



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 3 June 8, 2017

SUBJECT: Initial Study Application No. 7174 and Variance Application No. 4004

Allow the creation of a 2.85-acre parcel from an existing 57.16-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located at the northeastern corner of the intersection of North Cornelia Avenue and West Whitesbridge Avenue, approximately one mile west of the nearest city limits of the City of Fresno (4770 W. Whitesbridge Avenue) (SUP. DIST. 1) (APN 326-080-19).

**OWNER/
APPLICANT:** Madeline Tyler Sheldon/Trust

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

Chris Motta, Principal Planner
(559) 600-4227

RECOMMENDATION:

- Deny Variance 4004; 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. Approved Variances within One mile
6. Site Plans and Detail Drawings
7. Applicant's Submitted Findings
8. Public Comment
9. Summary of Initial Study Application No. 7174

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agriculture	No Change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) and AL-20 (Limited Agricultural, 20-acre minimum parcel size)	No Change
Parcel Size	57.16 acres	Parcel A: 2.85 acres Parcel B: 54.31 acres
Project Site	Existing single-family residence, solar panels, seedless grapes, orange orchard, barn, domestic well, agricultural well, septic system, and detached garage	Parcel A: Single-family residence, solar panels, barn, detached garage, domestic well, septic system, and orange orchard Parcel B: seedless grapes, agricultural well
Structural Improvements	Single-family residence, solar panels, detached garage, and barn	Parcel A: Single-family residence, solar panels, detached garage, and barn Parcel B: None
Nearest Residence*	80 feet east	Parcel A: 175 feet west

Criteria	Existing	Proposed
		Parcel B: No change
Surrounding Development	Agricultural and residential uses. A cemetery is located southwest of the subject parcel.	No change
Operational Features	N/A	N/A
Employees	N/A	N/A
Customers	N/A	N/A
Traffic Trips	Residential Traffic	No Change
Lighting	Residential Lighting	No Change
Hours of Operation	N/A	N/A

*As measured from the nearest existing and proposed property lines

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: May 3, 2017

PUBLIC NOTICE:

Notices were sent to 13 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 (VA) may be approved only if four Findings specified in the Fresno County 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.

BACKGROUND INFORMATION:

This proposal entails a request to allow the creation of a 2.85-acre parcel from an existing 57.16-acre parcel in the AE-20 Zone District. A Variance is required because a 2.85-acre parcel has less than the required acreage (20 acre-minimum). The property is currently improved with

a single-family residence, detached garage, solar panels, orange orchard, and vineyard.

Prior to 1976, the subject parcel was zoned AE-5 and AE-2 (Exclusive Agricultural, 5- and 2-acre minimum parcel sizes). On August 31, 1976, the subject property was rezoned to AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) by means of County-initiated Amendment Application No. 2870.

A portion of the subject parcel was rezoned from AE-20 to AL-20 (Limited Agricultural, 20-acre minimum parcel size) on February 23, 1981 as part of County-initiated Amendment Application No. 3798. This Amendment Application modified the zoning on parcels within the Edison Community Plan as part of the adoption of that plan. The AL-20 portion of this parcel is proposed by the Edison Community Plan for use as a ponding basin. All of the proposed homesite parcel is under the AE-20 zoning.

On March 11, 2008, the Board of Supervisors approved the historic designation and placement of the Sheldon (Gefvert) residence (on the subject parcel) on the County's List of Historic Places. Additionally, the Board approved the historic designation of the adjacent Gefvert Ranch (the farm/vineyard) and placed it on the County's List of Centennial Farms.

There have been four other variances approved within a mile of the subject property. Of those four variances, three approved the creation (or recognition of) parcels with less than the required acreage. The following table provides a brief summary of each of those variance requests, staff recommendation, and final actions:

Application/ Request	Date of Action	Staff Recommendation	Final Action
VA No. 3032: Allow a one-acre parcel that has 26 feet of road frontage which has been in existence since 1965.	9/11/1986	Approval	Approved by the Planning Commission
VA No. 3361: Waive the requirements to install a masonry wall. Application filed in conjunction with Classified Conditional Use Permit No. 2544 to allow the expansion of an existing church facility.	11/21/1991	Denial	Approved by the Planning Commission
VA No. 3455: Allow the creation of a 1.9-acre parcel and an 18.05-acre parcel from an existing 20-acre parcel. Application filed in conjunction with Director Review and Approval No. 2950 to allow a permanent second residence on one of the parcels.	7/28/1994	Denial	Approved by the Planning Commission

VA No. 3737: Allow the creation of a 2.66-acre parcel and a 2.50-acre (20 acres required) from a 5.16-acre parcel.	10/10/2002	Denial	Technical Denial by the Planning Commission Board of Supervisors upheld the Applicant's appeal, resulting in approval
	11/26/2002	Denial	

Although there is a history of variance requests in proximity to the subject parcel, each variance application is considered on its own merit, based on unique site conditions and circumstances. The approval of other variances in the vicinity of this project does not create a precedent for approval.

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 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(south): 85.5 feet Side (east): 94.9 feet Side (west): 19.9 feet Rear (north): 20 feet Parcel B: No improvements	Yes Yes Yes* Yes Yes
Parking	One space for each residence	No change	Yes
Lot Coverage	No requirement	N/A	N/A
Space Between Buildings	Six feet minimum	No new development is proposed.	N/A
Wall Requirements	No requirement	N/A	N/A
Septic Replacement Area	100 percent	No change	N/A

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Water Well Separation	Septic tank: 5 feet; Disposal field: 100 feet; Seepage pit: 150 feet	No change	Yes

*Per section 816.E.3.c(2) which allows accessory structures to be built on the side property line when located 100 feet or more from the front property line. This garage is approximately 135 feet north of the front property line.

Reviewing Agency/Department Comments Regarding Site Adequacy:

Fresno Irrigation District: Fresno Irrigation District’s (FID) active Hawn Canal No. 81 runs westerly and traverses the north edge of the subject property, crossing Cornelia Avenue, but does not appear to be affected by the proposed Variance. Should this Variance include any improvements along Cornelia Avenue, or in the vicinity of this canal, FID requires it review and approve all plans. In addition, FID’s active Mortensen Canal No. 80 runs westerly along the south side of Whitesbridge Avenue and crosses Cornelia Avenue approximately 100 feet south of the subject property.

North Central Fire Protection District: The plans are approved as submitted. The Applicant will be required to provide three sets of scaled site plans and building plans to North Central Fire Protection District at the time of submittal to the Fresno County Planning Department.

Zoning Section of the Fresno County Department of Public Works and Planning: The 75-foot by 14-foot barn does not have any permit history records. If the structure was constructed after March 4, 1958, plans, permits, and inspections will be required and must be resolved prior to a mapping procedure.

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

Analysis:

In support of Finding 1, the Applicant’s representative states that other variances have been granted in the vicinity of the property and the proposed Variance will allow the existing development pattern and intensity of the subject property to remain as it has for over 100 years. In addition, the subject site has approximately 230 feet of frontage along N. Cornelia Avenue, where a typical homesite would generally have 165 feet of road frontage. The subject site’s historic background and related registration necessitate that the homesite, barn, and orange trees be held as one unit to further ensure the historic integrity of the aforementioned elements.

With regard to Finding 1, staff notes that the parcel must show exceptional or extraordinary circumstances or conditions which do not apply to other parcels under the same zoning classification. In the case of this application, while the subject parcel contains two zone districts (AE-20 and AL-20), the AL-20 portion of the parcel is designated for future use as a ponding basin and was rezoned during implementation of the Edison Community Plan. The zoning is intended to prevent intensive development in this area. Since the entire proposed homesite is on land zoned AE-20, staff did not consider the AL-20 portion as relevant to this application.

Surrounding parcels range from 10 acres to the north to 80 acres to the south of the subject parcel. Land uses in the area are agricultural, with several nearby parcels restricted by

Williamson Act Contracts and all nearby parcels zoned AE-20. The parcel's frontage on Whitesbridge Avenue is similar to other parcels with 40 or more acres.

A homesite is not allowed in this Zone District unless the Applicant qualifies under the provisions of Section 816.5-A.2 of the Fresno County Zoning Ordinance: 816.5-A.2 requires that the parcel be no greater than 2.5 acres; 816.5-A.2.b.1 allows an exemption to the 20-acre minimum where the parcel is being created to finance the building of a new home; 816.5-A.2.b.2 allows the creation of a homesite as a conveyance to a person of blood relation to the owner who will assist with the farming operation; 816.5-A.2.b.3 allows persons who owned the property prior to the adoption of the AE-20 zoning to create a homesite; 816.5-A.2.b.4 allows the owner to create a homesite and sell the remainder when the remainder is less than 15 acres, and; 816.5-A.2.b.5 allows for the creation of a life estate parcel. The Applicant does not qualify for the exemptions at b.1, b.2, or b.5 because the parcel is not being created to finance a new home, as a gift to a family member, or as a life estate. The Applicant does not qualify for the exemption at b.3 because the Applicant did not own the property prior to August 31, 1976 when the property was rezoned to AE-20. The Applicant does not qualify for the exemption at b.4 because the remainder of the parcel, after the proposed homesite is removed, is greater than 15 acres.

This application is being processed as a request to create a homesite parcel. Staff could identify no exceptional or extraordinary circumstances relating to this agricultural parcel. The width and depth is typical for a parcel of this size in this area and the existing use of a single-family residence adjacent to a farming operation is similarly representative of the area.

Staff recognizes the history represented by the parcel, but a historic designation does not create an exceptional circumstance that would necessitate a variance. This designation also does not prevent the Applicant from pursuing a property right that is otherwise available to other property owners.

With regard to the claim of numerous variances approved in the vicinity of the subject parcel, Exhibit 6: Approved Variances within a One Mile Radius shows only three relevant variances. As discussed in the background section, only one request was similar to this application (create a homesite from an otherwise conforming parcel). The other variances requested to waive a masonry wall requirement, to recognize a parcel of substandard size which was created illegally prior to adoption of the AE-20 zoning, and to divide a parcel with less than 6 acres.

While there are some parcels in the vicinity having less than 20 acres, these parcels were created without the need for a variance, either by qualification under Section 816.5-A.2 or because they were created prior to the AE-20 Zoning. The existence of nearby parcels with substandard sizes does not create an exceptional or extraordinary circumstance.

In support of Finding 2, the Applicant's representative states that the Applicant's family had owned the parcel for over 100 years, then placed the property into trust. The purpose of the Variance is to allow the owner to retain her homesite. The agricultural use of the site will continue.

With regard to Finding 2, staff must find that the Applicant is denied a property right which is enjoyed by neighboring parcels under the same zoning classification. The continuous ownership of this parcel does not demonstrate denial of a property right. Additionally, denial of this Variance would not deprive the Applicant of any right enjoyed by other property owners in the AE-20 Zone District, since all property owners are subject to the same development standards. Staff could not identify any impacted rights of the Applicant.

A consideration in addressing Findings 1 and 2 is whether there are alternatives available that would avoid the need for the Variance. In this case, there does not appear to be an option which would allow the Applicant to create a 2.85-acre homesite without approval of a Variance.

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 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	10 acres	Single-Family Residence/Vineyard	AE-20	2,000+ feet
South	79.97 acres	Single-Family Residence/ Orchard	AE-20	860 feet
East	19.58 acres	Single-Family Residence/ Orchard	AE-20	1,050 feet
West	33.57 acres	Three Single-Family Residences/Orchard	AE-20	460 feet

*As measured from the single family residence on the subject parcel

Reviewing Agency/Department Comments:

Fresno County Department of Public Health, Environmental Health Division: In the case of this application, it appears each parcel can accommodate the sewage disposal systems and expansion areas, meeting the mandatory setback requirements as established in the California Plumbing Code and California Well Standards.

No building permit records were available for the existing sewage disposal system. It is recommended that the Applicant consider having the existing septic tanks pumped and have the tanks and leach fields 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(s).

Development Engineering Section of the Fresno County Department of Public Works and Planning: All conditions of approval for any previous applications shall be implemented, if not already in place. Cornelia Avenue is a County-maintained road and is classified as a Collector road with an existing 40-foot right-of-way east of the section line along the parcel frontage, per Plat Book. The minimum width for a Collector road right-of-way east of the section line is 42

feet. Records indicate this section of Cornelia Avenue, from Belmont Avenue to Highway 180, has an Average Daily Traffic (ADT) of 3,200, pavement width of 20.2 feet, a structural section of 0.20 feet AC, and is in very poor condition.

State Route 180 is not a County-maintained road at the subject parcel.

According to FEMA, FIRM Panel 2085H, the parcel is not subject to flooding from the 1%-chance storm. According to U.S.G.S. Quad Maps, there are existing natural drainage channels near the northerly and westerly property line of the subject parcel.

The project is located within the Fresno Metropolitan Flood Control District (FMFCD) Boundary Drainage Zone AR. FMFCD should be consulted for their requirements, and any additional runoff generated by development cannot be drained across property lines.

A grading permit or voucher would be required for any grading proposed with this application.

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: Cornelia Avenue is designated as a Collector road in the County's General Plan, requiring an ultimate right-of-way of 84 feet, 42 feet on each side of the section line. Currently, Cornelia Avenue has 40 feet of right-of-way, 20 feet each side of the section line. An additional 22 feet of road right-of-way shall be irrevocably offered across the frontage of the homesite parcel.

A minimum 20-foot by 20-foot corner cutoff should be provided at the intersection of Whitesbridge and Cornelia; however, Caltrans may have requirements in excess of these County standards. Cornelia Avenue has approximately 20 feet of paving and is in poor condition. The PCI for the road was 52.4 based upon an assessment in 2014.

Any drive approach improvements constructed within the Cornelia road right-of-way will require an encroachment permit from this Division.

Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning: The subject parcel is not located in a low-water area and this department has no water-related concerns.

Historical Records and Landmarks Commission: The designation of the property in 2008 by the Fresno County Historical Landmarks and Records Advisory Commission as a Fresno County Centennial Farm is recognition of the fact that the property has remained in the same family and used for the same agricultural purpose for over one hundred years. This designation does not impose any restrictions, but serves as an encouragement to the family to continue to maintain the property and buildings.

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

Analysis:

In support of Finding 3, the Applicant's representative states that the site is improved with a 1,800 square-foot home built in 1891 with an additional 2,000 square feet built in 1905. The existing home has frontage, including its driveway on West Whitesbridge Avenue, which is a public road. No variations in setback development standards are required and there is one on-site water well serving the home.

In regard to Finding 3, staff notes that there is no development proposed with this application. The historical designation of the house and the farm are maintained separately and the proposed division will not impact the historical significance of either resource. The existing land uses on the property will be maintained and there will be no physical changes as a result of approval.

No impacts to traffic or the roadway were identified as part of the agency review of this application. Therefore, in lieu of requiring dedication of frontage along Cornelia, staff has integrated a condition requiring that setbacks be measured from the ultimate right-of-way line instead of the existing right-of-way. With this consideration, the application would still be able to meet all property development standards of the AE-20 Zone District.

Recommended Conditions of Approval:

None

Conclusion:

Finding 3 can be made.

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

Relevant Policies:	Consistency/Considerations:
<p><i>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, LUA.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.</i></p>	<p>Inconsistent. See discussion at the Analysis portion of Findings 1 and 2, and further discussion below.</p>
<p><i>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.</i></p>	<p>Inconsistent. See discussion below.</p>

Relevant Policies:	Consistency/Considerations:
<i>Policy PF-C.17: The County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation.</i>	Consistent. Review of this project by the Water/Geology/Natural Resources Section determined that there were no water concerns related to this application.

Reviewing Agency Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: The subject parcel is subject to Williamson Act Contract No. 4958. Pursuant to the Fresno County Interim Program Guidelines and Procedures for Williamson Act restricted parcels, parcels are required to be a minimum of 20 acres with Prime and 40 acres with Non-Prime soil classifications. The subject parcel contains soil classified as Prime. As a result, the Applicant must file a request for partial contract cancellation for the proposed 2.85-acre parcel.

On April 5, 2017, the Agricultural Land Conservation Committee recommended approval for the partial cancellation of the Williamson Act contract on the 2.85-acre portion of the subject 57.74-acre parcel (APN 326-080-19) to create a homesite parcel subject to the following conditions:

1. The landowner shall obtain the necessary land use approvals, including a Zone Variance and parcel map to create the 2.85-acre homesite parcel.
2. The Applicant shall pay the Cancellation Fee as determined by the County Assessor and certified by the Board of Supervisors for issuance of a Certificate of Cancellation by the Board. The Cancellation Fee shall be paid and a Certificate of Cancellation issued prior to submittal of the mapping application to create the homesite parcel.

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

Analysis:

Policy LU-A.6 requires the County to maintain the 20-acre minimum parcel size in the AE-20 Zone District, except where Policies LU-A.9, -A.10, and -A.11 provide exceptions. The Ordinance Section 816.5-A.2 generally matches the exemptions outlined in Policy LU-A.9. As discussed under the analysis section for Findings 1 and 2, this project is inconsistent with that zoning section and therefore also inconsistent with Policy LU-A.9. Policies LU-A.10 and LU-A.11 provide specific exemptions for the creation of Ag Commercial centers and to allow the exploration and extraction of oil and gas. Since this application does not propose either of those activities, it is inconsistent with Policies LU-A.10 and LU-A.11.

In regard to Policy LU-A.7, approval of this application would separate the existing farmhouse from the adjacent agricultural operation. This would allow two homes to be built by right on the remainder parcel. The homesite parcel would have the opportunity to apply for a second residence through approval of a DRA. No such development is proposed at this time; however, approval of this Variance increases the potential residential density of this area. The fact that the residence and oranges are not currently a viable economic unit is not sufficient to qualify for an exemption to this policy.

In support of Finding 4, the Applicant’s representative states that the purpose of the 20-acre minimum lot size is to prohibit the creation of parcels that cannot effectively produce an agricultural product. The proposed Variance seeks to memorialize the ownership wishes of the Applicant’s family and maintain the development pattern and intensity of the subject parcel. The proposed Variance will not adversely

affect the agricultural production of the remaining 54.89 acres and it will not reduce its intensity. Conversations with the Applicant and FMFCD staff indicate that the flood control basin proposed for the AL-20 portion of the property will be relocated to protect the historic vineyard. Therefore, there is some expectation that the subject property will urbanize at some time in the future. The proposed homesite is compatible with such urbanization and therefore will not conflict with the policies of the General Plan.

In regard to Finding 4, staff has determined that the creation of the homesite parcel is not consistent with Policies LU-A.6, LU-A.9, and LU-A.7. Additionally, staff notes that this area is designated by the Edison Community Plan for Agricultural uses. The edge of the City of Fresno's sphere of influence is more than one quarter-mile east and the City limits are more than one mile beyond that. Therefore, it is unlikely that urbanization will extend to this parcel. There is no indication in the Edison Community Plan or the Fresno County General Plan that land in this area is planned for anything but continued agricultural operations.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Finding 4 cannot be made.

PUBLIC COMMENT:

Staff received three letters in support of the application due to the fact that approval would not be detrimental to agriculture and would allow the family to keep their historic home.

CONCLUSION:

Based on the factors cited in the analysis, staff believes the required Findings for granting the Variance cannot be made. Staff therefore recommends denial of Variance No. 4004.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Denial Action)

- Move to determine the required Findings cannot be made and move to deny Variance No. 4004; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Approval Action)

- Move to adopt the Negative Declaration prepared for Initial Study Application No. 7174; and
- Move to determine that the required Findings can be made (state basis for making the Findings) and move to approve Variance No. 4004, subject to the Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

**Variance Application No. 4004
Conditions of Approval and Project Notes**

Conditions of Approval	
1.	Development of the property shall be in accordance with the Site Plan approved by the Planning Commission.
2.	The Applicant shall pay the Cancellation Fee for the Williamson Act contract as determined by the County Assessor and certified by the Board of Supervisors for issuance of a Certificate of Cancellation by the Board. The Cancellation Fee shall be paid and a Certificate of Cancellation issued prior to completion of the mapping application to create the 2.85-acre homesite parcel.
3.	The segment of Cornelia Avenue that borders the property is classified as a Collector road on the Circulation Element of the General Plan; therefore, all new structures and improvements shall be set back a minimum of forty-two (42) feet from the centerline of Cornelia Avenue. The 42-foot half-road line shall establish the building setback line for future development including above-grade improvements requiring a building permit.

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 2.85-acre parcel and a 54.31-acre parcel.
2.	There are no permit history records for the 75-foot by 14-foot barn. The Applicant shall provide evidence that the barn was constructed with building permits. Otherwise, if the structure was constructed after March 4, 1958, plans, permits, and inspections will be required and must be resolved prior to a mapping procedure.
3.	It is recommended that the Applicant consider having the existing septic tank pumped, and have the tank and drain 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(s).
4.	Should this Variance include any improvements along Cornelia Avenue, or in the vicinity of Fresno Irrigation District's Hawn Canal No. 81 or Mortensen Canal No. 80, the Applicant shall submit plans to Fresno Irrigation District for review and approval.
5.	A grading permit or voucher may be required for any grading proposed with this application.
6.	Any additional runoff generated by the proposed development of this site cannot be drained across property lines and must be retained or disposed of per County Standards.
7.	The Applicant shall submit three sets of plans to the North Central Fire Protection District at the time of submittal to the Fresno County Planning Department.
8.	A minimum 20-foot by 20-foot corner cutoff should be provided at the intersection of Whitesbridge and Cornelia.

LOCATION MAP

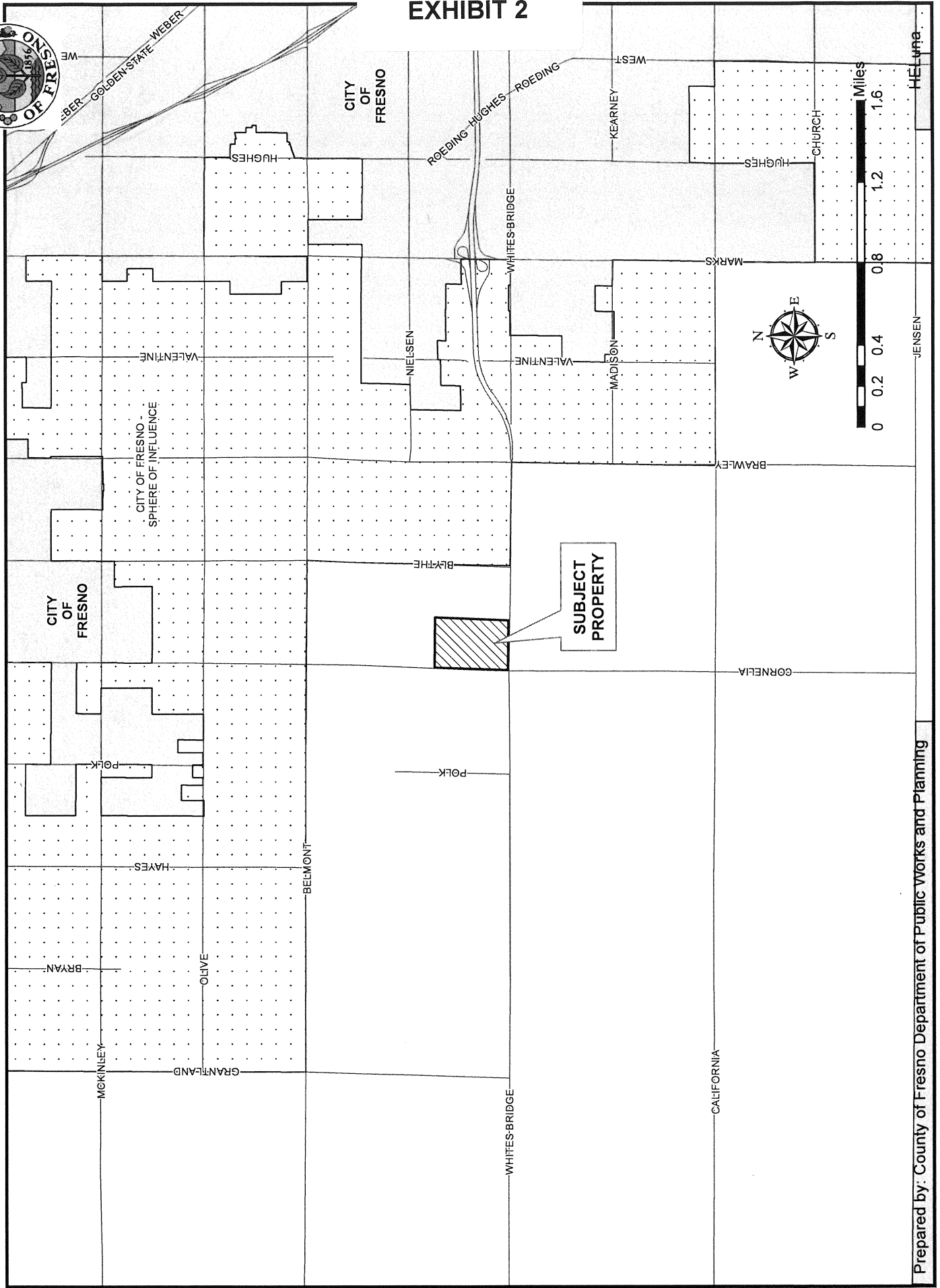
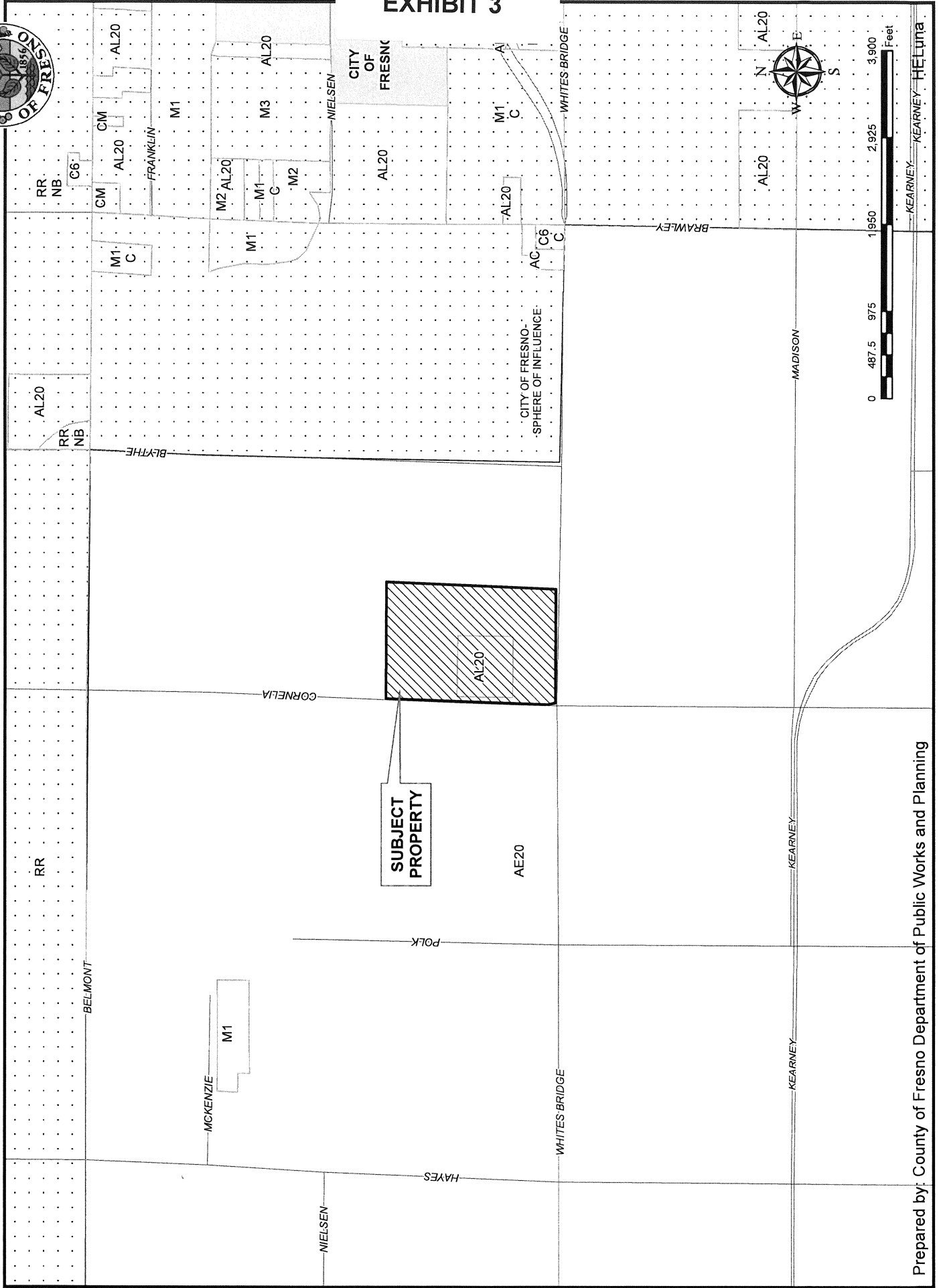


EXHIBIT 2

EXISTING ZONING MAP



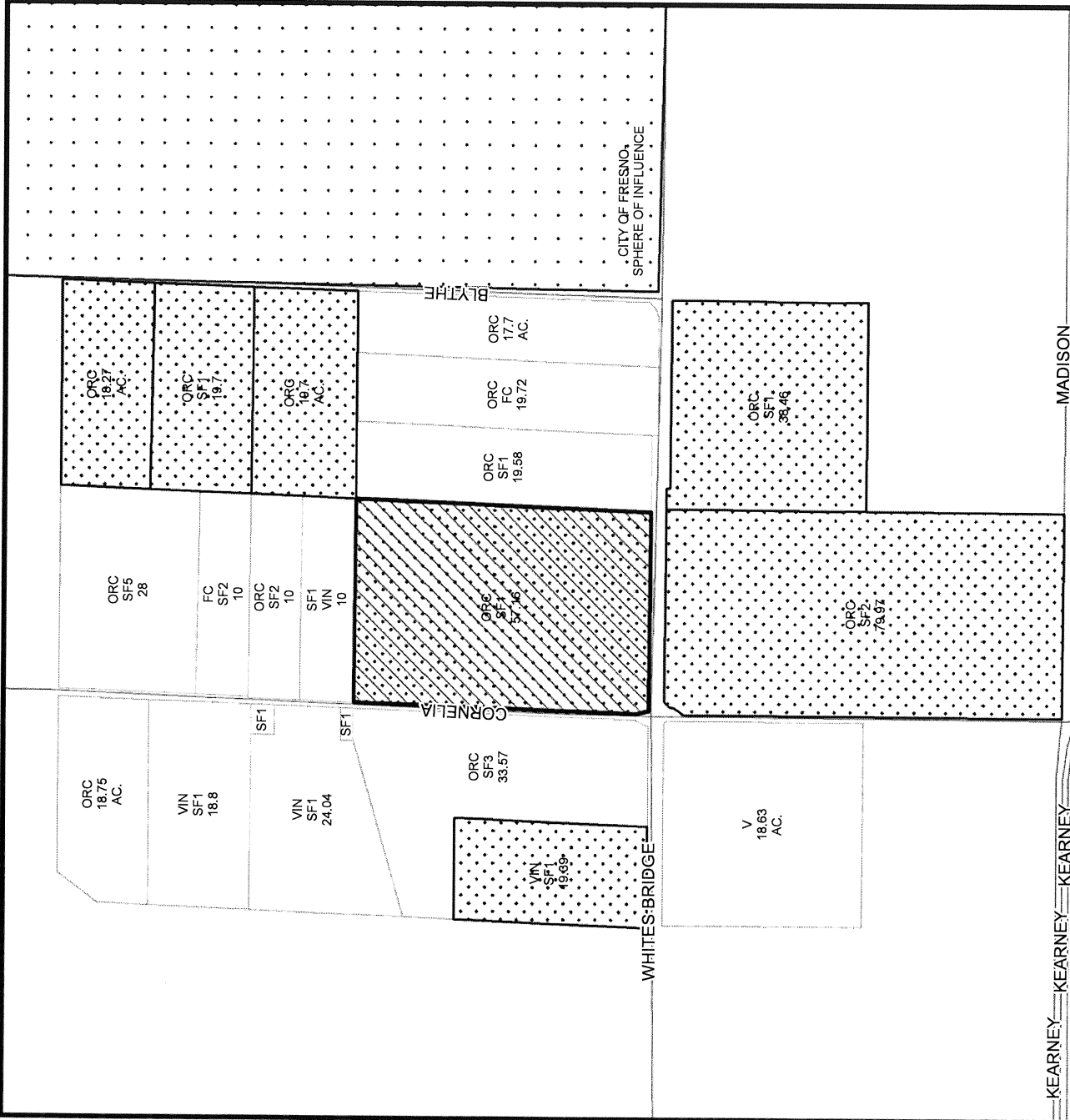
EXHIBIT 3





EXISTING LAND USE MAP

VA 4004



LEGEND	
[Hatched Box]	FC - FIELD CROP
[Dotted Box]	ORC - ORCHARD
[Dotted Box]	SF#- SINGLE FAMILY RESIDENCE
[Dotted Box]	V - VACANT
[Dotted Box]	VIN - VINEYARD

LEGEND:

- [Hatched Box] Subject Property
- [Dotted Box] Ag Contract Land



EXHIBIT 4

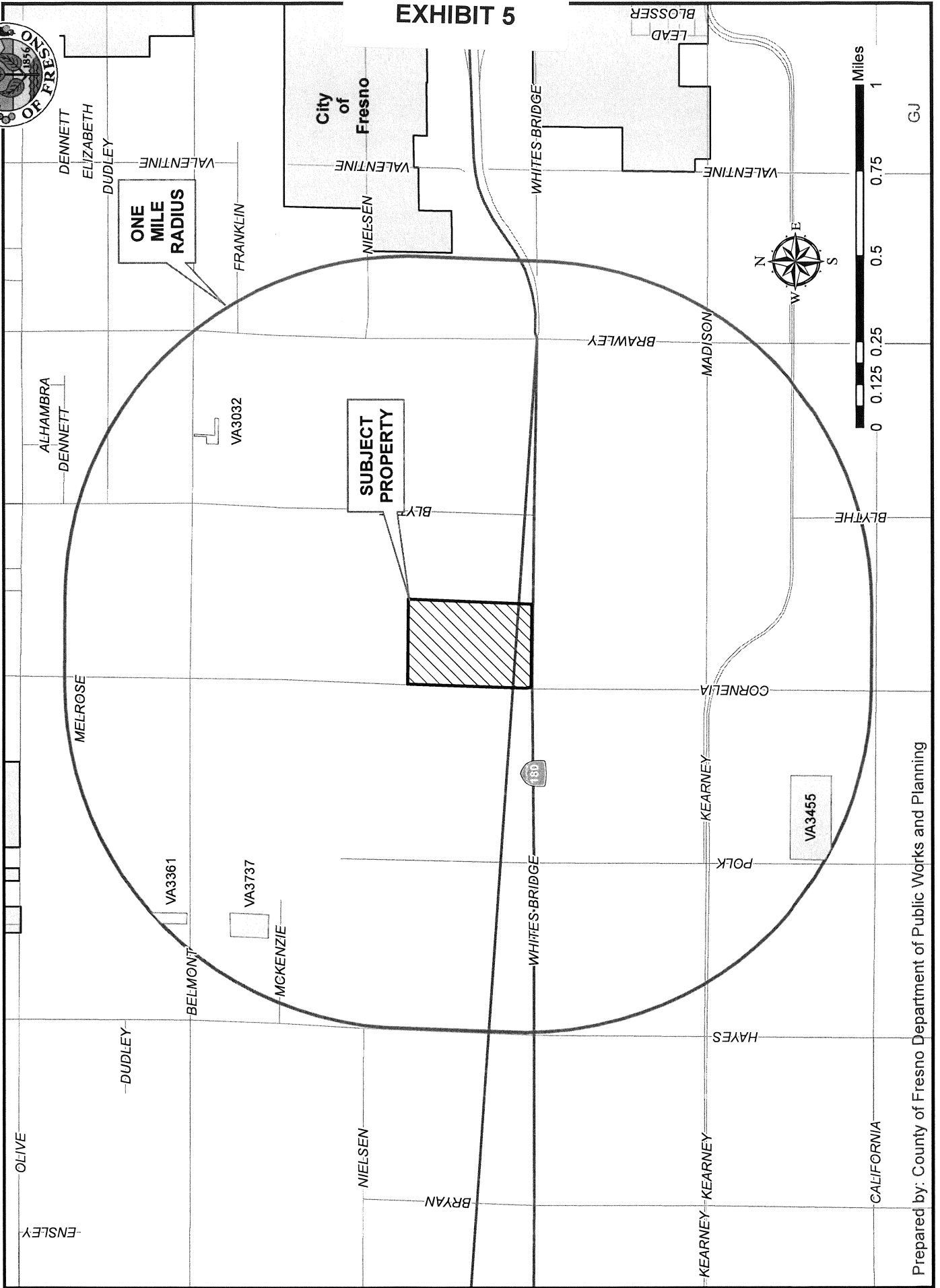
KEARNEY KEARNEY KEARNEY
 Map Prepared by: JHernandez
 J.GISCH(Landuse)

Department of Public Works and Planning
 Development Services Division

APPROVED VARIANCES WITHIN A ONE MILE RADIUS



EXHIBIT 5



SITE PLAN

No. _____

BEING A PORTION OF THE
SOUTHWEST 1/4 OF SECTION 2,
T. 14 S., R. 19 E., M.D.B.M.
IN THE COUNTY OF FRESNO,
STATE OF CALIFORNIA
APN 326-080-19

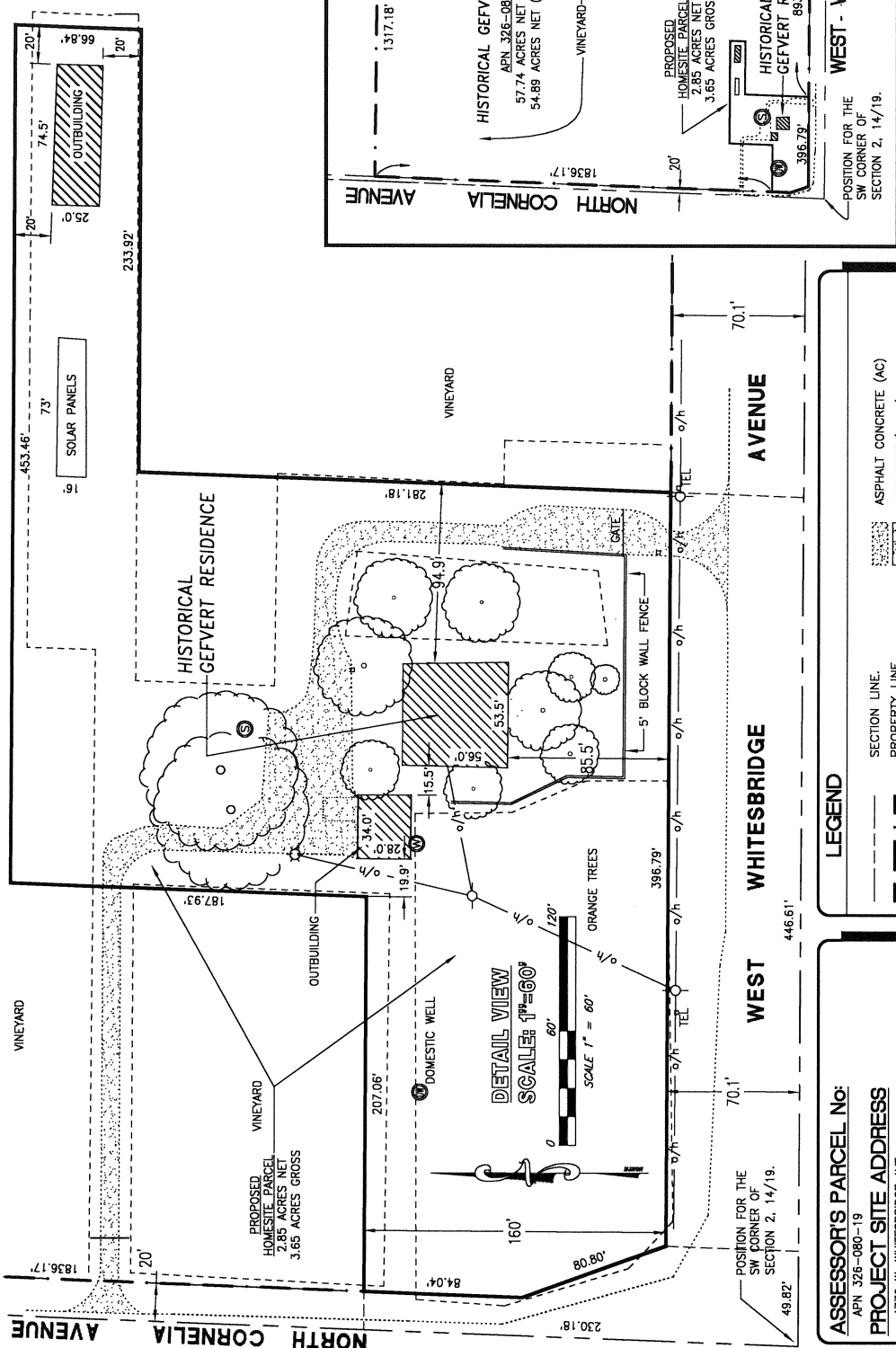
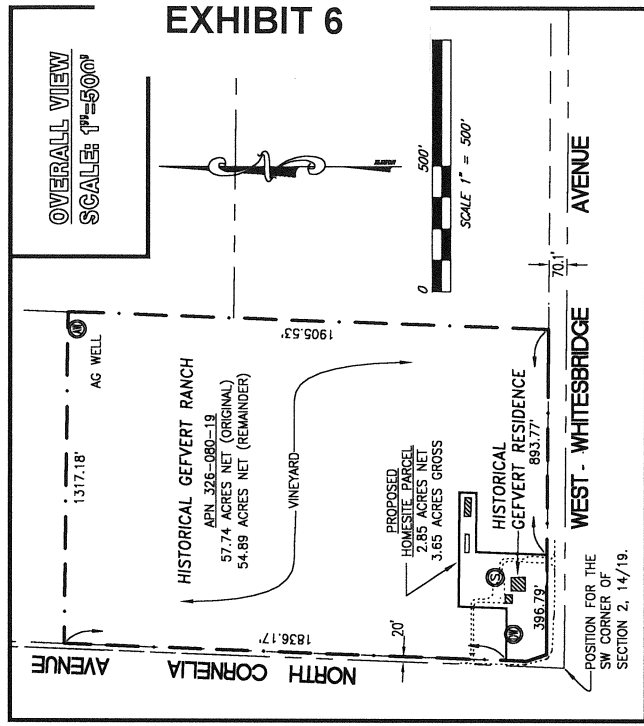


EXHIBIT 6



DATE OF SURVEY	01/28/2016
ESP JOB No.	16001
DRAWN BY	PSE
REVISION DATE	04/27/2016
REV. 1	06/10/2016
	07/06/2016

5654 South Elm Ave.
Fresno, CA 93706
Tel. 559.442.0883
Fax 559.442.0884
www.espls.com



LEGEND

--- SECTION LINE.	ASPHALT CONCRETE (AC)
- - - PROPERTY LINE.	CONCRETE (CONC)
--- RIGHT OF WAY.	STRUCTURES(BLDG)
--- PROPOSED HOMESTEAD	SURVEY CONTROL POINT
--- ORCHARD LIMITS	UTILITY PULL BOX (PB)
--- DOMESTIC WELL	UTILITY POLE (S) (UP)
--- ABANDONED WELL	UTILITY POLE (L) (UP)
--- AGRICULTURAL WELL	OVERHEAD UTILITY LINE(s)
--- SEPTIC	TREE

ASSESSOR'S PARCEL No.: APN 326-080-19
PROJECT SITE ADDRESS: 4770 W. WHITESBRIDGE AVE., FRESNO, CA 93706-9202
PROPERTY OWNER CONTACT INFO: JAMES SHELDON, 559-225-2753
EXISTING PLANNED USE DESIGNATION: EXCLUSIVE AND LIMITED AGRICULTURE
EXISTING AND PROPOSED ZONE DIST.: AE-20 AND AL-20

EXHIBIT 7

VARIANCE APPLICATION FINDINGS

James and Madeline Sheldon

July, 5 2016

RECEIVED
COUNTY OF FRESNO

JUL 14 2016

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

Owner:

Madeline Tyler Sheldon, Sheldon Family Trust
4770 W. Whites Bridge Rd.
Fresno, CA
93706

Applicant:

Same as above

Representative:

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

Property Location:

The 54.7 +/- net acre parcel at 4770 W. Whites Bridge Rd. The northeast corner of W. Whites Bridge Rd. and N. Cornelia Ave.

APN:

APN 326-080-19

Existing Zone Designation:

AE-20

Existing General Plan Land Use Designation:

Agriculture

Request:

Grant a Variance to allow the creation of a 2.85 +/- acre net and 3.65 +/- acre gross acre home site from a 57.4 +/- net acre parcel in the AE-20/AL--20 Zones.

Background:

Reference is made to the site plan of the subject property and its improvements prepared by ESP Surveying of Fresno. The subject site is designated as the *Ben Gefert Ranch Historic District* by the U.S. Department of the Interior on January 7, 2011 and by Fresno County on March 11, 2008 due to its significant contribution to viticulture and the production of raisins.

The subject site and associated ranch was originally developed by Charles T. Smith in 1891 and was purchased by Ben Gefert in 1897 and has continued in agricultural production basically unchanged since that time. The ranch is also significant for its location next to historic White's Bridge Road and its use of a historic irrigation system with on-site head gate and Mr. Gefert's assistance in forming Sun Made Raisin Growers in close association with Martin Theodore Kearney.

The original Gefert home, vineyard, barn and orange orchard exist and are well maintained. The oranges and vineyard represent some of the oldest such plantings in Fresno County. Ben Gefert had four children including Elizabeth who was born in 1908 who married R. G. Tyler. Elizabeth and R. G. Tyler had one daughter Madeline Tyler Sheldon who is a coapplicant in this request. R.G. Tyler and subsequently Mr. James Sheldon the husband of Madeline Gefert Sheldon has managed the ranch. The applicants Madeline and James Sheldon manage the ranch currently.

Finding 1:

Does the strict application of the Zoning Ordinance deprive this property of privileges enjoyed by other properties in the vicinity and in an identical zoning district due to special circumstances applicable to the property, including its size, shape, topography, location or surroundings?

The project is located on a 57.4 +/- net acre parcel among other smaller, larger and similar-sized parcels. Other home sites smaller than the required 20-acre minimum lot size exists in proximity to the subject site.

It is noted other variances have been granted in the vicinity of the subject property. The proposed Variance will allow the existing development pattern and intensity of the subject property to remain as it has for over 100 years.

According to the site plan prepared by ESP Surveying of Fresno, the subject site has an extraordinary frontage along W. Whites Bridge Rd. of approximately 446 ft. In addition, the subject site has approximately 230 feet of frontage along N. Cornelia Ave. a typical home site would generally have 165 ft. of road frontage that would be used towards the calculation of gross home site area.

The subject site historic background and related registration necessitate that the home site, barn, and orange trees be held as one unit to further ensure the historic integrity of the aforementioned elements is maintained. The applicant proposes no changes to site improvements. Therefore, granting of the proposed Variance will have no effect on the property's intensity of use, as the subject site has generally been developed in its current configuration for over 100 years.

Various home site configurations were evaluated but none created a configuration that was as practical and maintained the historic ranch structures on one parcel. Those configurations were discussed with county staff as the applicant attempted to assure compliance with all applicable development standards.

Finding 2:

Would this variance grant a special privilege inconsistent with the limitations upon other properties in the vicinity and zoning district in which the property is located?

The applicant has a right to be granted the same ability to use her property as others have under the same AE-20 zone district in the vicinity of the subject property. As stated above, the applicant's family has owned the parcel for over 100 years then placed the property into trust.

The purpose of the Variance is to allow the owner to retain her home site. The continued agricultural use of the subject site will continue based on the property's historic designation cultural use of the site and the applicant's intent to continue the agricultural use of the property. No public policy or social good is enhanced by prohibiting the applicant from creating a home site parcel on land on land owned by her family for over 100 years.

Finding 3:

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

Granting the proposed Variance will not be detrimental to surrounding properties for various reasons. The site is improved with a 1,800 sq. ft. home built in 1891 with an additional 2,000 sq. ft. in 1905. The existing home has frontage, including its driveway on W. Whites Bridge Ave. which is a public road of adequate width and pavement to serve the proposed home site.

No variations in setback development standards are required. There is one on-site water well serving the home. The aforementioned well is located on the attached site plan. The well produces 60 +/- gpm. Historically, there has been no issue with well production or septic tank leach field capability.

The exiting home site is well maintained and would not be in conflict with the continued agricultural operation of the remaining acreage of the property. The remaining 54.89 +/- net acre portion of the property will remain in agricultural use as it has historically occurred. No change in the agricultural use of the property, either in size or intensity would be affected by the proposed Variance.

Finding 4:

If granted, would the requested variance be in conflict with established general and specific plans and policies of the county?

The purpose of the 20-acre minimum lot size is to prohibit the creation of parcels that cannot

effectively produce an agricultural product. The proposed Variance simply seeks to memorialize the ownership wishes of the applicant's family and maintain the development pattern and intensity of the subject parcel that is historically existed over time.

The proposed Variance will not adversely affect the agricultural production of the remaining 54.89 +/- net acres which remains a viable agriculture unit. Further, the proposed Variance will not reduce agricultural production or its intensity.

A portion of the site is zoned AL-20 which is an agricultural zone created as a holding zone for lands that are intended to urbanize. The portion of the subject property zoned AL-20 was so zoned for the area to be developed as a regional ponding basin by the Fresno Metropolitan Flood Control District to serve urban uses.

Conversations with the applicant and Fresno Metropolitan Flood Control District staff indicate that the aforementioned flood control basin will be relocated to protect the historic vineyard. Therefore, there is some expectation that the subject property will urbanize at some time in the future. The proposed home site is compatible with such urbanization. For these reasons, the proposed Variance will not conflict with the policies of the Fresno County General Plan.

EXHIBIT 8

May 5, 2017

To: Fresno County Planning Commission

SUBJECT: James and Madeline Sheldon Variance No. 4004

RECEIVED
COUNTY OF FRESNO

MAY 30 2017

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

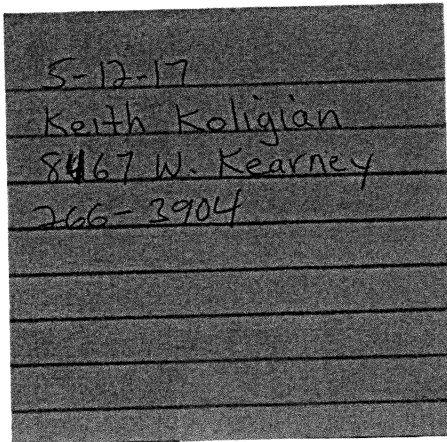
VA 4004

Dear Commissioners,

I am a neighbor to James and Madeline Sheldon and have discussed their Variance proposal to allow a home site on the property Madelines's family has owned for 100 years. I fully support the Sheldon Variance request because it is not detrimental to agriculture as the family would never do anything that would be adverse to agriculture and allows them to keep their historic home.

If you have any questions, please feel free to contact me.

Sincerely,



May 5, 2017

To: Fresno County Planning Commission

SUBJECT: James and Madeline Sheldon Variance No. 4004

RECEIVED
COUNTY OF FRESNO

MAY 30 2017

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

VA 4004

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If you have any questions, please feel free to contact me.

Sincerely,

Charlie Lambetecchio
Stella Lambetecchio

Stella Lambetecchio
385 N. Cornelia
237-0331
5-17-17

May 5, 2017

To: Fresno County Planning Commission

SUBJECT: James and Madeline Sheldon Variance No. 4004

RECEIVED
COUNTY OF FRESNO

MAY 30 2017

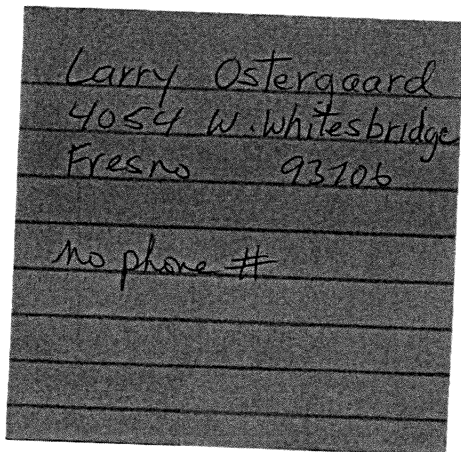
DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION
VA 4004

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If you have any questions, please feel free to contact me.

Sincerely,



Larry Ostergaard
4054 W. Whitesbridge
Fresno 93706
no phone #



EVALUATION OF ENVIRONMENTAL IMPACTS

APPLICANT: Madelyn Tyler Sheldon/Trust

APPLICATION NOS.: Initial Study Application No. 7174 and Variance Application No. 4004

DESCRIPTION: Allow the creation of a 2.85-acre parcel from an existing 57.16-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District where a 20-acre minimum parcel size is required.

LOCATION: The subject parcel is located at the northeastern corner of the intersection of North Cornelia Avenue and West Whitesbridge Avenue, addressed as 4770 W. Whitesbridge Avenue, approximately one mile west of the nearest city limits of the City of Fresno. APN: 326-080-19 (Sup. Dist. 1)

I. AESTHETICS

- A. Would the project have a substantial adverse effect on a scenic vista; or
- B. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway; or
- C. Would the project substantially degrade the existing visual character or quality of the site and its surroundings; or
- D. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

FINDING: NO IMPACT:

The proposal entails a request to allow the creation of a 2.85-acre parcel from an existing 57.16-acre parcel in the AE-20 Zone District where a minimum of 20 acres is required. There are no development or physical changes associated with the approval of this application or the subsequent mapping application that it authorizes. Existing improvements on the property include a barn, a domestic and agricultural well, specialty oranges, single-family residence with solar panels, and a septic system. The subject property is located in a predominately-agricultural area with scattered residential development. The project site is not adjacent to a scenic highway.

II. AGRICULTURAL AND FORESTRY RESOURCES

- A. Would the project convert prime or unique farmlands or farmland of state-wide importance to non-agricultural use; or
- B. Would the project conflict with existing agricultural zoning or Williamson Act Contracts; or
- C. Would the project conflict with existing zoning for or cause rezoning of forest land, timberland, or timberland zoned Timberland Production; or
- D. Would the project result in the loss of forest land or conversion of forest land to non-forest use; or
- E. Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural uses or conversion of forest land to non-forest use?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject property is not located on forestland, is classified as Prime Farmland on the Fresno County Important Farmland Map (2014), and is currently restricted by Agricultural Land Conservation Contract (Williamson Act Contract) No. 4958.

Pursuant to Fresno County Williamson Act Guidelines, proposed parcels located on land classified as Prime Farmland are required to be a minimum of 20 acres in size to be eligible. In this case, an application for partial cancellation of Williamson Act Contract No. 4958 for the proposed 2.85-acre parcel has been filed and is in process. The Agricultural Land Conservation Committee heard the request for partial cancellation during their April 5, 2017 Meeting and recommended approval of the partial cancellation to the Fresno County Board of Supervisors. If approved by the Planning Commission, implementation of the proposed Variance will be contingent upon approval of the partial cancellation of Williamson Act Contract No. 4958 by the Board of Supervisors, which would occur after final action on this Variance request.

Although the subject property contains Prime soil, the proposed 2.85-acre parcel will contain an existing single-family residence and would not be sustainable for agricultural cultivation. The remaining 54.89-acre parcel will continue to be farmed under Contract No. 4958.

III. AIR QUALITY

- A. Would the project conflict with or obstruct implementation of the applicable Air Quality Plan; or
- B. Would the project violate any air quality standard or contribute to an existing or projected air quality violation; or

- C. 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; or
- D. Would the project expose sensitive receptors to substantial pollutant concentrations; or
- E. Would the project create objectionable odors affecting a substantial number of people?

FINDING: NO IMPACT:

The baseline emissions for this site are based on the existing use as a residence, cultivation of a vineyard, and cultivation of a small orange grove. Approval of this variance will allow new parcel lines to be created around the homesite and oranges, separating them from the vineyard. Since the only change is the legal status of the project site, there will be no change to the use and therefore no impacts to any Air Quality Plan or air quality standard violation.

IV. BIOLOGICAL RESOURCES

- A. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any candidate, sensitive, or special-status species; or
- B. Would the project 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 (CDFW) or U.S. Fish and Wildlife Service (USFWS); or
- C. Would the project have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption or other means; or
- D. Would the project 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. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- F. Would the project 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 subject property is located in an agricultural area and has been previously disturbed, as said property has been historically utilized for agricultural cultivation. Additionally, neighboring properties have been historically utilized for agricultural cultivation and, therefore, are unlikely to provide habitat for special status species. The

California Natural Diversity Database (CNDDDB) shows the extent of the San Joaquin Pocket Mouse extends to the eastern parcel. It is possible that this species could occur on site. However, there is no new development proposed as part of this application. The variance and subsequent mapping application will allow the creation of a new parcel and change the current configuration of property lines. This change will have no physical impact on the parcel.

The U.S. Fish and Wildlife Services' National Wetlands Inventory does not show any wetlands occurring on the parcel. There is one source of wetlands on the south side of West Whitesbridge Road, which is a semi-permanently flooded riverine system with an unconsolidated bottom. This canal is owned by the Fresno Irrigation District (FID) and is known as Mortensen Canal No. 80. A second FID canal (Hawn Canal No. 81) runs westerly and traverses the northern edge of the 57.16-acre parcel. The proposed 2.85-acre parcel is located in the southwestern corner of the parcel.

No impacts were identified in regard to: 1.) Any candidate, sensitive, or special-status species; 2.) Any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS; 3.) Federally protected wetlands as defined by Section 404 of the Clean Water Act; or 4.) 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. This proposal will not conflict with any local policies or ordinances protecting biological resources or any provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan.

V. CULTURAL RESOURCES

- A. Would the project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?

FINDING: LESS THAN SIGNIFICANT IMPACT:

At their meeting on January 17, 2008, the Historical Landmarks and Records Advisory Commission recommended adding the Sheldon Residence to the County's List of Historic Places and the Gefvert Ranch on the County's List of Centennial farms. The estimated date of the construction of the house is 1895. It is a two-story Folk Victorian style structure. The detached garage was building in 1938 and the tractor shed was built in 1952. Landmark trees on the property include eucalyptus, silk oaks, and Queen Anne palms. On March 11, 2008, the Board of Supervisors voted unanimously to approve the historic designations for the farm and the house.

This request to allow the creation of a new parcel around the historic homesite was reviewed by the Fresno County Historical Landmarks Committee. That review identified no significant impacts to the historical resources at the project site.

- B. Would the project cause of substantial adverse change in the significance of an archeological resource pursuant to Section 15064.5; or
- C. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or
- D. Would the project disturb any human remains, including those interred outside of formal cemeteries; or
- E. Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074?

FINDING: NO IMPACT:

Approval of this Variance request would result in an existing single-family residence, barn, outbuilding, and solar panels being located on a 2.85-acre parcel and the existing orchard remaining on the proposed 54.89-acre parcel. The subject property is not located in an area designated to be highly or moderately sensitive to archeological resources and no new development is proposed.

This project was determined to be outside the area of interest for the Santa Rosa Rancheria Tribe and Table Mountain Rancheria declined consultation.

VI. GEOLOGY AND SOILS

- A. Would the project expose people or structures to potential substantial adverse effects, including risk of loss, injury or death involving:
 - 1. Rupture of a known earthquake?
 - 2. Strong seismic ground shaking?
 - 3. Seismic-related ground failure, including liquefaction?
 - 4. Landslides?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is not located near any active faults, or in a fault zone area, based on the Fault Activity Map of California (California Geological Survey, 2010). The location is designated as Seismic Category "D" which has the potential for some ground shaking; however, the Fresno County General Plan Background Report (FCGPBR) Figure 9-5 shows that the parcel is located in an area with 0-20% peak horizontal ground acceleration. There is no development proposed with this application, but any new development would be subject to the existing building codes that would address any concerns related to ground shaking. New development will also require a grading permit or grading voucher. These existing regulations will be included as project notes for the Applicant.

The State earthquake protection law (California Health and Safety Code 19100 et seq) requires that buildings be designed to resist stresses produced by lateral forces caused by wind and earthquakes. Any development on this site will comply with these regulations and will reduce the risk from ground failure to less than significant. Figure 9-6 (FCGPBR) shows the areas of Fresno County which are at risk of landslide and subsidence hazards. The project site is not located in any such areas of risk.

- B. Would the project result in substantial erosion or loss of topsoil; or
- C. Would the project result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse; or
- D. Would the project be located on expansive soils, creating substantial risks to life or property?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Figure 9-6 (FCGPBR) shows the areas of Fresno County which are at risk of landslide and subsidence hazards. The project site is not located in any such areas of risk.

The U.S. Department of Agriculture's soil mapper shows that the subject parcel is comprised of Greenfield sandy loam, Hanford coarse sandy loam, Hanford sandy loam, and Ramona loam. These soil classes are very well drained. Tujunga loamy sand and Hesperia fine sandy loam are also noted on the parcel, in small percentages. Tujunga loamy sand (approximately 0.2 acres) is somewhat excessively drained. Sandy soils do not exhibit shrink-swell properties when exposed to water. According to Figure 9-7 (FCGPBR), the subject parcel is not located in an area of hazard for expansive soils.

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

FINDING: NO IMPACT:

According to the Environmental Health Division of the Fresno County Department of Public Health, the proposed parcel can accommodate the existing septic system and expansion areas meeting the mandatory setback requirements as established in California Plumbing Code and California Well Standards Ordinance. Further, no building permit records are available for the existing septic systems. As such, it is recommended that the Applicant consider having the existing septic tanks pumped, and have the tanks and drain fields 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. This recommendation will be included as a Project Note.

VII. GREENHOUSE GAS EMISSIONS

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

FINDING: NO IMPACT:

Since there is no development proposed as part of this application, there will be no change to the baseline greenhouse gas emissions generated by the site. The project will not be in conflict with any plan, policy, or regulation that was adopted for the purpose of reducing the emissions of greenhouse gases.

VIII. HAZARDS AND HAZARDOUS MATERIALS

- A. Would the project create a significant public hazard through routine transport, use or disposal of hazardous materials; or
- B. Would the project create a significant public hazard involving accidental release of hazardous materials into the environment; or
- C. Would the project create hazardous emissions or utilize hazardous materials, substances or waste within one quarter-mile of a school?

FINDING: NO IMPACT:

No hazardous material impacts were identified in the analysis of this Variance request. Further, no new development is proposed with this Variance request.

- D. Would the project be located on a hazardous materials site?

FINDING: NO IMPACT:

The project site is not on the Certified Unified Program Agency (CUPA)'s Solid Waste Programs Resource List dated April 6, 2017. The site is also not listed on the Environmental Protection Agency (EPA)'s Superfund site, accessed on April 14, 2017. This parcel has historically been engaged in agricultural production.

- E. Would a project located within an airport land use plan or, absent such a plan, within two miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area; or
- F. Would a project located within the vicinity of a private airstrip result in a safety hazard for people residing or working in the project area?

FINDING: NO IMPACT:

The nearest airport to the project site is the Fresno-Chandler Downtown Airport, approximately 2.8 miles to the east. There is no new land use or development proposed as part of this application that would increase the risk to people working or residing within the project area.

- G. Would the project impair implementation of or physically interfere with an adopted Emergency Response Plan or Emergency Evacuation Plan; or
- H. Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

FINDING: NO IMPACT:

No new development is proposed with this project and the revision of parcel lines will not cause interference with an Emergency Response Plan or Emergency Evacuation Plan. The subject parcel is in an area of agricultural uses and is not at risk of wildland fires.

IX. HYDROLOGY AND WATER QUALITY

- A. Would the project violate any water quality standards or waste discharge requirements or otherwise degrade water quality; or
- B. Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge so that there would be a net deficit in aquifer volume or a lowering of the local groundwater table; or
- C. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off site; or
- D. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in flooding on or off site?

FINDING: NO IMPACT:

There is no new development proposed with this project. If this application is approved, the existing 57.16-acre parcel will be divided into a 2.85-acre parcel and a 54.31-acre parcel. This will allow the property owner to develop a residence on the 54.31-acre parcel; however, this potential increase to residential density will not deplete groundwater supplies or violate water quality standards. Part of this parcel is designated for use as a ponding basin. Approval of this application will have no impact on that designation because the entirety of the area designated for use as a basin is outside the proposed property lines of the homesite.

E. Would the project create or contribute run-off which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted run-off; or

F. Would the project otherwise substantially degrade water quality?

FINDING: NO IMPACT:

There is no development proposed as part of this application and there will be no additional run-off generated by this site. The project will not degrade water quality. Any additional runoff generated by possible future development cannot be drained across property lines or into County right-of-way and must be retained on site per County Standards. This mandatory requirement will be included as a Project Note for future development.

G. Would the project place housing within a 100-year floodplain; or

H. Would the project place structures within a 100-year flood hazard area that would impede or redirect flood flows; or

I. Would the project expose persons or structures to levee or dam failure?

FINDING: NO IMPACT:

No housing or other structures are proposed as part of this application. According to FEMA FIRM Panel 2085 of 3525, the subject parcel is not in an area at risk of flooding from the 100-year storm. Figure 9-8 (FCGPBR) indicates that the project site is outside the area of risk due to inundation by dam failure.

J. Would the project cause inundation by seiche, tsunami or mudflow?

FINDING: NO IMPACT:

This project will not cause inundation by seiche, tsunami, or mudflow. There is no development proposed with this project.

X. LAND USE AND PLANNING

A. Will the project physically divide an established community?

FINDING: NO IMPACT:

The project will not divide an established community. The area of impacts for this project is limited to the property lines of the 57.16-acre parcel. The nearest community to the project site is the City of Fresno, whose nearest city limits are more than one mile to the east.

- B. Will the project conflict with any Land Use Plan, policy or regulation of an agency with jurisdiction over the project?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject property is designated Agriculture in the Fresno County General Plan, and is zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size). A portion of the subject parcel is zoned AL-20 (Limited Agricultural, 20-acre minimum parcel size). This area of the parcel is designated on the Edison Community Plan as a proposed ponding basin.

According to Policy LU-A.6 of the General Plan, the County shall maintain 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. The County may require parcel sizes larger than 20 acres based on zoning, local agricultural conditions, and to help ensure the viability of agricultural operations.

With regard to General Plan Policy LU-A.6, the subject proposal is not consistent with General Plan Policy LU-A.9 as said Policy only allows the creation of one homesite parcel smaller than 20 acres from an existing 20-acre (gross) or larger parcel, whereas the subject Variance request proposes to allow creation of a 2.85-acre parcel. Additionally, the subject proposal is not consistent with General Plan Policy LU-A.10 as said Policy allows creation of parcels smaller than 20 acres when the proposed parcels will be utilized for an Agricultural Commercial Center, whereas the subject Variance request is not associated with an Agricultural Commercial Center. Further, the subject proposal is not consistent with General Plan Policy LU-A.11 as said Policy allows creation of parcels smaller than 20 acres when the proposed parcels will be utilized to support the recovery of mineral resources and the exploration and extraction of petroleum oil and gas, whereas no such land uses have been authorized on the subject property.

According to Policy LU-A.7 of the General Plan, 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.

In the case of this application, the proposed homesite parcel is currently improved with citrus trees and the remainder parcel is improved with a vineyard. These existing crops will continue to be cultivated on both parcels if this variance request is approved. No variance is required to allow the creation of the 54.31-acre parcel. Therefore, due to the size of the remainder parcel and the existing agricultural cultivation on the property, the project's inconsistency with Policy LU-A.6 and LU-A.7 will have a less than significant impact on the environment.

According to Policy PF-C.17 of the General Plan, the County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation. The evaluation shall include the following: A) determination that the water supply is adequate to meet the highest demand that could be permitted on the lands in question; B) determination of the impact that use of the proposed water supply will have on other water users in Fresno County; and C) determination that the proposed water supply is sustainable or that there is an acceptable plan to achieve sustainability.

With regard to General Plan Policy PF-C.17, this proposal was reviewed by the Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning, which did not identify any concerns related to the Variance request. Further, the subject property is not located in a designated water-short area and there is no proposed increase of water use on the property.

- C. Will the project conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan?

FINDING: NO IMPACT:

The subject parcel is not located within an applicable Habitat Conservation Plan or Natural Community Conservation Plan.

XI. MINERAL RESOURCES

- A. Would the project result in the loss of availability of a known mineral resource; or
- B. Would the project result in the loss of availability of a locally-important mineral resource recovery site designated on a General Plan?

FINDING: NO IMPACT:

The project site is not located in an area of locally-important mineral resources recovery, according to Figure 7-7 (FCGPBR).

XII. NOISE

- A. Would the project result in exposure of people to severe noise levels; or
- B. Would the project result in exposure of people to or generate excessive ground-borne vibration or ground-borne noise levels; or
- C. Would the project cause a substantial permanent increase in ambient noise levels in the project vicinity; or
- D. Would the project result in a substantial temporary or periodic increase in ambient noise levels?

FINDING: NO IMPACT:

There is no development associated with this application. Approval will not allow a new use on the property which would generate additional noise levels nor would the approval result in an increase of density in an area which is subject to severe noise levels. Land uses on properties in the area, including the subject property, are agricultural in nature. While such activities may produce temporary increases to the ambient noise levels, the parcel is designated for agricultural use and there is no increase to the baseline noise produced by the current cultivation of the vineyard and oranges.

- E. Would the project expose people to excessive noise levels associated with a location near an airport or a private airstrip; or
- F. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

FINDING: NO IMPACT:

The subject parcel is not located near a Federal Aviation Administration (FAA)-mapped Noise Contour zone. Review of aerial photos indicates that there are no private airstrips near the parcel.

XIII. POPULATION AND HOUSING

- A. Would the project induce substantial population growth either directly or indirectly; or
- B. Would the project displace substantial numbers of existing housing; or
- C. Would the project displace substantial numbers of people, necessitating the construction of housing elsewhere?

FINDING: NO IMPACT:

This application does not have the potential to induce substantial population growth. There is no displacement of existing housing or people. The scope of the project is limited to allow the processing of a mapping procedure to separate the existing single-family residence from the attached vineyard.

XIV. PUBLIC SERVICES

- A. Would the project result in substantial adverse physical impacts associated with the provision of new or physically-altered public facilities in the following areas:
 - 1. Fire protection?

FINDING: NO IMPACT:

The project was reviewed by the North Central Fire Department who had no concerns with the application as submitted. The applicant will be required to obtain additional approval from the Fire District at the time of plan submission. This requirement will be included as a project note.

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

FINDING: NO IMPACT:

No impacts on the provision of other services were identified in the analysis of this Variance request.

XV. RECREATION

- A. Would the project increase the use of existing neighborhood and regional parks; or
- B. Would the project require the construction of or expansion of recreational facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Approval of this application will allow an additional residence to be built on the 54.31-acre parcel, which is currently improved with a vineyard and agricultural well. One additional residence in this area would not require the expansion of any facilities; however, there are no recreational facilities or parks within a mile of this application. The scope of this application does not include the addition of a residence.

XVI. TRANSPORTATION/TRAFFIC

- A. Would the project conflict with any applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation; or
- B. Would the project conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demands measures; or
- C. Would the project result in a change in air traffic patterns; or
- D. Would the project substantially increase traffic hazards due to design features; or

- E. Would the project result in inadequate emergency access; or
- F. Would the project conflict with adopted plans, policies or programs regarding public transit, bicycle or pedestrian facilities or otherwise decrease the performance or safety of such facilities?

FINDING: NO IMPACT:

The existing single-family residence currently has access to the public roads through two driveways: one at North Cornelia and one at West Whitesbridge. Following approval of this application, access to the residence will be limited to the Whitesbridge drive and the Cornelia driveway will provide access to the agricultural parcel. No new access roads are required.

This proposal was reviewed by the Design Division of the Fresno County Department of Public Works and Planning, which expressed no concerns regarding the Variance request, nor did said agency require a Traffic Impact Study (TIS). This proposal was also reviewed by the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning, which also expressed no concerns regarding potential traffic generated by this Variance request.

XVII. UTILITIES AND SERVICE SYSTEMS

- A. Would the project exceed wastewater treatment requirements; or
- B. Would the project require construction of or the expansion of new water or wastewater treatment facilities; or
- C. Would the project require or result in the construction or expansion of new storm water drainage facilities; or
- D. Would the project have sufficient water supplies available from existing entitlements and resources, or are new or expanded entitlements needed; or
- E. Would the project result in a determination of inadequate wastewater treatment capacity to serve project demand; or
- F. Would the project be served by a landfill with sufficient permitted capacity; or
- G. Would the project comply with federal, state and local statutes and regulations related to solid waste?

FINDING: NO IMPACT:

There are no changes to the existing land uses on the parcel. Approval of this application will allow the processing of a mapping procedure to separate the residential use from the agricultural use. There is no increase in the amount of solid waste, liquid waste, or water usage.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

- A. Does the project have the potential to 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, 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 prehistory or history?

FINDING: LESS THAN SIGNIFICANT IMPACT:

There is no ground disturbing activity proposed as part of this application. No new development will be constructed. No impacts to habitat or fish and wildlife species were identified. Review of the historical significance of the parcel identified no concerns that approval of this application would impact the examples of California history represented by the residence and ranch.

- B. Does the project have impacts that are individually limited, but cumulatively considerable; or
- C. Does the project have environmental impacts that will cause substantial adverse effects on human beings, either directly or indirectly?

FINDING: NO IMPACT:

The project does not have any impacts that are cumulatively considerable, nor will it cause substantial adverse effects on human beings. There is no development or use associated with the approval of this application: approval would allow a mapping procedure to create a homesite parcel around the existing single-family residence and isolate it from the existing vineyard on the parcel.

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Variance Application No. 4004, staff has concluded that the project will not/will have a significant effect on the environment. It has been determined that there would be no impacts to Aesthetics, Air Quality, Biological Resources, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Mineral Resources, Noise, Population and Housing, Public Services, Transportation/Traffic, and Utilities and Service Systems. Potential impacts related to Agricultural and Forestry Resources, Cultural Resources, Geology and Soils, Land Use and Planning, and Recreation 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 southeast corner of Tulare and "M" Street, Fresno, California.

CMM

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