



# County of Fresno

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

DATE: August 7, 2020

TO: Department of Public Works and Planning, Attn: Steven E. White, Director  
Department of Public Works and Planning, Attn: Bernard Jimenez, Assistant Director  
Department of Public Works and Planning, Attn: John R. Thompson, Assistant Director  
Development Services and Capital Projects, Attn: William M. Kettler, Division Manager  
Development Services and Capital Projects, Attn: Chris Motta, Principal Planner  
Development Services and Capital Projects, Current Planning, Attn: David Randall, Senior Planner  
Development Services and Capital Projects, Policy Planning, ALCC, Attn: Mohammad Khorsand, Senior Planner  
Development Services and Capital Projects, Zoning & Permit Review, Attn: Daniel Gutierrez/James Anders  
Development Services and Capital Projects, Building & Safety/Plan Check, Attn: Dan Mather  
Development Engineering, Attn: Laurie Kennedy, Grading/Mapping  
Road Maintenance and Operations, Attn: John R. Thompson/Nadia Lopez/Martin Querin/Wendy Nakagawa  
Design Division, Transportation Planning, Attn: Mohammad Alimi/Dale Siemer/Brian Spaunhurst/Gloria Hensley  
Water and Natural Resources Division, Attn: Glenn Allen, Division Manager  
Department of Public Health, Environmental Health Division, Attn: Deep Sidhu/Steven Rhodes  
Agricultural Commissioner, Attn: Melissa Cregan  
U.S. Fish and Wildlife Service, San Joaquin Valley Division, Attn: Matthew Nelson  
CA Regional Water Quality Control Board, Attn: Dale Harvey  
CA Department of Fish and Wildlife, Attn: Craig Bailey, Environmental Scientist & [R4CEQA@wildlife.ca.gov](mailto:R4CEQA@wildlife.ca.gov)  
State Water Resources Control Board, Division of Drinking Water, Fresno District, Attn: Jose Robledo, Caitlin Juarez  
Dumna Wo Wah Tribal Government, Attn: Robert Ledger, Tribal Chairman/Eric Smith, Cultural Resources Manager/Chris Acree, Cultural Resources Analyst  
Picayune Rancheria of the Chukchansi Indians, Attn: Tara C. Estes-Harter, THPO/Cultural Resources Director  
Santa Rosa Rancheria Tachi Yokut Tribe, Attn: Ruben Barrios, Tribal Chairman/Hector Franco, Director/Shana Powers, Cultural Specialist II  
Table Mountain Rancheria, Attn: Robert Pennell, Cultural Resources Director/Kim Taylor, Cultural Resources Department/Sara Barnett, Cultural Resources Department  
San Joaquin Valley Unified Air Pollution Control District (PIC-CEQA Division), Attn: PIC Supervisor  
Kings River Water District, Attn: Richard Cosgrove, Secretary-Treasurer  
Kings River Conservation District, Attn: Rick Hoelzel

Sierra Resource Conservation District, Attn: Steve Haze, District Manager  
Fresno County Fire Protection District, Attn: Jim McDougald, Division Chief

FROM: Thomas Kobayashi, Planner  
Development Services and Capital Projects Division

SUBJECT: Initial Study Application No. 7677 and Variance Application No. 4076

APPLICANT: Kerry Gerdts

DUE DATE: September 8, 2020

The Department of Public Works and Planning, Development Services and Capital Projects Division has prepared an Initial Study for the subject application proposing to waive the minimum acreage designation within the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District to allow the creation of an approximately 3.56-acre parcel from an existing 32.2-acre parcel. The existing parcel is currently dual-zoned AL-20 (Limited Agricultural, 20-acre minimum parcel size) and RC-40 (Resource Conservation, 40-acre minimum parcel size). In the case of this application, the proposed parcel will be located in the AL-20 portion of the parcel (APN: 333-021-66) (746 S. Rainbow Avenue, Sanger, CA).

Based upon the Initial Study prepared for Variance Application No. 4076, staff has determined that the project will not have a significant effect on the environment.

A copy of the Initial Study is attached. Please review the Initial Study as it relates to your area of expertise.

We must have your comments by **September 8, 2020**. Any comments received after this date may not be used.

**NOTE - THIS WILL BE OUR ONLY REQUEST FOR WRITTEN COMMENTS. If you do not have comments, please provide a "NO COMMENT" response to our office by the above deadline (e-mail is also acceptable; see email address below).**

Please address any correspondence or questions related to environmental and/or policy/design issues to me, Thomas Kobayashi, Planner Development Services and Capital Projects Division, Fresno County Department of Public Works and Planning, 2220 Tulare Street, Sixth Floor, Fresno, CA 93721, or call (559) 600-4224, or email TKobayashi@FresnoCountyCA.gov.

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*Activity Code (Internal Review): 2377*

Enclosures

### Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613  
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #

Project Title: Initial Study Application No. 7677 and Variance Application No. 4076

Lead Agency: County of Fresno, Department of Public Works and Planning Contact Person: Thomas Kobayashi  
Mailing Address: 2220 Tulare Street, 6th Floor Phone: (559) 600-4224  
City: Fresno Zip: 93721 County: Fresno

Project Location: County: Fresno City/Nearest Community: Sanger  
Cross Streets: Rainbow Avenue and Riverbend Avenue Zip Code: 93657  
Longitude/Latitude (degrees, minutes and seconds): \_\_\_\_\_ Total Acres: \_\_\_\_\_  
Assessor's Parcel No.: 333-021-66 Section: 7 Twp.: 14S Range: 23E Base: \_\_\_\_\_  
Within 2 Miles: State Hwy #: 180 Waterways: Kings River  
Airports: \_\_\_\_\_ Railways: \_\_\_\_\_ Schools: Centerville Elementary

Document Type:

- CEQA:  NOP  Draft EIR  Supplement/Subsequent EIR (Prior SCH No.)  Mit Neg Dec  Other: \_\_\_\_\_
- NEPA:  NOI  EA  Draft EIS  FONSI
- Other:  Joint Document  Final Document  Other: \_\_\_\_\_

Local Action Type:

- General Plan Update  Specific Plan  Rezone  Annexation
- General Plan Amendment  Master Plan  Prezone  Redevelopment
- General Plan Element  Planned Unit Development  Use Permit  Coastal Permit
- Community Plan  Site Plan  Land Division (Subdivision, etc.)  Other: Variance

Development Type:

- Residential: Units \_\_\_\_\_ Acres \_\_\_\_\_
- Office: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_
- Commercial: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_
- Industrial: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_
- Educational: \_\_\_\_\_
- Recreational: \_\_\_\_\_
- Water Facilities: Type \_\_\_\_\_ MGD \_\_\_\_\_
- Transportation: Type \_\_\_\_\_
- Mining: Mineral \_\_\_\_\_
- Power: Type \_\_\_\_\_ MW \_\_\_\_\_
- Waste Treatment: Type \_\_\_\_\_ MGD \_\_\_\_\_
- Hazardous Waste: Type \_\_\_\_\_
- Other: \_\_\_\_\_

Project Issues Discussed in Document:

- Aesthetic/Visual  Fiscal  Recreation/Parks  Vegetation
- Agricultural Land  Flood Plain/Flooding  Schools/Universities  Water Quality
- Air Quality  Forest Land/Fire Hazard  Septic Systems  Water Supply/Groundwater
- Archeological/Historical  Geologic/Seismic  Sewer Capacity  Wetland/Riparian
- Biological Resources  Minerals  Soil Erosion/Compaction/Grading  Growth Inducement
- Coastal Zone  Noise  Solid Waste  Land Use
- Drainage/Absorption  Population/Housing Balance  Toxic/Hazardous  Cumulative Effects
- Economic/Jobs  Public Services/Facilities  Traffic/Circulation  Other: Energy and Wildfire

Present Land Use/Zoning/General Plan Designation:

Agriculture/AL-20 and R-C-40/Agriculture and Open Space

Project Description: (please use a separate page if necessary)

The project proposes to reduce the minimum parcel size within the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District to allow creation of an approximately 3.56-acre parcel from an existing 27.51-acre parcel that is dual-zoned AL-20 and R-C-40 (Resource Conservation, 40-acre minimum parcel size).

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

## Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X".  
If you have already sent your document to the agency please denote that with an "S".

<input checked="" type="checkbox"/> Air Resources Board	<input type="checkbox"/> Office of Historic Preservation
<input type="checkbox"/> Boating & Waterways, Department of	<input type="checkbox"/> Office of Public School Construction
<input type="checkbox"/> California Emergency Management Agency	<input type="checkbox"/> Parks & Recreation, Department of
<input type="checkbox"/> California Highway Patrol	<input type="checkbox"/> Pesticide Regulation, Department of
<input checked="" type="checkbox"/> Caltrans District #6	<input type="checkbox"/> Public Utilities Commission
<input type="checkbox"/> Caltrans Division of Aeronautics	<input checked="" type="checkbox"/> Regional WQCB # <u>Fresno</u>
<input type="checkbox"/> Caltrans Planning	<input type="checkbox"/> Resources Agency
<input type="checkbox"/> Central Valley Flood Protection Board	<input type="checkbox"/> Resources Recycling and Recovery, Department of
<input type="checkbox"/> Coachella Valley Mtns. Conservancy	<input type="checkbox"/> S.F. Bay Conservation & Development Comm.
<input type="checkbox"/> Coastal Commission	<input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
<input type="checkbox"/> Colorado River Board	<input type="checkbox"/> San Joaquin River Conservancy
<input type="checkbox"/> Conservation, Department of	<input type="checkbox"/> Santa Monica Mtns. Conservancy
<input type="checkbox"/> Corrections, Department of	<input type="checkbox"/> State Lands Commission
<input type="checkbox"/> Delta Protection Commission	<input type="checkbox"/> SWRCB: Clean Water Grants
<input type="checkbox"/> Education, Department of	<input type="checkbox"/> SWRCB: Water Quality
<input type="checkbox"/> Energy Commission	<input type="checkbox"/> SWRCB: Water Rights
<input checked="" type="checkbox"/> Fish & Game Region # _____	<input type="checkbox"/> Tahoe Regional Planning Agency
<input type="checkbox"/> Food & Agriculture, Department of	<input type="checkbox"/> Toxic Substances Control, Department of
<input type="checkbox"/> Forestry and Fire Protection, Department of	<input type="checkbox"/> Water Resources, Department of
<input type="checkbox"/> General Services, Department of	<input checked="" type="checkbox"/> Other: <u>U.S. Fish and Wildlife Service</u>
<input type="checkbox"/> Health Services, Department of	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Housing & Community Development	
<input type="checkbox"/> Native American Heritage Commission	

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### Local Public Review Period (to be filled in by lead agency)

Starting Date August 7, 2020 Ending Date September 7, 2020

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### Lead Agency (Complete if applicable):

Consulting Firm: <u>County of Fresno</u>	Applicant: <u>Kerry Gerdts</u>
Address: <u>2220 Tulare Street, 6th Floor</u>	Address: <u>872 S. Riverbend Avenue</u>
City/State/Zip: <u>Fresno, CA 93721</u>	City/State/Zip: <u>Sanger, CA 93657</u>
Contact: <u>Thomas Kobayashi</u>	Phone: <u>(559) 531-4084</u>
Phone: <u>(559) 600-4224</u>	

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Signature of Lead Agency Representative:  Date: 8/6/20

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.



# County of Fresno

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

## EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: Kerry Gerdts
- APPLICATION NOS.: Initial Study Application No. 7677 and Variance Application No. 4076
- DESCRIPTION: Reduce the minimum parcel size within the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District to allow the creation of an approximately 3.56-acre parcel from an existing 27.51-acre parcel that is dual zoned AL-20 and R-C-40 (Resource Conservation, 40-acre minimum parcel size).
- LOCATION: The subject parcel is located on the south side of Rainbow Avenue, approximately 1,204 feet west of its nearest intersection with Riverbend Avenue, and is approximately 1.37 miles northeast of the nearest city limits of the City of Sanger (APN 333-021-66) (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; or
- B. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

FINDING: NO IMPACT:

No scenic vista or scenic resource has been identified on or near the project site. According to Figure OS-2 of the Fresno County General Plan, there are no scenic roadways fronting the project site.

- 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 point). 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:**

Based on the Applicant's Findings and description of the project, a single-family residence could be proposed on the created parcel at a later date. The remainder portion of the parcel will continue to be utilized for agricultural purposes. If the Variance application is approved, development of both parcels can occur in the future that can degrade the existing visual character or quality public views of the site and its surroundings, but will not have a substantial impact as the underlying zone districts only allow certain uses by right, with additional more intensive uses allowed subject to a discretionary land-use permit. Per the Applicant, there are three separate areas of the project site. An at-grade area even with Rainbow Avenue, a sloping bluff, and a below-grade area. The property is utilized as an agricultural operation improved with orchards. The proposed parcel will be located at the at-grade area fronting Rainbow Avenue. Therefore, based on the proposed development from the Applicant, and future development of the site subject to the Zoning Ordinance, a less than significant impact is seen.

- 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:**

The subject application will not directly create a new source of light or glare. The project would allow the creation of a new parcel from the existing parcel and will allow both parcels to be developed. The Applicant has stated that development of the new parcel towards a homesite will occur which can create a new source of lighting. Based on the project proposal, and the mention of development of a single-family residence, the project is not expected to be a source of substantial light of glare which would adversely affect day or nighttime views in the area. The project is seen as having a less than significant impact.

**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 Dept. 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 existing parcel is enrolled in the Williamson Act Program under Contract No. 5834. Pursuant to the Fresno County Williamson Act Program Guidelines, parcels that are enrolled in the Program are required to have at least 20 acres of Prime Soil and an active agricultural operation, or at least 40 acres of Non-Prime Soil and an active agricultural operation to be eligible to remain in the Williamson Act Program. The proposed 3.56-acre parcel does not qualify to remain in the Program and must be removed from the Program through the contract cancellation process. A recommendation for cancellation from the Agricultural Land Conservation Committee and/or approval of the cancellation from the Board of Supervisors is required to allow the subject proposed parcel to cancel their Williamson Act Contract.

- 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 project site is not located in forest land, timberland, or timberland zoned Timberland Production. The project will not result in the loss of forest land or conversion of forest land to non-forest use.

- 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 forest land to non-forest use?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed parcel split will not involve changes to the existing environment that could result in conversion of Farmland to non-agricultural use. The subject parcel is actively farmed; however, the Applicant has indicated that the proposed parcel may be improved with a single-family residence. The remainder of the proposed parcel would still be utilized for agricultural production and would not substantially change the nature of the use or affect surrounding parcels.

### 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. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under a Federal or State ambient air quality standard?

FINDING: NO IMPACT:

The project is to allow creation of a parcel under the minimum parcel size standard of the underlying zone district from an existing parcel. The project will not conflict with or obstruct implementation of the applicable Air Quality Plan and will not result in a cumulatively considerable net increase of any criteria pollutant.

- 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:

The project site is currently utilized as an agricultural operation with the property improved with orchards. Per the Applicant, the created parcel may be improved with a single-family residence. Both the agricultural operation and the potential single-family residence are not uses that are associated with substantial pollutant generation and will not expose sensitive receptors to substantial pollutant concentrations. The project will not result in other emissions adversely affecting a substantial number of people.

#### 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?

FINDING: NO IMPACT:

According to the California Natural Diversity Database, the project site is not located within any reported occurrence areas of a special status species. The proposal is to create a new parcel from an existing parcel. The subject parcel is actively being farmed. The Applicant has stated that the created parcel may be improved with a single-family residence with the remainder parcel continuing to be used for agricultural purposes. Based on current conditions, the parcel experiences disturbance that would deter special status species from inhabiting the subject parcel. In considering current conditions, the project proposal, and potential future development, the project will not substantially adversely effect any special status species directly or through habitat modification.



- 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the National Wetlands Inventory, the subject parcel is located along the boundaries of identified wetlands. Although the subject parcel is located near the identified wetlands, the proposed parcel will not have an adverse effect on the wetland as the parcel is separated by a grade difference and potential development is subject to the setbacks of the underlying zone district. Also, it appears that the identified wetland occurs on the adjacent parcel, Fresno County requires that drainage of a parcel be confined so as not to drain on neighboring properties. Based on these factors, the project is not expected to adversely affect any identified wetlands. There are no riparian or other sensitive natural community identified on or near the subject parcel.

- 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?

FINDING: NO IMPACT:

The project will not interfere substantially with the movement of any native resident or migratory fish or wildlife species. No native resident or migratory wildlife corridor or native wildlife nursery site has been identified on the subject parcel. The subject parcel is currently being utilized for agricultural purposes and disturbance of the site has deterred wildlife species from inhabiting the site.

- 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 project will not conflict with any local, state, or federal policies or ordinances protecting biological resources. The project also will not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, 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:

The project proposes to create a parcel from an existing property. The property is currently utilized for agricultural and has experienced ground disturbance from the agricultural use. As no historical or archaeological resources has been identified on or near the project, and considering past ground disturbing activities related to the existing agricultural use, no impact is seen on Cultural Resources.

## 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 project proposes to create a parcel from an existing parcel. The project will not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resource as there is not project construction or operation proposed. The Applicant has stated that a single-family residence could be built at a later date. If a single-family residence is built, the residence will be required to abide by the California Building Code which include meeting energy efficiency standards. Therefore, the project will not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

## 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?

FINDING: NO IMPACT:

According to the Earthquake Zone Application administered by the California Department of Conservation, the proposed parcels are not located within a rupture of a known earthquake fault. Additionally, per Figure 9-3 of the Fresno County General Plan Background Report (FCGPBR), the parcel is not located near any other identified Earthquake Hazard Zones.

2. Strong seismic ground shaking?
3. Seismic-related ground failure, including liquefaction?

FINDING: NO IMPACT:

According to Figure 9-5 of the FCGPBR, the subject parcel is not located in an area identified as being in a probabilistic seismic hazard area. Based on this, the project site not likely to be subject to strong seismic ground shaking or seismic-related ground failure due to the strong seismic shaking.

4. Landslides?

FINDING: NO IMPACT:

According to Figure 9-6 of the FCGPBR, the project site is not located in identified Landslide Hazard areas.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project proposal requests creation of a parcel from an existing parcel. The existing parcel is actively farmed. The Applicant per the submitted findings indicate that the proposal 3.56-acre parcel is intended to still be farmed, but also be utilized as a homesite. In considering the Applicant's intent, development of the proposed parcel will result in loss of topsoil. Although a loss of topsoil is considered with development of the parcel, development will be subject to the most current building code standards, which will reduce developmental impacts resulting from the loss of topsoil. The project will not result in substantial soil erosion.

- 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Existing terrain of the project site includes an area level with public right-of-way, a bluff, and a lower level at the bottom of the bluff. The proposed parcel will consist of a portion of the street level area and the bluff, and does not contain any portion of the lower level. Development of the subject site is subject to the current building code and will reduce any impacts development may have if located on or near the bluff. Reviewing agencies and departments did not express concern to indicate that the soil of the project site is unstable or would become unstable as a result of the project.

- 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:

Per Figure 7-1 of the Fresno County General Plan Background Report (FCGPBR), the subject parcel is not located in identified Expansive Soil areas.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project proposal is specifically to create a parcel with no development being included with this proposal. The Applicant has indicated that the subject proposal would be utilized for the existing agricultural operation and for a future homesite. If the proposed parcel were to be developed, the project site would be subject to building permits including for any proposed septic system or alternative waste water disposal system. No reviewing agencies and departments indicated that the subject site would not be able to adequately support the use of septic tanks or alternative waste water disposal systems.

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

FINDING: NO IMPACT:

There are no identified unique paleontological resource or unique geologic feature identified on the project site.

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:

The project proposal will allow creation of a substandard parcel and a remainder parcel. The Applicant has indicated that the proposed parcel will be utilized as a home site, but currently, there are no plans for development of the site. The project proposal will not directly generate greenhouse gas emissions, but if development of the parcel were to occur, by-right uses under the Exclusive Agricultural (AE) Zone District are not expected to generate greenhouse gas emissions that would have a significant impact on the environment. Additional uses subject to land-use permits would address impacts related to the proposed use. The San Joaquin Valley Air Pollution Control District (SJVAPCD) has been given the opportunity to review and provide comments on the project. There were no expressed concerns from SJVAPCD to indicate that the project proposal would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gas emissions.

#### VIII. 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: NO IMPACT:

The project proposal is to allow creation of a substandard parcel from an existing 27.51-acre parcel. The existing parcel is actively farmed. The proposal will not create a significant hazard to the public through the transport, use, or disposal of hazardous materials, nor will it create a significant hazard to the public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

- 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 does not emit hazardous emissions or handle hazardous materials and is not located within one-quarter mile of an existing or proposed school site.

- 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:

Per a NEPAassist report generated for the project site, there are no hazardous material sites located on or near the project site.

- 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, would the project 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 an airport land use plan or within two miles of a public airport or public use airport.

- 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:

Reviewing agencies and departments did not express concerns to indicate that the project would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. The project will not expose people or structures to a significant risk of loss, injury, or death involving 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 ground water quality; or
- 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 Water and Natural Resources Division and the State Water Resources Control Board did not express concerns that the project proposal would violate water quality standards or waste discharge requirements, nor were concerns expressed to indicate

that the project would substantially decrease groundwater supplies or interfere with groundwater recharge. The project proposes to create a substandard parcel from an existing 27.51-acre parcel. There is no development of the site being proposed that is directly linked to the Variance request. Any development that would occur if the Variance request is approved would be subject to permits and review that will address water usage.

- 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 result in substantial erosion or siltation on or off site?
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 offsite?
  3. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or
  4. Impede or redirect flood flows?

FINDING: NO IMPACT:

The project proposes to create a substandard parcel from the existing 27.51-acre parcel. There is no development being proposed directly with the Variance request. The project will not result in the altering of drainage patterns of the site or alter any course of a stream or river. The project will not result in substantial erosion or siltation. The rate or amount of surface runoff will not increase from the project proposal. Per Fresno County standards, stormwater runoff should not be drained across property lines and be kept onsite. There are no planned stormwater drainage systems that service the project area. The project will not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems and will not provide additional sources of polluted runoff. Per FEMA FIRM Panel 2140H, the project site is not subject to flooding from the 100-year storm, therefore the project will not impede or redirect flood flow.

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

FINDING: NO IMPACT:

Per FEMA FIRM Panel 2140H, the project site is not subject to flooding from the 100-year storm. There are not bodies of water near the project site that would indicate the site is at increased risk from tsunami or seiche zones.

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

FINDING: NO IMPACT:

Reviewing agencies and departments did not express concern with the project to indicate that the proposal would conflict with or obstruct implementation of a water quality control plan or sustainable management plan.

## XI. LAND USE AND PLANNING

Would the project:

### A. Physically divide an established community?

FINDING: NO IMPACT:

The project proposal 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:

Development in Fresno County is required to be consistent with the Fresno County General Plan. Goal LU-A reads "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." This goal relates to the environmental impacts of the loss of farmland and is supported by the following policies:

- LU-A.6: The County shall maintain twenty acres as the minimum permitted parcel size in areas designated Agriculture, except as provided in Policies LU-A.9, LU-A.10, and LU-A.11. The County may require parcel sizes larger than twenty (20) acres, based on zoning, local agricultural conditions, and to help ensure the viability of agricultural operations.
- LU-A.7: 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...the decision-making body shall consider the negative incremental and cumulative effects such land divisions have on the agricultural community.

The above-mentioned policies are intended to address the environmental concern that an increase in the number of homesite parcels and general decrease in parcel size in Fresno County could lead to a conversion of productive agricultural land.



This application is not consistent with the above policies because the proposed 3.56-acre parcel does not qualify for any of the exemption under Policy LU-A.9 (financing parcel; gift to family to assist with farming; or ownership prior to adoption of AE-20 Zoning), LU-A.10 (agricultural commercial center), or LU-A.11 (resource recovery location). However, these policies are codified in the Fresno County Zoning Ordinance under Section 816.5.A, where this Variance application is requesting relief from the 20-acre minimum parcel size.

The subject parcel is enrolled in the Williamson Act Program. The proposed substandard parcel does not qualify to remain in the Williamson Act Program and must be removed from the Program through the contract cancellation process. A Notice of Non-Renewal has been filed by the Applicant for the proposed parcel as a requirement for cancellation. The Agricultural Land Use Committee will determine if the requested early cancellation of the Contract should be granted and make a recommendation to the Board of Supervisors for a final decision. If the cancellation request is not granted, the Variance request will not be effective, since the proposed parcel would not meet the minimum acreage requirements for the Contract. This application is for a Variance from the minimum parcel size required by the Zone District; however, no Variance is available in regard to the Williamson Act.

If the cancellation request is approved, the contract will be cancelled, and the property owner will no longer be limited to compatible uses stated under the Williamson Act. The parcel would be allowed to split into the proposed 3.56-acre parcel. No immediate development is associated with the application, but the property owners would no longer be obligated to maintain the existing agricultural operation and would be permitted to develop the proposed parcel following approval of the Variance application and mapping application.

Although the project proposal is in conflict with the identified policies, this is not considered to be a significant environmental impact as the nonrenewal of the contract establishes a 10-year wind-down period during which time that applicant is still subject to the terms of the agreement. The Applicant has already filed for non-renewal, so the contract will end either through the early cancellation process or through expiration of the last day of December 29, 2029. The loss of 3.56 acres of active farmland on this parcel is not a significant loss of agricultural resources and has a less than significant impact on conflict with plans and policies adopted to avoid an environmental effect.

## 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:

According to Figure 7-7 of the Fresno County General Plan Background Report (FCGPBR) the project site is not located on or near any identified mineral resource locations. Additionally, the project proposal does not directly indicate development of the project site that would result in the lost of availability of a known mineral resource or resource recovery site.

### 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: NO IMPACT:

The project proposes to create a 3.56-acre parcel from an existing 27.51-acre parcel. There is no development or proposed use involved with this project that would result in generation of substantial noise levels, ground-borne vibrations, or ground-borne noise levels. Existing land uses for the surrounding area are agricultural or residential in nature. The subject parcel is utilized for orchard cultivation and does not produce noise in excess of the standard noise generation associated with agricultural uses.

- 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 private airstrip, airport land use plan, public airport or public use 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)?; or
- B. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

FINDING: NO IMPACT:

The project proposal will not result in substantial population growth, nor does it propose any development that would induce substantial population growth. The project site is utilized for agricultural cultivation with no residence onsite. The project proposes to split the subject parcel into two parcels and will not displace people or housing.

## 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 public services?

- 1. Fire protection;

FINDING: NO IMPACT:

The Fresno County Fire Protection District (FCFPD) reviewed the subject application and did not express concerns to indicate that the proposal would result in adverse impacts on service ratios, response times, or other performance objectives.

- 2. Police protection;

- 3. Schools;

- 4. Parks; or

- 5. Other public facilities?

FINDING: NO IMPACT:

Reviewing agencies did not express concerns to indicate that the project would result in impacts on service ratios, response times, or other performance objectives to the listed services.

## 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 use of existing neighborhood and regional parks or other recreational facilities and will not require the construction or expansion of recreational facilities.

## XVI. 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:

Reviewing agencies and departments did not express concern to indicate that the proposal conflicts with a program, plan, ordinance or policy addressing the circulation system.

- B. Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

FINDING: NO IMPACT:

There is no increase in traffic trip generation or vehicle miles traveled associated with the project proposal. The project site is currently utilized for agricultural cultivation with traffic generation associated with the agricultural operation. There is no direct development proposed with the project. Potential development of the site associated with by-right uses of the underlying zone district are not expected to conflict with or be inconsistent with CEQA Guidelines.

- 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:

Reviewing agencies and departments did not express concerns regarding the design features of the project or regarding emergency access to indicate that the project will result in hazards or inadequate emergency access.

## XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

- A. Would the project 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:

Per Assembly Bill 52 (AB 52) participating California Native American Tribes were notified of the subject application and given the opportunity to enter into consultation with the County on discussing the presence of tribal cultural resources on or near the project site. No participating California Native American Tribe expressed concern with the project proposal. Additionally, the subject parcel has historically been in agricultural use and has experienced ground disturbance resulting from the use. There is no development directly associated with the subject application. Therefore it can be seen that the project does not have an impact on tribal cultural resources.

## 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:

The project proposes to create a 3.56-acre parcel from an existing 32.2-acre parcel. There is no development proposed with this project, although the Applicant indicates that future residential development may occur. Future residential development would be subject to all applicable federal, state, and local standards. As there is no development directly involved with the subject application, the project will not require the relocation or construction of water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities. The subject site has been historically utilized for agricultural purposes. There is no direct development proposed with this application, therefore no change in water usage will occur. The project will not produce wastewater, therefore no impact will occur on capacity. Solid waste generation will not increase as a result of the project, therefore the project will comply with federal, state and local management and reduction statutes and regulation.

## 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:

According to the 2007 Fresno County Fire Hazard Severity Zones in LRA Map by the California Department of Forestry and Fire Protection (Cal Fire), the project site is not located in or near a state responsibility area or land classified as very high fire hazard severity zone. According to the map, the project site is located on or near area designated as being a moderate severity zone. If future development of the site were to occur, development would be subject to applicable fire and building code standards. The project will not result in adverse impacts associated with wildfires.

## 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:

Based on the project scope, no proposal for new development associated with the application, and current agricultural use, the project does not have the potential to substantially degrade the quality of the environment or reduce the habitat of a fish or wildlife species.

- 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: NO IMPACT:

There are no cumulatively considerable impacts identified from the analysis of the subject proposal.

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

FINDING: NO IMPACT:

There were no identified environmental effects that could substantially cause adverse effects on human beings.

## CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Variance Application No. 4076, 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 Air Quality, Cultural Resources, Energy, 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 Aesthetics, Agricultural and Forestry Resources, Biological Resources, Geology and Soils, Greenhouse Gas Emissions, and Land Use 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.

TK

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# County of Fresno

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

## INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM

- 1. Project title:**  
Initial Study Application No. 7677 and Variance Application No. 4076
- 2. Lead agency name and address:**  
County of Fresno, Department of Public Works and Planning  
2220 Tulare Street, 6<sup>th</sup> Floor  
Fresno, CA 93721
- 3. Contact person and phone number:**  
Thomas Kobayashi, Planner  
(559) 600-4224
- 4. Project location:**  
The subject parcel is located on the south side of Rainbow Avenue, approximately 1,204 feet west of its nearest intersection with Riverbend Avenue, and is approximately 1.37 miles northeast of the nearest city limits of the City of Sanger (APN 333-021-66) (SUP. DIST. 5).
- 5. Project sponsor's name and address:**  
Kerry Gerdts  
872 S. Riverbend Avenue  
Sanger, CA 93657
- 6. General Plan designation:**  
Kings River Regional Plan  
Agricultural and Open Space
- 7. Zoning:**  
AL-20 (Limited Agricultural, 20-acre minimum parcel size)  
R-C-40 (Resource Conservation, 40-acre minimum parcel size)
- 8. Description of project: (Describe the whole action involved, including, but not limited to, later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)**  
Reduce the minimum parcel size within the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District to allow creation of a 3.56-acre parcel from an existing 27.51-acre parcel that is dual zoned AL-20 and R-C-40.
- 9. Surrounding land uses and setting: Briefly describe the project's surroundings:**  
The project site is located in a mainly agricultural setting with a group of single-family residences located south.
- 10. Other public agencies whose approval is required (g., permits, financing approval, or participation agreement.)**  
Fresno County Department of Public Works and Planning

**11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?**

Participating California Native American tribes were notified of the subject application under the provisions of Assembly Bill 52 (AB 52) and were given the opportunity to enter into consultation with the County. No participating California Native American tribe expressed concerns with the application to indicate the presence of cultural resources.

NOTE: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21080.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.


- |   |   |
|---|---|
| <input type="checkbox"/> Aesthetics                         | <input type="checkbox"/> Agriculture and Forestry Resources |
| <input type="checkbox"/> Air Quality                        | <input type="checkbox"/> Biological Resources               |
| <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Energy                             |
| <input type="checkbox"/> Geology/Soils                      | <input type="checkbox"/> Greenhouse Gas Emissions           |
| <input type="checkbox"/> Hazards & Hazardous Materials      | <input type="checkbox"/> Hydrology/Water Quality            |
| <input type="checkbox"/> Land Use/Planning                  | <input type="checkbox"/> Mineral Resources                  |
| <input type="checkbox"/> Noise                              | <input type="checkbox"/> Population/Housing                 |
| <input type="checkbox"/> Public Services                    | <input type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Transportation                     | <input type="checkbox"/> Tribal Cultural Resources          |
| <input type="checkbox"/> Utilities/Service Systems          | <input type="checkbox"/> Wildfire                           |
| <input type="checkbox"/> Mandatory Findings of Significance |   |

**DETERMINATION OF REQUIRED ENVIRONMENTAL DOCUMENT:**

On the basis of this initial evaluation:

- I find that the proposed project **COULD NOT** have a significant effect on the environment. **A NEGATIVE DECLARATION WILL BE PREPARED.**
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the Mitigation Measures described on the attached sheet have been added to the project. **A MITIGATED NEGATIVE DECLARATION WILL BE PREPARED.**
- I find the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required
- I find that as a result of the proposed project, no new effects could occur, or new Mitigation Measures would be required that have not been addressed within the scope of a previous Environmental Impact Report.

**PERFORMED BY:**



Thomas Kobayashi, Planner

Date: 8/6/20

**REVIEWED BY:**



David Randall, Senior Planner

Date: 8/6/20

**INITIAL STUDY  
ENVIRONMENTAL CHECKLIST FORM  
(Initial Study Application No. 7677 and  
Variance Application No. 4065)**

The following checklist is used to determine if the proposed project could potentially have a significant effect on the environment. Explanations and information regarding each question follow the checklist.

1 = No Impact

2 = Less Than Significant Impact

3 = Less Than Significant Impact with Mitigation Incorporated

4 = Potentially Significant Impact

**I. AESTHETICS**

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

- 1 a) Have a substantial adverse effect on a scenic vista?
- 1 b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
- 2 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 point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?
- 2 d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?

**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 Dept. 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:

- 2 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?
- 2 b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?
- 1 c) Conflict with existing zoning for forest land, timberland or timberland zoned Timberland Production?
- 1 d) Result in the loss of forest land or conversion of forest land to non-forest use?
- 2 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 forest land to non-forest use?

**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:

- 1 a) Conflict with or obstruct implementation of the applicable Air Quality Plan?
- 1 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?
- 1 c) Expose sensitive receptors to substantial pollutant concentrations?
- 1 d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

**IV. BIOLOGICAL RESOURCES**

Would the project:

- 1 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?
- 2 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?
- 2 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?
- 1 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?
- 1 e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
- 1 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?

**V. CULTURAL RESOURCES**

Would the project:

- 1 a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?
- 1 b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?
- 1 c) Disturb any human remains, including those interred outside of formal cemeteries?

**VI. ENERGY**

Would the project:

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

**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 i) 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?
  - 1 ii) Strong seismic ground shaking?
  - 1 iii) Seismic-related ground failure, including liquefaction?
  - 1 iv) Landslides?
- 2 b) Result in substantial soil erosion or loss of topsoil?
- 2 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?
- 1 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?
- 2 e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?
- 1 f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

**VIII. GREENHOUSE GAS EMISSIONS**

Would the project:

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

**IX. HAZARDS AND HAZARDOUS MATERIALS**

Would the project:

- 1 a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
- 1 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?
- 1 c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
- 1 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?
- 1 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, would the project result in a safety hazard or excessive noise for people residing or working in the project area?
- 1 f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
- 1 g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

**X. HYDROLOGY AND WATER QUALITY**

Would the project:

- 1 a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?
- 1 b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?
- 1 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 result in substantial erosion or siltation on or off site?
  - 1 i) Result in substantial erosion or siltation on- or off-site;
  - 1 ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;
  - 1 iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or
  - 1 iv) Impede or redirect flood flows?
- 1 d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?
- 1 e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

**XI. LAND USE AND PLANNING**

Would the project:

- 1 a) Physically divide an established community?
- 2 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?

**XII. MINERAL RESOURCES**

Would the project:

- 1 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?
- 1 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?

**XIII. NOISE**

Would the project result in:

- 1 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?
- 1 b) Generation of excessive ground-borne vibration or ground-borne noise levels?
- 1 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?

**XIV. POPULATION AND HOUSING**

Would the project:

- 1 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)?

- 1 b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

#### XV. PUBLIC SERVICES

Would the project:

- 1 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 public services:
- 1 i) Fire protection?  
1 ii) Police protection?  
1 iii) Schools?  
1 iv) Parks?  
1 v) Other public facilities?

#### XVI. RECREATION

Would the project:

- 1 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?
- 1 b) Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

#### XVII. TRANSPORTATION

Would the project:

- 1 a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?
- 1 b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?
- 1 c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
- 1 d) Result in inadequate emergency access?

#### XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

- 1 a) Would the project 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 i) 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
- 1 ii) 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?

#### XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

- 1 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?
- 1 b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?
- 1 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?
- 1 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?
- 1 e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

#### XX. WILDFIRE

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

- 1 a) Substantially impair an adopted emergency response plan or emergency evacuation plan?
- 1 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?
- 1 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?
- 1 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?

#### XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

- 1 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?
- 1 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)
- 1 c) Have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

**Documents Referenced:**

This Initial Study is referenced by the documents listed below. These documents are available for public review at the County of Fresno, Department of Public Works and Planning, Development Services and Capital Projects Division, 2220 Tulare Street, Suite A, Fresno, California (corner of M & Tulare Streets).

Fresno County General Plan, Policy Document and Final EIR  
Fresno County Zoning Ordinance  
Important Farmland 2016 Map, State Department of Conservation  
Fire Hazard Severity Zones in LRA 2007 Map, State Department of Forestry and Fire Protection

TK

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E202010000277

# County of Fresno

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

**FILED**  
AUG 05 2020 TIME 3:00pm  
FRESNO COUNTY CLERK  
By *Jessica Munoz* DEPUTY  
Jessica Munoz

## NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION

For County Clerk's Stamp

Notice is hereby given that the County of Fresno has prepared Initial Study Application (IS) No. 7677 pursuant to the requirements of the California Environmental Quality Act for the following proposed project:

**INITIAL STUDY APPLICATION NO. 7677** and **VARIANCE APPLICATION NO. 4076** filed by **KERRY GERDTS**, proposing to reduce the minimum parcel size within the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District to allow creation of an approximately 3.56-acre parcel from an existing 27.51-acre parcel that is dual zoned AL-20 and R-C-40 (Resource Conservation, 40-acre minimum parcel size). The subject parcel is located on the south side of Rainbow Avenue, approximately 1,204 feet west of its nearest intersection with Riverbend Avenue, and is approximately 1.37 miles northeast of the nearest city limits of the City of Sanger (SUP. DIST. 5) (APN 333-021-66). Adopt the Negative Declaration prepared for Initial Study Application No. 7677 and take action on Variance Application No. 4076 with Findings and Conditions.

(hereafter, the "Proposed Project")

The County of Fresno has determined that it is appropriate to adopt a Negative Declaration for the Proposed Project. The purpose of this Notice is to (1) provide notice of the availability of IS Application No. 7677 and the draft Negative Declaration, and request written comments thereon; and (2) provide notice of the public hearing regarding the Proposed Project.

### Public Comment Period

The County of Fresno will receive written comments on the Proposed Project and Negative Declaration from August 7, 2020 through September 7, 2020.

Email written comments to [TKobayashi@FresnoCountyCA.gov](mailto:TKobayashi@FresnoCountyCA.gov), or mail comments to:

Fresno County Department of Public Works and Planning  
Development Services and Capital Projects Division  
Attn: Thomas Kobayashi  
2220 Tulare Street, Suite A  
Fresno, CA 93721

IS Application No. 7677 and the draft Negative Declaration may be viewed at the above address Monday through Thursday, 9:00 a.m. to 5:00 p.m., and Friday, 8:30 a.m. to 12:30 p.m. (except holidays), or at [www.co.fresno.ca.us/initailstudies](http://www.co.fresno.ca.us/initailstudies). An electronic copy of the draft Negative



E202010000277

Declaration for the Proposed Project may be obtained from Thomas Kobayashi at the addresses above.

**Public Hearing**

The Planning Commission will hold a public hearing to consider approving the Proposed Project and the Negative Declaration on September 10, 2020, at 8:45 a.m., or as soon thereafter as possible, in Room 301, Hall of Records, 2281 Tulare Street, Fresno, California 93721. Interested persons are invited to appear at the hearing and comment on the Proposed Project and draft Mitigated Negative Declaration.

**\* SPECIAL NOTICE REGARDING PUBLIC PARTICIPATION DUE TO COVID-19 \***

Due to the current Shelter-in-Place Order covering the State of California and Social Distance Guidelines issued by Federal, State, and Local Authorities, the County is implementing the following changes for attendance and public comment at all Planning Commission meetings until notified otherwise. The Board chambers will be open to the public. Any member of the Planning Commission may participate from a remote location by teleconference pursuant to Governor Gavin Newsom's executive Order N-25-20. Instructions about how to participate in the meeting will be posted to: <https://www.co.fresno.ca.us/planningcommission> 72 hours prior to the meeting date.

For questions please call Thomas Kobayashi (559) 600-4224.

Published: August 7, 2020

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 7677</b>	<b>LOCAL AGENCY 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): Thomas Kobayashi Planner	Area Code: 559	Telephone Number: 600-4224	Extension: N/A
Project Applicant/Sponsor (Name): Kerry Gerdts	Project Title: Variance Application No. 4076		
Project Description: Reduce the minimum parcel size within the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District to allow creation of an approximately 3.56-acre parcel from an existing 27.51-acre parcel that is dual zoned AL-20 and R-C-40 (Resource Conservation, 40-acre minimum parcel size).			
Justification for Negative Declaration:  Based upon the Initial Study prepared for Variance Application No. 4076, 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 Air Quality, Cultural Resources, Energy, 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 Aesthetics, Agricultural and Forestry Resources, Biological Resources, Geology and Soils, Greenhouse Gas Emissions, and Land Use 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.			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – August 7, 2020		Review Date Deadline: Planning Commission – September 10, 2020	
Date:	Type or Print Signature: David Randall Senior Planner	Submitted by (Signature): Thomas Kobayashi Planner	

State 15083, 15085

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

**LOCAL AGENCY  
MITIGATED NEGATIVE DECLARATION**



# 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

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

Project: Initial Study Application No. 7677, Variance Application No. 4076

Location: The subject parcel is located on the south side of Rainbow Avenue, approximately 1,204 feet west of its nearest intersection with Riverbend Avenue, and is approximately 1.37 miles northeast of the nearest city limits of the City of Sanger (Sup. Dist. 5) (APN 333-021-66).

Sponsor: Kerry Gerdtts

Description: Reduce the minimum parcel size within the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District to allow creation of an approximately 3.56-acre parcel from an existing 27.51-acre parcel that is dual zoned AL-20 and R-C-40 (Resource Conservation, 40-acre minimum parcel size).

This is to advise that the County of Fresno ( Lead Agency  Responsible Agency) has approved the above described project on September 10, 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 (EIR) **was not** 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 approval for the project.
4. A statement of Overriding Consideration  **was**  **was not** adopted for this project.

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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Thomas Kobayashi, Planner  
(559) 600-4224 / [TKobayashi@FresnoCountyCA.gov](mailto:TKobayashi@FresnoCountyCA.gov)

Date

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DRAFT



# County of Fresno

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

DATE: July 30, 2019

TO: Department of Public Works and Planning, Attn: Steven E. White, Director  
Department of Public Works and Planning, Attn: Bernard Jimenez, Assistant Director  
Department of Public Works and Planning, Attn: John R. Thompson, Assistant Director  
Development Services and Capital Projects, Attn: William M. Kettler, Division Manager  
Development Services and Capital Projects, Attn: Chris Motta, Principal Planner  
Development Services and Capital Projects, Current Planning, Attn: Marianne Mollring, Senior Planner  
Development Services and Capital Projects, Policy Planning, ALCC, Attn: Mohammad Khorsand, Senior Planner  
Development Services and Capital Projects, Zoning & Permit Review, Attn: Tawanda Mtunga  
Development Services and Capital Projects, Building & Safety/Plan Check, Attn: Chuck Jonas  
Development Engineering, Attn: Laurie Kennedy, Grading/Mapping  
Road Maintenance and Operations, Attn: John R. Thompson/Nadia Lopez  
Design Division, Transportation Planning, Attn: Mohammad Alimi/Dale Siemer/Brian Spaunhurst  
Water and Natural Resources Division, Attn: Glenn Allen, Division Manager  
Department of Public Health, Environmental Health Division, Attn: Deep Sidhu/Steven Rhodes  
Agricultural Commissioner, Attn: Melissa Cregan  
U.S. Fish and Wildlife Service, San Joaquin Valley Division, Attn: Sarah Yates, Biologist  
CA Regional Water Quality Control Board, Attn: Dale Harvey  
CA Department of Fish and Wildlife, Attn: Craig Bailey, Environmental Scientist & [R4CEQA@wildlife.ca.gov](mailto:R4CEQA@wildlife.ca.gov)  
State Water Resources Control Board, Division of Drinking Water, Fresno District, Attn: Jose Robledo, Caitlin Juarez  
Dumna Wo Wah Tribal Government, Attn: Robert Ledger, Tribal Chairman/Eric Smith, Cultural Resources Manager/Chris Acree, Cultural Resources Analyst  
Picayune Rancheria of the Chukchansi Indians, Attn: Tara C. Estes-Harter, THPO/Cultural Resources Director  
Santa Rosa Rancheria Tachi Yokut Tribe, Attn: Ruben Barrios, Tribal Chairman/Hector Franco, Director/Shana Powers, Cultural Specialist II  
Table Mountain Rancheria, Attn: Robert Pennell, Cultural Resources Director/Kim Taylor, Cultural Resources Department/Sara Barnett, Cultural Resources Department  
San Joaquin Valley Unified Air Pollution Control District (PIC-CEQA Division), Attn: PIC Supervisor  
Kings River Water District, Attn: Richard Cosgrove, Secretary-Treasurer  
Kings River Conservation District, Attn: Rick Hoelzel  
Sierra Resource Conservation District, Attn: Steve Haze, District Manager

Fresno County Fire Protection District, Attn: Jim McDougald, Division Chief

FROM: Thomas Kobayashi, Planner  
Development Services and Capital Projects Division

SUBJECT: Initial Study Application No. 7677 and Variance Application No. 4076

APPLICANT: Kerry Gerdts

DUE DATE: August 14, 2019

The Department of Public Works and Planning, Development Services and Capital Projects Division is reviewing the subject application proposing to waive the minimum acreage designation within the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District to allow the creation of an approximately 3.56-acre parcel from an existing 32.2-acre parcel. The existing parcel is currently dual-zoned AL-20 (Limited Agricultural, 20-acre minimum parcel size) and RC-40 (Resource Conservation, 40-acre minimum parcel size). In the case of this application, the proposed parcel will be located in the AL-20 portion of the parcel (APN: 333-021-66) (746 S. Rainbow Avenue, Sanger, CA).

The Department is also reviewing for environmental effects, as mandated by the California Environmental Quality Act (CEQA) and for conformity with plans and policies of the County.

Based upon this review, a determination will be made regarding conditions to be imposed on the project, including necessary on-site and off-site improvements.

We must have your comments by **August 14, 2019**. Any comments received after this date may not be used.

**NOTE - THIS WILL BE OUR ONLY REQUEST FOR WRITTEN COMMENTS. If you do not have comments, please provide a "NO COMMENT" response to our office by the above deadline (e-mail is also acceptable; see email address below).**

Please address any correspondence or questions related to environmental and/or policy/design issues to me, Thomas Kobayashi, Planner Development Services and Capital Projects Division, Fresno County Department of Public Works and Planning, 2220 Tulare Street, Sixth Floor, Fresno, CA 93721, or call (559) 600-4224, or email TKobayashi@FresnoCountyCA.gov.

TK  
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*Activity Code (Internal Review): 2377*

Enclosures





Fresno County Department of Public Works and Planning

Date Received: 7/18/19

VA4076  
IS7677  
(Application No.)

MAILING ADDRESS:  
Department of Public Works and Planning  
Development Services and Capital Projects Division  
2220 Tulare St., 6th Floor  
Fresno, Ca. 93721

LOCATION:  
Southwest corner of Tulare & "M" Streets, Suite A  
Street Level  
Fresno Phone: (559) 600-4497

APPLICATION FOR:

- Pre-Application (Type)
Amendment Application
Amendment to Text
Conditional Use Permit
Variance (Class )/Minor Variance
Site Plan Review/Occupancy Permit
No Shoot/Dog Leash Law Boundary
General Plan Amendment/Specific Plan/SP Amendment
Time Extension for
Director Review and Approval
for 2nd Residence
Determination of Merger
Agreements
ALCC/RLCC
Other

DESCRIPTION OF PROPOSED USE OR REQUEST:

Variance to waive the lot area requirement within the AL-20 zone district. If the VA is approved a mapping procedure to create a 3.5 +/- acre parcel from an existing 27.51 Acre dual zoned parcel within the AL-20 & RC-40 zone district

CEQA DOCUMENTATION: Initial Study PER N/A

PLEASE USE FILL-IN FORM OR PRINT IN BLACK INK. Answer all questions completely. Attach required site plans, forms, statements, and deeds as specified on the Pre-Application Review. Attach Copy of Deed, including Legal Description.

LOCATION OF PROPERTY: South side of Rainbow Avenue
between S. Turney Avenue and S. Riverbend Avenue
Street address: 746 S. Rainbow Avenue

APN: 333-021-66 Parcel size 27.51 acres Section(s)-Twp/Rg: S 7 - T 14S/R 23 E

ADDITIONAL APN(s):

I, Marv H. Gerdts (signature), declare that I am the owner, or authorized representative of the owner, of the above described property and that the application and attached documents are in all respects true and correct to the best of my knowledge. The foregoing declaration is made under penalty of perjury.

Owner (Print or Type) Address City Zip Phone
MARVIN H. GERDTS 700 S. RAINBOW SANGER 93657 (559) 875-3409
Applicant (Print or Type) Address City Zip Phone
Kerry Gerdts 872 S. Riverbend Ave Sanger CA 93657 (559) 931-4084
Representative (Print or Type) Address City Zip Phone
ESP Surveying Inc. 2598 N. Miami Avenue Fresno CA 93727 (559) 442-0883

CONTACT EMAIL:

OFFICE USE ONLY (PRINT FORM ON GREEN PAPER)

Application Type / No.: VA4076 Fee: \$6,049.00
Application Type / No.: IS7677 Fee: \$1,212.00
Application Type / No.: Pre-APP Fee: \$-247.00
Application Type / No.: PER/Initial Study No.: Fee: \$
Ag Department Review: Fee: \$76.00
Health Department Review: Fee: \$703.00
Received By: Thomas H. Invoice No.: 120908 TOTAL: \$7,793.00

UTILITIES AVAILABLE:

WATER: Yes [ ] / No [X]
Agency:
SEWER: Yes [ ] / No [X]
Agency:

STAFF DETERMINATION: This permit is sought under Ordinance Section:

Sect-Twp/Rg: - T S/R E

Related Application(s):
Zone District: AL-20 RC-40
Parcel Size: 27.51 acres

APN #
APN #
APN #
APN #

over.....



Development Services  
and  
Capital Projects  
Division

Mail To:  
KERRY GERDTS  
872 S. RIVERBEND  
SANGER, CA 93657

Email To:  
KERRY@WESPAK.  
COM

**Pre-Application Review**  
**Department of Public Works and Planning**

NUMBER: 39698  
APPLICANT: KERRY GERDTS  
PHONE: (559) 531-4084

PROPERTY LOCATION: SEC 7 - T14S/R23E  
APN: 333 - 021 - 66 ALCC: No Yes AP - 5834 VIOLATION NO. N/A  
CNEL: No X Yes      (level) LOW WATER: No X Yes      WITHIN 1/2 MILE OF CITY: No X Yes       
ZONE DISTRICT: RC-40 & AL-20; SRA: No X Yes      HOMESITE DECLARATION REQ'D.: No X Yes       
LOT STATUS:

Zoning: ( ) Conforms; (X) Legal Non-Conforming lot; ( ) Deed Review Req'd (see Form #236)  
Merger: May be subject to merger: No X Yes      ZM#      Initiated      In process       
Map Act: (PLA 08-17) Lot of Rec. Map; ( ) On '72 rolls; ( ) Other     ; ( ) Deeds Req'd (see Form #236)

SCHOOL FEES: No X Yes      DISTRICT:      PERMIT JACKET: No      Yes X  
FMFCD FEE AREA: (X) Outside ( ) District No.:      FLOOD PRONE: No X Yes     

PROPOSAL VARIANCE TO WAIVE THE LOT AREA REQUIREMENT WITHIN THE AL-20 ZONE DISTRICT. IF THE VA IS APPROVED A MAPPING PROCEDURE TO CREATE A 2.5 ACRE PARCEL FROM AN EXISTING 27.51 ACRE DUAL ZONED PARCEL WITHIN THE AL-20 & RC-40 ZONE DISTRICT.

COMMENTS: The Parcel is subject to a Williamson Act Contract and Clearance from Policy Planning is required.  
ORD. SECTION(S): 817.5 & 813.5 BY: O. Ramirez DATE: 04/04/2019

**GENERAL PLAN POLICIES:**

LAND USE DESIGNATION: Agriculture and Open Space ( ) GPA:       
COMMUNITY PLAN:      ( ) JA:       
REGIONAL PLAN: Kings River Regional Plan ( ) CUP:       
SPECIFIC PLAN:      ( ) DRA:       
SPECIAL POLICIES:      (X) VA: Class II \$6,049.00  
SPHERE OF INFLUENCE:      ( ) AT:       
ANNEX REFERRAL (LU-G17/MOU):      ( ) JT:     

**PROCEDURES AND FEES:**

( ) MINOR VA:       
(X) HD: \$703.00  
(X) AG COMM: \$76.00  
( ) ALCC:       
(X) IS/PER\*: \$1,212.00  
( ) Viol. (35%):       
( ) Other:     

COMMENTS: Kings River District (LA Water District)  
Filing Fee: \$8,040.00  
Pre-Application Fee:      - \$247.00  
Total County Filing Fee: \$7,793.00

**FILING REQUIREMENTS:**

- (X) Land Use Applications and Fees
- (X) This Pre-Application Review form
- (X) Copy of Deed / Legal Description
- (X) Photographs
- ( ) Letter Verifying Deed Review
- (X) IS Application and Fees\* \* Upon review of project materials, an Initial Study (IS) with fees may be required.
- (X) Site Plans - 4 copies (folded to 8.5"x11") + 1 - 8.5"x11" reduction
- (X) Floor Plan & Elevations - 4 copies (folded to 8.5"x11") + 1 - 8.5"x11" reduction
- ( ) Project Description / Operational Statement (Typed)
- (X) Statement of Variance Findings
- ( ) Statement of Intended Use (ALCC)
- ( ) Dependency Relationship Statement
- ( ) Resolution/Letter of Release from City of       
Referral Letter #

**OTHER FILING FEES:**

- ( ) Archaeological Inventory Fee: \$75 at time of filing  
(Separate check to Southern San Joaquin Valley Info. Center)
- (X) CA Dept. of Fish & Wildlife (CDFW): (\$50) (\$50+\$2,354.75)  
(Separate check to Fresno County Clerk for pass-thru to CDFW.  
Must be paid prior to IS closure and prior to setting hearing date.)

BY: Thomas Kobayashi DATE: April 8, 2019  
PHONE NUMBER: (559) 600 - 4224

**NOTE: THE FOLLOWING REQUIREMENTS MAY ALSO APPLY:**

- ( ) COVENANT
- ( ) MAP CERTIFICATE
- (X) PARCEL MAP
- (X) FINAL MAP
- ( ) FMFCD FEES
- (X) ALUC or ALCC
- ( ) SITE PLAN REVIEW
- ( ) BUILDING PLANS
- ( ) BUILDING PERMITS
- ( ) WASTE FACILITIES PERMIT
- ( ) SCHOOL FEES
- ( ) OTHER (see reverse side)

PLU # 113 Fee: \$247.00  
Note: This fee will apply to the application fee if the application is submitted within six (6) months of the date on this receipt.

RECEIVED  
COUNTY OF FRESNO

JUL 18 2019

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

OVER.....





RECEIVED  
COUNTY OF FRESNO

JUL 18 2019

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

# County of Fresno

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

## INITIAL STUDY APPLICATION

### INSTRUCTIONS

Answer all questions completely. An incomplete form may delay processing of your application. Use additional paper if necessary and attach any supplemental information to this form. Attach an operational statement if appropriate. This application will be distributed to several agencies and persons to determine the potential environmental effects of your proposal. Please complete the form in a legible and reproducible manner (i.e., USE BLACK INK OR TYPE).

OFFICE USE ONLY

IS No. IS7677

Project No(s). VA4076

Application Rec'd.: \_\_\_\_\_

### GENERAL INFORMATION

- Property Owner: The Gerdts Family Trust Phone/Fax (559) 875-3409  
Mailing Address: 700 S. Rainbow Ave Sanger CA 93657  
Street City State/Zip
- Applicant: Kerry V. Gerdts Phone/Fax: \_\_\_\_\_  
Mailing Address: 872 S. Riverbend Ave Sanger CA 93657  
Street City State/Zip
- Representative: ESP Surveying Inc Phone/Fax: (559) 442-0883  
Mailing Address: 2598 N. Miami Avenue Fresno CA 93727  
Street City State/Zip
- Proposed Project: Variance to waive the lot area requirement within the AL-20 zone district. IF the VA is approved a mapping procedure to create a 3.54/- acre parcel from existing 27.51 acre dual zoned parcel within the AL-20 and RC-40 zone district.
- Project Location: South of Rainbow Ave between Turney Ave and Riverbend Ave
- Project Address: 746 S. Rainbow Ave Sanger, CA 93657
- Section/Township/Range: S7 / T14S / R23E 8. Parcel Size: \_\_\_\_\_
- Assessor's Parcel No. 333-021-66 OVER.....

10. Land Conservation Contract No. (If applicable): 5834

11. What other agencies will you need to get permits or authorization from:

<input type="checkbox"/> LAFCo (annexation or extension of services)	<input type="checkbox"/> SJVUAPCD (Air Pollution Control District)
<input type="checkbox"/> CALTRANS	<input type="checkbox"/> Reclamation Board
<input type="checkbox"/> Division of Aeronautics	<input type="checkbox"/> Department of Energy
<input type="checkbox"/> Water Quality Control Board	<input type="checkbox"/> Airport Land Use Commission
<input type="checkbox"/> Other _____	

12. Will the project utilize Federal funds or require other Federal authorization subject to the provisions of the National Environmental Policy Act (NEPA) of 1969?  Yes  No

If so, please provide a copy of all related grant and/or funding documents, related information and environmental review requirements.

13. Existing Zone District<sup>1</sup>: AL-20 & RC-40

14. Existing General Plan Land Use Designation<sup>1</sup>: Agriculture

**ENVIRONMENTAL INFORMATION**

15. Present land use: Agriculture

Describe existing physical improvements including buildings, water (wells) and sewage facilities, roads, and lighting. Include a site plan or map showing these improvements:

Describe the major vegetative cover: Plum trees, native ground cover & oak trees

Any perennial or intermittent water courses? If so, show on map: N/A

Is property in a flood-prone area? Describe:

N/A

16. Describe surrounding land uses (e.g., commercial, agricultural, residential, school, etc.):

North: Agriculture/Residential

South: Agriculture/Residential

East: Agriculture/Residential

West: Agriculture/Residential

17. What land use(s) in the area may be impacted by your Project?: N/A

18. What land use(s) in the area may impact your project?: N/A

19. Transportation:

NOTE: The information below will be used in determining traffic impacts from this project. The data may also show the need for a Traffic Impact Study (TIS) for the project.

A. Will additional driveways from the proposed project site be necessary to access public roads?  
       Yes   X   No

B. Daily traffic generation:

I. Residential - Number of Units \_\_\_\_\_  
Lot Size \_\_\_\_\_  
Single Family \_\_\_\_\_  
Apartments \_\_\_\_\_

II. Commercial - Number of Employees   N/A    
Number of Salesmen \_\_\_\_\_  
Number of Delivery Trucks \_\_\_\_\_  
Total Square Footage of Building \_\_\_\_\_

III. Describe and quantify other traffic generation activities:   NONE  

20. Describe any source(s) of noise from your project that may affect the surrounding area:   N/A  

21. Describe any source(s) of noise in the area that may affect your project:   N/A  

22. Describe the probable source(s) of air pollution from your project:   N/A  

23. Proposed source of water:  
 private well  
 community system<sup>3</sup>--name: \_\_\_\_\_ OVER.....



24. Anticipated volume of water to be used (gallons per day)<sup>2</sup>: N/A
25. Proposed method of liquid waste disposal:  
 septic system/individual  
 community system<sup>3</sup>-name \_\_\_\_\_
26. Estimated volume of liquid waste (gallons per day)<sup>2</sup>: N/A
27. Anticipated type(s) of liquid waste: N/A
28. Anticipated type(s) of hazardous wastes<sup>2</sup>: N/A
29. Anticipated volume of hazardous wastes<sup>2</sup>: N/A
30. Proposed method of hazardous waste disposal<sup>2</sup>: N/A
31. Anticipated type(s) of solid waste: N/A
32. Anticipated amount of solid waste (tons or cubic yards per day): N/A
33. Anticipated amount of waste that will be recycled (tons or cubic yards per day): N/A
34. Proposed method of solid waste disposal: N/A
35. Fire protection district(s) serving this area: Fresno County Fire Protection District
36. Has a previous application been processed on this site? If so, list title and date: \_\_\_\_\_
37. Do you have any underground storage tanks (except septic tanks)? Yes \_\_\_\_\_ No X
38. If yes, are they currently in use? Yes \_\_\_\_\_ No \_\_\_\_\_

TO THE BEST OF MY KNOWLEDGE, THE FOREGOING INFORMATION IS TRUE.

  
 SIGNATURE

7/18/19  
 DATE

<sup>1</sup>Refer to Development Services and Capital Projects Conference Checklist

<sup>2</sup>For assistance, contact Environmental Health System, (559) 600-3357

<sup>3</sup>For County Service Areas or Waterworks Districts, contact the Resources Division, (559) 600-4259

# NOTICE AND ACKNOWLEDGMENT

## INDEMNIFICATION AND DEFENSE

*The Board of Supervisors has adopted a policy that applicants should be made aware that they may be responsible for participating in the defense of the County in the event a lawsuit is filed resulting from the County's action on your project. You may be required to enter into an agreement to indemnify and defend the County if it appears likely that litigation could result from the County's action. The agreement would require that you deposit an appropriate security upon notice that a lawsuit has been filed. In the event that you fail to comply with the provisions of the agreement, the County may rescind its approval of the project.*

## STATE FISH AND WILDLIFE FEE

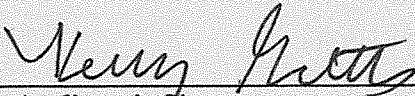
*State law requires that specified fees (effective January 1, 2019: \$3,271.00 for an EIR; \$2,354.75 for a Mitigated/Negative Declaration) be paid to the California Department of Fish and Wildlife (CDFW) for projects which must be reviewed for potential adverse effect on wildlife resources. The County is required to collect the fees on behalf of CDFW. A \$50.00 handling fee will also be charged, as provided for in the legislation, to defray a portion of the County's costs for collecting the fees.*

*The following projects are exempt from the fees:*

- 1. All projects statutorily exempt from the provisions of CEQA (California Environmental Quality Act).*
- 2. All projects categorically exempt by regulations of the Secretary of Resources (State of California) from the requirement to prepare environmental documents.*

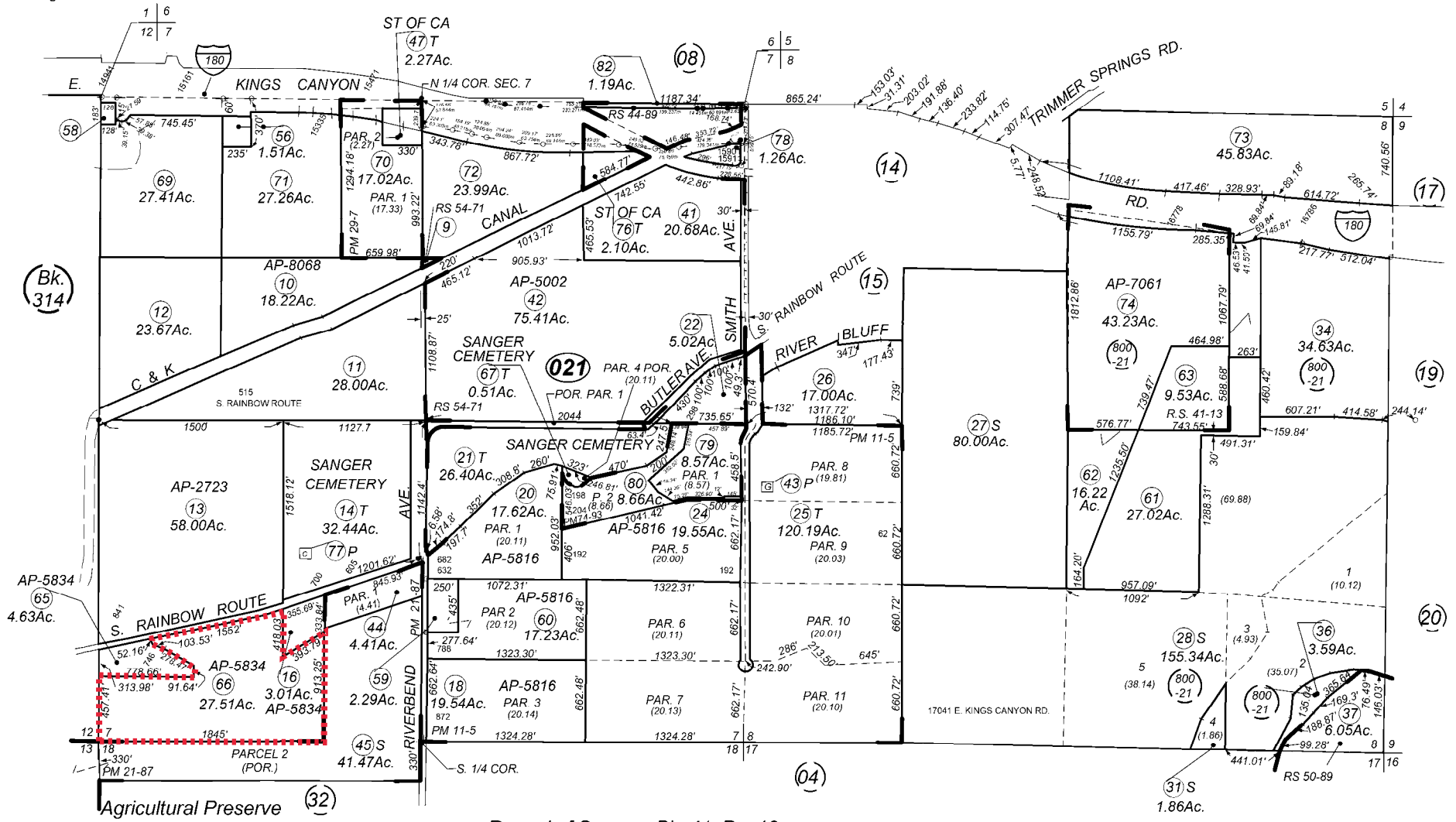
*A fee exemption may be issued by CDFW for eligible projects determined by that agency to have "no effect on wildlife." That determination must be provided in advance from CDFW to the County at the request of the applicant. You may wish to call the local office of CDFW at (559) 222-3761 if you need more information.*

*Upon completion of the Initial Study you will be notified of the applicable fee. Payment of the fee will be required before your project will be forwarded to the project analyst for scheduling of any required hearings and final processing. The fee will be refunded if the project should be denied by the County.*

  
\_\_\_\_\_  
Applicant's Signature

  
\_\_\_\_\_  
Date

-NOTE-  
This map is for Assessment purposes only.  
It is not to be construed as portraying legal  
ownership or divisions of land for purposes  
of zoning or subdivision law.



Agricultural Preserve (32)  
Parcel Map No. 1776 - Bk. 11, Pg. 5  
Parcel Map No. 2796 - Bk. 21, Pg. 87  
Parcel Map No. 4486 - Bk. 29, Pg. 7  
Parcel Map No. 8186 - Bk. 74, Pgs. 93-94

Record of Survey - Bk. 41, Pg. 13  
Record of Survey - Bk. 44, Pg. 89  
Record of Survey - Bk. 50, Pg. 89-90  
Record of Survey - Bk. 54, Pg. 71

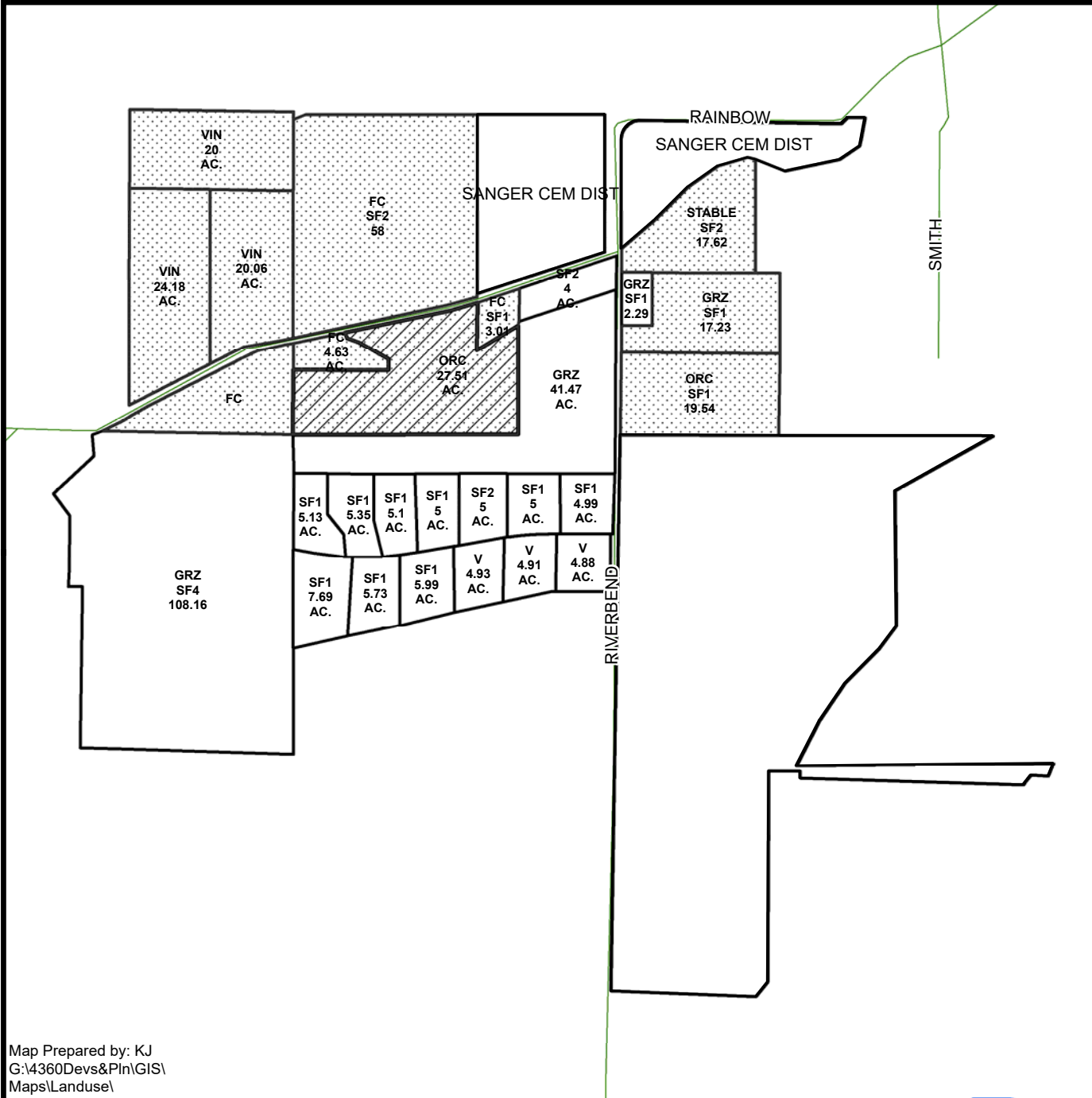
Assessor's Map Bk.333 - Pg.02  
County of Fresno, Calif.

Note - Assessor's Block Numbers Shown in Ellipses  
Assessor's Parcel Numbers Shown in Circles





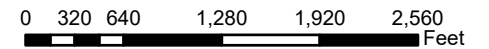
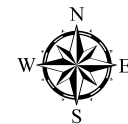
# EXISTING LAND USE MAP



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

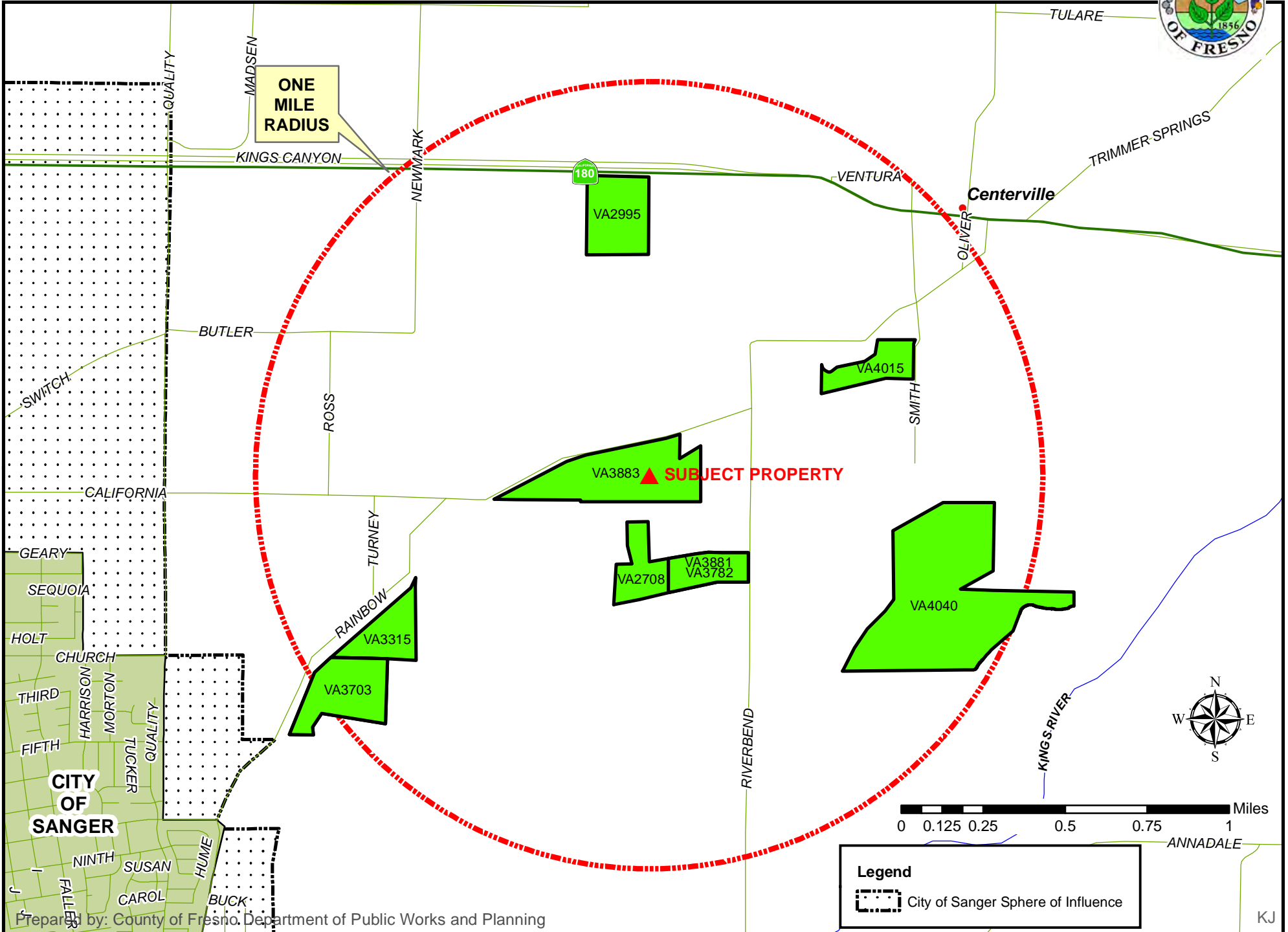
LEGEND:

- Subject Property
- Ag Contract Land

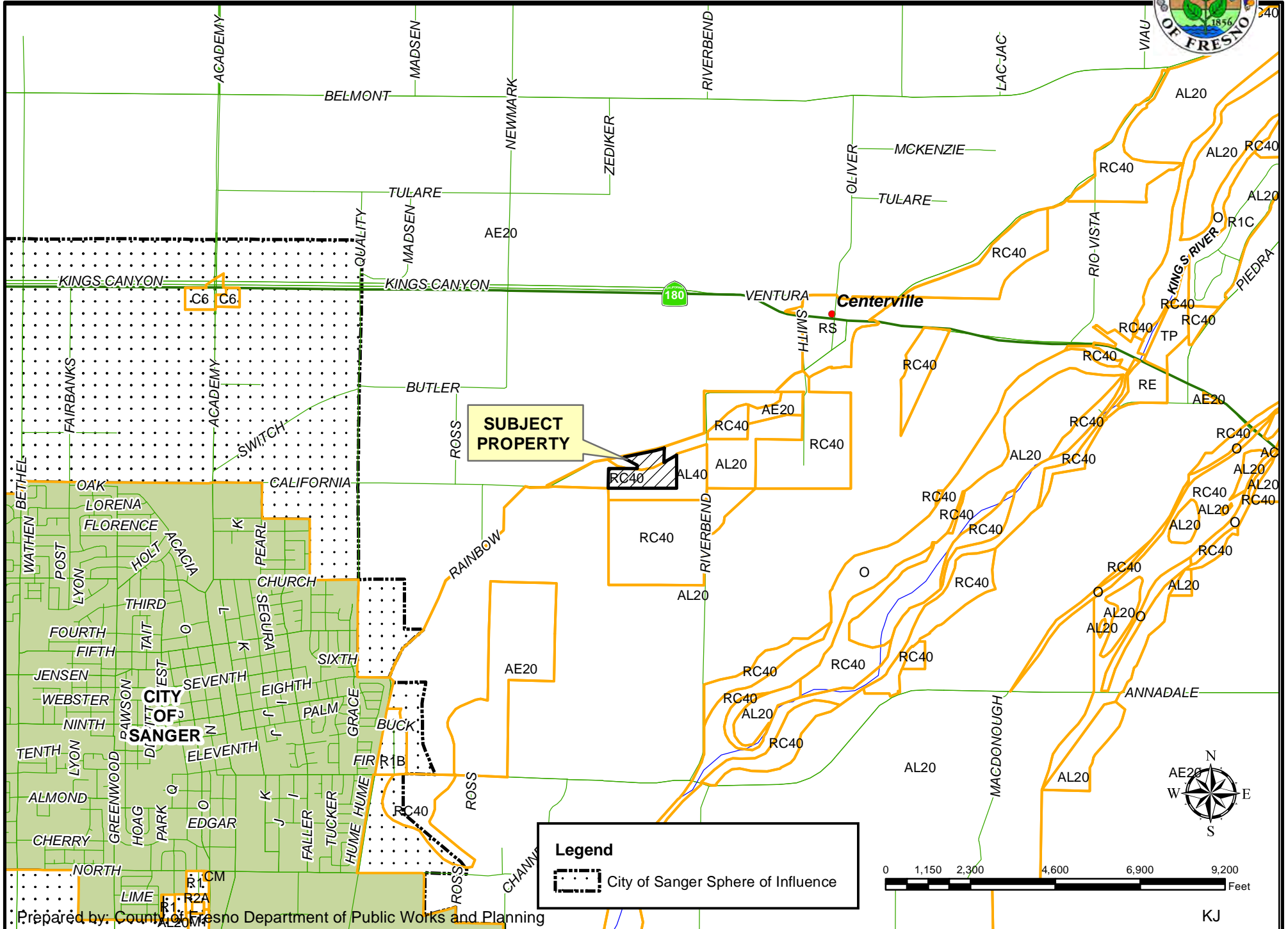




# APPROVED VARIANCES WITHIN A ONE MILE RADIUS



# EXISTING ZONING MAP



**SUBJECT PROPERTY**

**Legend**

- City of Sanger Sphere of Influence

RECORDING REQUESTED BY  
First American Title Company

AND WHEN RECORDED MAIL DOCUMENT  
AND TAX STATEMENT TO:  
Marvin Gerdts  
700 S. Rainbow Road  
Sanger, CA 93657



FRESNO County Recorder  
Robert C. Werner  
DOC- 2008-0156863  
Acct 5-First American Title Insurance Company  
Monday, NOV 10, 2008 08:00:00  
Ttl Pd \$20.00 Nbr-0002878545  
GSF/R7/1-4

Space Above This Line for Recorder's Use Only

A.P.N.: 333-021-15

File No.: 1002-3156021 (JAM)

**GRANT DEED**

The Undersigned Grantor(s) Declare(s): DOCUMENTARY TRANSFER TAX \$0.00; CITY TRANSFER TAX \$0.00;  
SURVEY MONUMENT FEE \$0.00

- computed on the consideration or full value of property conveyed, OR
- computed on the consideration or full value less value of liens and/or encumbrances remaining at time of sale,
- unincorporated area;  City of , and
- Exempt from transfer tax; Reason:

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,  
The Gerdts Family Trust, Dated January 8, 1991 Marvin H. Gerdts and Janice B. Gerdts,  
Trustors/Trustees

hereby GRANT(s) to The Gerdts Family Trust Dated January 8, 1991 Marvin H. Gerdts and Janice B.  
Gerdts Trustors/Trustees

the following described property in the City of , County of Fresno, State of California:

**SEE ATTACHED EXHIBIT "A"**

Dated: 10/27/2008

The Gerdts Family Trust Dated January 8, 1991

Marvin H. Gerdts  
Marvin H. Gerdts, Trustee

Janice B. Gerdts  
Janice B. Gerdts, Trustee

RECEIVED  
COUNTY OF FRESNO  
JUL 18 2019  
DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

STATE OF CA )SS  
COUNTY OF FRESNO )

On 11-3-08, before me, J. Moren, Notary Public, personally appeared Marvin H. Gerdtz & Janice B. Gerdtz

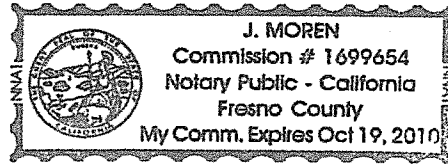
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

J. Moren



My Commission Expires: 10-19-10

*This area for official notarial seal*

Notary Name: J. Moren

Notary Phone: 322-1031

Notary Registration Number: 1699654

County of Principal Place of Business: Fresno

Exhibit "A"

Property Description

A portion of the Southwest quarter of Section 7, Township 14 South, Range 23 East, Mount Diablo Base and Meridian, in the county of Fresno, State of California, being more particularly described as follows:

**BEGINNING** at the Southwest quarter of said Section 7, Township 14 South, Range 23 East, thence (1) North 00°20'43" East along the West line of said Section 7, a distance of 457.41 feet;

thence, (2) South 89°39'53" East parallel with the South line of said Section 7, a distance of 778.66 feet;

thence, (3) North 00°00'40" East, 91.64 feet;

thence, (4) North 60°14'38" West, 278.47 feet;

thence, (5) North 70°08'13" West, 103.53 feet;

thence, (6) North 20°48'32" West, a distance of 52.16 feet more or less to a point on the South line of Rainbow Route;

thence, (7) South 86°57'45" East, 53.42 feet;

thence, (8) North 72°12'53" East, 1081.24 feet;

thence, (9) leaving said South line of Rainbow Route, South 00°00'00 West, a distance of 380.08 feet;

thence, (10) North 61°07'00" East, 393.00 feet;

thence, (11) Southerly parallel with the East line of said Southwest quarter of said Section 7 a distance of 913.25 feet more or less to the South line of said Section 7;

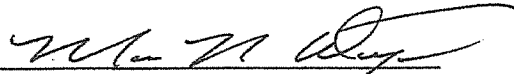
thence (12) Westerly along the South line of Section 7, a distance of 1845.00 feet more or less to **TRUE POINT OF BEGINNING**.

Containing an area of 32.22 acres, more or less.

End of Description

3

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act.

Signature:   
Mauro R. Weyant, LS7773

Date: 10/10/08



(S88°50'57" 2719.00' R-1)

POSITION FOR THE CENTER QUARTER OF SECTION 8, 14/22 M.D.B.&M.

POSITION FOR THE WEST QUARTER OF SECTION 7, 14/23 M.D.B.&M.

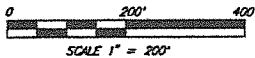
**LEGEND:**

- ORIGINAL BOUNDARY.
  - - - SECTION LINE.
  - LINE TO BE REMOVED.
  - RIGHT-OF-WAY.
  - - - CENTERLINE OF ROAD.
  - - - PROPOSED LINE.
- (R-1) RECORD DATA PER RECORD OF SURVEY RECORDED IN BOOK 48 AT PAGE 30 FRESNO COUNTY RECORDS.
- (R-2) RECORD DATA PER PARCEL MAP NO. 2825, FILED DECEMBER 29 1976, IN BOOK 23 OF PARCEL MAPS, AT PAGE 6, FRESNO COUNTY RECORDS.
- (R-3) RECORD DATA PER DOC. NO. 91006490, RECORDED ON JANUARY 17, 1991, OFFICIAL FRESNO COUNTY RECORDS.

RECORD OWNER(S):  
JERRY L. PAGE, JAYDENE PAGE,  
MARVIN H. GERDTS, JANICE B. GERDTS

(S00°20'45" W 2642.80' R-1)

(S00°20'45" W 2642.80' R-1)



**CENTERLINE**

(S61°52'55" W 1160.80' E-1)  
(1160.60' R-1)

(R=409.77')  
(I=29°29'55")  
(L=210.87')  
(R-1)

(R=439.77')  
(I=8°11'57")  
(L=62.93')  
(R-1)

(S88°38'00" E 2716.47' R-1)

(1584.63' R-1)

(R=740.00')  
(I=12°15'49")  
(L=158.39')  
(R-1)

(R=710.00')  
(I=12°15'49")  
(L=151.97')  
(R-1)

(R=740.00')  
(I=7°11'2")  
(L=90.63')  
(R-1)  
6.22'

(R=724.65')  
(I=6°29'2")  
(L=82.01')  
(R-1)

(R=710.00')  
(I=12°15'49")  
(L=151.97')  
(R-1)

(S74°08'42" W 282.49' R-1)  
(S74°08'42" W 282.49' R-1)

(S86°57'45" E 302.20')  
(S86°57'45" E 302.20')

(N74°03'30" E 302.20')

**+20.08 ACRES**

WELL HOUSE

568'

POSITION FOR THE SOUTHWEST QUARTER OF SECTION 7, 14/23 M.D.B.&M.

278'

457.51'

(771.39' R-1)

**EAST**

**CALIFORNIA**

**AVENUE**

POINT OF BEGINNING

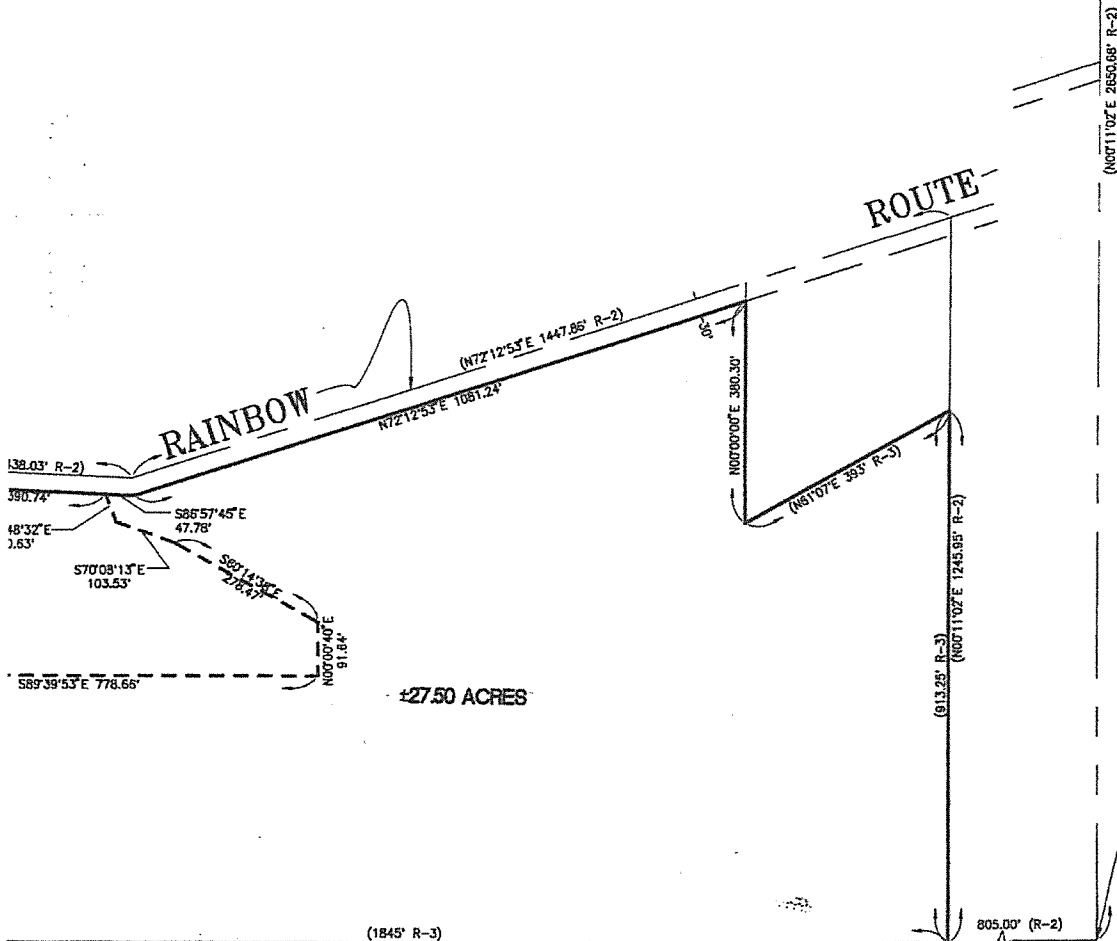
POSITION FOR THE SOUTH QUARTER OF SECTION 8, 14/22 M.D.B.&M.

(S88°50'57" 2719.00' R-2)

POSITION FOR THE CENTER  
QUARTER OF SECTION 7, 14/23  
M.D.B.&M.

# LOT LINE ADJUSTMENT NO. \_\_\_\_\_

BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 8,  
TOWNSHIP 13 SOUTH, RANGE 22 EAST AND BEING A PORTION OF  
THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 14 SOUTH,  
RANGE 23, MOUNT DIABLO BASE AND MERIDIAN.  
COUNTY OF FRESNO, STATE OF CALIFORNIA  
APN 314-070-69  
APN 333-021-15



(N00°11'02\"/>

ROUTE

RAINBOW

**RECEIVED**  
BY \_\_\_\_\_  
APR 21 2008  
COUNTY OF FRESNO  
DEPARTMENT OF PUBLIC WORKS AND PLANNING  
DEVELOPMENT SERVICES DIVISION

±27.50 ACRES

POSITION FOR THE SOUTH QUARTER  
OF SECTION 7, 14/23 M.D.B.&M.

(1845° R-3)

805.00' (R-2)

FRESNO COUNTY  
**APPROVED PLAN**  
DATE 9/30/09



5054 G. Elm Ave.  
Easton, CA 93706  
Tel. 559.442.0883  
Fax 559.442.0884  
EMAIL  
info@espls.com

DATE OF SURVEY	3-21-08
ESP JOB No.	08038MX
DRAWN BY	N.SAYASANE
REVISION DATE	4-12-08



VARIANCE APPLICATION FINDINGS

Kerry V. Gerdts

June 2019

**Owner:**

The Gerdts Family Trust

Marvin H. & Janice B. Gerdts

700 S. Rainbow Ave

Sanger, CA 93657

RECEIVED  
COUNTY OF FRESNO

JUL 18 2019

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

**Applicant:**

Kerry V. Gerdts

**Property Location:**

746 S. Rainbow Ave

Sanger, CA 93657

(South side of Rainbow Ave)

**APN:**

333-021-66

**Existing Zone Designation:**

AL-20 & RC-40

**Existing Plan Land Use Designation**

Agriculture (above bluff) & Resource Conservation (below bluff)

**Request:**

Approve a Variance to allow the creation of a residential parcel of 3+ acres from the existing 27.51 acre parcel located in the NW corner of property.

**Background:**

Reference is made to the site plan of the subject property prepared by ESP

Surveying, Inc.

The subject site and associated farm were purchased by the Gerdts Family in 1971.

The property has continuously been in tree fruit production and is currently transitioning from plum orchards to pistachios. The farm and variance site have two elevation levels and two zoning designations (AL20 and RC40). The two zones are separated by a steep bluff. The farm and variance site are under Williamson Act Contract No. Sanger #23. The variance site would no longer be under the *Williamson Act* because of its less than required acreage.

The farm contains a shop building and two equipment sheds but no residence building. These structures are **not** within the variance site area.

The variance site is a triangular shape with a steep bluff extending along the west and south westerly boundaries.

**Finding 1:**

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

The Gerdts Family Trust Property has three distinct geographical types. There is a top level (table), lower level (river bottom) and a sloping hill (bluff) that divides the two levels. The table acreage is zoned AL-20. The river bottom is zoned as RC-40. The bluff area dividing the zones is un-farmable due to the steepness. As the farm is transitioned from plums to pistachios, the western boundary with its sharp angular shape and bluff will become a problem for maneuvering pistachio mechanical harvesting equipment. To eliminate this problem a portion of the land would become vacant to allow for mobility. Instead, we propose to separate the triangular shaped parcel and have it remain in plum production and a home site. As much land as possible would remain in agricultural production. The bluff area would remain in its natural state with valley oaks and wild life habitats. This proposal is to include the bluff as well as the triangular portion of the parcel in the proposed 3+ acres in deeded land. The plan is to use the un-farmable land for the home site, keeping as much land as possible for agricultural use. It should be mentioned that the applicant helps manage all the orchards on the property.

**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 topography of the subject property lends itself to many beautiful and unobstructed views that only a lucky few are able to enjoy. To the south and below the bluff (RC-40 zoned) are pistachio and plum orchards that are owned by the Gerdts Family Trust. The orchard's beauty is ever-changing with the seasons. Beyond the orchard is the lushness of the Sanger River Bottom with its native oak and sycamore trees shadowing alongside Collins Creek. Ten homes and two small parcels are nestled under the trees in this area, which was also once zoned as RC-40. To the east is Campbell Mountain with the iconic "S", for Sanger, proudly labeling the landmark. Beyond that, to the east and southeast, are the majestic peaks of the Mineral King area and Sierra Nevada Mountain Range. The sunrises and sunsets from this parcel, and the views in general are absolutely breathtaking.

**Finding 3:**

***The granting of the 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:***

Granting the proposed Variance will not be detrimental to the public welfare or surrounding properties for the following reasons:

- a) The Variance site is adjacent to Rainbow Avenue. No easements or right-of-ways are necessary to access the property.
- b) The proposed home site would not be in conflict with continued agricultural operation of the remaining agricultural acreage nor adjacent acreage.
- c) The Variance site would be removed from the Williamson Act but would remain in agricultural production.
- d) The applicant intends to preserve the bluff in its natural state, allowing wildlife and oak trees to thrive in their natural habitat.

**Finding 4:**

***The granting of such variance will not be contrary to the objectives of the Fresno County General Plan:***

The Fresno County General Plan and related zoning ordinance allow for a variety of uses to occur in agriculturally zoned properties. Included in the ability of landowners to create home sites. The proposed Variance will not change or adversely affect the agricultural production capability of the subject property.

Granting the proposed Variance is a logical consequence of allowing home sites in a AL-20 zone district and will continue the objective of the General Plan.

The vast majority of agricultural production will continue. Wildlife habitat will be undisturbed if not benefited by the new resources this applicant will offer (ie: bluff enhancement with plant cover which will provide protection for quail, etc.). The modest home the applicant proposes to build will occupy vacant land near the bluff edge.

For these reasons, the proposed Variance will not conflict with the policies of the Fresno County General Plan.

RECEIVED  
COUNTY OF FRESNO

JUL 18 2019

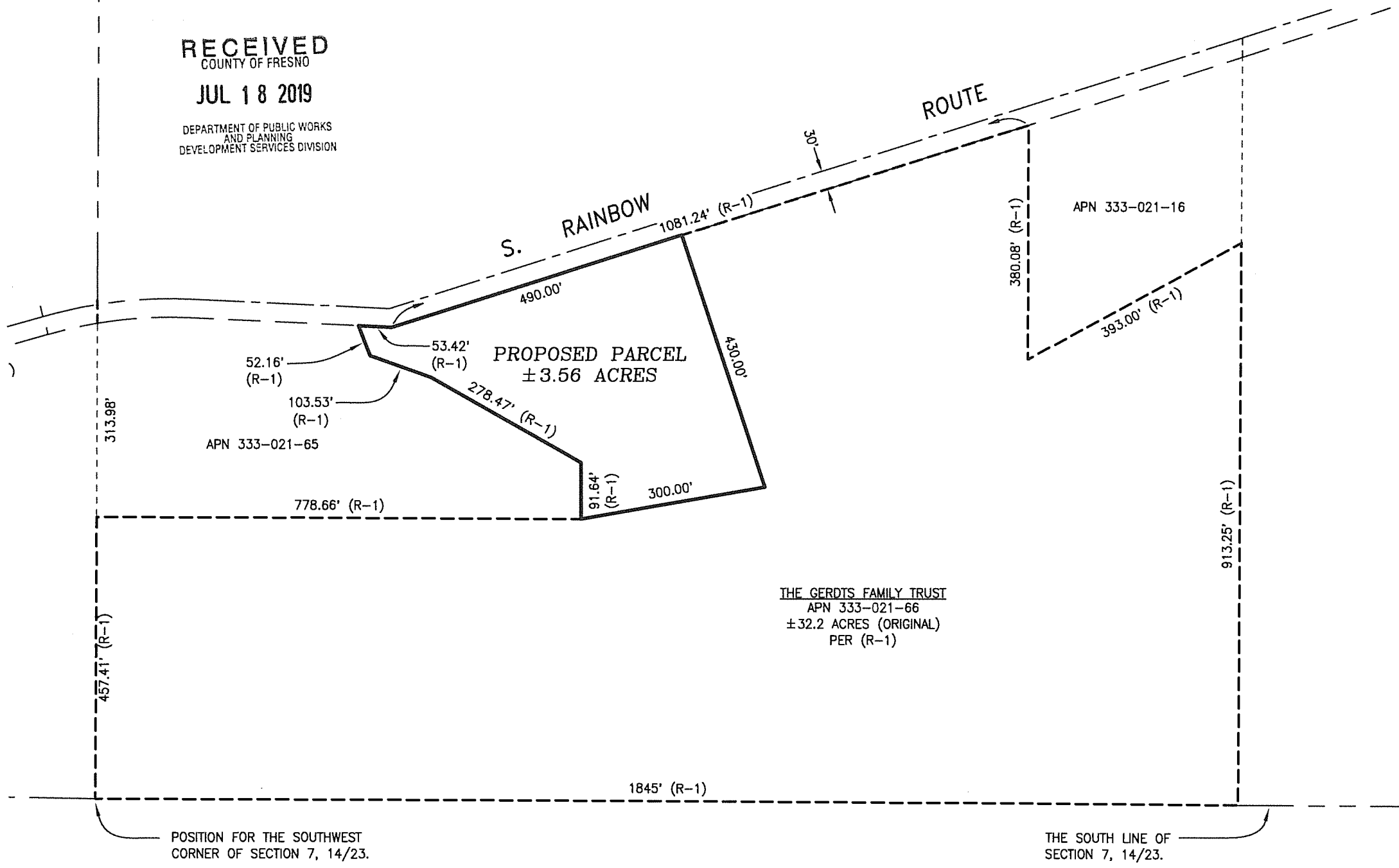
DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

# SITE PLAN VARIANCE APP.

No. \_\_\_\_\_

PRE-APPLICATION REVIEW No. 39698

BEING A PORTION OF THE SOUTHWEST 1/4 OF  
SECTION 7, T. 14 S, R. 23 E, M.D.B.M.  
IN THE COUNTY OF FRESNO,  
STATE OF CALIFORNIA



### LEGEND:

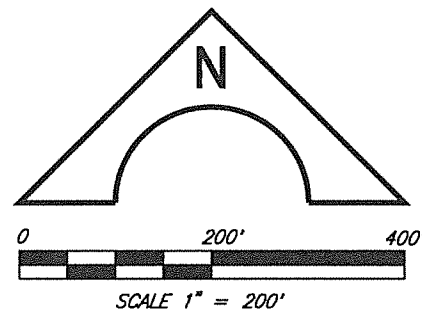
- SECTION LINE.
- - - - - RIGHT OF WAY.
- EXIST. PROPERTY LINE.
- NEW PROPERTY LINE.

NOTE: THERE ARE NO STRUCTURES,  
WELLS, OR SEPTIC SYSTEMS ON  
THE SUBJECT PARCEL.

(R-1) RECORD DATA PER DOCUMENT  
No. 2008-0156863, RECORDED  
ON NOV. 10, 2008, OFFICIAL  
FRESNO COUNTY RECORDS.

### RECORD OWNERS:

THE GERDTS FAMILY TRUST  
APN 333-021-66



PROJECT INFORMATION	
NAME: GERDTS SITE PLAN	CLIENT: KERRY GERDTS
TWP, RNG, SEC: 142307 MDB&M	COUNTY OF: FRESNO STATE OF: CALIFORNIA

<p><b>ESP SURVEYING</b> 2598 N. MIAMI AVE. FRESNO, CA</p> <p>Tel. 559.442.0883 Fax 559.442.0884 www.espls.com</p>	DATE OF SURVEY	N/A
	ESP JOB No.	19049
	DRAWN BY	6335
	DRAWN DATE	6/28/2019
	REV. 1	7/11/2019





Proposed Site  
View to the West



Proposed Site  
View to the East



Proposed Site  
View from Rainbow Ave  
to the South

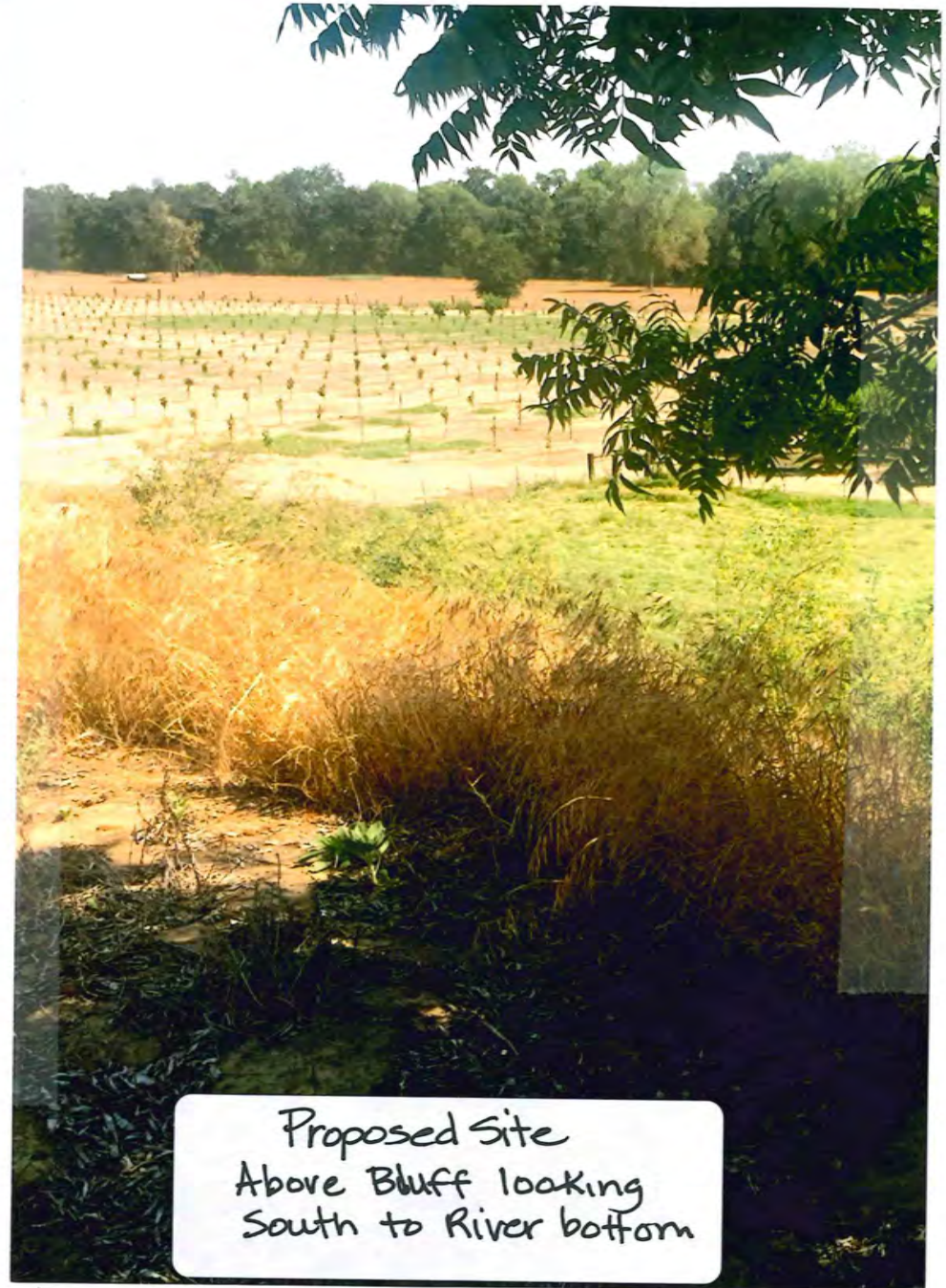


Proposed Site  
Standing on River bottom  
Looking to the North





Proposed Site  
From River bottom  
Facing to the west



Proposed Site  
Above Bluff looking  
South to River bottom





Proposed Site  
View to the East