



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 6 September 10, 2020

SUBJECT: Initial Study No. 7308 and Variance Application No. 4026

Allow the creation of a 2.5-acre parcel and a 17.05-acre parcel from an existing 19.55-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located on the east side of Thompson Avenue, between Jensen and North Avenues, approximately 1.7 miles west of the City of Sanger (2374 S. Thompson Avenue, Sanger, CA) (Sup. Dist. 4) (APN 332-021-22).

OWNER: Gary L. Roberts and Shirley M. Downes
APPLICANT: CVEAS, Inc.

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

David Randall, Senior Planner
(559) 600-4052

RECOMMENDATION:

- Deny Variance No. 4026; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Applicant's Submitted Findings
6. Site Plans
7. Approved Variances within a 1-mile radius
8. Summary of Initial Study No. 7308

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agriculture	No change
Zoning	AL-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No change
Parcel Size (gross)	19.55 acres	Parcel A: 2.50 acres Parcel B: 17.05 acres
Project Site	N/A	N/A
Structural Improvements	Single-family residence with accessory structures	Parcel A: No change Parcel B: No improvements
Nearest Residence*	Approximately 375 feet north of the subject parcel.	No change
Surrounding Development	Agricultural Uses/farming	No changes
Operational Features	Single-Family Residence	Parcel A: Single-Family Residence Parcel B: No change
Employees	None	No change

Criteria	Existing	Proposed
Customers	None	No change
Traffic Trips	Residential/Farming	Parcel A: Residential Parcel B: Farming
Lighting	Residential	Parcel A: No change Parcel B: None

*As measured from the nearest property line of the subject parcel to the edge of the residence

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

ENVIRONMENTAL ANALYSIS:

An Initial Study (IS) was prepared for the project by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the IS, staff has determined that a Negative Declaration would be appropriate, should the Planning Commission determine that the required Findings can be made. A summary of the Initial Study is included as Exhibit 8.

The Notice of Intent to Adopt a Negative Declaration was published on July 8, 2020.

PUBLIC NOTICE:

Notices were sent to 20 property owners within 1,320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

A Variance Application (VA) may be approved only if four Findings specified in Zoning Ordinance Section 877 are made by the Planning Commission.

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

The Applicant is proposing to remove a 2.5-acre parcel from a 19.55-acre parcel. This parcel is considered to be a 20-acre parcel for the purposes of the Zoning Ordinance, and therefore qualifies for the provisions at Section 816.5 A.2, which describe the circumstances under which a homesite parcel may be created without a variance. The Applicant has stated their desire to proceed with the Variance Application in order to create a legally-separate parcel which may be bought and sold without the restrictions that would be associated with a gift deed homesite.

BACKGROUND INFORMATION:

The zoning of the subject parcel was established as Exclusive Agricultural, 20-acre minimum parcel size on April 25, 1961 as part of an effort by the County of Fresno to establish Zone Districts which were consistent with the Fresno County General Plan, as required by law. No

other zoning amendments have been processed for the subject parcel and all nearby parcels share the AE-20 Zone District.

The current property owners acquired the property in April 2003, which is after the AE-20 Zone District was applied to the parcel.

There has been one variance approved within a one-mile radius of the project site:

Application/Request	Date of Action	Staff Recommendation	Final Action
VA No. 3894: Recognize a 17.83-acre illegally-created parcel in the AE-20 Zone District	8/13/2019	Denial	PC Approved

Each variance request must be considered on its own merit, based on unique site conditions and circumstances.

DISCUSSION:

Findings 1 and 2: *There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity having the identical zoning classification; and*

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.

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	Front: 35 feet Side: 20 feet Rear: 20 feet	Parcel A: Front (West): 162 feet Side (North): 50 feet Side (South): 35 feet Rear (East): 327 feet Parcel B: N/A	Yes
Parking	N/A	No change	Yes
Lot Coverage	No requirements	N/A	Yes
Space Between Buildings	Six feet minimum (75 feet minimum between human habitations and structures utilized to house animals)	No change	Yes

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Wall Requirements	No requirement	No change	Yes
Septic Replacement Area	100 percent	No change	Yes
Water Well Separation	Septic tank: 50 feet; Disposal field: 100 feet; Seepage pit: 150 feet	No change	Yes

Reviewing Agency/Department Comments Regarding Site Adequacy:

Development Engineering Section of the Fresno County Department of Public Works and Planning: According to U.S.G.S. Quad Maps, there are existing drainage channels traversing the subject parcel. Easements may be required by the appropriate agency. A grading permit or voucher may be required for grading that has been done without a permit and any grading proposed with this application.

Zoning Section of the Fresno County Department of Public Works and Planning: If the Variance application is approved, a mapping procedure to create both parcels is required.

Building and Safety Section of the Fresno County Department of Public Works and Planning: No comment.

Analysis:

In support of Finding 1, the Variance Findings provided by the Applicant for this proposal assert that “the site has a residence in one of the corners of the parcel; the rest of the parcel is used for agricultural purposes, like the adjoining properties which share the same zoning designation. The purpose of this Variance is to allow for the creation of a homesite parcel. The intent of the Variance is to create/adjust the existing parcel line configuration to be more in line with the uses of said parcels.”

In support of Finding 2, the Variance Findings provided by the Applicant for this proposal assert that “the purpose of the Variance is to allow for the creation of two parcels which will be used for single family. The reduction in parcel size is necessary to more efficiently use the parcels. The intent of the Variance is to create/adjust the existing parcel line configuration, to be more in line with the uses of the subject parcel.”

Staff has reviewed the subject proposal and was not able to identify an exceptional or extraordinary condition which did not apply to other parcels in the area. Review of the land uses in the area (Exhibit 4) shows that the parcel is of typical size and shape for this area, with most parcels containing approximately 20 or 40 acres (the same size or twice as big as the subject parcel, typical of agricultural development). Approximately half of the parcels in the area are restricted by the Williamson Act Contract, and all contain one or two single-family residences, which exhibit a similar level of landscaping and development as the project site. There are no natural features of the site which would inhibit the use of the property as a whole.

The findings provided by the Applicant did not identify a substantial impacted property right that would be alleviated by approval of this Variance. The efficiency of the parcel in its current function (mixed residential and agricultural) is identical to other parcels in the area. In addition, the Applicant qualifies for an exemption from the 20-acre minimum parcel size through Section 816.5 A.2, which allows the creation of a homesite “intended as a conveyance or devise exclusively for use by a person related to the owner by adoption, blood, or marriage within the second degree of consanguinity and only for persons involved in the farming operation.” This opportunity to create a separate parcel for a family member to assist with farming operations is shared by all other parcels in the area which meet the 20-acre (gross) minimum acreage requirements. It is noted that the Applicant requested to proceed with the Variance request rather than pursue the farming exemption because this process would allow the homesite parcel to be a separate, legal parcel.

Therefore, due to the lack of exceptional features on the parcel and lack of an impacted property right as a result of those features, staff is unable to make Findings 1 or 2.

Recommended Conditions of Approval:

None.

Conclusion:

Findings 1 and 2 cannot be made.

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

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence*:
North	19.55 acres	Orchard, two single-family residences	AE-20	375 feet
East	37.95 acres	Orchard, single-family residence	AE-20	520 feet
South	40 acres	Orchard, single-family residence	AE-20	300 feet
West	31 acres	Orchard, single-family residence	AE-20	500 feet

*As measured from the nearest property line of the subject parcel to the edge of the residence

Reviewing Agency/Department Comments:

Development Engineering Section of the Fresno County Department of Public Works and Planning: Thompson Avenue is a County-maintained road classified as a Local road with an existing 20-foot right-of-way (ROW) east of the center line along the parcel frontage, per Plat Book. The minimum width of a Local road right-of-way east of the center line is 30 feet. Records indicate this section of Thompson Avenue from Jensen Avenue south to North Avenue has an Average Daily Traffic (ADT) of 300 vehicles, pavement width of 21.2 feet, a structural section of 0.25-foot Asphalt Concrete and is in very good condition.

According to FEMA FIRM Panel 1040H, the parcel is not subject to flooding from the 100-year storm.

If not already present, a ten-foot by ten-foot corner cutoff should be improved for sight distance purposes at any existing or proposed driveway accessing Thompson Avenue. Any work done within the right-of-way to construct a new driveway or improve an existing driveway will require an encroachment permit from the Road Maintenance and Operations Division.

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: Thompson Avenue is classified as a Local road requiring an ultimate road ROW of 60 feet. Currently there is 40 feet of ROW on Thompson, 20 feet each side of the section line. If the Variance is approved, the creation of the parcel should include an irrevocable offer for the additional 10 feet of road ROW across the parcel frontage.

Any driveway improvements constructed within the existing road ROW will require an encroachment permit from this Division.

Fresno County Department of Public Health, Environmental Health Division: Building permit records indicate the existing septic system was installed in 2004. It is recommended that the Applicant consider having the existing septic tank pumped and have the tank and leach field evaluated by an appropriately-licensed contractor if they have not been serviced and/or maintained within the last five years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the system.

The following agencies returned a “no comments” or “no concerns” response to staff’s requests for comment: Design, Resources, and Water and Natural Resources Divisions of the Fresno County Department of Public Works and Planning; Fresno County Fire Protection District.

Analysis:

In support of Finding 3, the Findings provided by the Applicant assert that “the purpose of the Variance is to allow for the creation of two parcels which will be used for single-family residences. The intent of the Variance is to create/adjust the existing parcel line configuration to be more in line with the uses of said parcels. Nothing within the existing parcel or adjacent property is going to change in terms of uses or operation. This is simply adjusting existing lot lines to follow the existing operation more accurately than the previous lot lines. As a result, since it is anticipated that the proposed property configuration is going to be in line with and accommodate the existing uses, this adjustment will have no adverse effect on the abutting or neighboring properties. It is actually anticipated that the proposed adjustment will have a beneficial impact on neighboring properties, as it will adjust the lot lines along the current site uses.”

With regard to Finding 3, staff concurs with the declaration that no changes in the function of the parcel will occur as a result of this Variance; however, staff also notes that the creation of a new parcel will increase the potential residential density of the area by allowing the creation of a new homesite on the proposed Parcel B as a matter of right. This occurs because every parcel in the AE-20 Zone District retains the right to develop a single-family residence. Increased residential density has the potential to conflict with adjacent agricultural operations. Therefore, prior to approval of the final map, the property owner shall sign an agreement with the County incorporating the provisions of the County Right-to-Farm Notice (Fresno County Ordinance Code Section 17.04.100).

With acknowledgement of the right to farm, staff concurs that the proposed Variance would not have an impact on surrounding properties, and determines that Finding 3 can be made.

Recommended Conditions of Approval:

See attached Conditions of Approval and Project Notes.

Conclusion:

Finding 3 can be made.

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

Relevant Policies:	Consistency/Considerations:
<p>General Plan Policy LU-A.6: The County shall maintain twenty (20) 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.</p>	<p>Not Consistent: Policy LU-A.9 relates to the creation of homesite parcels, the Applicant declined to pursue the option to create a gift deed and this request does not qualify for any of the other exemptions identified therein. Policy LU-A.10 relates to the creation of parcels for the development of an agricultural commercial center and LU-A.11 relates to the creation of small parcels to support the extraction of oil and gas. The Applicant declined to pursue the option to create a gift deed parcel and the proposal is therefore not consistent with this policy.</p>
<p>Policy 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. Evidence that the affected parcel may be an uneconomic farming unit due to its current size, soil conditions, or other factors shall not alone be considered a sufficient basis to grant an exception. The decision-making body shall consider the negative incremental and cumulative effects such land divisions have on the agricultural community.</p>	<p>Consistent: LU-A.7 is intended to protect agricultural uses from increases to residential densities and support commercial agricultural operations. Staff has reviewed this application’s consistency with the required findings for granting a Variance and determined that only three of the four Findings could be made and therefore recommends denial of this Variance, consistent with this policy.</p>

Reviewing Agencies/Department Comments:

Water and Natural Resources Division of the Fresno County Department of Public Works and Planning: The proposed project is not within a water-short area of the County; as such, the Division has no comments.

Analysis:

In support of Finding 4, the Applicant's Findings assert that "the proposed adjustment is allowable under the current County code (which requires a variance). The proposed adjustment will not affect the existing use of the site, which is already consistent with the General Plan." Staff acknowledges that the Fresno County Zoning Ordinance permits a property owner to submit a variance request (this application) to allow a deviation from development standards; however, by definition, such requests relate to proposals which are not consistent with the development standards of the Zone District.

With regard to Finding 4, staff determined that the proposed parcel split would not be consistent with General Plan Policy LU-A.6; however, it is acknowledged that the current operation at the site is consistent with the General Plan due to consistency with the minimum parcel size of the Zone District. The above-mentioned policies are intended to address the 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 2.5-acre parcel does not qualify for or the Applicant did not choose to pursue any of the exemptions of 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 Zoning Ordinance Section 816.5.A, where this Variance Application is requesting relief from the 20-acre minimum parcel size. Staff notes that the Applicant declined to pursue the option to create a gift deed. A gift deed would not be available for sale separate from the parent parcel; however, approval of this Variance would allow for the creation of two legally separate parcels which could be bought and sold independent of each other.

The subject parcel is currently restricted by a Williamson Act Contract for which the Applicant has filed a notice of non-renewal. The Agricultural Land Conservation Committee determines if the requested early cancellation of the Contract should be granted and makes 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 neither proposed parcel would 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. The ALCC hearing is scheduled before this Commission Hearing and their recommendation shared with the Commission verbally.

If the cancellation request is approved, the contract will be cancelled, and the property owner will no longer be limited to compatible uses. The parcel would be allowed to split into the proposed 2.5- and 17.05-acre parcels. No immediate change would occur, although the property owners would no longer be contractually obligated to maintain the vineyard and would be permitted to develop a second residence following approval of the mapping application.

Therefore, staff was not able to make Finding 4.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 4 cannot be made.

PUBLIC COMMENT:

None.

CONCLUSION:

Based on the factors cited in the analysis, staff is unable to make Findings 1, 2 or 4. Therefore, staff recommends denial of Variance No. 4026.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Denial Action)

- Move to determine that the required Findings cannot be made and move to deny Variance No. 4026; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Approval Action)

- Adopt the Negative Declaration prepared for Initial Study No. 7308; and
- Move to determine that the required Findings can be made (state basis for making the Findings) and move to approve Variance No. 4026, subject to the Conditions and Notes attached as Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

CMM:ksn
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**Variance Application No. 4026
Conditions of Approval and Project Notes**

Conditions of Approval	
1.	Development shall be in accordance with the Site Plan (Exhibit 6) as approved by the Commission.
2.	<p>Prior to final map approval, the Applicant/subdivider shall enter into an agreement with Fresno County incorporating the provisions of the County Right-To-Farm Notice (Fresno County Ordinance Code Section 17.04.100).</p> <p>Fresno County Right-to-Farm Notice: "It is the declared policy of Fresno County to preserve, protect, and encourage development of its agricultural land and industries for the production of food and other agricultural products. Residents of property in or near agricultural districts should be prepared to accept the inconveniencies and discomfort associated with normal farm activities. Consistent with this policy, California Civil Code 3482.5 (right-to-farm law) provides that an agricultural pursuit, as defined, maintained for commercial uses shall not become a nuisance due to a changed condition in a locality after such agricultural pursuit has been in operation for three years."</p>
3.	The owner of the subject property shall record a document irrevocably offering the westerly 10 feet of the subject property across the parcel frontage to the County of Fresno as future right-of-way for Thompson Avenue.

Conditions of Approval reference recommended Conditions for the project.

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	Division of the subject property is subject to the provisions of the Fresno County Parcel Map Ordinance. A Parcel Map Application shall be filed to create a 2.5-acre parcel and a 17.05-acre parcel. The Map shall comply with the requirements of Title 17.72.
2.	The approval of this project will expire one year from the date of approval unless the required mapping application to create the parcels is filed in substantial compliance with the Conditions and Project Notes and in accordance with the Parcel Map Ordinance. When circumstances beyond the control of the Applicant do not permit compliance with this time limit, the Commission may grant a maximum of two one-year extensions of time.
3.	A grading permit or voucher may be required for grading that has been done without a permit and any grading proposed with this application.
4.	If not already present, a ten-foot by ten-foot corner cutoff should be improved for sight distance purposes at any existing or proposed driveway accessing Thompson Avenue.
5.	Any work done within the right-of-way to construct a new driveway or improve an existing driveway will require an encroachment permit from the Road Maintenance and Operations Division.

EXHIBIT 1

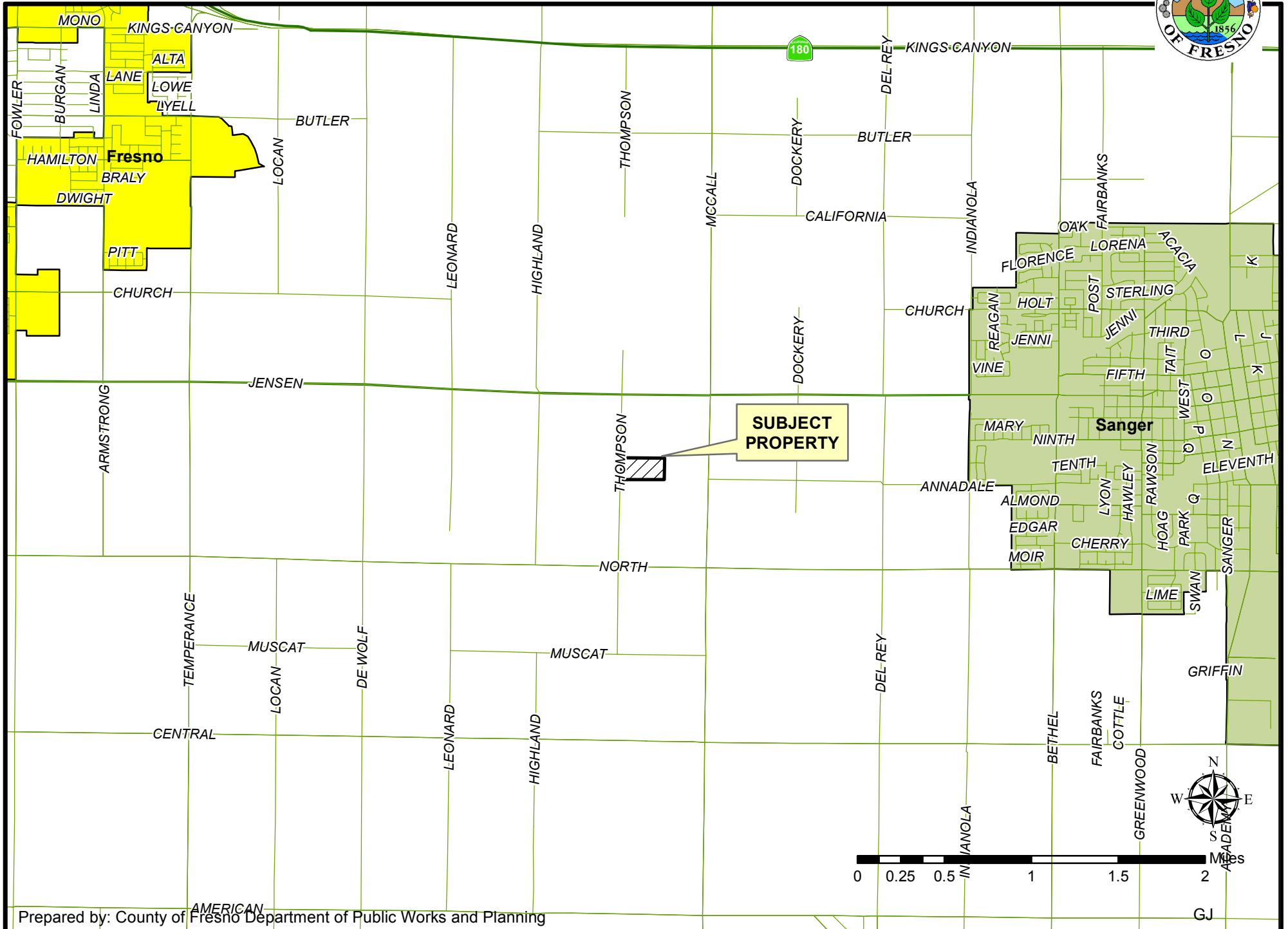
Notes

6.	Building permit records indicate the existing septic system was installed in 2004. It is recommended that the Applicant consider having the existing septic tank pumped and have the tank and leach field evaluated by an appropriately-licensed contractor if they have not been serviced and/or maintained within the last five years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the system.
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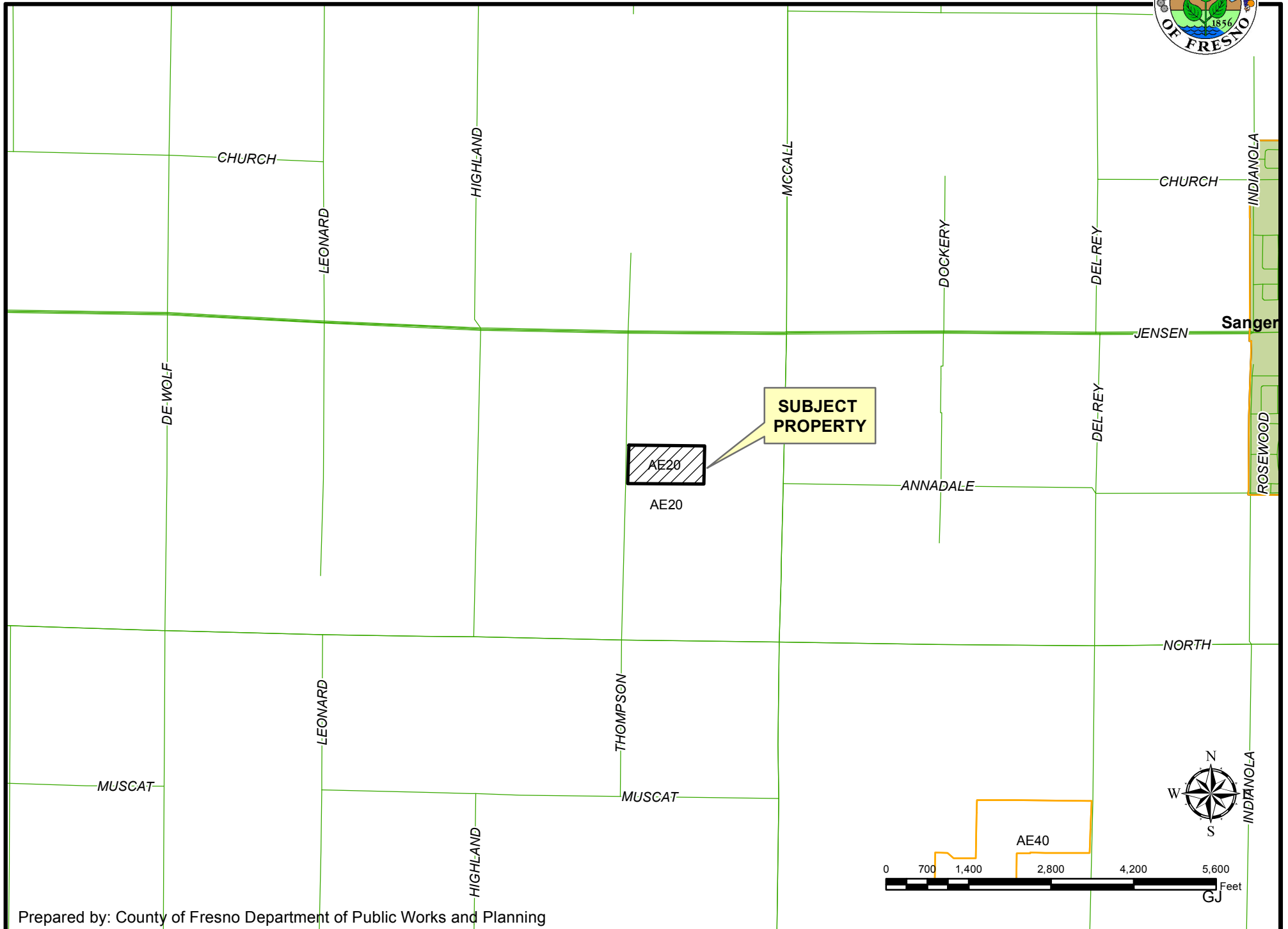
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LOCATION MAP



EXISTING ZONING MAP



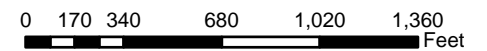
EXISTING LAND USE MAP



LEGEND	
FC	FIELD CROP
ORC	ORCHARD
SF#	SINGLE FAMILY RESIDENCE
VIN	VINEYARD

LEGEND:

- Subject Property
- Ag Contract Land



Department of Public Works and Planning
Development Services Division

RECEIVED
COUNTY OF FRESNO

MAY 17 2017

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

VA 4026

Variance Application No. 39090

Agenda April 25, 2017

Project Description: The proposal is to allow the creation of a 2.5 acre gift deed parcel from an existing 19.55 acre parcel located in the AE-20 zone district. The parcel is subject in Williamson Act contract #5705. Gift deed parcel size requirement for the Williamson Act will apply for this proposal.

These are the Variance Findings:

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

The site has a residence in one of the corners of the parcel; the rest of the parcel is used for agricultural purposes. Like the adjoining properties which share the same zoning designation. The purpose of the variance is to allow for the creation of a gift deed parcel. The intent of the variances is to create/adjust the existing parcel line configuration, to be more in line with the uses of said parcels.

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 purpose of the variances is to allow for the creation of two 2.5 acre parcels which will be used for single family. The reduction in parcel size is necessary to more efficiently use of the parcels. The intent of the variances is to create/adjust the existing parcel line configuration, to be more in line with the uses of subject parcel.

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.

The purpose of the variances is to allow for the creation of two 2.5 acre parcels which will be used for single family. The intent of the variance is to create/adjust the existing parcel line configuration, to be more in line with the uses of said parcels. Nothing within the existing parcel or adjacent property is going to change in terms of uses or operation. This is simply adjusting existing lot lines to follow the existing operation more accurately than the previous lot lines. As a result since it is anticipated that the proposed property configuration is going to be in line and accommodate the existing uses, this adjustment will have no adverse effect on the abutting or neighboring properties. It is actually anticipated that the proposed adjustment will have a beneficial impact on the neighboring properties, as it will adjust the lot lines along the current site uses.

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

The proposed adjustment is allowable under the current county code (which requires a variance). The proposed adjustment will not affect the existing use of the site, which is already consistent with the General Plan.

If you have any questions, please do not hesitate to contact me at (559) 978-2286

Sincerely,

A handwritten signature in blue ink that reads "Gary L. Roberts". The signature is written in a cursive, flowing style.

Gary L. Roberts, owner

VARIANCE APPLICATION No. _____
 THE SOUTH HALF OF THE SOUTHWEST QUARTER
 OF THE NORTHEAST QUARTER OF SECTION 19
 TOWNSHIP 24 SOUTH, RANGE 26 EAST, M.D.B.&M.
 IN THE COUNTY OF FRESNO
 STATE OF CALIFORNIA
 CONSISTING OF ONE SHEET

OWNER'S STATEMENT:

WE HEREBY APPLY FOR THE DIVISION OF REAL PROPERTY SHOWN ON THIS MAP AND CERTIFY THAT WE ARE THE LEGAL OWNERS OF SAID PROPERTY AND THAT THE INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF.

BY: _____ DATE: _____
 GARY L. ROBERTS
 BY: _____ DATE: _____
 SHIRLEY M. DOWNES

LEGAL DESCRIPTION:

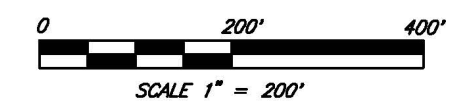
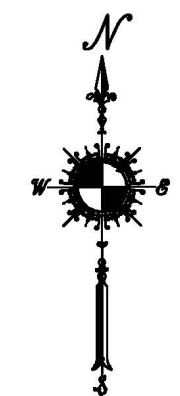
THE SOUTH 1/2 OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 14 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN, ACCORDING TO THE UNITED STATES GOVERNMENT TOWNSHIP PLAT APPROVED BY THE SURVEYOR GENERAL ON DECEMBER 21, 1854.

LEGEND:

- EXISTING PROPERTY LINE
- - - PROPOSED DIVISION LINE
- SECTION LINE
- - - EXISTING RIGHT OF WAY
- (R-1) RECORD DATA PER PARCEL MAP NO. 7753, RECORDED IN BOOK 59 PAGE 38, F.C.R.
- F.C.R. FRESNO COUNTY RECORDS
- ALL DISTANCES NOT MONUMENTED ARE CALCULATED

BASIS OF BEARING

THE NORTH LINE OF THE NORTHEAST 1/4 OF SECTION 19, TOWNSHIP 14 SOUTH, RANGE 22 EAST, MOUNT DIABLO AND MERIDIAN AS SHOWN ON PARCEL MAP 7753, RECORDED IN BOOK 59 OF PARCEL MAPS, AT PAGE 38, FRESNO COUNTY RECORDS. (R-1) NORTH 89°56'13" EAST.

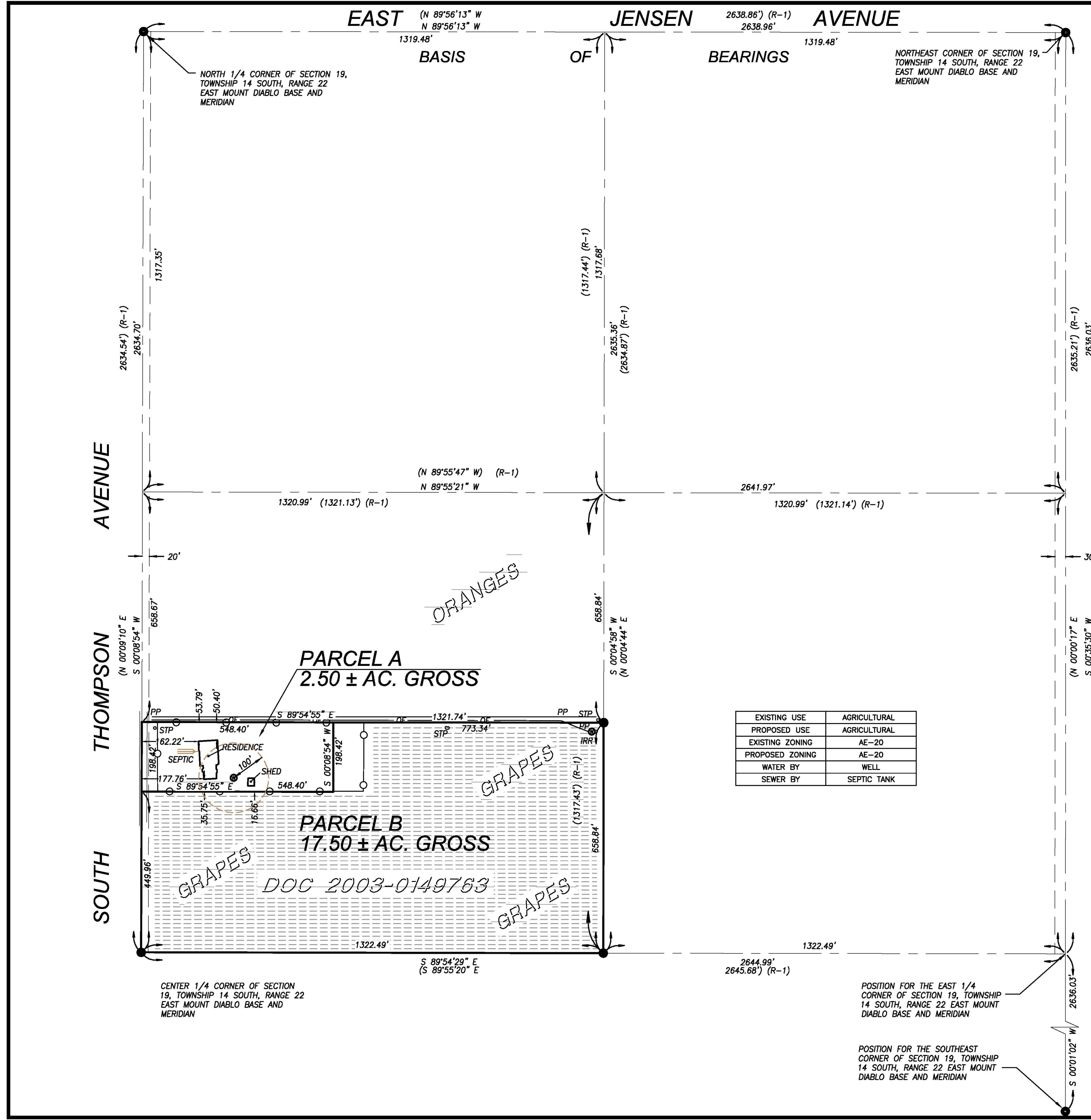


LEGAL OWNER:

GARY L. ROBERTS
 2374 S. THOMPSON AVE
 SANGER, CA. 93657
 559-978-2286

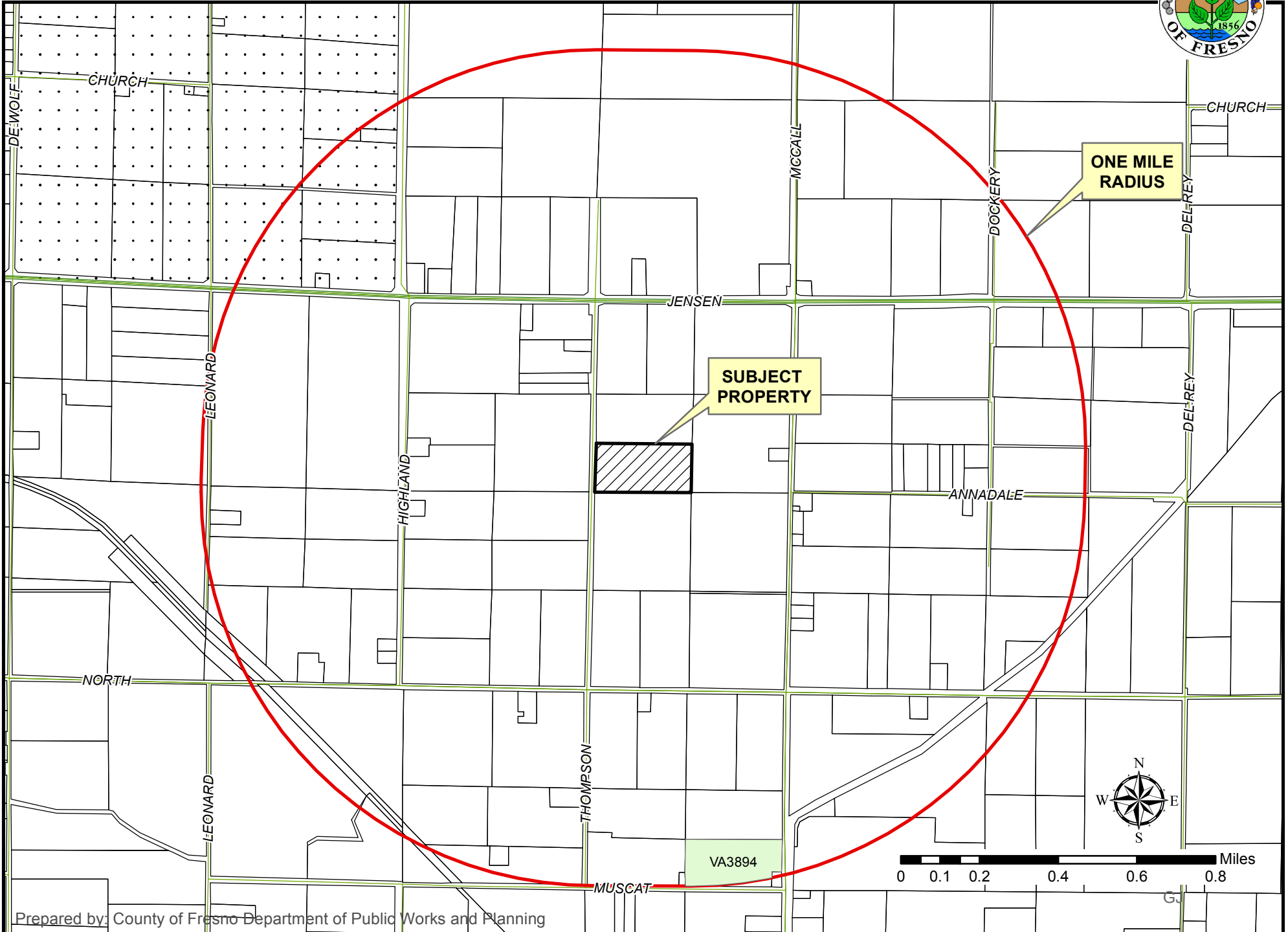
PRELIMINARY

CVEAS CENTRAL VALLEY ENGINEERING AND SURVEYING 2132 HIGH STREET SELMA, CA 93662 WWW.CVEAS.COM <small>ENGINEERING • LAND SURVEYING • CONSTRUCTION • CUSTOM HOME DESIGN • COMMERCIAL BUILDING DESIGN • PLANNING & PROJECT MANAGEMENT</small>	DATE OF SURVEY	2/14/17
	JOB NO.	17011
	DRAWING NAME	TENTATIVE PARCEL MAP
	DRAWN BY:	
	CHECK BY:	C.LOWRYT
DATE:	4/3/2017	
REVISION DATE:		



EXISTING USE	AGRICULTURAL
PROPOSED USE	AGRICULTURAL
EXISTING ZONING	AE-20
PROPOSED ZONING	AE-20
WATER BY	WELL
SEWER BY	SEPTIC TANK

APPROVED VARIANCES WITHIN A ONE MILE RADIUS





County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: Gary Roberts
- APPLICATION NOS.: Initial Study Application No. 7308 and Variance Application No. 4026
- DESCRIPTION: Allow the creation of a 2.5-acre parcel (Parcel A) and a 17.05-acre parcel (Parcel B) from an existing 19.55-acre parcel in the AE-20 Zone District (Exclusive Agricultural, 20-acre minimum parcel size) where 20 acres is the minimum parcel size.
- LOCATION: The subject parcel is located on the east side of Thompson Avenue, between Jensen and North Avenues, approximately 1.7 miles west of the City of Sanger. Address: 2374 S. Thompson Avenue, Sanger, CA APN: 332-021-22 Sup. Dist. 4

Approval of this application would allow the applicant to apply for approval of a lot split (tentative parcel map) with the proposed lot sizes. Because every parcel is permitted to have at least one single-family residence by right, approval of this application would allow development of an additional residence on Parcel B, which is currently developed only with the vineyard. No development is proposed by the applicant at this time, and with the exception of the potential residence, no new development would be permitted as a result of this application.

I. AESTHETICS

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

- A. Have a substantial adverse effect on a scenic vista; or
- B. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway; or
- C. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

FINDING: LESS THEN SIGNIFICANT IMPACT:

The project site is located in an area of agricultural production, generally consisting of parcels with at least 20 acres developed with orchards and vineyards. A small portion of most of these parcels has been improved with a single-family residence and associated residential buildings, such as sheds and garages. Northwest of the parcel, near the intersection of Jensen Avenue and Thompson Avenue, are several parcels ranging in size from 1.38 to 9 acres, which have also been improved with single family residences and with farming on the remainder.

While no development is proposed as part of this application, the development of an additional residence on Parcel B would be allowed by right. Due to the existing cluster of residential development at Jensen/Thompson intersection and the prevalence of developed homesites in the vicinity of this parcel, the construction of one additional residence would not be a significant impact to the existing agricultural quality of the view in this area.

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

FINDING: NO IMPACT:

There are no new sources of substantial light are approved as part of this application. Some residential lighting may be installed as part of the by-right construction of the potential home on Parcel B; however typical residential lighting does not cause adverse impacts on surrounding properties.

II. AGRICULTURAL AND FORESTRY RESOURCES

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

- A. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use; or
- B. Conflict with existing zoning for agricultural use, or a Williamson Act Contract?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Department of Conservation's Important Farmlands Map (2016) identifies the entirety of the subject parcel as Prime Farmland. The parcel is also restricted by a Williamson Act Contract, for which the applicant has filed a Notice of Nonrenewal. Because this notice has been filed, the Williamson Act Contract will expire regardless of the approval or denial of this application. This is not considered to be a significant impact because the Contract identifies the right of the property owner to non-renew as part of its terms.

The applicant is petitioning to have the contract cancelled immediately rather than waiting out the contract period of 9 years because the proposed parcel division would not be permitted on contracted land. The Williamson Act Contract requires a 20-acre minimum parcel size. The subject 19.55-acre parcel is considered to be a 20-acre parcel because it was a 20-acre parcel when it was created, and the 0.45 'missing' acres were dedicated as right-of-way and were not removed by means of parcel division or other applicant-backed proposal.

Because the cancellation of the contract is required prior to filing of the mapping application, the project site will either remain under contract and will not be subdivided (project denial) or the contract will be cancelled, and no conflicts would occur. Therefore, this project will have a less than significant impact on conflicts with zoning for agricultural use or a 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:

There is no forest land or timberland in the vicinity of the project site. Therefore, this project will have no impact on pressures to convert forest land to non-forest uses.

- 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 subject variance and associated mapping application will not result in a change in land use compared to what is existing. The homesite parcel will remain in residential use and the fields will remain in agricultural use.

Some conversion of farmland may occur if the property owners choose to develop a portion of Parcel B as a homesite. Based on the typical size of residential development on agricultural parcels in the County, up to 2.5 acres of farmland may be committed to such development. This is not considered to be a significant impact because the

amount of farmland that would be converted is minimal compared to the remainder of land that could be used for farming. Further, the development of a homesite in the area of agriculture does not result in pressure to convert adjacent farmland to a non-agricultural use. As a condition of project approval, the property owner will be required to acknowledge the area's 'right to farm,' which is a covenant that would travel with the land through subdivision and any subsequent sales. The right to farm acknowledgement ensures that the establishment of a new residence would not cause undue pressure on the practice of farming adjacent properties by placing the need to perform farming activities above the comforts of the residents.

III. AIR QUALITY

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

- A. Conflict with or obstruct implementation of the applicable Air Quality Plan; or
- B. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard; or
- C. Expose sensitive receptors to substantial pollutant concentrations; or
- D. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

FINDING: LESS THAN SIGNIFICANT IMPACT:

No new development is approved as part of this application; however, approval of this variance and the subsequent mapping application would allow development of a new single-family residence on Parcel B. Development of a single-family residence typically does not result in the release of criteria pollutants in excess of the Air Quality Plan.

This project does have the potential to place sensitive receptors close to substantial pollutant concentrations due to the establishment of a residential/homesite parcel adjacent to active farmland. County policies require that this applicant sign a "right to farm" agreement, acknowledging that residential development in areas zoned agricultural must defer to farming practices. This is meant to make the property owner aware that surrounding agricultural productions are likely to require certain actions, such as application of pesticides or use of heavy equipment during early morning hours, which may be considered a nuisance in a residential neighborhood.

Given the need to acknowledge the area's right to farm, development of an additional residence in this area would not result in significant impacts on Air Quality because there is no change in the baseline amount of emissions and pollutant concentrations from surrounding farmland.

IV. BIOLOGICAL RESOURCES

Would the project:

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

FINDING: NO IMPACT:

The project site has either been cleared and landscaped (proposed Parcel A) or it has been tilled and planted with grape vines (proposed Parcel B). In both cases, the existing ground disturbance has removed any potential habitat from the subject parcels. This lack of habitat indicates that no special-status species would be present on the project site. In addition, the lack of habitat ensures that this project will have no impact on sensitive or protected lands. The subject parcel is not located within or adjacent to any identified wetlands thereby precluding impacts to migratory fish or other protected wetlands and wetland species. No Habitat Conservation Plans, Natural Community Conversation Plan, or other conservation plan apply to this project.

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:

No development is proposed as part of this application. It is also unlikely that groundwork for the potential residence would reveal previously-unknown resources because the area has been used for agricultural production for at least 20 years, resulting in high turnover of the topsoil and low sensitivity to discoveries of cultural resources. Therefore, this project will have no impact 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:

No development is proposed as a part of this application. Development of the residence which would be permitted if the application is approved would proceed in compliance with existing regulations to reduce the amount of gasoline expended per mile on passenger vehicles and construction equipment, such as the Air Resource Control Board's *Climate Change Scoping Plan* (December 2008). Continued compliance with these regulations ensures that no adverse impacts to energy would occur as a result of this application.

VII. GEOLOGY AND SOILS

Would the project:

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

4. Landslides?

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

FINDING: NO IMPACT:

According to Figure 7-1 of the Fresno County General Plan Environmental Impact Report Background Report (FCGPBR), the project site is not located in an area subject to moderately high or high expansion potential.

Based on the U.S. Department of Conservation's Natural Resources Conservation Service, the soil at the project site is entirely Ramona sandy loam, which is a well-drained soil with low runoff class. Soils classified as 'sandy loam' typically have between 15 to 20% clay content, which results in low on-site expansion potential.

Review of the latest Alquist-Priolo maps indicate that the project site is not located in the vicinity of any known faults or landslide areas. Further, the project site is relatively flat, precluding site-specific landslide potential. Therefore, the project will have no impact on the level of risk associated with construction on or near unstable soils.

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

FINDING: NO IMPACT:

New development at this site would be required to provide wastewater treatment either through installation of a new septic tank or through tie-in with the existing system. No development is proposed at this time, but if a new residence is proposed, the location of the septic tank would be subject to existing County regulations, particularly the Local Area Management Plan, which establishes minimum separation distances between wells and septic tanks. Due to the size of the proposed Parcel B, there is sufficient space available to accommodate such a system without the need for special engineering.

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

FINDING: NO IMPACT:

No unique paleontological resources, sites, or geologic features were identified on or in the vicinity of the subject parcel.

VIII. GREENHOUSE GAS EMISSIONS

Would the project:

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

FINDING: NO IMPACT:

No development is proposed as part of this application. New development that would be allowed by right (the potential residence) would be required to comply with existing regulations regarding the use of vehicles which meet emission standards. Compliance with these existing regulations will ensure that the project does not release emissions in an amount that might have a significant impact on the environment. Residential development of this nature is typically allowed through the issuance of ministerial permits and typically is not subject to CEQA Analysis.

IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- A. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or
- B. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; or
- C. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one quarter-mile of an existing or proposed school; or
- E. 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; or
- F. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area; or

- G. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or
- H. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

FINDING: NO IMPACT:

No operational changes are proposed to the project following approval – the application would allow the division of the existing parcel along the existing land uses. Therefore, there is no increase in the risk of hazards through the use or transport of hazardous materials or the emission of hazardous materials. The project site is not located within one quarter-mile of a school.

Review of the NEPAssist website indicates that the project site is not listed on or located near a parcel considered to be a hazardous waste site.

X. HYDROLOGY AND WATER QUALITY

Would the project:

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

There are two wells on the subject parcel, one which serves the existing residence (Parcel A) and one located near the edge of the property for agricultural purposes (Parcel B). Because both wells are extant and in use, the proposed application will result in no change in water usage at the parcel and therefore will not violate any water quality standards, waste discharge requirements, or degrade groundwater supply. Any proposed well would be subject to the Local Area Management Plan and the Groundwater Sustainability Act (LAMP and SGMA respectively). The property owner currently has the right to file a permit for additional wells, so there is no change in the baseline potential impact of installation of a residential well to serve the potential home which could be built in Parcel B.

- C. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
 - 1. Result in substantial erosion or siltation on or off site?

2. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site?
 3. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or
 4. Impede or redirect flood flows?
- D. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation; or

FINDING: NO IMPACT:

There is no development proposed as part of this application and therefore no potential to impact flood flows or the amount of runoff. There is no running water in the vicinity of the project site and therefore no opportunity to affect the course of a stream. The project is not located near the coast, precluding impacts from tsunami or near a large body of water which could be subject to seiche. Therefore, this project will have no impacts on risk of damage to person or property as a result of location near a water body which could inundate the project site.

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

FINDING: NO IMPACT:

There is no change in the water usage at the site as a result of this application, therefore, the project is not in conflict with a water quality control plan or sustainable groundwater management plan.

XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community?

FINDING: NO IMPACT:

This project is located in the unincorporated area of Fresno County, approximately 1.7 miles west of the City of Sanger and 2.7 miles southeast of the city of Fresno. The surrounding area is developed primarily for agricultural purposes, with scattered residential development. This proposal to create a property line around the existing homesite will not physically divide an established community as there is no community in the area to impact.

- 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 2.5-acre parcel does not qualify for any of the exemptions at 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 Zoning Ordinance Section 816.5.A, where this variance application is requesting relief from the 20-acre minimum parcel size.

The subject parcel is currently restricted by a Williamson Act Contract for which the applicant has filed a notice of non-renewal. 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 neither proposed parcel would 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. The parcel would be allowed to split into the proposed 2.5- and 17.05-acre parcels. No immediate change would occur, although the property owners would no longer be contractually obligated to maintain the

vineyard and would be permitted to develop a second residence following approval of the mapping application.

This is not considered to be a significant environmental impact because the nonrenewal of the Contract establishes a 10-year wind-down period during which time the 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 on the last day of December 2028. The loss of the 17 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:

The project site is not in an area designated by Figure 7-7 (FCGPBR) as a location of mineral resources. No such resources have been identified on the subject parcel. Therefore, based on the lack of designation as a site of mineral resources and the lack of known resources on the parcel, this project will have no impacts on the loss of availability of known mineral resources or resource recovery sites.

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:

There is no increase in the amount of noise in the area as a result of this project. Approval would result in the creation of two parcels, both of which would be allowed to develop a residence by right. However, such construction would be required to adhere to the Fresno County Zoning Ordinance (including the Noise Ordinance) and would be limited in duration. Therefore, there is no increase in temporary or ambient noise levels or groundborne vibration.

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

FINDING: NO IMPACT:

The project site is not located within two miles of an airport and therefore is not subject to airport noise.

XIV. POPULATION AND HOUSING

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

This project does not propose to install new homes or roads that would attract new residents to the area; however, approval of this application does increase residential densities by allowing both the existing home on Parcel A and a new home on Parcel B. While this density is in excess of the one home per 20 acres identified in the zoning ordinance, it is well within the actual residential densities of similar parcels under the same zone district. Property owners in the AE-20 Zone District have the option to apply for a second residence through discretionary permit application to the County (Director Review and Approval), and they have a number of methods to retain their existing homesites as separate parcels or gift a homesite to a family member who assists them with the farm work (see Section XI) without approval of a variance (this application). The applicant in this case did not pursue any of these opportunities; however, the increase of one additional home in this area is allowed by a number of means and will not create new opportunities or pressures for additional residential growth. Therefore, this project will not induce substantial unplanned population growth.

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

FINDING: NO IMPACT:

This project relates to a request to allow the creation of two parcels with substandard size and does not impact any people or housing outside of the property line. Therefore, no people or housing will be displaced as a result of this application.

XV. PUBLIC SERVICES

Would the project:

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

FINDING: NO IMPACT:

Approval of this application will not increase the need for new or physically-altered government facilities. In this area of the County, residents rely on well and septic system for water and sanitary services and other public services such as electric and gas lines have been installed in this area to serve the other nearby residences. Even if a new home is constructed, it would tie into these existing systems and may install new private well and septic. Therefore, there is no impact to public services as a result of this project.

XVI. RECREATION

Would the project:

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

FINDING: NO IMPACT:

There are no neighborhood or regional parks in the vicinity of the project site. Further, this project is not of a type that would result in a significant increase in population (see Section XIV), which would then contribute to a need for improved recreational facilities.

XVII. TRANSPORTATION

Would the project:

- A. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities; or
- B. Be in conflict or be inconsistent with the California Environmental Quality Act (CEQA) Guidelines Section 15064.3, subdivision (b); or
- C. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or
- D. Result in inadequate emergency access?

FINDING: NO IMPACT:

This project does not conflict with plans, programs, or policies that address the circulation system because of the limited traffic generation associated with this proposal. Approval would allow the division of the subject parcel along the existing land uses, which will result in a handful of traffic trips associated with surveyors and inspectors. This would also allow the by-right development of another residence, although no such development is currently proposed by the applicant. The potential increase in traffic as a result of project approval will not result in adverse impacts on the roadway.

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
 - 1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k); or
 - 2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? (In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.)

FINDING: NO IMPACT:

In accordance with the regulations of Assembly Bill 52 (AB 52), the County provided notice of this project to four Tribal Governments who had requested such notice. The County received a response from Table Mountain Rancheria indicating that they had no concerns and a request from the Dumna Wo Wah Tribal Government (DWW) requesting consultation. The other two Tribal Governments allowed the comment period to expire without a response to the County, and therefore were determined to have no concerns.

The County reached out to DWW on October 25, 2017 by letter and on March 21, 2018 by email, requesting additional information regarding the Tribe's concerns. On June 11, 2018, after receiving no response from DWW, the County concluded consultation with a determination that a mutual agreement could not be reached. No tribal resources were identified on the subject parcel and therefore, no impacts to such resources will occur as a result of this application. As discussed in Section V., the project site was determined to have a low sensitivity to new archeological discoveries due to the extensive tilling and turning of the ground for farming purposes.

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

- A. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects; or
- B. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years; or
- C. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments; or
- D. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or
- E. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

FINDING: NO IMPACT:

No development is proposed as part of this application. If a new residence is eventually built on Parcel B, such development would be subject to the building codes at that time. There is sufficient space on Parcel B to accommodate the installation of a new septic system, if/when one is required. Given the typical size of homesite development, it is

expected that residential development would use less water than the vineyard which would be removed to make way for such development. Therefore, even in the event of new construction, the project would not require the installation of new utilities in order to maintain services.

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:

Due to the lack of development on the project site, there are no increases in the risk of damage to life or property as a result of fire hazards. Even if a new residence is constructed on Parcel B, there would be no significant impacts due to the limited amount of physical changes occurring on the parcel.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

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

FINDING: NO IMPACT:

The lack of proposed habitat on this parcel precludes the possibility of adverse impacts on special status wildlife or plant communities. Similarly, the lack of development and

lack of identified cultural or tribal resources on the parcel precludes impacts to such resources.

- B. Have impacts that are individually limited, but cumulatively considerable (“cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposal to allow the creation of two parcels with substandard size is not in conformance with General Plan Policies LU-A.6 and LU-A.7. There are a number of parcels located at the intersection of S. Thompson Avenue and E. Jensen Avenue, approximately 850 feet north of the project site which are also of substandard size; however, these parcels were created by Parcel Map No. 3110, finalized on November 2, 1976, which was prior to the adoption of the AE-20 zoning for these parcels.

This project would have a potentially cumulative impact on the conversion of farmland to residential uses in this area due to its violation of policy LU-A.7. However, in this case, the project site is located in an area designated for agricultural uses and is the first parcel within the immediate area to request a variance for lot size. Therefore, no significant cumulative impacts would occur due to the project’s failure to conform with the General Plan.

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

FINDING: NO IMPACT:

No adverse impacts on human beings were identified during review of this project. Due to the lack of development and limited potential for new development, there will be no impact on surrounding properties or people living on site.

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Variance Application No. 4026, 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 Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, transportation, Tribal Cultural Resources, Utilities and Services Systems, and Wildfire.

Potential impacts related to Aesthetics, Agricultural and Forestry Resources, Air Quality, 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.

CMM:

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File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721		Space Below For County Clerk Only. CLK-2046.00 E04-73 R00-00	
Agency File No: IS 7308	LOCAL AGENCY PROPOSED NEGATIVE DECLARATION		County Clerk File No: E-
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Chrissy Monfette, Planner	Area Code: 559	Telephone Number: 600-4245	Extension: N/A
Project Applicant/Sponsor (Name): Gary Roberts	Project Title: Variance Application No. 4026		
Project Description: Allow the creation of a 2.5-acre parcel (Parcel A) and a 17.05-acre parcel (Parcel B) from an existing 19.55-acre parcel in the AE-20 Zone District (Exclusive Agricultural, 20-acre minimum parcel size) where 20 acres is the minimum parcel size.			
Justification for Negative Declaration: It has been determined that there would be no impacts to Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, transportation, Tribal Cultural Resources, Utilities and Services Systems, and Wildfire. Potential impacts related to Aesthetics, Agricultural and Forestry Resources, Air Quality, and Land Use/Planning have been determined to be less than significant.			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal –		Review Date Deadline: Planning Commission –	
Date:	Type or Print Signature: Marianne Mollring, Senior Planner	Submitted by (Signature): Chrissy Monfette, Planner	

State 15083, 15085

County Clerk File No.: _____

**LOCAL AGENCY
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

Contact: Chrissy Monfette Planner, Phone Number (559) 600-4245

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

Project: Initial Study Application No. 7308, Variance No. 4026

Location: The subject parcel is located on the east side of Thompson Avenue, between Jensen and North Avenues, approximately 1.7 miles west of the City of Sanger. Address: 2374 S. Thompson Avenue, Sanger, CA APN: 332-021-22. Sup. Dist. 4

Sponsor: Gary Roberts

Description: Allow the creation of a 2.5-acre parcel (Parcel A) and a 17.05-acre parcel (Parcel B) from an existing 19.55-acre parcel in the AE-20 Zone District (Exclusive Agricultural, 20-acre minimum parcel size) where 20 acres is the minimum parcel size.

This is to advise that the County of Fresno (Lead Agency Responsible Agency) has approved the above described project on August 13, 2020, and has made the following determination:

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

6. Findings [were] were not made pursuant to the provisions of CEQA.

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

Chrissy Monfette, Planner

Date

(559) 600-4245/EMAIL cmonfette@fresnocountyca.gov

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