter, the applicant is faced with one option of tearing down the existing home to rebuild a home big enough to accommodate his parents. The applicant's second option involves renting the home out, but that option has negative impacts as he loses control of its maintenance and causes other issues relative to renting a rural home site.

The applicant's daughter is very familiar with the almond operation and intends to assist in the managing the family orchard.

Finding 3:

If granted, would the requested variance be detrimental to the public welfare or injurious to property or improvements in the area to which the property is located?

No adverse impacts to adjacent properties will occur as a result of the proposed variance. Granting the proposed variance to create a 2.50-acre homesite from an existing 28.27-acre parcel will have no adverse impacts on the public or surrounding property owners. No new

improvements will be made to accommodate the lot creation. The existing home is served by an adequate well, septic tank system and driveway.

Finding 4:

The granting of such a Variance will not be contrary to the objective of the General Plan.

The granting of the proposed variance will not contradict the objective of the Fresno County General Plan to protect agricultural land. The granting of the proposed variance does not require removing any of the site's almond trees as the home already exists. Therefore, the creation of the 2.50-acre homesite will result in no net loss to agriculture.

Allowing the applicant's daughter to own her own home adjacent to the family farm will enhance site security and agricultural productivity.

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County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

APPLICANT: Boparai Farms

APPLICATION NOS.: Initial Study No. 8088 and Variance Application No. 4108

DESCRIPTION: Allow the creation of a 2.09-acre parcel with an existing residence, and a 26.18-acre parcel, from a 28.27-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located on the northwest corner of the intersection of E. American Avenue and S. DeWolf Avenue, approximately one-and three-quarter miles northeast of the City of Fowler (APN: 331-061-67S) (7916 E. American Avenue) (Sup. Dist. 4).

I. AESTHETICS

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

- A. Have a substantial adverse effect on a scenic vista; or
- B. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway; or
- 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; or
- D. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

FINDING: NO IMPACT:

This application proposes to allow the creation of a 2.09-acre parcel encompassing an existing single-family dwelling and several accessory buildings. As no development or additional outdoor lighting is proposed with this application, there will be no impacts to

the existing visual character or quality of public views of the site and its surroundings. The remainder of the 27.76-acre parcel is dedicated to agricultural production (orchards). Additionally, no scenic vistas or other scenic resources were identified, and the property is not located within a state scenic highway.

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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is currently restricted under Williamson Act contract. According to the 2016 Fresno County Important Farmland Map, Rural Land Mapping Edition, the subject property predominately contains Prime Farmland with a small portion of the property being classified as Farmland of Statewide Importance. The Policy Planning Unit of the Fresno County Department of Public Works and Planning determined that the proposed parcel creation is inconsistent with the provisions of the Williamson Act Contract, and the proposed 2.09-acre parcel does not meet the qualifications to remain in the Williamson Act Program and must be removed from the Contract through a partial cancellation of the contract. The Applicant will be required to file a petition for Partial Cancellation of Williamson Act Contract No. 378 before any action will be taken on the Variance request to create the 2.09-acre parcel.

- 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?

FINDING: NO IMPACT:

The subject parcel is not located in an area zoned for forest land or timberland zoned for Timberland Production, thus will not result in the loss of timberland or forest land.

- 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: LESS THAN SIGNIFICANT IMPACT:

The project, if approved, will result in the conversion of 2.09 acres of land to currently devoted to residential uses, unconnected to the existing agricultural operation. No additional residential development is proposed., and the separation of 2.09 net acres from the existing 28.27-net acre parcel would be a less than significant impact to Farmland due to the fact that about 26.18-acres, a substantial portion (approximately 92 percent) of the existing parcel's land area, will remain in agricultural production.

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; or
- 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:

No development is proposed, and no development will be authorized with this application. If the Variance application is approved, a mapping application will be required to create the proposed 2.09-acre parcel. No development is proposed; therefore, the approval of this application is will not result in any conflict with, obstruction of, or implementation of an applicable air quality plan; nor result in the generation of any additional criterial pollutants or emissions which may be associated with the existing farming operation.

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:

The proposed parcel creation does not propose any development and will not conflict with any adopted Habitat Conservation Plan, Natural Community Conservation or other approved local, regional or state Habitat Conservation Plan.

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: NO IMPACT:

Aside from the ongoing agricultural operations on the subject parcel, no development or ground disturbance is proposed with this application. If approved, a subsequent mapping procedure will be required to create the proposed 2.09-acre residential parcel. No historical or archaeological resources were identified, and because no ground disturbance will occur, no previously unknown subsurface archaeological, historical or cultural resources will be impacted as a result of the approval of this application or subsequent mapping procedure. Under the provisions of AB52, the Tribes who had previously requested notification were notified of this application. None of the Tribes responded to the notification or requested consultation on this project.

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:

The approval of this application will authorize a mapping procedure to create a 2.09-acre parcel containing a single-family residence. The remaining acreage (approximately 26.18-acres) currently dedicated to almond production will remain engaged in the agricultural operation. No increase in the baseline consumption of energy associated with the agricultural operation or residential use is anticipated to result from the proposed parcel creation.

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; or
 - 2. Strong seismic ground shaking; or
 - 3. Seismic-related ground failure, including liquefaction; or
 - 4. Landslides; or
- 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:

The subject property is not located in an area subject to lateral spreading, subsidence, or liquefaction, as described in Chapters five (5-28) Seven (7-5) and Nine (9-9) or Figure 9-6 of the Fresno County General Plan Background Report (FCGPBR), nor is it located in an area of expansive soils as identified by Figure 7-1 of the FCGPBR. The project will not result adverse impacts associated with the rupture of a known fault, strong seismic ground shaking, ground failure or liquefaction, as there is no construction or ground disturbance proposed with this application.

- 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:

If this application is approved, the resultant 2.09-acre parcel would contain one existing septic system which would be with the standards of the Fresno County Local Area Management Program (LAMP) which limits parcels to one septic system per two acres.

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

FINDING: NO IMPACT:

No ground disturbance or other physical changes to the land are proposed with this application, and no paleontological or unique geologic resources were identified.

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: NO IMPACT:

No development is associated with this application that would generate greenhouse gases or conflict with an applicable greenhouse gas emissions reduction plan.

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; or
- C. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; or
- D. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.09 and, as a result, would it create a significant hazard to the public or the environment; or
- 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; or
- F. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or
- G. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

FINDING: NO IMPACT:

The subject parcel is currently used for residential purposes and for the cultivation of almonds. No additional use of hazardous materials or generation of hazardous emissions is proposed with this application. The subject property is not located on a hazardous materials site, as identified by the US EPA NEPAssist mapping tool, nor within the boundaries of an airport land use plan or in an area of increased risk to persons or structures due to wildland fires. The subject parcel is also not located within two miles of an airport, or within the boundaries of an airport land use plan, and the use of the property will not change, therefore the project will not interfere with an emergency response or evacuation plan.

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: NO IMPACT:

The subject parcel is currently engaged in agricultural production and use, this proposal entails a request to allow a minor land division and subsequent mapping procedure to

create a residential parcel, and will not involve a change in land use or and will not involve any waste discharge or any activity which may degrade surface or groundwater.

- 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:

The project does not entail any increase in the current level of water use. No concerns related to water supply were expressed by any reviewing agencies or County departments. The proposed 2.09-acre residential parcel contains a single-family dwelling and several accessory buildings which will be served by an existing domestic well. The remaining 26.18 acres contain almond orchards which will be irrigated by an on-site agricultural well. The Water and Natural Resources Division of the Fresno County Department of Public Works and Planning determined in their review that there would not be a net increase in water use resulting from approval of this application, as the residential and agricultural infrastructure is existing.

- 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; or
2. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site; or
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 project site is not located within the erosion hazard area for western Fresno County identified by Figure 7-4 of the Fresno County General Plan Background Report (FCGPBR). Additionally, no grading or development is proposed with this project; therefore, it will not increase surface runoff or contribute polluted runoff.

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

FINDING: NO IMPACT:

The subject property is not located in an area at risk from the 100-year flood inundation as identified by Figure 9-7 or flood inundation from dam failure as identified by Figure 9-

8 of the Fresno County General Plan Background Report (FCGPBR), or at risk from tsunami or seiche; according to FEMA, FIRM Panel 2145H the property is located in Zone X, which is an area of minimal flood hazard.

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

FINDING: NO IMPACT:

No additional water use is anticipated with this application. If approved, a mapping procedure will be required to create a 2.09-acre residential parcel which will be independent of the remaining 26.18-acre parcel's agricultural operation. No development or other ground disturbance is proposed which would result in erosion or siltation, or additional impervious surfaces that may increase surface runoff or alter the existing drainage plan.

XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community?

FINDING: NO IMPACT:

No development is proposed with this application, and creation of the proposed 2.09-acre parcel will not physically divide an established community.

- 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: LESS THAN SIGNIFICANT IMPACT:

The proposed creation of the 2.09-acre residential parcel is not consistent with Land Use Policies of the General Plan nor the property development standards of the Exclusive Agricultural Zone District, except that such a parcel creation may be allowed subject to discretionary review and approval through a Variance. This Variance request to allow the creation of a substandard sized parcel does not meet the established criteria to allow any exemptions to the AE-20 Zone District minimum lot size standards; however, no significant environmental impacts are anticipated to result from the creation of the residential parcel. Future division of the remaining portion of the subject property, or the addition of a second residence on the proposed residential parcel, or the addition of a primary and secondary residence on the remaining 26.98-acre parcel could result in an increase in the residential density of the area; however, such a division would be subject to discretionary review and approval.

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:

No development or ground disturbance is proposed with this application; therefore, no impacts to mineral resources will occur. The subject property is not located in an area of known mineral resources as identified in the Fresno County General Plan Background Report.

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; or
- 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?

FINDING: NO IMPACT:

No new noise impacts will occur as a result of this proposal, as no development is proposed. No increase in the baseline noise levels from the existing agricultural operation is anticipated.

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

FINDING: NO IMPACT:

The approval of this application will not result in the construction of any new housing nor the displacement of any existing housing or people.

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; or
2. Police protection; or
3. Schools; or
4. Parks; or
5. Other public facilities?

FINDING: NO IMPACT:

The proposed parcel creation will not require the provision of any new or physically altered government facilities.

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:

The project will not result in an increase in use of existing neighborhood or regional parks or other recreational 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; or
- B. Be in conflict or be inconsistent with the California Environmental Quality Act (CEQA) Guidelines Section 15064.3, subdivision (b); or
- C. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or
- D. Result in inadequate emergency access?

FINDING: NO IMPACT:

No development or improvements to any existing transportation infrastructure are proposed with this application; therefore, no impacts to the circulation system, no increased hazards resulting from development, or changes in the adequacy of existing emergency access will occur.

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: NO IMPACT:

No development or any ground disturbance is proposed with this application; therefore, no impacts to tribal cultural resources as defined in PRC Section 21704 will occur.

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

FINDING: NO IMPACT:

No changes to the existing utilities and services are anticipated. The existing 28.27-acre parcel contains a domestic well and an agricultural well. If the application is approved, a subject mapping procedure to create the proposed 2.09-acre parcel will be required. As a result, the 2.09-acre parcel will retain the domestic well which serves the existing residence, and the remaining 26.18 acres will retain the agricultural well for irrigation of the almond orchards. No increased wastewater capacity is proposed and no increased generation of solid waste or conflicts with solid waste reduction statutes is anticipated.

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 subject property is not in an area prone to the occurrence of wildfire, or in an area of steep slopes.

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: NO IMPACT:

The subject parcel is located in an area of agricultural production, sparse residential development, and is itself involved in ongoing agricultural operations. No development or physical changes to the environment are proposed with this application; therefore, no impacts to the quality of the environment or reduction in habitat for fish and wildlife species are anticipated.

- 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)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

As discussed under Section II and Section XI above, the proposed parcel creation will result in the conversion of a small portion of land to exclusively residential use, which residential use is currently appurtenant to the farming operation. If this Variance request is approved, a 2.09-acre portion of the land which contains the residence will become independent of the remaining portion of the land which is dedicated to almond production. Additionally, the request to create a parcel containing less than the minimum acreage required by the underlying Zone District is inconsistent with both the Fresno County General Plan and Zoning Ordinance. However, due to the relatively small amount of acreage that will be converted and considering that the balance of the

property, constituting approximately 26.98-acres, will remain in agricultural production, impacts to farmland resulting from this proposal would be less than significant.

- C. Have environmental effects which will cause substantial adverse effects on human beings either directly or indirectly?

FINDING: NO IMPACT:

The approval of this application will not result in an appreciable change in land use of the subject property, or the proposed residential parcel to be created. Both the residential use and the farming operation are existing and will continue. Therefore, the project will not result in environmental effects that would cause substantial adverse effects on human beings, directly or indirectly.

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Variance Application No. 4108, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Energy, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation, Tribal Cultural Resources Utilities and Service Systems, and Wildfire.

Potential impacts related to Agricultural and Forestry Resources, Geology and Soils, and Land Use and Planning have been determined to be less than significant.

A 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.

JS

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