



# County of Fresno

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

## Planning Commission Staff Report Agenda Item No. 2 October 20, 2016

**SUBJECT:** Variance Application No. 4000

Amend previously-approved Variance No. 3957 in order to remove a Condition of Approval requiring widening of an existing access easement, and remove a Condition of Approval requiring the payment of a proportionate share of cost for maintenance of said access easement.

**LOCATION:** The subject property is located approximately one quarter-mile northeast of the intersection of Saddleback Road and Rockledge Road, within the unincorporated community of Shaver Lake (Sup. Dist. 5) (APN 130-920-24).

**OWNER/APPLICANT:** Madera Creek, LLC

**STAFF CONTACT:** Derek Chambers, Planner  
(559) 600-4205

Chris Motta, Principal Planner  
(559) 600-4227

**RECOMMENDATION:**

- Deny Variance No. 4000; 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. Assessor's Map
6. Applicant's Submitted Findings
7. Site Plan prepared for Variance No. 3957
8. Resolution and Staff Report prepared for Variance No. 3957
9. Public Correspondence

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
General Plan Designation	Mountain Residential in the County-adopted Shaver Lake Community Plan	No change
Zoning	R-1-C (Single-Family Residential, 9,000 square-foot minimum parcel size)	No change
Parcel Size	Parcel No. 1: 2.79 acres (authorized by Variance No. 3957)  Parcel No. 2: 3.26 acres (authorized by Variance No. 3957)	No change
Project Site	Parcel No. 1: 2.79 acres; 60-foot-wide non-exclusive access easement (12-foot pavement width)  Parcel No. 2: 3.26 acres; 60-foot-wide non-exclusive access easement (12-foot pavement width)	No change
Structural Improvements	Parcel No. 1: None  Parcel No. 2: None	Parcel No. 1: No development proposed

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
		Parcel No. 2: No development proposed
Nearest Residence	Approximately 20 feet west of the western property line of Parcel No. 1	No change
Surrounding Development	Residential uses dispersed throughout area; State Route 168 (Tollhouse Road) located approximately one half-mile northwest of the subject property	No change
Operational Features	N/A	N/A
Employees	N/A	N/A
Customers	N/A	N/A
Traffic Trips	N/A	N/A
Lighting	None	No development proposed
Hours of Operation	N/A	N/A

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

**ENVIRONMENTAL ANALYSIS:**

It has been determined pursuant to Section 15061.b.3 of the California Environmental Quality Act (CEQA) Guidelines that the proposed project will not have a significant effect on the environment and is not subject to CEQA.

**PUBLIC NOTICE:**

Notices were sent to 64 property owners within 600 feet of the subject property, 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 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:**

On May 21, 2015, Variance (VA) No. 3957 was approved by the Planning Commission authorizing the creation of an approximately 2.79-acre parcel without public road frontage, and an approximately 3.26-acre parcel without public road frontage from an approximately 6.3-acre parcel in the R-1-C (Single-Family Residential, 9,000 square-foot minimum parcel size) Zone District. As the R-1-C Zone District requires at least 70 feet of public road frontage for the creation of new parcels, and the parcels proposed with VA No. 3957 would not have public road frontage, a Variance was required to authorize the parcels proposed with VA No. 3957. In that instance, staff recommended denial of VA No. 3957 due to the lack of an extraordinary physical circumstance warranting the creation of the proposed parcels; however, the Commission granted the Variance request with a vote of 6 to 0 (two Commissioners absent, one Commissioner position vacant).

The parcels authorized by VA No. 3957 are accessed from an existing 60-foot-wide non-exclusive access easement that has a pavement width of 12 feet. This access easement connects to Saddleback Road to the west and Black Oak Way to the east. Due to concerns expressed by the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning regarding the adequacy of the existing access easement, particularly in regard to State Responsibility Area (SRA) requirements, Conditions of Approval were included to require widening of the existing access easement pavement, and payment of a proportionate share of costs for maintenance of the access easement. The State Responsibility Area (SRA) is a designation for lands where the State (Cal Fire) has the primary responsibility to prevent and suppress wildland fires. Lands designated in SRAs are subject to development standards that are established by the California Board of Forestry and Fire Protection, and implemented by local agencies such as the Fresno County Department of Public Works and Planning.

On June 22, 2015, Tentative Parcel Map (TPM) No. 8129 was approved to create the parcels authorized by VA No. 3957, subject to the Conditions of Approval required. As the Conditions of Approval under VA No. 3957 have not been satisfied, the parcelization authorized by VA No. 3957 has not been made effective and the subject property is still identified as Assessor's Parcel Number (APN) 130-920-24.

The subject proposal (VA Application No. 4000) proposes to amend VA No. 3957 in order to remove the following Conditions of Approval:

- *The property owner shall execute a Covenant on each proposed parcel agreeing to contribute a proportionate share of costs to the maintenance of the existing 60-foot-wide non-exclusive access easement.*
- *The pavement width of the 60-foot-wide non-exclusive access easement shall be increased from 12 feet to 18 feet from the edge of Saddleback Road to the eastern boundary of Proposed Parcel No. 2.*

There have been two other Variance applications requesting reduced public road frontage requirements for the creation of new parcels in the R-1-C Zone District filed within one mile of the subject property, excluding VA No. 3957. The following table provides a brief summary of each of those Variance requests, staff recommendations, and final actions:

Application/Request	Date of Action	Staff Recommendation	Final Action
VA No. 3242 – Allow creation of two parcels without public road frontage (70 feet required) in the R-1-C Zone District	May 6, 1993	Denial	Planning Commission Approved
VA No. 3462 – Allow creation of a parcel without public road frontage (70 feet required) in the R-1-C Zone District	August 25, 1994	Approval	Planning Commission Approved

Although there is a history of Variance requests within proximity of the subject property, each Variance request is considered on its own merit, based on unique site conditions and circumstances.

**DISCUSSION:**

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

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

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	Front: 25 feet Side: 7 feet Rear: 20 feet	N/A (no development proposed)	N/A
Parking	One covered parking space for each residence	N/A (no development proposed)	N/A
Lot Coverage	40 percent maximum	N/A (no development proposed)	N/A
Space Between Buildings	Six feet minimum	N/A (no development proposed)	N/A
Wall Requirements	No requirement for parcels larger than one acre	No requirement	N/A
Septic Replacement Area	100 percent	No change	N/A (no development proposed)

	<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	N/A (no development proposed)

**Reviewing Agency/Department Comments:**

Zoning Section of the Fresno County Department of Public Works and Planning: The R-1-C Zone District requires at least 70 feet of public road frontage.

**Analysis:**

In support of Finding 1, the Applicant states that the Conditions of Approval in question are overly burdensome financial requirements. Additionally, the extreme costs required to satisfy the Conditions of Approval in question, particularly in regard to the requirement to widen the access easement pavement, are not warranted considering that VA No. 3957 was limited in scope to the creation of two parcels with no proposed improvements. Further, the Applicant also emphasizes the fact that they are not land developers, and they have no plans to sell homes in the Shaver Lake area.

The Findings provided by the Applicant further state in support of Finding 1 that the Planning Commission has authority to modify State Responsibility Area (SRA) requirements. Additionally, the Applicant also asserts that the Planning Commission has authority to reimburse County application fees and, therefore, requests that the Planning Commission reimburse the Applicant for the \$3,283.50 fee that was paid to file the subject proposal (VA Application No. 4000).

According to the Findings provided by the Applicant, should the Conditions of Approval in question remain in effect, owners of properties within the Sierra Cedars residential subdivision should be required to contribute toward the widening of the access easement pavement, which is utilized as a fire road for the Sierra Cedars residential subdivision. Additionally, there may be existing Covenants recorded on the Sierra Cedars lots that would require said owners to contribute toward the widening of the access easement pavement.

In support of Finding 2, the Applicant states that they have a right to make productive use of the subject property, which is surrounded by residential subdivisions. Further, each of the parcels authorized by VA No. 3957 has a water right from the Sierra Cedars Community Service District, and a home can be established on each of the parcels authorized by VA No. 3957 as a matter of right.

The Findings provided by the Applicant further state in support of Finding 2 that the Conditions of Approval in question do not identify what the proportionate share of costs is intended to be for the maintenance of the access easement, nor did the Conditions of Approval in question require other property owners to contribute towards the widening of the access easement pavement. Additionally, it is also noted by the Applicant that no opposition was received from the public in regard to VA No. 3957.

With regard to Finding 1, the cost required to satisfy the Conditions of Approval in question is an issue of interpersonal circumstance and is not a physical characteristic of the subject property.

With regard to State Responsibility Area (SRA) requirements, according to the Building and Safety Section of the Fresno County Department of Public Works and Planning, said requirements are under the jurisdiction of the Fresno County Fire Protection District/Cal Fire (Fire District).

With regard to the reimbursement of County application fees paid, such action would have to be authorized by the Fresno County Board of Supervisors, as the Board adopted the Master Schedule of Fees utilized to require application fees.

With regard to Finding 2, owners of properties within the Sierra Cedars Community Service District pay a share of costs toward the maintenance of the subject access easement. Staff acknowledges that the amount to be paid by the Applicant as their proportionate share of costs for maintenance of the access easement has not been determined; however, it should be noted that the owners of properties within the Sierra Cedars Community Service District cannot be compelled to fund the widening of the access easement pavement.

**Noteworthy Recommended Conditions of Approval:**

*See recommended Conditions of Approval attached as Exhibit 1.*

**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:	7.80 acres	Single-family residence	R-1-C	358 feet
South:	15,000 square-foot residential lots	Single-family residences	R-1-C	25 feet
East:	6.80 acres	Vacant	R-1-C	None
West:	15,000 square-foot residential lots	Single-family residences	R-1-C	20 feet

**Reviewing Agency/Department Comments:**

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

Fresno County Department of Public Health, Environmental Health Division: No concerns with the proposal. Excluding the Conditions of Approval in question, all other Conditions of Approval, Mitigation Measures and Project Notes from VA No. 3957 shall remain in effect.

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

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: The pavement width of the 60-foot-wide non-exclusive access easement shall be increased from 12 feet to 18 feet in order to satisfy minimum State Responsibility Area (SRA) requirements.

Fresno County Fire Protection District/Cal Fire: No concerns with the proposal, as the characteristics of the access easement in question would satisfy the State Responsibility Area (SRA) requirements for a One-Way Road with inclusion of a requirement to provide a turnout at the midpoint of the access easement (halfway between Saddleback Road and Black Oak Way). This requirement has been included as a recommended Condition of Approval.

### **Analysis:**

In support of Finding 3, the Applicant states that the Condition of Approval in question which requires widening of the access easement pavement may have been included in an effort to correct an error in the location of the pavement which meanders outside the boundaries of the access easement east of the subject property. Further, should this be the case, the area where the pavement meanders outside the boundaries of the access easement is not a part of the subject property and, therefore, does not justify the Condition of Approval.

The Findings provided by the Applicant further state in support of Finding 3 that the granting of the subject proposal (VA Application No. 4000) would not change existing site characteristics, nor would it result in an increase in the amount of traffic on the access easement.

With regard to Finding 3, Staff acknowledges that the removal of the Conditions of Approval in question would not change the characteristics of the parcels authorized by VA No. 3957, nor would removal of the Conditions of Approval in question result in an increase in the amount of traffic on the access easement.

Staff further acknowledges that the paved surface of the access easement does meander outside the boundaries of the access easement east of the subject property; however, this circumstance was not the motivation behind the Condition of Approval requiring widening of the access easement pavement. Rather, inclusion of said Condition of Approval was predicated on agency comments provided by the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning which identified a need to increase the pavement width of the access easement from 12 feet to 18 feet in order to satisfy minimum State Responsibility Area (SRA) requirements.

The subject proposal (VA Application No. 4000) was reviewed by the Fresno County Fire Protection District/Cal Fire (Fire District), which did not express any concerns with the proposal. According to said agency, the current configuration and use of the access easement in question would satisfy the State Responsibility Area (SRA) requirements for a One-Way Road if a turnout is provided at the midpoint of the access easement (halfway between Saddleback Road and Black Oak Way). As such, the requirement to provide a turnout at the midpoint of the access



easement (halfway between Saddleback Road and Black Oak Way) has been included as a recommended Condition of Approval.

Based on the above information and with adherence to the recommended Conditions of Approval and Project Notes identified in this Staff Report, staff believes that there will be no aesthetic impact or adverse effects on surrounding properties if this Variance request is granted. As such, staff believes that Finding 3 can be made.

**Noteworthy Recommended Condition of Approval:**

*See ecommended Conditions of Approval attached as Exhibit 1.*

**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 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.</p>	<p>VA No. 3957 was reviewed by the Resources Division of the Fresno County Department of Public Works and Planning, which commented that the Sierra Cedar Community Service District had experienced difficulty in meeting current potable water demands within the District, and that the parcelization proposed through VA No. 3957 may increase the demand on the potable water supply within the District. However, the Applicant owns three water rights from the Sierra Cedar Community Service District. As such, each of the parcels authorized by VA No. 3957 has a water right from the Sierra Cedar Community Service District.</p> <p>VA Application No. 4000 was also reviewed by the Resources Division; however, said agency has no concerns regarding this proposal.</p>

**Reviewing Agencies/Department Comments:**

Policy Planning Section of the Fresno County Department of Public Works and Planning: No concerns with the proposal.

**Analysis:**

In support of Finding 4, the Applicant states that the subject proposal (VA Application No. 4000) will not compromise or negatively impact the surrounding Mountain Residential area. Additionally, the parcels authorized by VA No. 3957 will be consistent with other parcels found in the area, and the funds obtained from the sale of the parcels authorized by VA No. 3957 will be utilized to construct a home on an existing parcel in the area, which is not subject to VA No.

3957. Further, approval of this Variance request will not change the characteristics of the parcels authorized by VA No. 3957.

With regard to Finding 4, Staff acknowledges that the removal of the Conditions of Approval in question would not change the characteristics of the parcels authorized by VA No. 3957. Further, staff also notes that the Policies of the County-adopted Shaver Lake Community Plan do not preclude the creation of parcels without public road frontage. As such, approval of the requested Variance will not be contrary to the objectives of the General Plan.

**Noteworthy Recommended Conditions of Approval:**

*See recommended Conditions of Approval attached as Exhibit 1.*

**Conclusion:**

Finding 4 can be made.

**PUBLIC COMMENT:**

One electronic correspondence (email) was received in opposition to the application citing concerns regarding equal participation in access easement and road maintenance (Exhibit 9).

**CONCLUSION:**

Based on the factors cited in the analysis, staff is unable to make Findings 1 and 2. Therefore, staff recommends denial of Variance No. 4000.

**PLANNING COMMISSION MOTIONS:**

**Recommended Motion** (Denial Action)

- Move to determine that the required Findings cannot be made and move to deny Variance No. 4000; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**Alternative Motion** (Approval Action)

- Move to determine that the required Findings can be made (state basis for making the Findings) and move to approve Variance No. 4000, subject to the Conditions of Approval and Project Notes attached as Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

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

See attached Exhibit 1.

DC:ksn  
G:\4360Devs&PIn\PROJSEC\PROJDOCS\VA\4000-4099\4000\SR\VA4000 SR.docx

**Variance Application No. 4000  
(Conditions of Approval)**

<b>Conditions of Approval</b>	
1.	All Mitigation Measures, Conditions of Approval and Project Notes for Variance (VA) No. 3957 shall remain in full force and effect, except as modified with the approval of Variance (VA) No. 4000.
2.	Provide a turnout at the midpoint of the subject access easement (halfway between Saddleback Road and Black Oak Way) in accordance with State Responsibility Area (SRA) standards for a One-Way Road.

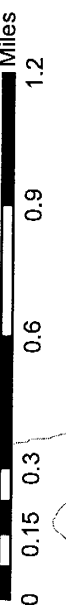
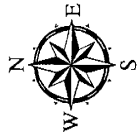
DC:ksn  
G:\4360Devs&P\In\PROJECT\PROJDOCS\VA\4000-4099\4000\SR\VA4000 Conditions & PN (Ex 1).docx



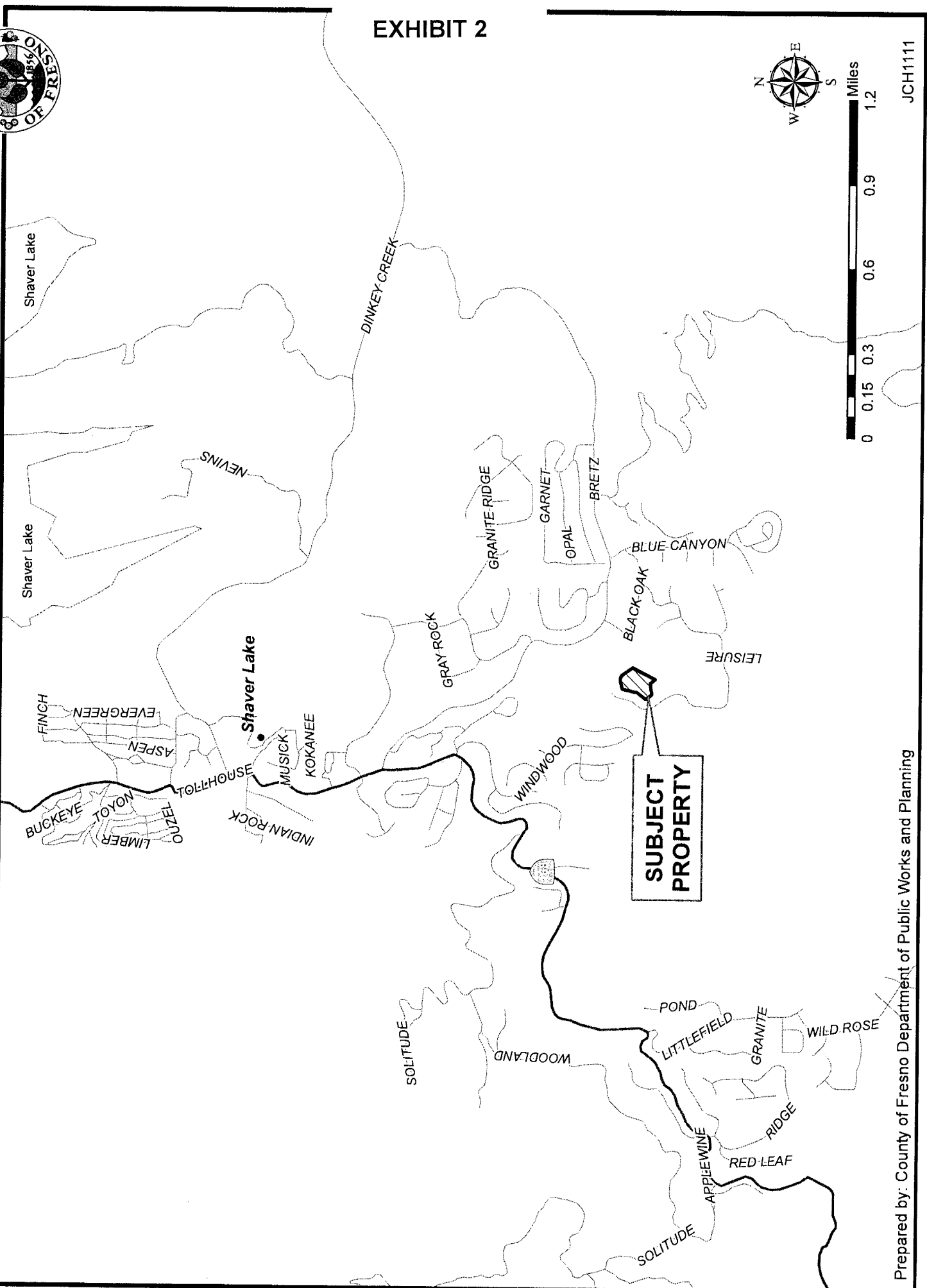
# LOCATION MAP

VA 4000

## EXHIBIT 2



JCH1111

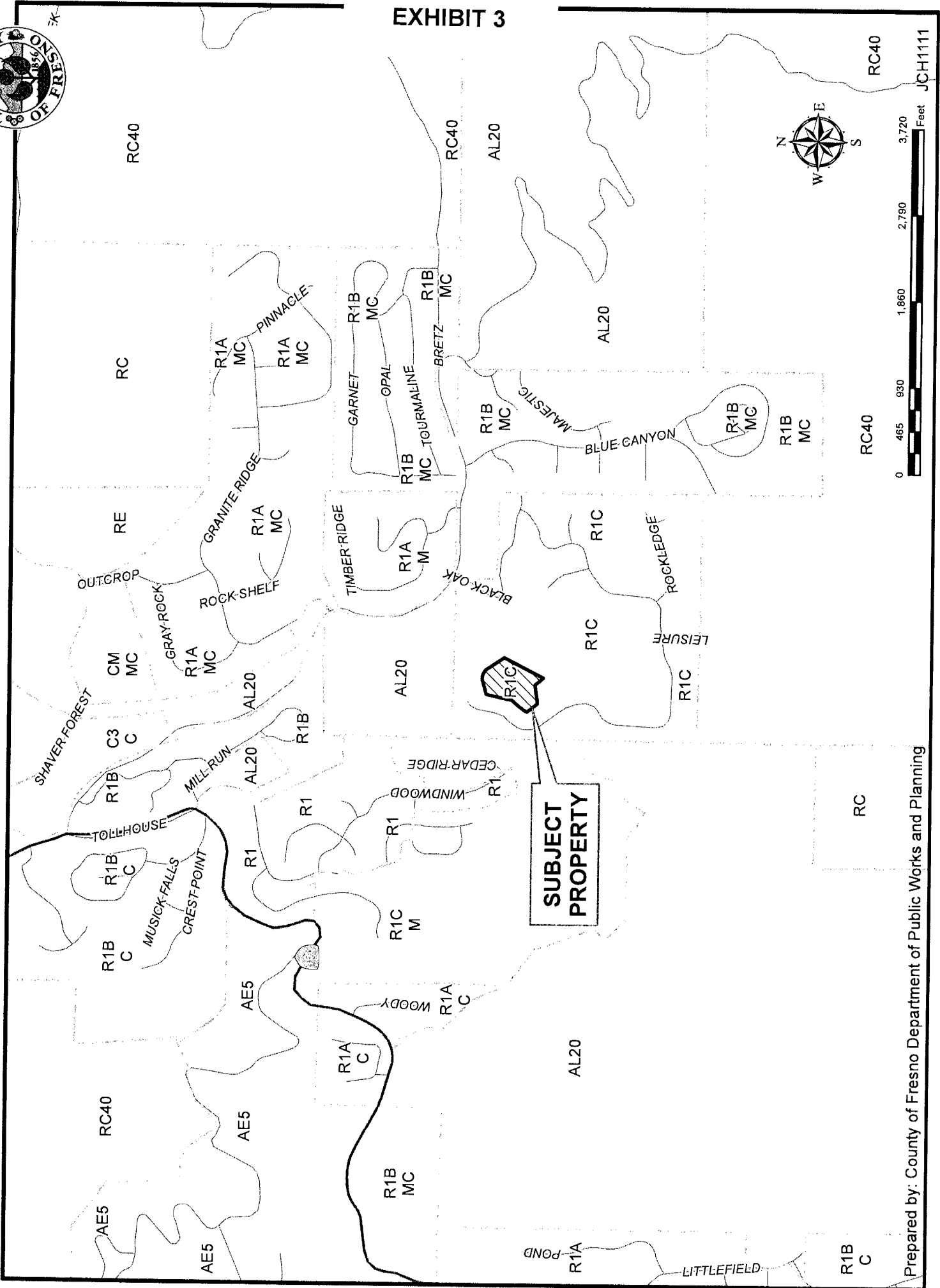


Prepared by: County of Fresno Department of Public Works and Planning

# EXISTING ZONING MAP



## EXHIBIT 3

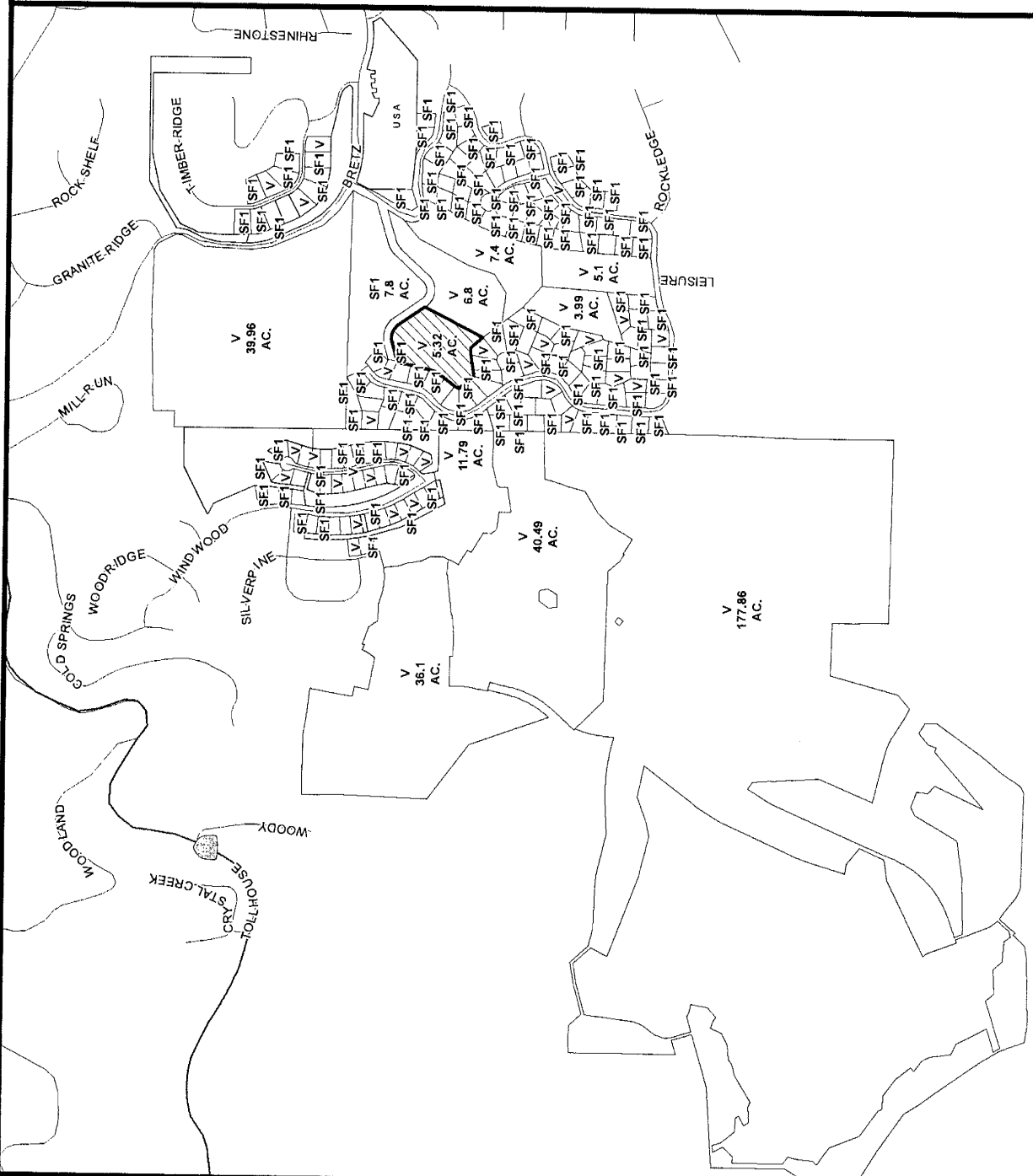


# EXISTING LAND USE MAP



## EXHIBIT 4

VA 4000



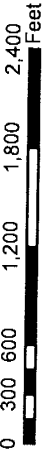
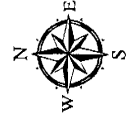
### LEGEND

SF#- SINGLE FAMILY RESIDENCE  
V - VACANT

### LEGEND:



Subject Property



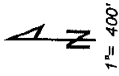
Department of Public Works and Planning  
Development Services Division

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

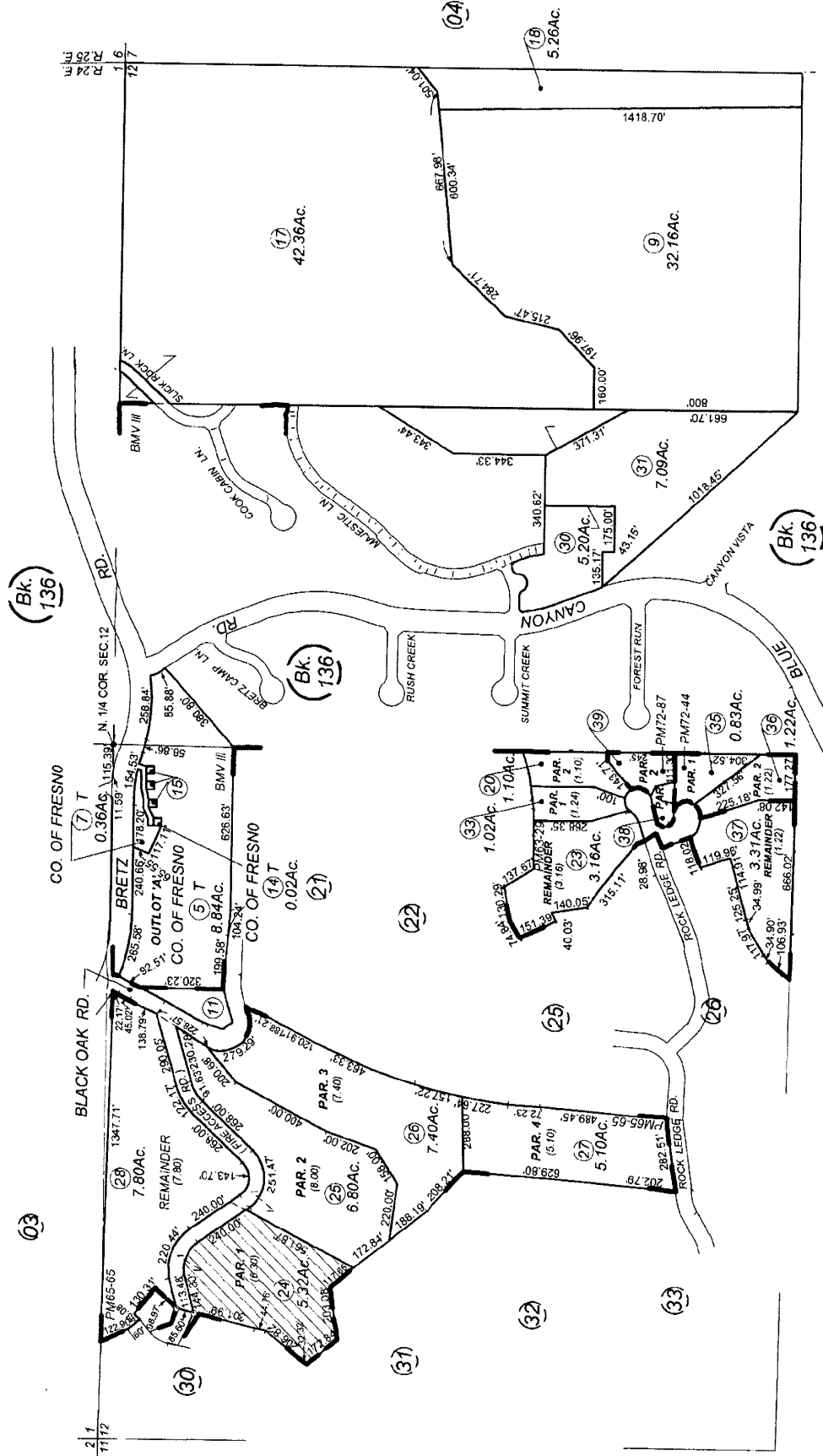
**POR. SEC.12, T.10 S., R.24 E., M.D.B.& M.**

**Tax Rate Area**  
 162-003  
 162-004  
 162-015

**130-92**



**EXHIBIT 5**



(14)

(14)

**Bretz Mountain Village III - Tract No. 5218 - Plat Bk. 75, Pgs.86-89**

**Parcel Map No. 7808 - Bk. 63, Pgs. 29 - 30**

**Parcel Map No. 7804 - Bk. 65, Pgs. 65 - 68**

**8/3/2015 Parcel Map No. 8006 - Bk. 72, Pgs. 44 - 45**

**Parcel Map No. 8100 - Bk. 72, Pg. 87-89**

**Assessor's Map Bk.130 - Pg.92**  
**County of Fresno, Calif.**

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

## EXHIBIT 6

VA 4000  
RECEIVED  
COUNTY OF FRESNO

JUN 27 2016

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

### Variance No. 3957

Applicant: Madera Creek/David White  
Request: Amend Existing Conditions of Approval – Variance No. 3957  
APN 130-920-24

Location: The proposed project is located in the Section 12 of Township 10 south of Range 24E. Parcel size 6.3 acres. Mountain Residential General Plan RIC =9 with minimal 9,000 square feet by 70 feet with 10 foot depth minimum parcel size. (APN 130-920-24).

### Required Findings Necessary for Granting of this Amendment to Conditions of Variance:

1. There are exceptional and extraordinary circumstances and conditions applicable to this property.

On May 21, 2015, the Fresno County Planning Commission approved our Variance Application with Conditions. We respectfully request a review of the Road Condition and the County find it an overly burdensome requirement; for its costs to build and maintain.

Condition No. 1. States: “The property owner shall execute a Covenant on each proposed parcel agreeing to contribute a proportionate share of cost to the maintenance of the existing 60-foot-wide non-exclusive access easement.” Condition of Approval No. 2, requires additional costs of paving this road and provides as follows: “The pavement width of the 60-foot-wide non-exclusive access easement shall be increased from 12 feet to 18 feet from the edge of Saddleback Road to the eastern boundary of Proposed Parcel No. 2.”

This Road Condition is overwhelmingly burdensome and extremely costly. First, we are not a developer and we do not want to sell homes in Shaver. This Variance is not for building any residence on the property. This Variance is simply for establishing two parcels.

If this Condition of Approval No. 1, remains there others in Sierra Cedars who would be required to contribute to the extension (widening) of the pavement. The first Condition of Approval requires us to “execute a Covenant on each proposed parcel agreeing to contribute a proportionate share of cost to the maintenance of the existing 60-foot-wide non-exclusive access easement.” The other “property owners” who are required to contribute to the cost and the cost of widening the pavement something to be shared by all of them. As this is a fire road and only an alternative escape route from the Sierra Cedars subdivision, there may be Covenants of this type recorded against every lot, thus perhaps making everyone obligated to pitch in for the widening of the pavement. This



was not addressed when this burden was placed on this variance. Removing Condition and the road remaining the same would not cause a negative impact to the surrounding parcels.

The “minimum State Responsibility Area (SRA) requirements” sited in the Staff Report are not absolute and can be waived by the Planning Commission. The Planning Commission waive/eliminate/reimburse fees and charges paid or owed to the County in connection with our appeal of this Condition No. 2.

We first filed this Variance application in 2014. As of today’s date, we have paid over \$18,000.00 in fees to the County and Engineer and to file this appeal of the road condition, an additional \$3,283.50. We respectfully request this road requirement be waived and a reimbursement of the additional fees to file this appeal.

2. This Variance is necessary for the preservation and enjoyment of a substantial property right of David White to build a residential home on Parcel 3.

This variance is necessary for the preservation and enjoyment of a substantial property right which is possessed by owners under like conditions in the vicinity. This property is in the center of a residential development. All property owners have a right to make productive use of their property. In this case, each parcel has a home and water right. Thus, a variance is required to allow productive use of the property with three parcels and three waters rights. “Allow creation of an approximately 2.79-acre parcel without public road frontage, and an approximately 3.26-acre parcel without public road frontage (minimum 70 feet required) from an existing 6.3-acre parcel in the R-1-C (Single-Family Residential, 9,000 square-foot minimum parcel size) Zone District.”

The Condition of Approval No. 1 and 2, regarding additional paving of the road north of and adjacent to the property, “pavement width of the 60-foot-wide non-exclusive access easement shall be increased from 12 feet to 18 feet from the edge of Saddleback Road to the eastern boundary of Proposed Parcel No. 2.” It doesn’t provide any indication as to what the “proportionate share” would be and some others would be responsible for their “proportionate share of the cost” that would be incurred to widen the pavement area from 12’ to 18’ width. This Variance is simply to establish two parcels and not to establish a residential project thus opening it up to all neighboring property owners to have to contribute.

Should be noted; NO neighboring property owners objected to this variance.

3. The granting of this variance will not materially detrimental to the public welfare or injurious to the property and improvement.

Page 8 of the Staff Report; “considering that the paved surface of the access easement meanders outside of the boundaries of said easement east of the subject parcel, the Applicant shall be required to increase the pavement width of the access easement from 12 feet to 18 feet from the edge of Saddleback Road to the eastern boundary of the proposed parcels.” This inclusion of Condition of Approval No. 2 may be imposed in an attempt to correct an error in the placement of the pavement “within” the easement area by whoever made the original improvement to the Fire Access Road even so the “meander outside the boundaries” are east of our property and thus moot.

Granting this requested amendment to the variance; would not change the existing conditions nor will it result in an increase in the amount of traffic on the existing private easement. Granting this variance request will not result in a condition that will be materially detrimental to the public welfare or injurious to property and improvements in the vicinity of the property.

4. The granting of this variance will not be contrary to the objectives of the general plan.

This variance will be consistent with the General Plan Polices land use designation and community plan of Shaver Lake. The overriding objective of Fresno County’s General Plan, with respect to property within the RIC-9 zone, with Land Use Designation of Mountain Residential. Policy A.9 states that the County may allow the creation of home site parcels with minimum parcel size.

This variance would not compromise or negativity impact the surrounding mountain residential area. In fact it would only highlight it because the variance would create parcels consistent with the area and the funds obtained would be used to create another residence on Parcel 3. With the granting of this variance there will be no change to the current status of this property. Thus, granting this variance would not be inconsistent with the objectives of the General Plan.

Based upon the factors above, David White/Madera Creek respectfully request that this amendment to the variance application be granted.

**SITE PLAN**

BEING A PORTION OF THE PARCEL 1 OF P.M. No. 7804  
RECORDED IN Bk. 65, Pg. 65 THRU 68 OF PARCEL MAPS

IN THE COUNTY OF FRESNO  
STATE OF CALIFORNIA

SHEET 1 OF 1

**LEGAL OWNER:**

MADERA CREEK LLC, A CALIFORNIA LIMITED LIABILITY COMPANY  
ATTN: MELISSA L. WHITE, ESQ.  
5771 NORTH REMINGTON AVE., SUITE #101  
FRESNO, CA 93711  
TEL. (559) 476-1696

**CURVE DATA:**

No.	RADIUS	DELTA	LENGTH
C1	R=180.00' L=707.1010'	I=45.3326° L=143.12'	
C2	R=180.00' L=77.31'	I=24.3634° L=77.31'	

**NOTES:**

SITE AREA: 4.75± ACRES  
SOURCE OF WATER: COMMUNITY WATER SERVICE  
METHOD OF SEWAGE: PUBLIC SEWER SYSTEM

DATE OF SUBMIT: 11/10/2013  
CWEAS JOB NO. 131541PM  
DRAWN BY N.SAHOTA

E ACCESS ROAD AND FOR COUNTY ROAD PURPOSES PER PARCEL MAP NO. 7804 RECORDED IN BOOK 65 AT PAGES 65 THRU 68, FRESNO COUNTY RECORDS

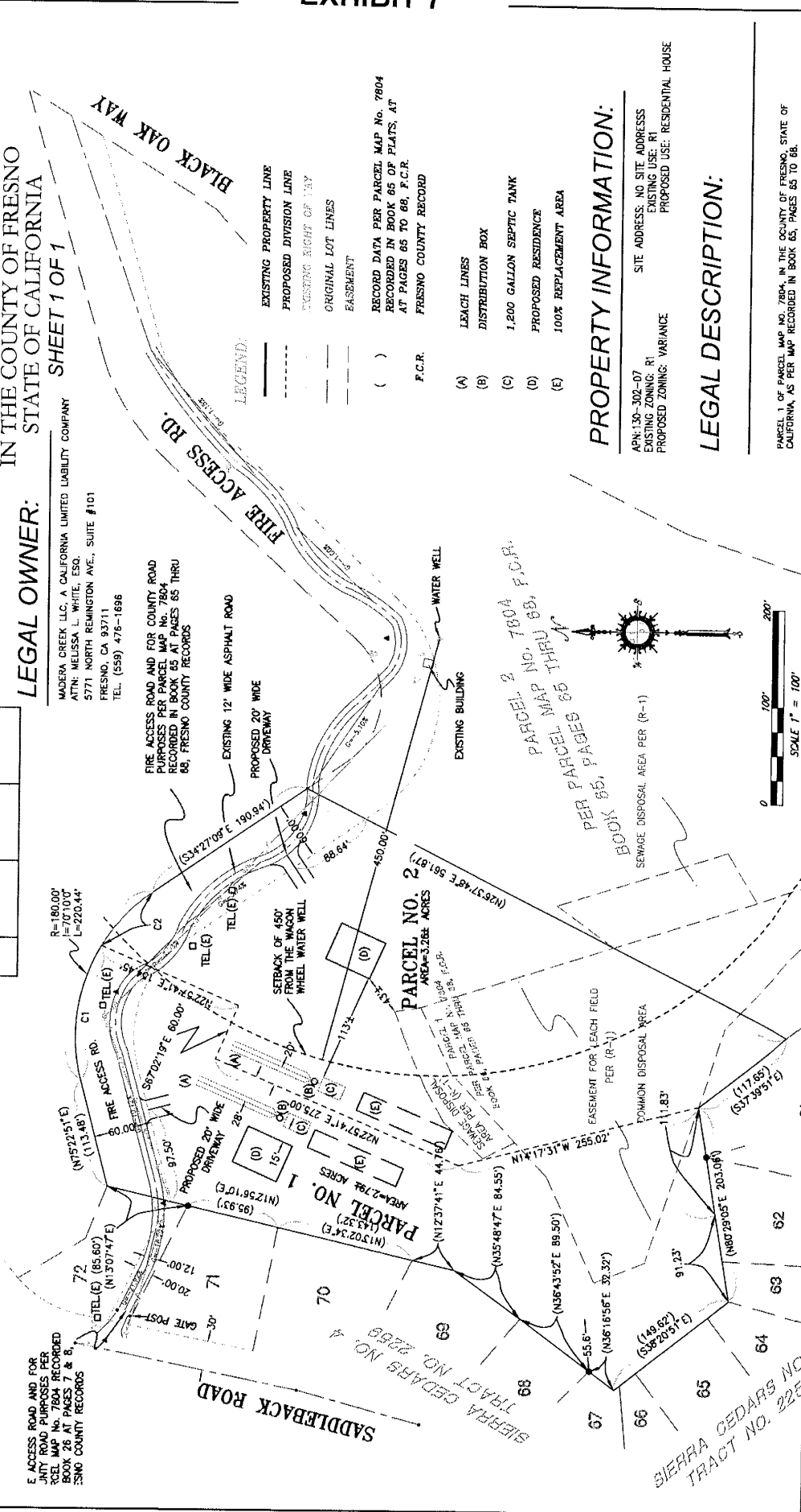
FIRE ACCESS ROAD AND FOR COUNTY ROAD PURPOSES PER PARCEL MAP NO. 7804 RECORDED IN BOOK 65 AT PAGES 65 THRU 68, FRESNO COUNTY RECORDS

EXISTING 12' WIDE ASPHALT ROAD  
PROPOSED 20' WIDE DRIVEWAY

STRACK OF 450' FROM THE WAGON WHEEL WATER WELL

PARCEL 2 7804 F.C.R. PER PARCEL MAP 65 THRU 68, BOOK 65, PAGES 65 THRU 68, FRESNO COUNTY RECORDS

SEWAGE DISPOSAL AREA PER (R-1)  
EASEMENT FOR LEACH FIELD PER (R-1)  
TOWHON DISPOSAL AREA



**LEGEND:**

- EXISTING PROPERTY LINE
- - - PROPOSED DIVISION LINE
- - - - - EASEMENT
- ORIGINAL LOT LINES
- EASEMENT

RECORD DATA PER PARCEL MAP NO. 7804 RECORDED IN BOOK 65 OF PLATS, AT PAGES 65 TO 68, F.C.R. FRESNO COUNTY RECORD

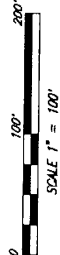
- (A) LEACH LINES
- (B) DISTRIBUTION BOX
- (C) 1,200 GALLON SEPTIC TANK
- (D) PROPOSED RESIDENCE
- (E) 100% REPLACEMENT AREA

**PROPERTY INFORMATION:**

APN: 130-302-07  
SITE ADDRESS: NO. SITE ADDRESS  
EXISTING ZONING: R1  
PROPOSED ZONING: VARIANCE  
PROPOSED USE: RESIDENTIAL HOUSE

**LEGAL DESCRIPTION:**

PARCEL 1 OF PARCEL MAP NO. 7804, IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 65, PAGES 65 TO 68.



## EXHIBIT 8



## Inter Office Memo

---

DATE: May 21, 2015

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12508 – INITIAL STUDY APPLICATION NO. 6843  
and VARIANCE APPLICATION NO. 3957

APPLICANT/OWNER: David E. White

REQUEST: Allow creation of an approximately 2.79-acre parcel without public road frontage, and an approximately 3.26-acre parcel without public road frontage (minimum 70 feet required) from an existing 6.3-acre parcel in the R-1-C (Single-Family Residential, 9,000 square-foot minimum parcel size) Zone District.

LOCATION: The subject property is located approximately one quarter-mile northeast of the intersection of Saddleback Road and Rockledge Road, within the unincorporated community of Shaver Lake (Sup. Dist.: 5) (APN: 130-920-24).

### PLANNING COMMISSION ACTION:

At its hearing of May 21, 2015, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Woolf and seconded by Commissioner Lawson to adopt the Mitigated Negative Declaration prepared for the project, adopt the required Variance Findings and approve Variance Application No. 3957, subject to Conditions listed in Exhibit B, citing that Findings 1 and 2 can be made considering the proposed parcels are larger than the minimum parcel size permitted under existing Zoning.



EXHIBIT A

Initial Study Application No. 6843  
Variance Application No. 3957

- Staff: The Fresno County Planning Commission considered the Staff Report dated May 21, 2015, and heard a summary presentation by staff.
- Applicant: The Applicant's representative described the project and offered the following information to clarify the intended use and ability to make all four Findings:
- The Applicant is agreeable to Staff's recommended Conditions.
  - The subject property is a single parcel with two water rights from the Sierra Cedar Community Service District that are allocated for single family residence use.
  - The subject property is surrounded by parcels that are smaller than the proposed parcels.
  - Any future septic systems to be sited on the proposed parcels will be constructed in compliance with a Sewage Feasibility Analysis prepared for this Variance application.
- Others: One other individual presented information in support of the application, and one individual spoke in opposition to the application.
- Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the application.

DC:ksn  
G:\4360Devs&Pln\PROJSEC\PROJDOCS\VA\3900-3999\3957\RESOLUTION\VA3957 Reso.doc

**Mitigation Monitoring and Reporting Program  
Initial Study No. 6843/Variance Application No. 3957  
(Including Conditions of Approval and Project Notes)**

<b>Mitigation Measure</b>					
<b>Mitigation Measure No.*</b>	<b>Impact</b>	<b>Mitigation Measure Language</b>	<b>Implementation Responsibility</b>	<b>Monitoring Responsibility</b>	<b>Time Span</b>
*1.	Aesthetics	All outdoor lighting shall be hooded and directed as to not shine toward adjacent properties and roads.	Applicant	Applicant	On-going
*2.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activity, all work shall be halted in the area of the find, and an Archeologist shall be contacted to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activity, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are determined to be Native American, the Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant	On-going
*3.	Geology and Soils	Each sewage disposal system shall be designed in accordance with the sewage feasibility studies and recommendations for engineered septic systems prepared by Central Valley Testing, Inc. (Report No. 14-2003 and 14-2003A) and the Melvin C. Simmons report (Project No. W4200) or as otherwise approved by the Fresno County Department of Public Health, Environmental Health Division. Each parcel shall have a site-specific septic system evaluation completed prior to the issuance of building permits.	Applicant/Fresno County Department of Public Works and Planning (PW&P)/Fresno County Department of Public Health	Applicant/Fresno County Department of Public Works and Planning (PW&P)/Fresno County Department of Public Health	On-going
*4.	Hydrology and Water Quality	A 450-foot setback shall be maintained between the Sierra Cedar Community Service District water system wagon wheel water well located on Parcel No. 2 of Parcel Map No. 7804 and any future septic system leach fields located on the proposed parcels.	Applicant/Fresno County Department of Public Works and Planning (PW&P)/Fresno County Department of Public Health	Applicant/Fresno County Department of Public Works and Planning (PW&P)/Fresno County Department of Public Health	On-going

*5.	Hydrology and Water Quality	Deed restrictions as per Parcel Map No. 7804 shall be recorded for the proposed parcels: clearly identify the Sierra Cedar Community Service District common septic leach field area and common collection line as designated on the Parcel Map and/or the existing construction as-builts.	Applicant/Fresno County Department of Public Works and Planning (PW&P)/Fresno County Department of Public Health	Applicant/Fresno County Department of Public Works and Planning (PW&P)/Fresno County Department of Public Health	On-going
-----	-----------------------------	---	--	--	----------

\*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document and Conditions of Approval reference recommended Conditions for the project.

<b>Conditions of Approval</b>					
1.	The property owner shall execute a Covenant on each proposed parcel agreeing to contribute a proportionate share of cost to the maintenance of the existing 60-foot-wide non-exclusive access easement.				
2.	The pavement width of the 60-foot-wide non-exclusive access easement shall be increased from 12 feet to 18 feet from the edge of Saddleback Road to the eastern boundary of Proposed Parcel No. 2.				

**Notes**

<b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b>					
1.	Division of the subject property is subject to the provisions of the Fresno County Parcel Map Ordinance. For more information, contact the Department of Public Works and Planning, Development Engineering Section at (559) 600-4022.				
2.	Any noise-generating construction equipment shall be maintained according to manufacturers' specifications and shall be equipped with mufflers.				





# County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING  
ALAN WEAVER, DIRECTOR

June 24, 2015

David E. White  
7571 N. Remington #104  
Fresno CA 93711

Dear Applicant:

Subject: Resolution No. 12508 – Initial Study Application No. 6843 and Variance  
Application No. 3957

On May 21, 2015, the Fresno County Planning Commission approved your application with Conditions. A copy of the Planning Commission Resolution is enclosed.

Since no appeal was filed with the Clerk to the Board of Supervisors within 15 days, the Planning Commission's decision is final.

The approval of this Variance will expire one year from the date of approval unless the required mapping application to create the parcels is filed in accordance with the Parcel Map Ordinance. When circumstances beyond the control of the Applicant do not permit compliance with this time limit, the Commission may grant an extension not to exceed one additional year. Application for such extension must be filed with the Department of Public Works and Planning before the expiration of the Variance.

If you have any questions regarding the information in this letter please contact me at [dchambers@co.fresno.ca.us](mailto:dchambers@co.fresno.ca.us) or 559-600-4205.

Sincerely,

Derek Chambers, Planner  
Development Services Division

DC:ksn  
G:\4360Devs&Pln\PROJSEC\PROJDOCS\VA\3900-3999\3957\RESOLUTION\VA3957 Reso.doc

Enclosure



# County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING  
**ALAN WEAVER**  
DIRECTOR

## Planning Commission Staff Report Agenda Item No. 6 May 21, 2015

**SUBJECT:** Initial Study Application No. 6843  
Variance Application No. 3957

Allow creation of an approximately 2.79-acre parcel without public road frontage, and an approximately 3.26-acre parcel without public road frontage (minimum 70 feet required) from an existing 6.3-acre parcel in the R-1-C (Single-Family Residential, 9,000 square-foot minimum parcel size) Zone District.

**LOCATION:** The subject property is located approximately one quarter-mile northeast of the intersection of Saddleback Road and Rockledge Road, within the unincorporated community of Shaver Lake (Sup. Dist.: 5) (APN: 130-920-24).

**Applicant/Owner:** David E. White  
**Representatives:** Nick Sahota and Melissa L. White

**STAFF CONTACT:** Derek Chambers, Planner  
(559) 600-4205

Eric VonBerg, Senior Planner  
(559) 600-4569

### RECOMMENDATION:

- Deny Variance Application No. 3957; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

### IMPACTS ON JOB CREATION:

The Commission's action will not have any substantial effect on job creation.

**EXHIBITS:**

1. Mitigation Monitoring, Conditions of Approval, and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Assessor's Map
6. Parcel Map No. 7804
7. Applicant's Submitted Findings
8. Site Plan
9. Summary of Initial Study Application No. 6843

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
General Plan Designation	Mountain Residential in the County-adopted Shaver Lake Community Plan	No change
Zoning	R-1-C (Single-Family Residential, 9,000 square-foot minimum parcel size)	No change
Parcel Size	6.3 acres (approximate)	Parcel No. 1: 2.79 acres Parcel No. 2: 3.26 acres
Project Site	6.3-acre parcel; 60-foot-wide non-exclusive access easement (12-foot pavement width) from Saddleback Road	Parcel No. 1: 2.79 acres; 60-foot-wide non-exclusive access easement (12-foot pavement width) from Saddleback Road  Parcel No. 2: 3.26 acres; 60-foot-wide non-exclusive access easement (12-foot pavement width) from Saddleback Road
Structural Improvements	None	Parcel No. 1: None  Parcel No. 2: None
Nearest Residence	Approximately 20 feet west of the western property line	Approximately 20 feet west of the western property line of proposed Parcel No. 1

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
Surrounding Development	Residential uses dispersed throughout area; State Route 168 (Tollhouse Road) located approximately one half-mile northwest of the subject property	No change
Operational Features	N/A	N/A
Employees	N/A	N/A
Customers	N/A	N/A
Traffic Trips	N/A	N/A
Lighting	Residential lighting	No change
Hours of Operation	N/A	N/A

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

**ENVIRONMENTAL DETERMINATION:**

An Initial Study (IS) was prepared for this Variance proposal by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the IS, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study is below and included as Exhibit 9.

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: May 1, 2015

**PUBLIC NOTICE:**

Notices were sent to 63 property owners within 600 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 Application (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 Variance proposal entails a request to allow the creation of an approximately 2.79-acre parcel without public road frontage, and an approximately 3.26-acre parcel without public road frontage from an approximately 6.3-acre parcel in the R-1-C (Single-Family Residential, 9,000 square-foot minimum parcel size) Zone District. As the R-1-C Zone District requires at least 70 feet of public road frontage for the creation of new parcels, a Variance is required to authorize the proposed parcelization.

The subject 6.3-acre parcel was created with the recordation of Parcel Map No. 7804 on December 30, 2005. The Zone District in effect at that time was R-1-C, which is the same Zone District currently in effect. Additionally, the R-1-C Zone District allows one residence to be established on a parcel as a matter of right. As the subject 6.3-acre parcel is devoid of structural improvements, approval of this Variance request would result in the ability to establish one residence on each proposed parcel as a matter of right.

According to the Variance Findings provided by the Applicant's representatives, in March of 2006, the Applicant purchased Parcel No. 1 of Parcel Map No. 7804 (the subject property) and Parcel No. 3 of Parcel Map No. 7804. The purchase of these properties included three water rights from the Sierra Cedar Community Service District. It was planned by the Applicant to construct a home on Parcel No. 3 of Parcel Map No. 7804; however, a downturn in the economy subsequent to purchasing the property precluded construction of the home.

There have been two other Variance applications requesting reduced public road frontage requirements for the creation of new parcels in the R-1-C Zone District filed within one mile of the subject property. The following table provides a brief summary of each of those Variance requests, staff recommendations, and final actions:

<b>Application/Request</b>	<b>Date of Action</b>	<b>Staff Recommendation</b>	<b>Final Action</b>
VA 3242 – Allow creation of two parcels without public road frontage (70 feet required) in the R-1-C Zone District	May 6, 1993	Denial	Planning Commission Approved
VA 3462 – Allow creation of a parcel without public road frontage (70 feet required) in the R-1-C Zone District	August 25, 1994	Approval	Planning Commission Approved

Although there is a history of Variance requests within proximity of the subject property, each Variance request is considered on its own merit, based on unique site conditions and circumstances.

**DISCUSSION:**

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

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

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Setbacks	Front: 25 feet Side: 7 feet Rear: 20 feet	N/A (no development proposed)	N/A
Parking	One covered parking space for each residence	N/A (no development proposed)	N/A
Lot Coverage	40 percent maximum	N/A (no development proposed)	N/A
Separation Between Buildings	Six feet minimum	N/A (no development proposed)	N/A
Wall Requirements	No requirement for parcels larger than one acre	No requirement	N/A
Septic Replacement Area	100 percent	No change	Yes
Water Well Separation	Septic tank: 50 feet; Disposal field: 100 feet; Seepage pit: 150 feet	No change	Yes

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

Zoning Section of the Fresno County Department of Public Works and Planning: The R-1-C Zone District requires at least 70 feet of public road frontage. Therefore, a Variance is required to allow an exception to the Zoning Ordinance to create parcels without public road frontage.

**Analysis:**

In support of Finding 1, the Applicant's representatives state that the Applicant purchased Parcel No. 1 of Parcel Map No. 7804 (the subject property) and Parcel No. 3 of Parcel Map No. 7804 in March of 2006. The purchase of these properties included three water rights from the Sierra Cedar Community Service District. It was planned by the Applicant to construct a home on Parcel No. 3 of Parcel Map No. 7804; however, a downturn in the economy subsequent to purchasing the property precluded construction of the home. Approval of the requested Variance will allow the Applicant to create the proposed parcels, each of which will have a water right from the Sierra Cedar Community Service District, and sell said parcels in order to finance construction of a home on Parcel No. 3 of Parcel Map No. 7804.

In support of Finding 2, the Applicant's representatives state that the requested Variance is necessary for the preservation of a substantial property right in that the Applicant has the right to make productive use of his land, which is surrounded by residential developments. Additionally, the Applicant owns three parcels in the area for which he has three water rights from the Sierra Cedar Community Service District. As such, the requested Variance is required to allow subdivision of one of the parcels owned by the Applicant so as to allow productive use of the three water rights. Further, the sizes of the proposed parcels are consistent with other parcels in the vicinity of the subject property.

With regard to Finding 1, the Applicant's financial situation with regard to his plan to construct a home on Parcel No. 3 of Parcel Map No. 7804 is an issue of interpersonal circumstance and is not a physical characteristic of the subject property.

With regard to Finding 2, staff acknowledges that the Applicant owns two parcels with three water rights from the Sierra Cedar Community Service District. However, the manner in which the Applicant acquired Parcel No. 1 and Parcel No. 3 of Parcel Map No. 7804, and the water rights assigned thereto, is an issue of interpersonal circumstance and is not a physical characteristic of the subject property. Further, staff does not believe that the presence of other parcels of similar sizes to those proposed is an extraordinary physical characteristic demonstrating a circumstance which merits the request to waive the requirement for public road frontage.

Staff also acknowledges that there is a history of Variance requests within proximity of the subject property; however, each Variance request is considered on its own merit, based on unique site conditions and circumstances. As such, denial of this Variance request would not deprive the Applicant of any right enjoyed by other property owners in the R-1-C Zone District, since all property owners in said District are subject to the same Development Standards.

**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:	7.80 acres	Single-family residence	R-1-C	358 feet
South:	15,000 square-foot residential lots	Single-family residences	R-1-C	25 feet
East:	6.80 acres	Vacant	R-1-C	None

Surrounding Parcels				
West:	15,000 square-foot residential lots	Single-family residences	R-1-C	20 feet

**Reviewing Agencies/Department Comments:**

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

Fresno County Sheriff's Department: No concerns with the proposal.

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

Development Engineering Section of the Fresno County Department of Public Works and Planning: According to FEMA FIRM Panel 0725H, the subject property is not subject to flooding from the 100-year storm.

Fresno County Department of Public Health, Environmental Health Division: As this proposal may result in significant short-term localized noise impacts due to construction equipment use, said equipment shall be maintained according to manufacturers' specifications and shall be equipped with mufflers. This requirement has been included as a Project Note. The following requirements shall be included as Mitigation Measures in order to protect Sierra Cedar Community Service District infrastructure and groundwater quality: 1) A 450-foot setback shall be maintained between the Sierra Cedar Community Service District water system wagon wheel water well located on Parcel No. 2 of Parcel Map No. 7804 and any future septic system leach fields located on the proposed parcels; 2) Deed restrictions as per Parcel Map No. 7804 shall be recorded for the proposed parcels: clearly identify the Sierra Cedar Community Service District common septic leach field area and common collection line as designated on the Parcel Map and/or the existing construction as-builts; 3) Each sewage disposal system shall be designed in accordance with the sewage feasibility studies and recommendations for engineered septic systems prepared by Central Valley Testing, Inc. (Report No. 14-2003 and 14-2003A) and the Melvin C. Simmons report (Project No. W4200) or as otherwise approved by the Fresno County Department of Public Health, Environmental Health Division. Each parcel shall have a site-specific septic system evaluation completed prior to the issuance of building permits.

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: The pavement width of the 60-foot-wide non-exclusive access easement shall be increased from 12 feet to 18 feet in order to satisfy minimum State Responsibility Area (SRA) requirements. This requirement has been included as a Condition of Approval.

Resources Division of the Fresno County Department of Public Works and Planning: The proposed parcels are within the Sierra Cedar Community Service District. The Resources Division is aware that the Sierra Cedar Community Service District has experienced difficulty in meeting the current potable water demand within the District. This proposal may increase the demand on the potable water supply within the Sierra Cedar Community Service District.

State Water Resource Control Board, Division of Drinking Water: A 450-foot setback shall be maintained between the Sierra Cedar Community Service District water system wagon wheel



water well located on Parcel No. 2 of Parcel Map No. 7804 and any future septic system leach fields located on the proposed parcels. This requirement has been included as a Mitigation Measure to protect Sierra Cedar Community Service District infrastructure and groundwater quality.

**Analysis:**

In support of Finding 3, the Applicant's representatives state that the requested Variance will not change existing conditions in the area of the subject property, nor will the requested Variance result in increased traffic on the existing access easement. Additionally, granting the requested Variance will not result in a condition that will be materially detrimental to the public welfare or injurious to property and improvements in the vicinity of the subject property.

With regard to Finding 3, the existing 6.3-acre parcel is located in the R-1-C Zone District, which allows one residence to be established on a parcel as a matter of right. As the existing 6.3-acre parcel is devoid of structural improvements, approval of this Variance request would result in the ability to establish one residence on each proposed parcel as a matter of right. Such uses are complimentary to and compatible with existing residential land uses in the vicinity of the proposal.

According to the Resources Division of the Fresno County Department of Public Works and Planning, the proposed parcels are within the Sierra Cedar Community Service District. The Resources Division is aware that the Sierra Cedar Community Service District has experienced difficulty in meeting the current potable water demand within the District. This proposal may increase the demand on the potable water supply within the Sierra Cedar Community Service District. However, the Applicant owns Parcel No. 1 of Parcel Map No. 7804 (the subject property) and Parcel No. 3 of Parcel Map No. 7804, along with three water rights from the Sierra Cedar Community Service District. As such, approval of the requested Variance would allow the Applicant to create each of the proposed parcels with a water right from the Sierra Cedar Community Service District.

According to the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning, the pavement width of the 60-foot-wide non-exclusive access easement utilized to access the subject property needs to be increased from 12 feet to 18 feet in order to satisfy minimum State Responsibility Area (SRA) requirements. The existing 60-foot-wide non-exclusive access easement connects to Saddleback Road at a point west of the subject property and also connects to Black Oak Way at a point east of the subject property. Considering that the paved surface of the access easement meanders outside of the boundaries of said easement east of the subject parcel, the Applicant shall be required to increase the pavement width of the access easement from 12 feet to 18 feet from the edge of Saddleback Road to the eastern boundary of the proposed parcels. This requirement has been included as a Condition of Approval. Further, another Condition of Approval has been included to require the Applicant to execute a Covenant on each proposed parcel agreeing to contribute a proportionate share of cost to the maintenance of the existing 60-foot wide non-exclusive access easement.

Based on the above information and with adherence to the recommended Conditions of Approval and Project Notes identified in this Staff Report, staff believes that there will be no aesthetic impact or adverse effects on surrounding properties if this Variance request is granted. As such, staff believes that Finding 3 can be made.

**Noteworthy Recommended Condition of Approval:**

*See Mitigation Measures and recommended Conditions of Approval attached as Exhibit 1.*

**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>
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 a determination of water sustainability and a determination that the use will not have a detrimental impact upon other water users in the County.	This proposal was reviewed by the Resources Division of the Fresno County Department of Public Works and Planning, which commented that the Sierra Cedar Community Service District has experienced difficulty in meeting the current potable water demand within the District, and that this proposal may increase the demand on the potable water supply within the Sierra Cedar Community Service District. However, the Applicant owns Parcel No. 1 of Parcel Map No. 7804 (the subject property) and Parcel No. 3 of Parcel Map No. 7804, along with three water rights from the Sierra Cedar Community Service District. As such, approval of the requested Variance would allow the Applicant to create each of the proposed parcels with a water right from the Sierra Cedar Community Service District.

**Reviewing Agencies/Department Comments:**

Policy Planning Section of the Fresno County Department of Public Works and Planning: No concerns with the proposal.

**Analysis:**

In support of Finding 4, the Applicant’s representatives state that this Variance proposal is not contrary to the objectives or Policies of the Shaver Lake Community Plan.

With regard to Finding 4, staff acknowledges that the Policies of the County-adopted Shaver Lake Community Plan do not preclude the creation of parcels without public road frontage. As such, approval of the requested Variance will not be contrary to the objectives of the General Plan.

**Noteworthy Recommended Conditions of Approval:**

*None.*

**Conclusion:**

Finding 4 can be made.

**PUBLIC COMMENT:**

None.

**CONCLUSION:**

Based on the factors cited in the analysis, staff is unable to make Findings 1 and 2. Therefore, staff recommends denial of Variance Application No. 3957.

**PLANNING COMMISSION MOTIONS:**

**Recommended Motion** (denial action)

- Move to determine that the required Findings cannot be made and move to deny Variance Application No. 3957; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**Alternative Motion** (approval action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study No. 6843; and
- Move to determine that the required Findings can be made (state basis for making the Findings) and move to approve Variance Application No. 3957, subject to the Mitigation Measures, Conditions of Approval and Project Notes attached as Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**Mitigation Measures, Recommended Conditions of Approval and Project Notes:**

See attached Exhibit 1.

DC:

G:\4360Devs&Pln\PROJSEC\PROJDOCS\VA\3900-3999\3957\SR\VA3957 SR.docx

**Mitigation Monitoring and Reporting Program  
Initial Study No. 6843/Variance Application No. 3957  
(Including Conditions of Approval and Project Notes)**

**EXHIBIT 1**

Mitigation Measure					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*1.	Aesthetics	All outdoor lighting shall be hooded and directed as to not shine toward adjacent properties and roads.	Applicant	Applicant	On-going
*2.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activity, all work shall be halted in the area of the find, and an Archeologist shall be contacted to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activity, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are determined to be Native American, the Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant	On-going
*3.	Geology and Soils	Each sewage disposal system shall be designed in accordance with the sewage feasibility studies and recommendations for engineered septic systems prepared by Central Valley Testing, Inc. (Report No. 14-2003 and 14-2003A) and the Melvin C. Simmons report (Project No. W4200) or as otherwise approved by the Fresno County Department of Public Health, Environmental Health Division. Each parcel shall have a site-specific septic system evaluation completed prior to the issuance of building permits.	Applicant/Fresno County Department of Public Works and Planning (PW&P)/Fresno County Department of Public Health	Applicant/Fresno County Department of Public Works and Planning (PW&P)/Fresno County Department of Public Health	On-going
*4.	Hydrology and Water Quality	A 450-foot setback shall be maintained between the Sierra Cedar Community Service District water system wagon wheel water well located on Parcel No. 2 of Parcel Map No. 7804 and any future septic system leach fields located on the proposed parcels.	Applicant/Fresno County Department of Public Works and Planning (PW&P)/Fresno County Department of Public Health	Applicant/Fresno County Department of Public Works and Planning (PW&P)/Fresno County Department of Public Health	On-going

*5.	Hydrology and Water Quality	Deed restrictions as per Parcel Map No. 7804 shall be recorded for the proposed parcels: clearly identify the Sierra Cedar Community Service District common septic leach field area and common collection line as designated on the Parcel Map and/or the existing construction as-builts.	Applicant/Fresno County Department of Public Works and Planning (PW&P)/Fresno County Department of Public Health	Applicant/Fresno County Department of Public Works and Planning (PW&P)/Fresno County Department of Public Health	On-going
-----	-----------------------------	---	--	--	----------

\*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document and Conditions of Approval reference recommended Conditions for the project.

**Conditions of Approval**

1. The property owner shall execute a Covenant on each proposed parcel agreeing to contribute a proportionate share of cost to the maintenance of the existing 60-foot-wide non-exclusive access easement.
2. The pavement width of the 60-foot-wide non-exclusive access easement shall be increased from 12 feet to 18 feet from the edge of Saddleback Road to the eastern boundary of Proposed Parcel No. 2.

**Notes**

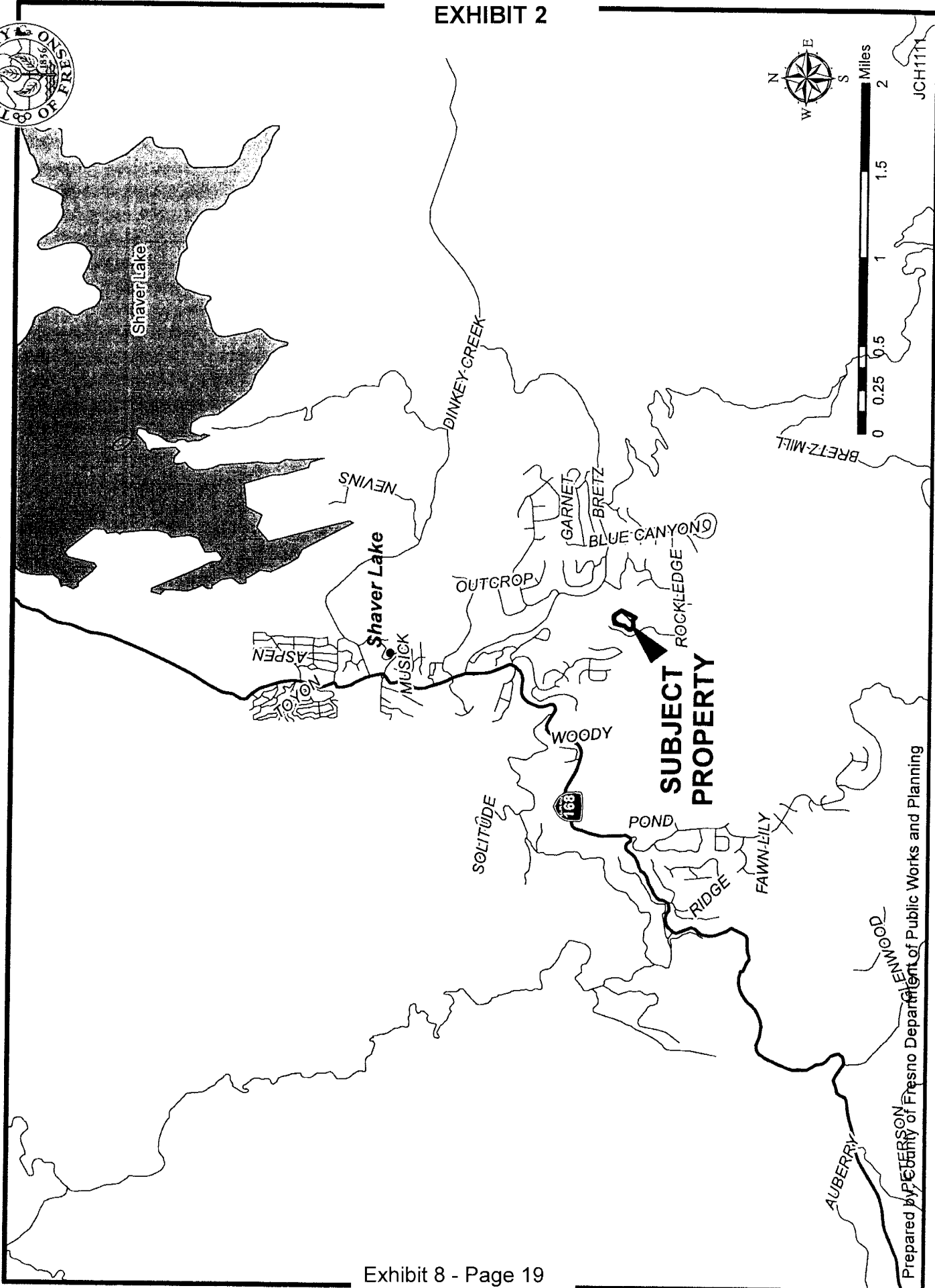
**The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.**

1. Division of the subject property is subject to the provisions of the Fresno County Parcel Map Ordinance. For more information, contact the Department of Public Works and Planning, Development Engineering Section at (559) 600-4022.
2. Any noise-generating construction equipment shall be maintained according to manufacturers' specifications and shall be equipped with mufflers.

# LOCATION MAP



## EXHIBIT 2



Prepared by City of Fresno Department of Public Works and Planning

JCH1111

# EXISTING ZONING MAP

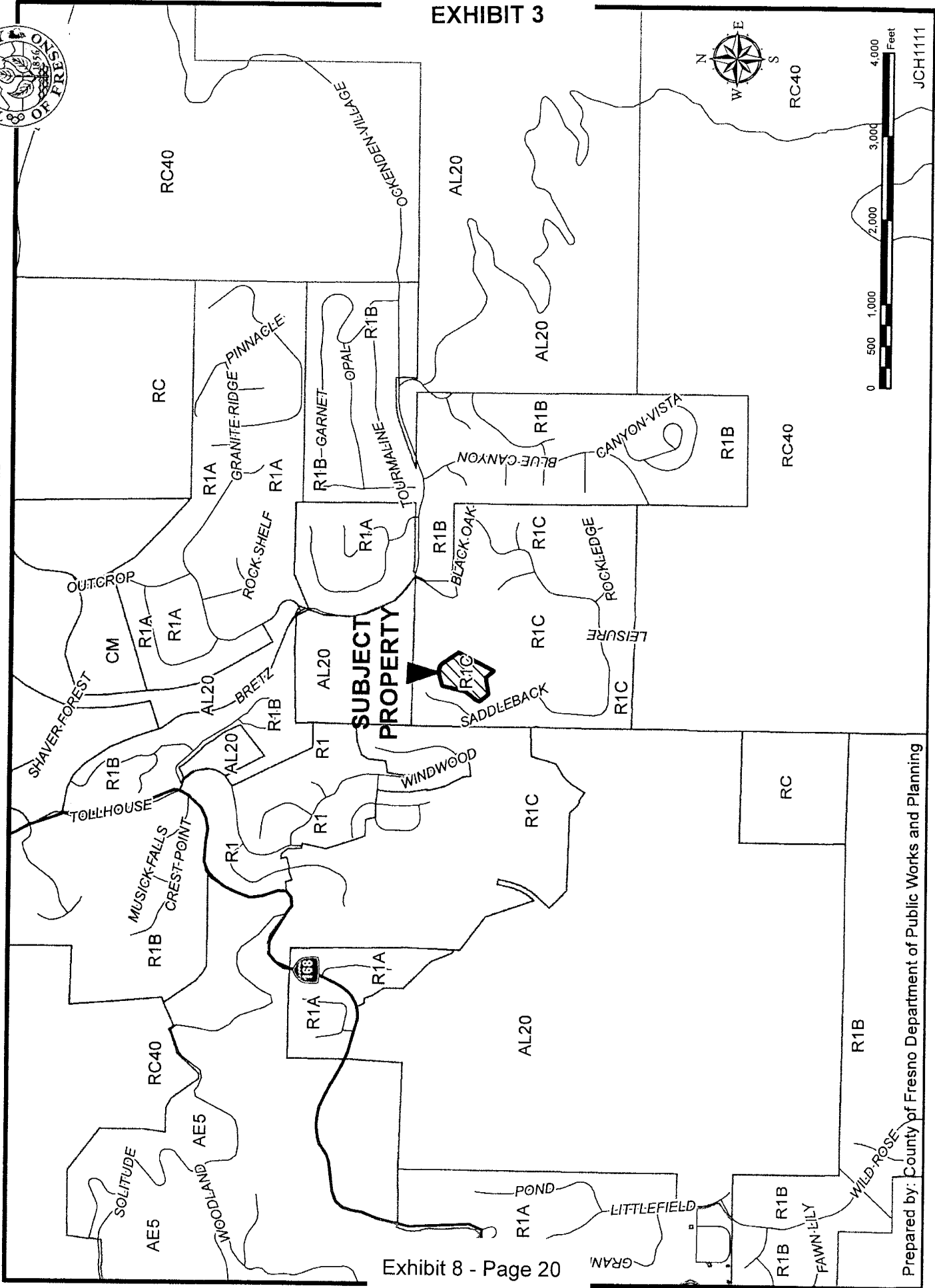


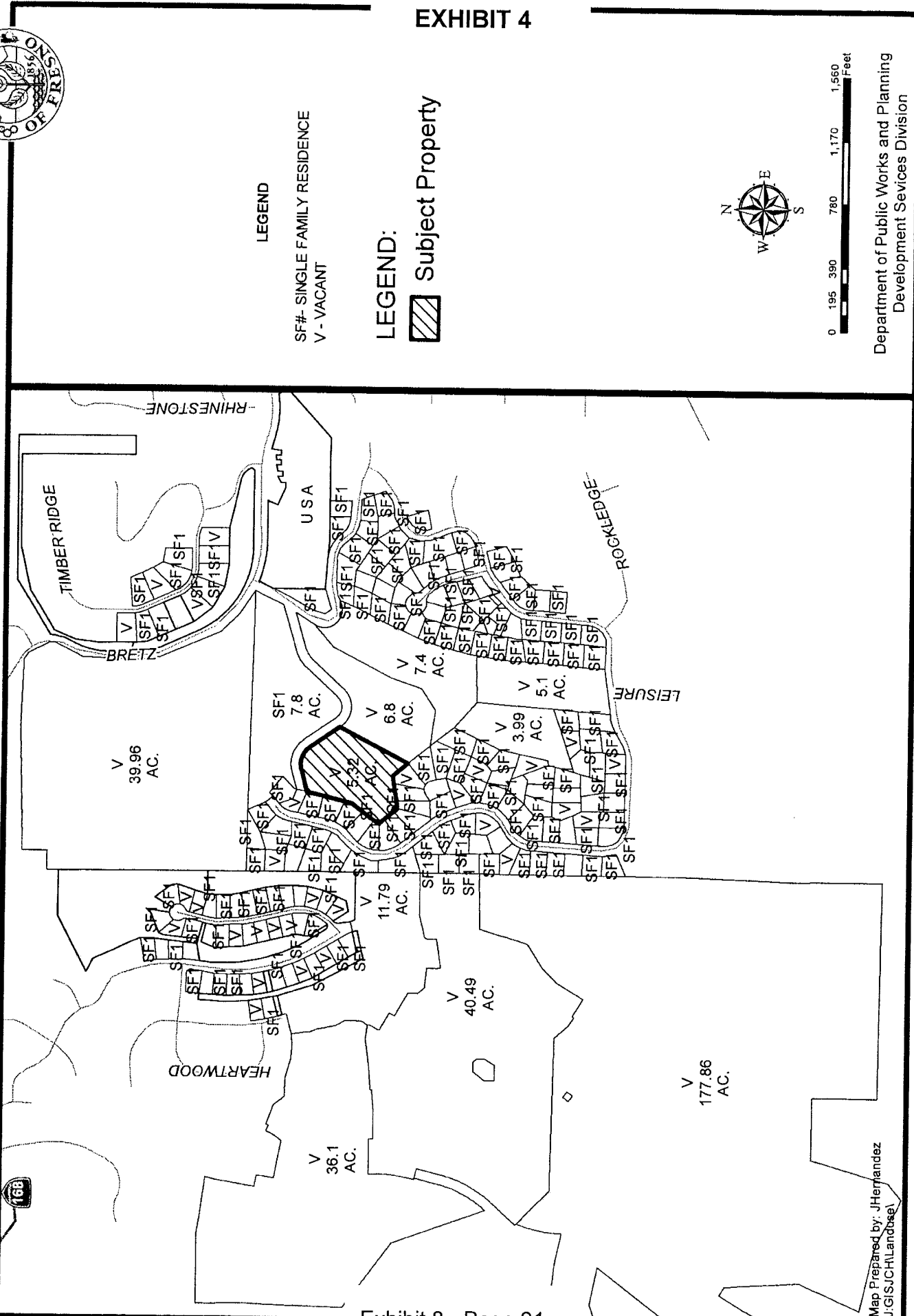
EXHIBIT 3



# EXHIBIT 4

## EXISTING LAND USE MAP


VA 3957

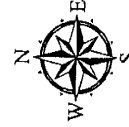


### LEGEND

SF#- SINGLE FAMILY RESIDENCE  
 V - VACANT

### LEGEND:

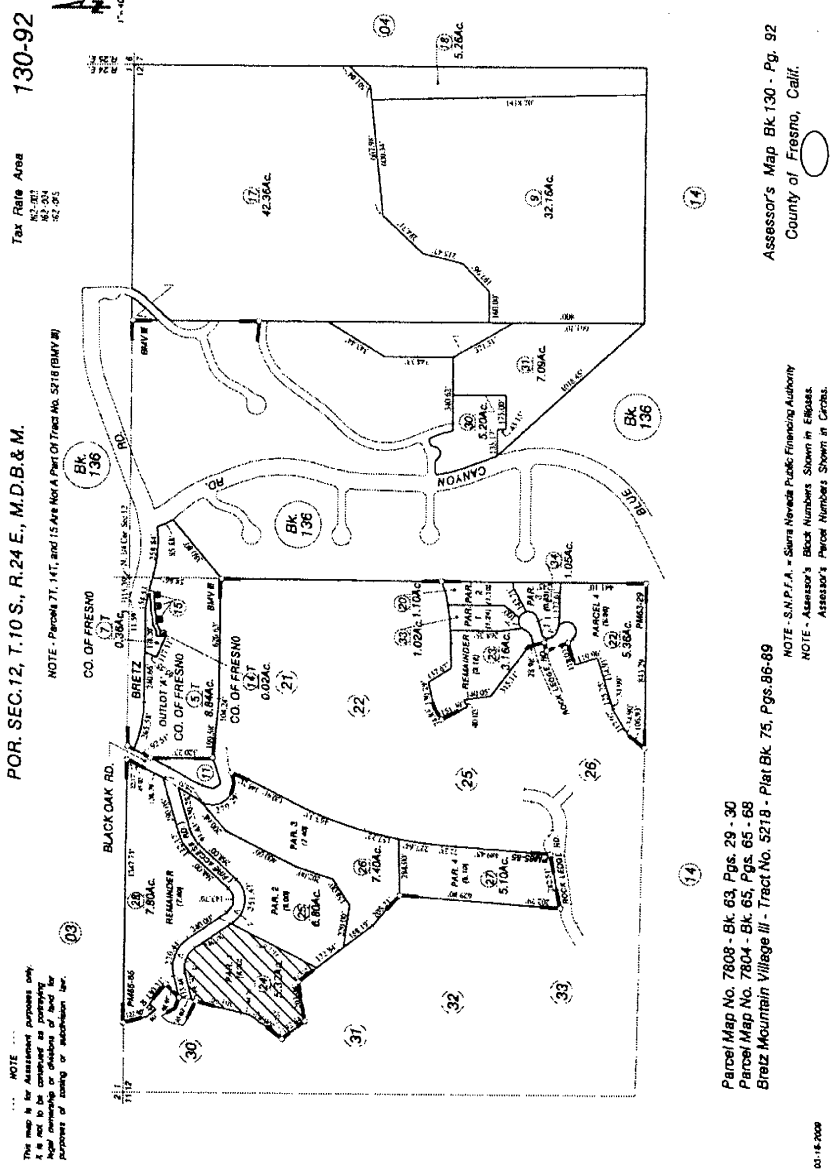
 Subject Property



Department of Public Works and Planning  
 Development Services Division



# EXHIBIT 5



Parcel Map No. 7809 - Bk. 63, Pgs. 29 - 30  
 Parcel Map No. 7804 - Bk. 65, Pgs. 65 - 68  
 Breiz Mountain Village III - Tract No. 5218 - Plat Bk 75, Pgs. 86-89

Assessor's Map Bk 130 - Pg. 92  
 County of Fresno, Calif.





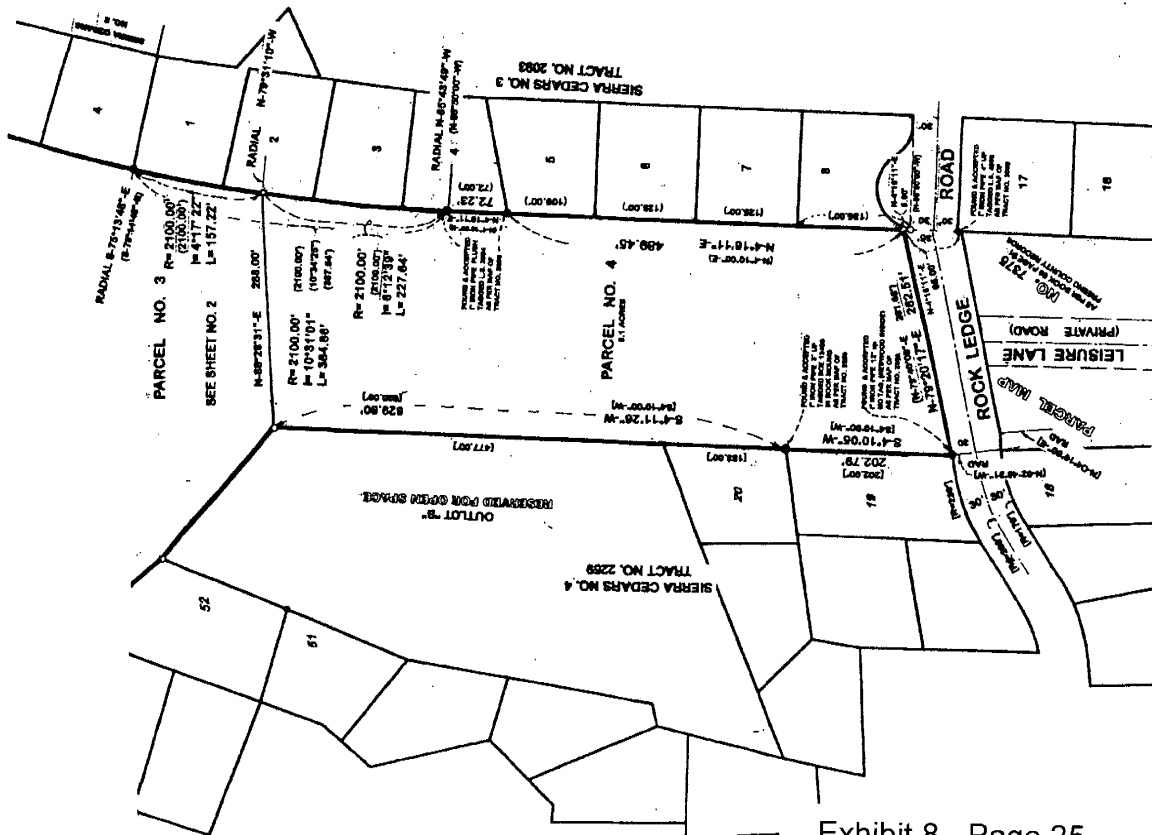
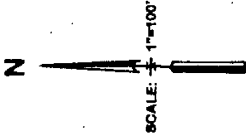
# PARCEL MAP NO. 7804 IN THE COUNTY OF FRESNO STATE OF CALIFORNIA

SHEET 3 CONSISTING OF 4 SHEETS

### LEGEND

- UNLAWFULLY FOUND AND ACCEPTED AS DISCOVERED.
- FOUND FRESNO COUNTY, F.S. & S. RECORDS IN VOLUME 21 OF PLATS AT PAGES 27 AND 28 OF FRESNO COUNTY RECORDS.
- SET 1" IRON PIPE 10" LONG 3" UP TAPORED S.C.E. 1988.
- SETAIL IN BOOK TAPORED S.C.E. 1988
- (1) INFORMATION FOR MAP OF TRACT NO. 2081 SIERRA CEDARS NO. 3 AS RECORDED IN VOLUME 21 OF PLATS AT PAGES 27 AND 28 OF FRESNO COUNTY RECORDS.
- (2) INFORMATION FOR MAP OF TRACT NO. 2082 SIERRA CEDARS NO. 4 AS RECORDED IN VOLUME 21 OF PLATS AT PAGES 29 AND 31 OF FRESNO COUNTY RECORDS.
- (3) INFORMATION FOR MAP OF TRACT NO. 2083 SIERRA CEDARS NO. 5 AS RECORDED IN VOLUME 21 OF PLATS AT PAGES 31 AND 33 OF FRESNO COUNTY RECORDS.
- (4) INFORMATION FOR MAP OF TRACT NO. 2084 SIERRA CEDARS NO. 6 AS RECORDED IN VOLUME 21 OF PLATS AT PAGES 33 AND 35 OF FRESNO COUNTY RECORDS.
- (5) INFORMATION FOR MAP OF TRACT NO. 2085 SIERRA CEDARS NO. 7 AS RECORDED IN VOLUME 21 OF PLATS AT PAGES 35 AND 37 OF FRESNO COUNTY RECORDS.
- (6) INFORMATION FOR MAP OF TRACT NO. 2086 SIERRA CEDARS NO. 8 AS RECORDED IN VOLUME 21 OF PLATS AT PAGES 37 AND 39 OF FRESNO COUNTY RECORDS.
- (7) INFORMATION FOR MAP OF TRACT NO. 2087 SIERRA CEDARS NO. 9 AS RECORDED IN VOLUME 21 OF PLATS AT PAGES 39 AND 41 OF FRESNO COUNTY RECORDS.
- (8) INFORMATION FOR MAP OF TRACT NO. 2088 SIERRA CEDARS NO. 10 AS RECORDED IN VOLUME 21 OF PLATS AT PAGES 41 AND 43 OF FRESNO COUNTY RECORDS.
- (9) INFORMATION FOR MAP OF TRACT NO. 2089 SIERRA CEDARS NO. 11 AS RECORDED IN VOLUME 21 OF PLATS AT PAGES 43 AND 45 OF FRESNO COUNTY RECORDS.
- (10) INFORMATION FOR MAP OF TRACT NO. 2090 SIERRA CEDARS NO. 12 AS RECORDED IN VOLUME 21 OF PLATS AT PAGES 45 AND 47 OF FRESNO COUNTY RECORDS.
- (11) INFORMATION FOR MAP OF TRACT NO. 2091 SIERRA CEDARS NO. 13 AS RECORDED IN VOLUME 21 OF PLATS AT PAGES 47 AND 49 OF FRESNO COUNTY RECORDS.
- (12) INFORMATION FOR MAP OF TRACT NO. 2092 SIERRA CEDARS NO. 14 AS RECORDED IN VOLUME 21 OF PLATS AT PAGES 49 AND 51 OF FRESNO COUNTY RECORDS.
- (13) INFORMATION FOR MAP OF TRACT NO. 2093 SIERRA CEDARS NO. 15 AS RECORDED IN VOLUME 21 OF PLATS AT PAGES 51 AND 53 OF FRESNO COUNTY RECORDS.
- (14) INFORMATION FOR MAP OF TRACT NO. 2094 SIERRA CEDARS NO. 16 AS RECORDED IN VOLUME 21 OF PLATS AT PAGES 53 AND 55 OF FRESNO COUNTY RECORDS.
- (15) INFORMATION FOR MAP OF TRACT NO. 2095 SIERRA CEDARS NO. 17 AS RECORDED IN VOLUME 21 OF PLATS AT PAGES 55 AND 57 OF FRESNO COUNTY RECORDS.
- (16) INFORMATION FOR MAP OF TRACT NO. 2096 SIERRA CEDARS NO. 18 AS RECORDED IN VOLUME 21 OF PLATS AT PAGES 57 AND 59 OF FRESNO COUNTY RECORDS.
- (17) INFORMATION FOR MAP OF TRACT NO. 2097 SIERRA CEDARS NO. 19 AS RECORDED IN VOLUME 21 OF PLATS AT PAGES 59 AND 61 OF FRESNO COUNTY RECORDS.
- (18) INFORMATION FOR MAP OF TRACT NO. 2098 SIERRA CEDARS NO. 20 AS RECORDED IN VOLUME 21 OF PLATS AT PAGES 61 AND 63 OF FRESNO COUNTY RECORDS.

PREPARED BY:  
**RICHARD L. ETTNER**  
 CONSULTING CIVIL ENGINEER  
 5588 N. PALM AVE.  
 FRESNO, CA. 93704  
 TELE: (559) 222-2022



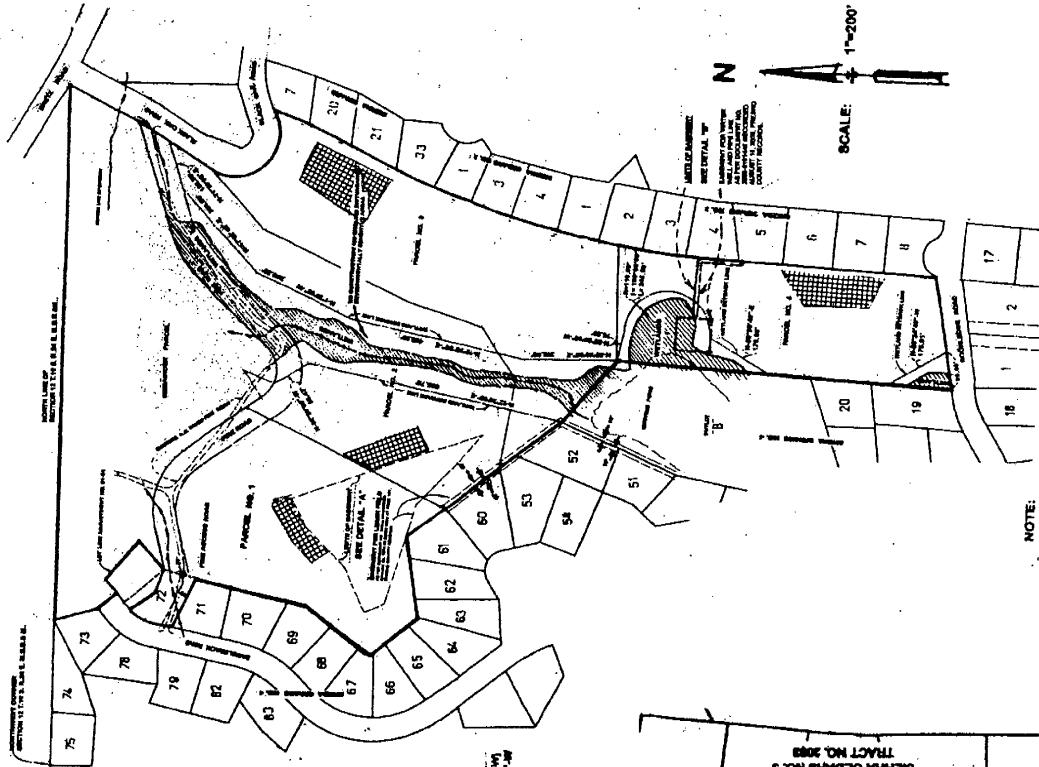
68

# PARCEL MAP NO. 7804 IN THE COUNTY OF FRESNO STATE OF CALIFORNIA

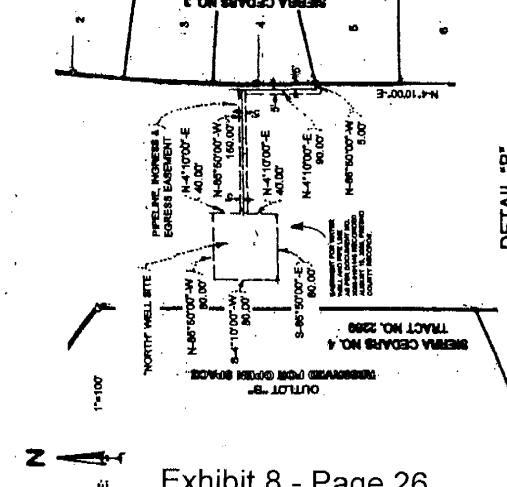
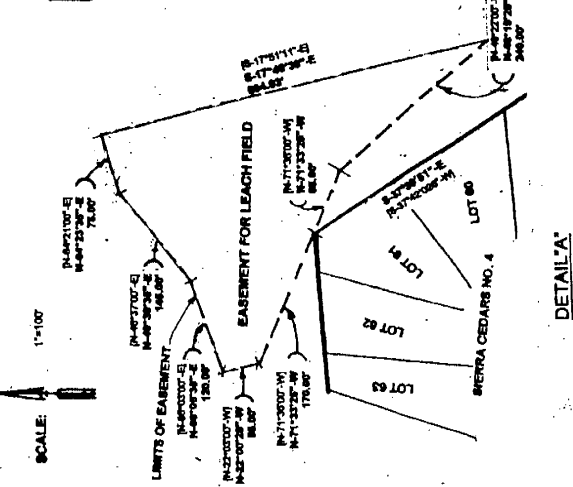
## SHEET 4 CONSISTING OF 4 SHEETS

- (1e) The meadows, wetland areas and 50-foot wide wetland setback areas as shown on this map are more particularly depicted on the Wetlands Delineation Map prepared by John Blackburn, dated November 21, 2000 and amended on May 20, 2002. It shall be designated as a Noxious Weed Control Disturbance Environmentally Sensitive Area, as per Mitigation Measures, Item Study Application No. 4644.
- (1e) The meadows, wetland areas and 50-foot wide wetland setback areas as shown on this map are more particularly depicted on the Wetlands Delineation Map prepared by Richard L. Ettner, Consulting Engineering dated November 2001 and amended on May 20, 2002.
- (1e) Ground disturbance including grading, fencing, construction, woody vegetation removal, trenching or well installation within the environmentally sensitive areas is prohibited in order to protect the wetlands, meadow areas, and potential perching sites for the Great Grey Owl, a California Endangered Species. If ground disturbance is necessary to the project, the applicant shall submit a mitigation plan approved in accordance with the provisions of the California Endangered Species Act to enhance the wildlife value of the site shall be completed by the removal of potential over-arching and nesting sites will be required and may include development of artificial perching and nesting sites.
- (1e) Approval of the parcel map required mitigation for sensitive wildlife resources that occur on and near the site and identified in the Biological and Wetland Report prepared by John Blackburn, dated October 20, 2000 and amended on October 21, 2001 as "previously offered for dedication for roadway purposes" shall be prohibited in all wetland areas and wetland setback areas until the specific wetland or improvement project is separately reviewed, and permitted by the United States Army Corp of Engineers, and mitigated to the satisfaction of the CDFG.
- (1e) Rodenticides or widening of the existing dirt road that is identified on the wetland delineation prepared by John Blackburn, dated October 21, 2000 and amended on October 21, 2001 as "previously offered for dedication for roadway purposes" shall be prohibited in all wetland areas and wetland setback areas until the specific wetland or improvement project is separately reviewed, and permitted by the United States Army Corp of Engineers, and mitigated to the satisfaction of the CDFG.
- (1e) Rodenticides shall not be used in any of the environmentally sensitive areas unless specifically authorized in writing by the CDFG. Authorization by the CDFG shall not be construed as an endorsement or approval of any pesticide or other specific mitigation by the Great Grey Owl and will be for the health and safety-related purposes or to enhance the wildlife value of the area.
- (1e) Perimeter fencing shall be prohibited unless prior authorization is granted by the CDFG.
- (1e) Outdoor lighting is discouraged. If necessary, outdoor lighting shall be directed, limited to the greatest extent possible, and be shielded away from the environmentally sensitive areas to prevent disturbance to nocturnal wildlife.

PREPARED BY:  
**RICHARD L. ETTNER**  
CONSULTING CIVIL ENGINEER  
5588 N. PALM AVE.  
FRESNO, CA. 93704  
TELE: (559) 222-3022



NOTE:  
INDICATES RECOMMENDED LOCATION FOR SEWAGE DISPOSAL SYSTEM AS PER STUDY PREPARED BY MELVIN SIMONS ASSOCIATES, GEOLOGICAL CONSULTANTS, DATED JANUARY 2001.  
SEPTIC SYSTEMS SHALL BE INSTALLED IN ACCORDANCE WITH THE REPORT PREPARED BY MELVIN G. SIMONS, FOR THE PARCEL MAP WHICH WAS APPROVED BY THE FRESNO COUNTY DEPARTMENT OF COMMUNITY HEALTH.



# EXHIBIT 7

## Variance Application

Applicant: David E. White- Madera Creek LLC

Request: Allow a parcel split to two parcels; Parcel No. 1 area = 3.02 acres and Parcel No. 2 = area 3.02 acres.  
APN 130-920-24.

Location: The proposed project is located in the Section 12 of Township 10 south of Range 24E. Parcel size 6.3 acres. Mountain Residential General Plan RIC #9 with minimal 9,000 square feet by 70 feet with 10 foot depth minimum parcel size. (APN 130-920-24).

### Required Findings Necessary for Granting of this Variance:

1. There are exceptional and extraordinary circumstances and conditions applicable to this property.

In March of 2006, David purchased Parcel 1 (APN 130-920-24) and Parcel 3 (APN 130-920-26). His vision was always to build his family home on Parcel 3. He even had architectural drawings done on this dream home. Because of the sudden turn in the economy, he was unable to build the home on Parcel 3. This parcel split of Parcel 1 would allow for him to use two of the three water rights to make two parcels to be sold to finance his home.

Under this proposal, we are requesting to be allowed to split Parcel 1 and create two smaller parcels. The exceptional circumstance for this variance include; this property already has two water rights, one for each parcel; the road easement has already been created that allows for access to both parcels from the main road and there is no necessity for a right-of-way or public road frontage.

This variance is consistent with all of the surrounding development. David's proposal would not cause a negative impact to the surrounding parcels because it meets the minimum lot size requirement. He will be selling these two parcels to willing buyers in order for David to finance the construction of his family dream home.

2. This Variance is necessary for the preservation and enjoyment of a substantial property right of David E. White to build a residential home.

This variance is necessary for the preservation and enjoyment of a substantial property right which is possessed by owners under like conditions in the vicinity. This property is in the center of a residential development. All property owners have a right to make productive use of their property. In this case, each parcel has a home and water right. David has three water rights and two parcels. Thus, a variance is required to allow productive use of the property with three parcels and three water rights.

In addition, the size parcels created by the granting of this variance is consistent with over 30 parcels in the immediate vicinity of this parcel.

3. The granting of this variance will not materially detrimental to the public welfare or injurious to the property and improvement.

In granting variance, it would not change the existing conditions nor will it result in an increase in the amount of traffic on the existing private easement. Granting this variance request will not result in a condition that will be materially detrimental to the public welfare or injurious to property and improvements in the vicinity of the property.

4. The granting of this variance will not be contrary to the objectives of the general plan.

This variance will be consistent with the General Plan Polices land use designation and community plan of Shaver Lake. The overriding objective of Fresno County's General Plan, with respect to property within the RIC-9 zone, with Land Use Designation of Mountain Residential, Policy A.9 states that the County may allow the creation of home site parcels with minimum parcel size.

Attached is the Community Plan Shaver Lake, Section 825 R-1-C Single Family Residential Districts, and Shaver Lake Community Plan. This variance application is not contrary to any of these documents and is in fact consistent with their plan along with the General Plan of the County of Fresno for this area.

This variance would not compromise or negativity impact the surrounding mountain residential area. In fact it would only highlight it because the variance would create parcels consistent with the area and the funds obtained would be used to create another residence on Parcel 3. With the granting of this variance there will be no change to the current status of this property. Thus, granting this variance would not be inconsistent with the objectives of the General Plan.

Based upon the factors above, David respectfully request that this variance application be granted.

**EXHIBIT 8**

**SITE PLAN**

BEING A PORTION OF THE PARCEL 1 OF P.M. No. 7804  
RECORDED IN Bk. 65, Pg. 65 THRU 68 OF PARCEL MAPS

IN THE COUNTY OF FRESNO  
STATE OF CALIFORNIA  
SHEET 1 OF 1

**LEGAL OWNER:**  
MADERA CREEK U.G. A CALIFORNIA LIMITED LIABILITY COMPANY  
ATTN: MELISSA L. WHITE, ESQ.  
5771 NORTH REMINGTON AVE., SUITE #101  
FRESNO, CA 93711  
TEL. (510) 478-1888

**CURVE DATA:**

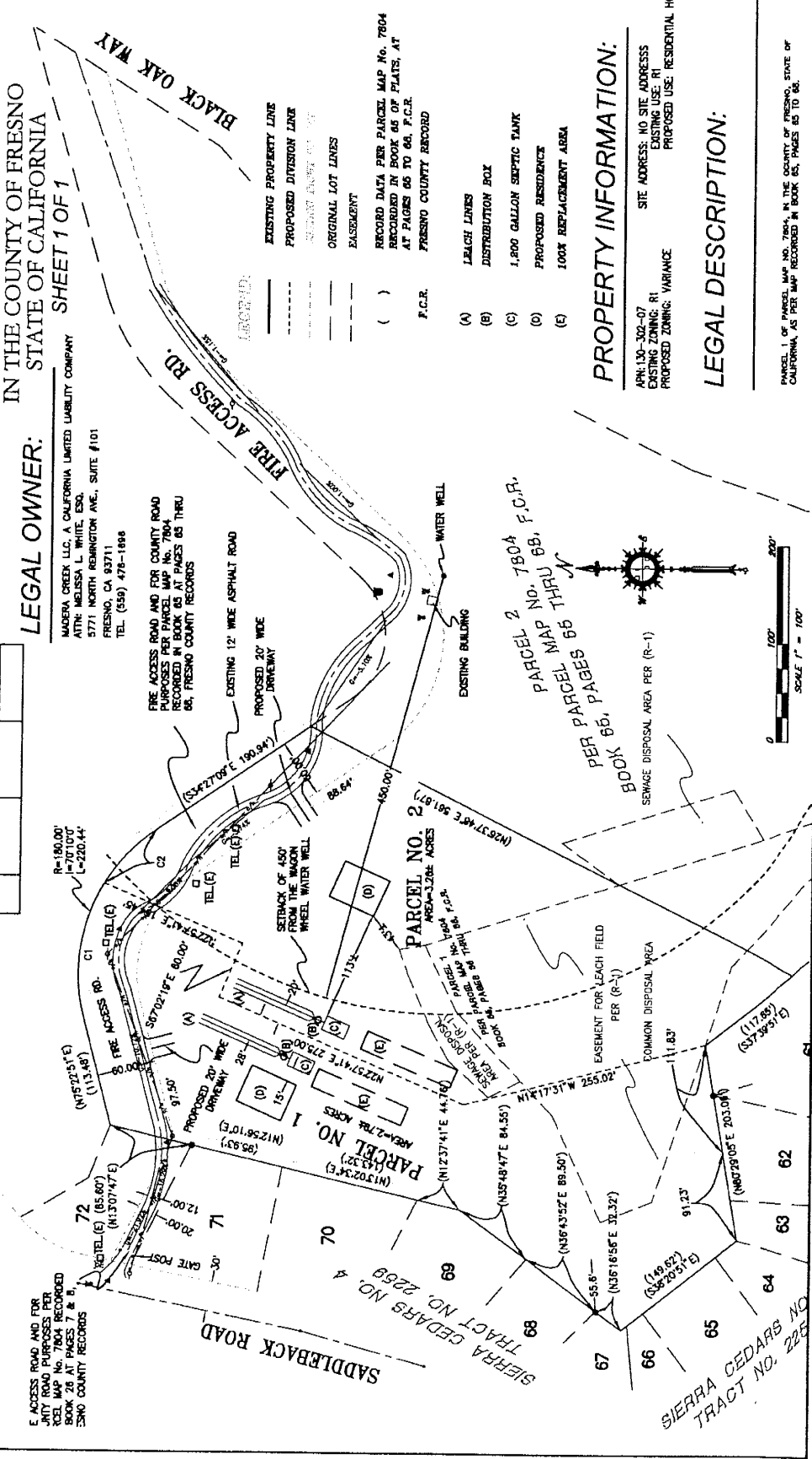
No.	RADIUS	DELTA	LENGTH
C1	R=180.00'	∠=45°33'26"	L=143.12'
C2	R=180.00'	∠=42°38'34"	L=77.31'

**NOTES:**

DATE OF SUBMIT: 11/10/2013  
CIVILS JOB NO. 131341PM  
DRAWN BY: N.SAHOJA

SITE AREA: 4752 ACRES  
SOURCE OF WATER: COMMUNITY WATER SERVICE  
METHOD OF SEWAGE: PUBLIC SEWER SYSTEM

E. ACCESS ROAD AND FOR  
JUNTY ROAD PURPOSES PER  
SCEL MAP NO. 7804 RECORDED  
IN Bk. 65, Pg. 65 & 68  
FRESNO COUNTY RECORDS



- EXISTING PROPERTY LINE
- PROPOSED DIVISION LINE
- PROPOSED EASEMENT
- ORIGINAL LOT LINES
- EASEMENT

RECORD DATA PER PARCEL MAP NO. 7804  
RECORDED IN BOOK 65 OF PLATS, AT  
PAGES 65 TO 68, F.C.R.  
FRESNO COUNTY RECORD

- (A) LEACH LINES
- (B) DISTRIBUTION BOX
- (C) 1,000 GALLON SEPTIC TANK
- (D) PROPOSED RESIDENCE
- (E) 100X REPLACEMENT AREA

**PROPERTY INFORMATION:**

APR: 130-302-07  
SITE ADDRESS: NO SITE ADDRESS  
EXISTING ZONING: R1  
PROPOSED ZONING: VARIANCE  
PROPOSED USE: RESIDENTIAL HOUSE

**LEGAL DESCRIPTION:**

PARCEL 1 OF PARCEL MAP NO. 7804, IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 65, PAGES 65 TO 68.

DATE OF REVISION: 2/26/15





## EXHIBIT 9

# County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING  
ALAN WEAVER  
DIRECTOR

### EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: David E. White
- APPLICATION NOS.: Initial Study Application No. 6843 and Variance Application No. 3957
- DESCRIPTION: Allow creation of an approximately 2.79-acre parcel without public road frontage, and an approximately 3.26-acre parcel without public road frontage (minimum 70 feet required) from an existing 6.3-acre parcel in the R-1-C (Single Family Residential, 9,000 square-foot minimum parcel size) Zone District.
- LOCATION: The subject property is located approximately one quarter-mile northeast of the intersection of Saddleback Road and Rockledge Road, within the unincorporated community of Shaver Lake (Sup. Dist.: 5) (APN: 130-920-24).

#### 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

*This Variance proposal entails a request to allow the creation of an approximately 2.79-acre parcel without public road frontage, and an approximately 3.26-acre parcel without public road frontage from an approximately 6.3-acre parcel in the R-1-C (Single Family Residential, 9,000 square-foot minimum parcel size) Zone District. As the R-1-C Zone District requires at least 70 feet of public road frontage for the creation of new parcels, a Variance is required to authorize the proposed parcelization.*

*The subject 6.3-acre parcel was created with the recordation of Parcel Map No. 7804 on December 30, 2005. The Zone District in effect at that time was R-1-C, which is the same Zone District currently in effect. Additionally, the R-1-C Zone District allows one*

DEVELOPMENT SERVICES DIVISION

*residence to be established on a parcel as a matter of right. As the subject 6.3-acre parcel is devoid of structural improvements, approval of this Variance request would result in the ability to establish one residence on each proposed parcel as a matter of right.*

*The subject 6.3-acre parcel is located in a region of mountainous forest, and is surrounded by residential developments consisting of single-family residential lots. Further, State Route 168 (Tollhouse Road) is located approximately one half-mile northwest of the subject property. Considering the limited scope of residential development that would be allowed as a result of the requested Variance in conjunction with the existing residential developments in proximity of the subject property, this Variance proposal will not damage any scenic resource or degrade the visual character of the site or its surroundings.*

- 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: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

*Approval of this Variance request would result in the ability to establish one residence on each proposed parcel as a matter of right. Such uses may generate new sources of light and glare in the area from the use of residential lighting and vehicular headlights. However, such impacts will be less than significant considering that existing residential developments in the vicinity of the subject property already generate such forms of light and glare. Further, all outdoor lighting resultant of this proposal shall be required to be hooded and directed as to not shine towards adjacent properties and roads. This requirement will be included in the following Mitigation Measure:*

\* **Mitigation Measure**

1. *All outdoor lighting shall be hooded and directed as to not shine towards adjacent properties and roads.*

## 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?

FINDING: NO IMPACT:

*The subject property is located in a mountainous forest area which is not identified on the Fresno County Important Farmland Map (2010) and is not being utilized for any agricultural use. Further, properties in the area of the proposal are also not being utilized for any agricultural use.*

- 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: NO IMPACT:

*The subject property is designated for Mountain Residential uses in the County-adopted Shaver Lake Community Plan and is zoned R-1-C (Single Family Residential, 9,000 square-foot minimum parcel size). Further, the subject property is surrounded by residential developments consisting of single-family residential lots.*

### 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: LESS THAN SIGNIFICANT IMPACT:

*The San Joaquin Valley Unified Air Pollution Control District (Air District) reviewed this proposal and expressed no concerns with the requested Variance. Further, approval of this Variance request may result in limited residential development as one residence could be established on each proposed parcel as a matter of right.*

### 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: LESS THAN SIGNIFICANT IMPACT:

*This Variance proposal entails a request to allow the creation of an approximately 2.79-acre parcel without public road frontage, and an approximately 3.26-acre parcel without public road frontage from an approximately 6.3-acre parcel in the R-1-C (Single Family Residential, 9,000 square-foot minimum parcel size) Zone District. The subject 6.3-acre parcel was created with the recordation of Parcel Map No. 7804 on December 30, 2005, and is surrounded by residential developments in a region of mountainous forest.*

*This proposal was referred to the U.S. Fish and Wildlife Service (USFWS), which did not identify any concerns related to the project. This proposal was also referred to the California Department of Fish and Wildlife (CDFW), which also did not identify any concerns. 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; and 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?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

*The subject property is located in an area designated to be moderately sensitive for archeological resources. As such, in the event that cultural resources are unearthed during ground disturbing activity, all work shall be halted in the area of the find, and an Archaeologist shall be contacted to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground disturbing activity, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition of the remains. If such remains are determined to be Native American, the Coroner must notify the Native American Commission within 24 hours. A Mitigation Measure reflecting this requirement will be incorporated into the project. The Mitigation Measure will reduce potential impacts to cultural resources to a less than significant level.*

\* **Mitigation Measure**

1. *In the event that cultural resources are unearthed during ground disturbing activity, all work shall be halted in the area of the find, and an Archeologist shall be contacted to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground disturbing activity, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are determined to be Native American, the Coroner must notify the Native American Commission within 24 hours.*

## 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 subject property is located in an area designated as Seismic Design Category D in the California Geological Survey. No agency expressed concerns related to earthquake,*

*ground shaking, seismic-related ground failure, liquefaction or landslides. Any development associated with this proposal will be subject to the Seismic Design Category D Standards.*

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

*Changes in topography and erosion could result from grading activities associated with this proposal. However, any such impacts will be less than significant in that permanent improvements will not cause significant changes in absorption rates, drainage patterns, and the rate and amount of surface run-off, with adherence to the Grading and Drainage Sections of the Fresno County Ordinance Code.*

- 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 WITH MITIGATION INCORPORATED:

*This proposal was reviewed by the Fresno County Department of Public Health, Environmental Health Division, which commented that each sewage disposal system on each proposed parcel shall be designed in accordance with the sewage feasibility studies and recommendations for engineered septic systems prepared by Central Valley Testing, Inc. (Report No. 14-2003 and 14-2003A) and the Melvin C. Simmons report (Project No. W4200) or as otherwise approved by the Fresno County Department of Public Health, Environmental Health Division. Each proposed parcel shall have a site specific septic system evaluation completed prior to the issuance of building permits. These requirements will be included as a Mitigation Measure.*

\* **Mitigation Measure**

1. *Each sewage disposal system shall be designed in accordance with the sewage feasibility studies and recommendations for engineered septic systems prepared by Central Valley Testing, Inc. (Report No. 14-2003 and 14-2003A) and the Melvin C. Simmons report (Project No. W4200) or as otherwise approved by the Fresno County Department of Public Health, Environmental Health Division. Each parcel shall have a site specific septic system evaluation completed prior to the issuance of building permits.*

## 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: LESS THAN SIGNIFICANT IMPACT:

*This proposal was reviewed by the San Joaquin Valley Unified Air Pollution Control District (Air District) which expressed no concerns with the requested Variance. Further, approval of this Variance request may result in limited residential development as one residence could be established on each proposed parcel as a matter of right.*

## 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:

*This proposal does not involve storage of hazardous materials and no hazardous materials impacts were identified in the project analysis. Additionally, there are no schools within one-quarter mile of the subject property.*

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

FINDING: NO IMPACT:

*There are no hazardous materials sites 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, nor is the subject parcel located within two miles of a public airport or private airstrip.*

- 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 or Emergency Evacuation Plan.*

- 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: LESS THAN SIGNIFICANT IMPACT:

*The subject property is located in a mountainous forest area which falls under the State Responsibility Area (SRA) for control and suppression of wildland fire. This proposal was referred to the Fresno County Fire Protection District, which did not identify any concerns related to the project. This proposal was also referred to the Shaver Lake Volunteer Fire Protection District, which also did not identify any concerns. Further, any development associated with this proposal shall comply with the California Code of Regulations Title 24 – Fire Code. This requirement will be included as a Project Note.*

## 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 WITH MITIGATION INCORPORATED:

*According to the Fresno County Department of Public Health, Environmental Health Division, the following Mitigation Measures will protect Sierra Cedar Community Service District infrastructure and reduce water quality impacts to a less than significant level: 1) A 450-foot setback shall be maintained between the Sierra Cedar Community Service District water system wagon wheel water well located on Parcel No. 2 of Parcel Map No. 7804 and any future septic system leach fields located on the proposed parcels; 2) Deed restrictions as per Parcel Map No. 7804 shall be recorded for the proposed parcels: clearly identify the Sierra Cedar Community Service District common septic leach field area and common collection line as designated on the Parcel Map and/or the existing construction as-builts.*



\* **Mitigation Measures**

1. *A 450-foot setback shall be maintained between the Sierra Cedar Community Service District water system wagon wheel water well located on Parcel No. 2 of Parcel Map No. 7804 and any future septic system leach fields located on the proposed parcels*
2. *Deed restrictions as per Parcel Map No. 7804 shall be recorded for the proposed parcels: clearly identify the Sierra Cedar Community Service District common septic leach field area and common collection line as designated on the Parcel Map and/or the existing construction as-builts.*

- 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:

*According to the Resources Division of the Fresno County Department of Public Works and Planning, the proposed parcels are within the Sierra Cedar Community Service District. The Resources Division is aware that the Sierra Cedar Community Service District has experienced difficulty in meeting the current potable water demand within the District. This proposal may increase the demand on the potable water supply within the Sierra Cedar Community Service District. However, the Applicant owns Parcel No. 1 of Parcel Map No. 7804 (the subject property) and Parcel No. 3 of Parcel Map No. 7804, along with three water rights from the Sierra Cedar Community Service District. As such, approval of the requested Variance would allow the Applicant to create each of the proposed parcels with a water right from the Sierra Cedar Community Service District.*

- 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 near 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: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VI.B Geology and Soils

F. Would the project otherwise substantially degrade water quality?

FINDING: NO IMPACT:

*No additional water quality impacts were identified in the project analysis.*

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?

FINDING: NO IMPACT:

*According to FEMA FIRM Panel 0725H, the subject property is not subject to flooding from the 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 parcel 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 an established community. The subject property is located within the unincorporated community of Shaver Lake, and is designated for Mountain Residential uses in the County-adopted Shaver Lake Community Plan.*

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 Mountain Residential in the County-adopted Shaver Lake Community Plan and is zoned R-1-C (Single Family Residential, 9,000 square-foot minimum parcel size). The Shaver Lake Community Plan does not address public road frontage; however, Section 825.5-B.1.a of the Fresno County Zoning Ordinance requires parcels in the R-1-C Zone District to have at least 70 feet of public road frontage. Although the proposal to create two parcels without public road frontage in the R-1-C Zone District is not consistent with the Zoning Ordinance, the Variance Application itself seeks to address*

*this very inconsistency. Further, staff does not consider this inconsistency to be at a level of significance as to warrant preparation of an Environmental Impact Report (EIR).*

- 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 project analysis.*

## 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 project analysis. The subject property is not located in an identified 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: LESS THAN SIGNIFICANT IMPACT:

*Approval of this Variance request would result in the ability to establish one residence on each proposed parcel as a matter of right. As such, this proposal has the potential to generate additional noise from construction activity associated with the development of dwellings units. As this proposal may result in significant short-term localized noise impacts due to construction equipment use, said equipment shall be maintained according to manufacturers' specifications and shall be equipped with mufflers. This requirement will be included as a Project Note.*

- 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: LESS THAN SIGNIFICANT IMPACT:

*The subject 6.3-acre parcel is located in the R-1-C Zone District, which allows one residence to be established on a parcel as a matter of right. As the subject 6.3-acre parcel is devoid of structural improvements, approval of this Variance request would result in the ability to establish one residence on each proposed parcel as a matter of right, which is a less than significant increase in housing. Further, this proposal will neither displace any existing housing nor necessitate additional housing construction at another location.*

### 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: LESS THAN SIGNIFICANT IMPACT:

*The subject property is located in a mountainous forest area which falls under the State Responsibility Area (SRA) for control and suppression of wildland fire. This proposal was referred to the Fresno County Fire Protection District, which did not identify any concerns related to the project. This proposal was also referred to the Shaver Lake Volunteer Fire Protection District, which also did not identify any concerns. Further, any development associated with this proposal shall comply with the California Code of Regulations Title 24 – Fire Code. This requirement will be included as a Project Note.*

2. Police protection?

FINDING: LESS THAN SIGNIFICANT IMPACT:

*This proposal was reviewed by the Fresno County Sheriff's Department, which did not identify any concerns regarding 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 project analysis.*

#### 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 project analysis.*

#### 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: LESS THAN SIGNIFICANT IMPACT:

*The subject property is accessed from Saddleback Road via an existing 60-foot-wide non-exclusive access easement that has a 12-foot pavement width. The two parcels proposed with this Variance request will also be accessed from Saddleback Road via the existing 60-foot-wide non-exclusive access easement that has a 12-foot pavement width. This proposal was reviewed by the Design Division of the Fresno County Department of Public Works and Planning, which expressed no concerns regarding the requested Variance, nor did said agency require a Traffic Impact Study (TIS).*

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.*

D. Would the project substantially increase traffic hazards due to design features; or

E. Would the project result in inadequate emergency access?

FINDING: LESS THAN SIGNIFICANT IMPACT:

*This proposal was reviewed by the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning, which commented that the pavement width of the existing 60-foot-wide non-exclusive access easement shall be increased from 12 feet to 18 feet in order to satisfy minimum State Responsibility Area (SRA) requirements. This requirement will be included as a Condition of Approval.*

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 project analysis.*

## 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 WITH MITIGATION INCORPORATED:

See discussion under 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: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VI.B Geology and Soils

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?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

See discussion under Section VI.E Geology and Soils

- 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:

*No such impacts were identified in the project analysis.*

#### 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 WITH MITIGATION INCORPORATED:

*Development of the project may impact biological and cultural resources. The included Mitigation Measures in Section IV (Biological Resources) and Section V (Cultural Resources) will minimize such impacts to less than significant.*

- B. Does the project have impacts that are individually limited, but cumulatively considerable?

FINDING: NO IMPACT:

*No cumulatively considerable impacts were identified in the project analysis.*

- C. Does the project have environmental impacts which will cause substantial adverse effects on human beings, either directly or indirectly?

FINDING: NO IMPACT:

*No substantial adverse impacts on human beings were identified in the project analysis.*

## CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Variance Application No. 3957, 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 agricultural and forestry resources, mineral resources, or recreation.

Potential impacts related to air quality, biological resources, greenhouse gas emissions, hazards and hazardous materials, land use and planning, noise, population and housing, public services, and transportation and traffic have been determined to be less than significant. Potential impacts relating to aesthetics, cultural resources, geology and soils, hydrology and water quality, and utilities and service systems have been determined to be less than significant with the identified mitigation measures.

A Mitigated 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:

G:\4360Devs&PIn\PROJSEC\PROJDOCS\VA\3900-3999\3957\IS-CEQA\VA3957 IS wu.docx



## EXHIBIT 9

**Chambers, Derek**

---

**From:** Dennis Housepian <Dennis@caruthersraisin.com>  
**Sent:** Tuesday, September 27, 2016 8:21 AM  
**To:** Chambers, Derek  
**Subject:** Variance Application No. 4000

Dear Mr. Chambers,  
I am in receipt of a notice of a applicants request to remove various conditions and as a property owner in the Sierra Cedars development, I find such requests self-serving and unacceptable. All property owners need to participate in the upkeep and proper maintenance of all roads and access roads within the development for the betterment of our neighborhood and property values.  
Respectfully submitted,  
Dennis Housepian

41770 Saddleback RD  
Shaver Lake, CA