



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 2 April 28, 2022

SUBJECT: Variance Application No. 4109, Director Review and Approval Application No. 4662, Initial Study No. 8090

Allow the creation of a 37.64-acre, a 35.61-acre, a 4.62-acre, and a 2.02-acre parcel from two existing parcels totaling approximately 79.89-acres; allow an existing 1,368 square foot single-family dwelling to remain on the proposed 4.62-acre parcel as a permanent second residence, with an existing 1,646 square-foot primary residence; and allow a reduced front yard setback of 11 feet, where a minimum of 35 feet are required, for an existing 78 square-foot shed, in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located on the southeast and southwest comers of the intersection of S. Bryan Avenue and W. Harlan Avenue, approximately one mile northeast of the unincorporated community of Lanare (APN: 053-031-03S) (20140, 20141, 20142 S. Bryan Avenue) (Sup. Dist. 1).

**OWNER/
APPLICANT:** Jamie Bledsoe

STAFF CONTACT: Jeremy Shaw, Planner
(559) 600-4207

David Randall, Senior Planner
(559) 600-4052

RECOMMENDATION:

- Deny Variance Application No. 4109 and Director Review and Approval Application No. 4662; 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. Zoning Map
4. Land Use Map
5. Variance Findings
6. Site Plan
7. Summary of Initial Study No. 8090

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agriculture	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No change
Parcel Sizes (approximate)	79.89 acres (comprised of two parcels)	Parcel 1: 37.64 acres Parcel 2: 2.02 acres Parcel 3: 4.62 acres Parcel 4: 35.61 acres
Project Site	N/A	N/A
Structural Improvements	Three Single-family residences with accessory structures	Parcel 1: No existing or proposed improvements Parcel 2: 1,809 square-foot single-family dwelling with a 400 square-foot detached carport, a 360 square-foot shed, and an 800 (20x40) square-foot mobile home (to be removed) Parcel 3: A 1,646 square-foot primary residence with attached garage, a 1,368 square-foot dwelling (proposed second

Criteria	Existing	Proposed
		residence), a 3,600 square-foot barn, a 5,200 square-foot covered, open sided agricultural/livestock shade structure and a 78 square-foot wooden shed Parcel 4: No existing or proposed improvements
Nearest Residence (off site)	Approximately 1,240 feet west-northwest of the subject property.	Parcel 1: Approximately 1,240 feet west-northwest Parcel 2: Approximately 2,300 feet northwest Parcel 3: Approximately 2,675 feet west-northwest Parcel 4: Approximately 2,600 feet west-northwest
Surrounding Development	Agricultural Uses/Farming	No changes
Operational Features	Existing Agricultural Operation (Pistachio Orchards)	No change
Employees	None	No change
Customers	None	No change
Traffic Trips	Residential	No change
Lighting	Residential	No change

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

ENVIRONMENTAL ANALYSIS:

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

The Notice of Intent to Adopt a Negative Declaration was published on November 3, 2021.

PUBLIC NOTICE:

Notices were sent to 13 property owners within 1,320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

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

A Director Review and Approval (DRA) Application may be approved only if four Findings of fact specified in Zoning Ordinance Section 873 are made. In this situation the DRA is only applicable and allowable if the Variance is approved and the Parcels divided.

The decision of the Planning Commission on this VA and DRA is final unless appealed to the Board of Supervisors within 15 days of the Commission's action.

The subject property is enrolled in the Williamson Act Program under Contract No. 6899. As part of this Variance, the property was required to file a petition for parcel cancellation of the Williamson Act contract on the proposed 2.02-acre and 4.62-acre parcel, the remaining two larger parcels containing 37.64 and 35.61 acres respectively, would be eligible to remain under the contract. Cancellation of a Williamson Act contract requires a hearing and recommendation by the Agricultural Land Conservation Committee (ALCC) and final action by the Board of Supervisors. The ALCC's recommendation for Denial of the Williamson Act Contract is discussed below under Variance Finding Four.

A Variance request is required to be heard by the Planning Commission; however a Director Review and Approval (DRA) application typically is not. In this case the two land use applications are interrelated, such that approval of the Variance, and subsequent mapping procedure will result in the need for the DRA, therefore both are presented to the Planning Commission for consideration.

VARIANCE APPLICATION NO- 4109

BACKGROUND INFORMATION:

County records indicate that zoning of the subject parcel was established as AE-20, Exclusive Agricultural, 20-acre minimum parcel size on August 31, 1976, with the Board of Supervisors approval of Amendment Application No. 2870, as part of an effort by the County of Fresno to establish Zone Districts which were consistent with the Fresno County General Plan, as required by law. Prior zoning for the subject parcel was R-A (Single-Family Residential-Agricultural) which has a minimum lot size requirement of 36,000 square feet. No other zoning amendments have been processed for the subject parcel and all nearby parcels share the AE-20 Zone District. The subject parcels have recently changed ownership, and the current owner wishes to continue farming the balance of the land and the previous owner wishes to retain the newly created residential parcels. This Variance application proposes to create two parcels containing the three existing residences.

There have been 2 variances pertaining to the creation or legalization of substandard lots, that have been processed within one mile of the project site, one of which was approved by the Planning Commission, which are summarized in the following table:

Application/Request	Date of Action	Staff Recommendation	Final Action
VA 2986: Allow the creation of a 10.35-acre and a 1.95-acre parcel and allow a reduced lot width of 125 feet for the 1.95-acre parcel and a depth to width ratio of 4.25:1 in the AE-20 Zone District.	March 13, 1986	Denial	Planning Commission Approved
VA 3806: Allow the creation of a 19.89-acre, a 6.74-acre and two 5.31-acre parcels from an existing 37.25-acre parcel in the AE-20 Zone District.	June 9, 2005	Denial	Planning Commission Denied

REQUIRED FINDINGS:

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

Reviewing Agencies/Departments Comments:

There were no comments received from Reviewing Agencies/Departments

Findings 1 Analysis:

In support of Finding 1, the Applicant’s Variance Findings assert that because the two proposed parcels to be created which have existing residences, are currently occupied by the previous owners of the property under a life estate and conveyance agreement, which would allow the tenants to live in the residences for life, or until the proposed parcels have been created and conveyed back to the previous owner; and, with one of the proposed parcels being considered along with this variance request for allowance of an existing dwelling to remain as a permanent second residence. And, that the existing irrigation system creates a de-facto boundary between the farming operation and the proposed residential parcels, unlike some other properties in the vicinity, and the subject property, which consist of two parcels, is bisected by S. Bryan Avenue separating the existing dwelling on the west side of S. Bryan Avenue from the two dwellings and accessory structures, and also that an irrigation canal running along the southern property creates a burden on the use of the property.

Staff has reviewed the subject proposal and was not able to identify an exceptional or extraordinary condition which did not apply to other parcels in the area. Review of the land uses in the area (Exhibit 4) shows that the parcel is of typical size and shape for this area, with most parcels containing between 20 to 60 acres with some as large as 90 to 350 acres. Many of the parcels in the immediate vicinity, including some abutting the subject parcel are also under Williamson Act Contract. Additionally, from a review of web based aerial imagery, many appear to contain single-family residences similar to the subject parcel. There are no natural features of the site which would inhibit the use of the property as a whole.

The responses to the Variance Findings provided by the Applicant did not identify a deficit of a substantial property right that would be alleviated by approval of this Variance. In this case the right to deviate from the minimum acreage requirement for the creation of parcels established for the AE-20 Zone District. The subject parcel in its current configuration with mixed residential and agricultural uses is similar to other parcels in the area. If approved the Variance would permit a unique property right not generally enjoyed by other parcels in the area with the same zoning.

Therefore, due to the lack of exceptional features on the parcel and that the lot size restriction does generally apply to other properties in the vicinity staff is unable to make Finding 1.

Recommended Conditions of Approval:

None.

Finding 1 Conclusion:

Finding 1 cannot be made due to the lack of exceptional or extraordinary circumstances or conditions.

Finding 2: ***Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification.***

Finding 2 Analysis:

In support of Finding 2, the Applicant asserts that other properties in the vicinity have been allowed to subdivide creating substandard parcels, and that the existence of other parcels in the vicinity of substandard size, supports this assertion. The applicant acknowledges that some of those substandard sized parcels may have been created at a time when the area was under different zoning designation that would have allowed smaller parcels, and that the applicant believes that the same consideration could be extended to allow this proposed subdivision. Additionally, the applicant states that the existing residences, on both proposed parcels 2 and 3 are not involved with the existing agricultural operation.

Based on available records, there have been two variances processed, requesting to allow the creation of substandard size lots, within one mile of the subject property. Both applications were denied by the Planning Commission.

With regard to Finding 2, the Applicant must demonstrate they are denied a property right which is enjoyed by neighboring parcels under the same zoning classification. All of the County

parcels in this area have the same zoning, and whether they be above or below the minimum 20-acre size limitation, they are all subject to the same restriction regardless of size. A 1-acre parcel or a 39 acre parcel both are restricted from dividing their parcel any further, as they will not result in twenty acre or larger parcels.

Recommended Conditions of Approval:

None.

Finding 2 Conclusion:

Finding 2 cannot be made as there not a substantial property right being denied the applicant that is enjoyed by other parcels in the surrounding area with the same zoning.

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	352.65 acres	Field crops	AE-20	None
East	38.38 acres	Orchard	AE-20	None
South	57.97 acres	Orchard	AE-20	None
West	57.97 acres	Orchard/ Single-Family Residential	AE-20	None

Reviewing Agency/Department Comments:

Fresno County Department of Agriculture, Agriculture Commissioner: Substandard parcels that are created for residential purposes will likely interfere with agricultural operations on surrounding parcels that are designated and zoned for production of food and fiber and may potentially result in removal of adjacent or neighboring lands from agricultural use. Moreover, it may set a precedent for other landowners to create similar residential parcels in the area, which will compound the incompatibility between the agricultural and residential use of lands located in an area of the County designated and used for agricultural operations. In fact, this idea of precedence is brought up by the applicant as a reason to allow the issuance of this variance. Continuing to approve the subdivision of land into substandard parcels will continue to make more areas where agriculture will encounter compatibility issues with residences.

Every year the Ag Department receives numerous complaints from homesites adjacent to agricultural operations where the occupant is not involved or familiar with farming operations. While it may be the intention of the current occupants to reside on the properties, there are no guarantees that these properties would not be sold in the future.

Development Engineering Section of the Fresno County Department of Public Works and Planning: According to the U.S.G.S. Quad Map, Turner Ditch traverses the subject property. Any future improvements constructed within or near a ditch should be coordinated with the

owners of the ditch or appropriate agency.

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

Any new development of less than two acres or secondary dwelling will require a nitrogen loading analysis by a qualified professional, demonstrating to the Department that the regional characteristics are such that an exception to the septic system density limit can be accommodated. The Department will refer any analysis to the Regional Water Quality Control Board for their concurrence and input.

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

Finding 3 Analysis:

In support of Finding 3, the Applicant assert that the granting of the Variance to create the substandard parcels would not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity, because no improvement is proposed, and the farming operation and tenancy of the existing residences would not change as a result of approval of this Variance.

With regard to Finding 3, staff acknowledges that there are likely no materially detrimental impacts to the public welfare, or surrounding property and improvement that would occur as a result of this Variance; however, staff also notes that the creation of additional parcels has the potential to increase residential density in the area by allowing the addition of a single-family residence on the larger subsequent parcels as a matter of right. Increased residential density has the potential to conflict with adjacent agricultural operations. However, as the applicant has stated the intention to continue farming the larger balance of the property and not develop the property. One of the existing residences was constructed or relocated to the site in about 1970, and the other two were constructed in 2005 according to County permit records. Given that the residences are existing, and no new development is proposed, staff concurs the granting of the Variance would not be materially detrimental to property and improvement in the vicinity.

Additionally, this application is subject to the County “Right to Farm” Ordinance, Fresno County Ordinance Code Section 17.04.100 and 17.72.075. As a condition precedent to the recordation of a parcel map for the subdivision, a document will be required to be recorded on the subject property incorporating the provisions of the County Right to Farm Ordinance (Ordinance Code Section 17.40.100).

Recommended Conditions of Approval:

None

Finding 3 Conclusion:

Finding 3 can be made as there would not be a significant material detrimental impact to the public welfare.

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

Relevant Policies:	Consistency/Considerations:
<p>General Plan Policy LU-A.6: The County shall maintain twenty (20) acres as the minimum permitted parcel size in areas designated Agriculture, except as provided in Policies LU-A.9, LU-A.10, and LU-A.11.</p>	<p>Not Consistent: Policy LU-A.9 relates to the creation of homesite parcels, the Applicant declined to pursue the option to create a gift deed, and this proposed parcel creation does not qualify for any of the other exemptions to the minimum parcel size identified therein.</p> <p>Policy LU-A.10 relates to the creation of parcels for the development of an agricultural commercial center and LU-A.11 relates to the creation of small parcels to support the extraction of oil and gas. The Applicant declined to pursue the option to create a gift deed parcel and the proposal is therefore not consistent with this policy.</p>
<p>Policy LU-A.7: The County shall generally deny requests to create parcels less than the minimum size specified in Policy LU-A.6 based on concerns that these parcels are less viable economic farming units, and that the resultant increase in residential density increases the potential for conflict with normal agricultural practices on adjacent parcels. Evidence that the affected parcel may be an uneconomic farming unit due to its current size, soil conditions, or other factors shall not alone be considered a sufficient basis to grant an exception. The decision-making body shall consider the negative incremental and cumulative effects such land divisions have on the agricultural community.</p>	<p>Consistent: LU-A.7 is intended to protect agricultural uses from increases to residential densities and support commercial agricultural operations. Staff has reviewed this application's consistency with the required findings for granting a Variance and determined that only three of the four required Findings could be made and therefore recommends denial of this Variance, consistent with this policy.</p>

Reviewing Agencies/Department Comments:

Policy Planning Unit of the Fresno County Department of Public Works and Planning, Development Services and Capital Projects Division: Approval of the Variance would result in the creation of two substandard sized parcels which will be used for residential purposes in an area of the County designated and zoned for farming and other agriculturally related uses, that are not compatible with residential uses. The substandard residential parcels create incompatibility and conflict with agricultural uses in the surrounding area which is designated

and zoned to accommodate agricultural uses. Therefore, the proposed Variance application is not consistent with General Plan Policies LU-A.6 and LU-A.7.

The subject property is enrolled in the Williamson Act Program under Contract No. 6899. Pursuant to Fresno County Williamson Act Program Guidelines, parcels that are enrolled in the program are required to have a minimum of 20-acres of Prime soil and an active agricultural operation, or a minimum of 40-acres of Non-Prime soil and an active agricultural operation to be eligible to remain in the Williamson Act Program. The existing 79.89-acre parcel has soil classified as Prime; however, there is no photographic evidence of any current agricultural activity on the subject parcel. Review of aerial imagery of the subject parcel determined that the subject parcel has not been agriculturally cultivated since 2018.

The proposed 2.02-acre and 4.62-acre parcels do not meet the minimum parcel size to remain in the Williamson Act program. Removal of the two proposed substandard parcels, could be accomplished through recording a Notice of Non-Renewal on the area of the existing parcel proposed to be subdivided into the 2.02-acre and 4.62-acre parcel. However, in order for the subdivision proposed by this Variance to occur, the proposed substandard parcels must be removed from the Williamson Act through partial cancellation.

Finding 4 Analysis:

In support of Finding 4, the Applicant's Findings assert that the granting of the Variance would not be contrary to the objectives of the General Plan because no new development is proposed, and that the parcel division allows the existing residences to be preserved for such use, and allows the farming operation to continue unattached to the residential use, consistent with the intent of the Exclusive Agricultural zoning.

With regard to Finding 4, staff determined that the proposed parcels would not be consistent with General Plan Policy LU-A.6 and LU-A.7 discussed in the preceding table. The General Plan policies discussed are intended to address concerns that an increase in the number of residential parcels, and decrease in parcel sizes (residential density) is inconsistent with the density provisions of the Exclusive Agricultural zoning, and could potentially lead to further conversion of productive agricultural land and the resultant conflicts from intensification of residential uses which are not necessarily in support of agricultural uses. The creation of the smaller residential parcels is not consistent with the intent of the underlying zoning which is intended to be an exclusive district for agriculture and for those uses which are necessary to and an integral part of the agricultural operation.

Additionally, the proposed parcels do not qualify for any of the exemptions to the minimum acreage described in the General Plan. The stated intent of General Plan Policy LU-A.6 is to maintain 20 acres as a minimum parcel size. The remaining 38.23-acre parcel and 35.61-acre parcel would remain in the Williamson Act contract and would continue the existing agricultural operation. According to a Statement of Intended Use filed by the property owner, the property is currently planted with approximately 73.25-acres of Pistachio Trees.

Because the subject parcel is currently restricted under Williamson Act Contract, the Applicant was required to file a petition for partial cancellation of the contract. The Agricultural Land Conservation Committee determines if the requested early cancellation of the Contract should be granted and makes a recommendation to the Board of Supervisors for a final decision. If the cancellation request is not granted by the Board of Supervisors, the Variance will not be effective, since the proposed Variance only provides relief from certain development standards

of the Zoning Ordinance and there is no Variance available from the minimum acreage required by the Williamson Act.

At its regularly scheduled hearing of April 20, 2022, the Agricultural Land Conservation Committee (ALCC) considered the applicant’s request for a partial cancellation of Williamson Contract No. 6899 on the proposed substandard sized parcels, and made a recommended to the Board of Supervisors to deny the Cancellation Petition (RLCC 1025) associated with VA 4109 based on staff’s recommendation to ALCC that two of the findings cannot be made. Finding No. 2 could not be made due to land use compatibility issues between the use of the homesite parcels as residential parcels and the surrounding agricultural community in areas zoned and designated for agricultural uses. Finding No. 3 could not be made because the creation of separate homesite parcels is inconsistent with several General Plan policies.

Recommended Conditions of Approval:

None.

Finding 4 Conclusion:

Finding 4 cannot be made as the Project is inconsistent with General Plan Policies.

PUBLIC COMMENT:

None.

CONCLUSION VA 4109:

Based on the factors cited in the analysis, staff is unable to make required Findings 1, 2 and 4 for approval of the Variance.

ANALYSIS - DIRECTOR REVIEW AND APPROVAL (DRA) APPLICATION NO. 4662

The DRA is only applicable and allowable if the Variance is approved, and the Parcels divided.

Finding 1: The site of the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features required by this Division, to adjust said use with land and uses in the neighborhood.

	Current Standard: AE-20	Proposed Operation:	Is Standard Met (y/n)
Setbacks	Front: 35 feet Side: 20 feet Rear: 20 feet	Parcel 1: Front (East): 35 feet Side (North): 35 feet Side (South): 20 feet Rear (West): 20 feet	Yes

	Current Standard: AE-20	Proposed Operation:	Is Standard Met (y/n)
		Parcel 2: Front (East): 35 feet Side (North): 56 feet Side (South): 160 feet +/- Rear (West): 38 feet Parcel 3: Front (West): 12 feet Side (North): 109 feet Side (South): 118 feet Rear (East): 40 feet Parcel 4: Front (West): 35 feet Side (North): 35 feet Side (South): 20 feet Rear (East): 20 feet	Yes Yes Yes
Parking	Minimum two spaces for residential use	No change	Yes
Lot Coverage	No requirements	N/A	Yes
Space Between Buildings	No requirements, except that no animal or fowl pen, coop, stable, barn or corral shall be located within forty (40) feet of any dwelling or other building used for human habitation	No change	Yes
Wall Requirements	No requirement	No change	Yes
Septic Replacement Area	100 percent	No change	Yes
Water Well Separation (minimum distance)	Septic tank: 50 feet Disposal field: 100 feet Seepage pit: 150 feet	No change	Yes
Proposed Parcel 1:	N/A	N/A	N/A
Proposed Parcel 2:	Same	175 feet (approx.)	Yes

	Current Standard: AE-20	Proposed Operation:	Is Standard Met (y/n)
Proposed Parcel 3:	Same	150 feet (approx.)	Yes
Proposed Parcel 4:	Same	N/A	N/A

Reviewing Agency/Department Comments regarding site adequacy:

Development Engineering Section of the Fresno County Department of Public Works and Planning: According to FEMA FIRM Panel 2875J, the property is not subject to flooding from the 100-year storm. According to the U.S.G.S. Quad Map, Turner Ditch traverses the subject property. Any future improvements constructed within or near the ditch should be coordinated with the owners of the ditch.

The subject property is located with an agricultural preserve. Any future development may require approval from the Policy Planning Unit, Development Services and Capital Projects Division.

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

Finding 1 Analysis:

The existing second residence on proposed Parcel 3 is setback approximately 82 feet from the west (front) property line, well beyond the 35-foot minimum required front yard setback, and approximately 250 feet from the rear (east) property line, well beyond the minimum 20 foot required rear yard setback; and 109 feet from the street side (north) property line, beyond the minimum required 35-foot street-side yard setback, and approximately 315 feet from the side (south) property line where a minimum of 20 feet is required). The existing second residence meets all required setbacks of the AE-40 Zone District and based on review of the applicant’s submitted site plan, the parking requirement of the Ordinance Code, Section 855-N, and the AE-40 Zone District have been satisfied.

Based on the above considerations, the project site is adequate in size and shape to accommodate the proposed second residence.

Recommended Condition of Approval:

None

Finding 1 Conclusion:

Finding 1 can be made.

Finding 2: ***That the site relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use***

Description		Existing Conditions	Proposed Operation
Public Road Frontage	Yes	S. Bryan Avenue W. Harlan Avenue	N/A
Direct Access to Public Road	Yes	S. Bryan Avenue W. Harlan Avenue	N/A
Road Average Daily Traffic (ADT)		N/A	N/A
Road Classification		S. Bryan Avenue: Local W. Harlan Avenue: Local	No change
Traffic Trips		Residential traffic	No change
Traffic Impact Study (TIS) Prepared	No	Residential traffic	Not required
Road Improvements Required		No	No change to Madsen Avenue

Reviewing Agency/Department Comments regarding adequacy of streets and highways:

Road Maintenance and Operations/Design Divisions of the Fresno County Department of Public Works and Planning: Harlan Avenue is a County maintained road classified as a local road with an existing 60-foot right-of-way, and an ultimate right-of-way of 60 feet, as per the Fresno County General Plan.

Bryan Avenue is a County maintained road classified as a local road with an existing 60-foot right-of-way, and an ultimate right-of-way of 60 feet, as per the Fresno County General Plan.

Finding 2 Analysis:

Based on the above consideration and adherence to mandatory Project Notes, staff believes that S. Bryan Avenue and W. Harlan Avenue are adequate in width and pavement type to accommodate the proposed use.

Recommended Condition of Approval:

None

Finding 2 Conclusion:

Finding 2 can be made.

Finding 3: *The proposed development will not be detrimental to the character of the development in the immediate neighborhood.*

Reviewing Agency/Department Comments regarding adverse effects on surrounding properties:

Development Engineering Section of the Fresno County Department of Public Works and Planning: According to the U.S.G.S. Quad Map, Turner Ditch traverses the subject property. Any future improvements constructed within or near a ditch should be coordinated with the owners of the ditch or appropriate agency.

Finding 3 Analysis:

According to site and aerial photographs, the subject property is located in an area comprised of open fields, orchards, and sparse residential development. Floor plans, elevations and photographs of the primary and secondary residential units show that the two units are complementary and compatible with surrounding land uses. The existing primary residence is a 1,646 square-foot conventional dwelling with beige stucco siding and a composite shingle roof; the existing second residence is also a conventional dwelling with beige-colored stucco siding and a light brown tile roof. The nearest residence is approximately 530 feet east of the proposed second residence on proposed Parcel 2. The primary residence on Parcel 1 is approximately 140 feet south of the proposed second residence. Overall, visibility concerns are minimal due to the distances between improvements on the properties.

The existing primary residence contains 1,646 square feet of living space and the existing secondary residence contains 1,368 square feet of living space, a difference of 278 square feet.

Based on the above consideration and with adherence to the aforementioned requirement included as mandatory Project Notes, staff believes that the proposal will not have an adverse effect upon surrounding properties.

Recommended Conditions of Approval:

None

Finding 3 Conclusion:

Finding 3 can be made.

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

Relevant Policies:	Consistency/Considerations:
Policy LU-H.4: County shall allow second dwellings, not to be sold as a separate unit, subject to a discretionary permit in areas designated for low-, medium-, and medium-high-density residential use, rural residential use, and agricultural or rangeland use. Also, the second dwelling shall be clearly subordinate in size to the primary dwelling.	The proposed DRA is a discretionary permit to allow the proposed second residence. A Covenant will require that one of the two residences shall be occupied by the property owner and thereby cannot be sold separately. The existing secondary dwelling is 1,368 square feet and the existing primary residence is 1,646 square feet, in living area.

<p>Policy PF-D.6: County shall permit on-site sewage disposal systems on parcels that have the area, soils and other characteristics that permit installation of such systems without threatening groundwater quality or posing health hazards.</p>	<p>This proposal was routed to the Fresno County Health Department's Environmental Health Division which expressed no concerns with the existing sewage disposal system for existing residences on the property, except that such system should be evaluated for possible repairs, additions, or proper destruction of the system.</p>
<p>Policy PF-C.17: In order for a DRA to be approved, adequate water quantity must be approved by the Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning.</p>	<p>The property is not located in a water-short area of Fresno County. The Fresno County Water/Geology/Natural Resources Section reviewed the application and expressed no concerns with the proposal.</p>

Reviewing Agency/Department Comments regarding General Plan Consistency:

No additional comments related to General Plan Consistency, other than those referenced in the preceding table, were received.

Finding 4 Analysis:

California State Law mandates that opportunities for second dwellings be provided within residential zone districts. On May 24, 1983, the Fresno County Ordinance Code was amended to provide second residence opportunities within Residential and Agricultural Zone Districts, subject to an approved Director Review and Approval and subject to specified Development Standards set forth in Section 855-N-25. Such Standards regulate on-site parking, occupancy requirements, water and sewer requirements, and design features and considerations.

The subject property is designated Agriculture in the County General Plan and is zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) in the County Zoning Ordinance. The Zoning Ordinance allows for second residences subject to the approval of a Director Review and Approval Application and through the provisions of the Zoning Ordinance. These provisions are met by this Application.

Recommended Conditions of Approval:

The DRA Permit is only applicable if the property is legally divided.

Finding 4 Conclusion:

Finding 4 can be made, however only if the Variance required for the Project is approved.

DIRECTOR REVIEW AND APPROVAL APPLICATION NO. 4662 CONCLUSION:

CONCLUSION:

The application is consistent with the applicable policies and required findings for a second residence. This is contingent upon the required variance for the project also being approved.

ALL PLANNING COMMISSION MOTIONS:

Recommended Motion (Denial Action)

- Move to determine that the required Findings cannot be made and move to deny Variance Application No. 4109 and Director Review and Approval Application No. 4662; and
- Move to determine that as the Variance required for the project has been denied Director Review and Approval Application No. 4662 is also deemed denied; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Approval Action)

- Adopt the Negative Declaration prepared for Initial Study No. 8090; and
- Move to determine that the required Findings can be made (state basis for making the Findings) and move to approve Variance Application No. 4109 and determine that the required Findings can be made based on the Staff Report for Director Review and Approval Application No. 4662 subject to the Conditions and Notes attached as Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

JS:jp
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**Variance Application (VA) No. 4109/Director Review and Approval No Application No. 4662 and Initial Study No. 8090
Conditions of Approval and Project Notes**

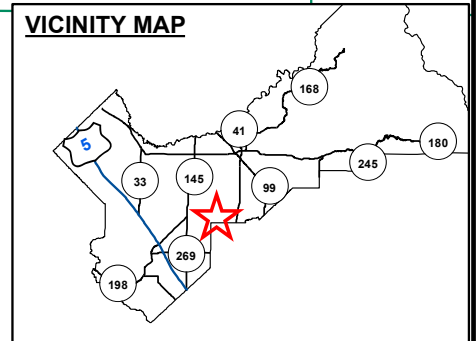
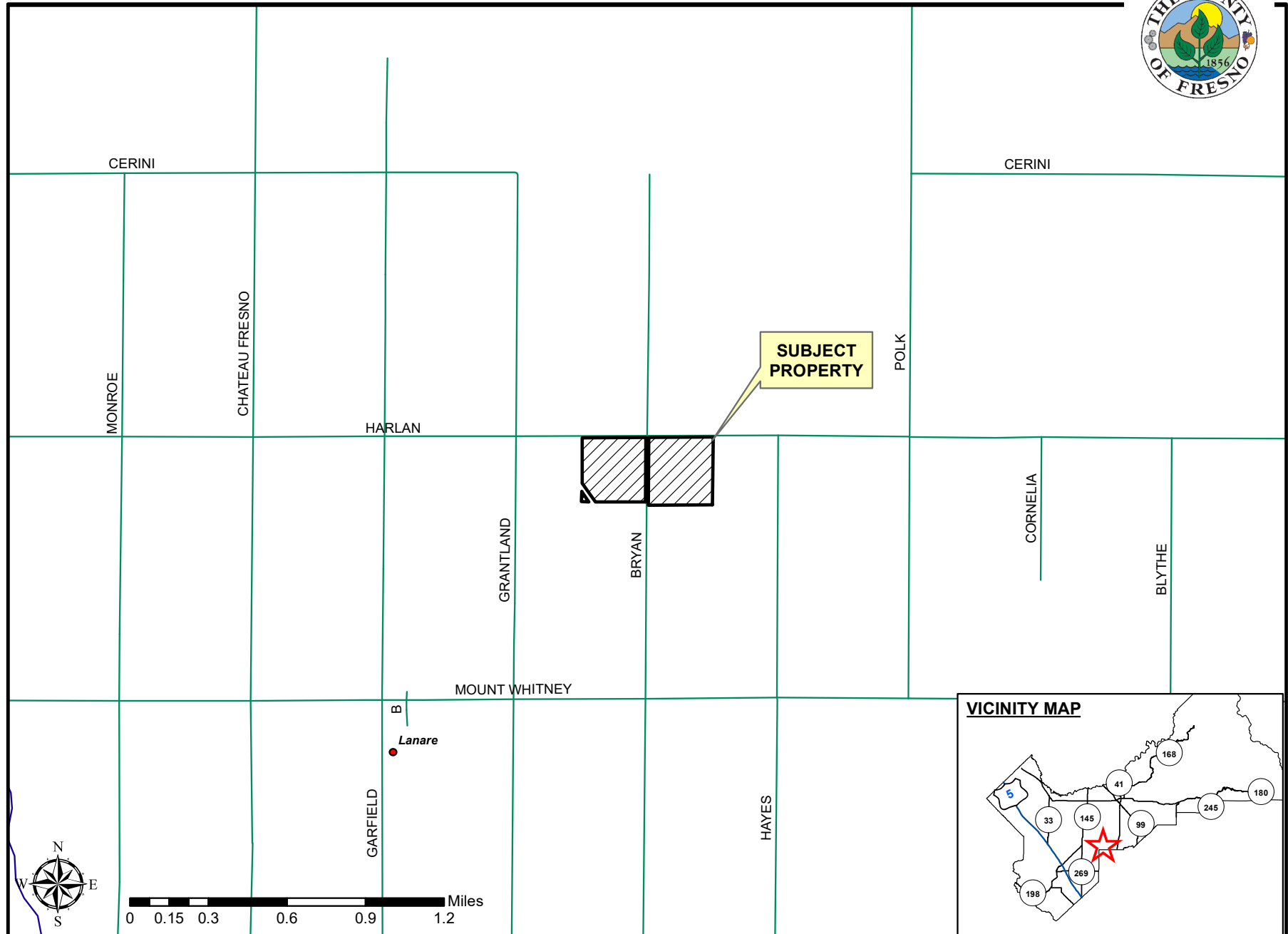
Conditions of Approval	
1.	Division of the subject parcel shall be substantial conformance with the site plan (Exhibit 5) as approved by the Planning Commission.
2.	A Covenant running with the land between the County and the owner shall be recorded requiring that one of the dwelling units shall be occupied by the property owners or another owner of record. Note: Our Department will prepare the Covenant upon receipt of the standard Processing Fee, which is currently \$243.50.
3.	Prior to final map approval, the Applicant/subdivider shall record a document on the subject property incorporating the provisions of the County Right-of-to-Farm Notice (Ordinance Code Section 17.40.100). Fresno County Right-to-Farm Notice: "It is the declared policy of Fresno County to preserve, protect, and encourage development of its agricultural land and industries for the production of food and other agricultural products. Residents of property in or near agricultural districts should be prepared to accept the inconveniences and discomfort associated with normal farm activities. Consistent with this policy, California Civil Code 3482.5 (right to farm law) provides that an agricultural pursuit, as defined, maintained for commercial uses shall not become a nuisance due to a changed condition in a locality after such agricultural pursuit has been in operation for three years."
4.	Director Review and Approval No. 4662 will not be effective unless the property is legally divided.
Conditions of Approval reference recommended Conditions for the project.	
Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	The approval of this Variance will expire one year from the date of approval unless the parcels authorized by said Variance are not created within one (1) year after the granting of said Variance or an application for a tentative map is not filed within the one (1) year. However, in the case of a Variance for which a tentative or vesting map has been timely filed, expiration of said Variance shall be concurrent with the expiration date of the tentative or vesting map and may be extended in the same manner as said map.
2.	Where circumstances beyond the control of the applicant cause delays, which do not permit compliance with the time limitation established in Section 877-D.2 (one year), the Commission may grant an extension of time for a period not to exceed an additional one (1) year period. Application for such extension of time must be set forth in writing the reasons for the extension and must be filed with the Department of Public Works and Planning, Development Services and Capital Projects Division before the expiration of the Variance.

Notes

3.	<p>Division of the subject property is subject to the provisions of the Fresno County Parcel Map Ordinance and other applicable State regulation. A Tentative Parcel Map Application shall be filed to create the two proposed parcels. The Map shall comply with the requirements of Title 17.72 of the Fresno County Ordinance Code. The Fresno County Parcel Map Ordinance (County Ordinance Code, Title 17- Divisions of Land) provides that "Property access improvements associated with the division of the subject property are subject to the provisions of the Fresno County Parcel Map Ordinance, including dedication, acquisition of access easement, roadway improvements, and roadway maintenance." These requirements will be satisfied through recordation of a parcel map to create the subject parcels, subsequent to the approval of the Variance. The Applicant(s) may apply for an exception request from the road standards through the parcel map process.</p>
4.	<p>The subdivision will require that a Tentative Parcel Map be prepared in accordance with the Professional Land Surveyors Act, the State Subdivision Map Act and County Ordinance. The Tentative Parcel Map application shall expire two years after the approval of said Tentative Parcel Map. Upon approval and acceptance of the Tentative Parcel Map and any Conditions imposed thereon, a Final Parcel Map shall be prepared by a Professional Land Surveyor or Registered Civil Engineer authorized to practice Land Surveying in accordance with the Professional Land Surveyors Act, the Subdivision Map Act and County Ordinance. Recordation of the Final Parcel Map shall take place within two years of the acceptance of the Tentative Parcel Map unless a Map extension is received prior to the expiration date of the approved Tentative Parcel Map. Failure to record the Final Parcel Map prior to the expiration of said Tentative Parcel Map may void the Parcel Map application.</p>
5.	<p>According to the U.S.G.S. Quad Map, Turner Ditch traverses the subject property. Any future improvements constructed within or near a ditch should be coordinated with the owners of the ditch and/or appropriate agency.</p>
6.	<p>It is recommended that the applicant consider having the existing septic tanks pumped and have the tanks and leach lines evaluated by an appropriately licensed contractor if it has not been serviced and/or maintained within the last five years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the system.</p>
7.	<p>New septic systems shall be installed under permit and inspection by the Department of Public Works and Planning Building and Safety Section.</p>
8.	<p>At such time the applicant or property owner(s) decides to construct a new water well, the water well contractor selected by the applicant will be required to apply for and obtain a Permit to Construct a Water Well from the Fresno County Department of Public Health, Environmental Health Division. Please be advised that only those persons with a valid C-57 contractor's license may construct wells.</p>
9.	<p>As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.</p>
10.	<p>Development will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.</p>

LOCATION MAP

VA 4109 & DRA 4662



VA 4109 & DRA 4662
STR 21- 17/19

EXISTING ZONING MAP

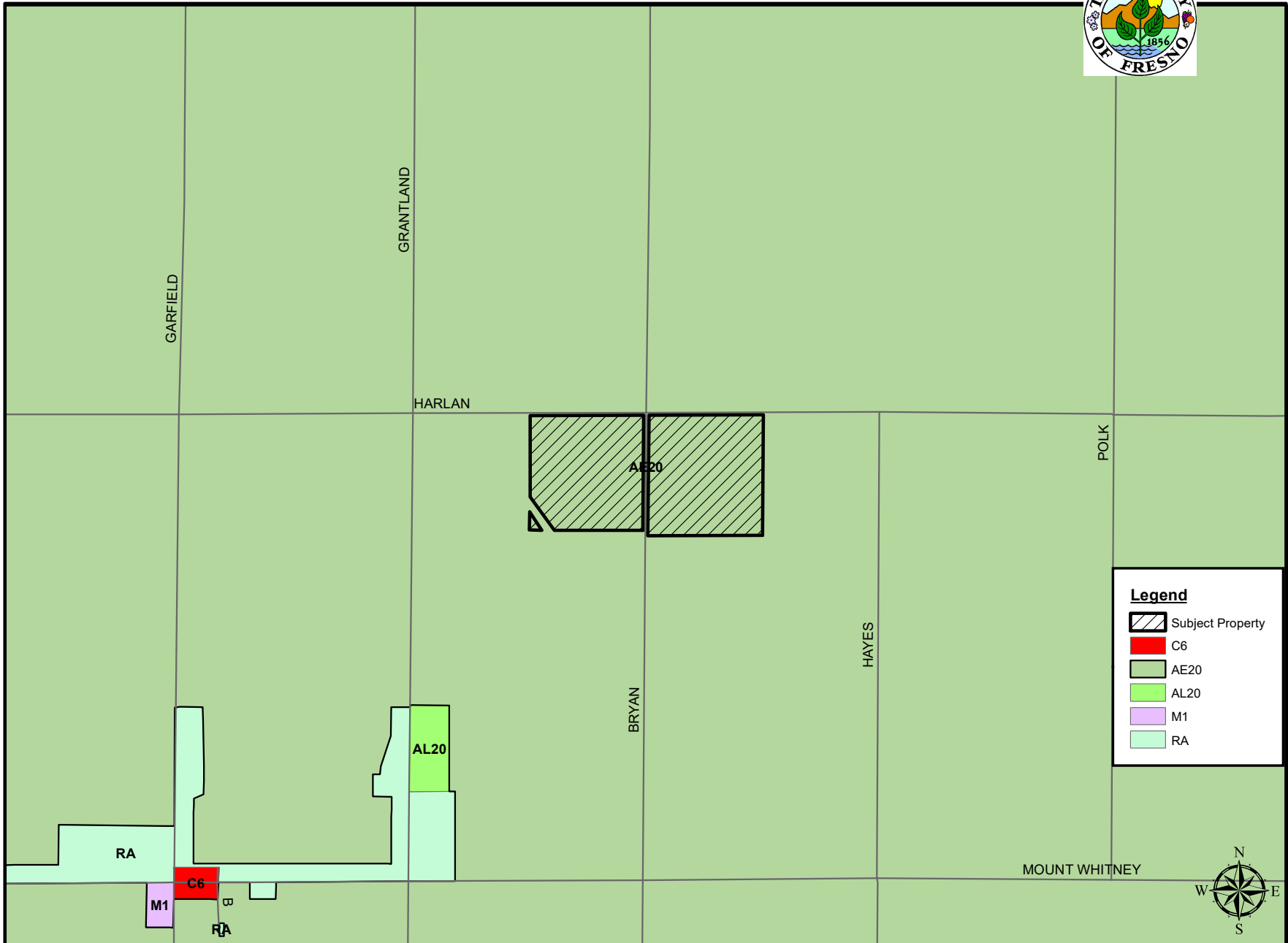
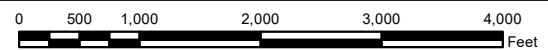


EXHIBIT 3

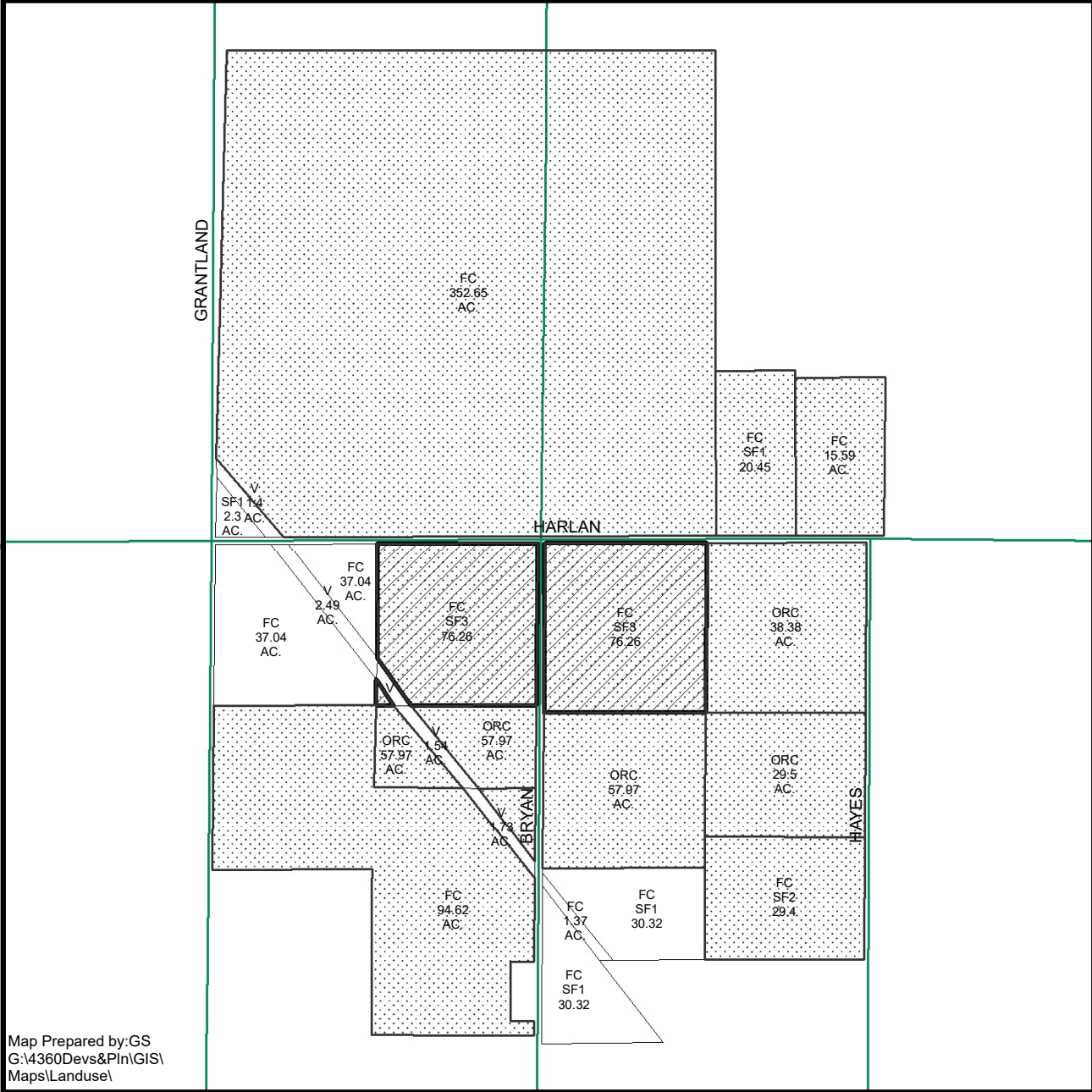
Legend

- Subject Property
- C6
- AE20
- AL20
- M1
- RA



EXISTING LAND USE MAP

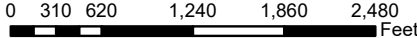
VA 4109 & DRA 4662



LEGEND	
FC - FIELD CROP	
ORC - ORCHARD	
SF#- SINGLE FAMILY RESIDENCE	
V - VACANT	

LEGEND:

- Subject Property
- Ag Contract Land



Department of Public Works and Planning
Development Services Division

Map Prepared by:GS
G:\4360Devs&Plan\GIS\
Maps\Landuse\

**Jamie Bledsoe
Request for Variance in the County of Fresno
Required Variance Findings**

Jamie Bledsoe (owner) requests consideration by the Planning Commission of Fresno County to allow a Variance for the creation of two substandard parcels within the AE-20 zoning District. Currently there are two existing ±40-acre parcels (One APN 053-031-03S, 76.26-Acres(net), 79.89-Acres(gross)). Jamie Bledsoe purchased the properties from the previous owner in late 2020. The previous owner submitted the application for this very same Variance back in early 2019 but never completed the process. The previous owner and family members reside at the properties in three existing dwellings. This Variance would allow Mr. Bledsoe to parcel off the two sites with the existing residences on them and deed them back to the previous owner. Jamie Bledsoe would like to continue farming the property without the obligation of being a landlord to the previous owner.

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

Jamie Bledsoe and tenants of the residences are currently in a “Life Estate and Conveyance Agreement” that allows the tenants to live at the residences for life or until the new parcels are created and deeded back to the previous owner. The tenants are no longer involved in the farming operations. This condition is not common in this area, typically the residence is the primary home of the owner or is used to house employees directly involved in the farming operations. Per the Agreement Mr. Bledsoe cannot collect rent on the properties, this is also a circumstance uncommon to other properties in the vicinity.

There are also features of the existing property that have been in existence prior to 1994. The existing irrigation conveyance systems surround each proposed parcel, creating an existing boundary between the farming operation and the residences. Most surrounding farming operations have irrigation conveyance systems running along the perimeter of the properties. This is an exceptional condition not seen in surrounding properties with the AE-20 zone classification. Additionally, the lot is burdened by an existing Hanford and Summit Railway Company Parcel that has since been deeded to Richard D. Brown. This creates a split in the property which is not typical for other properties in the area. The existing parcel is also split by a public road (Bryan Avenue), may occur on other properties in the area but is not typical. The property is also burdened by a Riverdale Irrigation District Canal that runs along south property line of the parcel west of Bryan Avenue.

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

Other property owners within the AE-20 zoning classification and within the Subdivision No. 1 of the Lands of Summit Lake Investment Company have been allowed to subdivide their property into similar size parcels as proposed by Mr. Bledsoe. Some noted properties around Mr. Bledsoe's property include the following:

APN: 053-041-46S Located just south of Mr. Bledsoe's property along Bryan Avenue. 2.16-Acres

APN: 053-041-38S Located southwest of Mr. Bledsoe's property along Grantland Avenue. 4.93-Acres

There are numerous other properties within the south half of Section 21-17/19 that do not meet the minimum 20-acre zoning classification. The right to create smaller than standard size lots has been given to other property owners in the area and Mr. Bledsoe would like to be afforded the same right. We understand that some or all these properties may have been created at a time when the AE-20 zoning district allowed such divisions, but we would like you to consider granting this Variance to Mr. Bledsoe so he can enjoy the same right these properties were once given.

Mr. Bledsoe would like to continue to farm the land within the AE-20 District as intended by the zoning classification, The "AE" District is intended to be an exclusive district for agriculture and for those uses which are necessary and an integral part of the agricultural operation. The residences do not play any part in the agricultural operations and furthermore hinder Mr. Bledsoe's operations by requiring upkeep and financial obligations. This Variance would allow Mr. Bledsoe the property right to continue farming without the burden of being a landlord.

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 project is located.

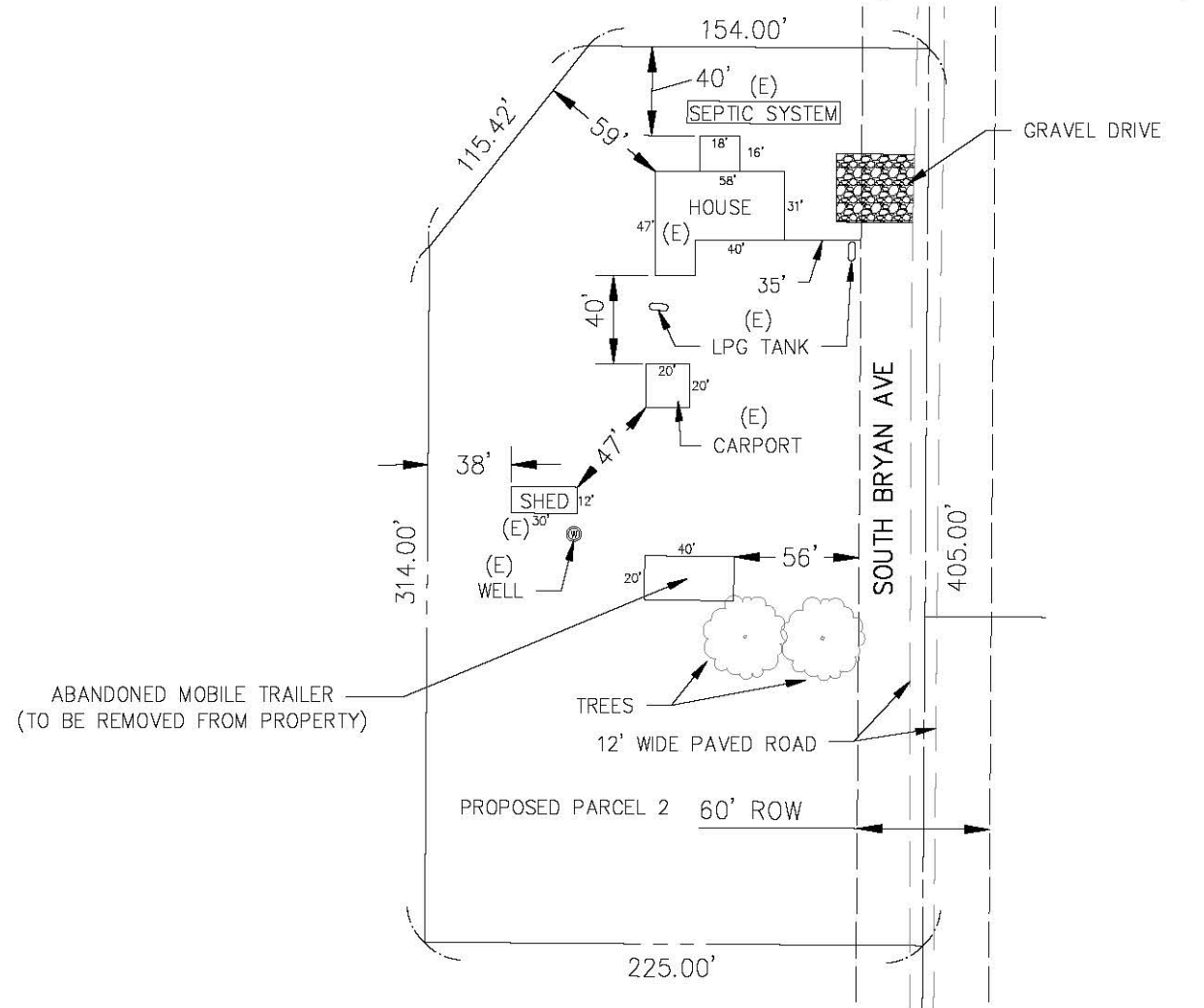
The Variance will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the project is located. No improvements are proposed. The farming operation and tenant situation will not change upon approval of the Variance.

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

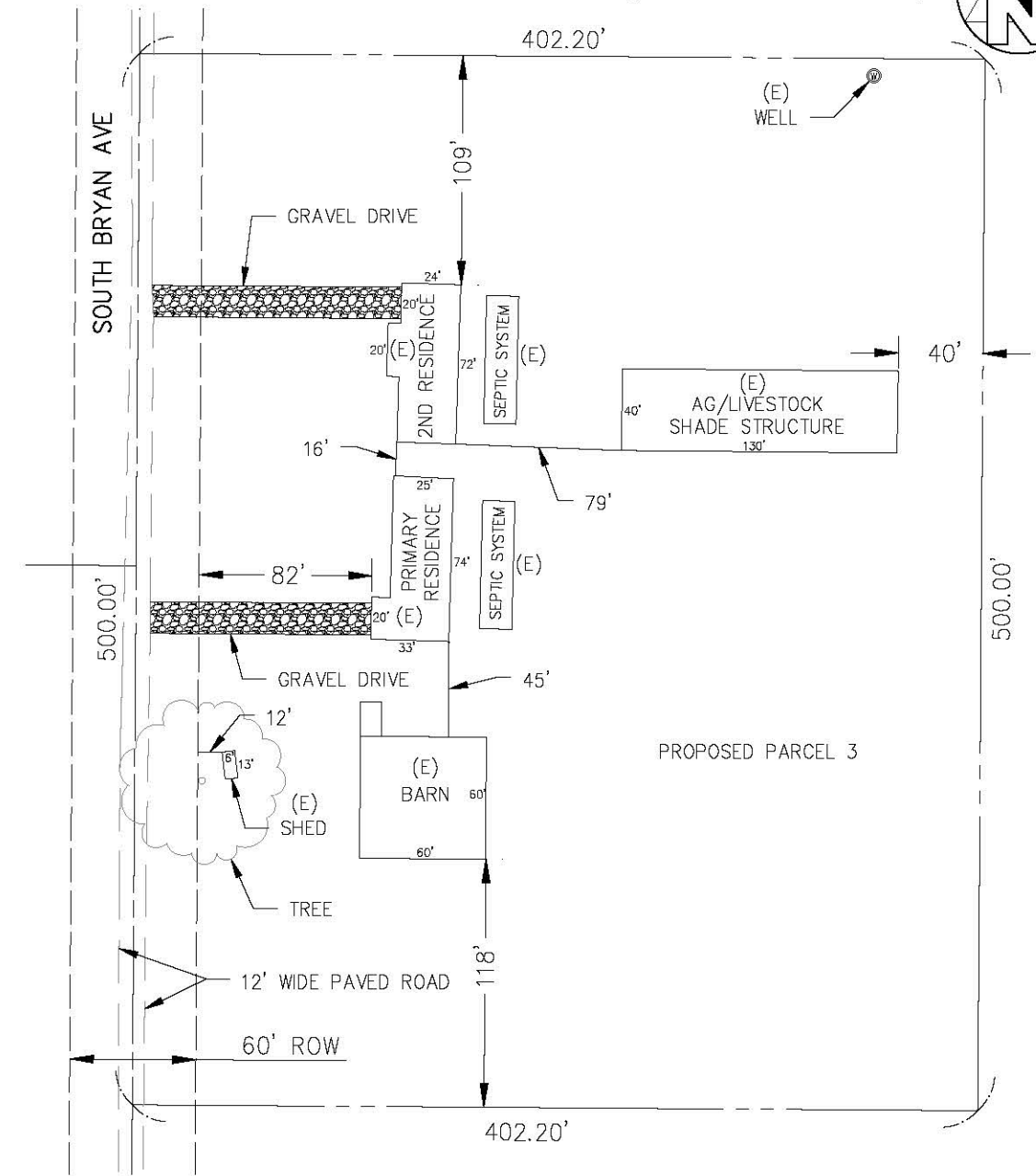
The approval of this Variance will not be contrary to the objectives of the General Plan as there is no new development proposed. This Variance allows for the conservation of three residences and allows the tenants to enjoy the property as currently improved. This Variance also allows Mr. Bledsoe to carry on farming operations on most of the property as intended within the AE District and General Plan.

EXHIBIT 6

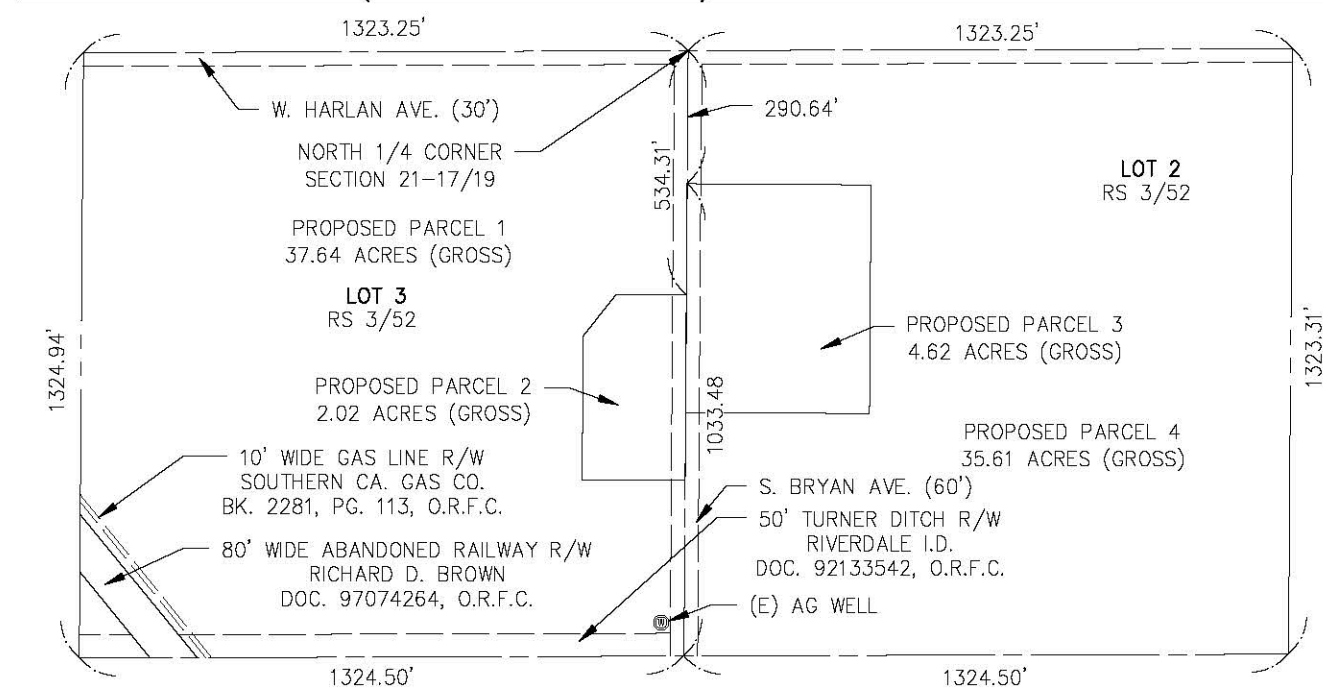
PROPOSED 2.02± ACRE PARCEL (SCALE: 1"=80')



PROPOSED 4.62± ACRE PARCEL (SCALE: 1"=80')



EXISTING LOTS (SCALE: 1"=400')



NOTES

EXISTING PARCELS (79.89 ACRES GROSS) - LOTS 2&3 OF SUBDIVISION NO. 1 OF THE LANDS OF SUMMIT LAKE INVESTMENTS CO., BOOK 3 OF RECORDS OF SURVEY, PAGE 52, FRESNO COUNTY RECORDS



VARIANCE AND DRA EXHIBIT

JAMIE BLEDSOE

FRESNO COUNTY APN 053-031-03S

SITE PLAN

SURVEYOR:
BRYAN W. BOWERS

DATE: 10-27-21

JOB NO: 380321001

SHEET 1 OF 1

EXHIBIT 6



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

APPLICANT: Jamie Bledsoe

APPLICATION NOS.: Initial Study No. 8090, Variance Application No. 4109 and Director Review and Approval Application No. 4662.

DESCRIPTION: Allow the creation a 37.64-acre, a 35.61-acre, a 4.62-acre and a 2.02-acre parcel from two existing parcels totaling 79.89-acres, and allow two existing single-family dwellings to remain on the 4.62-acre parcel, in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcels are located on the southeast and southwest comers of the intersection of S. Bryan Avenue and W. Harlan Avenue, approximately one mile northeast of the unincorporated community of Lanare (APN 053-031-03S) (20141 S. Bryan Avenue) (SUP. DIST. 1).

I. AESTHETICS

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

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

FINDING: NO IMPACT:

These applications only propose the subdivision of land, and the authorization of existing residential dwellings on one of the proposed subdivided parcels. As no new development or additional outdoor lighting is proposed with this application, there will be no impacts to the existing visual character or quality of public views of the site and its surroundings. The larger parcels will remain available for agricultural production. No scenic vistas or other scenic resources were identified, and the property is not located within a state scenic highway. There are no new sources of outdoor lighting proposed with this application.

II. AGRICULTURAL AND FORESTRY RESOURCES

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is currently subject to a Williamson Act contract. According to the 2016 Fresno County Important Farmland Map, Rural Land Mapping Edition, the subject property predominately contains Prime Farmland with a small portion of the property being classified as Farmland of Statewide Importance. The proposed 2.02-acre and 4.62-acre parcel do not meet the minimum acreage qualification to remain in the Williamson Act Program and therefore must be removed from the Contract through partial cancellation. The Applicant was required to file a petition for Partial Cancellation of Williamson Act Contract No. 6899 before any action will be taken on the Variance request to create the proposed parcels. However, the two larger proposed parcels would remain eligible to remain under contract. Therefore, impacts to Farmland would be less than significant.

- C. Conflict with existing zoning for forest land, timberland or timberland zoned Timberland Production; or
- D. Result in the loss of forest land or conversion of forest land to non-forest use?

FINDING: NO IMPACT:

The subject parcel is not located in an area zoned for forest land or Timberland Production.

- E. Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forestland to non-forest use?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Variance if approved, will result in the conversion of approximately 6.64-acres, a 2.02-acre and a 4.62-acre parcel, of Farmland to residential use not associated with the agricultural operation. The proposed 4.62-acre parcel already contains two residences, so there is no more potential for additional residential development, and is not precluded from having an agricultural operation. The proposed 2.02-acre parcel contains one residence, with the potential for one additional with discretionary approval, and is also not precluded from having an agricultural use. However, the remaining 37.64-acre and 35.61-acre parcels, comprising approximately 92 percent of the existing 79.89-acres, would remain farmable at a similar scale to what has previously occurred. Therefore, the potential conversion of 6.64 acres from the existing 79.89-acre parcel to non agricultural uses would be a less than significant impact to Farmland.

III. AIR QUALITY

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

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

FINDING: NO IMPACT:

No development is proposed, and no development will be authorized with this application. If the Variance application and concurrent Director Review and Approval (DRA) application are approved, a mapping application will be required to create the proposed parcels. The DRA will authorize two existing single-family dwellings to remain on one of the proposed parcels. Because no development is proposed, the approval of this application is will not result in any conflict with, obstruction of or implementation of

an applicable air quality plan; nor result in the generation of any additional criterial pollutants or emissions, other than those which may be associated with the existing farming operation.

IV. BIOLOGICAL RESOURCES

Would the project:

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

FINDING: NO IMPACT:

The proposed parcel creation does not propose any development and will not conflict with any adopted Habitat Conservation Plan, Natural Community Conservation or other approved local, regional or state Habitat Conservation Plan.

V. CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5; or
- B. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5; or
- C. Disturb any human remains, including those interred outside of formal cemeteries?

FINDING: NO IMPACT:

Under the provisions of AB52, the Tribes who had previously requested notification were notified of this application. None of the Tribes responded to the notification or requested consultation on this project. Other than ongoing agricultural operations on the subject parcel, no development or ground disturbance is proposed with this application. If approved, a subsequent mapping procedure will be required to create the proposed parcels, the two smaller parcels will be independent of the existing farming operation. No historical or archaeological resources were identified, and as no ground disturbance will occur; previously unknown subsurface archaeological, historical or cultural resources are unlikely to be impacted as a result of the approval of this application.

VI. ENERGY

Would the project:

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

FINDING: NO IMPACT:

The approval of this application will authorize a mapping procedure to create the proposed parcels. The remaining acreage currently will remain engaged in the agricultural operation. No increase in the baseline consumption of energy associated with the agricultural operation or residential use is anticipated to result from the proposed parcel creation.

VII. GEOLOGY AND SOILS

Would the project:

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

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

FINDING: NO IMPACT:

The subject property is not located in an area subject to lateral spreading, subsidence, or liquefaction, as described in Chapters five (5-28) Seven (7-5) and Nine (9-9) or Figure 9-6 of the Fresno County General Plan Background Report (FCGPBR), nor is it located in an area of expansive soils as identified by Figure 7-1 of the FCGPBR. The project will not result adverse impacts associated with the rupture of a known fault, strong seismic ground shaking, ground failure or liquefaction, as there is no construction or ground disturbance proposed with this application.

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

FINDING: NO IMPACT:

If the Variance is approved, two existing septic systems would be contained within the proposed 4.62-acre parcel. The two existing septic systems located on the proposed 4.62-acre parcel are consistent with the requirements of the Fresno County Local Area Management Program (LAMP), which limits septic density to one onsite wastewater treatment system per two acres. Additionally, all of the proposed parcels will be required to meet applicable County standards pertaining to Onsite Wastewater Treatment Systems (OWTS), including design capacity and property setbacks.

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

FINDING: NO IMPACT:

No ground disturbance or other physical changes to the land are proposed with this application, and no paleontological or unique geologic resources were identified.

VIII. GREENHOUSE GAS EMISSIONS

Would the project:

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

FINDING: NO IMPACT:

No development is associated with this application that would generate greenhouse gases or conflict with an applicable greenhouse gas emissions reduction plan.

IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- A. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or
- B. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; or
- C. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; or
- D. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment; or
- E. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area; or
- F. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or
- G. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

FINDING: NO IMPACT:

The subject parcel is currently used for residential purposes and for the cultivation of pistachios. No additional use of hazardous materials or generation of hazardous emissions is proposed with this application. The subject property is not located on a hazardous materials site, as identified by the US EPA NEPAssist mapping tool, nor within the boundaries of an airport land use plan or in an area of increased risk to persons or structures due to wildland fires.

X. HYDROLOGY AND WATER QUALITY

Would the project:

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

FINDING: NO IMPACT:

Although the subject parcel is currently engaged in agricultural production, the project entails a request to allow a minor land division and subsequent mapping procedure and will not involve any waste discharge or any activity which may degrade surface or groundwater.

- B. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

FINDING: NO IMPACT:

The project does not entail any increase in the current water use. No concerns related to water supply were expressed by any reviewing agencies or County departments. The proposed 4.62-acre parcel will contain two single-family dwellings which will be served by an existing domestic well, and the proposed 2.02-acre parcel will contain one single-family dwelling which will be served by an existing domestic well. Currently there are three wells on the property, one agricultural well located on the west side of S. Bryan Avenue, in the southeast corner of the proposed 37.64-acre parcel; and two domestic wells, one located on each of the proposed residential parcels. The proposed 35.61-acre parcel, located on the east side of S. Bryan Avenue, does not have a well. The Water and Natural Resources Division of the Fresno County Department of Public Works and Planning determined in their review that there would not be a net increase in water use resulting from approval of this application, as the residential and agricultural infrastructure is existing.

- C. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
1. Result in substantial erosion or siltation on or off site; or
 2. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site; or
 3. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or
 4. Impede or redirect flood flows?

FINDING: NO IMPACT:

The project site is not located within the erosion hazard area for western Fresno County identified by Figure 7-4 Erosion Hazards in Western Fresno County, of the Fresno County General Plan Background Report (FCGPBR). Additionally, no grading or

development is proposed with this project; therefore, it will not increase surface runoff or contribute polluted runoff.

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

FINDING: NO IMPACT:

The subject property is not located in an area at risk from the 100-year flood inundation as identified by Figure 9-7, 100 Year Flood Inundation Areas, or flood inundation from dam failure as identified by Figure 9-8, Dam Failure Flood Inundation Areas, of the Fresno County General Plan Background Report (FCGPBR), or at risk from tsunami or seiche; according to FEMA, FIRM Panel 2857J the property is located in Zone X, which is an area of minimal flood hazard.

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

FINDING: NO IMPACT:

No additional water use is anticipated with this application. If approved, a mapping procedure will be required to create four parcels, two of which will be independent of the remaining agricultural operation. No development or other ground disturbance is proposed which would result in erosion or siltation, or additional impervious surfaces that may increase surface runoff or alter the existing drainage plan.

XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community?

FINDING: NO IMPACT:

No development is proposed with this application, and creation of the proposed parcels will not physically divide an established community.

- B. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed creation of substandard parcels is not consistent with the Land Use Policies of the General Plan nor the property development standards of the Exclusive Agricultural Zone District, except that such parcel creation absent any applicable exceptions, may be allowed subject to discretionary review and approval through a Variance. This request to allow the creation of two substandard sized parcels does not

meet the established criteria to allow any exemptions to the AE-20 Zone District standards or General Plan Policy; however, no significant environmental impacts are anticipated to result. The proposed division would be in conflict with the residential density provisions of the Exclusive Agricultural Zone District, Fresno County Zoning Ordinance, which allows for one single-family residential dwelling per parcel meeting the minimum acreage designation, e.g., one dwelling unit per 20 acres in the AE-20.

APN 053-031-03S is comprised of two individual parcels, each containing approximately 40 acres (79.89 acres total); thus, the property in its current configuration could potentially have up to a total of three dwelling units between the two parcels. If the proposed division is allowed the resultant 37.64 acre and 35.61-acre parcels which would be vacant, would each be allowed to have one single-family dwelling by right, and potentially one additional with discretionary approval.

XII. MINERAL RESOURCES

Would the project:

- A. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; or
- B. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local General Plan, Specific Plan or other land use plan?

FINDING: NO IMPACT:

No development or ground disturbance is proposed with this application; therefore, no impacts to mineral resources will occur. The subject property is not located in an area of known mineral resources as identified by Figures 7-7 (Mineral Resource Locations, 7-8 (Principal Mineral Producing Locations [1997-1998], or 7-9 (Generalized Mineral Resource Zone Classifications), of the Fresno County General Plan Background Report.

XIII. NOISE

Would the project result in:

- A. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; or
- B. Generation of excessive ground-borne vibration or ground-borne noise levels; or
- C. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

FINDING: NO IMPACT:

No new noise impacts will occur as a result of this proposal, as no development is proposed. No increase in the baseline noise levels from the existing agricultural operation is anticipated.

XIV. POPULATION AND HOUSING

Would the project:

- A. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure); or
- B. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

FINDING: NO IMPACT:

The approval of this application will not result in the construction of any new housing nor the displacement of any existing housing or people.

XV. PUBLIC SERVICES

Would the project:

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

FINDING: NO IMPACT:

The proposed parcel creation will not require the provision of any new or physically altered government facilities.

XVI. RECREATION

Would the project:

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

FINDING: NO IMPACT:

The project will not result in an increase in use of existing neighborhood or regional parks or other recreational facilities.

XVII. TRANSPORTATION

Would the project:

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

FINDING: NO IMPACT:

No development or improvements to any existing transportation infrastructure is proposed with this application; therefore, no impacts to the circulation system, no increased hazards resulting from development, or changes in the adequacy of existing emergency access will occur.

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k); or
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? (In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.)

FINDING: NO IMPACT:

Under the provisions of AB52, the Tribes who had previously requested notification were notified of this application. None of the Tribes responded to the notification or requested consultation on this project. No development or any ground disturbance is proposed with this application; therefore, no impacts to tribal cultural resources as defined in PRC Section 21704 will occur.

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

- A. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects; or
- B. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

FINDING: NO IMPACT:

No changes to the existing utilities and services are anticipated. The existing 79.89-acre parcel contains two domestic wells and one agricultural well. The project was reviewed by the Water and Natural Resources Division which determined after conducting a water supply evaluation, that water supply was adequate to serve the residential and agricultural uses of the property. Additionally, it was determined that the subject property is not located in an area of the County designated as being water short.

- C. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

FINDING: NO IMPACT:

No increased wastewater capacity is proposed, each of the residences on the resultant 2.02-acre and 4.62-acre parcel will be served by individual septic system.

- D. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or
- E. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

FINDING: NO IMPACT:

The proposal to divide the 79.89-acre parcel will not result in increased generation of solid waste and no conflicts with local management, reduction statutes or regulations pertaining to solid waste are anticipated.

XX. WILDFIRE

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

- A. Substantially impair an adopted emergency response plan or emergency evacuation plan, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects; or
- B. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; or
- C. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or
- D. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

FINDING: NO IMPACT:

The subject property is not in an area prone to the occurrence of wildfire.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

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

animal or eliminate important examples of the major periods of California history or prehistory?

FINDING: NO IMPACT:

The subject parcel is located in an area of agricultural production, sparse residential development, and is itself involved in ongoing agricultural operations. No development or physical changes to the environment are proposed with this application; therefore, no impacts to the quality of the environment or reduction in habitat for fish and wildlife species are anticipated.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

As discussed under Section II and Section XI above, the proposed parcel creation will result in the conversion of a small portion of the subject parcel to strictly residential use, which residential use is currently appurtenant to the farming operation. If this Variance request is approved, two residential portion of the land which contains the residence will become independent of the remaining portion of the land which is proposed for pistachio production. Additionally, the request to create a parcel containing less than the minimum acreage required by the underlying Zone District is inconsistent with both the Fresno County General Plan and Zoning Ordinance. However, due to the relatively small amount of acreage that will be converted and considering that the balance of the property, two-parcels containing approximately 36.12-acres and 33.50-acres, will remain in agricultural production, resulting in less than significant impacts to farmland.

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

FINDING: NO IMPACT:

The approval of this application will not result in a change in land use of the subject property, or the proposed homesite parcel to be created. Both the residential use and the farming operation are existing. Therefore, the project will not result in environmental effects that would cause substantial adverse effects on human beings, directly or indirectly.

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for this project, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Mineral Resources, Noise, Population and Housing, Public Services,

Recreation, Transportation, Tribal Cultural Resources Utilities and Service Systems, and Wildfire.

Potential impacts related to Agricultural and Forestry Resources, and Land Use and Planning have been determined to be less than significant.

A Negative Declaration is recommended and is subject to approval by the decision-making body. The Initial Study is available for review at 2220 Tulare Street, Suite A, street level, located on the southwest corner of Tulare and "M" Street, Fresno, California.

JS

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