



# County of Fresno

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

## Planning Commission Staff Report Agenda Item No. 4 February 8, 2024

**SUBJECT:** Variance No. 4141 and Initial Study No. 8324

Allow for the reduction of the minimum parcel size requirements to create a 2.30-acre and a 117.4-acre parcel from an existing 119.7-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

**LOCATION:** The subject parcel is located on the north-east corner of McKinley and Mendocino Avenue, approximately three miles north of the City of Sanger (APN: 309-070-19) (13948 E. McKinley Ave.) (Sup. Dist. 5).

**OWNER:** W.M. Boos & Co.,

**APPLICANT:** Dirk Poeschel

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

David Randall, Senior Planner  
(559) 600-4052

### RECOMMENDATION:

- Approve Variance Application No. 4141 based on the analysis of the required findings in the Staff Report; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**EXHIBITS:**

1. Conditions of Approval and Project Notes
2. Location Map
3. Zoning Map
4. Land Use Map
5. Variances Map
6. Site Plan
7. Applicant’s submitted Findings
8. Summary of Initial Study No. 8324
9. Draft Negative Declaration
10. Site Photos

**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) Zone District	No change
Parcel Size	119.70 acres	Create a 2.30-acre and a 117.40-acre parcel.
Project Site	Single Family Residence and Agriculture	No change
Structural Improvements	Single Family Residence, storage sheds	No change
Nearest Residence	700 feet south	No change
Surrounding Development	Agriculture & Single-Family Residences	No change

**ENVIRONMENTAL ANALYSIS:**

Initial Study No. 8324 was prepared for the project 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 Mitigated Negative Declaration (Exhibit 8) is appropriate.

Notice of Intent to Adopt a Negative Declaration publication date: June 28, 2023.

**PUBLIC NOTICE:**

Notices were sent to 20 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.

**PUBLIC COMMENT:**

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

**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 to a higher density Zone which allows smaller parcels would be problematic as the underlying General Plan Land Use Designation of Agriculture would also have to be amended and is not consistent with higher densities.

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.

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 applicant does not fit the criteria listed above.

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. If approved, the variance will expire one year from the date of the Commission approval unless a mapping application is filed in accordance with the County Ordinance. When circumstances beyond the control of the applicant do not permit compliance with the time limit, the Commission may grant an extension not to exceed one additional year. Extension applications must be filed with the Department of Public Works and Planning before the expiration of the Variance.

**BACKGROUND INFORMATION:**

The subject parcel is located on the north-east corner of McKinley and Mendocino Avenue. It is currently zoned Agricultural and is not part of any Specific or Community Plans. The subject parcel is currently developed with a single-family residence, a storage shed and agriculture.

Surrounding land uses consist of farmland with sparsely located single family residences. The nearest residence is approximately 700-feet south of the subject property.

According to available records there have been two previous variance requests within one-mile of the subject property for substandard sized lots. That variance is described below:

Application/Request	Date of Action	Staff Recommendation	Final Action
VA 3277- Creation of two substandard parcels	July 26, 1990	Denial	Planning Commission Approved
VA 4056- Creation of a 2.5- and 27.32-acre parcel	January 10, 2019	Denial	Planning Commission Approved

**ANALYSIS/DISCUSSION:**

**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.**

	Current Standard:	Proposed Configuration:	Is Standard Met (y/n):
Setback	AE-20 Zone District  Front: 35 Feet Side: 20 Feet Rear: 20 Feet	No change	Yes
Parking	For residential use: One parking space for every dwelling unit on the same lot with the main building which they serve and located to the rear of the required front yard, except for hillside lots.	No change	Yes
Lot Coverage	No requirement	No change	N/A
Separation Between Buildings	No requirement for residential or accessory structures, excepting those used to house animals which must	No change	Yes

	<b>Current Standard:</b>	<b>Proposed Configuration:</b>	<b>Is Standard Met (y/n):</b>
	be located a minimum of 40 feet from any human-occupied building.		
Wall Requirements	Wall required if swimming pool is present.	No change	Yes

**Reviewing Agencies/Department Comments related to Finding 1:**

No comments were received relative to Finding 1.

**Finding 1 Analysis:**

In support of Finding 1, the applicant’s findings state that the property has exceptional and extraordinary circumstances due to the proposed homesite is traversed by the Fresno Canal creating a physical circumstance placed upon the applicant’s property.

Staff concurs with the applicant and can identify an exceptional or extraordinary circumstances, not self-imposed. There is an unique physical feature as the is property in question is traversed by the Fresno Canal causing an unequitable constraint compared to others.

The application meets the criteria of an exceptional or extraordinary circumstances that does not apply generally to other property with the same zoning.

**Recommended Conditions of Approval:**

None.

**Finding 1 Conclusion:**

Based on the analysis, Finding 1 can be made. Staff was able to identify an exceptional or extraordinary physical features or circumstances particular to the subject parcel warranting the granting of the variance.

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

**Reviewing Agencies/Department Comments related to Finding 2:**

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

**Finding 2 Analysis:**

In support of Finding 2, the applicant’s findings state the proposed variance is necessary to allow the applicant to create a homesite parcel.

All properties with the same zoning are subject to the same minimum standard for creation of new parcels. Staff was unable to identify an unrealized substantial property right that would be restored by the granting of this variance request.

Variations can only be used to provide relief to preserve the “substantial property right” to be able to utilize a property for the intended use of the zoning. If regulations and unique physical attributes prohibit this property from realizing any reasonable use intended under the zoning, a Variance would be appropriate to preserve the “substantial property right” such as the ability to be able to build a home on the site; and staff and/or applicant was unable to identify any situation that would constrain the property and create a deficit of a property right enjoyed by other owners in the vicinity, under the same zoning. See procedural consideration concerning homesite parcel section for further details.

However, the unique circumstance of the proposed 2.30-acre parcel is isolated from the rest of the parcel by a canal. Hence, it does not enjoy the same opportunity for contiguous access and ability to farm homogeneously as other properties. Were the canal facilities a separate title of land rather than an irrigation easement the parcel, would be allowed as a separate property by operation of law. Hence the property needs the Variance to enjoy the same right of other properties with the same zoning, where the land has been physically isolated by a canal and is allowed as a separate property.

**Recommended Conditions of Approval:**

None.

**Finding 2 Conclusion:**

Finding 2 can be made, as the variance is necessary to enjoy the same substantial property right enjoyed by others in the area with the same situation of being separated by a canal.

**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	136.82 acres	Agriculture	AE-20	N/A
South	18.35 acres	Agriculture	AE-20	N/A
East	41.60 acres	Agriculture	AE-20	N/A
West	20 acres	Agriculture	AE-20	N/A

**Reviewing Agencies/Department Comments regarding detrimental effects on surrounding property:**

No 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 the existing residential and agricultural uses will remain intact, with no proposal to increase intensity of those uses, this variance will not create any specific circumstances that will harm the public welfare or property rights of others in the vicinity.

While the impact of this singular variance may not constitute a materially detrimental impact, staff notes that the creation of non-conforming parcels has the potential to increase residential density in the area by allowing an additional single-family residence on each parcel, and cumulatively, may have an impact on the surrounding agriculture. 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:**

None.

**Finding 3 Conclusion:**

Finding 3 can be made, as the variance, if approved, would not have any materially detrimental impacts on surrounding property.

**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> <i>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.</i></p>	<p><b>Inconsistent:</b> The proposed parcel creation is not consistent with this Policy. There are exceptions allowed subject to certain criteria. In this instance, the application either did not meet the criteria or elected not to choose one of the available options for creating a substandard sized parcel.</p>
<p><b>General Plan Policy LU-A.7:</b> <i>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.</i></p>	<p><b>Inconsistent:</b> The proposed parcel division is not consistent with Policy LU-A.7 as it would create one substandard sized parcel.</p> <p>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</p>

Relevant Policies:	Consistency/Considerations:
	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><b>General Plan Policy LU-A.12:</b>  <i>In adopting land use policies, regulations and programs, the County shall seek to protect agricultural activities from encroachment of incompatible land uses.</i></p>	<p><b>Inconsistent:</b> The creation of a parcel less than 20 acres in the AE-20 Zone District would be inconsistent with Policy LU-A.12 as smaller parcels could potentially allow a higher density residential area which is inconsistent with the compatibility of the AE-20 zone district.</p>
<p><b>General Plan Policy LU-A.14:</b>  <i>The County shall ensure that the review of discretionary permits includes an assessment of the conversion of productive agriculture land and the mitigation be required were appropriate.</i></p>	<p><b>Consistent:</b> In this case, productive agricultural land would not necessarily be converted, rather it would be reallocated between the two subsequent parcels, with the majority of the of the land to be located on proposed parcel B.</p>

**Reviewing Agencies/Department Comments regarding General Plan consistency:**

Fresno County Policy Planning: The applicant shall pay the Williamson Act Cancellation Fee. A Certificate of Cancellation shall be issued prior to any mapping procedure.

**Finding 4 Analysis:**

In support of Finding 4, the applicant’s findings assert that General Plan Policy LU-A.7 generally disallows the creation of parcels less than 20 acres. However, this stipulation is made with the intent of denying a potential increase in residential density and maintaining the feasibility of agricultural uses. This variance, as proposed, will neither add density nor reduce the amount of acreage currently available on the property for agricultural use. The parcel is stated to be given to a family member of whom will enhance site security and agricultural productivity.

Staff notes, the objectives of the General Plan where agriculture is concerned is to protect the agricultural community from encroachments from non-agricultural uses. An argument can be made that by allowing the 2.30 -acre site to be legally separated from the remaining agriculturally used portion of the property the land as it doesn’t not appear to be agriculturally viable.



**Recommended Conditions of Approval:**

The applicant shall pay the Cancellation Fee in the amount of \$29,125.00 as determined by the County Assessor and certified by the Board of Supervisors for issuance of a Certificate of Cancellation by the Board. The Cancellation Fee shall be paid, and a Certificate of Cancellation issued prior to recording the map to create the proposed 2.33-acre parcel.

**Finding 4 Conclusion:**

Finding 4 can be made as the proposed Variance does not increase the potential for impacts of non-agricultural use by increasing the number of allowed residential units.

**SUMMARY ANALYSIS / CONCLUSION:**

Based on the factors cited in the analysis above, Staff can make the required Findings for granting the Variance.

**PLANNING COMMISSION MOTIONS:**

**Recommended Motion** (Approval Action)

- Move to determine in accordance with the analysis in the staff report that all required Findings can be made, and move to Approve Variance No. 4141, subject to the Conditions attached as Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**Alternative Motion** (Approval Action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Variance No. 4141; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

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

See attached Exhibit 1.

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**EXHIBIT 1**  
**Variance Application (VA) No. 4141 & Initial Study No. 8324**  
**Conditions of Approval and Project Notes**

<b>Conditions of Approval</b>	
1.	Division of the subject parcels shall be in accordance with the site plan (Exhibit 5) as approved by the Planning Commission.
2.	The applicant shall pay the Cancellation Fee in the amount of \$29,125.00 as determined by the County Assessor and certified by the Board of Supervisors for issuance of a Certificate of Cancellation by the Board. The Cancellation Fee shall be paid, and a Certificate of Cancellation issued prior to recording the map to create the proposed 2.33-acre parcel.

Conditions of Approval reference recommended Conditions for the project.

<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.	Division of the subject property is subject to the provisions of the Fresno County Parcel Map Ordinance. A Parcel Map Application shall be filed to create the two proposed parcels. The Map shall comply with the requirements of Title 17.72.
2.	The approval of this Variance will expire one year from the date of approval unless the required mapping application to create the parcels is filed in substantial compliance with the Conditions and Project Notes and in accordance with the Parcel Map Ordinance.
3.	As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.
4.	Upon approval and acceptance of the Tentative Parcel Map and any Conditions imposed thereon, a Final Parcel Map shall be prepared and by a Professional Land Surveyor or Registered Civil Engineer authorized to practice Land Surveying, in accordance with the Professional Land Surveyors Act, the Subdivision Map Act and County Ordinance. Recordation of the Final Parcel Map shall take place within two years of the acceptance of the Tentative Parcel Map unless a Map extension is received prior to the expiration date of the approved Tentative Parcel Map. Failure to record the Final Parcel Map prior to the expiration of said Tentative Parcel Map may void the Parcel Map application.
5.	Prior to site development, all survey monumentation – Property Corners, Centerline Monumentation, Section Corners, County Benchmarks, Federal Benchmarks and Triangulation Stations, etc. - within the subject area shall be preserved in accordance with Section 8771 of the Professional Land Surveyors Act and Section 6730.2 of the Professional Engineers Act.
6.	Any existing or future entrance gate should be set back a minimum of 20 feet from the road right-of-way line or the length of the longest truck entering the site and shall not swing outward.
7.	A grading permit/voucher is required for any future grading with this application.

EXHIBIT 1

# LOCATION MAP

VA 4141

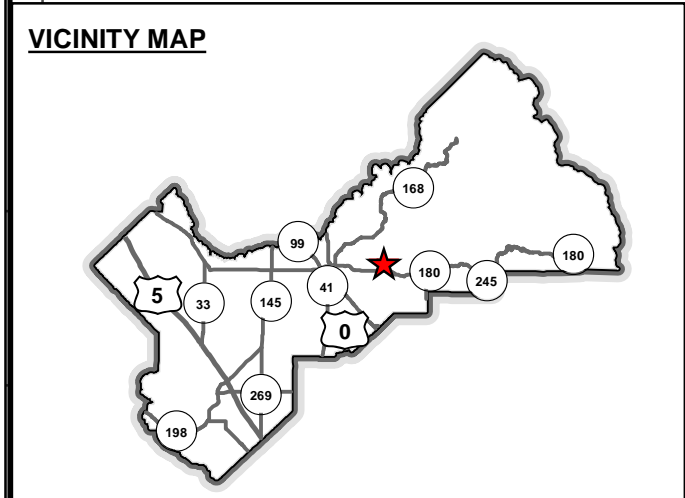
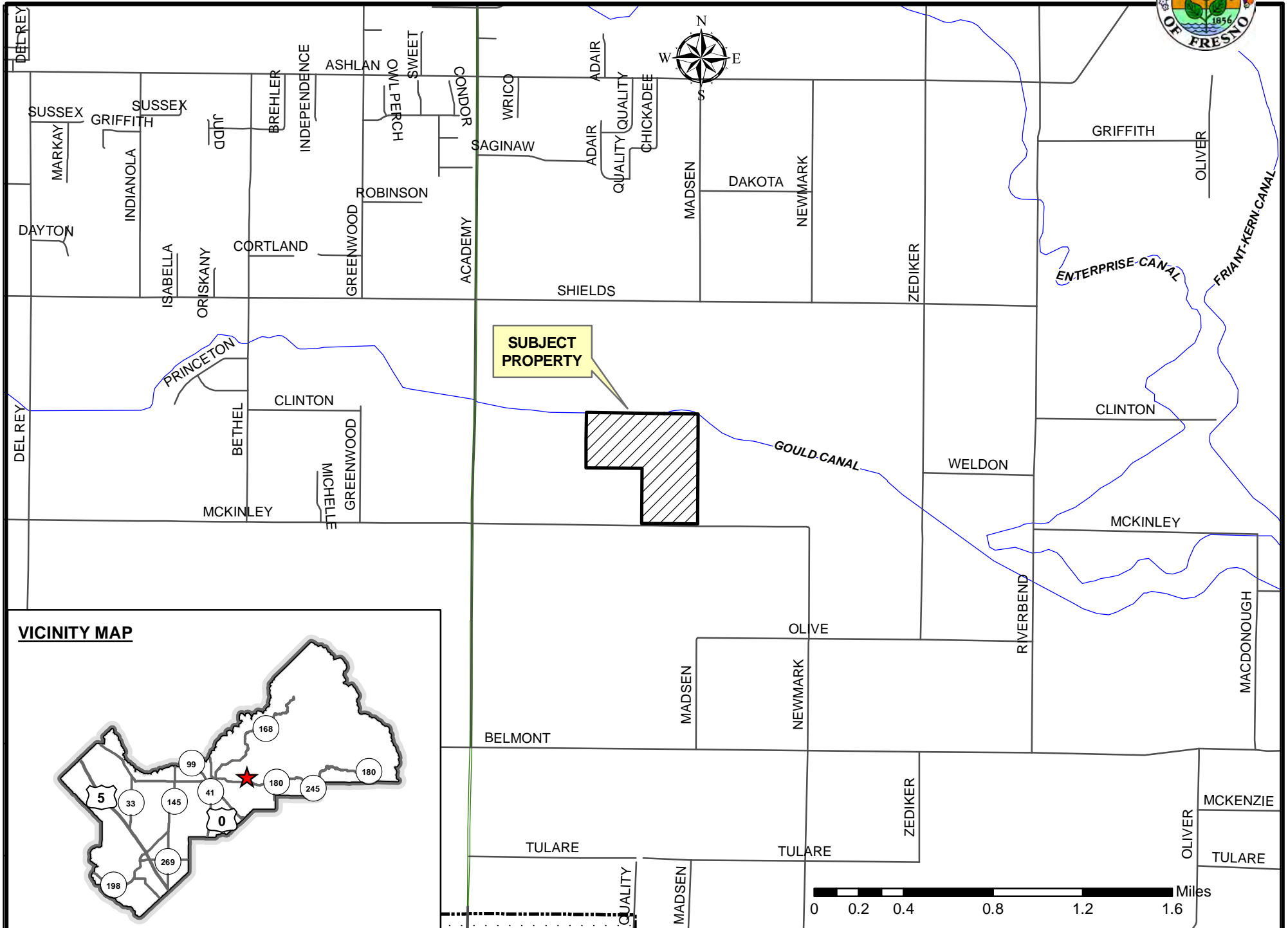


EXHIBIT 2

# EXHIBIT 3 EXISTING ZONING MAP

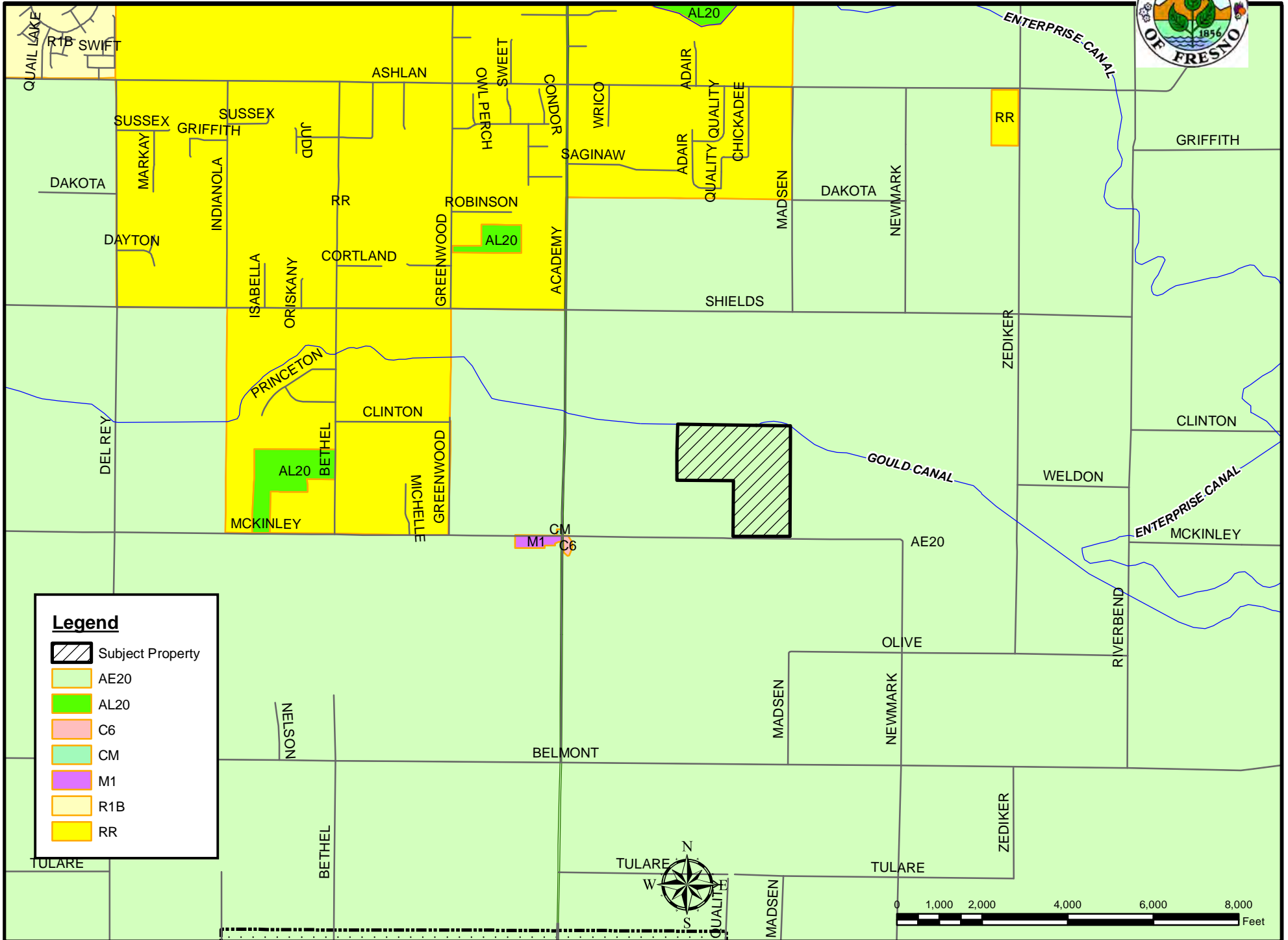


EXHIBIT 3

# EXISTING LAND USE MAP

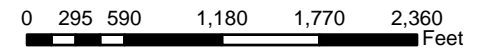
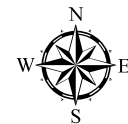
VA 4141



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

### LEGEND:

- Subject Property
- Ag Contract Land



Department of Public Works and Planning  
Development Services Division

# APPROVED VARIANCES WITHIN A ONE MILE RADIUS

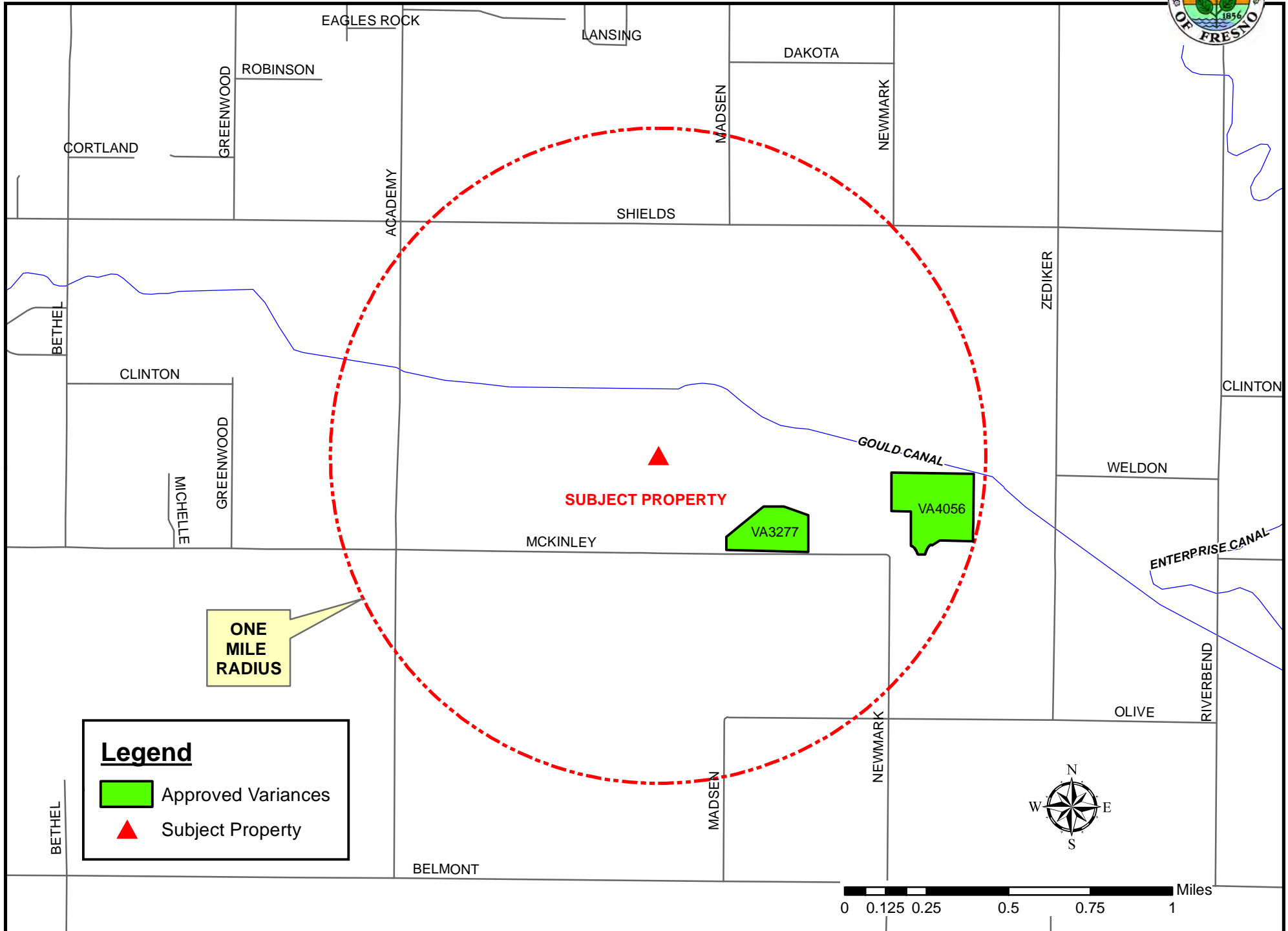
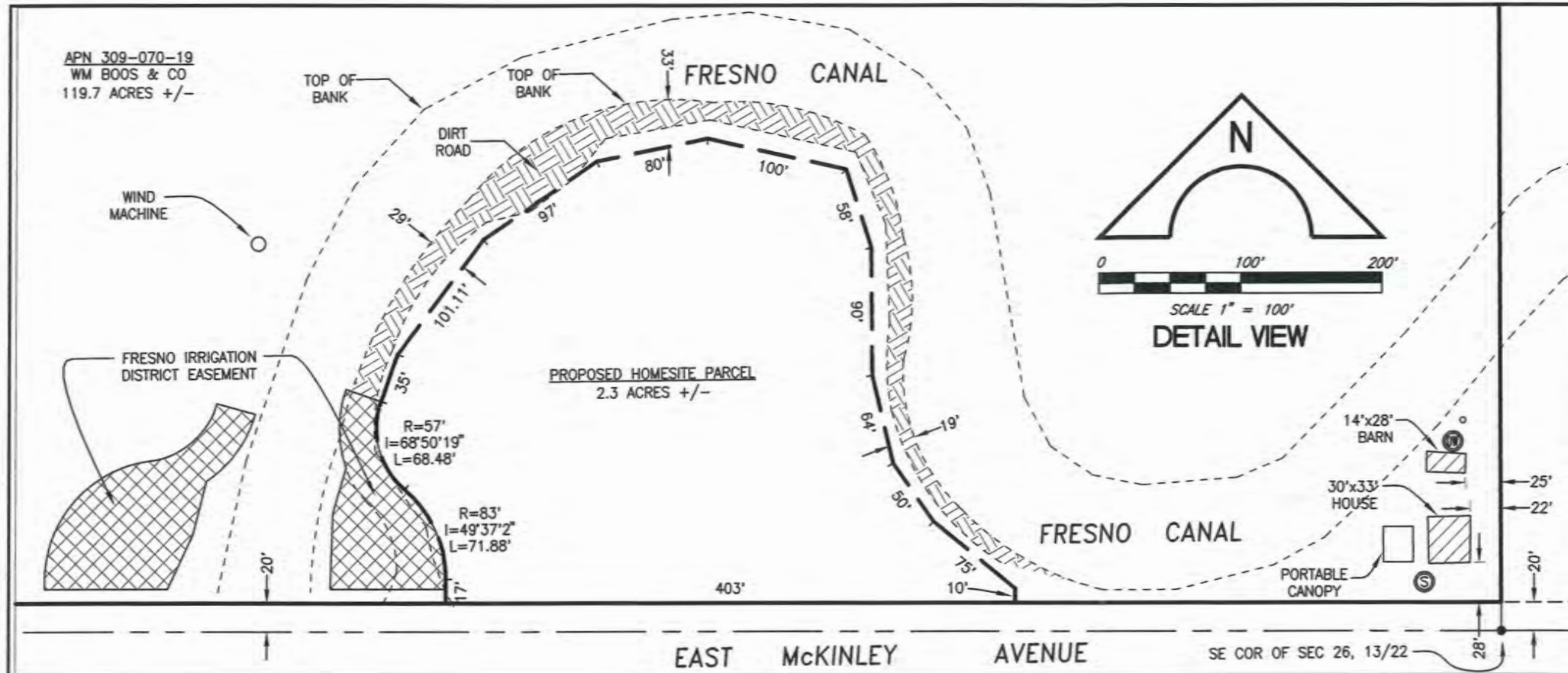


EXHIBIT 5



EXHIBIT 6



# SITE PLAN VARIANCE

## APP. No. \_\_\_\_\_

BEING A PORTION OF THE SOUTHEAST 1/4 OF SECTION 26, T. 13 S., R. 22 E., MDB.M. IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA

**LEGEND:**

- SECTION LINE.
- - - RIGHT OF WAY.
- EXIST. PROPERTY LINE.
- - - NEW PROPERTY LINE.
- [Hatched Box] STRUCTURES
- [Cross-hatched Box] F.I.D. EASEMENT
- [Dashed Line] DIRT CANAL ROAD
- (W) DOMESTIC WELL
- (A) AGRICULTURAL WELL
- (S) SEPTIC

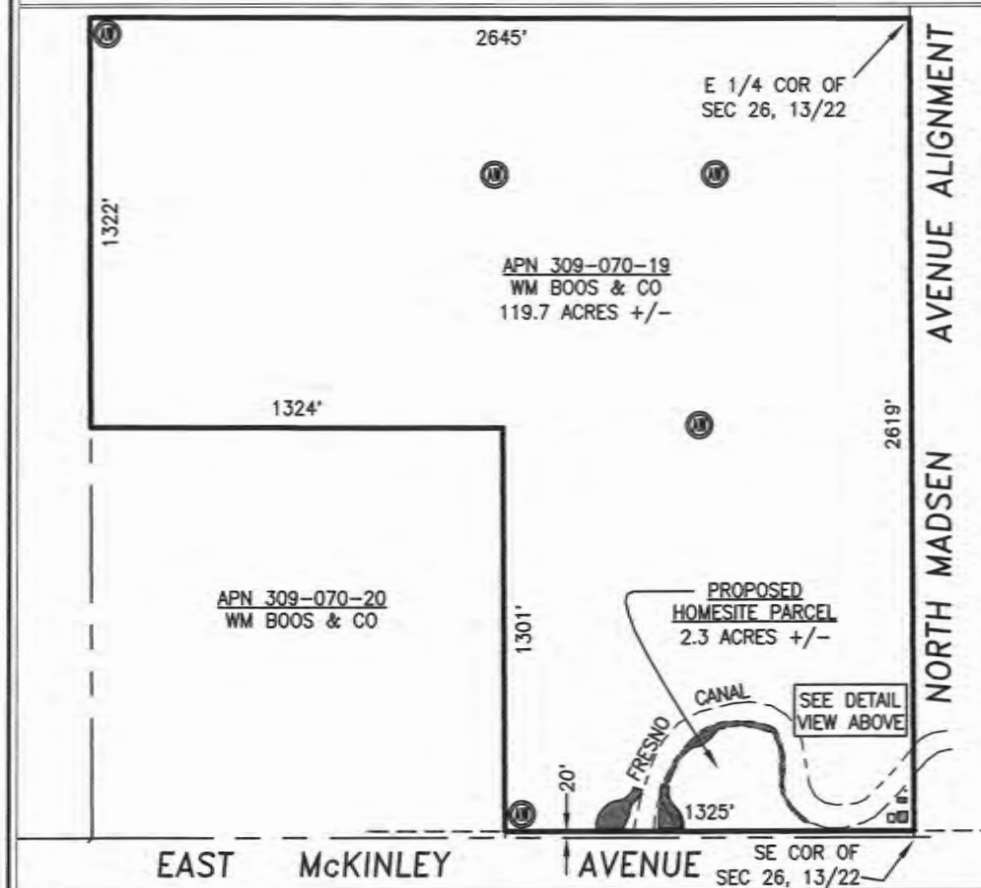
**ASSESSOR'S PARCEL No:**  
APN 309-070-19

**PROJECT SITE ADDRESS**  
13948 E. MCKINLEY AVE.  
SANGER, CA 93657

**PROPERTY OWNER CONTACT INFO:**  
WILLIAM (BILLY) BOOS II, 559-875-6851

**EXISTING PLANNED USE DESIGNATION:**  
EXCLUSIVE AGRICULTURAL

**EXISTING AND PROPOSED ZONE DIST.:**  
AE-20, EXCLUSIVE AGRICULTURAL



**PROJECT INFORMATION**

NAME: BOOS SITE PLAN-SANGER	CLIENT: WILLIAM (BILLY) BOOS II
TWP, RNG, SEC: 13, 22, 26, MDB&M	COUNTY OF: FRESNO
	STATE OF: CALIFORNIA



**ESP SURVEYING**  
2598 N. MIAMI AVE.  
FRESNO, CA  
Tel 559.442.0883  
Fax 559.442.0884  
www.espls.com

DATE OF SURVEY	07/15/2022
ESP JOB No.	22072
DRAWN BY	6335
DRAWN DATE	07/15/2022
REV. 0	8/10/2022

EXHIBIT 6

**Finding 1:**

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

The applicant desires to create a 2.3-acre homesite on a 119.7 +/- acre parcel that fronts E. McKinley Ave. The proposed homesite is traversed and delineated by the Fresno Canal, creating a classic physical circumstance for the applicant's property. The canal provides no crossing or access to the remainder of the site. No changes will occur to the 990 sq. ft. existing home and accessory structures located to the east.

The proposed homesite is being created for the applicant's sister, which will grant her the ability to own land with her own ownership benefits. Other alternatives such as selling the proposed 2.3-acre site are not of interest to the applicant.

**Finding 2:**

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

The proposed Variance is necessary to allow the applicant to create, by right, the proposed homesite on his 119.7 +/- acre parcel. The classic physical circumstance created by the Fresno Canal traverses the property and creates the proposed homesite. Only 2.3-acres of land are proposed to be removed from agricultural production, which in this case have never been used as such.

Creation of the proposed homesite allows the applicant to protect his property like other property owners with like-kind lot sizes. Increased security risk of vandalism to the applicant's farm and enhanced farming efficiency living on his land. The right to have a homesite on one's own property is enjoyed by others under like zoning and can only be realized by the applicant with the granting of the proposed Variance.

Furthermore, the applicant has the right to not be constrained by this physical circumstance for the reasons explained above.

**Finding 3:**

*The granting of the 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;*

No adverse impacts to adjacent properties will occur as a result of the proposed variance. Granting the proposed variance to create a 2.3-acre homesite from an existing 119.7 +/- acre parcel will have no adverse impacts on the public or surrounding property owners. No new improvements will be made to accommodate the lot creation. The existing home to the east is



served by an adequate domestic well and septic tank system which will facilitate utility hook-ups to the proposed homesite.

Granting the proposed Variance will not be detrimental to the public welfare of surrounding properties for the following reasons:

- a) The proposed home site, on which a home exists, would not conflict with the continued agricultural operation on the remaining 117.4 +/- agricultural acreage as it is isolated by the Fresno Canal on the north, east, and west.
- b) The applicant intends to preserve the Fresno Canal and all Fresno Irrigation District easements.
- c) The applicant also proposes to voluntarily prohibit the creation of another homesite on the remaining 117.4 +/- acres and to prohibit the creation of a second residence (granny house) voluntarily on the proposed 2.3-acre homesite. These voluntary conditions will eliminate any possibility that the proposal will result in the removal of adjacent land from agricultural use or create other adverse impacts on agriculture.

**Finding 4:**

***The granting of such variance will not be contrary to the objectives of the Fresno County General Plan***

Allowing the applicant's sister to own her own parcel adjacent to the family farm will enhance site security and agricultural productivity. Additionally, there will be no net loss of farm land or loss of production.

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# County of Fresno

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

## EVALUATION OF ENVIRONMENTAL IMPACTS

APPLICANT: Dirk Poeschel

APPLICATION NOS.: Initial Study No. 8324 and Variance No. 4141

DESCRIPTION: Allow the creation of a 2.3-acre parcel from an existing 119.7-acre parcel in the AE-20 Zone District.

LOCATION: The subject parcel is located on the north-east corner of McKinley and Mendocino Avenue. Approximately three miles north of the City of Sanger. (APN: 309-070-19) (13948 E. McKinley Ave.) (Sup Dist. 5).

### I. AESTHETICS

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

- A. Have a substantial adverse effect on a scenic vista; or
- B. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway; or
- C. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage 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 intends to split the existing 119.7-acre parcel at the portion of the parcel already improved with a single-family residence. As the project proposes to split the subject parcel and with no development proposed, the project would not have a substantial adverse effect on a scenic vista. According to Figure OS-2, McKinley Avenue is designated as a Scenic Drive and fronts the subject parcel. However, the project scope does not propose any immediate development that would impact the scenic resource. Additionally, policies with regard to the protection and preservation of the scenic road would prevent damage to the identified scenic drive. The project would not substantially degrade the existing visual character of the subject parcel as the scope of the project would be confined to the changing of the legal boundaries of the subject parcel in terms of the proposed and remainder parcel.

- 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 development and intends to split the existing parcel between the farming portion and existing homesite. From this consideration, no new sources of substantial light or glare is proposed with this application.

## II. AGRICULTURAL AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California 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 consists of land designated for Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Rural Residential. The project intends to separate the existing homesite from the agricultural operation. There is no further development proposed with this application with the only intent on changing and creating the legal boundaries of the subject parcel. There is no planned conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is enrolled in the Williamson Act Program. Pursuant to the Fresno County Williamson Act Program Guidelines, parcels that are enrolled in the Program are required to have at least 20 acres of Prime soil and an active agricultural operation, or at least 40 acres of Non-Prime soil and an active agricultural operation to be eligible to remain in the Williamson Act Program. The proposed 2.30-acre parcel does not qualify to remain in the Program and must be removed from the Program. The proposed 2.30-acre parcel would be required to be removed from the Williamson Act Program through

the nonrenewal process or the contract cancellation process. Partial cancellation of the Williamson Act Program must be filed by the Applicant and would be at the discretion of the Board of Supervisors. The Partial Cancellation petition would be heard by the Agricultural Land Conservation Committee for a recommendation to the Board of Supervisors. If Partial Cancellation is given by the Board of Supervisors, the project would then be consistent with the Williamson Act as the proposed 2.30-acre parcel would be removed from contract and the remaining acreage would still be above 20 acres and still be farmed.

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

FINDING: NO IMPACT:

The subject parcel is not zoned for forest land, timberland or timberland zoned Timberland Production and the project would 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 project scope is confined to the changing of lot lines to create a new parcel that is already developed for residential use. The remaining acreage would still be farmed and be subject to the same zoning restrictions for agricultural and agricultural supportive uses.

### 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 San Joaquin Valley Air Pollution Control District was given the opportunity to review and comment on the subject proposal. No concerns were expressed by the Air District that a conflict exists between the proposal and an applicable Air Quality Plan.

Additionally, as there is no development or operation proposed with this project, no considerable increase in criteria pollutants are expected as a result of the project.

- 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:

In consideration of the scope of the project, there is no new development proposed and no operational change in the use of either proposed parcel where increased pollutant concentrations or other emissions would occur.

#### 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?

FINDING: NO IMPACT:

Per the California Natural Diversity Database (CNDDDB), there are no reported occurrences of a candidate, sensitive, or special status species in vicinity of the project site.

- B. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; or
- C. Have a substantial adverse effect on state or federally-protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

FINDING: NO IMPACT:

Aerial images of the subject parcel do not indicate any riparian habitats associated with the identified manmade wetlands. The project does not propose development and therefore would not impact the identified wetland.

- 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:

The project proposes to create a substandard parcel from an existing 119.70-acre parcel. There is no development proposed with this application, with the only change being the creation of a homesite parcel. The project would not interfere substantially with the movement of any native resident or migratory fish. There were no identified migratory wildlife corridors or native wildlife nursery sites identified on the project site.

- 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:

Reviewing agencies and departments did not identify any policies or ordinances, or an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved plan that would be in conflict with the project.

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 intends to create a lot from the existing parcel. The created parcel would contain the existing single-family residence. The remainder would be farmed. In consideration of the project scope and existing improvements, no substantial adverse impact associated with a historical or archeological resource would occur.

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 would not result in additional energy resource consumption where a significant environmental impact could occur. Reviewing agencies and departments did not identify any state or local plan for renewable energy or energy efficiency that would be in conflict with the project.

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, the project site is not located within an Earthquake Hazard Zone.

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 (FCGPBR), the project is located in an area identified as having a 0-20% peak horizontal ground acceleration assuming a 10% probability of a seismic hazard in 50 years. The project will comply with all applicable building code standards and regulation. In considering the low probability of the subject site being susceptible to a seismic hazard and compliance with building standards, the project would not result in substantial adverse effects due to strong seismic ground shaking. As the subject site is not likely to be subject to strong seismic ground-shaking, seismic-related ground failure is also not likely to occur and adversely affect the project.

4. Landslides?

FINDING: NO IMPACT:

According to Figure 9-6 of the Fresno County General Plan Background Report (FCGPBR) the subject site is not located in area designated with landslide hazards.

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

FINDING: NO IMPACT:

The project does not propose any new development. The project will 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.

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:

Per Figure 7-1 of the FCGPBR the project site is not located on land identified as having soil exhibiting moderately high to high expansion potential.

D. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water 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 project does not propose the development of additional septic systems or alternative wastewater disposal systems. No unique paleontological or unique geologic feature was identified on the project 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 project will not result in any additional operational characteristics where an increase in greenhouse gas emissions would occur. As noted, the project intends to split an approximately 2.30-acre portion of the project site from the existing approximately 119.70-acre site. The proposed 2.30-acre site would contain the existing single-family residence and the remainder parcels would be contain the existing agricultural operation.

## 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 NEPAassist 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: LESS THAN SIGNIFICANT IMPACT:

According to FEMA FIRM Panel 1620H, northern and southern portions of the area of the subject property are found to be under Flood Zone A, subject to flooding from the 100-year storm. Any future development within the Special Flood Hazard Area shall conform to provisions established in Fresno County Ordinance Code Title 15, Chapter 15.48 Flood Hazard Areas. Any future structure and associated electrical equipment/electrical system components (e.g., service panels, meters, switches, outlets, electrical wiring, walk-in equipment cabinets, generators, bottom of the lowest edge of the solar array, pool associated motors and water heater, receptacles, junction boxes, inverter, transformers, etc.) must comply with the FEMA flood elevation requirements.

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

FINDING: NO IMPACT:

According to FEMA FIRM Panel 1620H, northern and southern portions of the area of the subject property are found to be under Flood Zone A, subject to flooding from the 100-year storm. However, the subject property 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:

he project site is located within the Fresno Metropolitan Flood Control District (FMFCD). No concerns were expressed by the agency. 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 2.3-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 2.3-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 2.30 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 E McKinley Ave. 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 2.30-acre parcel that does not meet the minimum parcel size of the underlying zone district. The parcel is anticipated to be 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, 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 currently vacant. 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 2.30-acre parcel from the existing approximately 119.70-acre project site. This project will separate the 2.30-acre site from the approximately 119.70-acre parcel that is utilized for agricultural. Reducing the amount of farmable acreage could have a cumulative impact, but in considering the approximately +/-117-acres of remaining land for agricultural purposes and a majority of land in the proposed 2.30-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 No. 4141, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation, Tribal Cultural Resources, Utilities and Service Systems, and Wildfire.


Potential impacts related to Agricultural and Forestry Resources and Land Use 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.

ER

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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 8324</b>	<b>LOCAL AGENCY PROPOSED NEGATIVE DECLARATION</b>		County Clerk File No: <b>E-202310000186</b>
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Elliot Racusin, Planner	Area Code: 559	Telephone Number: 600-4245	Extension: N/A
Project Applicant/Sponsor (Name): Rosemarie Braun	Project Title: Variance No. 4141 & Initial Study No. 8324		
Project Description: Variance to allow for the creation of a 2.3-acre homesite parcel from an existing 119.7-acre parcel in the AE-20 Zone District. If the Variance is approved a mapping procedure is required for the creation of both parcels.			
Justification for Negative Declaration: Based upon the Initial Study prepared for Variance Application No. 4141, 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: Fresno Business Journal – June 28, 2023		Review Date Deadline: Planning Commission – TBD	
Date: June 28, 2023	Type or Print Signature: David Randall Senior Planner	Submitted by (Signature): Elliot Racusin Planner 	

State 15083, 15085

County Clerk File No.: E-202310000186

**LOCAL AGENCY  
NEGATIVE DECLARATION**

# PHOTO 1



**Southeast corner of proposed homesite facing northeast**



# PHOTO 2



Portion of Fresno Canal on the east side of proposed homesite



# PHOTO 3



Frontage of proposed homesite facing north

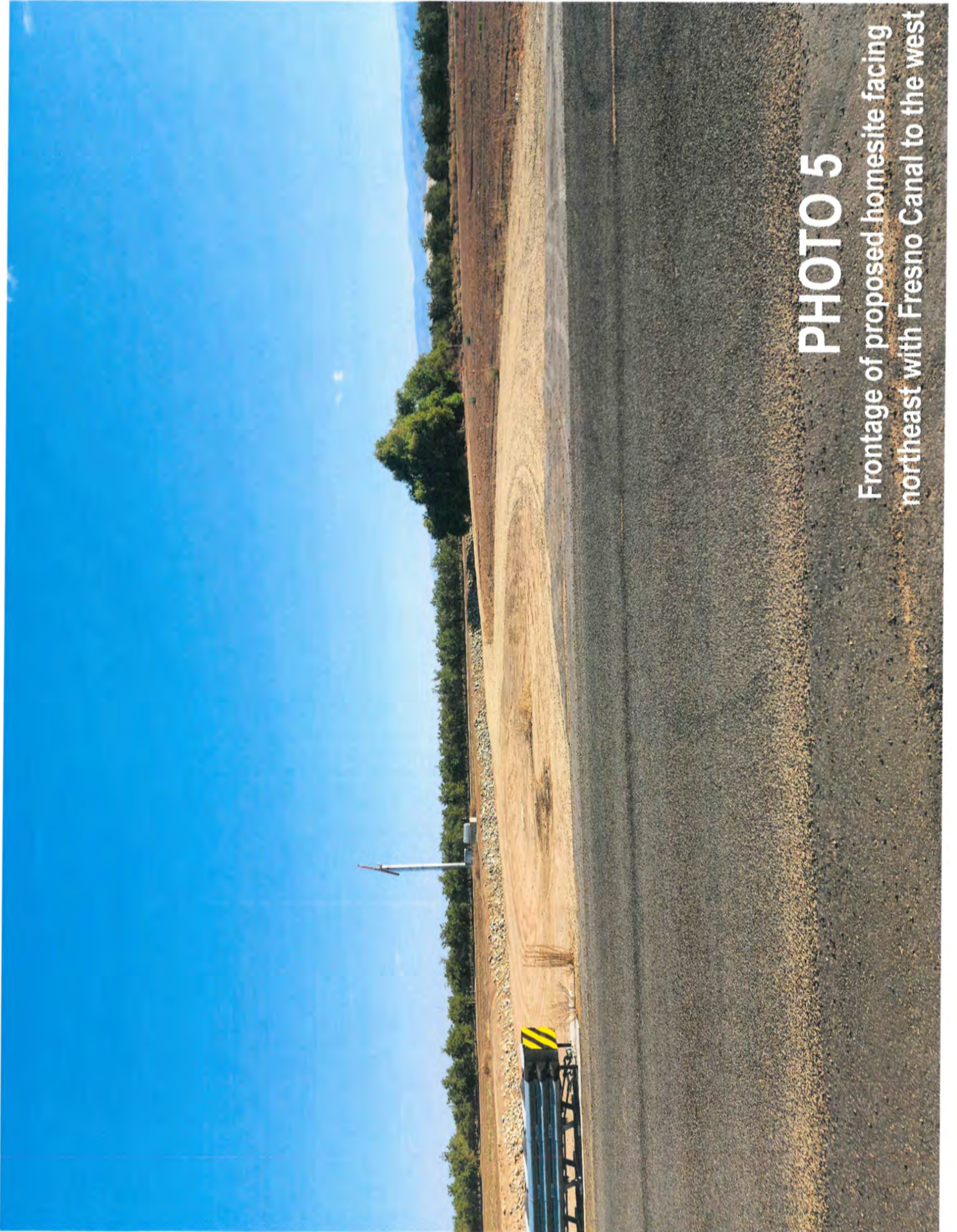


# PHOTO 4



Frontage of proposed homestead facing northwest





# PHOTO 5

Frontage of proposed homesite facing northeast with Fresno Canal to the west