



Inter Office Memo

ATTENTION: FOR FINAL ACTION OR MODIFICATION TO OR ADDITION OF CONDITIONS, SEE FINAL BOARD OF SUPERVISORS' ACTION SUMMARY MINUTES.

DATE: October 10, 2019
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 12799 - INITIAL STUDY APPLICATION NO. 7655,
AMENDMENT APPLICATION NO. 3837 and VARIANCE APPLICATION NO.
4073

APPLICANT: Michael Blas

OWNER: Harris Farms, Inc./Hazelton Farms, Inc.

REQUEST: Rezone a 2.5-acre portion of a 15.10-acre parcel from the AL-40 (Limited Agricultural, 40-acre minimum parcel size) to an AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District and include a Variance to allow the 2.5-acre portion to be created with less than the required 20-acre minimum parcel size and the remaining 12.6-acre portion of the parcel to remain as a legal non-conforming parcel in the AL-40 Zone District.

LOCATION: The subject parcel is located on the east side of E. Trimmer Springs Road approximately 4.3 miles north of its intersection with Belmont Avenue and 7.8 miles northeast of the nearest city limits of the City of Sanger (Sup. Dist. 5) (APN 158-070-40S).

PLANNING COMMISSION ACTION:

At its hearing of October 10, 2019, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Burgess and seconded by Commissioner Eubanks to adopt the Mitigated Negative Declaration prepared for the project; find that the proposed rezone is consistent with the County General Plan; adopt the recommended Findings of Fact for approval of a Variance; and recommend approval of Amendment Application No. 3837 and Variance No. 4073, subject to the Conditions listed in Exhibit B.

This motion passed on the following vote:

VOTING: Yes: Commissioners Burgess, Eubanks, Abrahamian, Hill and Vallis
 No: None
 Absent: Commissioners Chatha, Delahay and Lawson
 Abstain: Ede

STEVEN E. WHITE, DIRECTOR
Department of Public Works and Planning
Secretary-Fresno County Planning Commission

By: 

William M. Kettler, Manager
Development Services and Capital Projects Division

WMK:ksn:cwm
G:\4360Devs&Plan\PROJSEC\PROJDOCS\AA\3800-3899\3837 - See VA 4073\RESOLUTION\AA 3837 VA 4073 Reso.docx

Attachments

EXHIBIT A

Initial Study Application No. 7655
Amendment Application No. 3837
Variance Application No. 4073

Staff: The Fresno County Planning Commission considered the Staff Report dated October 10, 2019 and heard a summary presentation by staff.

Applicant: The owner's representative concurred with the Staff Report staff's recommendation and the recommended Conditions. He described the project and offered the following information to clarify the intended use:

- We (Hazelton Farms) need more storage space on our property.
- Squaring off our property with the acquisition of the adjacent 2.5 acres will provide additional land needed for box storage.
- We agree with all mitigation measures and conditions of approval recommended by staff.

Others: One individual from Harris Ranch presented information in support of the application indicating that squaring off the property will help truckers make better and safer turns onto the property.

No other individuals presented information in favor of or in opposition to the applications.

Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the applications.

EXHIBIT B

**Mitigation Monitoring and Reporting Program
Initial Study Application No. 7655
Amendment Application (AA) No. 3837; Variance Application No. 4073
(Including Conditions of Approval and Project Notes)**

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Cultural Resources	A professional archeologist shall conduct an archeological survey prior to any ground-disturbing activities resulting from development activities on the 2.5-acre parcel.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	As noted
2.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/ PW&P	As noted
Conditions of Approval					
1.	A mapping procedure is required to merge the proposed 2.5-acre parcel with the 19.78-acre parcel. The project proponent shall file a Property Line Adjustment (PLA) application with the Development Engineering Section of the Fresno County Department of Public Works and Planning.				
2.	<p>Trimmer Springs Road is classified as an Arterial with an existing 40-foot right-of-way east of the centerline along the parcel frontage. The minimum width for an Arterial right-of-way east of the centerline is 42 feet. The owner of the subject property shall record a document irrevocably offering the northerly 2 feet of the subject property to the County of Fresno as future right-of-way for Trimmer Springs Road.</p> <p>Note: A preliminary title report or lot book guarantee is required before the irrevocable offer of dedication can be processed. The owner is advised that where deeds of trust or any other type of monetary liens exist on the property, the cost of obtaining a partial reconveyance, or any other document required to clear title to the property, shall be borne by the owner or developer.</p>				

*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.

Project Notes

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

1.	The Applicant shall submit a preliminary technical report to the State Water Resources Control Board – Division of Drinking Water in compliance with Senate Bill 1263 six months prior to any water-related construction for the future development on the property.
2.	Future development proposals shall adhere to the Fire and Building Codes and shall annex to Community Facilities District No. 2010-01 of the Fresno County Fire Protection District.
3.	<p>To address grading and drainage impacts resulting from future development proposals, the Development Engineering Section of the Fresno County Department of Public Works and Planning requires the following:</p> <ul style="list-style-type: none">• An Engineered Grading and Drainage Plan to show how additional storm water runoff generated by the development will be handled without adversely affecting adjacent properties• A Grading Permit or Voucher for site grading• On-site turnarounds for vehicles leaving the site to enter the Arterial road in a forward motion• No new access points shall be allowed without prior approval.• Any development within the area identified as Zone A per FEMA, FIRM Panel 1645H shall comply with the County Flood Hazard Ordinance (Title 15.48).• Any improvements constructed near the canal that runs through the subject parcel shall be coordinated with the owners of the canal.• Any additional runoff generated by the proposed development of this site shall be retained or disposed of per County Standards.

EA:ksn:cwm

G:\4360Devs&PIn\ADMIN\BOARD\Board Items\2010-2019\2019\12-10-19\AA 3837 and VA 4073\AA 3837 (Reso Exhibit B).docx

EXHIBIT "C"

ATTACHMENT
TO
AGENDA ITEM

FISCAL IMPACT STATEMENT

Initial Study Application No. 7655
Amendment Application No. 3837
Variance Application No. 4073

Listed below are the fees collected for the land use applications involved in this Agenda Item:

Initial Study Application	\$ 3,901.00 ¹
Amendment Application	\$ 6,214.00 ²
Variance Application – Class II	\$ 6,049.00 ²
Ag. Commissioner (Variance)	\$ 76.00 ²
Public Health Department Review	<u>\$ 1,086.00³</u>
Total Fees Collected	<u>\$ 17,326.00</u>

¹ Includes project routing, coordination with reviewing agencies, preparation and incorporation of analysis into Staff Report.
² Review and research, engaging with reviewing departments and multiple agencies, staff's analysis, Staff Report and Board Agenda Item preparation, public hearings before County Planning Commission and County Board of Supervisors.
³ Review of proposal and associated environmental documents by the Department of Public Health, Environmental Health Division.



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 2 October 10, 2019

SUBJECT: Initial Study Application No. 7655 and Amendment Application No. 3837; Variance Application No. 4073

Rezone a 2.5-acre portion of a 15.10-acre parcel from the AL-40 (Limited Agricultural, 40-acre minimum parcel size) to an AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District and include a Variance to allow the 2.5-acre portion to be created with less than the required 20-acre minimum parcel size and the remaining 12.6-acre portion of the parcel to remain as a legal non-conforming parcel in the AL-40 Zone District.

LOCATION: The subject parcel is located on the east side of E. Trimmer Springs Road approximately 4.3 miles north of its intersection with Belmont Avenue and 7.8 miles northeast of the nearest city limits of the City of Sanger (Sup. Dist. 5) (APN 158-070-40S).

OWNER: Harris Farms, Inc.; Hazelton Farms, Inc.
APPLICANT: Michael Blas

STAFF CONTACT: Ejaz Ahmad, Planner
(559) 600-4204

Marianne Mollring, Senior Planner
(559) 600-4569

RECOMMENDATION:

- Recommend that the Board of Supervisors adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7655; and
- Recommend that the Board of Supervisors find that the proposed rezone of a 2.5-acre portion of a 15.10-acre parcel from the AL-40 (Limited Agricultural, 40-acre minimum parcel size) to an AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District is consistent with the General Plan and Kings River Regional Plan, and approve a Variance to allow the 2.5-acre portion to be created with less than the required 20-acre minimum parcel size in the AE-20 Zone District and the remaining 12.6-acre portion of the parcel to remain as a legal non-conforming parcel in the AL-40 Zone District; and
- Direct the Secretary to prepare a Resolution to forward Amendment Application (AA) No. 3837 and Variance (VA) Application No. 4073 to the Board of Supervisors with a recommendation of approval, subject to the Mitigation Measures and Conditions of Approval as listed in the Staff Report.

EXHIBITS:

1. Mitigation Monitoring, Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Uses Allowed Under the Current AL-40 (Limited Agricultural) Zoning
6. Uses Allowed Under the Proposed AE-20 (Exclusive Agricultural) Zoning
7. Approved Variance within One-Mile Radius
8. Applicant’s Statement of Variance Findings for VA No. 4073
9. Existing and Proposed Parcel Configuration
10. Summary of Initial Study Application No. 7655
11. Draft Mitigated Negative Declaration

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agriculture in the Kings River Regional Plan	No change
Zoning	AL-40 (Limited Agricultural), 40-acre minimum parcel size	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)
Parcel Size	15.10 acres	<ul style="list-style-type: none"> • 2.5 acres • 12.6 acres
Project Site	Orchard	<ul style="list-style-type: none"> • Rezone a 2.5-acre portion of a 15.10-acre parcel from the AL-40 (Limited Agricultural, 40-acre minimum parcel size) to an AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District; and • Allow the 2.5-acre portion to be created with less than the required 20-acre minimum parcel size in the

Criteria	Existing	Proposed
		AE-20 Zone District and the remaining 12.6-acre portion of the parcel to remain as a legal non-conforming parcel in the AL-40 Zone District.
Structural Improvements	None	None
Nearest Residence	235 feet to the west	None
Surrounding Development	Orchard; Kings River packing and storage facility	No change
Operational Features	N/A	N/A
Employees	N/A	N/A
Customers	N/A	N/A
Traffic Trips	N/A	N/A
Lighting	N/A	N/A
Hours of Operation	N/A	N/A

Setback, Separation and Parking

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	AL-40 Zone District: Front: 35 feet Sides: 20 feet Rear: 20 feet	AE-20 Zone District: Front: 35 feet Sides: 20 feet Rear: 20 feet	N/A. No development proposed
Parking	No requirement	No requirement	N/A. No development proposed
Lot Coverage	No requirement	No requirement	N/A. No development proposed
Separation Between Buildings	No requirement	No requirement	N/A. No development proposed
Wall Requirements	Per Section 855-H.2 of the Zoning Ordinance	Per Section 855-H.2 of the Zoning Ordinance	N/A. No development proposed

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Septic Replacement Area	100 percent for the existing system	100 percent for the existing system	N/A. No development proposed
Water Well Separation	Building sewer/septic tank: 50 feet; disposal field: 100 feet; seepage pit/cesspool: 150 feet	Building sewer/septic tank: 50 feet; disposal field: 100 feet; seepage pit/cesspool: 150 feet	N/A. No development proposed

Circulation and Traffic

		Existing Conditions	Proposed Operation
Public Road Frontage	Yes	Trimmer Springs Road; Good condition	No change
Direct Access to Public Road	Yes	Trimmer Springs Road; Good condition	No change
Road ADT		1200	No change
Road Classification		Arterial	No change
Road Width		40-foot right-of-way east of the centerline of Trimmer Springs Road (minimum Arterial right-of-way east of centerline is 42 feet)	Two (2) feet additional right-of-way required east of centerline required
Road Surface		Asphalt concrete paved	No change
Traffic Trips		N/A	N/A. No development proposed
Traffic Impact Study (TIS) Prepared	Yes	N/A	No TIS required by the Design Division of the Fresno County Department of Public Works and Planning
Road Improvements Required		Good	No change

Surrounding Properties

	Size:	Use:	Zoning:	Nearest Residence:
North	19.78 acres	Fruit Packing Facility	AE-20	None

	Size:	Use:	Zoning:	Nearest Residence:
South	42 acres	Orchard	AL-20	None
East	N/A	Kings River	O	N/A
West	581.7 acres	Orchard; Single-family residences	AE-20	235

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

ENVIRONMENTAL ANALYSIS:

Initial Study No. 7655 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 is appropriate. A summary of the Initial Study is included as Exhibit 10.

PUBLIC NOTICE:

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

PROCEDURAL CONSIDERATIONS:

A rezoning is a legislative act requiring action by the Board of Supervisors. A decision by the Planning Commission in support of a rezoning request is an advisory action requiring an affirmative vote of the majority of its total membership. Should the Planning Commission recommend approval, a subsequent hearing date before the Board of Supervisors will be scheduled as close to the Commission’s action as practical to make the final decision on the Amendment Application. Information for that hearing will be provided under separate notice.

A Variance (VA) Application may be approved only if four Findings specified in the Fresno County Zoning Ordinance, Section 873-F are made by the Planning Commission.

Both Applications (AA and VA) represent an interrelated request for a single project and must be approved concurrently or denied concurrently.

BACKGROUND INFORMATION:

County records indicate that the subject 15.10-acre parcel was zoned Interim A-2 (General Agricultural District) on September 25, 1962 and was later rezoned to AE-40 (Exclusive Agricultural; 40-acre minimum parcel size). On May 4, 1982 Amendment Application No. 3244 (Ord. No. R-3244) was approved, which changed the parcel zoning from the AE-40 Zone District to an AL-40 (Limited Agricultural, 40-acre minimum parcel size) Zone District. The parcel currently holds AL-40 zoning.

Under the subject proposal, the Applicant is proposing to rezone a 2.5-acre portion of the subject 15.10-acre parcel from the AL-40 Zone District to an AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District and include a Variance to allow the 2.5-acre portion to be created with less than the required 20-acre minimum parcel size in the AE-20 Zone District

and the remaining 12.6-acre portion of the parcel to remain as a legal non-conforming parcel in the AL-40 Zone District.

The subject parcel contains orchard with no improvements. The adjacent parcel to the north is developed with a fruit packing and storage facility and the parcels to the south and west contain orchard. Kings River flows to the east of the parcel.

Should the subject rezone and Variance requests be approved, Hazelton Farms, Inc. will acquire the proposed 2.5-acre parcel from its owner (Harris Farms, Inc.) and merge it with the adjacent 19.78-acre parcel developed with a fruit packing and storage facility (Kings River Packing). The merger will provide additional land to the facility for its future expansion. The Applicant will submit a Property Line Adjustment (PLA) application with the County to adjust the property boundaries between the two parcels, resulting in an adjusted 22.28-acre parcel in the AE-20 Zone District. The PLA process will be completed only after the approval of the subject rezone and Variance requests.

Relevant Policies:	Consistency/Considerations:
<p>General Plan Policy LU-A.12: In adopting land use policies, regulations and programs, the County shall seek to protect agricultural activities from encroachment of incompatible land uses.</p> <p>General Plan Policy LU-A.13: The County shall protect agricultural operations from conflicts with non-agricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations.</p> <p>General Plan Policy LU-A.14: The County shall ensure that the review of discretionary permits include an assessment of the conversion of productive agricultural land and that mitigation be required where appropriate.</p>	<p>The subject proposal entails rezoning of a 2.5-acre portion of a 15.10-acre parcel from the AL-40 (Limited Agricultural, 40-acre minimum parcel size) to an AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The subject parcel contains orchard with no improvements. With no development proposed by this application and the rezoned parcel to remain in farming operation, no impact on adjacent agricultural operations is expected from this proposal. The proposal is consistent with Policies LU-A.12, 13 and 14.</p>
<p>General Plan Policy PF-C.17: County shall, prior to consideration of any discretionary projects related to land use, undertake a water supply evaluation. The evaluation shall include a determination that the water supply is adequate to meet the highest demand that could be permitted on the lands in question and if groundwater is proposed, a hydrological investigation may be required to confirm the availability of water in amounts necessary to meet project demand.</p>	<p>The project site is not located in a water-short area. Due to no development proposed, there will be no impact on groundwater resources. The Water and Natural Resources Division of the Fresno County Department of Public Works and Planning expressed no water-related concerns with the project.</p>

Reviewing Agency/Department Comments:

Southern San Joaquin Valley Information Center: A professional archeologist shall conduct an archeological survey prior to any ground-disturbance activities resulting from future development proposals on the property. This has been included as a Mitigation Measure.

State Water Resources Control Board, Division of Drinking Water (SWRCB-DDW): The Applicant shall submit a preliminary technical report to SWRCB-DDW in compliance with Senate Bill 1263 six months prior to any water-related construction for the future development on the property.

Development Engineering Section of the Fresno County Department of Public Works and Planning: On-site turnarounds shall be required for vehicles leaving the site to enter Trimmer Springs Road in a forward motion. No new access points shall be allowed without prior approval. Any development within the area identified as Zone A per FEMA, FIRM Panel 1645H shall comply with the County Flood Hazard Ordinance (Title 15.48). Any improvements constructed near the canal that runs through the subject parcel shall be coordinated with the owners of the canal. Any additional runoff generated by the proposed development of this site shall be retained or disposed of per County Standards. Future development proposals shall require an Engineered Grading and Drainage Plan to show how additional storm water runoff generated by the development will be handled without adversely affecting adjacent properties and a grading permit will be required prior to site grading.

Fresno County Fire Protection District: Future development proposals shall adhere to the Fire and Building Code and shall require annexation to Community Facilities District No. 2010-01 of the District.

Zoning Section of the Fresno County Department of Public Works and Planning: A mapping procedure shall be required for the merger of the proposed 2.50-acre parcel with the 19.78-acre parcel.

The aforementioned requirements have been included as Project Notes.

Table Mountain Rancheria Tribal Government; Native American Heritage Commission; Regional Water Quality Control Board; California Department of Fish and Wildlife; U.S. Fish and Wildlife Service; Fresno County Department of Public Health, Environmental Health Division; Fresno County Department of Agriculture; Water and Natural Resources Division; Road Maintenance and Operations Division, Design Division, Site Plan Review Section, Mapping Section, and Building and Safety Sections of the Fresno County Department of Public Works and Planning: No concerns with the project.

ANALYSIS/GENERAL PLAN CONSISTENCY:

The subject 15.10-acre parcel is designated Agriculture in the Kings River Regional Plan and zoned AL-40 (Limited Agricultural, 40-acre minimum parcel size) in the County Zoning Ordinance. The subject proposal would allow the rezone of a 2.5-acre portion of the subject parcel from an AL-40 Zone District to an AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

The subject parcel contains orchard with no improvements. The adjacent parcel to the north is developed with a fruit packing and storage facility and the parcels to the south and west contain orchard. The Kings River flows to the east of the parcel.

One fundamental issue regarding any rezone request is whether the proposed zone change is consistent with the General Plan. According to the Zoning Compatibility Matrix for the General Plan, the proposed AE-20 Zone District is conditionally compatible with land designated Agriculture.

The “AE” District is an exclusive agricultural district intended for agriculture, and for those uses which are necessary and an integral part of the agricultural operation. Likewise, the “AL” District is a limited agricultural district intended to protect the general welfare of the agricultural community by limiting intensive uses in agricultural areas where such uses may be incompatible with, or injurious to, other less intensive agricultural operations. The subject proposal is located in an area zoned for exclusive agricultural and limited agricultural uses.

Although the AE-20 Zone District allows more agricultural uses than those allowed in the AL-40 Zone District, the difference between the two districts, however, is insignificant. As such, the proposed rezone of a 2.5-acre portion of a 15.10-acre parcel from the AL-40 to an AE-20 Zone District will have less impact on the surrounding land uses. The proposed rezoning involves no development and matches with the AE-20 zoning on the adjacent 19.78-acre parcel and other parcels near the proposal. Surrounding parcels are zoned AE-20, AL-20 and AL-40 and designated Agriculture in the Kings River Regional Plan.

An Initial Study (IS) prepared for this proposal has identified potential impacts related to cultural resources. To mitigate the impact, an archeological survey will be required prior to any ground-disturbing activities and any cultural resources or human remains discovered during ground-disturbance activities will require all work to be stopped and findings to be evaluated by an archeologist. Potential impacts related to aesthetics, hydrology and water quality, land use and planning, public services, tribal cultural resources, and utilities and service systems have been determined to be less than significant. As no development is proposed by the subject applications, the Mitigation Measures, Conditions of Approval and Project Notes (mandatory project requirements) as noted in Exhibit 1 of this report would more appropriately apply to the future development on the property.

Pursuant to AB (Assembly Bill) 52, the subject proposal was routed to the Santa Rosa Rancheria Tachi Yokut Tribe, Picayune Rancheria of the Chukchansi Indians, Dumna Wo Wah Tribal Government, and Table Mountain Rancheria, providing them an opportunity to consult under Public Resources Code (PRC) Section 21080.3(b). No tribe responded with a request for consultation. As the project site is located in an area designated to be highly sensitive for archeological resources, the Mitigation Measures included in Exhibit 1 of this report will safeguard Tribal Cultural Resources (TCRs) prior to and during any ground-disturbance activities.

Based on the above information, and with adherence to the Mitigation Measures, Conditions of Approval, and mandatory Project Notes, staff believes that the subject rezoning from the AL-40 Zone District to an AE-20 Zone District will not have an adverse effect upon surrounding properties. The proposal is consistent with the Fresno County General Plan and Kings River Regional Plan.

Recommended Conditions of Approval:

See Mitigation Measures, Conditions of Approval and Project Notes attached as Exhibit 1.

ANALYSIS/DISCUSSION – VARIANCE APPLICATION NO. 4074 to allow a 2.5-acre parcel in the AE-20 Zone District and a 12.6-acre parcel in the AL-40 Zone District as legal non-conforming parcels

County records indicate that one Variance Application pertaining to lot size was filed within a one-mile radius of the subject property (Exhibit 7). The following table provides a brief summary of that Variance request, staff recommendation, and final action by the Planning Commission:

Application/Request	Staff Recommendation	Final Action	Date of Action
Variance No. 3564 – Allow a 6.23-acre parcel and a 8.98-acre parcel resulting from a property line adjustment between a 4.80-acre parcel and a 10.41-acre parcel, and allow reduced area and frontage/width and an excessive depth-to-width ratio for zoning areas within the above-referenced parcels in the AE-20, AE-160, RC-40, and “O” Zone Districts.	Approval if the Commission makes Findings 1 and 2	Planning Commission Approved	March 20, 1997

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; and

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:

Zoning Section of the Fresno County Department of Public Works and Planning: A Variance shall be required to allow the creation of a 2.5-acre parcel in the AE-20 Zone District and a 12.6-acre parcel in the AL-40 Zone District as legal non-conforming parcels.

No other Agencies or Departments, including the Fresno County Department of Agriculture, offered comments specific to the proposal.

Analysis:

In support of Finding 1, the Applicant states that they seeks to acquire a 2.5-acre portion of a 15.10-acre parcel to merge to the adjacent 19.78-acre parcel for future expansion of Kings River Packing (KRP) facilities. The merged 2.5 acres will retain its agricultural land use with an AE-20 zoning and will allow for improved circulation to the facility and its access points. The rezone of the 2.5-acre parcel from AL-40 to AE-20 would match the adjacent parcel, make this merger possible, and allow the remaining 12.6 acres to maintain AL-40 Zoning.

In support of Finding 2, the Applicant states that the acquisition of a 2.5-acre parcel would square the current odd shaped parcel to Trimmer Springs Road and allow for safer, more efficient access for employees and large trucks servicing the facility. The Applicant further states that squaring the parcel would significantly improve the circulation of the facility and accommodate the turning template of the large freight vehicles accessing from Trimmer Springs Road.

In order to make Findings 1 and 2, it must be demonstrated that there are exceptional circumstances relating to the physical characteristics of the property and that the Variance is needed to avoid a loss of a substantial property right. In this case, the Applicant is proposing to allow the creation of a 2.5-acre parcel in the AE-20 Zone District and a 12.6-acre parcel in the AL-40 Zone District through the subject Variance and rezone requests. The 2.5-acre AE-20-zoned parcel will merge with an adjacent 19.78-acre AE-20-zoned parcel developed with a fruit packing and storage facility. The adjusted 22.28-acre parcel will accommodate the future expansion of the facility.

With regard to Finding No. 1 and 2, upon reviewing the current parcel configuration (Exhibit 9) and aerial view of the parcel and its surrounding, staff concurs with the Applicant regarding the parcel's irregular shape and its location in reference to the adjacent parcel. The subject parcel is triangular and its most northerly portion abuts with Trimmer Springs Road and southern boundary of the adjacent 19.78-acre parcel containing a fruit packing and storage facility. Acquisition of a 2.5-acre parcel through the subject proposal and merging it with the abutting parcel will make the westerly half of the southern boundary of the new parcel parallel to its northern boundary and perpendicular to Trimmer Springs Road. Staff believes that squaring off the parcel as desired by the Applicant and shown on Exhibit 9 of this report will help improve site access points off Trimmer Springs Road and on-site circulation for vehicles and trucks serving the facility.

A consideration in addressing Findings 1 and 2 is whether there are alternatives available that would avoid the need for the Variance. Given the circumstances described by the Applicant in "Applicant's Submitted Findings" (Exhibit 8), there appears to be no other alternative that would meet the Applicant's desire to create a 2.5-acre AE-20-zoned parcel to merge with the 19.78-acre AE-20-zoned parcel to provide for additional land for improved traffic circulation for the future expansion of the existing fruit packing facility.

Based on the above analysis and considering the site's physical characteristics and need to improve traffic circulation for the expansion of the existing fruit packing facility, staff believes Findings 1 and 2 can be made.

Recommended Condition of Approval:

None.

Conclusion:

Findings 1 and 2 can 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.*

Reviewing Agencies/Department Comments:

See above **Reviewing Agency/Department Comments** for AA No. 3837

Analysis:

In support of Finding 3, the Applicant states that the rezoning of a 2.5-acre parcel from AL-40 to AE-20 will conform with the Fresno County’s General Plan Agricultural use designation and will have no detrimental effects on public well-being. Similarly, the creation of a 12.6-acre parcel with current AL-40 zoning will conform to the Fresno County’s General Plan Agricultural use designation and will have no detrimental effects on public well-being. Furthermore, granting the rezone and Variance requests will help the fruit packing and storage facility improve its quality of service to the surrounding area.

With regard to Finding 3, staff notes that the subject parcel and the abutting parcels to the south and west contain orchard with single-family dwellings and related improvements. A fruit packing facility is located on the north side and Kings River is located on the east side of the subject parcel. Should the proposed rezone and Variance requests be granted approval, the proposed 2.5-acre parcel, upon merging with the adjacent 19.78-acre parcel through a property line adjustment, will retain its agricultural use (orchard). Likewise, the 12.6-acre parcel (balance of the 15.10-acre parcel) will also retain its agricultural use (orchard) for an unforeseeable period. Considering the parcel’s agricultural compatibility with the surrounding agricultural uses, staff is unaware of any adverse impact that the granting of this Variance will cause.

Recommended Conditions of Approval:

See Mitigation Measures, Conditions of Approval and Project Notes attached as Exhibit 1.

Conclusion:

Finding 3 can be made.

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

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 Policy LU-A.9, LU-A.10 and LU-A.11.	The subject proposal involves the creation of two parcels less than 20 acres in the AE-20 Zone District. The proposal does not qualify for an exception under Policies LU-A.9, due to the parcel not being a financing parcel, gift lot, or owned by the property owner prior to the date the policies were implemented. The proposal also lacks qualifications for exemptions provided in Policy LU-A.10 (entails development of an agricultural commercial center) and Policy LU-A.11 (entails recovery of mineral resources).
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	The subject 15.10-acre parcel contains orchard. This Variance, in conjunction with a rezone request, proposes to create a 2.5-acre parcel in the AE-20 Zone District and a 12.6-acre parcel

Relevant Policies:	Consistency/Considerations:
<p>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>in the AL-40 Zone District. The 2.5-acre parcel will merge with the adjacent 19.78-acre parcel to make a 22.28-acre parcel in the AE-20 Zone District. Both parcels will remain in the farming operation consistent with agricultural operations on adjacent parcels. Additionally, the proposal will not create additional parcels or increase residential density in the area.</p>

Reviewing Agencies/Department Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: The subject parcel is not enrolled in the Williamson Act Program. The Agriculture and Land Use Element of the General Plan maintains 20 acres as the minimum parcel size in areas designated for Agriculture. Policies LU-A.6 and LU-A.7 state that the County shall generally deny requests to create parcels less than the minimum size specified in areas designated Agriculture.

Analysis:

In support of Finding 4, the Applicant states that granting a rezone for a 2.5-acre parcel will allow it to keep its current agricultural use and granting of a Variance for the creation of a 12.6-acre parcel will allow it to keep its current land use. The project will have no impact on the Fresno County General Plan Agricultural use designation.

The subject property is designated Agriculture in the Kings River Regional Plan. General Plan Policies LU-A.6 and LU-A.7 require a minimum parcel size of 20 acres as a means of encouraging continued agricultural production and minimizing the amount of land converted to non-agricultural uses. The subject proposal involves the creation of a 2.5-acre parcel that is less than the minimum 20-acre parcel size required in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District and a 12.6-acre parcel that is less than the minimum 40-acre size required in the AL-40 (Limited Agricultural, 40-acre minimum parcel size) Zone District.

With regard to Finding 4, General Plan policies seek to minimize the loss of productive agricultural land and generally provide for a minimum parcel size of 20 acres. In the case of the subject proposal, the proposed 2.5-acre parcel is currently planted in orchard and will merge with the adjacent parcel to form a new 22.28-acre parcel exceeding the minimum parcel size required in the AE-20 Zone District. The proposed 12.6-acre parcel is also planted in orchard and will remain in agricultural use.

Staff notes that the parcel merger will not result in the creation of additional parcels and, as the parcels' current agricultural use will remain intact, there will be no negative impact or any conflict with agricultural uses on the adjacent farmland. As such, the subject Variance request and related rezone does not appear to violate the intention of the General Plan Policies. Furthermore, this proposal was reviewed by the Fresno County Department of Agriculture,

which raised no concerns regarding the effect of the proposed parcelization to agriculture.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 4 can be made.

CONCLUSION:

Staff believes that the proposed rezone from the AL-40 (Limited Agricultural, 40-acre minimum parcels size) Zone District to an AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District is consistent with the Fresno County General Plan and the Kings River Regional Plan and recommends approval of Amendment Application No. 3837 and Variance No. 4073, subject to the Mitigation Measures, Conditions of Approval and Project Notes attached as Exhibit 1.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Recommend that the Board of Supervisors adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7655; and
- Recommend that the Board of Supervisors find that the proposed rezone of a 2.5-acre portion of a 15.10-acre parcel from the AL-40 (Limited Agricultural, 40-acre minimum parcel size) Zone District to an AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District is consistent with the General Plan and Kings River Regional Plan, and approve the Variance to allow the 2.5-acre portion to be created with less than the required 20-acre minimum parcel size in the AE-20 Zone District and the remaining 12.6-acre portion of the parcel to remain as a legal non-conforming parcel in the AL-40 Zone District; and
- Direct the Secretary to prepare a Resolution to forward Amendment Application No. 3837 and Variance Application No. 4073 to the Board of Supervisors with a recommendation of approval, subject to the Mitigation Measures and Conditions of Approval as listed in the Staff Report.

Alternative Motion (Denial Action)

- Determine the proposed rezone of a 2.5-acre portion of a 15.10-acre parcel from the AL-40 (Limited Agricultural, 40-acre minimum parcel size) Zone District to an AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District is inconsistent with the General Plan and Kings River Regional Plan and deny Amendment Application No. 3837 and Variance No. 4073 (state basis for denial); and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

**Mitigation Monitoring and Reporting Program
Initial Study Application No. 7655
Amendment Application (AA) No. 3837; Variance Application No. 4073
(Including Conditions of Approval and Project Notes)**

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Cultural Resources	A professional archeologist shall conduct an archeological survey prior to any ground-disturbing activities resulting from development activities on the 2.5-acre parcel.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	As noted
2.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/ PW&P	As noted
Conditions of Approval					
1.	A mapping procedure is required to merge the proposed 2.5-acre parcel with the 19.78-acre parcel. The project proponent shall file a Property Line Adjustment (PLA) application with the Development Engineering Section of the Fresno County Department of Public Works and Planning.				
2.	<p>Trimmer Springs Road is classified as an Arterial with an existing 40-foot right-of-way east of the centerline along the parcel frontage. The minimum width for an Arterial right-of-way east of the centerline is 42 feet. The owner of the subject property shall record a document irrevocably offering the northerly 2 feet of the subject property to the County of Fresno as future right-of-way for Trimmer Springs Road.</p> <p>Note: A preliminary title report or lot book guarantee is required before the irrevocable offer of dedication can be processed. The owner is advised that where deeds of trust or any other type of monetary liens exist on the property, the cost of obtaining a partial reconveyance, or any other document required to clear title to the property, shall be borne by the owner or developer.</p>				

*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.

Project Notes

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

1.	The Applicant shall submit a preliminary technical report to the State Water Resources Control Board – Division of Drinking Water in compliance with Senate Bill 1263 six months prior to any water-related construction for the future development on the property.
2.	Future development proposals shall adhere to the Fire and Building Codes and shall annex to Community Facilities District No. 2010-01 of the Fresno County Fire Protection District.
3.	<p>To address grading and drainage impacts resulting from future development proposals, the Development Engineering Section of the Fresno County Department of Public Works and Planning requires the following:</p> <ul style="list-style-type: none">• An Engineered Grading and Drainage Plan to show how additional storm water runoff generated by the development will be handled without adversely affecting adjacent properties• A Grading Permit or Voucher for site grading• On-site turnarounds for vehicles leaving the site to enter the Arterial road in a forward motion• No new access points shall be allowed without prior approval.• Any development within the area identified as Zone A per FEMA, FIRM Panel 1645H shall comply with the County Flood Hazard Ordinance (Title 15.48).• Any improvements constructed near the canal that runs through the subject parcel shall be coordinated with the owners of the canal.• Any additional runoff generated by the proposed development of this site shall be retained or disposed of per County Standards.

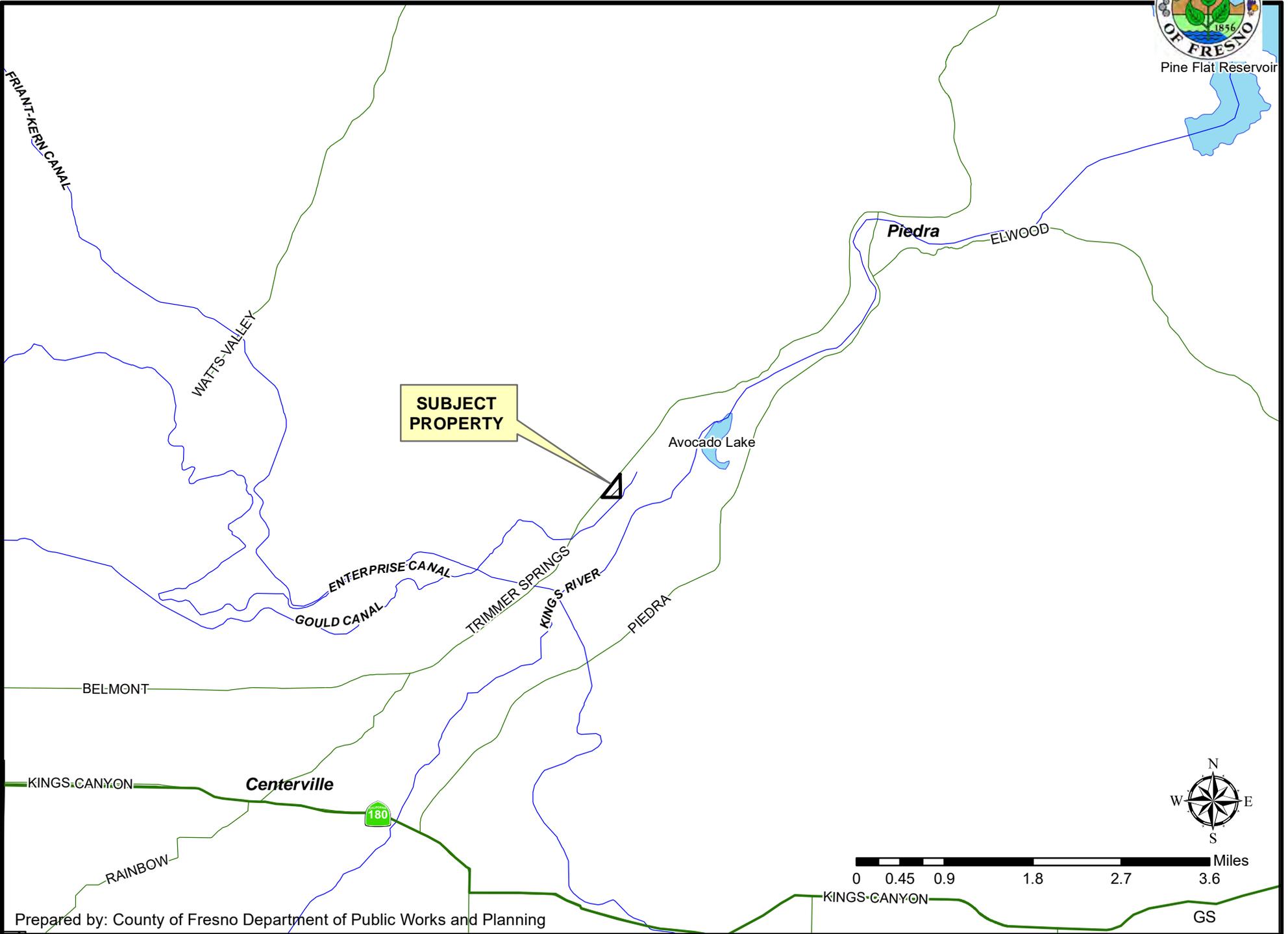
EA:ksn

G:\4360Devs&Pln\PROJSEC\PROJDOCS\AA\3800-3899\3837 - See VA 4073\SR\AA 3837 VA 4074 MMRP (Ex 1).docx

LOCATION MAP

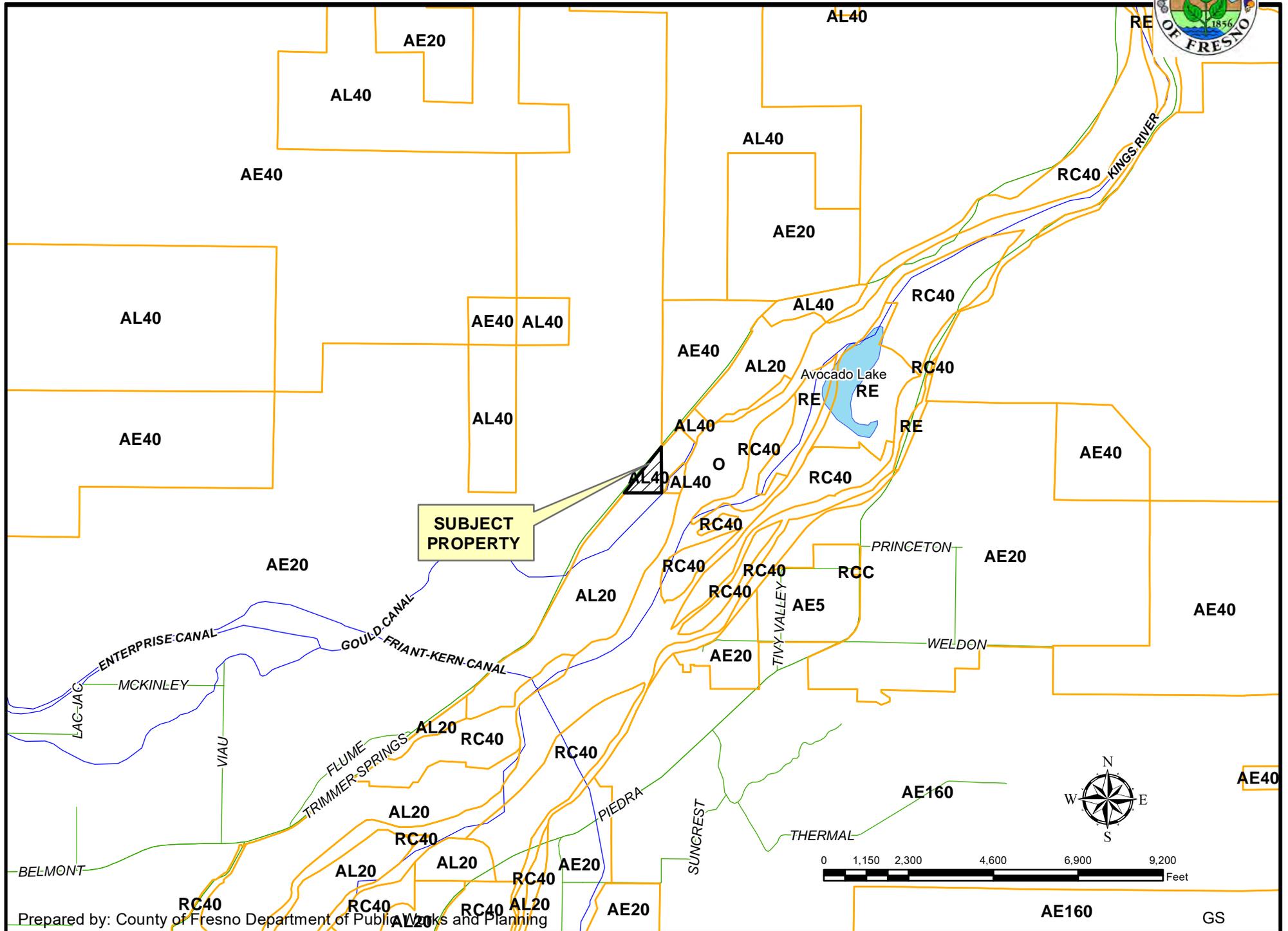


Pine Flat Reservoir

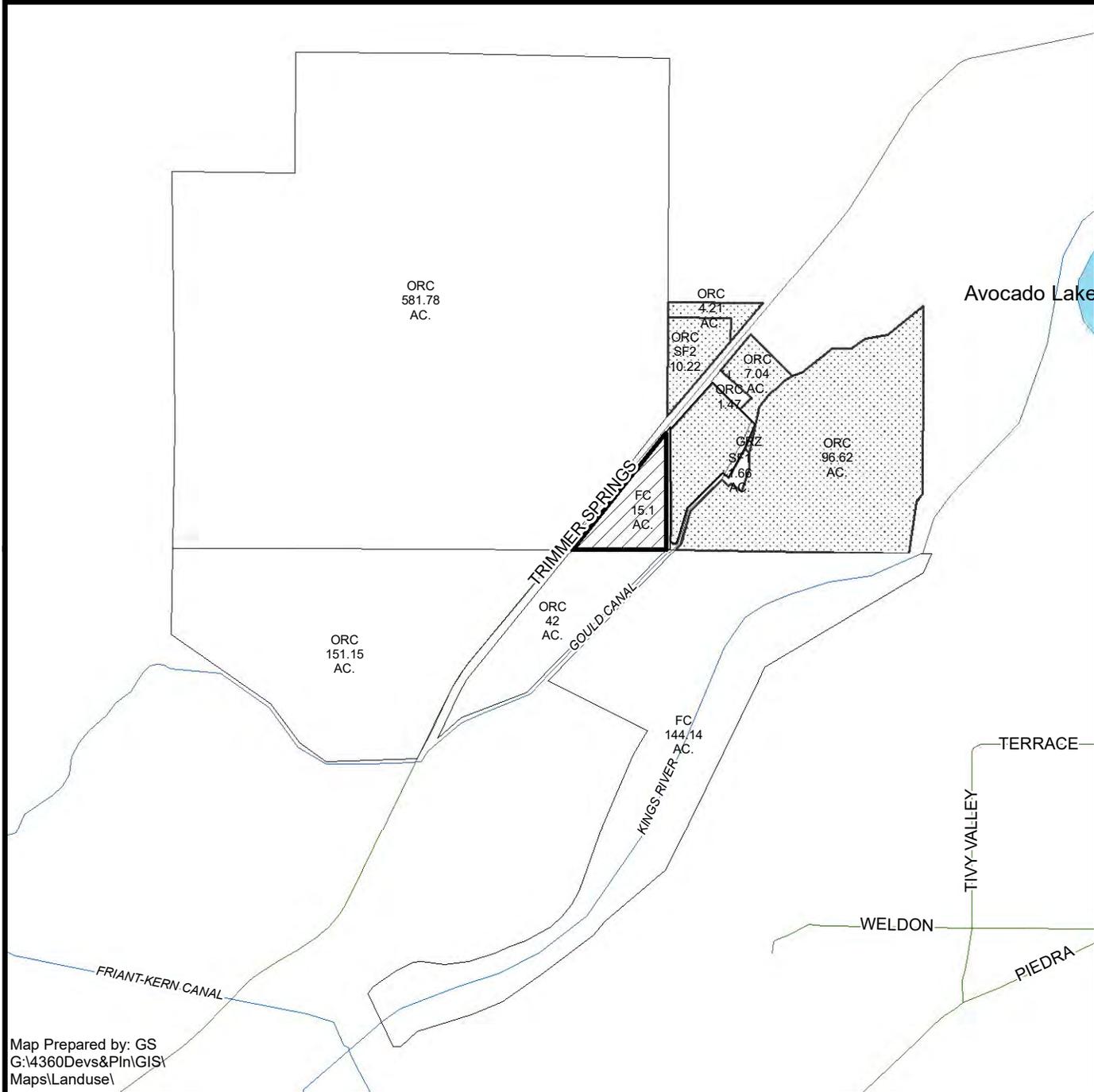


Prepared by: County of Fresno Department of Public Works and Planning

EXISTING ZONING MAP



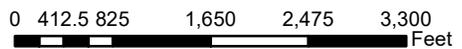
EXISTING LAND USE MAP



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

LEGEND:

- Subject Property
- Ag Contract Land



Department of Public Works and Planning
Development Services Division

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

SECTION 817

"AL" - LIMITED AGRICULTURAL DISTRICT

The "AL" District is a limited agricultural district. It is intended to protect the general welfare of the agricultural community by limiting intensive uses in agricultural areas where such uses may be incompatible with, or injurious to, other less intensive agricultural operations. The District is also intended to reserve and hold certain lands for future urban use by permitting limited agriculture and by regulating those more intensive agricultural uses which, by their nature, may be injurious to non-agricultural uses in the vicinity or inconsistent with the express purpose of reservation for future urban use.

The "AL" District shall be accompanied by an acreage designation which establishes the minimum size lot that may be created within the District. Acreage designation of 640, 320, 160, 80, 40, and 20 are provided for this purpose. Parcel size regulation is deemed necessary to carry out the intent of this District.

(Section 817 added by Ord. 490.117 adopted 10-5-76; amended by Ord. 490.188 adopted 10-29-79)

SECTION 817.1 - USES PERMITTED

The following uses shall be permitted in the "AL" Districts. All uses shall be subject to the Property Development Standards in Section 817.5.

(Amended by Ord. 490.174 re-adopted 5-8-79; Ord. 490.188 adopted 10-29-79)

- A. The maintaining, breeding and raising of bovine and equine animals except dairies, feed lots and uses specified in Sections 817.2 and 817.3.

(Amended by Ord. 490.174 re-adopted 5-8-79)

- B. The keeping of rabbits and other similar small fur-bearing animals for domestic use.

(Amended by Ord. T-038-306 adopted 5-22-90)

- C. The maintaining, breeding, and raising of poultry for domestic use not to exceed five hundred (500) birds and the maintaining, breeding, and raising of poultry for FFA, 4-H, and similar organizations.

(Added by Ord. T-038-306 adopted 5-22-90).

- D. The raising of tree, vine, field, forage, and other plant life of all kinds, except mushroom growing.

(Added by Ordinance 490.174 re-adopted 5-8-79)

- E. One family dwellings, accessory buildings, and farm buildings of all kinds, when located upon farms and occupied or used by the owner, farm tenant, or other persons employed thereon or the non-paying guests thereof; provided, however, that a residence once constructed and used for one of the foregoing uses, and no longer required for such use shall acquire a nonconforming status and may be rented for residential purposes without restriction.

- F. Home Occupations, Class I, subject to the provisions of Section 855-N.
(Amended by Ord. T-288 adopted 2-25-86)
- G. The use, storage, repair, and maintenance of tractors, scrapers, and land leveling and development equipment devoted primarily to agricultural uses when operated in conjunction with, or as part of, a bona fide agricultural operation.
- H. Apiaries and honey extraction plants subject to the provisions of Section 855-N.
- I. Signs, subject to the provisions of Section 817.5-K.
- J. Temporary or permanent telephone booths.
- K. Storage of petroleum products for use by the occupants of the premises but not for resale or distribution.
- L. Mobile home occupancy consisting of one or more mobile homes, subject to the provisions of Section 856 and Section 817.1-D.
- M. Historic and monument sites.
- N. The harvesting curing, processing, packaging, packing, shipping, and selling of agricultural products produced upon the premises, or where such activity is carried on in conjunction with, or as a part of, a bona fide agricultural operation.
(Added by Ord. T-052-286 adopted 3-8-94)

SECTION 816

"AE" EXCLUSIVE AGRICULTURAL DISTRICT

The "AE" District is intended to be an exclusive district for agriculture and for those uses which are necessary and an integral part of the agricultural operation. This district is intended to protect the general welfare of the agricultural community from encroachments of non-related agricultural uses which by their nature would be injurious to the physical and economic well-being of the agricultural district.

The "AE" District shall be accompanied by an acreage designation which establishes the minimum size lot that may be created within the District. Acreage designations of 640, 320, 160, 80, 40, 20, 5 are provided for this purpose. Parcel size regulation is deemed necessary to carry out the intent of this District.

(Amended by Ord. 490.38 adopted 11-21-67)

SECTION 816.1 - USES PERMITTED

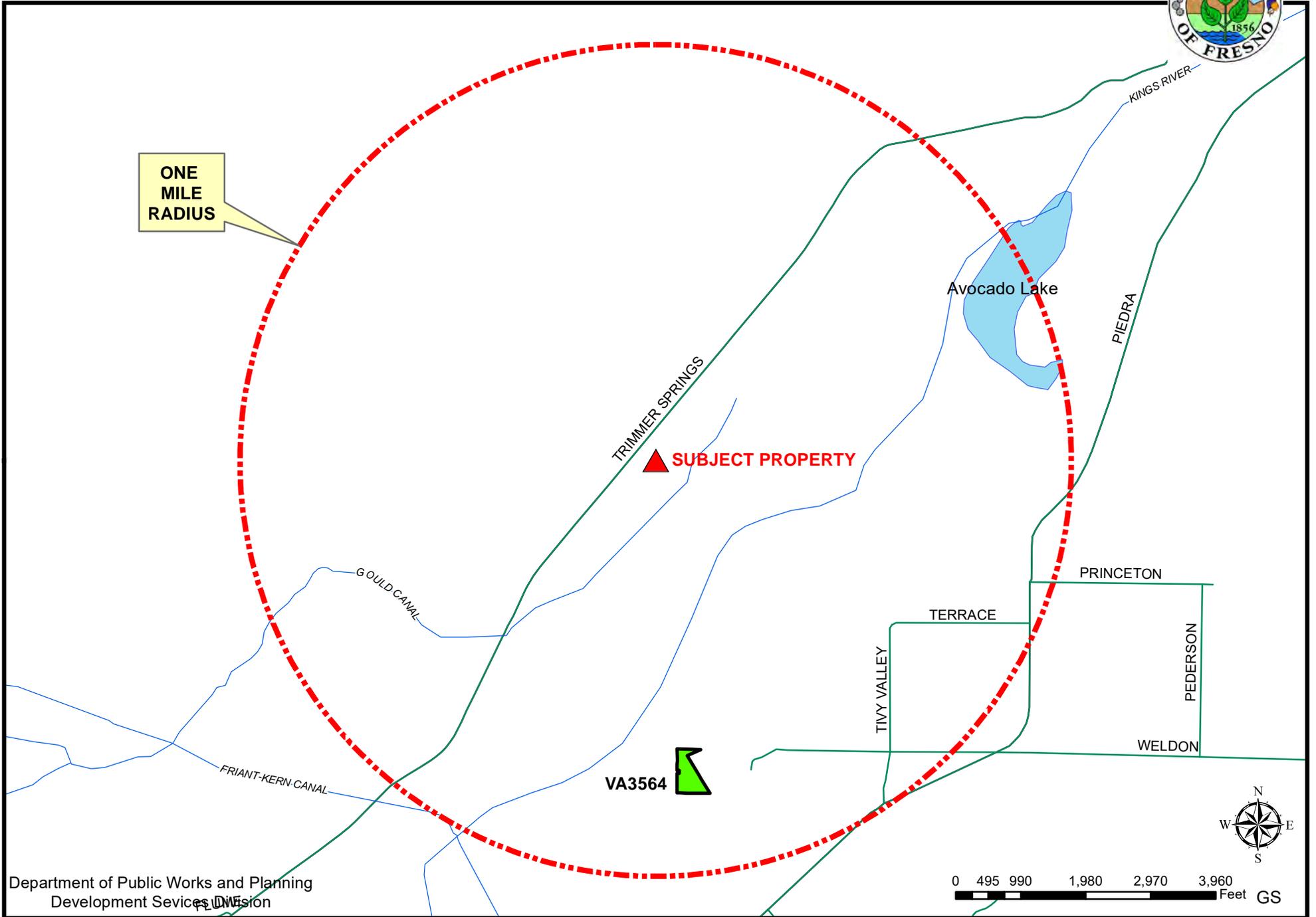
The following uses shall be permitted in the "AE" Districts, except as otherwise provided in Subsection K of Section 816.2 for Interstate Interchange Impact Areas. All uses shall be subject to the Property Development Standards in Section 816.5

(Amended by Ord. 490.95 adopted 11-27-73; Ord. 490.174 re-adopted 5-8-79)

- A. The maintaining, breeding, and raising of livestock of all kinds, except as provided in Sections 816.2 and 816.3.
(Amended by Ord. 490.117 adopted 10-5-76; Ord. T-038-306 adopted 5-22-90)
- B. The maintaining, breeding, and raising of poultry of all kinds, subject to the provisions of Section 868.
(Added by Ord. T-038-306 adopted 5-22-90)
- C. The raising of tree, vine, field, forage, and other plant life crops of all kinds.
(Amended by Ord. T-077-352, adopted 3-2-04)
- D. One family dwellings and accessory buildings and farm buildings of all kinds, when located upon farms and occupied or used by the owner, farm tenant or other persons employed thereon or the non-paying guests thereof; provided, however, that a residence once constructed and used for one of the foregoing uses, and no longer required for such use shall acquire a nonconforming status and may be rented for residential purposes without restriction.
- E. Home Occupations, Class I, subject to the provisions of Section 855-N.
(Amended by Ord. T-288 adopted 2-25-86)
- F. The harvesting, curing, processing, packaging, packing, shipping, and selling of agricultural products produced upon the premises, subject to the provisions of 855-N.32
(Amended by Ord. T-077-352, adopted 3-2-04).
- G. When carried on as a clearly secondary occupation in conjunction with a bona fide agricultural operation, where no more than ten (10) percent of the total land is used and where no more than three (3) persons other than the owner are employed in such activities, and which are owned and operated by the owner or occupant of the premises, any of the following uses:

1. The manufacturing, maintenance, repair, servicing, storage, sale or rental of agricultural machinery, implements and equipment of all kinds.
 2. The manufacture, storage or sale of farm supplies of all kinds, including but not limited to fertilizers, agricultural minerals and insecticides.
 3. The transportation of agricultural products, supplies or equipment together with the maintenance, storage, repair and servicing of the necessary trucks and equipment therefor.
 4. Horticultural and landscaping services, when operated in conjunction with horticultural nurseries.
(Added by Ord. 490.65 adopted 8-4-70)
- H. The maintenance of temporary and permanent farm labor camps when carried on as a secondary function in conjunction with a bona fide agricultural operation. The density standards of Section 816.5-C shall not apply.
(Amended by Ord. 490.31 adopted 10-11-66)
- I. The use, storage, repair and maintenance of tractors, scrapers, and land leveling and development equipment when operated in conjunction with, or as part of, a bona fide agricultural operation;
(Amended by Ord. 490.117 adopted 10-5-76)
- J. Apiaries and honey extraction plants subject to the provisions of Section 855-N.
- K. Signs, subject to the provisions of Section 816.5-K.
- L. Temporary or permanent telephone booths.
- M. Storage of petroleum products for use by the occupants of the premises but not for resale or distribution.
- N. Trailer house occupancy consisting of one or more trailers, subject to the provisions of Section 856 and 816.1-C.
(Amended by Ord. 490.18 adopted 12-29-64; Ord. 490.81 adopted 10-24-72)
- O. Breeding and personal kennels.
(Added by Ord. 490.36 adopted 7-25-67)
- P. Historic and monument sites.
(Added by Ord. 490.117 adopted 10-5-76)
- Q. Water-well drilling or pump installation service.
(Added by Ord. 490.117 adopted 10-5-76; amended by Ord. 490.157 adopted 9-19-78)
- R. Welding and blacksmith shops and farm equipment and machinery sales, rental storage, and maintenance facilities when in conjunction with welding and blacksmith shops.
(Added by Ord. 490.117 adopted 10-5-76)
- S. Value-added agricultural uses and facilities subject to the provisions of Section 855-N.32 and Section 874.
(Added by Ord. T-077-352, adopted 3-2-04)

VARIANCES WITHIN A ONE-MILE RADIUS



Variance Findings

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;
 - Hazelton Farms, Inc. seeks to acquire the north-east 2.5-acres of APN: 158-080-40s to merge to the adjacent property APN: 158-070-79. The merging of these two parcels is essential to create room within the new parcel for necessary future expansion of Kings River Packing (KRP) facilities. KRP services many of the surrounding farmlands and the 2.5-acre addition will make future expansion possible to keep up with demand. The merged 2.5-acres would retain its agricultural land use with an AE-20 zoning and would allow for improved circulation to the facility and its access points.
 - A rezone of the 2.5-acre parcel from AL-40 to AE-20 would match the adjacent parcel and make this merger possible.
 - Granting the Variance will allow the remaining 12.6-acres of APN: 158-080-40s to keep its current zoning.

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;
 - Adding the 2.5-acres from APN: 158-080-40s to APN: 158-070-79 would allow KRP to expand its current operations. As the main packing service provider for farms in the area, KRP will need to expand its facilities to keep up with future demand.
 - Acquisition of the 2.5-acres would help to square the current odd shaped parcel to Trimmer Springs Road and allow for safer, more efficient access for employees and large trucks servicing the facility. Squaring the parcel would significantly improve the circulation of the facility and accommodate the turning template of the large freight vehicles accessing from Trimmer Springs Road.

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;
 - Granting the 2.5-acre rezone to AE-20 will not affect the general public and will remain in conformance with Fresno County's General Plan Agricultural use designation.
 - Granting the variance to keep the remaining 12.6-acres AL-40 zoning will not affect the general public and will remain in conformance with Fresno County's General Plan Agricultural use designation.
 - Granting the rezone and variance of the parcels in question will allow for KRP to improve its quality of service to the surrounding farm lands.

AA3837/VA4073

RECEIVED
COUNTY OF FRESNO

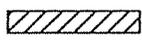
SEP 25 2019

EXHIBIT 8

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

4. The granting of such variance will not be contrary to the objectives of the Fresno County General Plan.
 - Granting of a Rezone for the 2.5 -acre parcel in question will allow it to keep its current land use and would therefore not impact the Fresno County's General Plan.
 - Granting of a Variance for the 12.6-acre parcel in question will allow it to keep its current land use and would therefore not impact the Fresno County's General Plan.

LEGEND:

-  ADJUSTED PARCEL LINE
-  SUBJECT PROPERTY BOUNDARY
-  SECTION LINE
-  EXISTING PROPERTY LINE

AA3037/VA4073

RECEIVED
COUNTY OF FRESNO

JUL 03 2019

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

APN 158-070-39S

EAST TRIMMER SPRINGS ROAD

PORTION OF PARCEL TO
BE REZONED TO AE-20
AREA=2.50 ACRES

APN 158-070-40s

PORTION OF PARCEL
TO REMAIN AL-40
AREA=12.6 ACRES

APN 158-011-03S

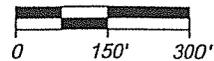
APN 158-070-76

APN 158-070-65

APN 158-070-79



SCALE 1" = 300'



P:\CIVIL 3D PROJECTS\201818-285\DOCUMENTS\EXHIBITS\18-285 EXHIBITS.DWG 6/26/2019 9:35:17 AM



<i>EXHIBIT</i>
DESCRIPTION: PROPERTY REZONE

PROJECT NAME:	
KINGS RIVER PACKING	
06/26/2019	17-205

SHEET
1 OF 2

EXHIBIT 9

AA 3037/VA 4073

RECEIVED
COUNTY OF FRESNO

JUL 03 2019

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

APN 158-070-29

APN 158-070-76

APN 158-070-65

APN 158-070-79

APN 158-070-39S

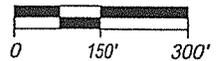
APN 158-070-40s

EAST TRIMMER SPRINGS ROAD

PORTION OF PARCEL
TO BE ADJUSTED



SCALE 1" = 300'



LEGEND:

-  ADJUSTED PARCEL LINE
-  SUBJECT PROPERTY BOUNDARY
-  SECTION LINE
-  EXISTING PROPERTY LINE

EXHIBIT

PROJECT NAME:

SHEET



DESCRIPTION:
PROPERTY LINE ADJUSTMENT
ONSITE LOCATION

KINGS RIVER PACKING

2 OF 2

06/26/2019

17-205

P:\CIVIL 3D PROJECTS\10181814-246\DOCUMENTS\EXHIBITS\18-285 EXHIBITS.DWG 07/03/19 9:16:07 AM



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: Michael Blas on behalf of Harris Farms Inc.
- APPLICATION NOS.: Initial Study Application No. 7655, Amendment Application No. 3837 and Variance Application No. 4073
- DESCRIPTION: Rezone a 2.5-acre portion of a 15.10-acre parcel from the AL-40 (Limited Agricultural, 40-acre minimum parcel size) to an AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District and include a Variance to allow the 2.5-acre portion to be created with less than the required 20-acre minimum parcel size and the remaining 12.6-acre portion of the parcel to remain as a legal non-conforming parcel in the AL-40 Zone District.
- LOCATION: The subject parcel is located on the east side of E. Trimmer Springs Road approximately 4.3 miles north of its intersection with Belmont Avenue and 7.8 miles northeast of the City of Sanger (Sup. Dist. 5) (APN 158-070-40S).

I. AESTHETICS

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

- A. Have a substantial adverse effect on a scenic vista; or
- B. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

FINDING: NO IMPACT:

The subject parcel is located in an agricultural area marked by large-size parcels. No scenic vistas or scenic resources, including rock outcroppings, or historic buildings were identified on or near the subject parcel. The parcel is located along Trimmer Springs Road, which is identified as a Scenic Drive in the County General Plan. General Plan Policy OS-L.3 requires that scenic drives shall adhere to a 200-foot setback of natural open space. Due to no development proposed, no impact on scenic quality of the road would occur from this proposal.

- 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

DEVELOPMENT SERVICES AND CAPITAL PROJECTS DIVISION
2220 Tulare Street, Sixth Floor / Fresno, California 93721 / Phone (559) 600-4497 / 600-4022 / 600-4540 / FAX 600-4200
The County of Fresno is an Equal Employment Opportunity Employer

experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel contains orchard with no improvements. Agricultural fields are located to the west of the subject parcel and the water channels of Kings River flow along the easterly side of the parcel. The adjacent parcel to the north is developed with a fruit packing and storage facility and the parcel to the south contains orchard.

The "AE" District is an exclusive agricultural district intended for agriculture and for those uses which are necessary and an integral part of the agricultural operation. Likewise, the "AL" District is a limited agricultural district intended to protect the general welfare of the agricultural community by limiting intensive uses in agricultural areas where such uses may be incompatible with, or injurious to, other less intensive agricultural operations. The subject proposal is located in an area zoned for exclusive agricultural and limited agricultural uses.

Although the AE-20 Zone District allows more agricultural uses than those allowed in the AL-40 Zone District, the difference between the two districts, however, is insignificant. As such, the proposed rezone of a 2.5-acre portion of a 15.10-acre parcel from the AL-40 to an AE-20 Zone District will have less impact on the surrounding land uses. The proposed rezoning on the subject parcel involves no development and matches with the AE-20 zoning on the adjacent 19.78-acre parcel. Any use requiring land use entitlement under the AE-20 Zone District will be assessed as to its visual impact based on the use being proposed and adherence to the above-noted General Plan Policy OS-L.3.

- 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 subject applications propose no development. As such, no lighting impacts will result from this proposal.

II. AGRICULTURAL AND FORESTRY RESOURCES

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

forest carbon measurement methodology in Forest Protocols adopted by the California Air Resources Board. Would the project:

- A. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use; or
- B. Conflict with existing zoning for agricultural use, or a Williamson Act Contract; or
- 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; or
- 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 subject parcel is not forest land or timberland and is classified as Prime Farmland and Farmland of Statewide Importance on the Fresno County Important Farmland Map 2014. In addition, the land is not enrolled in the Williamson Act Program.

Per the County Ordinance, the project site is currently zoned AL-40 (Limited Agricultural, 40-acre minimum parcel size) and is designated Agriculture in the Kings River Regional Plan. The proposed rezoning from the AL-40 Zone District to an AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District is compatible with the Agriculture designation.

The Fresno County Department of Agriculture (Ag Commissioner's Office) reviewed the subject proposal and expressed no concerns with the subject rezoning and Variance requests.

III. AIR QUALITY

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

- A. Conflict with or obstruct implementation of the applicable Air Quality Plan; or
- B. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard; or
- C. Expose sensitive receptors to substantial pollutant concentrations?

FINDING: NO IMPACT:

The San Joaquin Valley Air Pollution Control District reviewed the subject proposal and expressed no concerns related to air quality. No impact would occur.

- D. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

FINDING: NO IMPACT:

The San Joaquin Valley Air Pollution Control District review of the proposal identified no impact on air quality.

IV. BIOLOGICAL RESOURCES

Would the project:

- A. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; or
- B. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

FINDING: NO IMPACT:

The subject 15.10-acre parcel is located in an agricultural area and has been previously disturbed due to agricultural activities. Currently, it contains orchard.

The proposal was routed to the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) for review and comments. No concerns were expressed by either agency. Therefore, no impacts were identified concerning any candidate, sensitive, or special-status species; or any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS.

- 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:

No impacts were identified in regard to federally-protected wetlands. A canal that runs approximately 350 feet south of the subject 2.5-acre parcel subject to this rezone request is not a protected wetland and does not provide habitat for sensitive species.

- 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 area cannot be characterized as an area for migratory wildlife species or suitable for migratory wildlife corridors. The project site has been farmed for a number of years. The surrounding lands have also been in farming operations and disturbed by farming activities.

- E. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- F. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan?

FINDING: NO IMPACT:

The subject proposal involves no development and does not conflict with any biological resources related to tree preservation policy or any adopted Conservation Plans.

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: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION
INCORPORATED:

The project is located within an area designated to be highly sensitive for archeological resources. The Southern San Joaquin Valley Information Center (SSJVIC) reviewed the subject proposal and recommended no archeological survey of the property except for prior to any ground-disturbing activities. The Native American Heritage Commission (NAHC) also conducted a Sacred Lands Search for the project site and reported negative results in its search for any sacred sites. The following mitigation measure will be incorporated to address cultural resources prior to any ground-disturbing activities or in the event that resources are identified during any ground-disturbing activities.

* **Mitigation Measure**

1. *A professional archeologist shall conduct an archeological survey prior to any ground-disturbing activities resulting from development activities on the 2.5-acre parcel.*
2. *In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.*

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 subject proposal involves no development. No environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources would occur.

VII. GEOLOGY AND SOILS

Would the project:

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

FINDING: NO IMPACT:

The project site is not located near a fault line. Per Figure 9-2 of the Fresno County General Plan Background Report (FCGPBGR), the nearest San Andreas fault is more than 40 miles southwest of the site. Likewise, per Figure 9-6 of FCGPBGR, the project site is not in an identified area of landslide hazard.

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

FINDING: NO IMPACT:

Per Figure 7-3 of the Fresno County General Plan Background Report, the project area is prone to erosion hazard. However, no erosion or loss of topsoil would occur from the proposal, which involves no site development.

C. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse; or

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

FINDING: NO IMPACT:

Per Figure 7-1 of the Fresno County General Plan Background Report, the project site is near moderately-high to high expansive soils due to its proximity to Kings River and Friant Kern canal. However, the project site itself is not located on expansive soil.

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

FINDING: NO IMPACT:

There are no septic systems associated with this proposal. No impact relating to disposal of wastewater would occur.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion above in Section V. CULTURAL RESOURCES.

VIII. GREENHOUSE GAS EMISSIONS

Would the project:

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

FINDING: NO IMPACT:

No impacts related to greenhouse gas emission were identified in the project analysis. The subject proposal involves no development.

IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- A. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or
- B. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; or
- C. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one quarter-mile of an existing or proposed school?

FINDING: NO IMPACT:

The subject proposal does not involve transport, use, disposal, release, or handling of hazardous materials. No impact would occur.

- 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:

The project site is active farmland and not a hazardous material site. No agency expressed any concerns regarding the subject rezone and Variance requests.

- E. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area?

FINDING: NO IMPACT:

The subject proposal entails no development, thereby resulting in no impact related to air traffic. The project site is outside of an airport land use plan area, and the nearest

private airstrip, Harris River Ranch Airport, is located approximately 0.7 mile southwest of the site.

- F. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

FINDING: NO IMPACT:

The subject proposal will not impair implementation or physically interfere with an adopted emergency response plan or emergency evacuation plan. The Fresno County Fire Protection District expressed no concerns in that regard.

- 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 site is not located in an identified area of wildfire hazards.

X. HYDROLOGY AND WATER QUALITY

Would the project:

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

FINDING: NO IMPACT:

See discussion above in Section VII, GEOLOGY AND SOILS.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject property is not located in a low-water area. The Water and Natural Resources Division of the Fresno County Department of Public Works and Planning reviewed the proposal and expressed no water-related concerns with the project.

Per the State Water Resources Control Board, Division of Drinking Water (SWRCB-DDW) review of the proposal, a Project Note would require that if the subject property will result in the formation of a public water system, it must comply with Senate Bill 1263, which requires all new applications to submit a preliminary technical report before being permitted by SWRCB-DDW.

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

FINDING: NO IMPACT:

The subject proposal will have no impact on any existing drainage pattern on or near the property. The United States Geological Survey Quad Maps show that a canal runs through the subject parcel. The 2.5-acre portion of a 15.10-acre parcel, which is subject to this rezone request, is approximately 350 feet north of the canal and 440 feet west of the nearest water channel of the Kings River. No impact would occur.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to FEMA, FIRM Panel 1645H, portions of the subject parcel are in Zone A that is subject to flooding from the 100-year storm. A Project Note would require that any development within the area identified as Zone A must comply with the County Flood Hazard Ordinance (Title 15.48).

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

FINDING: NO IMPACT:

The project is not in conflict with any 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. The project site is outside of any city or unincorporated community.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject applications entail rezoning of a 2.5-acre portion of a 15.10-acre parcel from the AL-40 (Limited Agriculture, 40-acre minimum parcel size) Zone District to an AE-20 (Exclusive Agriculture, 20-acre minimum parcel size) Zone District and a Variance to allow the remaining 12.6 acres as a legal non-conforming parcel in the AL-40 Zone District. The subject parcel is designated Agriculture in the Kings River Regional Plan. If approved, the 2.5-acre parcel will be merged with the adjacent 19.78-acre parcel, also zoned AE-20.

This proposal is subject to General Plan Policy LU-A.6, which requires that the County shall maintain twenty (20) acres as the minimum parcel size in areas designated Agriculture, except as provided in Policies LU-A.9, LU-A.10, and LU-A.11. The creation of a 12.6-acre parcel in the AL-40 Zone District where the minimum parcel size required is 40-acres does not conform to Policy LU-A-6 except with the approval of the subject Variance and the concurrent rezone request.

XII. MINERAL RESOURCES

Would the project:

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

FINDING: NO IMPACT:

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

XIII. NOISE

Would the project result in:

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

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

FINDING: NO IMPACT:

The Fresno County Department of Public Health, Environmental Health Division reviewed the proposal and expressed no concerns related to noise.

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 will not result in an increase of housing, nor will it otherwise induce population growth.

XV. PUBLIC SERVICES

Would the project:

- A. Result in substantial adverse physical impacts associated with the provision of new or physically-altered governmental facilities, or the need for new or physically-altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:

- 1. Fire protection?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Fresno County Fire Protection District (CalFire) expressed no concerns with the subject proposal. Any future development on the property will adhere to the requirements of the Fire Code and Building Code and be subject to annexation to Community Facilities District No. 2010-01 of the District.

- 2. Police protection; or

- 3. Schools; or
- 4. Parks; or
- 5. Other public facilities?

FINDING: NO IMPACT:

The project will have no impact on police protection, schools, parks or other public 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 have no impact on recreational facilities in the area.

XVII. TRANSPORTATION

Would the project:

- A. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

FINDING: NO IMPACT:

The subject proposal, involving rezone and Variance requests, will not be in conflict with any traffic circulation system, which includes transit, roadway, bicycle and pedestrian facilities.

The Design and Road Maintenance and Operations Divisions of the Fresno County Department of Public Works and Planning expressed no concerns with the proposal nor identified need for a Traffic Impact Study (TIS).

- B. Be in conflict or be inconsistent with the California Environmental Quality Act (CEQA) Guidelines Section 15064.3, subdivision (b)?

FINDING: NO IMPACT:

The subject proposal involves no development. The proposal entails rezoning of a parcel and recognizing a substandard parcel through a Variance.

The Design Division of the Fresno County Department of Public Works and Planning and California Department of Transportation reviewed the subject proposal and expressed no concerns related to CEQA Guidelines Section 15064.3, subdivision (b) noted above.

- 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:

With no development proposed, the project is not subject to emergency access review.

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
 - 1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k); or
 - 2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? (In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.)

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is located in an area designated to be highly sensitive for archeological resources. Per Assembly Bill 52 (AB52), participating Native American tribes were provided an opportunity to review and enter consultation with the County regarding the subject proposal. Table Mountain Rancheria, Santa Rosa Rancheria Tachi Yokut Tribe, Picayune Rancheria of the Chukchansi Indians and Dumna Wo Wah Tribal Government reviewed the proposal and expressed no concerns with the project. The Mitigation Measures included in Section V.

CULTURAL RESOURCES of this report will safeguard Tribal Cultural Resources (TCRs) prior to and during any ground disturbance activities.

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:

See discussion above in Section VI. E. GEOLOGY AND SOILS. Additionally, the project will not result in the relocation or construction of new or expanded electric power, natural gas, or telecommunications facilities.

- B. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion above in Section X. B. HYDROLOGY AND WATER QUALITY.

- 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:

See discussion above in Section VI. E. GEOLOGY AND SOILS.

- 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:

No such impacts were identified in the project analysis.

XX. WILDFIRE

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

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

FINDING: NO IMPACT:

The project site is not located in an identified area of wildfire hazards.

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: LESS THAN SIGNIFICANT IMPACT:

The project will have no impact on sensitive biological resources. Impacts on cultural resources will be addressed with the Mitigation Measures discussed in Section V. A. B. C. D. of this analysis.

- 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 adhere to the permitting requirements and rules and regulations set forth by the Fresno County Grading and Drainage Ordinance, San Joaquin Air Pollution Control District, and California Code of Regulations Fire Code. No cumulatively considerable impacts were identified in the project analysis.

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

FINDING: NO IMPACT:

No substantial impacts on human beings, either directly or indirectly, were identified in the analysis.

CONCLUSION/SUMMARY

Based upon Initial Study (IS) No. 7655 prepared for Amendment Application No. 3837 and Variance Application No. 4073, 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 agriculture and forestry resources, air quality, biological resources, energy, greenhouse gas emissions, hazards and hazardous materials, mineral resources, noise, recreation, transportation, and wildfire.

Potential impacts related to aesthetics, geology and soils, hydrology and water quality, land use and planning, population and housing, public services, tribal cultural resources, and utilities and service systems have been determined to be less than significant.

Potential impacts to cultural resources have been determined to be less than significant with the identified Mitigation Measures.

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

EA:ksn

G:\4360Devs&PIn\PROJSEC\PROJDOCS\IAA\3800-3899\3837 - See VA 4073\IS-CEQA\IAA 3837 VA 4073 IS wu.docx

File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721		Space Below For County Clerk Only. CLK-2046.00 E04-73 R00-00	
Agency File No: Initial Study (IS) No 7655	LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION		County Clerk File No: E-
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): Ejaz Ahmad, Planner	Area Code: 559	Telephone Number: 600-4204	Extension: N/A
Project Applicant/Sponsor (Name): Michael Blas	Project Title: Amendment Application (AA) No. 3837; Variance Application No. 4073		
Project Description: Rezone a 2.5-acre portion of a 15.10-acre parcel from the AL-40 (Limited Agricultural, 40-acre minimum parcel size) to an AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District and include a Variance to allow the 2.5-acre portion to be created with less than the required 20-acre minimum parcel size and the remaining 12.6-acre portion of the parcel to remain as a legal non-conforming parcel in the AL-40 Zone District. The project site is located on the east side of E. Trimmer Springs Road approximately 4.3 miles north of its intersection with Belmont Avenue and 7.8 miles northeast of the City of Sanger (Sup. Dist. 5) (APN 158-070-40S).			
Justification for Negative Declaration: Based upon the Initial Study (IS 7655) prepared for Amendment Application No. 3837 and Variance Application No. 4073, staff has concluded that the project will not have a significant effect on the environment. No impacts were identified related to agriculture and forestry resources, air quality, biological resources, energy, greenhouse gas emissions, hazards and hazardous materials, mineral resources, noise, recreation, transportation, and wildfire.. Potential impacts related to aesthetics, geology and soils, hydrology and water quality, land use and planning, population and housing, public services, tribal cultural resources, and utilities and service systems have been determined to be less than significant. Potential impact related to cultural resources have been determined to be less than significant with the identified mitigation measure. The Initial Study and MND is available for review at 2220 Tulare Street, Suite A, Street Level, located on the southeast corner of Tulare and "M" Street, Fresno, California.			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – September 9, 2019		Review Date Deadline: Planning Commission – October 10, 2019	
Date:	Type or Print Signature: Marianne Mollring, Senior Planner	Submitted by (Signature): Ejaz Ahmad	

State 15083, 15085

County Clerk File No.: _____

**LOCAL AGENCY
MITIGATED NEGATIVE DECLARATION**

ATTACHMENT C

File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721		Space Below For County Clerk Only. <div style="text-align: center; font-size: small;">CLK-2046.00 E04-73 R00-00</div>		
Agency File No: Initial Study (IS) No 7655	LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION		County Clerk File No: E-	
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): Ejaz Ahmad, Planner		Area Code: 559	Telephone Number: 600-4204	Extension: N/A
Project Applicant/Sponsor (Name): Michael Blas		Project Title: Amendment Application (AA) No. 3837; Variance Application No. 4073		
Project Description: Rezone a 2.5-acre portion of a 15.10-acre parcel from the AL-40 (Limited Agricultural, 40-acre minimum parcel size) to an AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District and include a Variance to allow the 2.5-acre portion to be created with less than the required 20-acre minimum parcel size and the remaining 12.6-acre portion of the parcel to remain as a legal non-conforming parcel in the AL-40 Zone District. The project site is located on the east side of E. Trimmer Springs Road approximately 4.3 miles north of its intersection with Belmont Avenue and 7.8 miles northeast of the City of Sanger (Sup. Dist. 5) (APN 158-070-40S).				
Justification for Negative Declaration: Based upon the Initial Study (IS 7655) prepared for Amendment Application No. 3837 and Variance Application No. 4073, staff has concluded that the project will not have a significant effect on the environment. No impacts were identified related to agriculture and forestry resources, air quality, biological resources, energy, greenhouse gas emissions, hazards and hazardous materials, mineral resources, noise, recreation, transportation, and wildfire.. Potential impacts related to aesthetics, geology and soils, hydrology and water quality, land use and planning, population and housing, public services, tribal cultural resources, and utilities and service systems have been determined to be less than significant. Potential impact related to cultural resources have been determined to be less than significant with the identified mitigation measure. The Initial Study and MND is available for review at 2220 Tulare Street, Suite A, Street Level, located on the southeast corner of Tulare and "M" Street, Fresno, California.				
FINDING: The proposed project will not have a significant impact on the environment.				
Newspaper and Date of Publication: Fresno Business Journal – September 9, 2019			Review Date Deadline: Planning Commission – December 10, 2019	
Date:	Type or Print Signature: Marianne Mollring, Senior Planner		Submitted by (Signature): Ejaz Ahmad	

State 15083, 15085

County Clerk File No.: _____

LOCAL AGENCY MITIGATED NEGATIVE DECLARATION