



# County of Fresno

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

## Planning Commission Staff Report Agenda Item No. 2 July 21, 2022

**SUBJECT:** Variance Application No. 4083 and Initial Study No. 7794

Allow for the creation of a 2-acre parcel from an approximately 50-acre site in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

**LOCATION:** The subject parcel is located on the northeast corner of State Route 180 (W. Whitesbridge Avenue) and N. Dickenson Avenue, approximately 4 miles east of the City of Kerman (APN 025-071-62S) (9874 W. Whitesbridge Ave.) (Sup. Dist. 1).

**OWNER:** Harlow Dawson

**APPLICANT:** Mike Dawson

**STAFF CONTACT:** Elliot Racusin, Planner  
(559) 600-4245

David Randall, Senior Planner  
(559) 600-4052

### RECOMMENDATION:

- Move to determine that the required Findings cannot be made based on the analysis in the staff report and move to deny Variance Application No. 4083; 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. Variances within a One-Mile Radius Map

6. Site Plans and Detail Drawings
7. Applicant's Variance Findings
8. Summary of Initial Study No. 7794
9. Draft Negative Declaration

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
General Plan Designation	Agriculture	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	50.24 acres	Parcel "A" (Homesite): Approximately 2 acres  Parcel "B" (Remainder): Approximately 48.24 acres
Project Site	N/A	N/A
Structural Improvements	Single-Family Residences, Accessory Structures, and Agriculture	Parcel "A": Single-Family Residences and Accessory Structures  Parcel "B": Agriculture
Nearest Residence	Approximately 208 feet east	No change
Surrounding Development	Agriculture and Rural Residential Development	No change
Operational Features	N/A	N/A
Employees	N/A	N/A
Customers	N/A	N/A
Traffic Trips	Residential	No change
Lighting	Residential	No change
Hours of Operation	N/A	N/A

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

There are no Violations on file for the property, however there are existing structures that were constructed without permits that need to be removed or permitted (See recommended Conditions of Approval).

### **ENVIRONMENTAL ANALYSIS:**

Initial Study No. 7794 was prepared for the subject application by County Staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the Initial Study, staff has determined that a Negative Declaration (Exhibit 9) is appropriate.

A Notice of Intent to Adopt a Negative Declaration was published on July 30, 2021 and submitted to the State Clearing House for CEQA documents.

### **PUBLIC NOTICE:**

Notices were sent to 24 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 may be approved only if four Findings specified in the Fresno County Zoning Ordinance, Section 877-A are made by the Planning Commission.

Typical alternatives to a variance application are to either create a homesite parcel or rezone the property to a zone district that allows the project as proposed.

Rezoning, as is most often the case the potential for rezoning of this parcel to higher density Zone which allows smaller parcels would be problematic, as the underlying General Plan Land Use Designation of 3. The present owner owned the property prior to the date these policies were implemented and wishes to retain his/her homesite and sell the remaining acreage for agricultural purposes is not consistent with such zoning and the lotting and land use patterns in the area would not be consistent with a General Plan amendment to the area.

Homesite parcels are allowed per General Plan Policy LU-A.9. In place of a variance the property owners could create a Homesite parcel if one of the three conditions listed below exists. However, the applicants either do not fit the criteria or have elected not to utilize the provision.

1. *A lot less than twenty (20) acres is required for financing construction of a residence to be owned and occupied by the owner of abutting property; or*
2. *The lot or lots to be created are intended for use by persons involved in the farming operation and related to the owner by adoption, blood, or marriage within the second degree of consanguinity, there is only one (1) lot per related person, and there is no more than one (1) gift lot per twenty (20) acres; or*
3. *The present owner owned the property prior to the date these policies were implemented [1958] and wishes to retain his/her homesite and sell the remaining acreage for agricultural purposes.*

The decision of the Planning Commission on a Variance Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission's action.

As the subject property is under a Williamson Act Contract to preserve agricultural land the proposed project would require the Contract to be cancelled, which is a separate, albeit related, decision the Board of Supervisors could consider after the Planning Commission's decision on the Variance. Prior to the Planning Commission's hearing the Agricultural Land Conservation Committee (ALCC) considers the application for cancelation of the contract and provides their recommendation to the Planning Commission and Board of Supervisors.

**BACKGROUND INFORMATION:**

County records indicate that the subject parcel and all parcels in the area were zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) on June 20, 1961. The current zoning on the property is AE-20.

Every variance application is considered on its own merit, based on unique site conditions and circumstances. The approval of other variances in the vicinity of this project does not create a precedent for approval. However, to dispel any claim of differential treatment we research the records for other Variance applications in the area. As illustrated in Exhibit 5, there has been only one other Variance applications within a one-mile radius of the subject property from 35 years ago for creation of substandard sized parcels.

<b>Application/Request</b>	<b>Date of Action</b>	<b>Staff Recommendation</b>	<b>Final Action</b>
VA 3120: Allow creation of a 4.4-acre (20 acres required) from a 7.9-acre parcel of land in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District, recognize a ten-foot front yard setback (35 feet required) for two existing buildings on the proposed 3.5-acre parcel, and allow the repair and sale of water pumps on said parcel.	December 17, 1987	Deferred to Planning Commission	PC Approved

***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.*

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Setbacks	AE-20  Front yard: 35 feet  Side yard: 20 feet	No change	Y

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
	Rear yard: 20 feet		
Parking	One space per dwelling unit	No change	Y
Lot Coverage	No requirement	No change	Y
Space Between Buildings	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	Y
Wall Requirements	No requirement	No change	Y
Septic Replacement Area	100% replacement	No change	Y
Water Well Separation	Septic Tank: 100 feet Disposal Field: 100 feet Seepage Pit: 150 feet	No change	Y

**Reviewing Agency/Department Comments:**

No comments specific to extraordinary circumstances or conditions were expressed by reviewing Agencies or Departments.

**Finding 1 Analysis:**

In support of Finding 1, the Applicant indicates that due to health-related circumstances, the property owner is no longer able to farm the parcel and would need to sell that farm. The finding also states that the property owner would like to continue residing in the home. Due to County requirements, the Applicant and property owner are required to pursue the Variance to allow them to split the farming operation from the residence.

While we understand the applicants personal need, it is not an exceptional circumstance applicable to the property, it is a personal circumstance. The applicant has not shown exceptional or extraordinary circumstances or conditions applicable to the property which do not apply to other parcels under the same zoning classification. Staff's review of the subject parcel and aerial imagery do not suggest any exceptional or extraordinary circumstance is physically present on the subject property.

**Recommended Conditions of Approval:**

Formal plan submittal, permit application, and inspections are required to address additions made to existing structures after 1958 without building permits.

**Finding 1 Conclusion:**

Finding 1 cannot be made as there are not any exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties in the vicinity.

***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 identical zoning classification.***

**Reviewing Agencies/Department Comments:**

No comments specific to the substantial property rights were expressed by reviewing Agencies or Departments.

**Finding 2 Analysis:**

In support of Finding 2, the Applicant states that Variance is necessary to continue the use of the family home and state connected to the land that has been farmed for 4 generations.

All property owners are subject to the same development standards and are restricted from reducing or further developing parcels less than 20 acres in size. Granting of the appeal could be construed as granting of a special privilege not enjoyed by surrounding properties with the same zoning.

A consideration in addressing Variance applications is whether there are alternatives available that would avoid the need for the Variance. The Applicant indicates that the proposed 2-acre parcel will be utilized as their home, and the remainder will be sold for continued agricultural cultivation. As there is intent to split the proposed homesite parcel from the existing ag parcel, there is no alternative that would allow creation of a substandard parcel separate from the remainder parcel unless they met the criteria addressed under Section 816.5.A.2 of the Fresno County Zoning Ordinance. Zoning review of the proposal indicates that the project does not meet the additional criteria of Section 816.5.A.2 and would require the Variance. An additional alternative would be to pursue a lot created as a Life Estate. Creation of a Life Estate would create the parcel but would not fully separate the parcel from the remainder of the land.

**Recommended Conditions of Approval:**

*None*

**Finding 2 Conclusion:**

Finding 2 cannot be made as denial of this Variance would not deprive the Applicant of any right enjoyed by other property owners in the 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	77.69 acres	Orchard	AE-20	Approximately 1,170 feet
	2.08 acres	Orchard		
South	37.68 acres	Orchard	AE-20	Approximately 230 feet
East	19.45 acres	Vineyard and Single-family residence	AE-20	Approximately 208 feet
	77.69 acres	Orchard		
West	26 acres	Vineyard and Single-family residence	AE-20	N/A
	24.03 acres	Orchard		
	15.19 acres	Orchard		

**Reviewing Agency/Department Comments:**

**Road Maintenance and Operations Division of the Department of Public Works and Planning:**

Dickenson Avenue is a County maintained road classified as a Collector within existing 60-foot road right-of-way. Pavement width in 24.6 feet. ADT of Dickenson Avenue is 1,000 VPD, with PCI of 65.6.

Dickenson Avenue as a Collector in the County’s General Plan requires 84 feet of road right-of-way. Currently, Dickenson Avenue has a total right-of-way of 60 feet, 30 feet on each side of the section line. An additional 12 feet of right-of-way is required from the west side of the parcel.

Turnaround facilities shall be provided on parcels having direct access to Collectors so that vehicles do not back out onto the roadway.

An encroachment permit from the Fresno County Road Maintenance and Operations Division is required for any work in the County Road right-of-way such as construction of driveways to serve the new parcel. Such work shall be reviewed for compliance with County standards.

The comments above provided by reviewing Agencies and Departments will be included as project notes. No other comments specific to land use compatibility were expressed by reviewing Agencies or Departments.

**Finding 3 Analysis:**

In support of Finding 3, the Applicant’s Findings state that the granting of the Variance will not be detrimental to the public welfare or injurious to property or improvements in the vicinity, because although agriculturally zoned, adjacent parcels along Highland Ave. are not actively farmed, and contain residential development.

While the impact of this singular variance may not constitute a materially detrimental impact, staff notes that the creation of two separate legal non-conforming parcels has the potential to increase residential density in the area by allowing an additional single-family residence by right on the new parcel and a 2<sup>nd</sup> residence through a Director Review and Approval on the new parcel, and also a 2<sup>nd</sup> dwelling being is allowed through a Director Review and Approval on the existing parcel. Cumulatively this and other such increases in residential density has the potential to conflict with adjacent agricultural operations in the area, The minimum acreage requirement of the AE-20 Zone district is intended to arrest this parcellation pattern and limit the potential conflicts between residential agricultural activities. However, the limited scale of this individual request by itself is not a significant material detriment to properties in the vicinity.

**Recommended Conditions of Approval:**

Applicant shall remove any unpermitted structures or obtain building permits and finals.

**Finding 3 Conclusion:**

Finding 3 can be made as the granting of a Variance is not materially detrimental to public welfare or injurious to property and improvement in the vicinity in which the property is located due to the project’s limited scope.

***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><b>General Plan Policy LU-A.6:</b> 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. The County may require parcel sizes larger than twenty (20) acres based on zoning, local agricultural conditions, and to help ensure the viability of agricultural operations.</p>	<p>The subject proposal requests to create a parcel under the 20-acre minimum established by the underlying zone district. Per Policy LU-A.6, there are exceptions that can be made if the proposal meets the criteria established in Policy LU-A.9, LU-A.10, or LU.A.11.</p> <p>Policy LU-A.9 establishes criteria for the creation of homesite parcels. Exceptions for creating a substandard homesite parcel include a financing parcel for construction of a residence, gift deed parcels for persons involved in the farming operation and related to the property owner, and/or ownership of the parcel prior to the date of the policies implemented, with the remaining acreage to be sold for agricultural purposes. <b>Does not meet criteria based on applicant’s proposal.</b></p> <p>Policy LU-A.10 allows creation of substandard sized lots when necessary to the development of an agricultural commercial center. <b>Not applicable</b></p> <p>Policy LU-A.11 allows creations of substandard sized lots when such action is</p>



<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
	<p>deemed necessary to the recovery of mineral resources and the exploration and extraction of oil and gas. <b>Not applicable</b></p> <p>Review of the proposal and circumstances indicate that the project did not meet the criteria for applying under the identified exceptions to create a substandard sized parcel.</p>
<p><b>General Plan Policy LU-A.7:</b> 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>As noted above, the creation of a parcel less than 20 acres in the AE-20 Zone District would be inconsistent with Policy LU-A.7 and set a precedent for parcellation of farmland into smaller parcels which are economically less viable farming units and could potentially allow additional single-family homes on the proposed parcels. Such increase in the area, as noted by Fresno County Department of Agriculture, may conflict with normal agricultural practices on adjacent properties.</p> <p>Evidence that the parcel is already not an economic farming unit is not a basis for granting an exception.</p>

**Reviewing Agency/Department Comments:**

Policy Planning Section of the Department of Public Works and Planning: The subject parcel is enrolled in the Williamson Act Program under Contract No. 7955. The proposed 2-acre parcel does not qualify to remain in the Program and must be removed from the Program through the contract cancellation process.

As per Fresno County Policy Plan requirements, a Williamson Act Cancellation will occur on July 13<sup>th</sup>, 2022, to the Agricultural Land Conservation Committee (ALCC) of whom will recommend if Cancellation is warranted.

The comments above provided by reviewing Agencies and Departments will be included as project notes. No other comments specific to General Plan Policy were expressed by reviewing Agencies or Departments.

**Finding 4 Analysis:**

In support of Finding 4, the Applicant states that the parcel is zoned AE-20 and both parcels would still be used in accordance with rules established by the agricultural zoning and be utilized for agricultural purposes.

Regarding Finding 4, identified General Plan Policies indicate that the project proposal conflict with the Fresno County General Plan. The identified policies provide guidance in the preservation of agriculturally viable parcels. In the case of this application, the creation of a substandard parcel for homesite purposes reduces the potential for the land to be converted back to agricultural production. Staff notes that the remainder parcel would be more than the minimum parcel size requirement of 20 acres. The creation of a nonconforming parcel when considering the identified General Plan Policies indicate that the granting of the Variance would conflict with the General Plan.

The Agricultural Land Conservation Committee (ALCC) considered the application for cancelation of Williamson Act Contract on July 13, 2022 and recommended approval of the application for cancelation.

**Recommended Conditions of Approval:**

*None*

**Finding 4 Conclusion:**

Finding 4 cannot be made based on the analysis above. The application does not comply with General Plan Policies LU-A.6, LU-A.9, LU-A.10, and LU-A.11.

**PUBLIC COMMENT:**

*No public comment was received as of the date of preparation of this report.*

**CONCLUSION:**

Based on the factors cited in the analysis, staff believes the required Findings 1, 2 and 4 for granting Variance Application cannot be made. That granting the Variance could confer a special privilege upon the property not enjoyed by other properties in the area with the same Zoning. Staff therefore recommends denial of Variance Application No. 4083.

**PLANNING COMMISSION MOTIONS:**

**Recommended Motion** (Denial Action)

- Move to determine that the required Findings cannot be made (based on the analysis in the staff report) and move to deny Variance Application No. 4083; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**Alternative Motion** (Approval Action)

- Move to adopt the Negative Declaration prepared for Initial Study No. 7794; and
- Move to determine the required Findings can be made (state basis for making the Findings) and move to approve Variance Application No. 4083, subject to the Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

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

See attached Exhibit 1.

ER:jp

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EXHIBIT 1  
**Initial Study No. 7794**  
**Variance Application No. 4083**  
**Conditions of Approval and Project Notes**

<b>Conditions of Approval</b>	
1.	Development of the property shall be in accordance with the Site Plan approved by the Planning Commission to allow the mapping procedure.
2.	Formal plan submittal, permit application, and inspections required for additions constructed existing structures after 1958.

<b>Notes</b>	
<b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b>	
1.	<p>The Development Engineering Section of the Department of Public Works and Planning provide the following comments:</p> <ul style="list-style-type: none"> <li>A. Typically, an access driveway should be set back a minimum of 10 feet from the side yard property line.</li> <li>B. If not already present, 10-foot by 10-foot corner cutoffs should be provided for sight distance purposes at all driveways onto State Route 180 (W. Whitesbridge Avenue).</li> <li>C. Typically, any additional runoff generated by the proposed development of this site cannot be drained across property lines and must be retained or disposed of, per County Standards. Onsite retention is required.</li> <li>D. A grading permit or voucher is required for any grading work that has been done without a permit.</li> </ul>
2.	<p>The Fresno Irrigation District provide the following comments:</p> <ul style="list-style-type: none"> <li>A. Fresno Irrigation District's (FID) active Houghton No. 78 runs westerly, traverses the north side of the subject property and crosses Dickenson Avenue just northwest of the subject property and will not be impacted by the parcel creation. However, should any construction, current or future, take place as a result of the parcel creation and/or if any street and/or utility improvements are required along Dickenson Avenue or in the vicinity of this facility, FID requires it review and approve all plans.</li> <li>B. FID's active Gordon No. 89 runs southerly along the north and east side of Dickenson Avenue and crosses Whitesbridge Avenue due just southwest of the subject property, within multiple exclusive easements and will not be impacted by the parcel creation. However, should any construction, current or future, take place as a result of the parcel creation and/or if any street and/or utility improvements are required along</li> </ul>

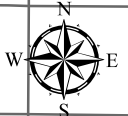
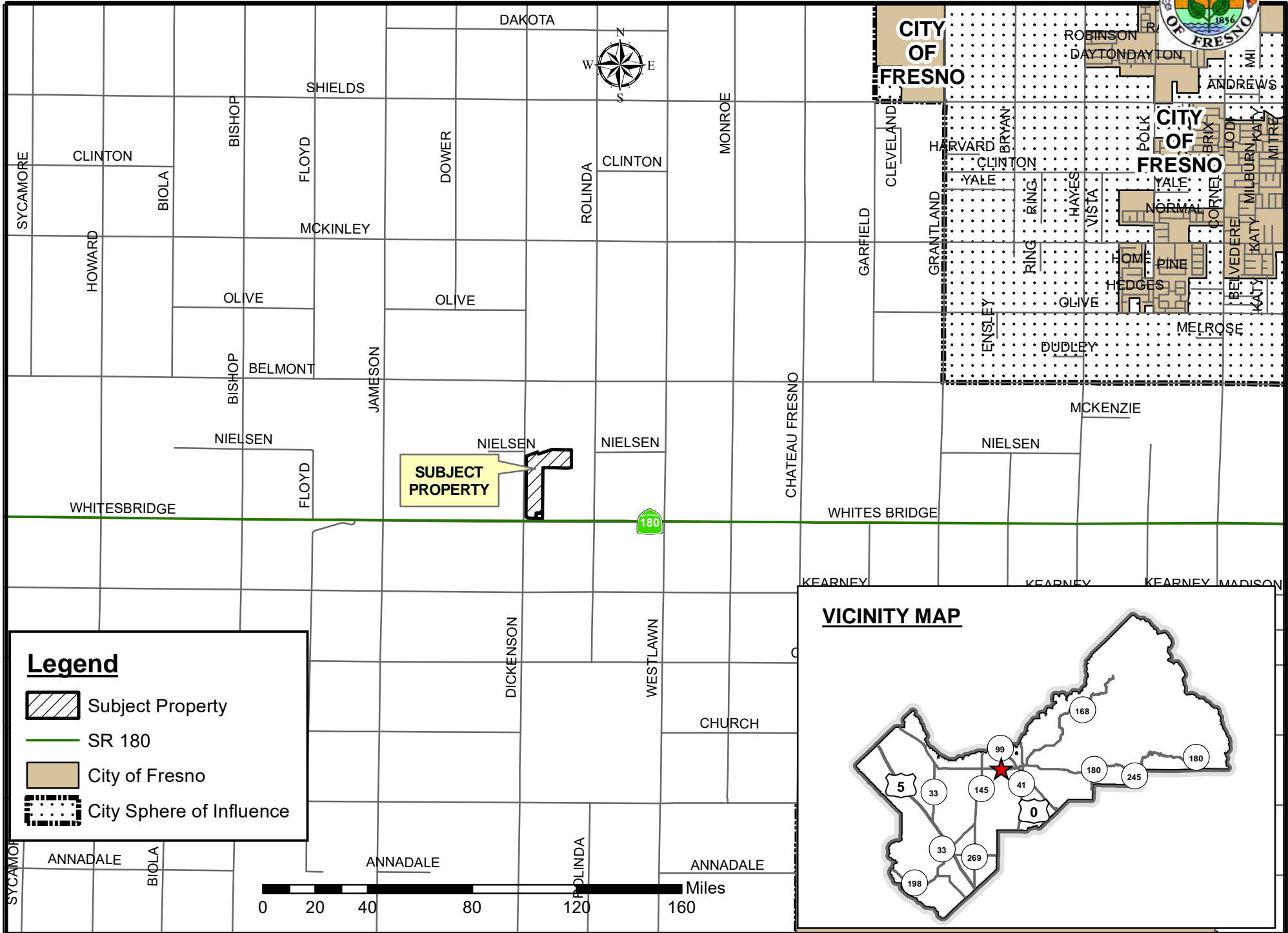
EXHIBIT 1

**Notes**

	<p>Dickenson Avenue, Whitesbridge Avenue, or in the vicinity of this facility, FID requires it review and approve all plans.</p> <p>C. For information purposes, FID's active Rolinda High No. 90 runs southerly, along the northwest portion of the subject property, crossing Dickenson Avenue. Should any future construction take place as a result of the parcel creation and/or utility improvements are required along Dickenson Avenue or in the vicinity of this facility, FID requires it review and approve all plans.</p>
3.	<p>The Road Maintenance and Operations Division provide the following comments:</p> <p>A. Dickenson Avenue as a Collector in the County's General Plan requires 84 feet of road right-of-way. Currently, Dickenson Avenue has a total right-of-way of 60 feet, 30 feet on each side of the section line. An additional 12 feet of right-of-way is required from the west side of the parcel.</p> <p>B. Turnaround facilities shall be provided on parcels having direct access to Collectors so that vehicles do not back out onto the roadway.</p> <p>C. An encroachment permit from the Fresno County Road Maintenance and Operations Division is required for any work in the County road right-of-way such as construction of driveways to serve the new parcel. Such work shall be reviewed for compliance with County standards.</p>
4.	<p>It is recommended that the Applicant consider having the existing septic tanks pumped and have the tank 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>
5.	<p>If the Variance is approved, a mapping procedure will be required for parcel creation.</p>

# LOCATION MAP





VA 4083



**SUBJECT PROPERTY**



### Legend

-  Subject Property
-  SR 180
-  City of Fresno
-  City Sphere of Influence

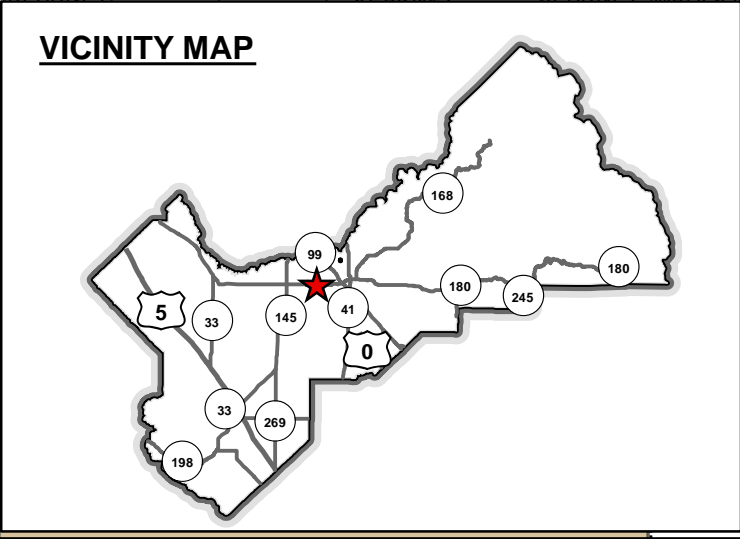
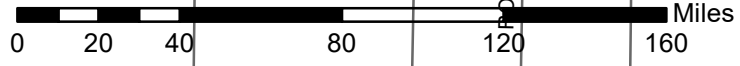


EXHIBIT 2





VA 4083  
STR 1-14/18

# EXISTING ZONING MAP

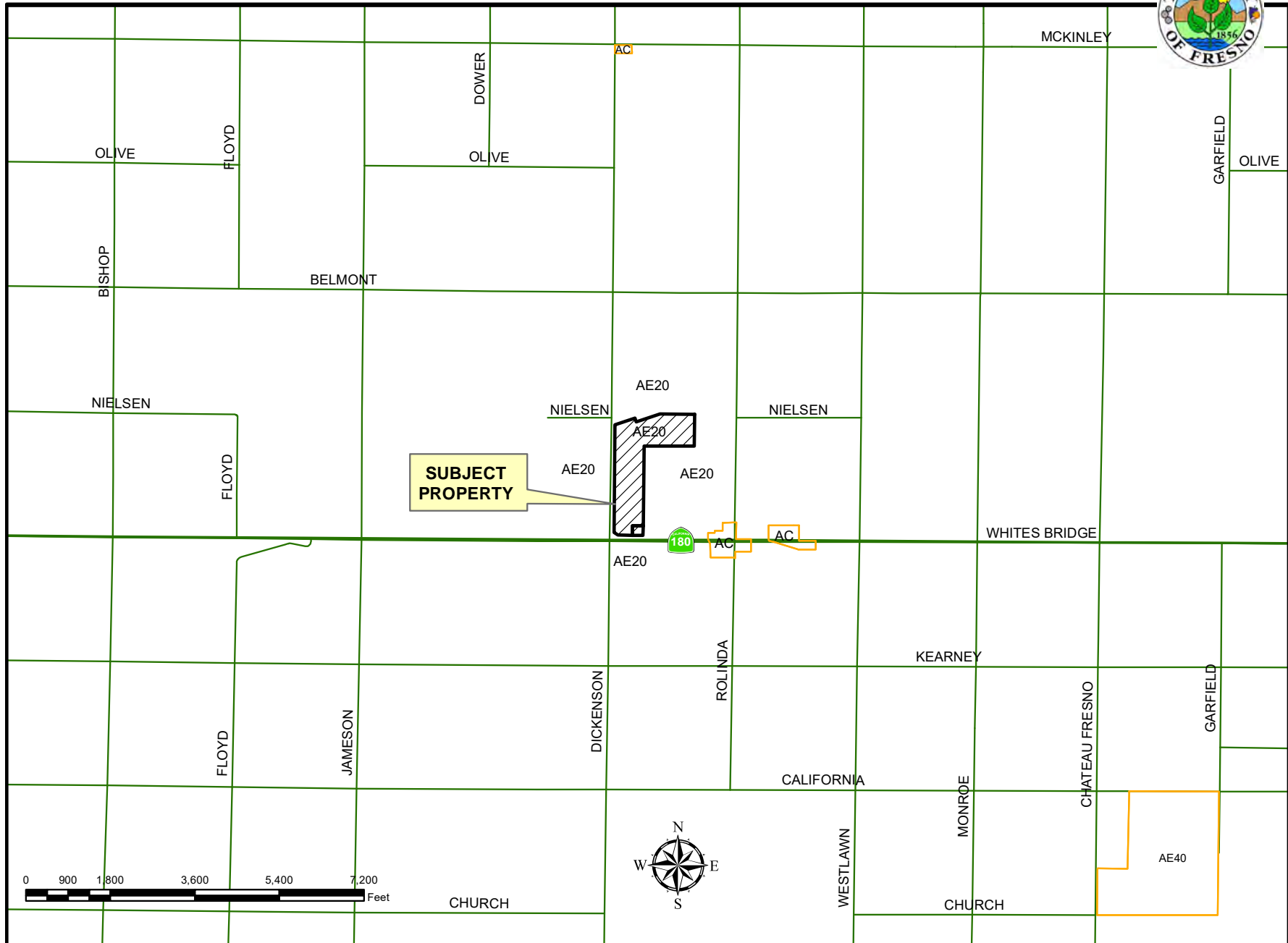
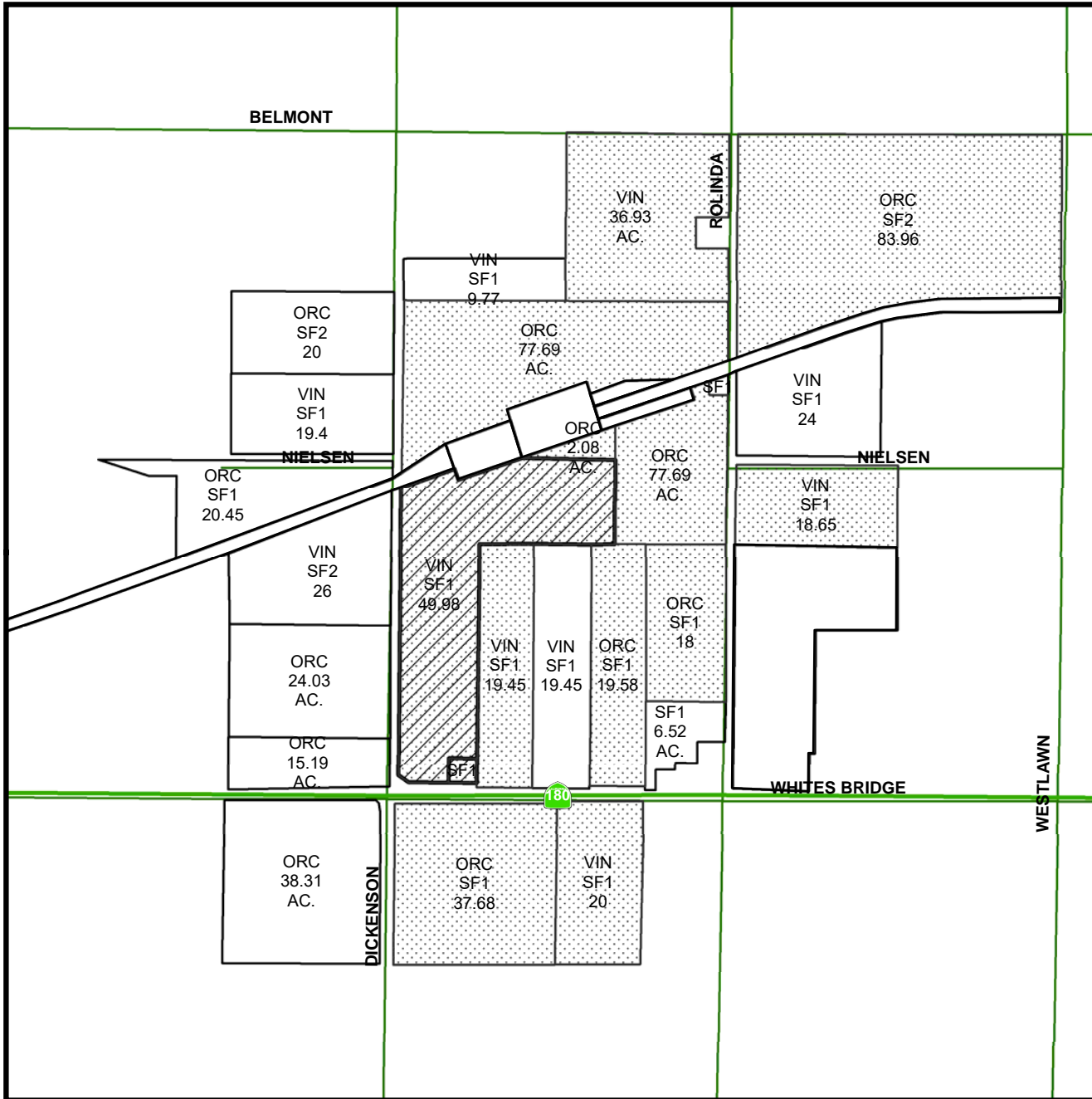


EXHIBIT 3



# EXISTING LAND USE MAP

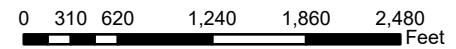
VA 4083



LEGEND	
AP1	- APARTMENT
C	- COMMERCIAL
C#	- COMMERCIAL
CP	- OFFICE COMM./PROF.
CP#	- OFFICE COMM./PROF.
ORC	- ORCHARD
SF#	- SINGLE FAMILY RESIDENCE
V	- VACANT
VIN	- VINEYARD
CN#	- CONDOMINIUM
RG	- RESIDENTIAL GROUP FACIL

**LEGEND:**

-  Subject Property
-  Ag Contract Land



Department of Public Works and Planning  
Development Services Division



VA 4083

# APPROVED VARIANCES WITHIN A ONE MILE RADIUS

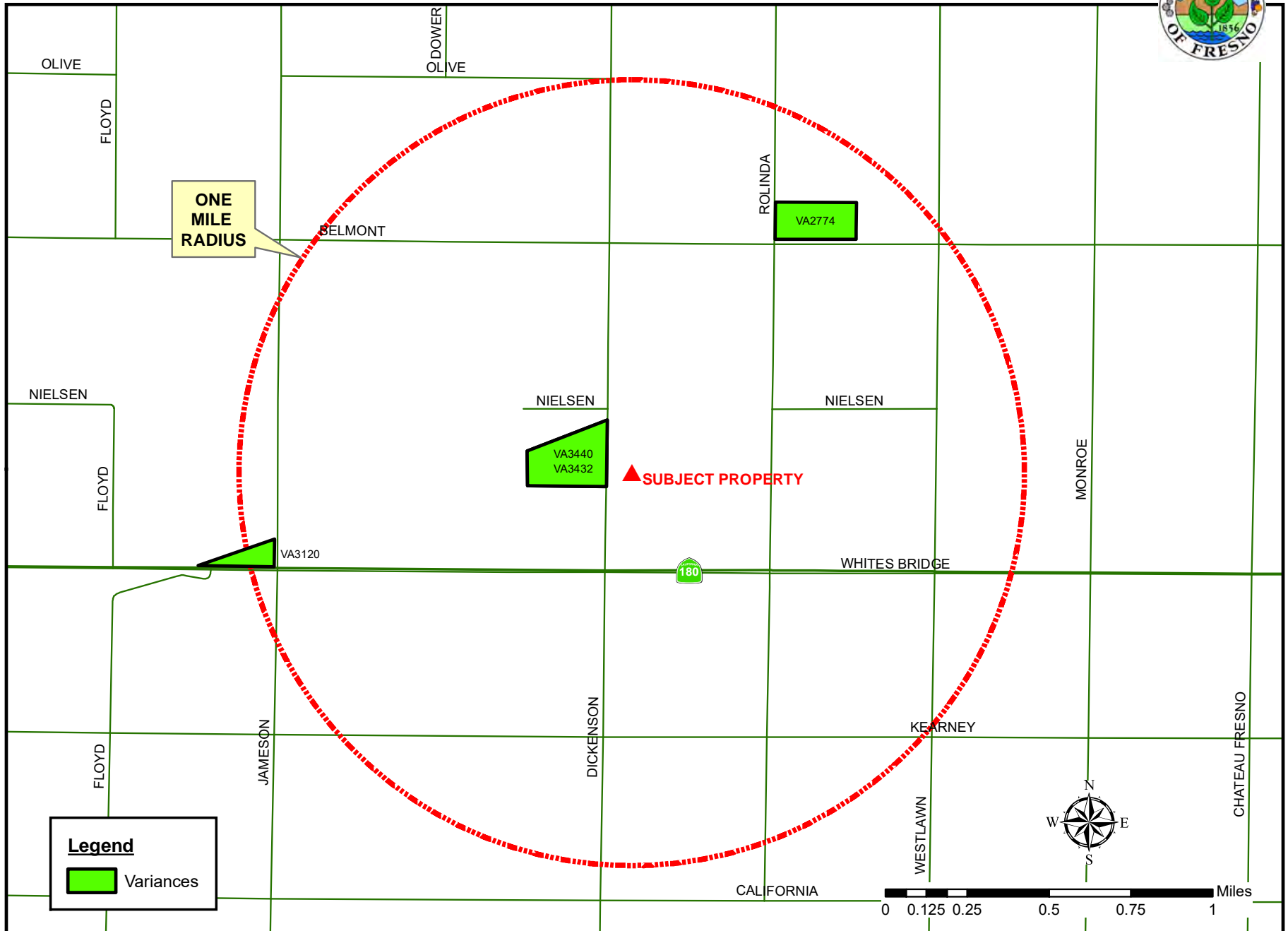
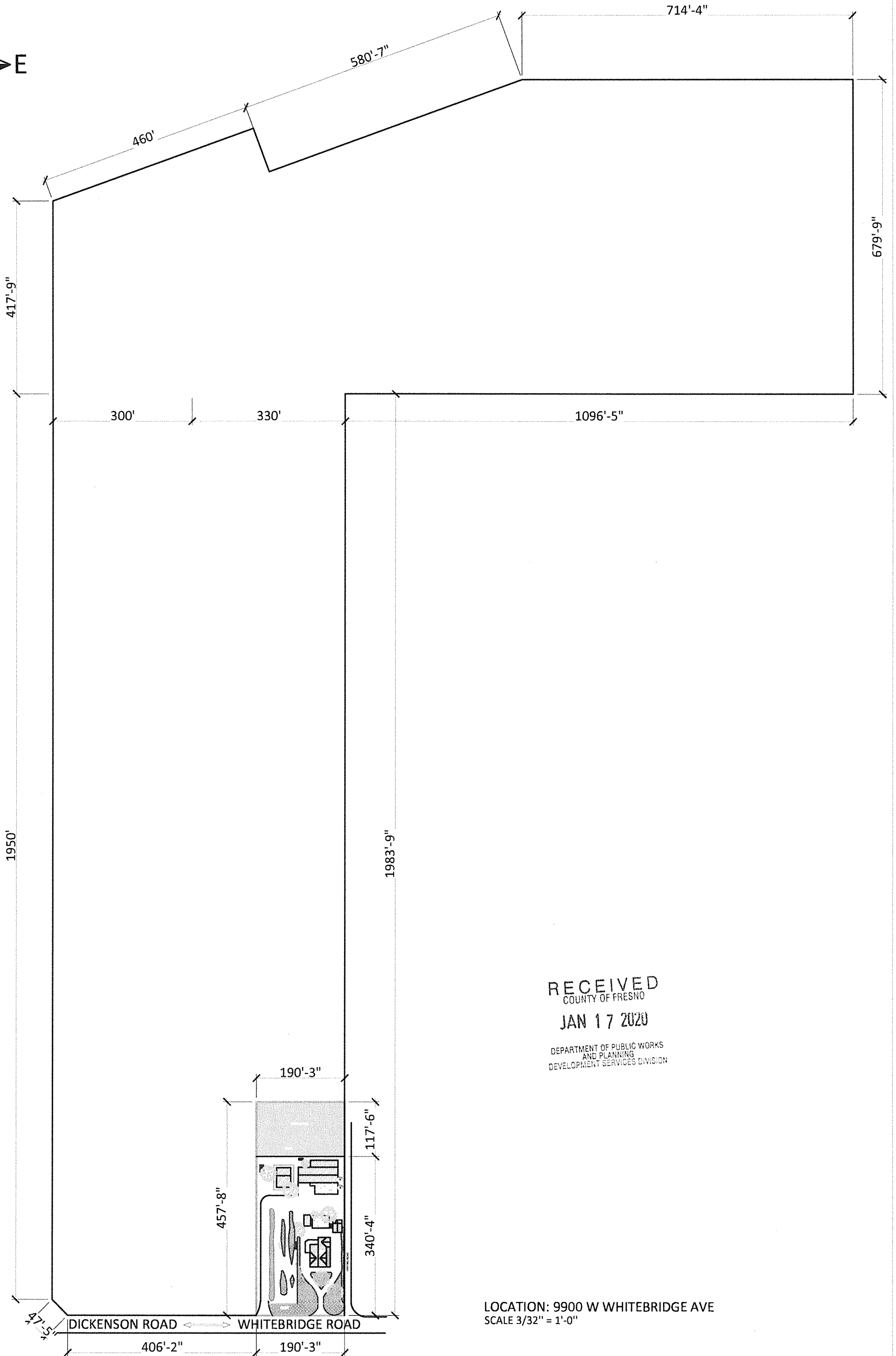
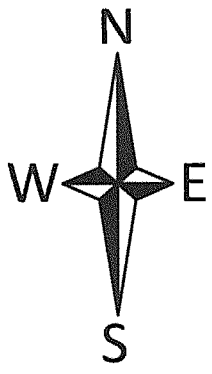


EXHIBIT 5

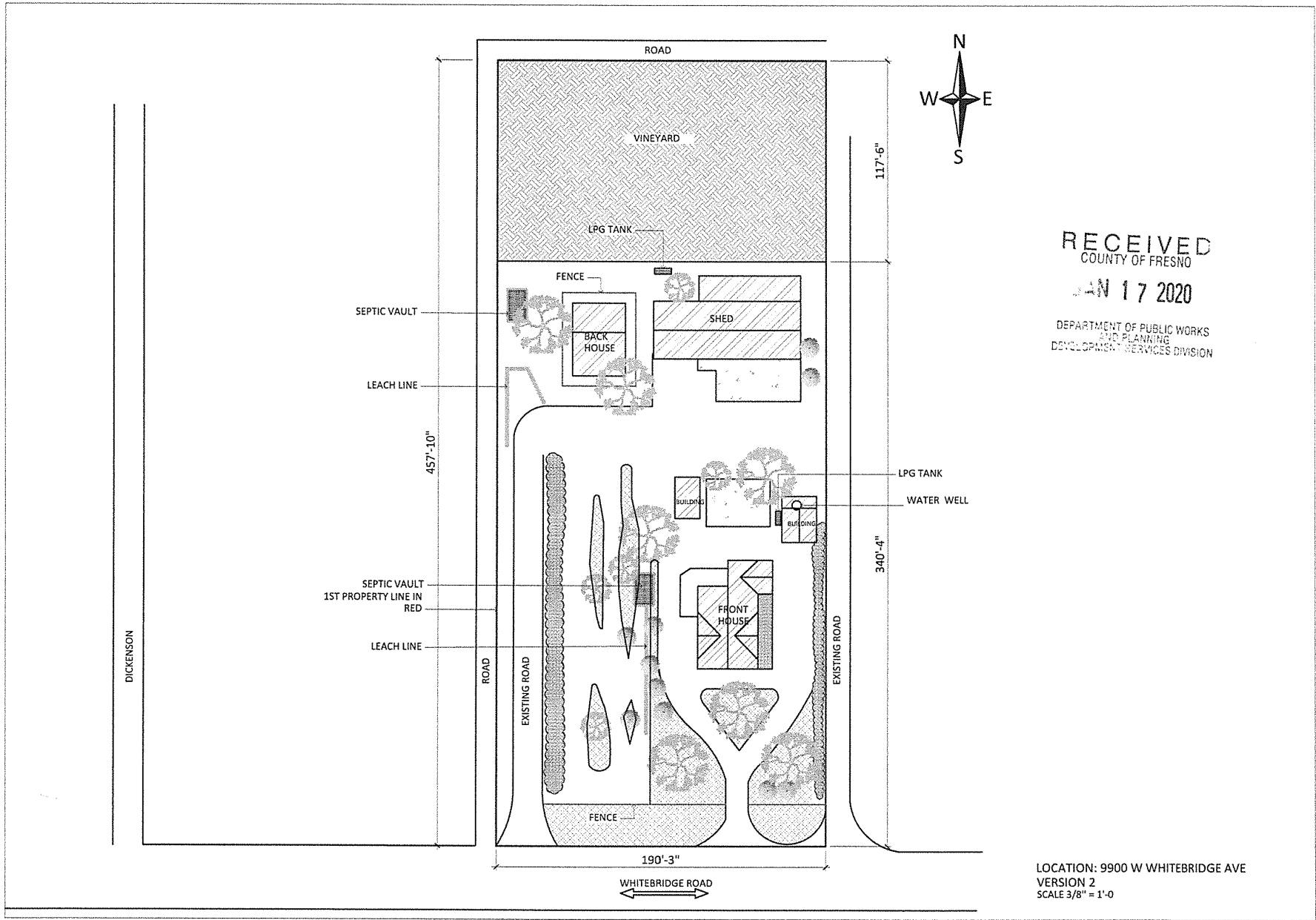


EXHIBIT 6



RECEIVED  
COUNTY OF FRESNO  
JAN 17 2020  
DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

LOCATION: 9900 W WHITEBRIDGE AVE  
SCALE 3/32" = 1'-0"



RECEIVED  
COUNTY OF FRESNO  
JAN 17 2020  
DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

LOCATION: 9900 W WHITEBRIDGE AVE  
VERSION 2  
SCALE 3/8" = 1'-0"



## EXHIBIT 7

### Variance Reasons

1. If you review the attached documentation, my father was recently received a dual diagnosis of Alzheimers and Epilepsy. He was no longer able to farm, so we were forced to sell the farm that has been in our family for 4 generations. However, we wanted to keep our homes. We were told by the title company that this would be no problem. When we went down to the county for other matters they told us that the property was subdivided but it was not approved by them and we would need to do this application if we were to keep our homes.
2. My father has had a very difficult time coming to grips with the fact that he will no longer be able to pursue his life-long passion of farming. We intend to keep a small shop for him that is currently on the property so he will be able to stay connected to the land. This variance is necessary so that we may continue to use our family homes as we always have. There are many such parcels that are similar in the immediate vicinity.
3. This variance should have no effect on public welfare or property improvements as nothing will change other than a line on the parcel map. No new buildings, roads, or other improvements are being made. Both parcels will still be used for agricultural purposes to the same extent they always have been.
4. This parcel is AE-20. We were advised by the planning office to keep the proposed parcel at a minimum of 2 acres to comply with the regulations of this zoning. We have done this. Furthermore, If the commission were to grant this variance, both parcels would still be used in accordance with the agricultural zoning rules and for agricultural purposes.

RECEIVED  
COUNTY OF FRESNO

JAN 17 2020

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION





# County of Fresno

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

## EVALUATION OF ENVIRONMENTAL IMPACTS

APPLICANT: Mike Dawson

APPLICATION NOS.: Initial Study No. 7794 and Variance Application No. 4083

DESCRIPTION: Reduce the minimum parcel size requirement to allow creation of a 2-acre parcel from an approximately 50-acre site in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located on the northeast corner of State Route 180 (W. Whitesbridge Avenue) and N. Dickenson Avenue, approximately 4 miles east of the City of Kerman (9874 W. Whitesbridge Avenue, Fresno, CA) (APN 025-071-62S) (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?

FINDING: NO IMPACT:

The project proposes to allow a reduction in the minimum parcel size requirement of the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District to allow creation of a 2-acre parcel from an existing approximately 50-acre parcel. The subject parcel is located in an agricultural area fronting State Route 180 and N. Dickenson Avenue. There is no scenic vista, and the aforementioned public right-of-way are not designed scenic roads or scenic highways. Therefore, the project is not likely to have a substantial adverse effect on a scenic vista or substantially damage scenic resources.

- 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 point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

FINDING: NO IMPACT:

The project site is located in a mainly agricultural area. The proposal would result in the creation of a homesite parcel already improved with a single-family residence. The remaining land will still be utilized for agricultural purposes. There is no direct impact resulting from this project on the existing visual character of the site and its surroundings. Public views may be impacted if development of the remaining land were to occur, but the underlying zone district ensures that uses related to agriculture would still be the prevalent by-right use in the area. Any more intensive development would be subject to additional review under the applicable land-use permit.

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

FINDING: NO IMPACT:

The project does not propose any development and is only associated with creation of a parcel from an existing parcel. The project would not directly result in the creation of a new source of light or glare.

## 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 Dept. 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?

FINDING: NO IMPACT:

Per the 2016 Fresno County Important Farmland Map, the subject parcel is designated Prime Farmland. The project intends to create a homesite parcel from an existing 50.24-acre parcel. The proposed homesite parcel is already improved with a single-family residence. There is no additional development of either the proposed parcel or existing parcel associated with this project. As the homesite parcel is already improved, and the existing parcel is expected to continue being utilized for agricultural production, the project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.

B. Conflict with existing zoning for agricultural use, or a Williamson Act Contract?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project proposes to create a substandard parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. Approval of a Variance Application would allow the creation of a substandard parcel and would then result in no conflict with the existing zoning for agricultural use.

The subject is Williamson Act Contracted and was determined that the project proposal would be inconsistent with the Williamson Act. The Policy Planning Section has reviewed the project and determined that the proposed 2-acre parcel does not qualify to remain in the Williamson Act Program and is required to be removed from the program through the contract cancellation process. The Applicant is required to submit a Partial Cancellation petition to the Policy Planning Section with the petition then being presented to the Agricultural Land Conservation Committee. A recommendation for cancellation from the Agricultural Land Conservation Committee and/or approval of the cancellation from the Board of Supervisors is required to allow the subject proposed parcel to partially cancel the Williamson Act Contract.

C. Conflict with existing zoning for forest land, timberland or timberland zoned Timberland Production; or

D. Result in the loss of forest land or conversion of forest land to non-forest use?

FINDING: NO IMPACT:

The project site is not located in forest land or zoned for forest land. Therefore, the project will not conflict with zoning for forest land, timberland, or timberland zoned Timberland Production, and will not result in the loss of forest land or conversion of forest land to non-forest use.

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

FINDING: NO IMPACT:

The proposed parcel split will not involve changes to the existing environment that could result in conversion of Farmland to non-agricultural use. The proposed parcel is already improved with a single-family residence and the remainder parcel will still be utilized for agricultural production.

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?

FINDING: NO IMPACT:

The project is to allow creation of a parcel under the minimum parcel size standard of the underlying zone district from an existing parcel. The project will not result in a conflict with or obstruct implementation of the applicable Air Quality Plan and will not result in a cumulatively considerable net increase of any criteria pollutant.

- 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:

The subject parcel is currently utilized for residential and agricultural purposes. The project will split the land dedicated to the residential use away from the land dedicated to agricultural production. There is no additional development proposed. The project will not result in substantial pollutant concentrations or other emissions adversely affecting a substantial number of people.

#### 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?

FINDING: NO IMPACT:

Per the California Natural Diversity Database, the project site is not located on or near any reported occurrences of a special-status species. The subject parcel is currently improved with a single-family residence and agricultural crops. Due to the nature of disturbance, the site is unlikely to be occupied by special-status species. There is no riparian habitat or other sensitive natural community identified on the project site.

- 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?

FINDING: NO IMPACT:

Per the National Wetlands Inventory, the subject site has a riverine classified wetland located on the northern boundaries of the subject parcel. Upon further investigation of the identified wetland, the wetland appears to be man-made irrigation facilities. The proposed parcel split is located on the southern end of the subject parcel and would not influence the irrigation facilities. Therefore, the project will not have a substantial adverse effect on wetlands.

- 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?

FINDING: NO IMPACT:

There are no migratory wildlife corridor or native wildlife nursery site identified on the project site. There are no proposed structural improvements associated with this project and would not result in the interference of the movement of any native resident or wildlife species.

- 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:

There were no local policies or ordinance protecting biological resources, or an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan identified that would be in conflict with the project proposal.

## 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:

The project does not propose any development. The subject site is already improved with a single-family residence, accessory structures, and agricultural crops. Based on the existing improvements to the property, there is considerable ground disturbance with no evidence of cultural resources on the project site. Therefore, it is unlikely that there are any cultural resources occurring on the project site.

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 project does not propose additional development or any new operation on the existing or proposed parcel. Future development or new operation on the subject site would be regulated by applicable State and local standards for energy efficiency. Therefore, the project will not result in potentially significant environmental impact due to wasteful, inefficient or unnecessary consumption of energy resources and will not conflict with or obstruct state or local plans for renewable energy or energy efficiency.

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?

FINDING: NO IMPACT:

According to the Earthquake Hazard Zone Application and Figure 9-3 of the Fresno County General Plan Background Report, there are no known earthquake hazard zones located on or in close proximity of the project site.

- 2. Strong seismic ground shaking?



3. Seismic-related ground failure, including liquefaction?

FINDING: NO IMPACT:

Per Figure 9-5 of the Fresno County General Plan Background Report, the subject site is located in an area designated as having a probabilistic seismic hazard with a 10% probability in 50 years and a peak horizontal ground acceleration of 0% to 20% which is the minimum condition. As the subject site is not likely to be susceptible to strong seismic ground shaking or seismic-related ground failure, and taking into consideration building code and standards to mitigate the effects of these scenarios, no impact is seen.

4. Landslides?

FINDING: NO IMPACT:

The project site is located in a relatively flat agricultural area. Per Figure 9-6 of the Fresno County General Plan Background Report, the subject site is not located in an area identified as being in a landslide hazard area.

B. Result in substantial soil erosion or loss of topsoil?

FINDING: NO IMPACT:

The project proposal requests to allow a parcel division to create a substandard sized parcel. There is no new development associated with the subject application. Future development of the site, not associated with the project, would be subject to state and local standards and regulations. Therefore, in considering the project scope, the project would not result in substantial soil erosion or loss of topsoil.

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?

FINDING: NO IMPACT:

No geologic unit or unstable soil has been identified on the project site. As noted, the subject application is to allow creation of a substandard sized parcel. Past development of the site did not result in hazardous conditions.

C. Be located on expansive soil as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

FINDING: NO IMPACT:

According to Figure 7-1 of the Fresno County General Plan Background Report (FCGPBR), the subject parcel is not located near land designated as having expansive soil potential.

- D. 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 waste water; or
- E. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

FINDING: NO IMPACT:

The subject application does not propose the development of an additional septic tank or alternative waste-water disposal system. The subject property is already improved with a septic system in connection with the existing single-family residence. There were no unique paleontological or unique geologic feature identified on the subject site.

### 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:

The subject application would not result in the generation of additional greenhouse gas emissions. The application does not conflict with an applicable plan, policy or regulation for the purpose of reducing the emission of greenhouse gases.

### VIII. 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?

FINDING: NO IMPACT:

The project proposal will not result in the creation of a significant hazard to the public or the environment as the project will only result in the division of land. The existing residential and agricultural use will remain.

- C. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

FINDING: NO IMPACT:

The project site is not located within a one-quarter mile of an existing or proposed school.

- 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?

FINDING: NO IMPACT:

Based on the NEPAssist database, the project site is not located on a hazardous material site.

- 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, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

FINDING: NO IMPACT:

The project site is not located within an airport land use plan or within two miles of a public airport or public use airport.

- 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 project is for creation of a substandard sized parcel. The proposed substandard parcel will be utilized as a home site with the remainder parcel continuing to be utilized for agricultural purposes. The project will not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan and would not expose people or structures to a significant risk of loss, injury or death involving 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 ground water quality; or

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

FINDING: NO IMPACT:

The State Water Resources Control Board and the Water and Natural Resources Division have reviewed the subject application and did not express concern with the project to indicate that the project would result in conflict with water quality standards or substantially degrade surface or ground water quality. There were no concerns expressed with the project to indicate that the project would result in substantial decreased groundwater supplies.

- 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 result in substantial erosion or siltation on or off site?

1. Result in substantial erosion or siltation on- or off-site;

FINDING: NO IMPACT:

Per the project scope, there is no additional development that would result in erosion or siltation of the site.

2. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?
3. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

FINDING: NO IMPACT:

The subject site is already developed with a single-family residence and accessory structures. The project will result in minimal change to the built environment. Fresno County standards require that all runoff be kept on site and not cross property lines. There are no planned stormwater drainage systems in the vicinity of the project site. With minimal change occurring on the project site, the project will not result in substantial increase surface or stormwater runoff that would adversely affect the project site or adjacent properties. Additionally, per County standards, runoff generated by the site will be required to stay on site and not move over property lines.

4. Impede or redirect flood flows?

FINDING: NO IMPACT:

Per FEMA FIRM Panel C2100H, the project site is located in Zone X, Area of Minimal Flood Hazard. Therefore, the project is not likely to impede or redirect flood flows.

- 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 a flood hazard zone and is not located near a body of water that would indicate increased risk from a tsunami or seiche. The project would not result in increased risk of release of pollutants due to project inundation from flood hazard, tsunami, or seiche zone.

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

FINDING: NO IMPACT:

The North Kings Groundwater Sustainability Agency (NKGSA) was notified of the project proposal. No concerns were expressed by the NKGSA. No other reviewing agency or department commented on the project to indicate that the project would conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

## XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community?

FINDING: NO IMPACT:

The project 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:

Development in Fresno County is required to be consistent with the Fresno County General Plan. Goal LU-A reads "To promote the long-term conservation of productive and potentially productive agricultural lands and to accommodate agricultural-support services and agriculturally-related activities that support the viability of agriculture and further the County's economic development goals." This goal relates to the environmental impacts of the loss of farmland and is supported by the following policies:

- LU-A.6: The County shall maintain twenty acres as the minimum permitted parcel size in areas designated Agriculture, except as provided in Policies LU-A.9, LU-A.10, and LU-A.11. The County may require parcel sizes larger than twenty (20) acres, based on zoning, local agricultural conditions, and to help ensure the viability of agricultural operations.
- LU-A.7: The County shall generally deny requests to create parcels less than the minimum size specified in Policy LU-A.6 based on concerns that these parcels are less viable economic farming units and that the resultant increase in residential density increases the potential for conflict with normal agricultural practices on adjacent parcels...the decision-making body shall consider the negative incremental and cumulative effects such land divisions have on the agricultural community.

The above-mentioned policies are intended to address the environmental concern that an increase in the number of homesite parcels and general decrease in parcel size in Fresno County could lead to a conversion of productive agricultural land.

This application is not consistent with the above policies because the proposed 2-acre parcel does not qualify for any of the exemptions under Policy LU-A.9 (financing parcel; gift to family to assist with farming; or ownership prior to adoption of AE-20 Zoning), LUS-A.10 (agricultural commercial center), or LU-A.11 (resource recovery location). However, these policies are codified in the Fresno County Zoning Ordinance under Section 816.5.A, where this Variance application is requesting relief from the 20-acre minimum parcel size.

The subject parcel is enrolled in the Williamson Act Program. The proposed substandard parcel does not qualify to remain the Williamson Act Program and must be removed from the Program through the contract cancellation process. A Notice of Non-Renewal has been filed by the Applicant for the proposed parcel as a requirement for cancellation. The Agricultural Land Conservation Committee will determine if the requested early cancellation of the Contract should be granted and make recommendation to the Board of Supervisors for a final decision. If the cancellation request is not granted, the Variance request will not be effective, since the proposed parcel would not meet the minimum acreage requirements for the Contract. This application is for a Variance from the minimum parcel size required by the Zone District; however, no Variance is available in regard to the Williamson Act.

If the cancellation request is approved, the Contract will be cancelled, and the property owner will no longer be limited to compatible uses stated under the Williamson Act. The parcel would be allowed to split into the proposed 2-acre parcel. No immediate development is associated with the application, but the property owners would no longer be obligated to maintain the existing agricultural operation and would be permitted to develop the proposed parcel following approval of the Variance application and mapping application.

Although the project proposal is in conflict with the identified policies, this is not considered to be a significant environmental impact as the nonrenewal of the contract

established a 10-year wind-down period during which time that applicant is still subject to the terms of the agreement. The Applicant has already filed for non-renewal, so the contract will end either through the early cancellation process or through expiration of the 10-year period. The loss of 2.5 acres of active farmland on this parcel is not a significant loss of agricultural resources and has a less than significant impact on conflict with plans and policies adopted to avoid an environmental effect.

## XII. MINERAL RESOURCES

Would the project:

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

FINDING: NO IMPACT:

According to Figure 7-7 and Figure 7-8 of the Fresno County General Plan Background Report, the project site is not located on identified mineral resource locations or principal mineral producing locations.

## XIII. NOISE

Would the project result in:

- A. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; or
- B. Generation of excessive ground-borne vibration or ground-borne noise levels?

FINDING: NO IMPACT:

There is no new use or development associated with the subject application that would result in generation of ambient noise levels or excessive ground-borne noise levels. The project intends to create a homesite parcel with the remaining land to be utilized for agricultural purposes, therefore no change in the existing conditions is expected.

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

FINDING: NO IMPACT:

The project is not located within two miles of a public airport or public use airport and is not within the vicinity of a private airstrip.

#### 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 project intends to create a homesite parcel with the remaining land to be utilized for agricultural production. The underlying zone district for Agricultural uses will not change. Therefore, in considering the project scope and existing conditions, the project will not induce substantial unplanned population growth in the area and would not displace people or housing necessitating construction of replacement housing elsewhere.

#### 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 public services?

1. Fire protection;

2. Police protection;

3. Schools;

4. Parks; or

5. Other public facilities?

FINDING: NO IMPACT:

Department and Agency review of the project did not result in comments requiring the provision of new or physically altered governmental facilities that could potentially cause significant environmental impacts. The project will create a substandard parcel with the



remaining land utilized for agricultural purposes. There will be no significant impact on the listed public services and 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 substantial population change that would increase the use of existing neighborhood or regional parks that would deteriorate from use nor will this project require the construction or expansion of recreational facilities.

## XVI. 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. Would the project conflict or be inconsistent with 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:

The existing subject parcel currently has road frontage along N. Dickenson Avenue and State Route 180 (W. Whitesbridge Avenue). State Route 180 is maintained by the California Department of Transportation (Caltrans) and N. Dickenson Avenue is a County-maintained road. The project will not have any effect on the identified roadways as there is no proposed use or development associated with the project, minimal change is expected on circulation system. There were no identified program, plan, ordinance or policy addressing the circulation system that would be in conflict with the project. Review of the project indicates that the project would not conflict with CEQA Guidelines section 15064.3, subdivision (b). The project would no result in hazards due to design or result in inadequate emergency access.

## XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

- A. Would the project 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:

Participating California Native American Tribes were notified of the subject application and given the opportunity to enter into consultation with the County on addressing potential impacts on tribal cultural resources. No concerns were expressed by the notified tribes and no evidence was submitted to indicate the presence of tribal cultural resources.

## 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?

FINDING: NO IMPACT:

The project proposes to create a homesite parcel that does not meet the minimum parcel size of the underlying zone district. The homesite parcel is already developed with a single-family residence and the remaining land is to be utilized for agricultural production. The project will not require the relocation or construction of new or expanded utilities and services systems.

- 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:

The State Water Resources Control Board, the Water and Natural Resources Division, and the North Kings Groundwater Sustainability Agency have reviewed the project and did not express concern in terms of available water supplies.

- 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:

The proposed homesite parcel is already improved with a single-family residence and private septic system. There are no plans for development of a new septic system. If development of a new septic system were to occur, the system would be subject to building permit and inspection.

- 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:

Review of the project did not indicate that the proposal would generate solid waste in excess of local infrastructure or conflict with federal, state, or local management and reduction statutes. As noted, the project will result in one additional parcel, but would not impact the current solid waste generated by the parcel.

## 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:

Per the 2007 Fire Hazard Severity Zones in LRA Map produced by the California Department of Forestry and Fire Protection, the project site is not located in any identified fire hazard severity zones.

## 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 project proposes to create a homesite parcel with the remaining land to remain in agricultural production. The proposed homesite parcel is already improved with a single-family residence and the remainder parcel improved with a vineyard. There will be no change in the use of either parcel and would not degrade the quality of the environment or reduce habitat of a wildlife species.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will create an approximately 2-acre parcel from the existing approximately 50-acre project site. The proposed 2-acre parcel will be utilized as a homesite and is already improved with a single-family residence. This project will separate the 2-acre site from the approximately 50-acre parcel that is utilized for agricultural. Reducing the amount of farmable acreage could have a cumulative impact, but in considering the approximately 48-acres of remaining land for agricultural purposes and a majority of land in the proposed 2-acre site is improved and was not previously farmable space, the impact will be less than significant.

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

**FINDING: NO IMPACT:**

Review of the project did not identify any substantial adverse effects on human beings.

**CONCLUSION/SUMMARY**

Based upon the Initial Study prepared for Variance Application No. 4083, staff has concluded that the project will not/will have a significant effect on the environment. It has been determined that there would be no impacts to Aesthetics, Air Quality, Biological Resources, 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 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.

TK

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EXHIBIT 9

File original and one copy with: <b>Fresno County Clerk 2221 Kern Street Fresno, California 93721</b>		Space Below For County Clerk Only.  CLK-2046.00 E04-73 R00-00		
Agency File No: <b>IS 7794</b>		<b>LOCAL AGENCY NEGATIVE DECLARATION</b>		County Clerk File No: <b>E-</b>
Responsible Agency (Name): <b>Fresno County</b>	Address (Street and P.O. Box): <b>2220 Tulare St. Sixth Floor</b>		City: <b>Fresno</b>	Zip Code: <b>93721</b>
Agency Contact Person (Name and Title): <b>Thomas Kobayashi Planner</b>		Area Code: <b>559</b>	Telephone Number: <b>600-4224</b>	Extension: <b>N/A</b>
Project Applicant/Sponsor (Name): <b>Thomas Kobayashi</b>		Project Title: <b>Variance Application No. 4083</b>		
Project Description:  Reduce the minimum parcel size requirement to allow creation of a 2-acre parcel from an approximately 50-acre site in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.				
Justification for Negative Declaration:  Based upon the Initial Study prepared for Variance Application No. 4083, staff has concluded that the project will not/will have a significant effect on the environment. It has been determined that there would be no impacts to Aesthetics, Air Quality, Biological Resources, 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 Planning have been determined to be less than significant.				
FINDING:  The proposed project will not have a significant impact on the environment.				
Newspaper and Date of Publication: <b>Fresno Business Journal – July 30, 2021</b>			Review Date Deadline: <b>Planning Commission – September 9, 2021</b>	
Date:	Type or Print Signature: <b>David Randall Senior Planner</b>		Submitted by (Signature): <b>Thomas Kobayashi Planner</b>	

State 15083, 15085

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

**LOCAL AGENCY  
NEGATIVE DECLARATION**