



# County of Fresno

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

## Planning Commission Staff Report Agenda Item No. 6 March 30, 2017

- SUBJECT:** Initial Study Application No. 7077 and Variance Application No. 3987
- Allow creation of a 2.00-acre parcel and a 2.50-acre parcel from an existing 18.76-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.
- LOCATION:** The subject property is located on the southwest corner of North Avenue and Blythe Avenue, approximately one quarter-mile east of the nearest city limits of the City of Fresno (4417 W. North Avenue, 3035 S. Blythe Avenue) (SUP. DIST. 1) (APNs 327-220-27, 327-220-43).
- OWNERS:** Richard and Jeanne Bargamian, George Tavares  
**APPLICANT:** George Tavares
- STAFF CONTACT:** Derek Chambers, Planner  
(559) 600-4205
- Chris Motta, Principal Planner  
(559) 600-4227
- RECOMMENDATION:**
- Deny Variance No. 3987; and
  - Direct the Secretary to prepare a Resolution documenting the Commission's action.

**EXHIBITS:**

1. Condition of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Assessor’s Map
6. Applicant’s Submitted Findings
7. Site Plan
8. Summary of Initial Study Application No. 7077
9. California Environmental Quality Act (CEQA) Action – draft Negative Declaration (ND)

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
General Plan Designation	Agriculture	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	18.76 acres (subject property is a single legal parcel comprised of 1.03 acres identified as APN 327-220-27 and 17.73 acres identified as APN 327-220-43)	2.00 acres  2.50 acres  The 14.26-acre balance of the existing 18.76-acre parcel will be combined with a westerly adjacent 38.20-acre parcel also zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) resulting in the creation of a 52.46-acre parcel. It is noted by staff that a Variance is not required to create a 52.46-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.
Project Site	APN 327-220-27: 1.03-acre property tax record; single-family residence with septic system; water well	2.00-acre Parcel: One existing single-family residence with septic system  2.50-acre Parcel:

Criteria	Existing	Proposed
	<p>APN 327-220-43: 17.73-acre property tax record previously utilized as a dairy (currently agriculturally cultivated); two single-family residences with septic systems; three 3,000 square-foot pole barns; 4,800 square-foot pole barn; 3,850 square-foot barn; 3,600 square-foot barn; 3,000 square-foot barn</p>	<p>One existing single-family residence with septic system</p> <p>The 14.26-acre balance of the existing 18.76-acre parcel will be combined with a westerly adjacent 38.20-acre parcel resulting in the creation of a 52.46-acre parcel. It is noted by staff that the existing westerly adjacent 38.20-acre parcel is devoid of structural improvements; however, the resultant 52.46-acre parcel will encompass existing improvements from APN 327-220-43 consisting of one single-family residence with septic system; three 3,000 square-foot pole barns; 4,800 square-foot pole barn; 3,850 square-foot barn; 3,600 square-foot barn; and 3,000 square-foot barn.</p>
Structural Improvements	<p>APN 327-220-27: Single-family residence</p> <p>APN 327-220-43: Two single-family residences; three 3,000 square-foot pole barns; 4,800 square-foot pole barn; 3,850 square-foot barn; 3,600 square-foot barn; 3,000 square-foot barn</p>	<p>2.00-acre Parcel: One existing single-family residence</p> <p>2.50-acre Parcel: One existing single-family residence</p> <p>See above discussion under "Project Site"</p>
Nearest Residence	<p>Approximately 94 feet north of the northern property line of APN 327-220-43</p>	<p>Approximately 94 feet north of the northern property line of the 52.46-acre parcel to be created by combining the 14.26-acre balance of the existing 18.76-acre parcel with a westerly adjacent 38.20-acre parcel</p>
Surrounding Development	<p>Regional wastewater reclamation facility owned and operated by the City of Fresno located approximately one quarter-mile west of the subject property; solid waste disposal facility (landfill) owned and operated by the City of</p>	<p>No change</p>

Criteria	Existing	Proposed
	Fresno located approximately two and a quarter-miles east of the subject property; electrical distribution substation owned and operated by the Pacific Gas and Electric Company (PG&E) located approximately one mile northwest of the subject property; elementary school (West Park Elementary School) located approximately one mile east of the subject property	
Operational Features	N/A	N/A
Employees	N/A	N/A
Customers	N/A.	N/A
Traffic Trips	N/A	N/A
Lighting	N/A	N/A
Hours of Operation	N/A	N/A

**EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: No**

**ENVIRONMENTAL DETERMINATION:**

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 is appropriate. A summary of the Initial Study is below and included as Exhibit 8.

Notice of Intent to Adopt a Negative Declaration publication date: March 1, 2017

**PUBLIC NOTICE:**

Notices were sent to 11 property owners within 1,320 feet of the subject property, exceeding the 300-foot minimum notification requirement prescribed by the California Government Code and County Zoning Ordinance.

**PROCEDURAL CONSIDERATIONS:**

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

Specifically related to a VA, in order to make Findings 1 and 2, a determination must be made that the property is subject to an exceptional or extraordinary physical circumstance that does



not apply to other properties in the same Zone District, and a substantial property right held by other property owners of like-zoned parcels in the area must be identified.

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 creation of a 2.00-acre parcel and a 2.50-acre parcel from an existing 18.76-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District, with the 14.26-acre balance of the existing 18.76-acre parcel to be combined with a westerly adjacent 38.20-acre parcel zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) resulting in the creation of a 52.46-acre parcel. The AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District requires a 20-acre minimum parcel size for the creation of new lots. The subject 18.76-acre property is 20.16 acres gross, and is a single legal parcel comprised of 1.03 acres of land identified as Assessor's Parcel Number (APN) 327-220-27, and 17.73 acres of land identified as APN 327-220-43.

The 1.03 acres of land identified as APN 327-220-27 is owned by Richard and Jeanne Bargamian, and located thereon is an existing single-family residence that is occupied by Richard and Jeanne Bargamian (4417 W. North Avenue). The 17.73 acres of land identified as APN 327-220-43 is held under common ownership by Richard and Jeanne Bargamian and George Tavares, and located thereon is an existing single-family residence that is occupied by George Tavares (3035 S. Blythe Avenue). It is noted by staff that no new development is proposed with this Variance request.

Tentative Parcel Map Waiver (TPMW) Application No. 15-08 has been filed in order to effect the parcelization proposed through Variance (VA) Application No. 3987, and is currently in process. Approval of TPMW No. 15-08 would result in an existing single-family residence and associated septic system being located on the proposed 2.00-acre parcel, another existing single-family residence and associated septic system being located on the proposed 2.50-acre parcel, and a third existing single-family residence with its associated septic system and seven existing barns being located on the 14.26-acre balance of the existing 18.76-acre parcel, which will be combined with a westerly adjacent 38.20-acre parcel zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) resulting in the creation of a 52.46-acre parcel.

The subject property has been owned and farmed by the Applicant's family since 1954, and the Applicant wants to create an independent parcel for the single-family residence occupied by himself (George Tavares - 3035 S. Blythe Avenue) and create an independent parcel for the single-family residence occupied by his sister and her husband (Richard and Jeanne Bargamian - 4417 W. North Avenue) while combining the balance of their existing on-site farming operation with a neighboring farming operation that is also owned and operated by their family. According to the Variance Findings provided for this proposal, the requested parcelization would allow the property owners to remain in their existing homes while retiring from their family farming operations by selling off the farmland separate from the proposed homesite parcels.

There have been no other Variance applications filed within a mile of the subject property.

**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.*

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Setbacks	Front: 35 feet Side: 20 feet Street Side: 35 feet Rear: 20 feet	<u>2.00-acre Parcel:</u> Front (north property line): 67 feet Side (west property line): 60 feet Street Side (east property line): 45 feet Rear (south property line): 262 feet  <u>2.50-acre Parcel:</u> Front (north property line): 48 feet Side (west property line): 120 feet Side (east property line): 45 feet Rear (south property line): 330 feet	<u>2.00-acre Parcel:</u> Yes  <u>2.50-acre Parcel:</u> Yes
Parking	N/A	N/A	N/A
Lot Coverage	No requirement	No requirement	N/A
Separation Between Buildings	Six feet minimum (75 feet minimum between human habitations and structures utilized to house animals)	N/A (no new development proposed)	N/A (no new development proposed)
Wall Requirements	No requirement	No requirement	N/A
Septic Replacement Area	100 percent	No change	Yes

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Water Well Separation	Septic tank: 50 feet; Disposal field: 100 feet; Seepage pit: 150 feet	No change	Yes

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

Zoning Section of the Fresno County Department of Public Works and Planning: The AE-20 Zone District requires a minimum parcel size of 20 acres. Therefore, a Variance is required to waive the minimum parcel size requirement in order to create the proposed 2.00-acre parcel and the proposed 2.50-acre parcel. Additionally, there are no permit records for the single-family residence constructed in 1968 (3035 S. Blythe Avenue), nor are there permit records for the seven existing barns located on the subject property. As such, the Applicant shall provide evidence that the single-family residence constructed in 1968 (3035 S. Blythe Avenue) was in fact constructed with building permits; otherwise, the required building permits shall be obtained from the Fresno County Department of Public Works and Planning. Further, the Applicant shall either provide evidence that the seven existing barns were constructed with building permits or provide evidence that said structures were constructed prior to March 1, 1958, which is the time building permits became required in Fresno County. These mandatory requirements have been included as Project Notes.

**Analysis:**

According to the Variance Findings provided for this proposal, Variance Finding 1 is supported by the fact that the subject property has been owned and farmed by the Applicant’s family since 1954. Additionally, the Applicant’s family constructed houses on the subject property that are now occupied by the Applicant and other family members. Further, the proposed parcelization would allow the property owners to remain in their existing homes while retiring from their family farming operations by selling off the farmland separate from the proposed homesite parcels.

In support of Finding 2, the Variance Findings provided for this proposal assert that the property owners have a right to create a homesite parcel per Section 816.5-A.2.b(3) of the Fresno County Zoning Ordinance, as the subject property is zoned AE-20 and said property has been owned by the homeowners’ family in excess of 60 years (1954 purchase date).

With regard to Finding 1, staff acknowledges that the subject property has been historically utilized by the Applicant’s family for agricultural and residential purposes. Staff also acknowledges that the Applicant’s mother (Olivia Tavares) owned the subject property prior to the current AE-20 zoning going into effect, which was the result of a County-initiated rezone completed in 1976. However, staff does not believe the historic agricultural and residential use of the subject property constitutes an extraordinary physical characteristic of the subject property which would demonstrate a circumstance meriting creation of the proposed parcels.

With regard to Finding 2, creation of a homesite parcel in accordance with Zoning Ordinance Section 816.5-A.2.b(3) would not be permitted in this case, as the subject property was owned by the Applicant’s mother (Olivia Tavares) prior to the current AE-20 zoning becoming effective in 1976, and George Tavares (Applicant) acquired partial ownership of the subject property in 1977. As such, denial of this Variance request would not deprive the Applicant of any right enjoyed by other property owners in the AE-20 Zone District, since all property owners in said District are subject to the same Development Standards.

Zoning Ordinance Section 816.5-A.2.b(2) allows the creation of a single 2.50-acre or smaller homesite parcel per 20 gross acres of land within a single legal parcel in the AE-20 Zone District when the proposed homesite parcel(s) will be conveyed to a person related to the property owner by adoption, blood, or marriage within the second degree of consanguinity. As such, the subject property could be merged with the westerly adjacent 38.20-acre parcel zoned AE-20, which is also held under common ownership by Richard and Jeanne Bargamian and George Tavares, and the proposed 2.00-acre homesite parcel and proposed 2.50-acre homesite parcel could be created as a matter of right. This may appear to be a viable alternative to the Variance request; however, it is noted by staff that homesite parcels created by means of Zoning Ordinance Section 816.5-A.2.b(2) cannot be conveyed separately from their property of origin. As such, in this case, the proposed 2.00-acre homesite parcel and the proposed 2.50-acre homesite parcel could not be sold separately from the existing farmland if the homesites were created by means of Zoning Ordinance Section 816.5-A.2.b(2).

**Noteworthy 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:	2.43 acres	Single-family residence	AE-20	110 feet
	13.87 acres	Single-family residence	AE-20	94 feet
South:	19.55 acres	Orchard	AE-20	None
East:	2.00 acres	Single-family residence	AE-20	100 feet
	36.20 acres	Single-family residence Field crops	AE-20	131 feet
West:	38.20 acres	Field crops	AE-20	None

**Reviewing Agencies/Department Comments:**

Design Division of the Fresno County Department of Public Works and Planning: No concerns with the proposal.

Fresno County Department of Agriculture (Agricultural Commissioner’s Office): No concerns with the proposal.

Fresno County Department of Public Health, Environmental Health Division: It appears that the proposed 2.00-acre parcel and the proposed 2.50-acre parcel can each accommodate individual septic systems meeting the mandatory setback requirements established in the California Plumbing Code and California Well Standards Ordinance. No building permit records are available for the existing septic system serving the single-family residence identified as 3035 S. Blythe Avenue, nor the existing septic system serving the single-family residence identified as 4417 W. North Avenue. As such, it is recommended that the Applicant consider having the existing septic tanks pumped 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 systems. This recommendation has been included as a Project Note.

Fresno County Fire Protection District (Fire District): No concerns with the proposal.

Fresno County Sheriff's Department: No objections to the proposal.

Fresno Irrigation District (FID): FID does not own, operate or maintain any facilities located within the boundaries of the subject property.

Fresno Metropolitan Flood Control District (FMFCD): No concerns with the proposal.

San Joaquin Valley Unified Air Pollution Control District (Air District): No concerns with the proposal.

U.S. Department of the Interior, Fish and Wildlife Service: No concerns with the proposal.

Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning: No concerns with the proposal. The subject property is not located in a designated water-short area.

### **Analysis:**

In support of Finding 3, the Variance Findings provided for this proposal state that the creation of the proposed parcels will not affect public welfare or be injurious to property and improvements in the vicinity as the proposed parcels will each have an existing single-family residence located thereon. Additionally, as no new residence or improvement is proposed with this Variance request, creation of the proposed parcels will not generate additional traffic in the area.

With regard to Finding 3, if approved, the granting of this Variance request will authorize creation of a 2.00-acre parcel with existing single-family residence located thereon, and a 2.50-acre parcel with existing single-family residence located thereon. Such uses are complimentary to and compatible with existing residential land uses in the vicinity of the proposal. Further, the 14.26-acre balance of the existing 18.76-acre parcel will be combined with a westerly adjacent 38.20-acre parcel also zoned AE-20 resulting in the creation of a 52.46-acre parcel with one existing single-family residence located thereon. As the AE-20 Zone District allows one single-family residence to be established per 20 acres of land as a matter of right, a secondary residence could be established on the proposed 52.46-acre parcel; however, it is noted by staff that the existing 38.20-acre parcel is devoid of residential development, and a single-family residence could currently be established thereon as a matter of right. As such, approval of the requested Variance would not increase the residential density currently allowed in the area. Considering the existing nature of the residential land uses located on the proposed parcels,

and the existing residential land uses in the area of the proposal, staff believes that there will be no adverse aesthetic impact and no adverse effects on surrounding properties if the Variance is granted.

**Noteworthy Recommended Conditions of Approval:**

None.

**Conclusion:**

Finding 3 can be made.

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

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p>General Plan Policy LU-A.6: County shall maintain 20 acres as the minimum permitted parcel size in areas designated Agriculture, except as provided in Policy LU-A.9. 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.</p> <p>General Plan Policy LU-A.9: County may allow creation of homesite parcels smaller than the minimum parcel size required by Policy LU-A.6, if the parcel involved in the division is at least 20 acres in size, subject to the following Criteria: a) The minimum lot size shall be 60,000 square feet of gross area; b) The lot(s) to be created are intended for use by persons involved in the farming operation and related to the owner by adoption, blood, or marriage within the second degree of consanguinity; there is only one lot per related person; and there is no more than one lot per 20 acres.</p> <p>Each homesite created pursuant to Policy LU-A.9 shall reduce by one the number of residential units otherwise authorized on the remainder parcel created from the original parcel. The remainder parcel shall be entitled to no less than one residential unit.</p>	<p>If approved, this Variance request will authorize creation of a 2.00-acre homesite parcel and a 2.50-acre homesite parcel with the 14.26-acre balance of the existing 18.76-acre parcel being combined with an adjacent 38.20-acre parcel resulting in the creation of a 52.46-acre parcel with one existing single-family residence located thereon. Per Policy LU-A.9, each homesite parcel reduces the number of residential units allowed on the 52.46-acre parcel by one, and one existing single-family residence will be located on the 52.46-acre parcel. The AE-20 Zone District allows a total of two single-family residences to be established as a matter of right on the 52.46-acre parcel, which includes the existing single-family residence to be located thereon. However, Policy LU-A.9 also ensures that at least one residential unit would be allowed on the 52.46-acre parcel. As such, this proposal is consistent with Policy LU-A.9, and, therefore, is also consistent with Policy LU-A.6.</p>
<p>General Plan Policy LU-A.7: 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.</p>	<p>As this Variance request proposes to create parcels smaller than 20 acres in an area designated Agriculture and zoned AE-20, this proposal is not consistent with General Plan Policy LU-A.7.</p>

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
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.	
General Plan Policy PF-C.17: 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.	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.

**Reviewing Agencies/Department Comments:**

Policy Planning Section of the Fresno County Department of Public Works and Planning: The Agriculture and Land Use Element of the General Plan maintains 20 acres as the minimum parcel size in areas designated for Agriculture. General Plan Policies LU-A.6 and LU-A.7 state that the County shall generally deny requests to create parcels less than the minimum size specified in areas designated Agriculture. The subject property is enrolled under Agricultural Land Conservation Contract (Williamson Act Contract) No. 1440, and cancellation of the Williamson Act Contract is required for the proposed 2.00-acre parcel and the proposed 2.50-acre parcel.

**Analysis:**

In support of Finding 4, the Variance Findings provided for this proposal state that the objectives of the General Plan are to create and preserve the agricultural setting and residential use by the owner/operators. Additionally, the AE-20 Zone District was developed to preserve the goals of the General Plan. Further, the AE-20 Zone District provides for the retention of homesites, therefore, this Variance would not be contrary to the objectives of the General Plan.

With regard to Policy LU-A.6, if approved, this Variance will authorize creation of a 2.00-acre homesite parcel and a 2.50-acre homesite parcel with the 14.26-acre balance of the existing 18.76-acre parcel being combined with an adjacent 38.20-acre parcel resulting in the creation of a 52.46-acre parcel with one existing single-family residence located thereon. Per Policy LU-A.9, each homesite parcel reduces the number of residential units allowed on the 52.46-acre parcel by one, and one existing single-family residence will be located on the 52.46-acre parcel. The AE-20 Zone District allows a total of two single-family residences to be established as a matter of right on the 52.46-acre parcel, which includes the existing single-family residence to

be located thereon. However, Policy LU-A.9 also ensures that at least one residential unit would be allowed on the 52.46-acre parcel. As such, this proposal is consistent with Policy LU-A.9, and, therefore, is also consistent with Policy LU-A.6.

With regard to Policy LU-A.7, this Variance request proposes to create parcels smaller than 20 acres in an area designated Agriculture and zoned AE-20. As such, this proposal is not consistent with General Plan Policy LU-A.7.

Based on this analysis, staff believes the Variance request is not consistent with the General Plan, and is unable to make Finding 4.

**Noteworthy 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 and 4. Therefore, staff recommends denial of Variance No. 3987.

**PLANNING COMMISSION MOTIONS:**

**Recommended Motion** (Denial Action)

- Move to determine that the required Findings cannot be made and move to deny Variance No. 3987; 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. 7077; and
- Move to determine that the required Findings can be made (state basis for making the Findings) and move to approve Variance No. 3987, subject to the Conditions and Notes listed below; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**Recommended Condition of Approval and Project Notes:**

See attached Exhibit 1.



**Variance Application No. 3987  
Condition of Approval and Project Notes**

**Condition of Approval**

1. Division of the subject property shall be in accordance with the Site Plan approved by the Planning Commission.

Conditions of Approval reference recommended Conditions for the project.

**Notes**

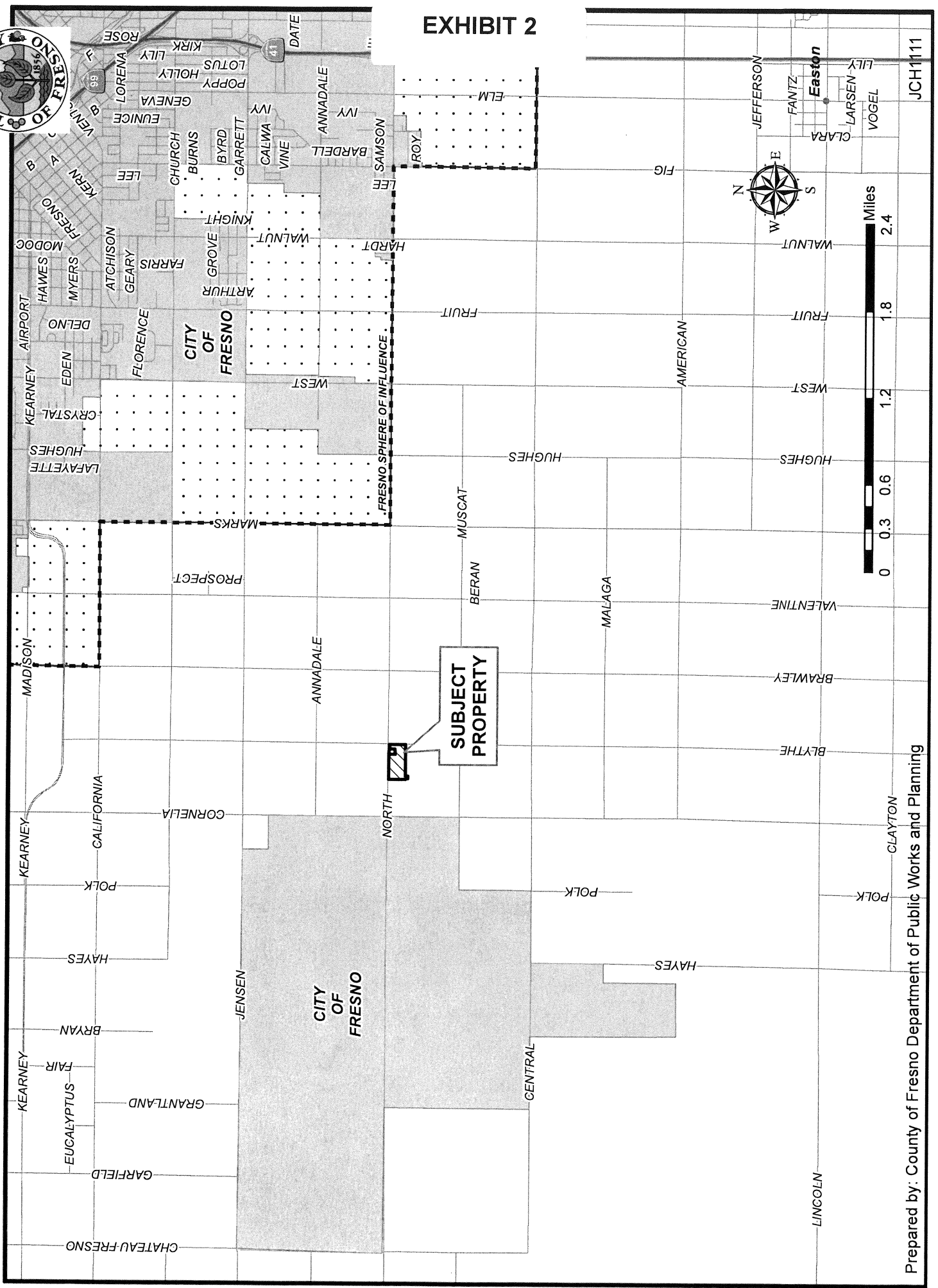
**The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.**

1. Division of the subject property is subject to the provisions of the Fresno County Parcel Map Ordinance. A Parcel Map Application shall be filed to create the proposed parcels. For more information, contact the Department of Public Works and Planning, Development Engineering Section at (559) 600-4022.
2. No building permit records are available for the existing septic system serving the single-family residence identified as 3035 S. Blythe Avenue, nor the existing septic system serving the single-family residence identified as 4417 W. North Avenue. It is recommended that the Applicant consider having the existing septic tanks pumped 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 systems.
3. The proposed parcelization shall comply with the California Code of Regulations Title 24 – Fire Code, and County-approved Site Plans shall be submitted to the Fire District for review and approval prior to recordation of the Parcel Map that is required to effect the parcelization.
4. There are no permit records for the single-family residence identified as 3035 S. Blythe Avenue. The Applicant shall provide evidence that the single-family residence identified as 3035 S. Blythe Avenue was constructed with building permits; otherwise, construction plans for the single-family residence shall be submitted to the Department of Public Works and Planning for review and approval in order to obtain the building permits required for the single-family residence.
5. There are no permit records for the seven barns located on the subject property. The Applicant shall provide evidence that the seven barns located on the subject property were constructed with building permits or provide evidence that the existing barns were constructed prior to March 1, 1958, which is the time that building permits became required in Fresno County; otherwise, construction plans for the barns shall be submitted to the Department of Public Works and Planning for review and approval in order to obtain the building permits required for the barns.



# LOCATION MAP

VA 3987

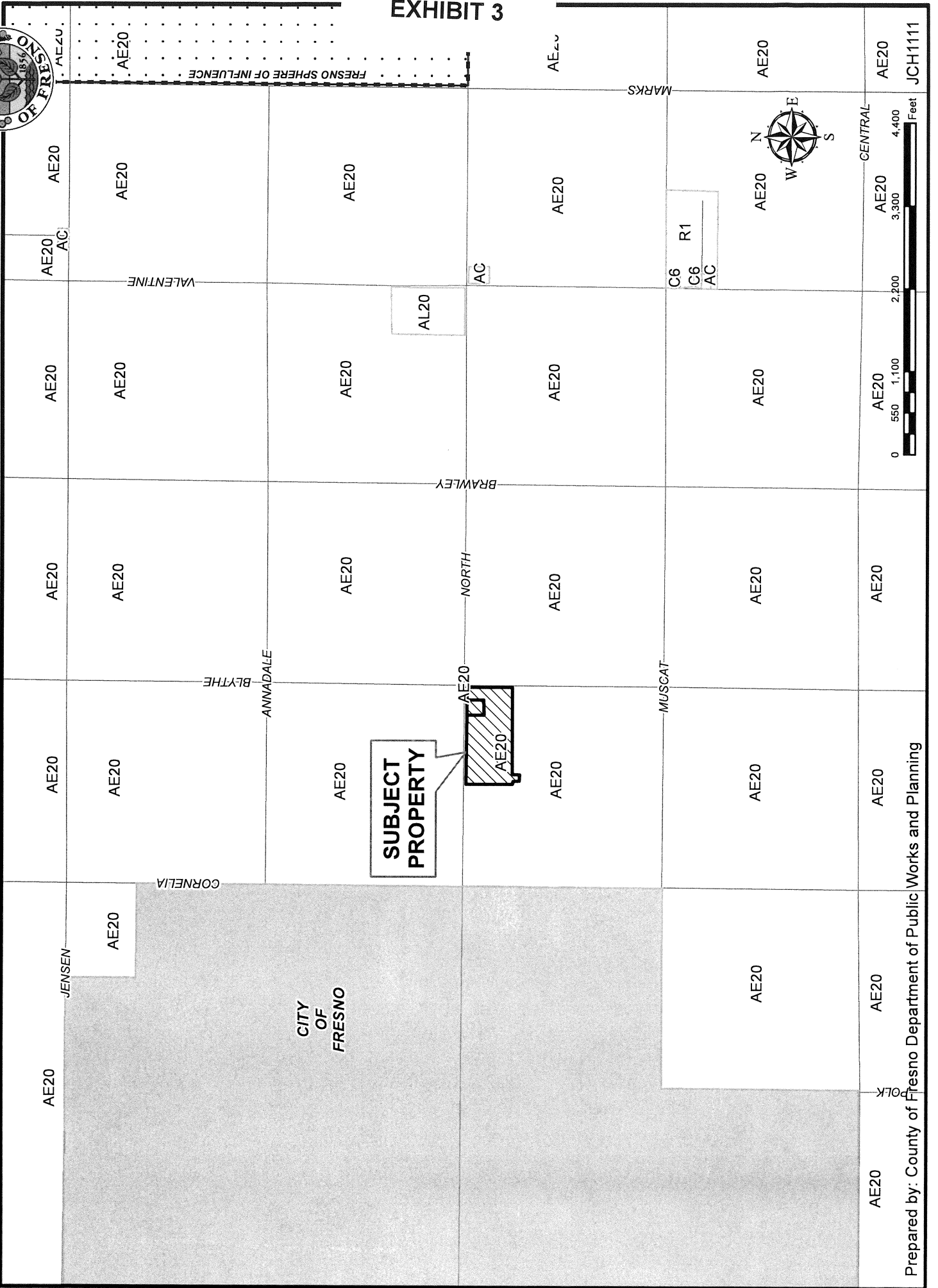


## EXHIBIT 2

# EXISTING ZONING MAP



## EXHIBIT 3





327-22

Tax Rate Area  
197-000  
197-007

SUBDIVIDED LAND IN POR. SEC. 26, T.14S., R.19E., M.D.B.&M.

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

22|23  
27|26

23|24  
26|25

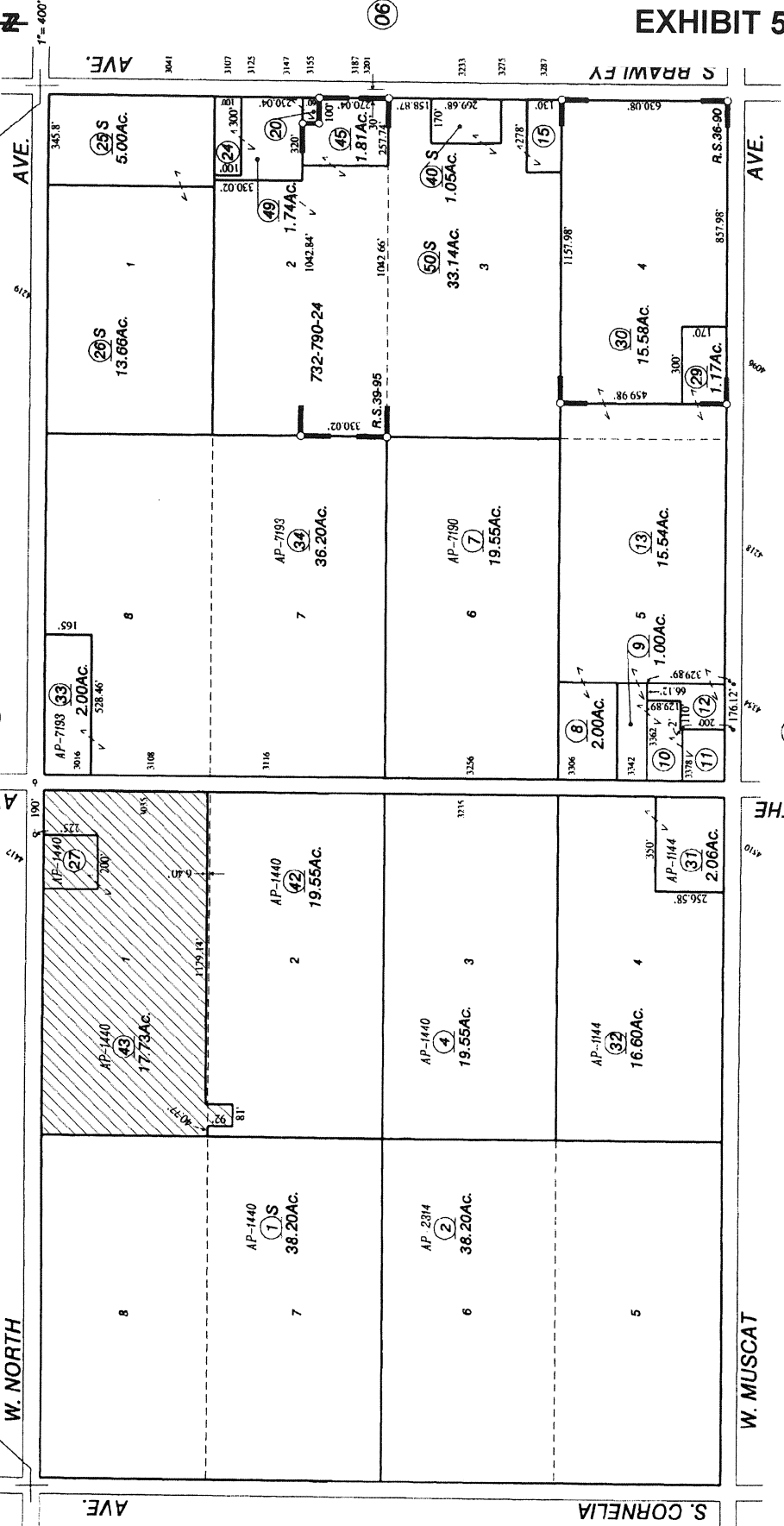


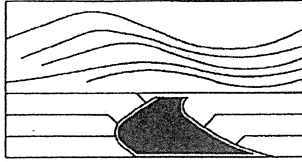
EXHIBIT 5

Agricultural Preserve  
Bank of California Tract - Plat Bk 2, Pg. 14  
Record of Survey - Bk. 36, Pgs. 90-91  
Record of Survey - Bk. 39, Pg. 95

Assessor's Map Bk. 327 - Pg. 22  
County of Fresno, Calif.

NOTE - Assessor's Block Numbers Shown in Ellipses.  
Assessor's Parcel Numbers Shown in Circles.

## EXHIBIT 6



# DALE G. MELL & ASSOCIATES

## ENGINEERING & SURVEYING SERVICES

2090 N. WINERY AVENUE · FRESNO, CALIFORNIA 93703 · PH (559) 292-4046 · FAX (559) 251-9220

### Supplemental Application Findings for Variance

1. **Exceptional or extraordinary circumstances or conditions applicable to the property which do not apply generally to other property in the vicinity having the identical zoning classification as follows:**

Parents of Mr. George Tavares and Mr. Jeanne (Tavares) Bargamian, originally purchased the land in prior to 1954 and in 1968 built the house that George now resides in; Jeanne with her husband Richard Bargamian live in the house built by George in the late 1970's. In 1977 PME #4239 was approved a one acre gift deed conveyance from Ms. Olivia Tavares to the so George on November 19, 1977 a deed was signed conveying the one acre parcel.

In 1998 Property Line Adjustment 98-17 was approved removing the one acre gift deed parcel resulting in home sites on the 18.81 net acre parcel that exists today. George Tavares now resides in the original family house and Jeanne (Tavares) Bargamian with her husband George reside in the house that was built on the 1977 gift deed parcel. The remaining 60 acre portion of the original Tavares Ranch is currently owned and operated by Richard and Jeanne Bargamian and George Tavares. Richard, Jeanne and George would like to retire from the larger family operations but retain their home sites because of strong family ties to the land and residence.

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 right to retain a home site parcel by owners of ag properties in the AE-20 zone district in that have lived/farmed for for more than 60 years. Therefore qualifying for home site retention per Section 816.5-A-2b(3) of Fresno County Zone Ordinance.

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.**

The granting of this variance will not affect public welfare or be injurious to property and improvements in the vicinity; the two residences are existing, no new residence or increase in traffic anticipated.

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

Objectives of the General Plan are to create and preserve the agricultural setting and residential use be the owner/operators. The AE-20 zone district was developed to preserve the goals of the General Plan.

The AE-20 zone district provides for the retention of home sites therefore this variance will not be contrary to the objectives of the General Plan.



# VARIANCE SITE PLAN

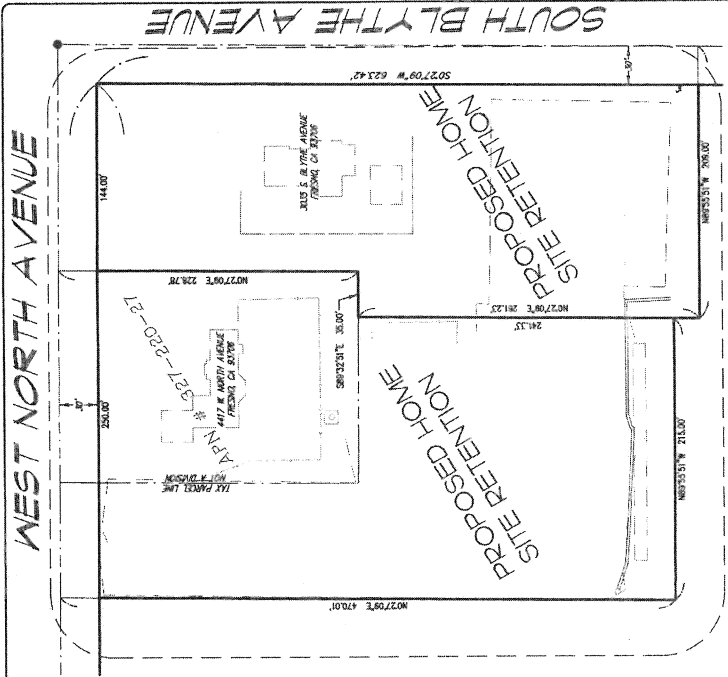
OF  
7 WEST NORTH AVENUE

EXHIBIT 7

PREPARED FOR  
RICHARD  
4412  
FRES

DATE & MINTL  
& ASSOCIATES  
ENGINEERING & SURVEYING SERVICES  
2000 NORTH WILSON AVENUE, SUITE 100  
FRESNO, CALIFORNIA 93720

CHECKED BY: [Signature]  
DATE: 12/23/2015  
SCALE: 1" = 200'  
SHEET 1 OF 1



DETAIL 'a'  
SCALE: 1" = 60'

LINE #	BEARING	LENGTH
L1	S074°22'W	6.40'
L2	N89°55'31"W	40.33'
L3	N07°22'W	92.00'
L4	N89°55'31"W	81.00'
L5	S07°00'E	92.00'

**EXISTING PARCELS**  
EXISTING PARCEL 7 - AREA = 1,689 SQ. FT.  
EXISTING PARCEL 7 - AREA = 1,689 SQ. FT.

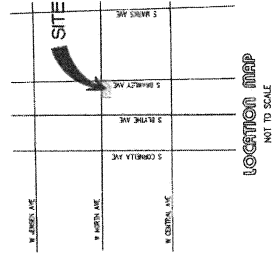
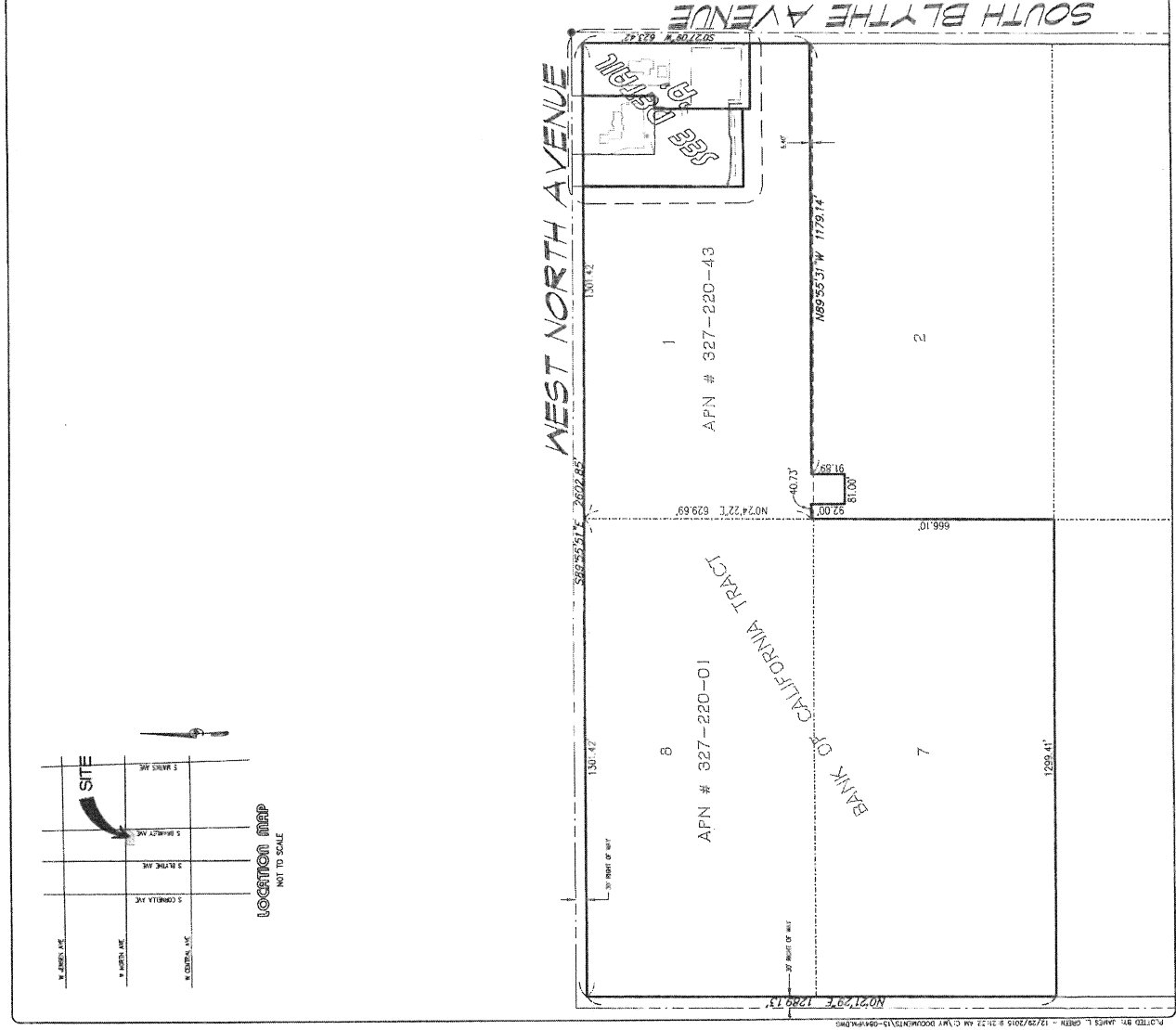
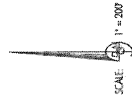
**ADJACENT PARCELS**  
EXISTING PARCEL 7 - AREA = 3,079 S.Q. FT.

- LEGEND**
- SOLID LINE: SELECT PROPERTY BOUNDARY
  - DASHED LINE: EXISTING PARCEL LINE TO BE REMOVED
  - DOTTED LINE: RIGHT OF WAY
  - LONG DASHED LINE: CORNER OF STREET (PUBLIC RIGHT OF WAY)



**ACCORD OWNER**  
ACCORD CHAIRMAN  
1412 W. ARROY AVENUE  
FRESNO, CA 93726

VA 3187  
RECEIVED  
DEC 23 2015



WEST NORTH AVENUE

SOUTH BLYTHE AVENUE

APN # 327-220-43

APN # 327-220-01

BANK OF CALIFORNIA TRACT

N69°55'31"W 1179.74'

N07°22'W 92.00'

N89°55'31"W 81.00'

S07°00'E 92.00'

N07°22'W 92.00'

N69°55'31"W 1179.74'

N07°22'W 92.00'

N69°55'31"W 1179.74'

N07°22'W 92.00'

N69°55'31"W 1179.74'





## EXHIBIT 8

# County of Fresno

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

### EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: George Tavares
- APPLICATION NOS.: Initial Study Application No. 7077 and Variance Application No. 3987
- DESCRIPTION: Allow creation of a 2.00-acre parcel and a 2.50-acre parcel from an existing 18.76-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.
- LOCATION: The subject property is located on the southwest corner of North Avenue and Blythe Avenue, approximately one quarter-mile east of the nearest city limits of the City of Fresno (4417 W. North Avenue, 3035 S. Blythe Avenue) (Sup. Dist. 1) (APNs 327-220-27, 327-220-43).

#### 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:

*This proposal entails a request to allow creation of a 2.00-acre parcel and a 2.50-acre parcel from an existing 18.76-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District, with the 14.26-acre balance of the existing 18.76-acre parcel to be combined with a westerly adjacent 38.20-acre parcel zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) resulting in the creation of a 52.46-acre parcel. The AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District requires a 20-acre minimum parcel size for the creation of new lots. The subject 18.76-acre property is a single legal parcel comprised of 1.03 acres of land identified as Assessor's Parcel Number (APN) 327-220-27, and 17.73 acres of land identified as APN 327-220-43.*

*Existing improvements located on the 1.03 acres of land identified as APN 327-220-27 include a single-family residence with septic system and water well. Existing improvements located on the 17.73 acres of land identified as APN 327-220-43 include two single-family residences with septic systems, three 3,000 square foot pole barns, a 4,800 square foot pole barn, a 3,850 square-foot barn, a 3,600 square-foot barn, and a 3,000 square-foot barn. It is noted by Staff that no new development is proposed with this Variance request.*

*Tentative Parcel Map Waiver (TPMW) Application No. 15-08 has been filed in order to effect the parcelization proposed through Variance (VA) Application No. 3987, and is currently in process. Approval of TPMW Application No. 15-08 would result in an existing single-family residence and associated septic system being located on the proposed 2.00-acre parcel, another existing single-family residence and associated septic system being located on the proposed 2.50-acre parcel, and a third existing single-family residence with its associated septic system and the seven aforementioned existing barns being located on the 14.26-acre balance of the existing 18.76-acre parcel, which will be combined with a westerly adjacent 38.20-acre parcel zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) resulting in the creation of a 52.46-acre parcel.*

*The subject property is located in a predominately agricultural area with residential land uses dispersed throughout. The nearest city limits of the City of Fresno is located approximately one quarter-mile west of the subject property, and a regional wastewater reclamation facility owned and operated by the City of Fresno is also located approximately one quarter-mile to the west. Additionally, a solid waste disposal facility (landfill) owned and operated by the City of Fresno is located approximately two and a quarter-miles east of the subject property, an electrical distribution substation owned and operated by the Pacific Gas and Electric Company (PG&E) is located approximately one mile to the northwest, and an elementary school (West Park Elementary School) is located approximately one mile to the east. The subject property is not located along a designated Scenic Highway, and no scenic vistas or scenic resources were identified in the analysis of this Variance request.*

## 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 forest land, is classified as Prime Farmland on the Fresno County Important Farmland Map (2014), and is currently enrolled under Agricultural Land Conservation Contract (Williamson Act Contract) No. 1440.*

*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 to remain under Williamson Act Contract. In this case, an application for partial cancellation of Williamson Act Contract No. 1440 for the proposed 2.00-acre parcel and the proposed 2.50-acre parcel has been filed and is in process. Further, the 14.26-acre balance of the existing 18.76-acre parcel will be combined with a westerly adjacent 38.20-acre parcel that is also enrolled under Williamson Act Contract No. 1440.*

*Although the subject property contains Prime soil, the proposed 2.00-acre parcel and the proposed 2.50-acre parcel will each contain an existing single-family residence and would not be sustainable parcels for agricultural cultivation. Further, the 14.26-acre balance of the existing 18.76-acre parcel, which has been commercially planted for the last five years with alfalfa, will be combined with an adjacent 38.20-acre parcel that is actively farmed and therefore, said 14.26 acres of land will continue to be agriculturally productive.*

*The Agricultural Land Conservation Committee heard the request for partial cancellation during their December 7, 2016 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. 1440 by the Board of Supervisors, which would occur after final action on this Variance request.*

### III. AIR QUALITY

- A. Would the project conflict with or obstruct implementation of the applicable Air Quality Plan; or
- B. Would the project isolate 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:

*Approval of this Variance request would result in an existing single-family residence and associated septic system being located on a proposed 2.00-acre parcel, another existing single-family residence and associated septic system being located on a proposed 2.50-acre parcel, and a third existing single-family residence with its associated septic system and seven existing barns being located on a proposed 52.46-acre parcel. This proposal was routed to and reviewed by the San Joaquin Valley Unified Air Pollution Control District (Air District), which did not identify any concerns related to the requested Variance. Further, no new development is proposed with this Variance request.*

#### 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 and has existing improvements comprised of three single-family residences with septic systems and seven barns. Additionally, neighboring properties have been historically utilized for agricultural cultivation and, therefore, have also been previously disturbed. This proposal was reviewed by the California Department of Fish and Wildlife (CDFW),*

*which did not identify any concerns related to the Variance request. This proposal was also routed to the U.S. Fish and Wildlife Service (USFWS), which also did not identify any concerns related to the Variance request. Therefore, 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; or
- 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 and associated septic system being located on a proposed 2.00-acre parcel, another existing single-family residence and associated septic system being located on a proposed 2.50-acre parcel, and a third existing single-family residence with its associated septic system and seven existing barns being located on a proposed 52.46-acre parcel. The subject property is not located in an area designated to be highly or moderately sensitive for archeological resources. Further, no new development is proposed with this Variance request.*

## 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; or

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

FINDING: NO IMPACT:

*The area where the subject property is located is designated as Seismic Design Category C in the California Geological Survey. No agency expressed concerns related to ground shaking, ground failure, liquefaction or landslides. Further, no new development is proposed with this Variance request; however, possible future development shall be subject to the Seismic Design Category C Standards. This mandatory requirement will be included as a Project Note for future development.*

- B. Would the project result in substantial erosion or loss of topsoil?

FINDING: NO IMPACT:

*Approval of this Variance request would result in an existing single-family residence and associated septic system being located on a proposed 2.00-acre parcel, another existing single-family residence and associated septic system being located on a proposed 2.50-acre parcel, and a third existing single-family residence with its associated septic system and seven existing barns being located on a proposed 52.46-acre parcel. Further, no new development is proposed with this Variance request; however, a Grading Permit or Grading Voucher shall be required for any grading associated with possible future development. This mandatory requirement will be included as a Project Note for future development.*

- 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: NO IMPACT:

*The subject property is not located within an area of known risk of landslides, lateral spreading, subsidence, liquefaction, collapse, or within an area of known 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: LESS THAN SIGNIFICANT IMPACT:

*The three existing single-family residences located on the subject property each have independent septic systems, and no new development is proposed with this Variance request. According to the Environmental Health Division of the Fresno County Department of Public Health, the proposed parcels can accommodate the existing septic systems 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(s). 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:

*The San Joaquin Valley Unified Air Pollution Control District (Air District) has reviewed this proposal and expressed no concerns related to greenhouse gas emissions. Further, no new development is proposed with this Variance request.*

## 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.*

*It is noted by Staff that an elementary school (West Park Elementary School) is located approximately one mile east of the subject property.*

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

FINDING: NO IMPACT:

*No hazardous materials sites are located within the boundaries of the subject property.*

- 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 subject property is not located within an Airport Land Use Plan or in the vicinity of a public or private use airport.*

- G. Would the project impair implementation of or physically interfere with an adopted Emergency Response Plan or Emergency Evacuation Plan?

FINDING: NO IMPACT:

*This proposal will not impair the implementation of, or physically interfere with an adopted Emergency Response Plan. No such impacts were identified in the analysis of this Variance request.*

- 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:

*The subject property is not located within a wildland area.*

## IX. HYDROLOGY AND WATER QUALITY

- A. Would the project violate any water quality standards or waste discharge requirements or otherwise degrade water quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VI.E Geology and Soils

- 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?



FINDING: LESS THAN SIGNIFICANT IMPACT:

*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.*

- 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:

*No streams or rivers are located within the boundaries of the subject property.*

- 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?

FINDING: NO IMPACT:

*Approval of this Variance request would result in an existing single-family residence and associated septic system being located on a proposed 2.00-acre parcel, another existing single-family residence and associated septic system being located on a proposed 2.50-acre parcel, and a third existing single-family residence with its associated septic system and seven existing barns being located on a proposed 52.46-acre parcel. Further, no new development is proposed with this Variance request; however, 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.*

- F. Would the project otherwise substantially degrade water quality?

FINDING: NO IMPACT:

*No additional water quality impacts were identified in the analysis of this Variance request.*

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

FINDING: NO IMPACT:

*No additional housing is proposed with this Variance request.*

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

FINDING: NO IMPACT:

*The subject property is not subject to flooding from the 1% chance storm (100-year storm).*

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

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

FINDING: NO IMPACT:

*The subject property is not prone to seiche, tsunami or mudflow, nor is the subject property exposed to potential levee or dam failure.*

#### X. LAND USE AND PLANNING

A. Will the project physically divide an established community?

FINDING: NO IMPACT:

*This proposal will not physically divide a community. The subject property is located approximately one quarter-mile east of the nearest city limits of the City of Fresno.*

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).*

*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.*

*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.*

*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 LU-A.6, the subject proposal is not consistent with General Plan Policy LU-A.9 as said Policy only allows 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 2.00-acre parcel and a 2.50-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.*

*With regard to General Plan Policy LU-A.7, creation of the proposed 2.00-acre parcel and the proposed 2.50-acre parcel will separate an existing farming operation from lands that have been historically utilized for residential purposes and which are not agriculturally cultivated. Additionally, this Variance request would not increase the permitted residential density in the area as the proposed 2.00-acre parcel and the proposed 2.50-acre parcel will each have existing single-family residences located thereon and secondary residences would not be allowed on either proposed parcel as a matter of right. Further, the 14.26-acre balance of the existing 18.76-acre parcel will be combined with a westerly adjacent 38.20-acre parcel also zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) resulting in the creation of a 52.46-acre parcel with one existing single-family residence located thereon. As the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone Districts allows one single-family residence to be established per 20 acres of land as a matter of right, a secondary residence could be established on the proposed 52.46-acre parcel; however, it is noted by staff that the existing 38.20-acre parcel is devoid of residential development, and a single-family residence could currently be established thereon as a matter of right.*

*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.*

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

FINDING: NO IMPACT:

*This proposal will not conflict with any Land Use Plan or Habitat or Natural Community Conservation Plan. No such Plans were identified in the analysis of this Variance request.*

## 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:

*No mineral resource impacts were identified in the analysis of this Variance request. The subject property is not located in a mineral resource area identified in Policy OS-C.2 of the General Plan.*

## 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:

*The Environmental Health Division of the Fresno County Department of Public Health reviewed this proposal and did not identify any potential noise-related impacts. Further, no new development is proposed with this Variance request.*

- 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 property is not located in the vicinity of a public airport or private airstrip, and is not impacted by airport noise.*

### 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 proposal will not construct additional housing, displace existing housing, nor will it otherwise induce population growth.*

### 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:

*This proposal was reviewed by the Fresno County Fire Protection District (Fire District) which did not identify any concerns with the Variance request. Further, no new development is proposed with this Variance request; however, possible future development must comply with the California Code of Regulations Title 24 – Fire Code. This mandatory requirement will be included as a Project Note for future development.*

- 2. Police protection?

FINDING: NO IMPACT:

*This proposal was reviewed by the Fresno County Sheriff's Department, which did not identify any concerns related to the Variance request.*

- 3. Schools; or
- 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: NO IMPACT:

*No such impacts were identified in the analysis of this Variance request.*

#### 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?

FINDING: NO IMPACT:

*Approval of this Variance request would result in an existing single-family residence and associated septic system being located on a proposed 2.00-acre parcel, another existing single-family residence and associated septic system being located on a proposed 2.50-acre parcel, and a third existing single-family residence with its associated septic system and seven existing barns being located on a proposed 52.46-acre parcel. Two of the existing single-family residences have existing driveway access from North Avenue, and the third existing single-family residence has existing driveway access from Blythe Avenue. Further, no new development is proposed with this Variance request.*

*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 the Variance request.*

- C. Would the project result in a change in air traffic patterns?

FINDING: NO IMPACT:

*This proposal will not result in a change in air traffic patterns. No such impacts were identified in the analysis of this Variance request.*

- D. Would the project substantially increase traffic hazards due to design features; or
- E. Would the project result in inadequate emergency access?

FINDING: NO IMPACT:

*No such impacts were identified in the analysis of this Variance request.*

- 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:

*This proposal will not conflict with any adopted alternative transportation plans. No such impacts were identified in the analysis of 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VI.E Geology and Soils.

- C. Would the project require or result in the construction or expansion of new storm water drainage facilities?

FINDING: NO IMPACT:

See discussion in Section IX.E Hydrology and Water Quality.

- D. Would the project have sufficient water supplies available from existing entitlements and resources, or are new or expanded entitlements needed?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion under Section IX.B Hydrology and Water Quality

- E. Would the project result in a determination of inadequate wastewater treatment capacity to serve project demand?

## **CONCLUSION/SUMMARY**

Based upon the Initial Study prepared for Variance Application No. 3987, staff has concluded that the proposal will not have a significant effect on the environment. It has been determined that there would be no impacts to aesthetics, air quality, biological resources, cultural resources, greenhouse gas emissions, hazards and hazardous materials, mineral resources, noise, population and housing, public services, recreation, or transportation and traffic.

Potential impacts related to agricultural and forestry resources, geology and soils, hydrology and water quality, land use and planning, and utilities and service systems 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.

DC:

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## EXHIBIT 9

File original and one copy with: <b>Fresno County Clerk 2221 Kern Street Fresno, California 93721</b>		County Clerk Only.  CLK-2046.00 E04-73 R00-00		
Agency File No: IS 7077	<b>LOCAL AGENCY PROPOSED NEGATIVE DECLARATION</b>		County Clerk File No: <b>E</b>	
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor		City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Derek Chambers, Planner		Area Code: 559	Telephone Number: 600-4205	Extension: N/A
Applicant (Name): George Tavares		Project Title: Variance Application No. 3987		
Project Description: Allow creation of a 2.00-acre parcel and a 2.50-acre parcel from an existing 18.76-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The subject property is located on the southwest corner of North Avenue and Blythe Avenue, approximately one quarter-mile east of the nearest city limits of the City of Fresno (4417 W. North Avenue, 3035 S. Blythe Avenue) (Sup. Dist. 1) (APNs 327-220-27, 327-220-43).				
Justification for Negative Declaration: Based upon the Initial Study prepared for Variance Application No. 3987, staff has concluded that the proposal will not have a significant effect on the environment.  No impacts were identified related to aesthetics, air quality, biological resources, cultural resources, greenhouse gas emissions, hazards and hazardous materials, mineral resources, noise, population and housing, public services, recreation, or transportation and traffic.  Potential impacts related to agricultural and forestry resources, geology and soils, hydrology and water quality, land use and planning, and utilities and service systems have been determined to be less than significant.  The Initial Study and Negative Declaration are available for review at 2220 Tulare Street, Suite A, Fresno, CA 93721.				
FINDING: The proposed Variance request will not have a significant impact on the environment.				
Newspaper and Date of Publication: Fresno Business Journal – March 1, 2017			Review Date Deadline: March 30, 2017	
Date: February 28, 2017	Type or Print Signature: Chris Motta Principal Planner		Submitted by (Signature): Derek Chambers Planner	

State 15083, 15085

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

### LOCAL AGENCY NEGATIVE DECLARATION