



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER, DIRECTOR

Planning Commission Staff Report Agenda Item No. 2 November 5, 2015

SUBJECT: Initial Study Application No. 6934
Variance Application No. 3974
Director Review and Approval No. 4408

Adjust the property line between APNs 393-124-23 and 393-124-06S to create Parcel A, containing 2.5 acres, and Parcel B, containing 43.52 acres, where 20 acres are required, and allow two residences to remain on Parcel A in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the south side of East Mountain View Avenue, between Zediker Avenue and Madeson Avenue, approximately 0.75 miles northeast of the City of Kingsburg (SUP. DIST. 4) (APNs 393-124-06s and 393-124-23).

Applicant: Blake Carlson
Owner: Bryan Heyano

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

Eric VonBerg, Senior Planner
(559) 600-4569

RECOMMENDATION:

- Deny Variance Application No. 3974; and
- Approve Director Review and Approval Application No. 4408; and
- Adopt the Mitigated Negative Declaration prepared for Initial Study No. 6934; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Mitigation Monitoring, Conditions of Approval and Project Notes (VA 3974)
2. Mitigation Monitoring, Conditions of Approval and Project Notes (DRA 4408)
3. Location Map
4. Existing Zoning Map
5. Existing Land Use Map
6. Assessor’s Parcel Map
7. Applicant’s Submitted Findings
8. Site Plan
9. Summary of Initial Study Application No. 6934

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 Size	APN 393-124-23: 28.11 acres APN 393-124-06S: 20 acres	Parcel A: 2.50 acres Parcel B: 43.52 acres
Project Site	APN 393-124-23: Two single-family residences with separate septic systems, two domestic wells, barn, shop, orchard APN 393-124-06S: Agricultural well, septic tank, orchard	Parcel A: Two single-family residences with separate septic systems, two domestic wells, barn, shop Parcel B: Agricultural well, septic tank, orchard
Structural Improvements	APN 393-124-23: Two single-family residences, two domestic wells, barn, shop APN 393-124-06S: Agricultural well	Parcel A: Two single-family residences, two domestic wells, barn, shop Parcel B: Agricultural well
Nearest Residence	There are two parcels with single family residences between the subject parcels’ property lines. The two homes on those properties are set back from the subject parcels by 25 and 35 feet.	No change
Surrounding Development	Residential and agricultural uses	No change

Operational Features	N/A	N/A
Employees	N/A	N/A
Customers	N/A	N/A
Traffic Trips	Residential Traffic	No change
Lighting	Residential Lighting	No change
Hours of Operation	N/A	N/A

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

ENVIRONMENTAL DETERMINATION:

An Initial Study was prepared for the subject applications and a summary of this report is included as Exhibit 9.

PUBLIC NOTICE:

Notices were sent to 26 property owners within 1,320 feet of the subject property, 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 Zoning Ordinance Section 873-F are made by the Planning Commission. A Director Review and Approval (DRA) also requires that the Planning Commission be able to make four Findings, specified in Zoning Ordinance Section 872-C. Further, the Director of the Department of Public Works and Planning is authorized to approve or deny said applications; however, the subject Variance and DRA Applications were processed concurrently. Therefore, the approval of the DRA Application has been forwarded to the Planning Commission to consider concurrently with the Variance Application. The two applications are presented concurrently but are to be acted upon separately. The DRA is required to allow the second residence, with or without approval of the Variance Application. The Variance is necessary to allow for the creation of the 2.5-acre parcel.

The decision of the Planning Commission on the subject applications is final unless appealed to the Board of Supervisors within 15 days of the Commission’s action.

BACKGROUND INFORMATION:

The Applicant is requesting to adjust the parcel lines between two adjacent parcels such that the new Parcel A will become a homesite parcel (2.5 acres) for the current owner, and Parcel B (43.52 acres) will become one agricultural parcel to be actively farmed. The Variance request is to allow for Parcel A to be created at 2.5 acres where the zoning requires a minimum of 20 acres. The existing parcels are 28.11 acres and 20.00 acres in size.

Two homes currently exist on APN 393-124-23. The second residence was built without permits, requiring the DRA application proposed concurrently with this Variance Application to

allow a second residence and therefore allow building permits to be issued for the second residence.

The existing parcels are both under a Williamson Act Contract. The proposed Parcel A does not meet the minimum parcel size to be under contract, therefore requiring cancellation on those 2.5 acres. If the Planning Commission approves the subject applications, the Williamson Act cancellation request for Parcel A will be put before the Board of Supervisors for a final decision. The Agricultural Land Use Commission (ALCC) recommended approval of the cancellation request, however the final decision is to be made by the Board. The remainder will then be subject to a recession and re-entry to provide a single contract covering all of proposed Parcel B. All land that is currently in active production will remain under contract and in production.

In addition to the subject application, there have been three other variance applications within a mile of the subject properties, two of which were to allow the creation of lots with substandard sizes. The following table provides a brief summary of each of the other variance (VA) applications and final actions:

Application/Request:	Date of Action:	Final Action:
VA No. 2955 – Allow the creation of a 0.52-acre parcel with width and frontage of 143 feet and 14-foot and 15-foot side-yard setbacks	April 24, 1986	Approval
VA No. 3422 – Allow the creation of a 40-acre parcel and a 10-acre parcel	August 12, 1993	Approval
VA No. 3792 - Allow a four-foot side-yard setback (20 feet required) for an office addition to an existing farm office and shop building	October 7, 2014	Approval

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

VARIANCE APPLICATION NO. 3974

ANALYSIS/DISCUSSION:

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

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

	Current Standard:	Proposed Operation:	Is Standard Met (y/n):
Setbacks	Front: 35 feet Side: 20 feet Rear: 20 feet	Front: No change Side: No change Rear: 63 feet	Yes
Parking	No Requirement	No Requirement	N/A
Lot Coverage	No Requirement	No Requirement	N/A
Separation Between Buildings	No animal or fowl pen, coop, stable, barn, or corral shall be located within 40 feet of any dwelling or other building used for human habitation.	No change	Yes
Wall Requirements	A fence or wall shall be constructed along the perimeter of all areas considered by the Board to be dangerous to public health and safety.	No change	Yes
Septic Replacement Area	100 percent	No change	Yes
Water Well Separation	Septic tank: 50 feet; Disposal field: 100 feet; Seepage pit: 150 feet	No change	Yes

Reviewing Agencies/Department Comments Regarding Site Adequacy:

Zoning Section of the Fresno County Department of Public Works and Planning: A Director Review and Approval (DRA) for second residence is required. A covenant is required to ensure that a recorded owner occupies one of the residences, and the second residence is not to exceed 2,000 square feet. There are no permits on record for the two residences, a barn, and a shop. Permits are required if these structures were built after March 1, 1958.

A DRA Application was filed concurrently with the Variance Application. Discussion and analysis on the DRA Application's four Findings follows the discussion on the Variance Application Findings.

Analysis:

In support of Finding 1, the Applicant's representative states that the Applicant's father acquired the subject parcel in the 1950's, before the zoning change that prevented the retention of a homesite parcel. All interest in the property was passed on to the Applicant in 2007.

In support of Finding 2, the Applicant's representative states that other property owners within the AE-20 zone classification have the right to retain a homesite if the property was acquired prior to the zoning being placed on the property.

With regard to Finding 1 and Finding 2, staff cannot identify any unusual or exceptional circumstances that apply to the subject property which do not generally apply to other properties in the area. Within one mile of the subject property, there is only one lot which qualifies for a homesite retention parcel without a variance. While there are other parcels of similar size to the proposed homesite, only two were created by variances. The others appear to have been created prior to the adoption of the AE-20 Zone District, or under other existing regulations which can allow for the creation of lots less than 20 acres if certain circumstances, outlined in Zoning Ordinance Section 816.5-A, exist. The subject application does not qualify under any of the listed criteria, as discussed under Finding 4 (General Plan Consistency). The presence of other small parcels in the area is not a physical characteristic demonstrating circumstances which merit the requested parcel configuration. Denying this application would not deny the Applicant of any right enjoyed by any other property owners in the AE-20 Zone District, since all property owners in the District are held to the same development standards.

A consideration in addressing variance applications is whether there are alternatives available that would avoid the need for the Variance. In this case, the Applicant could have filed for a property line adjustment that would create two parcels, both meeting the 20-acre minimum required by the AE-20 zoning. This would add 17.5 acres to the proposed homesite parcel. This additional acreage could have then been leased back for continued agricultural use. As part of the Williamson Act Contract Cancellation, the Applicant made a search for homesite parcels that were similarly sized to Parcel A and also currently for sale, and found no alternatives within the area of the application.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Findings 1 and 2 cannot be made.

Finding 3: The granting of a Variance will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located.

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:
North:	37.14 acres 1.23 acres 33.80 acres 18.01 acres 1.02 acres 0.87 acres	Agriculture Agriculture/Residential Agriculture/Residential Agriculture Agriculture/Residential Agriculture/Residential	AE-20	None 130 feet 250 feet None 135 feet 90 feet
South:	10.04 acres 20.00 acres 10.00 acres 28.22 acres	Agriculture/Residential Agriculture/Commercial Agriculture/Residential Agriculture/Residential	AE-20	1,140 feet None 950 feet 850 feet
East:	18.81 acres 9.55 acres	Agriculture/Residential Agriculture/Residential	AE-20	500 feet None

Surrounding Parcels				
West:	20.00 acres	Agriculture/Residential	AE-20	290 feet

Reviewing Agencies/Department Comments:

None.

Analysis:

In support of Finding 3, the Applicant states that the current owner of APN 393-124-06S desires to retain his homesite, which is located adjacent to other homesite parcels, and the adjacent owner desires to expand his existing farming operation. There is no construction or development proposed as part of the application.

In regard to Finding 3, staff notes that there are 16 parcels within a mile of the subject properties that have 2.5 acres or less. Two of those parcels are directly adjacent to the proposed Parcel A. The homesite is already developed with two homes and there is no additional development proposed with the application. There will be minimal physical changes to the property, as there will be no changes to the land use on the property. The current configuration of the homesite in relationship to the active farmland will be unchanged and concerns regarding the second residence on the parcel will be addressed under the "Adverse Effects on Character of Neighborhood" section under the analysis of the DRA Application.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 3 can be made.

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

Relevant Policies:	Consistency/Considerations:
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. 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>The subject property is zoned AE-20, with a 20-acre minimum parcel size. The subject property does not qualify for an exception under Policies LU-A.9, LU-A.10, or LU-A.11:</p> <ul style="list-style-type: none"> - LU-A.9: The lot is not for a financing parcel, gift lot, or owned by the property owner prior to the date the policies were implemented. - LU-A.10: The request is not to allow for the development of an agricultural commercial center. - LU-A.11: The request is not to allow the recovery of mineral resources, oil, or gas. <p>The subject proposal is requesting a variance from compliance with this policy and the zoning regulations that support it (Section 816.5, minimum of 20 acres).</p>

Relevant Policies:	Consistency/Considerations:
<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>The Planning Commission's Action on this application will be final unless appealed to the Board of Supervisors. Staff recommends denial of the subject application based on the inability to make Findings 1, 2, and 4.</p>
<p>Policy PF-C. 17: The County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation.</p>	<p>The project is not in a low-water area and was reviewed by the Water/Geology/Natural Resources Division which had no concerns.</p>

Reviewing Agencies/Department Comments:

Policy Planning Section of the Development Services Division: The subject parcel is subject to Williamson Act Contract No. 5366. Pursuant to the Fresno County Interim Program Guidelines and Procedures for Williamson Act, parcels are required to have a minimum of 20 acres with Prime and 40 acres with Non-Prime soil classifications. The subject parcel contains soil classified as Prime. As a result, the applicant **must** file a request for partial contract cancellation for the proposed 2.50-acre parcel and file a Revision of Land Conservation Contract No. 5366 for the remaining balance.

Analysis:

The Agricultural Land Conservation Committee voted to recommend approval of the cancellation request for Parcel A on October 7, 2015. The Board of Supervisors will make the final decision after the Planning Commission has acted on the subject applications.

In support of Finding 4, the Applicant states that the objectives of the General Plan would be upheld by expanding the acreage of agricultural parcels and production, and at the same time limiting non-agricultural uses to small, existing, separate and currently developed parcels.

Staff notes that, per discussion above, the proposal is inconsistent with Policy LU.A-6. Property Development Standards in the AE-20 Zone District (Section 816.5) have been designed to support this policy, and since the request is to vary those standards, approval will be contrary to the objectives of the General Plan. Goal LU-A of the General Plan is "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." Parcel A is completely developed as a homesite and will not be able to support agriculture.

In regard to the Applicant's statements, staff notes that while proposed Parcel B is planned to be farmed to its full extent, it is possible that the owner, or future owner, may take some of the active farmland out of production to create a homesite, removing additional acres from active

production. The lot line adjustment will leave Parcel B with more than 40 acres, allowing for two homes by right on the property.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 4 cannot be made.

PUBLIC COMMENT:

None.

CONCLUSION:

Staff believes the required Findings 1, 2, and 4 for granting the Variance Application cannot be made based on the factors cited in the analysis. Staff therefore recommends denial of Variance Application 3974.

DIRECTOR REVIEW AND APPROVAL APPLICATION NO. 4408

1. Adequate Size and Shape of Subject Parcel: Yes No

- The proposal satisfies the setback requirements of the AE-20 Zone District: Yes No

Review of the site plan provided determined that the setbacks are adequate.

- The proposal satisfies the parking requirements of Section 855.N.28a(3) and the AE-20 Zone District: Yes No

- Adequate Area for Septic System (Sewage Disposal): Yes No

Department of Public Health, Environmental Health Division: In the case of this application, it appears that each parcel can accommodate individual sewage disposal systems meeting the mandatory setback requirements established in the California Plumbing Code and California Well Standards Ordinance. Building permit records were not available for the existing sewage disposal system. It is recommended that the Applicant/owner consider having the existing septic tank pumped, and have the tank and drain field evaluated by an appropriately-licensed contractor if they have not been serviced and/or maintained within the last five years. Such inspection may indicate possible repairs, additions, or require the proper destruction of the system.

- Subject Parcel Located in SRA (Wildland Fire Area): Yes No

- Other Comments: Yes No

Fresno County Fire Protection District: Fresno County Fire Protection District (FCFPD) has performed a preliminary review of the project, and has not identified any significant concerns with the overall proposal. The project shall comply with California Code of Regulations Title 24 -

Fire Code. Prior to receiving FCFPD conditions of approval for the subject application, plans must be submitted to the County of Fresno Public Works and Planning for review. It is the Applicant's responsibility to deliver a minimum of three sets of plans to the FCFPD.

The subject project may be subject to joining the Community Facilities District (CFD). Before plans are submitted to the Fresno County Fire Protection District, they recommend that the Applicant visit www.fresnocountyfire.org and fill out the Fire Permit Application to submit with the plans. A determination will be made and information provided to the Applicant on how to join the CFD based on the application.

Consolidated Irrigation District: The Consolidated Irrigation District does not own any facilities in this area.

With the adherence to the aforementioned requirements included as mandatory Project Notes, staff believes that both parcels are adequate in size and shape to accommodate the proposed use. *Finding 1 can be made.*

- 2. Adequate Streets and Highways:** Yes No
- Right-of-Way Needed: Yes No
 - Road Improvements Required: Yes No

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: Mountain View is classified as an Expressway in the County General Plan, requiring an ultimate right-of-way of 126 feet. This right-of-way has recently been acquired by the County, and work to construct the Expressway is currently underway. No additional right-of-way is required as a result of this application.

Generally, access to an Expressway is prohibited to parcels less than 20 acres in size. However, this existing residence has historical access rights, and access rights were not precluded as a result of the current project.

If any work is performed within the County road right-of-way, an encroachment permit is required from this Division.

Development Engineering Section of the Fresno County Department of Public Works and Planning: East Mountain View Avenue is classified as an Expressway, with an existing 25-foot right-of-way south of the section line along the parcel frontage, per Plat Book. According to Precise Plan Line Serial No. 56, sheet number 14 of 15, the ultimate right-of-way south of the section line is 25 feet. Records indicate this section of Mountain View from Madsen to Zediker has an ADT of 10,400, pavement width of 39.2 feet, and structural section of 0.2'AC/.3'AB and is in very poor condition.

Any work done within the right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division.

If not already present, 30-foot by 30-foot corner cutoffs should be improved for sight distance purposes at the existing driveway onto Mountain Avenue.

According to FEMA, FIRM Panel 2675H, the parcels are not subject to flooding from the 100-year storm. According to U.S.G.S. Quad Maps, there are no existing natural drainage channels adjacent or running through the parcel.

A grading permit or voucher is required for grading proposed with this application.

- Other Comments: () Yes (X) No

Due to the limited traffic generated by the proposal, staff has no concerns with the application, considering the current upgrade of East Mountain View Avenue. *Finding 2 can be made.*

3. Adverse Effects on Character of Neighborhood: () Yes (X) No

- Size of Existing Primary Residential Unit: 1,900 square feet of living area
- Size of Proposed Secondary Residential Unit: 760 square feet of living area
- Surrounding Parcel Size and Land Uses:

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence (from property line):
North:	37.14 acres 1.23 acres 33.80 acres 18.01 acres 1.02 acres 0.87 acre	Agriculture Agriculture/Residential Agriculture/Residential Agriculture Agriculture/Residential Agriculture/Residential	AE-20	None 130 feet 250 feet None 135 feet 90 feet
South:	10.04 acres 20.00 acres 10.00 acre 28.22 acres	Agriculture/Residential Agriculture/Commercial Agriculture/Residential Agriculture/Residential	AE-20	1,140 feet None 950 feet 850 feet
East:	18.81 acres 9.55 acres	Agriculture/Residential Agriculture/Residential	AE-20	500 feet None
West:	20.00 acre	Agriculture/Residential	AE-20	290 feet

- Is Primary Dwelling Unit Compatible with Secondary Unit and Surrounding Land Use: (X) Yes () No

According to site and aerial photographs, the subject property is located in an area of agricultural land use. Pictures of the existing residences show that the two units are complementary and compatible with surrounding land uses.

- Appearance/Color(s) of Primary Residential Unit:
The primary residence is beige with a light brown roof and white trim.
- Colors, Siding, Roofing Materials of Existing Secondary Residential Unit:

The secondary residence is a matching beige with a light-brown roof and white trim.

- Proposed Location/Visibility-Privacy Concerns: Yes No

The nearest residence to the north is 190 feet from the primary residential unit and 150 feet from the secondary residential unit. The nearest residence to the east is 590 feet from the primary residential unit and 710 feet from the secondary residential unit. The nearest residences to the south and west are more than 1,000 feet from both residential units. Twenty-five feet separate the primary and secondary residences. The closest residence to both homes lies to the north, and is screened from view by a wooden fence that runs along the rear of the neighboring parcel. The other nearby residence lies northwest of the secondary unit, however due to the configuration of the parcels, the previously mentioned wooden fence, and a shop building on proposed Parcel A, provide screening for this home. Both residential units face the north, and the 25-foot distance between them was measured from the garage attached to the west side of the primary residence. A tall bush provides some screening of the only window of the secondary residence that faces the primary residence, and based on these factors, staff has no concerns about privacy between the two homes.

- Agency Comments/Issues: Yes No

Current Planning Section of the Fresno County Department of Public Works and Planning: No comments.

Zoning and Permit Review Section of the Fresno County Department of Public Works and Planning: Permits will be required for all structures on this property or proof (legal or affidavit) will be required to confirm that the construction of these structures took place prior to 1958.

Current County records show that there is only one legal address for this site. The earliest structures were identified in 1961; however, there is no record of a permit for any structure on this property, including the barn, ag storage, and both residences.

A certificate acknowledging payment of development impact fees is required from Kingsburg Joint Union School District and Kingsburg Elementary School District.

Building and Safety/Plan Check Section of the Fresno County Department of Public Works and Planning: If approved, plans, permits and inspections are required, including site development, based upon the California Codes in effect at the time of plan check submittal.

- Landscaping Around Proposal Required: Yes No

Per discussion under "Proposed Location/Visibility-Privacy Concerns", no additional landscaping is required to alleviate visibility or privacy concerns.

- Other Conditions Required: Yes No

With the adherence to the aforementioned requirements included as Conditions of Approval and mandatory Project Notes, Staff believes that the proposal will not have an adverse effect upon surrounding properties. *Finding 3 can be made.*

- Public Comment Yes No

None.

4. **General Plan Consistency:**

(X) Yes () No

- Designation/Zoning of Subject Parcel: Agriculture

The project site is designated Agriculture in the Fresno County General Plan, which allows a second dwelling unit provided that it meets the requirements set forth in Policy LU-H.4:

On May 24, 1983, the Fresno County Ordinance Code was amended to provide second residence opportunities within Rural Residential and Agricultural Districts, subject to a Director Review and Approval and subject to the specified Development Standards set forth in Section 855.N.28. Such standards regulate on-site parking, occupancy requirements, water and sewer requirements, and design features and considerations. The proposed second dwelling meets all of the Development Standards set forth in Section 855.N.28.

- Other Applicable General Plan Policies:

(X) Yes () No

Policy Planning Section of the Fresno County Department of Public Works and Planning:

Policy LU-H.4: The 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. The second dwelling shall be clearly subordinate in size to the primary dwelling.

The primary residential unit is 1,900 square feet and the secondary residential unit is 760 square feet, which is 1,140 square feet smaller and consistent with Policy LU-H.4.

The Public Facilities Element of the General Plan includes requirements related to water supply and quality. The text of the policies is included in discussion of Variance Application Finding 4, above. Staff identified no concerns with water supply and quality in review of this application.

Policy PF-D.6: The County shall permit individual on-site sewage disposal systems on parcels that have the area, soils, and other characteristics that permit installation of such disposal facilities without threatening surface or groundwater quality or posing any other health hazards and where community sewer service is not available and cannot be provided.

The Fresno County Department of Public Health, Environmental Health Division determined that the soils of the subject property were adequate to accommodate the sewage disposal systems currently installed. (See previous comments under "Adequate Size and Shape of Parcel".)

Based on the above information, the proposed use can be found consistent with the General Plan. *Finding 4 can be made.*

Staff Recommendation:

- Staff believes the required findings can be made:

(X) Yes () No

Recommend approval of Director Review and Approval Application No. 4408 subject to the attached Conditions.

PLANNING COMMISSION MOTIONS:

Staff recommends first making a separate motion and vote on Director Review and Approval Application No. 4408, then making a motion and vote on Variance Application No. 3974.

Director Review and Approval Application No. 4408

Recommended Motion (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 6934; and
- Move to determine the required Findings can be made per the Analysis in the Staff Report and move to approve Director Review and Approval Application No. 4408, subject to the Conditions and Notes listed as Exhibit 2; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Denial Action)

- Move to determine the required Findings cannot be made (state basis for not making the findings) and move to deny Director Review and Approval Application No. 4408; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Variance Application No. 3974

Recommended Motion (Denial Action)

- Move to determine the required Findings cannot be made and move to deny Variance Application No. 3974; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 6934; and
- Move to determine the required Findings can be made (state basis for making the findings) and move to approve Variance Application No. 3974, subject to the Conditions and Notes listed as Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

CMM

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**Mitigation Monitoring and Reporting Program
Initial Study Application No. 6934, Variance Application No. 3974
(Including Conditions of Approval and Project Notes)**

EXHIBIT 1

Mitigation Measure					
Mitigation Measure No. *	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*1.	Agricultural and Forestry Resources	An agreement incorporating the provisions of the "Right-to-Farm" Notice (Ordinance Code Section 17.40.100) shall be entered into with Fresno County, acknowledging the presence of surrounding agricultural operations and their related activities.	Public Works and Planning	Public Works and Planning	Before the issuance of building permits
Conditions of Approval					
1.		Development shall be in accordance with the Site Plan as approved by the Planning Commission.			
2.		The parcel authorized must be created within one year of approval of this application.			
3.		Permits will be required for all structures or proof (legal or affidavit) will be required to confirm that the construction of these structures took place prior to 1958.			
4.		If not already present, 30-foot by 30-foot corner cutoffs shall be improved for sight distance purposes at the existing driveway onto Mountain Avenue.			
5.		Plans, permits and inspections are required, including site development, based upon the California Codes in effect at the time of plan check submittal.			
*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. 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.		Generally, access to an Expressway is prohibited to parcels less than 20 acres in size. However, this existing residence has historical access rights, and access rights were not precluded as a result of the current project.			
2.		Any work done within the right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division.			
3.		A Director Review and Approval is required for the second residence on Parcel A.			

Mitigation Monitoring and Reporting Program
Initial Study Application No. 6934, Director Review and Approval Application No. 4408
(Including Conditions of Approval and Project Notes)

Mitigation Measure					
Mitigation Measure No. *	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*1.	Agricultural and Forestry Resources	An agreement incorporating the provisions of the "Right-to-Farm" Notice (Ordinance Code Section 17.40.100) shall be entered into with Fresno County, acknowledging the presence of surrounding agricultural operations and their related activities.	Public Works and Planning	Public Works and Planning	Before the issuance of building permits
Conditions of Approval					
1.		Development shall be in substantial compliance with the approved site plan.			
2.		This approval shall become void if there has been a cessation of the use for a period in excess of two years.			
3.		If not already present, 30-foot by 30-foot corner cutoffs shall be improved for sight distance purposes at the existing driveway onto Mountain Avenue.			
4.		Permits will be required for all structures or proof (legal or affidavit) will be required to confirm that the construction of these structures took place prior to 1958.			
5.		A grading permit or voucher is required for grading proposed with this application.			
6.		The Kingsburg Joint Union School District in which the subject property is located is authorized by State Law to adopt a resolution requiring the payment of construction fees. The Department of Public Works and Planning, Development Services Division requires certifications from the school district that the fees have been paid. An official certification form will be provided by the County when application is made for a building permit.			
7.		Plans, permits and inspections are required, including site development, based upon the California Codes in effect at the time of plan check submittal.			
8.		On-site turnarounds are required for vehicles leaving the site to enter Mountain View Avenue in a forward motion. No new access points are allowed without prior approval, and any existing driveways shall be utilized.			

*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. 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.

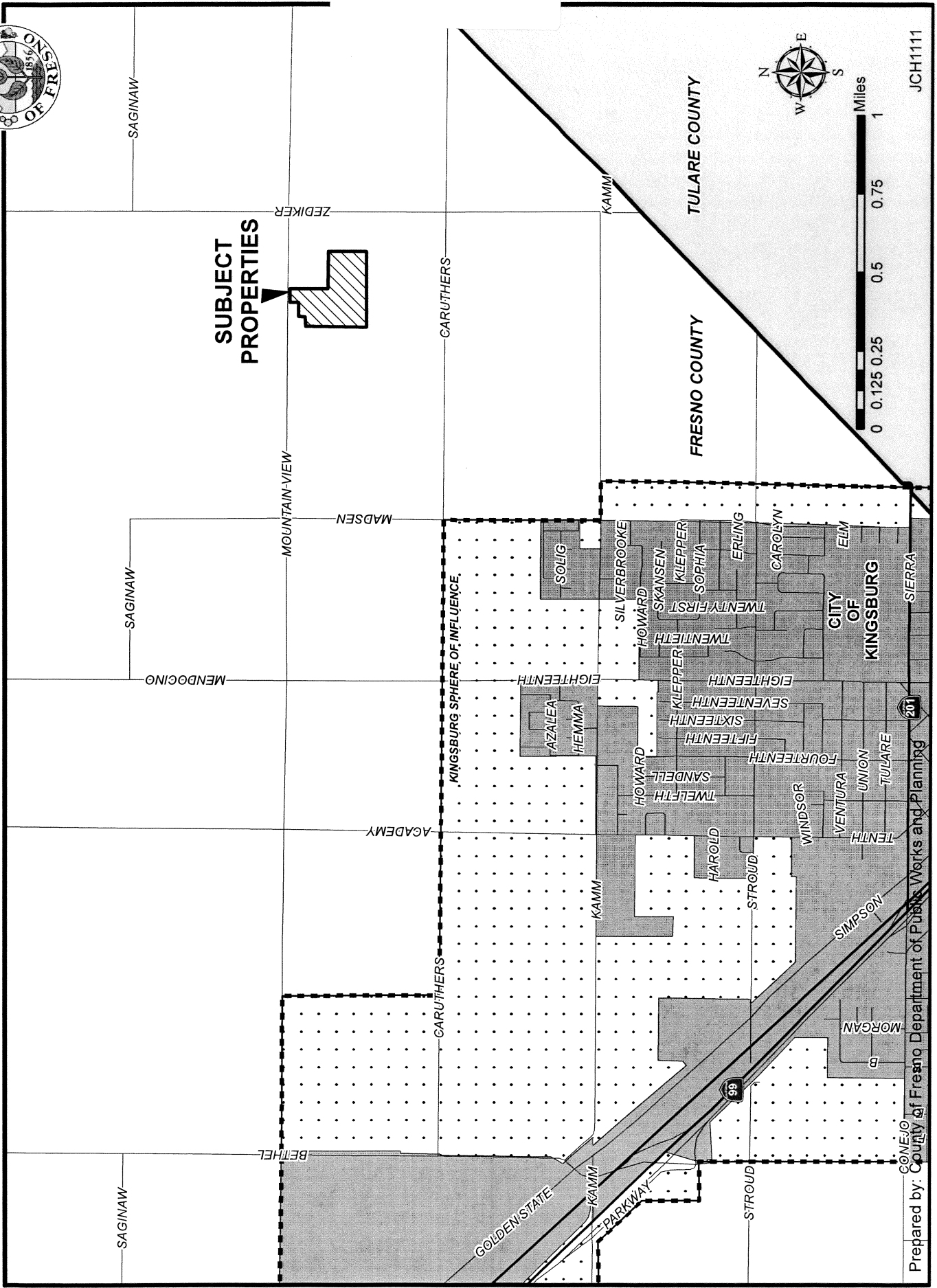
1.	It is recommended that the Applicant/owner consider having the existing septic tank pumped, and have the tank and drain field evaluated by an appropriately-licensed contractor if they have not been serviced and/or maintained within the last five years. Such inspection may indicate possible repairs, additions, or require the proper destruction of the system.
2.	The project shall comply with California Code of Regulations Title 24 - Fire Code. Prior to receiving Fresno County Fire Protection District (FCFPD) conditions of approval for the subject application, plans must be submitted to the Fresno County Department of Public Works and Planning for review. It is the Applicant's responsibility to deliver a minimum of three sets of plans to FCFPD.
3.	The subject project may be subject to joining the Community Facilities District (CFD). Before plans are submitted to the Fresno County Fire Protection District, they recommend that the Applicant visit www.fresnocountyfire.org and fill out the Fire Permit Application to submit with the plans. A determination will be made and information provided to the Applicant on how to join CFD based on the application.
4.	The Consolidated Irrigation District does not own any facilities in this area.
5.	Any work done within the right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division.
6.	Two parking spaces, either covered or uncovered, shall be provided for each dwelling unit as shown on the approved site plan. Each parking space shall have a minimum size of 8-1/2 feet by 20 feet. The parking spaces and the driveway providing access to said parking spaces shall be improved.
7.	Prior to issuance of a building permit, a covenant running with the land between the County and the owner shall be recorded with the County Recorder requiring that one of the dwelling units shall be occupied by an owner of record.
8.	The second dwelling unit shall not exceed 2,000 square feet in size.

EXHIBIT 3



LOCATION MAP

VA 3974



JCH1111

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

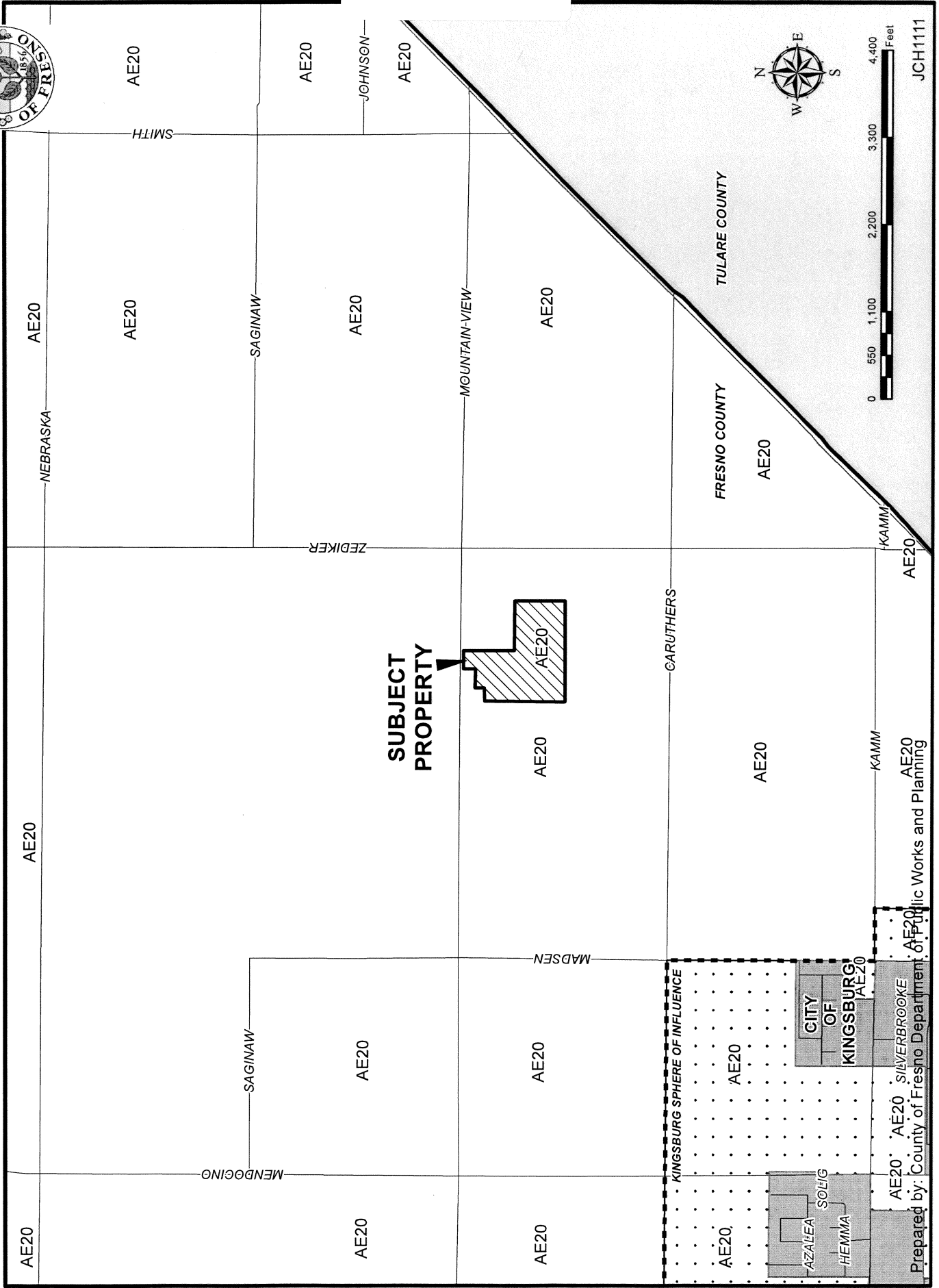
VA 3974

STR 13 - 13/22

EXISTING ZONING MAP



EXHIBIT 4



JCH1111

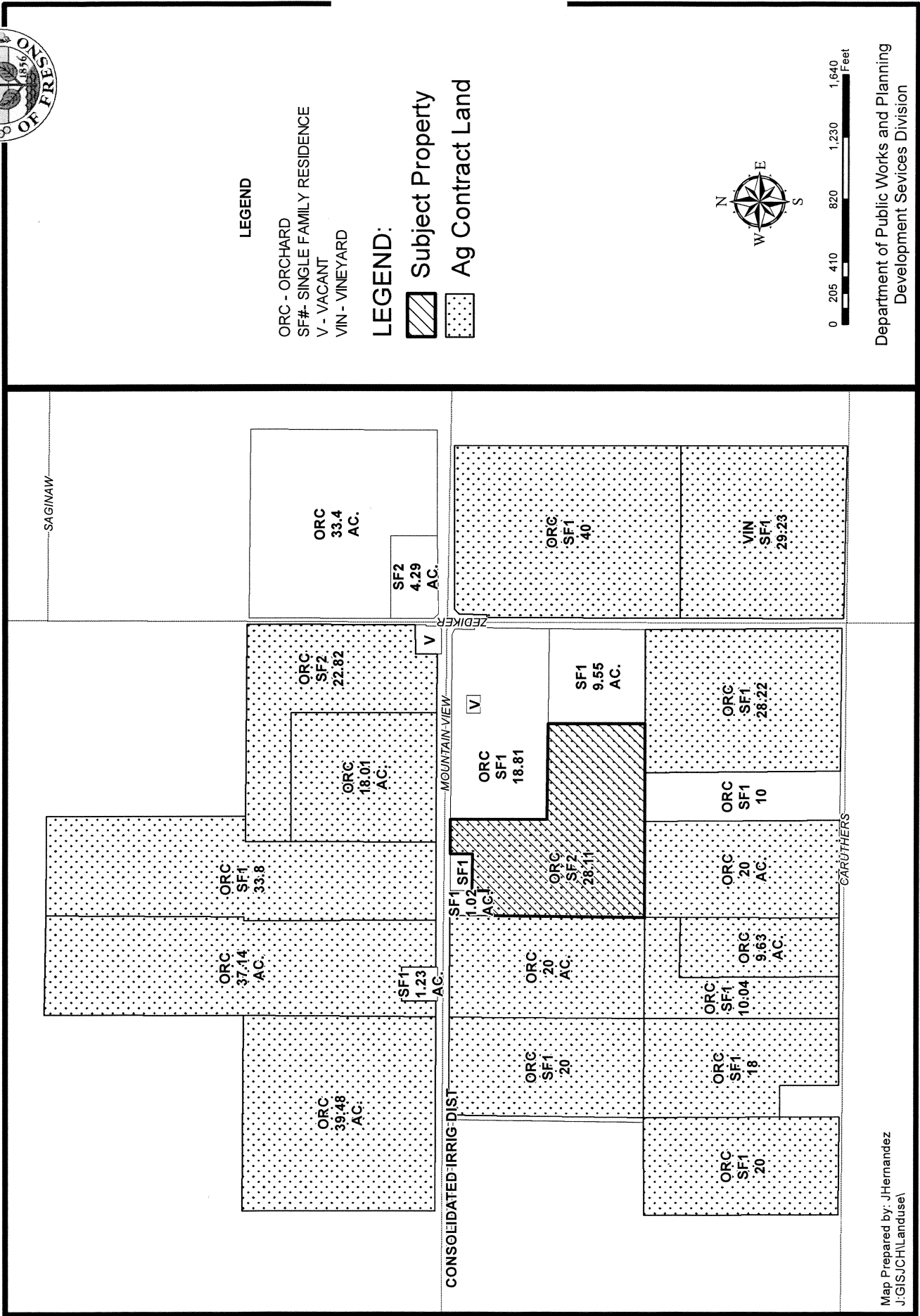
Prepared by: County of Fresno Department of Public Works and Planning
 Kingsburg, CA
 AE20 SILVERBROOKE
 AE20

EXHIBIT 5



EXISTING LAND USE MAP

VA 3974



Map Prepared by: JHernandez
 J:GIS\JCH\Landuse\

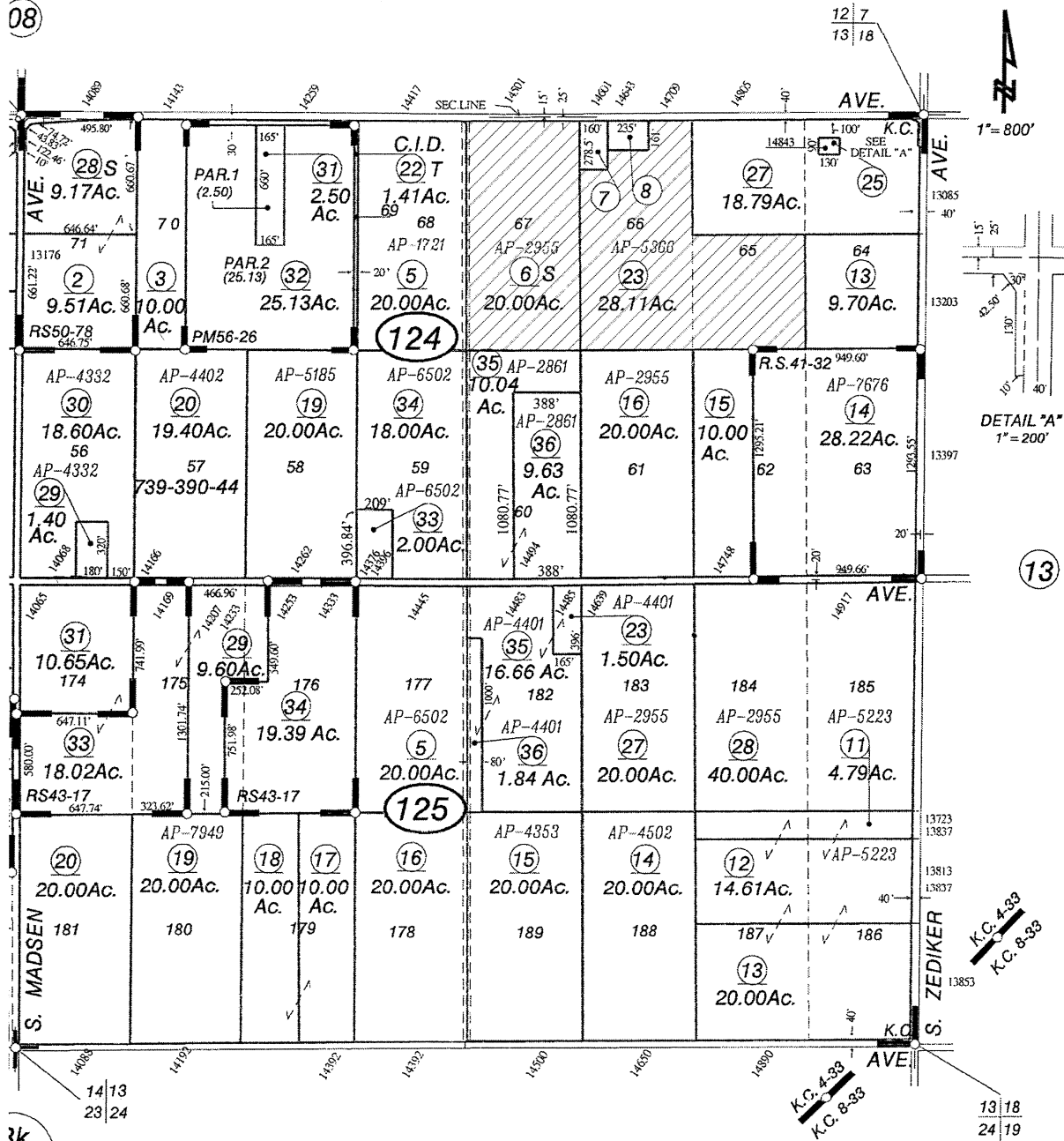
EXHIBIT 6

, T. 16 S., R. 22 E., M. D. B. & M.

Tax Rate Area
121-001

393-12

08



3k.
94

- Bk.41, Pg.32
- Bk.43, Pg.17
- Bk.50, Pg.78
- Bk.58, Pg.03
- Bk.59, Pg.91

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

Assessor's Map Bk.393 - Pg. 12
County of Fresno, Calif.



13 | 18
24 | 19
R.22E.
R.23E.

EXHIBIT 7

REQUIRED FINDINGS NECESSARY FOR THE GRANTING OF A VARIANCE APPLICATION AS SPECIFIED IN ZONING ORDINANCE SECTION 877

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.

Mr. Bryan Heyano – APN 393-124-23 – desires to retain a 2.5 acre homesite and convey all remaining farmable ground to the adjacent property owner – Blake Carlson – APN 393-124-6s. Mr. Bryan Heyano did not own the subject property prior to the current zoning being placed on the property in the mid-1970's. However, his father, Shigero Heyano, acquired the property in the 1950's and passed all interest in the property to his son.

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 acre zone classification have the right to retain a homesite if the property was acquired prior to the zoning being placed on the property.

3. The granting of a variance will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located.

The homesite Mr. Heyano desires to retain has existed for over 20 years and is adjacent to other homesite parcels. There is no construction or development proposed as part of this application. The adjacent owner, Blake Carlson desires to expand his existing farming operation.

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

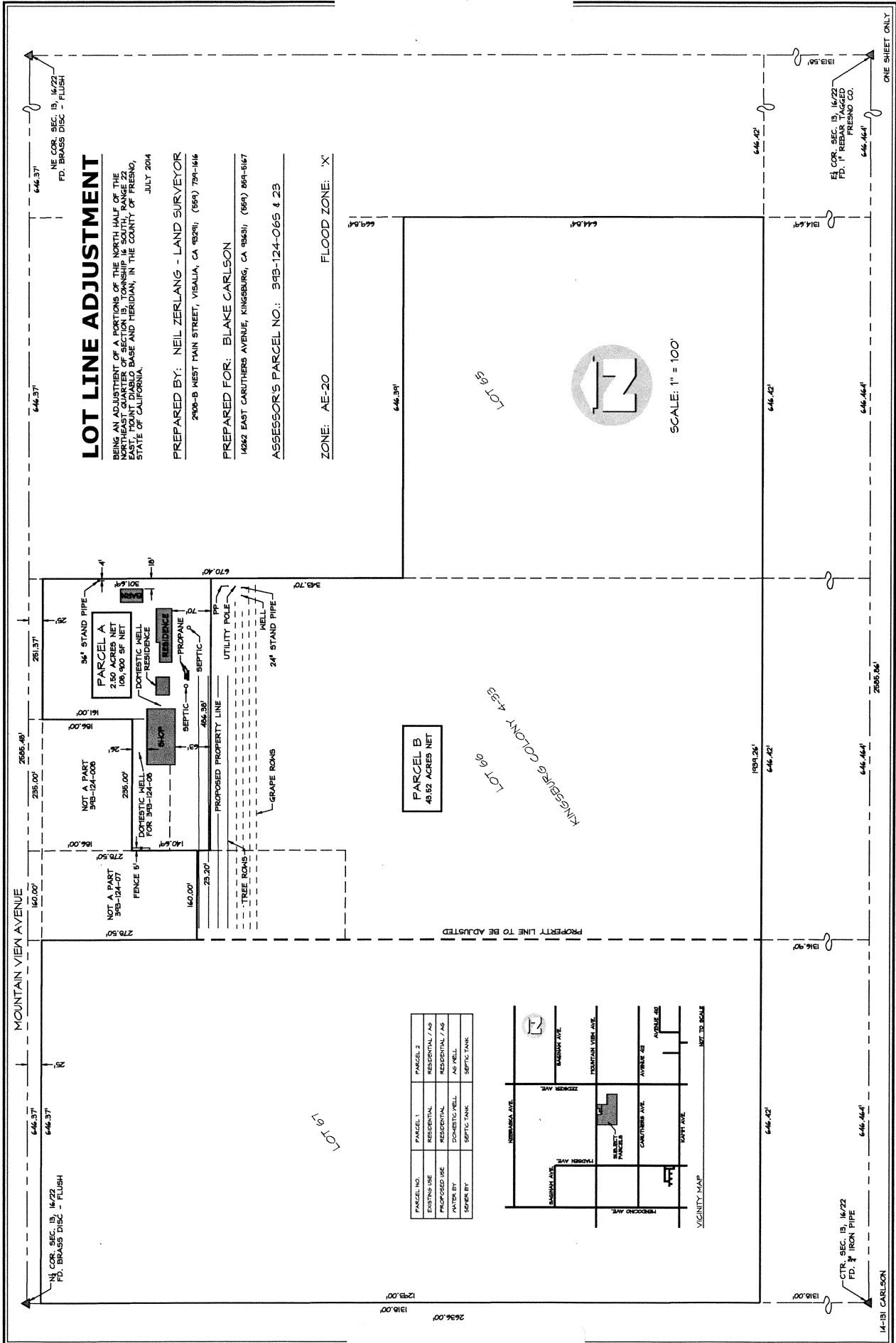
The objectives of the General Plan would clearly be upheld by expanding the acreage of agricultural parcels and production, and at the same time limiting non-agricultural uses to small, existing, separate and currently developed parcels.

VA 3974
RECEIVED
COUNTY OF FRESNO

JAN 22 2015

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

EXHIBIT 8



LOT LINE ADJUSTMENT

BEING AN ADJUSTMENT OF A PORTIONS OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 14 SOUTH, RANGE 22 EAST, MOUNTAIN VIEW AVENUE, BASE AND MERIDIAN, IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA.
JULY 2014

PREPARED BY: NEIL ZERLANG - LAND SURVEYOR
2908-B WEST MAIN STREET, VISALIA, CA 93291; (866) 754-1616

PREPARED FOR: BLAKE CARLSON
1682 EAST CAROTHERS AVENUE, KINGSBURG, CA 98301; (866) 866-5167

ASSESSOR'S PARCEL NO.: 393-124-065 & 23

ZONE: AE-20 FLOOD ZONE: X

MOUNTAIN VIEW AVENUE

CTR. SEC. 15, 16/22
FD. BRASS DISC - FLUSH

14-B CARLSON

646.37' 646.37'

NE COR. SEC. 15, 16/22
FD. BRASS DISC - FLUSH

646.37' 646.37'

281.37' 281.37'

256.49' 256.49'

235.00' 235.00'

140.00' 140.00'

646.37' 646.37'

1293.00' 1293.00'

PARCEL A
2.50 ACRES NET
106,900 SF NET

NOT A PART
393-124-026

NOT A PART
393-124-027

270.50' 270.50'

140.00' 140.00'

270.50' 270.50'

364' STAND PIPE
DOMESTIC WELL - RESIDENCE
PROANE
SEPTIC

DOMESTIC WELL
FOR 393-124-26

295.00' 295.00'

456.30' 456.30'

23.20' 23.20'

140.00' 140.00'

UTILITY POLE
MELL

GRAPE ROWS

PROPOSED PROPERTY LINE

24" STAND PIPE

343.70' 343.70'

670.40' 670.40'

646.37' 646.37'

1839.24' 1839.24'

646.42' 646.42'

646.42' 646.42'

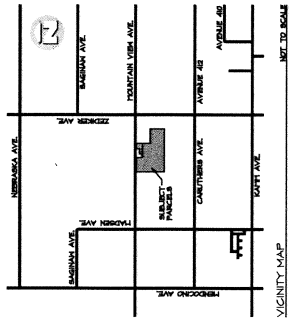
646.42' 646.42'

2686.84' 2686.84'

PARCEL B
48.82 ACRES NET

KINGSBURG COLONY 4-33
LOT 66

PARCEL NO.	PARCEL 1	PARCEL 2
EXISTING USE	RESIDENTIAL	RESIDENTIAL / AS
PROPOSED USE	RESIDENTIAL	RESIDENTIAL / AS
WATER BY	DOMESTIC WELL	AS WELL
SEWER BY	SEPTIC TANK	SEPTIC TANK



SCALE: 1" = 100'

LOT 65

CTR. SEC. 15, 16/22
FD. 3" IRON PIPE

ONE SHEET ONLY

14-B CARLSON

JUNE 2015

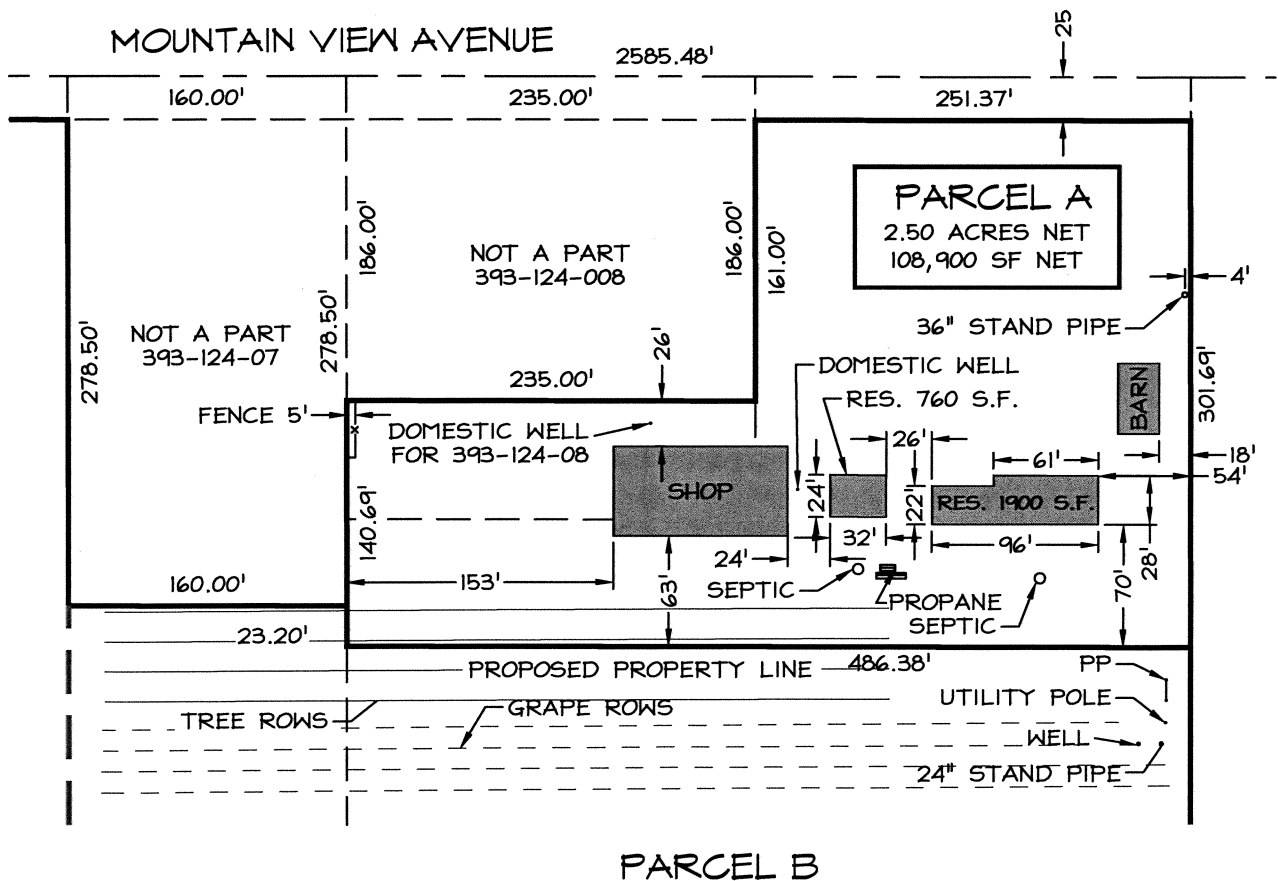
SKETCH OF SURVEY

PREPARED BY: NEIL ZERLANG - LAND SURVEYOR

2908-B WEST MAIN STREET, VISALIA, CA 93291; (559) 739-1616

PREPARED FOR: BLAKE CARLSON

OWNER: BRYAN HEYANO, 14709 MOUNTAIN VIEW AVE., KINGSBURG, CA 93631



SCALE: 1" = 100'



EXHIBIT 9

County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER, DIRECTOR

EVALUATION OF ENVIRONMENTAL IMPACTS

APPLICANT: Blake Carlson

APPLICATION NOS.: Initial Study Application No. 6934 and Variance Application No. 3974 and Director Review and Approval Application No. 4408

DESCRIPTION: Adjust the property line between APNs 393-124-23 and 393-124-06S to create Parcel A containing 2.5 acres and Parcel B containing 43.52 acres and allow two residences to remain on Parcel A in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: Project is located on the south side of East Mountain View Avenue, between Zediker and Madeson Avenues, approximately 0.75 miles northeast of the incorporated community of Kingsburg. (Fresno County) (SUP. DIST. 4) (APN: 393-124-06s and 393-124-23)

I. AESTHETICS

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

FINDING: NO IMPACT:

The subject applications are proposed to allow a property line adjustment between two properties. There will be no change to the physical qualities of either parcel involved.

II. AGRICULTURAL AND FORESTRY RESOURCES

- A. Would the project convert prime or unique farmlands or farmland of state-wide importance to non-agricultural use; or
- B. Would the project conflict with existing agricultural zoning or Williamson Act Contracts?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Parcel A contains soil that is classified as Prime by the Fresno County Important Farmland 2012 map and is under Williamson Act Contract; however the 2.5 acres on Parcel A have been previously developed as a homesite by the applicant. The active farmland on the parcel will be removed and merged with farmland from Parcel B, which is also under Williamson Act Contract.

- C. Would the project conflict with existing zoning for or cause rezoning of forest land, timberland, or timberland zoned Timberland Production; or
- D. Would the project result in the loss of forest land or conversion of forest land to non-forest use?

FINDING: NO IMPACT:

The project site is not near any forest land or land zoned for Timberland Production.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The proposed lot line adjustment will adjust the acreage of the two parcels: Parcel A will have 2.50 acres and Parcel B will have 43.52 acres. This increase to Parcel B will increase the allowed density in the area, since two homes are allowed to be built by-right on parcels with 40 or more acres in the AE-20 zone district; however, this is not a significant impact. The creation of a homesite parcel within an agricultural area has the potential to conflict with normal agricultural production practices. To reduce this impact, a Right-to-Farm covenant shall be required.

* **Mitigation Measure**

1. *An agreement incorporating the provisions of the "Right-to-Farm" Notice (Ordinance Code Section 17.40.100) shall be entered into with Fresno County, acknowledging the presence of surrounding agricultural operations and their related activities.*

III. AIR QUALITY

- A. Would the project conflict with or obstruct implementation of the applicable Air Quality Plan; or
- B. Would the project isolate any air quality standard or contribute to an existing or projected air quality violation; or
- C. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under a Federal or State ambient air quality standard; or
- D. Would the project expose sensitive receptors to substantial pollutant concentrations; or
- E. Would the project create objectionable odors affecting a substantial number of people?

FINDING: NO IMPACT:

There is no development proposed with the application. The lot line adjustment and Williamson Act Cancellation will not contribute to any Air Quality Plan obstruction, air quality violation, increase of criteria pollutant, exposure of sensitive receptors to substantial pollutant concentrations, or create objectionable odors.

IV. BIOLOGICAL RESOURCES

- A. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any candidate, sensitive, or special-status species; or
- B. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS); or
- C. Would the project have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption or other means; or
- D. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; or
- E. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- F. Would the project Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local regional, or state habitat conservation plan?

FINDING: NO IMPACT:

There is no development proposed with this application and the nature of the lot line adjustment does not indicate any possible disturbances to wildlife due to their ultimate positions between the properties.

V. CULTURAL RESOURCES

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

FINDING: NO IMPACT:

The subject parcels are not located in areas that have been determined to be highly or moderately sensitive to archeological discoveries. The lands have already been disturbed by agricultural and residential use, and there is no additional development proposed with the subject applications.

VI. GEOLOGY AND SOILS

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

FINDING: NO IMPACT:

The subject parcels are not located in an area at risk for earthquakes, ground shaking, seismic-related ground failure or landslides per Figures 9-5 and 9-6 of the Fresno County General Plan.

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

FINDING: NO IMPACT:

The subject parcels are not located in an area at risk of substantial erosion or loss of topsoil, landslide, lateral spreading, subsidence, liquefaction collapse, or damage from expansive soils, per Figures 7-3, 9-6, and 7-1 of the Fresno County General Plan.

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

FINDING: NO IMPACT:

In the case of this application, it appears that each parcel can accommodate individual sewage disposal systems meeting the mandatory setback requirements established in the California Plumbing Code and California Well Standards Ordinance.

VII. GREENHOUSE GAS EMISSIONS

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

FINDING: NO IMPACT:

There will be no changes to the greenhouse gas emissions released at the subject parcels as a result of the subject applications.

VIII. HAZARDS AND HAZARDOUS MATERIALS

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

FINDING: NO IMPACT:

The subject proposal is for an adjustment of property lines and an associated second residence on one of the resulting parcels. No use of hazardous materials is proposed as a part of this project.

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

FINDING: NO IMPACT:

There are no hazardous materials sites within 10 miles of the proposal as determined by the EPA Superfund site map.

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

F. Would a project located within the vicinity of a private airstrip result in a safety hazard for people residing or working in the project area?

FINDING: NO IMPACT:

The project site is not located within two miles of any public or private airstrip.

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

H. Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

FINDING: NO IMPACT:

The project site is not in an area that is prone to wildfires. Since the proposal is to permit an existing second residence on a lot reduced in size by a mapping procedure, there will be no change to the physical landscape of the project site and it will not interfere with an adopted Emergency Response Plan, Emergency Evacuation Plan or expose people or structures to the risks associated with wildfires.

IX. HYDROLOGY AND WATER QUALITY

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

B. Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge so that there would be a net deficit in aquifer volume or a lowering of the local groundwater table; or

- C. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off site; or
- D. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in flooding on or off site; or
- E. Would the project create or contribute run-off which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted run-off; or
- F. Would the project otherwise substantially degrade water quality?

FINDING: NO IMPACT:

The project is not located in a low-water area, and no agencies expressed concern over the water quality. There will be no physical changes to the site that could result in an alteration of drainage patterns or an increase in run-off.

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

FINDING: NO IMPACT:

There is no additional housing or structures proposed with this project and the site is not located in a 100-year flood hazard area.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is located in an area at risk of dam failure flood inundation as defined by Figure 9-8 of the Fresno County General Plan, however there is no development proposed with this project.

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

FINDING: NO IMPACT:

The project site is not located near an inland body of water, precluding it from possibility of seiche inundation. The project site is located more than 100 miles from the Pacific Ocean, precluding it from tsunami inundation. The project is not located within an area of steep slopes as defined by Figure 7-2 of the Fresno County General Plan.

X. LAND USE AND PLANNING

- A. Will the project physically divide an established community?

FINDING: NO IMPACT:

The project will vary the lot lines between two contiguous parcels and will not divide any established communities.

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

FINDING: NO IMPACT:

With the approval of the subject Variance to allow a 2.5-acre parcel, all land uses proposed with this project are consistent with the current AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) zoning on the properties. Both parcels currently meet the 20-acre minimum required by the Zoning Ordinance.

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

FINDING: NO IMPACT:

The project will not conflict with any Land Use Plan, Habitat Conservation Plan, or Natural Community Conservation Plan. The subject parcels are not part of any conservation plans.

XI. MINERAL RESOURCES

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

FINDING: NO IMPACT

No mineral resource impacts were identified in the analysis. The site is not located in a mineral resource area identified in Policy OS-C.2 of the General Plan.

XII. NOISE

- A. Would the project result in exposure of people to severe noise levels; or
- B. Would the project result in exposure of people to or generate excessive ground-borne vibration or ground-borne noise levels?

FINDING: NO IMPACT:

The project is not located in an area determined to be affected by fixed noise sources, as identified in Figure 10-2 of the General Plan.

- C. Would the project cause a substantial permanent increase in ambient noise levels in the project vicinity; or
- D. Would the project result in a substantial temporary or periodic increase in ambient noise levels?

FINDING: NO IMPACT:

There is no development proposed with the project. The project site is located in an area of Agricultural Use and will be affected by noise generated by normal farm activities. However, the property line adjustment will result in the improved homesite becoming exclusive to Parcel A and the active farmland becoming exclusive to Parcel B. The ownership of the active farmland will change, but the amount and location of the crops would not result from approval of this project. A Right-to-Farm Covenant will document that this type of noise will occur and is acceptable for this area.

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

FINDING: NO IMPACT:

The nearest airport to the project site is Selma Aerodrome, which is more than 5 miles away. The project will not expose residents or employees to excessive noise levels generated by airports.

XIII. POPULATION AND HOUSING

- A. Would the project induce substantial population growth either directly or indirectly?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The potential increase of one additional house by-right is not considered inducing substantial population growth.

- B. Would the project displace substantial numbers of existing housing; or
- C. Would the project displace substantial numbers of people, necessitating the construction of housing elsewhere?

FINDING: NO IMPACT:

The project will not displace any housing.

XIV. PUBLIC SERVICES

- A. Would the project result in substantial adverse physical impacts associated with the provision of new or physically-altered public facilities in the following areas:
1. Fire protection;
 2. Police protection;
 3. Schools;
 4. Parks; or
 5. Other public facilities?

FINDING: NO IMPACT:

The project will not result in the need for additional public services related to police, schools, parks, or other facilities. There is no additional development and no significant increase to population expected to result from approval of the subject applications.

XV. RECREATION

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

FINDING: NO IMPACT:

No impacts to existing neighborhood and regional parks were identified in the course of the study.

XVI. TRANSPORTATION/TRAFFIC

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

- D. Would the project substantially increase traffic hazards due to design features; or
- E. Would the project result in inadequate emergency access; or
- F. Would the project conflict with adopted plans, policies or programs regarding public transit, bicycle or pedestrian facilities or otherwise decrease the performance or safety of such facilities?

FINDING: NO IMPACT:

The project will have no effect on transportation. There is no increase to population or changes to the existing layout of the parcels.

XVII. UTILITIES AND SERVICE SYSTEMS

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

FINDING: NO IMPACT:

There is no development proposed with this application, and it will not result in any adverse effects on wastewater treatment, storm water facilities, or landfills.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

- A. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?**

FINDING: NO IMPACT

No such impacts on biological resources were identified in the analysis.

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

FINDING: NO IMPACT

No cumulatively considerable impacts were identified in the analysis.

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

FINDING: NO IMPACT

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

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Variance application No. 3974 and Director Review and Approval Application No. 4408, 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, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Land Use and Planning, Mineral Resources, Noise, Public Services, Recreation, Transportation/Traffic, and Utilities and Service Systems.

Potential impacts relating to Hydrology and Water Quality and Population and Housing have been determined to have less than significant impact.

Potential impacts relating to Agricultural and Forestry Resources have been determined to have less than significant impact with the identified Mitigation Measures.

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

CMM

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