ATTACHMENT A

Inter Office Memo

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

DATE: November 14, 2017

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12670 – INITIAL STUDY APPLICATION NO. 7160; VARIANCE APPLICATION NO. 3998

APPLICANT: Ceres Management Group

OWNER: Ceres Management Group

REQUEST: Allow the creation of a 1.5-acre parcel from an existing 18.86-acre parcel (20-acre gross; remaining 17.36-acre parcel to be combined with a 39.49-acre parcel) in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the northeast corner of E. South Avenue and S. Alta Avenue, approximately two miles east of the nearest city limits of the City of Reedley (22212 E. South Avenue, Reedley, CA) (SUP. DIST. 4) (APN 373-070-50 & 87S).

PLANNING COMMISSION ACTION:

At its hearing of September 21, 2017, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Lawson and seconded by Commissioner Chatha to deny Variance No. 3998, based on the Commission's inability to make required Variance Findings 1 and 4 citing that there are no compelling reasons for the creation of a homesite parcel, and the negative effect agricultural pesticide spray may have on inhabitants of the single-family residence.

Fees paid by the Applicant for the processing of the land use application are attached as Exhibit B.

This motion passed on the following vote:

VOTING:	Yes:	Commissioners Lawson, Chatha, Ede, Woolf and Vallis
	No:	Commissioners Eubanks and Mendes
	Absent:	Commissioners Abrahamian and Borba
	Abstain:	None

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

By: _____
William M. Kettler, Manager
Development Services Division

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Attachments

EXHIBIT A

Initial Study Application No. 7160
Variance Application No. 3998

Staff: The Fresno County Planning Commission considered the Staff Report dated September 21, 2017, and heard a summary presentation by staff.

Applicant: The Applicant and his Representative did not concur with the Staff Report and staff's recommendation. They described the project and offered the following information to clarify the intended use:

- The Variance is to allow the creation of a 1.5-acre parcel with an existing single-family residence, a barn, a well and a driveway.
- The subject 18.86-acre parcel and the adjacent 39.49-acre parcel are in common ownership.
- The single-family residence has a renter; however, due to its size, we are unable to get an equitable rent for the value of the house.
- The approval of the Variance will allow us to sell the 1.5-acre homesite parcel, if we choose to do so.
- The 17.36-acre remainder parcel will be merged with a 39.49-acre parcel resulting in a 56.85-acre parcel with orchard and no additional homes.
- The parcel mergers will provide allocation of additional water to the land.
- Variance Finding No. 2 can be made in that the separation of homesite from orchard will allow a private owner to better maintain the house with a reduced possibility of vandalism.
- Variance Finding No. 4 can be made in that the project is consistent with homesite provisions of the County General Plan.
- The Agricultural Land Conservation Committee unanimously recommended approval of the cancellation which supports making the General Plan findings for the preservation of agricultural land.

Others: No other individuals presented information in support of or in opposition to the application.

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

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RESOLUTION NO. 12670

EXHIBIT "B"

ATTACHMENT
TO
AGENDA ITEM

FISCAL IMPACT STATEMENT

Initial Study Application No. 7160
Variance Application No. 3998

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

Variance Application:	$ 6,049.00[1]
Health Department Review:	365.00[2]
Preliminary Environmental Review:	259.00[3]
Agricultural Commissioner Review:	34.00[4]
Total Fees Collected	**$ 6,707.00**

[1] Includes project routing, coordination with reviewing agencies, preparation and incorporation of analysis into Staff Report.

[2] Review of proposal by the Department of Public Health, Environmental Health Division to provide comments.

[3] Review proposal to provide appropriate California Environmental Quality Act (CEQA) Exemption and include documentation for project file.

[4] Review of proposal by the Department Agriculture to provide comments.

ATTACHMENT B

County of Fresno

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

Planning Commission Staff Report
Agenda Item No. 2
September 21, 2017

SUBJECT: **Initial Study Application No. 7160 and Variance Application No. 3998**

Allow the creation of a 1.5-acre parcel from an existing 18.86-acre parcel (20-acre gross; remaining 17.36-acre parcel to be combined with a 39.49-acre parcel) in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: **The subject parcel is located on the northeast corner of E. South Avenue and S. Alta Avenue, approximately two miles east of the nearest city limits of the City of Reedley (22212 E. South Avenue, Reedley, CA) (SUP. DIST. 4) (APN 373-070-50 & 87S).**

OWNER/ APPLICANT: **Ceres Management Group**

STAFF CONTACT: **Ejaz Ahmad, Planner**
(559) 600-4207

Marianne Mollring, Senior Planner
(559) 600-4569

RECOMMENDATION:

- Deny Variance No. 3998; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Approved Variances within One-Mile Radius
6. Applicant's Submitted Findings
7. Proposed Parcel Configuration (Site Plan)
8. Summary of Initial Study Application No. 7160
9. Draft Negative Declaration

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agriculture	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	18.86 acres (20-acre gross)	1.5 acres 17.36 acres The 17.36-acre balance of the existing 18.86-acre parcel will be combined with a northerly adjacent 39.49-acre parcel also zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) resulting in the creation of a 56.85-acre parcel. Staff notes that a Variance is not required to create a 56.85-acre parcel in the AE-20 Zone District.
Project Site	18.86-acre parcel (APN 327-070-50): 3,216 square-foot single-family residence with on-site septic system, water well, access off South Avenue 39.49-acre parcel (APN 327-070-87S): 2500 square-foot caretaker's residence 1,440 square-foot mobile home 1,680 square-foot barn 1,925 square-foot barn	1.5-acre parcel: 3,216 square-foot single-family residence with septic system and water well 17.36-acre parcel: Orange orchard The 17.36-acre balance of the existing 18.86-acre parcel will combine with a northerly adjacent 39.49-acre parcel resulting in the creation of a 56.85-acre parcel. Staff notes that the proposed 17.36-acre parcel with orchard is devoid of any structural improvements; however, the resultant 56.85-acre parcel will encompass existing improvements from the 39.49-acre parcel (APN 373-070-87S) consisting of a caretaker residence, a mobile home, and two barns

Structural Improvements	18.86-acre parcel (APN 327-070-50): 3,216 square-foot single-family residence 39.49-acre parcel (APN 327-070-87S): 2500 square-foot caretaker's residence 1,440 square-foot mobile home 1,680 square-foot barn 1,925 square-foot barn	1.5-acre parcel: One existing 1,950 square-foot single-family residence with septic system and water well 17.36-acre parcel: No structural improvements See above discussion under "Project Site"
Nearest Residence	110 feet south of 18.86-acre parcel	No change
Surrounding Development	Single-family residences, vineyards	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

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

ENVIRONMENTAL ANALYSIS:

An Initial Study (IS) was prepared for the project by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the IS, staff has determined that a Negative Declaration is appropriate. A summary of the Initial Study is below and included as Exhibit 8.

Notice of Intent to Adopt a Negative Declaration publication date: July 7, 2017

PUBLIC NOTICE:

Notices were sent to 18 property owners within 1,320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

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

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

BACKGROUND INFORMATION:

This item was continued from the August 10, 2017 Planning Commission hearing at the request of the Applicant's representative.

The subject proposal entails a request to allow creation of a 1.5-acre parcel and a 17.36-acre parcel from an existing 18.86-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District with the17.36-acre balance of the 18.86-acre parcel to be combined with a northerly adjacent 39.49-acre parcel zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) resulting in the creation of a 56.85-acre parcel. The subject 18.86-acre property is 20 acres gross and is a single legal parcel.

County records indicate that the subject 18.86-acre parcel was zoned A-1 (Agricultural District, 100,000 square-foot minimum parcel size) on June 8, 1960. The parcel was rezoned from the A-1 Zone District to an AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District on August 31, 1976 (Ord. No. 490-A-1586). A Grant Deed shows that the Applicant has owned the parcel since September 5, 2014 and it is currently enrolled in a Williamson Act Contract (ALCC No. 3726). A cancellation petition to remove a 1.5-acre portion of the 18.68-acre parcel from the Contract restrictions for residential use was filed by the Applicant. The Agricultural Land Conservation Committee reviewed the petition on May 3, 2017 and recommended the Contract cancellation to the County Board of Supervisors. The Board's action on the cancellation will occur subsequent to and is contingent upon the approval of this Variance request.

The subject parcel contains orchard with a 3,216 square-foot single-family residence built prior to 1964. The existing home, including its driveway, has frontage on South Avenue, which is a public road. The Applicant owns both the subject parcel and a 38.49-acre contiguous parcel with orchard and two residences. Should this Variance request be approved, the Applicant would like to sell the 1.5-acre homesite parcel and combine the 17.36-acre balance of the subject parcel with the adjacent 39.49-acre parcel through a subsequent property line adjustment to continue farming operation.

The Applicant will submit a Property Line Adjustment (PLA) application with the County to adjust the property lines between the subject parcels resulting in an adjusted 1.5-acre parcel and an adjusted 56.67-acre parcel. The PLA process will be completed only after the approval of this Variance.

In addition to the subject application, there have been two variance applications pertaining to lot size requirements filed within a one-mile radius of the subject properties (Exhibit 5). Although there is a history of variance requests in proximity of the subject property, each variance request is considered on its own merit, based upon physical circumstances. The following table provides a brief summary of other variance (VA) applications and final actions.

Application/Request	Staff Recommendation	Final Action	Date
VA No. 3812 – Allow the creation of 14.88-, 13.57-, 6.76- and 5.46-acre parcels from two existing 20.33-acre parcels in the AE-20 Zone District	Denial	Denied by Planning Commission No appeal filed with the Board of Supervisors	June 9, 2005
VA No. 3672 – Allow the creation of a 1.49-acre parcel from an existing 40-acre parcel in the AE-20 Zone District	Denial	Denied by Planning Commission Approved by Board of Supervisors	June 15, 2000 August 1, 2000

ANALYSIS/DISCUSSION:

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

	Current Standard:	Proposed Operation:	Is Standard Met (Y/N):
Setbacks	Front: 35 feet Side: 20 feet Rear: 20 feet	1.5-acre Parcel: Front (south): 252 feet Side(east): 48 feet Side (west): 60 feet Rear (north): 34 feet	Yes
Parking	No requirements for residential development	N/A	N/A
Lot Coverage	No requirement	N/A	N/A
Separation Between Buildings	No animal or fowl pen, coop, stable, barn, or corral shall be located within 40 feet of any dwelling or other building used for human habitation.	N/A	N/A
Wall Requirements	Per section 855-H, determined by the Board of Supervisors in relation	N/A	N/A

	Current Standard:	Proposed Operation:	Is Standard Met (Y/N):
	to the danger or hazard involved		
Septic Replacement Area	100 percent of the existing system	No change	Yes
Water Well Separation	Septic tank: 50 feet; Disposal field: 100 feet Seepage pit/cesspool: 150 feet	No change	Yes

Reviewing Agencies/Department Comments:

Zoning Section of the Fresno County Department of Public Works and Planning: The AE-20 Zone District requires a minimum parcel size of 20 acres. Therefore, a Variance is required to waive the minimum parcel size requirements in order to allow the proposed 1.5-acre parcel and the proposed 17.36-acre parcel.

Analysis:

In support of Finding 1, the Applicant's findings state that several homesite parcels less than 20 acres in size are located near the proposal. The proposed Variance will not reduce agricultural productivity or change the character of the site due to no new residence added to the property. The existence of a single-family residence with related improvements on the property since 1956 is a special circumstance in support of Finding No. 1 and a justification for the creation of lots less than the required minimum 20 acres.

In support of Finding 2, the Applicant states that he has a right to be granted the same ability to use the property as others have under the same zone district near the proposal. Variances have been granted to other properties in the vicinity for the creation of parcels less than 20 acres in size. The proposal will not change or affect the existing improvements on the property. Removal of the proposed 1.5-acre homesite parcel from the existing Williamson Act Contract will allow the property to comply with said Act.

In order to make Findings 1 and 2, an extraordinary circumstance relating to the property that does not apply to other properties in the same zone classification and the preservation of a substantial property right must be demonstrated.

Background information in the Applicant's Findings states that the subject property with a single-family residence is enrolled in a Williamson Act Contract (ALCC No. 3726). The Fresno County and State of California policies do not allow residences to be under the Act's protection, as they do not produce an agricultural product. The Applicant owns the adjacent northerly 39.49-acre parcel and intends to combine it with a 17.36-acre balance of the subject 18.86-acre parcel through a property line adjustment.

With regard to Finding 1, staff notes that although the Applicants have cited other properties in the area less than 20 acres in size, information indicating shape or topography or other unusual exceptional circumstance in relation to the subject 18.86-acre parcel has not been provided. Staff also notes that with the exception of two parcels noted in the "Background Information" of

this report, all other substandard-sized parcels within a one-mile radius of the subject property were not created by variances. Many of these parcels, however, were presumably created prior to August 31, 1976 when the area was zoned A-1 (Agricultural District). The previous A-1 Zone District allowed parcels as small as 6,000 square feet in June 8, 1960 (Ordinance No. 490) to 2.29 acres in November 19, 1968 (Ordinance No. 490.52). Upon analyzing the site aerial photo, the proposed parcelization (Site Plan) and comments from reviewing agencies, staff has concluded that there are no physical circumstances or constraints that justify the need for this Variance. There are no elevation changes, rock outcroppings, wetlands, and/or public easements that create significant hardships for the Applicant.

The fact that the subject property is an active farmland developed with a single-family residence since 1956 is not a physical characteristic demonstrating a circumstance which merits the requested parcel configuration proposed with the Variance request, and as such does not support meeting Finding 1. Staff also believes the proposal does not give validity to the loss of a substantial property right to support meeting Finding 2. As such, denial of this Variance request would not necessarily deprive the Applicant of any right enjoyed by other property owners in the AE-20 Zone District since all property owners in said District are subject to the same development standards. Staff could not identify any impacted rights of the Applicant.

In reference to the above discussion, the following points are worth noting:

The subject parcel is currently zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) in the County Ordinance and surrounded by orchard on parcels ranging from 19 acres to 58 acres in size. There also exist sparse homesites in the project vicinity that are less than two acres in size. The proposed 1.5-acre homesite parcel is comparable in size and use to other homesites in the area. Staff concurs with the Applicant that creation of a 1.5-acre homesite parcel will not bring any changes to the existing improvements on the parcel or result in the removal of agricultural use on the balance of the parcel. The proposed 17.36-acre parcel with orchard will remain in farming operation and combine with the adjacent 39.49-acre parcel also containing orchard. Staff also concurs with the Applicant that cancellation of the Agricultural Land Conservation Contract on the homesite parcel will allow the property to comply with the Williamson Act.

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 6), there appears to be no other alternative that would meet the Applicant's desire to create a 1.5-acre parcel and meet the lot size required of the AE-20 Zone District. However, merger of the proposed 17.36-acre parcel with the existing 39.49-acre parcel resulting in a new 56.85-acre parcel will meet the 20-acre parcel size required in the AE-20 Zone District.

Based on the above analysis and considering the lack of a physical circumstance warranting the proposed parcel configuration and loss of a substantial property right, staff believes Findings 1 and 2 cannot be made.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Findings 1 and 2 cannot be made.

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

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:
North	58.10 acres	Vacant	AE-20	None
South	19.9 acres 39.8 acres	Poultry facility; single-family residences	AE-20	110 feet south
East	39.9 acres	Vineyards	AE-20	None
West	26.24 acres	Single-family residence; personal storage building	AE-20	190 feet

Reviewing Agencies/Department Comments:

Development Engineering Section of the Fresno County Department of Public Works and Planning: Alta Avenue is an Arterial road and South Avenue is a Local road maintained by the County. A 10-foot by 10-foot corner cut-off shall be improved for sight distance purposes at the existing driveway onto South Avenue. Any additional runoff generated by the site development shall be retained or disposed of per County Standards. On-site turnarounds shall be required for vehicles leaving the subject property to enter Alta Avenue. Direct access to Alta Avenue shall be limited to one common point. Willow Creek traverses the subject property. Any improvements within 300 feet of the said creek or any regulated stream shall require an encroachment permit from the Central Valley Flood Protection Board. A grading permit or voucher shall be required for any grading proposed with this application.

Fresno County Department of Public Health, Environmental Health Division: No building permit records were available for the existing septic system. It is recommended that the Applicant consider having the existing septic tank pumped, and have the tank and drain field(s) evaluated by an appropriately-licensed contractor if they have not been serviced and/or maintained within the last five years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the system(s).

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: There is one existing drive approach serving the residence off South Avenue that is composed of a road mix material. An encroachment permit shall be required for any improvements constructed for this drive approach within the County road right-of-way.

Fresno County Fire Protection District: Future development on the property shall require annexation to Community Facilities District No. 2010-01 of the Fresno County Fire Protection District and be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.

Building and Safety Section of the Fresno County Department of Public Works and Planning: The existing septic system and domestic well shall be located on same parcel as the single-family residence.

Zoning Section of the Fresno County Department of Public Works and Planning: Building permits shall be required for one of the two existing barns on the 39.49-acre parcel identified by Assessor's Parcel No. 373-070-87S.

The aforementioned requirements have been included as Project Notes.

Water and Natural Resources Section and Design Division of the Fresno County Department of Public Works and Planning; San Joaquin Valley Air Pollution Control District: No comments.

Analysis:

In support of Finding 3, the Applicant's Findings state that the subject Variance request will result in no change to the proposed homesite parcel with related improvements. The proposed 17.36-acre parcel will continue to maintain the existing orchard and combine with the adjacent 39.46-acre parcel also planted in orchard. Removal of the homesite parcel from the Williamson Act Contract will allow the parcel to comply with the Williamson Act Contract.

Staff notes that the subject parcel and the abutting parcels to north, east and west contain orchard with single-family dwellings and related improvements. The south parcel contains a poultry facility and a single-family residence. No distinctive scenic vista or scenic resources exist near the proposal. If approved, the resulting 1.5-acre homesite parcel will remain in residential use without any foreseeable impact on surrounding properties.

With regard to Finding 3, if approved, the granting of this Variance request will authorize creation of a 1.5-acre parcel with an existing single-family residence located thereon. Such use is complimentary to and compatible with existing residential land uses near the proposal. Further, a 17.36-acre balance of the existing 18.86-acre parcel will combine with a northerly adjacent 39.49-acre parcel resulting in the creation of a 56.85-acre parcel with two existing single-family residences located thereon. The lot merger will occur through a subsequent property line adjustment process. As the AE-20 Zone District allows one single-family residence per 20 acres of land as a matter of right, no more than two single-family residences can be allowed on the proposed 56.85-acre parcel as a matter of right or via the approval of a discretionary Director Review and Approval. As such, approval of the requested Variance resulting in a parcel merger would not increase the residential density currently allowed in the area through by-right or discretionary approvals. Considering the existing nature of the residential land uses located on the proposed parcels, and the existing residential land uses in the area of the proposal, staff believes that there will be no adverse aesthetic impact and no adverse effects on surrounding properties if the Variance is granted.

Considering the compatibility of the existing uses with the surrounding area and with the proposed parcel configuration and adherence to the mandatory Project Notes, the proposal would not be materially detrimental to the properties and improvements in the area. Finding 3 can be made.

Recommended Conditions of Approval:

None

Conclusion:

Finding 3 can be made.

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

Relevant Policies:	**Consistency/Considerations:**
General Plan Policy LU-A.6: The County shall maintain twenty (20) acres as the minimum permitted parcel size in areas designated Agriculture, except as provided in Policies LU-A.9, LU-A.10 and LU-A.11. The County may require parcel sizes larger than twenty (20) acres based on zoning, local agricultural conditions, and to help ensure the viability of agricultural operations.	This Variance would allow the creation of a 1.5-acre homesite parcel with the 17.36-acre balance of the existing 18.86-acre parcel (20-acre gross) being combined with an adjacent 39.49-acre parcel resulting in the creation of a 56.85-acre parcel. The subject property is zoned AE-20 with a 20-acre minimum parcel size. As such, the creation of a 1.5-acre homesite parcel in the AE-20 Zone district is inconsistent with Policy LU-A.6. Further, the subject property does not qualify for an exception under Policies LU-A.9, LU-A.10, or LU-A.11: - LU-A.9: The lot is not for a financing parcel, gift lot, or owned by the property owner prior to the date the policies were implemented. - LU-A.10: The request is not to allow for the development of an agricultural commercial center. - LU-A.11: The request is not to allow the recovery of mineral resources, oil, or gas.
Policy LU-A. 7: The County shall generally deny requests to create parcels less than the minimum size specified in Policy LU-A.6 based on concerns that these parcels are less viable economic farming units, and that the resultant increase in residential density increases the potential for conflict with normal agricultural practices on adjacent parcels. Evidence that the affected parcel may be an uneconomic farming unit due to its current size, soil conditions, or other factors shall not alone be considered a sufficient basis to grant an exception. The decision-making body shall consider the negative incremental and cumulative effects such land divisions have on the agricultural community.	This Variance request proposes to create a 1.5-acre homesite parcel smaller than 20 acres in an area designated Agriculture and zoned AE-20. As such, this proposal is not consistent with General Plan Policy LU-A.7.
General Plan Policy PF-C.17: The County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation. The evaluation shall include the following: a determination that the water supply is adequate to meet the highest demand that could be permitted on the lands in question.	The project is not in a designated water-short area of Fresno County and involves no development or change in current land uses (orchard with a single-family residence). The Water and Natural Resources Section of the Fresno County Department of Public Works reviewed the proposal and expressed no

Relevant Policies:	Consistency/Considerations:
If surface water is proposed, it must come from a reliable source. If groundwater is proposed, a hydrological investigation may be required. If the land in question lies in an area of limited groundwater, a hydrologic investigation shall be required.	concerns. The project is consistent with this Policy.

Reviewing Agencies/Department Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: The subject parcel is currently enrolled in a Williamson Act Land Conservation Contract. 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 maintain 20 acres as the minimum permitted parcel size and generally deny requests to create parcels less than the minimum size specified in areas designated Agriculture. Policy PF-C.17 states that adequate water supply shall be provided for the proposal.

On May 3, 2017, the Agricultural Land Conservation Committee recommended approval for the partial cancellation of the Williamson Act Contract on a 1.5-acre portion of the subject 18.86-acre parcel (APN 373-070-50 & 87S) to create a homesite parcel.

Analysis:

In support of Finding 4, the Applicant states that the subject Variance is consistent with the County General Plan and related zoning ordinance that allows homesite parcels in agriculturally-zoned parcels. The Variance will not change or adversely affect the agricultural production capabilities of the subject property. Merger of the subject parcel with the adjacent parcel to create a larger parcel will enhance the parcel's agricultural viability.

The subject property is designated Agriculture in the County General 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 would create a 1.5-acre homesite 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. As such, the proposal is inconsistent with Policies LU-A.6 and LU-A.7. However, a 17.36-acre balance of the existing 18.86-acre parcel upon merging with an adjacent 39.49-acre parcel resulting in the creation of a 56.85-acre parcel will conform to the parcel size required in the AE-20 Zone District. The proposal is also consistent with General Plan Policy PF-C.17 due to being located outside of a designated water-short area and requiring no additional use of water to impact groundwater resources.

As a point of note, staff acknowledges that the creation of a 1.5-acre homesite parcel will not adversely affect the current agricultural use of the property, as the creation of a 56.85-acre parcel through a property line adjustment will enhance the parcel's agricultural viability. Although the proposal meets several of the criteria for General Plan consistency, the proposed substandard parcel size does not meet eligibility of a homesite retention parcel as defined in the County General Plan and therefore is subject to this Variance request. Finding 4 cannot be made.

Recommended Conditions of Approval:

None

Conclusion:

Finding 4 cannot be made.

CONCLUSION:

Staff believes the required Findings 1, 2, and 4 for granting the Variance cannot be made based on the factors cited in the analysis. Staff therefore recommends denial of Variance No. 3998.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Denial Action)

- Move to determine the required Findings cannot be made and move to deny Variance No. 3998; and

- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Approval Action)

- Move to adopt the Negative Declaration prepared for Initial Study Application No. 7160; and

- Move to determine that the required Findings can be made (state basis for making the Findings) and move to approve Variance No. 3998; and

- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

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Variance Application (VA) No. 3998
Conditions of Approval and Project Notes

Conditions of Approval	
1.	Development shall be in accordance with the Site Plan approved by the Planning Commission.
2.	Prior to completion of a mapping procedure, an agreement incorporating the provisions of the "Right-to-Farm" Notice (Ordinance Code Section 17.40.100) shall be entered into with Fresno County.
3.	The 1.5-acre homesite parcel shall be provided with an access easement. The access easement shall meet the vehicular needs of the users and shall also provide for grading and erosion control to prevent sedimentation or damage to off-site property arising out of its improvement or use. It will be duty of the Registered Civil Engineer to attest to compliance with this condition. Said statement to fully describe all grading work required by the Civil Engineer to be effective at the time of recordation of the Parcel Map.

Conditions of Approval reference recommended Conditions for the project.

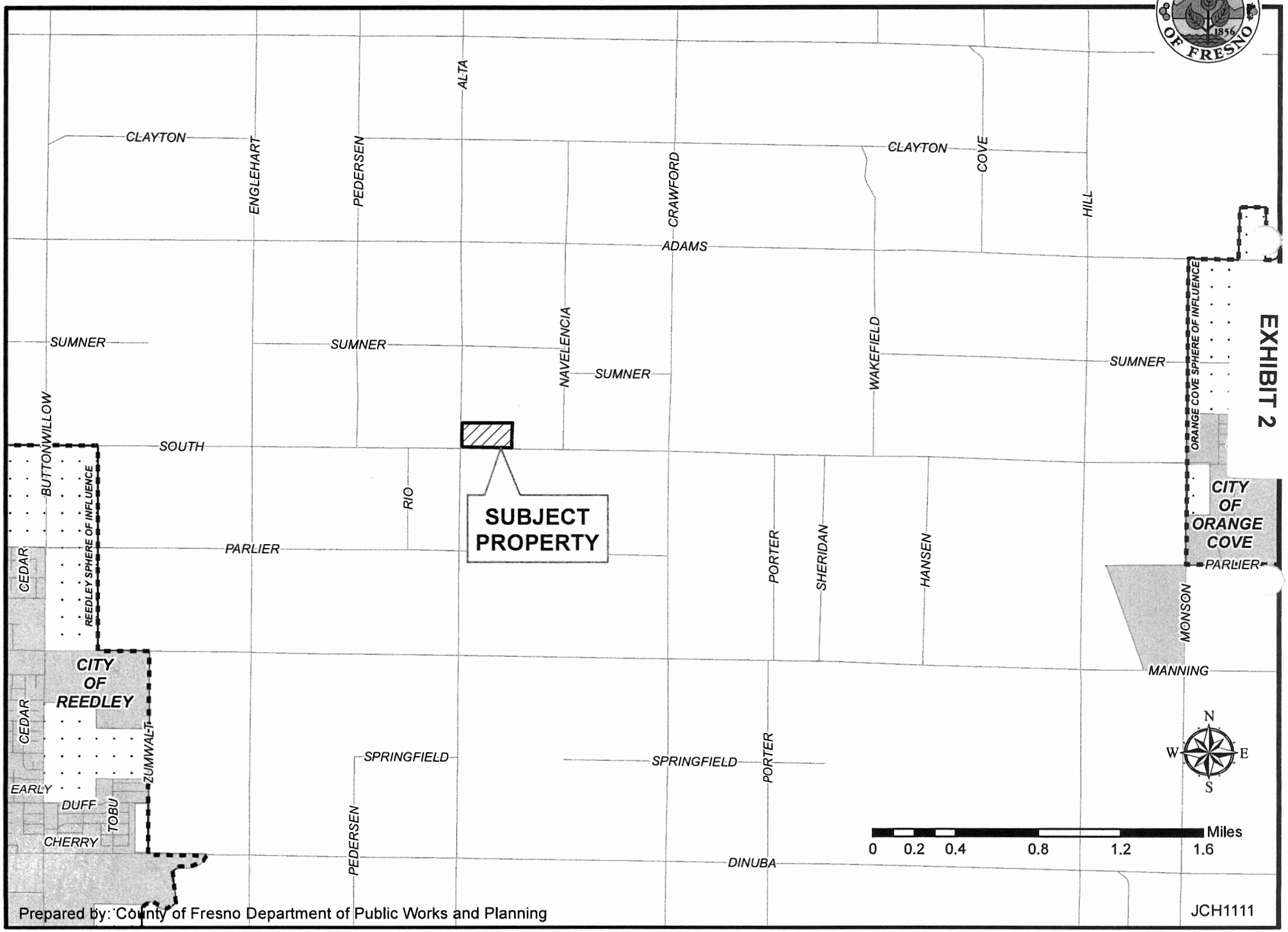
Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	Division of the subject property is subject to the provisions of the Fresno County Parcel Map Ordinance. A Parcel Map Application shall be filed to create the proposed parcels. The Map shall comply with the requirements of Title 17.72. For more information, contact the Department of Public Works and Planning, Development Engineering Section at (559) 600-4022.
2.	The approval of this project will expire one year from the date of approval unless the required mapping application to create the parcels is filed in substantial compliance with the Conditions and Project Notes and in accordance with the Parcel Map Ordinance. When circumstances beyond the control of the Applicant do not permit compliance with this time limit, the Commission may grant a maximum of two one-year extensions of time.
3.	There is one existing drive approach serving the residence off South Avenue that is composed of a road mix material. An encroachment permit shall be required from the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning for any improvements constructed for this drive approach within the County road right-of-way.
4.	Per the Fresno County Department of Public Health, Environmental Health Division, no building permit records were available for the existing septic system. It is recommended that the Applicant consider having the existing septic tank pumped, and have the tank and drain field(s) evaluated by an appropriately-licensed contractor if they have not been serviced and/or maintained within the last five years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the system(s).
5.	Per the Development Engineering Section of the Fresno County Department of Public Works and Planning: • A grading permit or voucher is required for any grading proposed with this application. • A 10-foot by 10-foot corner cut-off shall be improved for sight distance purposes at the existing driveway onto South Avenue.

Notes	
	• A 30-foot by 30-foot corner cut-off shall be improved for sight distance purposes at any existing driveway onto Alta Avenue. • On-site turnarounds shall be required for vehicles leaving the subject property to enter Alta Avenue. • Direct access to Alta Avenue shall be limited to one common point. • Willow Creek traverses the subject property. Any improvements within 300 feet of the said creek or any regulated stream shall require an encroachment permit from the Central Valley Flood Protection Board. • Any additional runoff generated by the proposed development of this site shall be retained or disposed of per County Standards.
6.	Per Fresno County Fire Protection District, future development on the property shall: • Require annexation to Community Facilities District No. 2010-01 of the Fresno County Fire Protection District. . • Be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.
7.	Per the Building and Safety Section of the Fresno County Department of Public Works and Planning, the existing septic system and domestic well shall be located on the same parcel as the single-family residence.
8.	Per the Zoning Section of the Fresno County Department of Public Works and Planning, a building permit is required for one of the two existing barns located on the 39.49-acre parcel identified by Assessor's Parcel No. 373-070-87S.

EA:ksn
G:\4360Devs&Pln\PROJSEC\PROJDOCS\VA\3900-3999\3998\SR\VA3998 Conditions & PN (Ex 1).docx

VA 3998 / IS 7160

LOCATION MAP



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

JCH1111

VA 3998
STR 17 - 15/24

EXISTING ZONING MAP

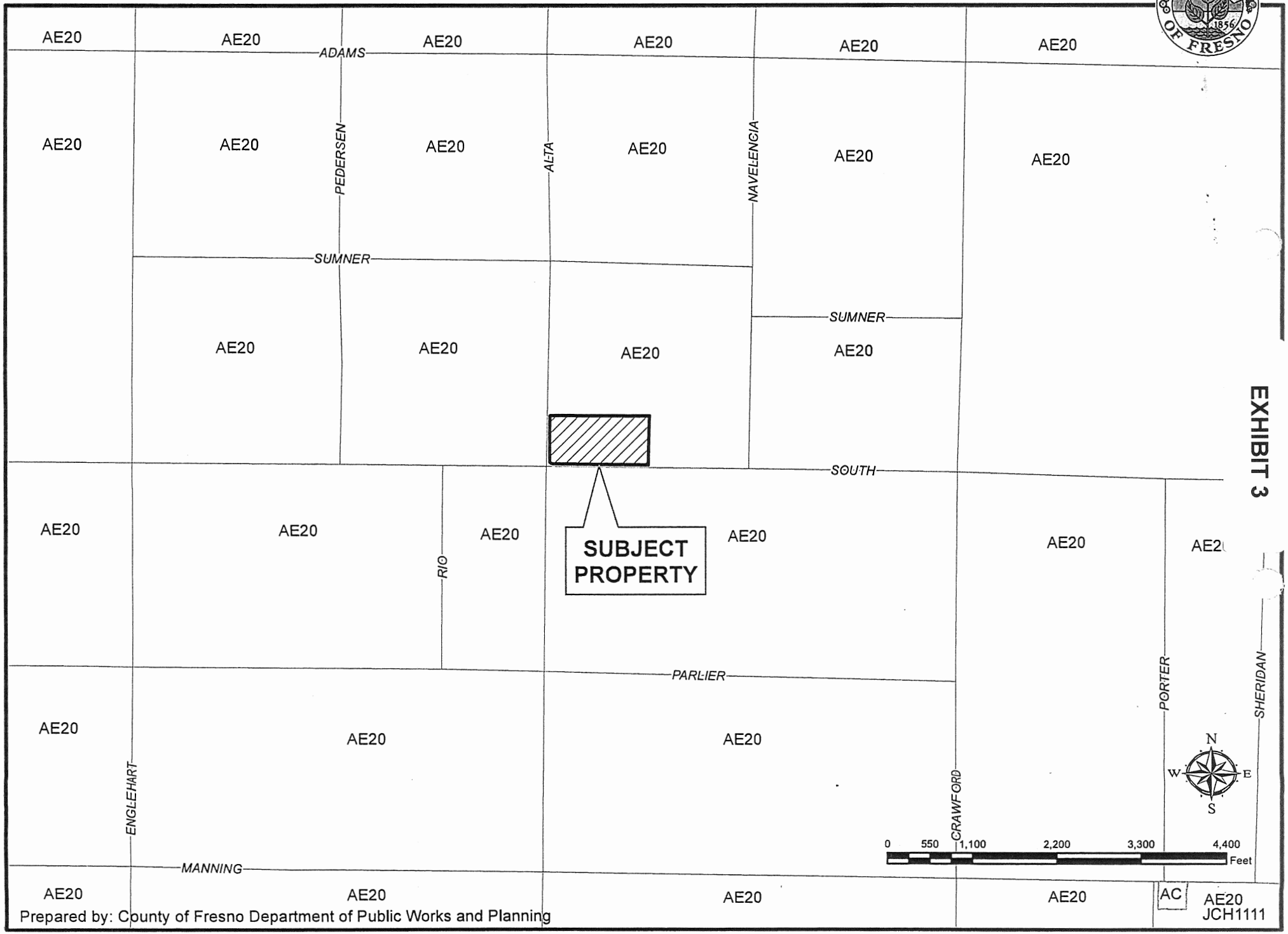


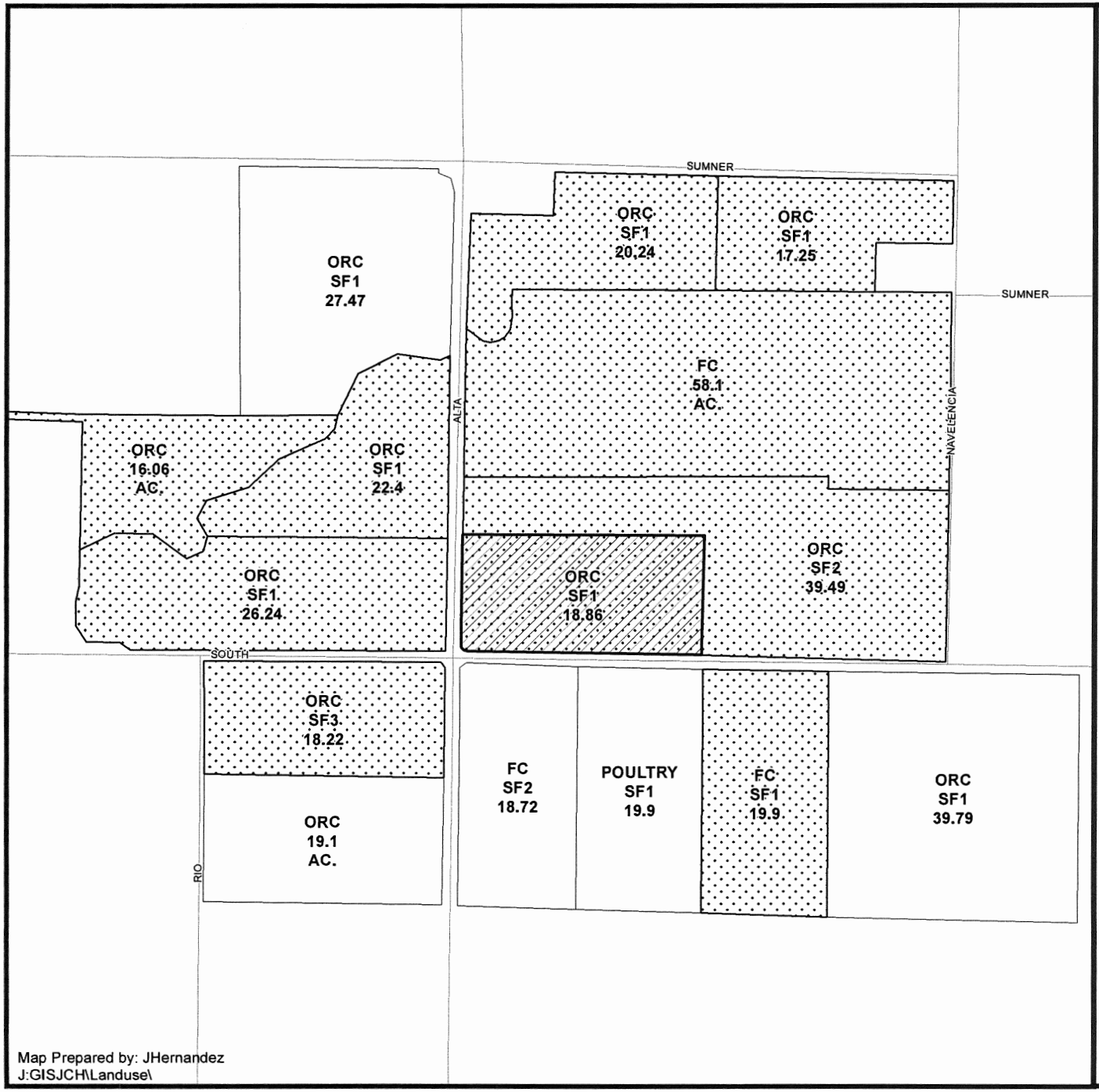
EXHIBIT 3

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

JCH1111

VA 3998

EXISTING LAND USE MAP



Map Prepared by: JHernandez
J:GISJCH\Landuse\

LEGEND

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

LEGEND:

Subject Property

Ag Contract Land

N
W E
S

0 205 410 820 1,230 1,640
Feet

Department of Public Works and Planning
Development Sevices Division

EXHIBIT 4

VA 3998

APPROVED VARIANCES WITHIN A ONE MILE RADIUS

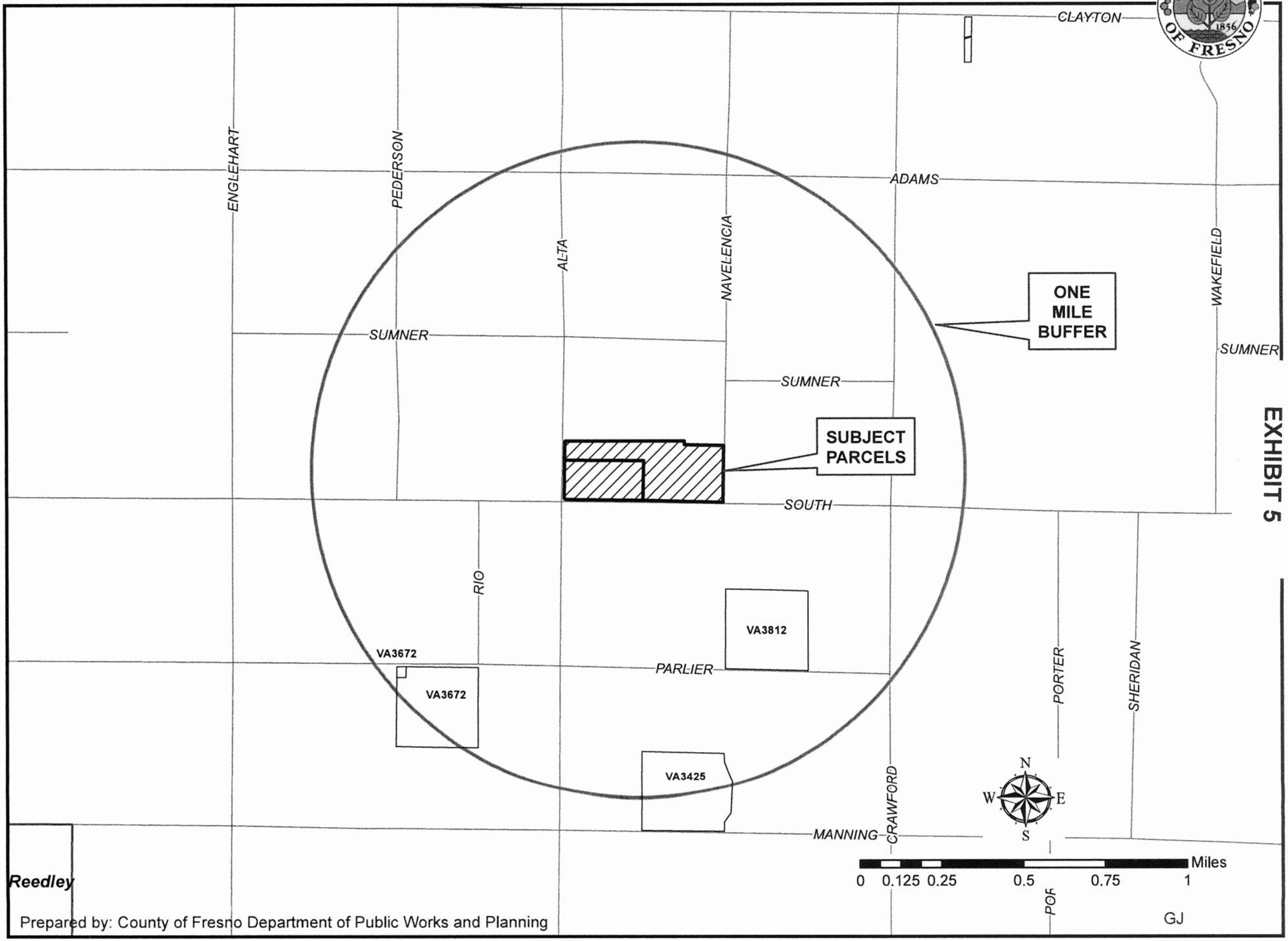


EXHIBIT 5

EXHIBIT 6

Ceres Ranch No. 4 LLC Variance Request

May 3, 2016

Owner:

Ceres Ranch No. 4 LLC
Jack E. Williams III
Ceres Management Group
400 Seventh Street
Manhattan Beach, California 90266

Applicant:

Same as above

Representative:

Dirk Poeschel Land Development Services, Inc.
923 Van Ness Ave., Suite 200
Fresno, CA 93721
559-445-0374

VA 3998

RECEIVED
COUNTY OF FRESNO

JUN 15 2016

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

Property Location:

22212 E. South Ave. Reedley, CA

APN:

APN 370-070-50

Existing Zone Designation:

AE-20

Existing General Plan Land Use Designation:

Exclusive Agriculture

Request:

Approve a Variance to allow the creation of a residential home site parcel of 1.50 +/- acres (gross) from an existing 18.86+/- gross acre parcel in the AE-20 Zone.

Background:

Reference is made to the site plan of the subject property and its improvements prepared by ESP Surveying, Inc. Said plan also details site and related improvements.

According to the Fresno County Assessors staff, the original residence on the subject site was constructed in 1956 and was 1,950 sq. ft. in size. Over time various additions were made to the aforementioned residence with building permits. The subject site was zoned AE-20 from the A-1 zone on August 31, 1976.

The subject site is under Williamson Act Contract No. 3726. County and state polices do not allow residences to be under the Act's protection as they do not produce an agricultural product. The applicant also owns the immediately adjacent 39.49 +/- acre parcel identified as APN 373-070-87 that is subject to Williamson Act Contract No. 8302. The applicant will merge the two parcels (APN 373-070-50 and 87) to create one parcel 58.35 +/- acres.

Finding 1:

Does the strict application of the Zoning Ordinance deprive this property of privileges enjoyed by other properties in the vicinity and in an identical zoning district due to special circumstances applicable to the property, including its size, shape, topography, location or surroundings?

The applicant is requesting permission to create a home site where a home has existed since 1956. This request is not an attempt to reduce agricultural productivity to allow a *new* residential use in the agricultural zone as the home has existed in its current location since 1956.

Various home sites exist proximate to the subject property. In fact, the creation of home sites is common within Fresno County agricultural zone districts. The existence of the aforementioned home, productive domestic well, driveway, garden since 1956 are special circumstances in support of this finding.

The proposed Variance will not change the character of the site whether or not the Variance is granted as the applicant is committed to farming the remainder property and merging them into one larger parcel.

It would be very difficult to convert the residence to an office due to the home's age of construction and the necessary building code compliance modifications that are costly and typically difficult for this type of occupancy rating conversion. The applicant has unsuccessfully attempted to rent the subject residence to people who will properly maintain the house. Assuming the proposed Variance is approved, the existing single-family residence would be sold to someone who would maintain it and be good neighbors.

Review of official county plats indicate numerous home sites exist in the vicinity of the subject site that are similar to the size proposed by the applicant. Said home sites are identified on the assessors plat attached hereto.

Finding 2:

Would this Variance grant a special privilege inconsistent with the limitations upon other properties in the vicinity and zoning district in which the property is located?

The applicant has a right to be granted the same ability to use the subject property as others have under the same AE-20 zone district in the vicinity of the subject property. Other Variances have been granted in the general vicinity of the subject property with lot sizes smaller than the required 20 acre minimum parcel size. The proposed Variance will allow the existing development improvements and intensity of the subject property to remain as in essentially the same condition and configuration since 1956.

The adjacent agricultural uses will not be affected as the applicant desires to continue to farm and has no intention of exiting the Williamson Act on the remaining properties. Also, removing the exiting home site from the Williamson Act guidelines will bring the property into compliance with said Act that does not allow home sites to enjoy the benefits of the Act's property tax protection.

Finding 3:

If granted, would the requested Variance be detrimental to the public welfare or injurious to property or improvements in the area to which the property is located?

Granting the proposed Variance will not be detrimental to surrounding properties for various reasons:

a) The site is improved with a single family home built in 1956. The existing home has a driveway on E. South Ave. which is of adequate width and pavement to serve the proposed home site. No deviations in development standards are required.
b) There is one on-site water well that serves the home. The location of the well is detailed on the attached site plan. Said domestic well produces approximately 30 gpm. Historically, there has been no issue with well production or septic tank leach field capability on the subject site.
c) The proposed home site would not be in conflict with the continued agricultural operation of the remaining agricultural acreage conducted by the applicant.
d) The remaining acreage and the separate legal parcel identified as APN 373-070-87 will merge with the remainder parcel to create one large agricultural parcel of 58.35 +/- acres of vineyard that will remain in a related agricultural use. No change in the agricultural use of the property, either in size or intensity would be affected by the proposed Variance.
e) Also, removing the exiting home site from the Williamson Act guidelines will bring the property into compliance with said Act that does not allow home site to be covered by the law.

Finding 4:

If granted, would the requested Variance be in conflict with established general and specific plans and policies of the county?

The Fresno County General Plan and related zoning ordinance allow for a variety of uses to occur in agriculturally zoned properties. The aforementioned plan and zoning ordinance acknowledge the ability of home owners to create home sites. The proposed Variance will not change or adversely affect the agricultural production capability of the subject property.

Granting the proposed Variance is a logical consequence of allowing home sites in the A-1 and AE-20 zone district. When ownership and other circumstances change, the home site status as part of the original larger parcel is often forced to change.

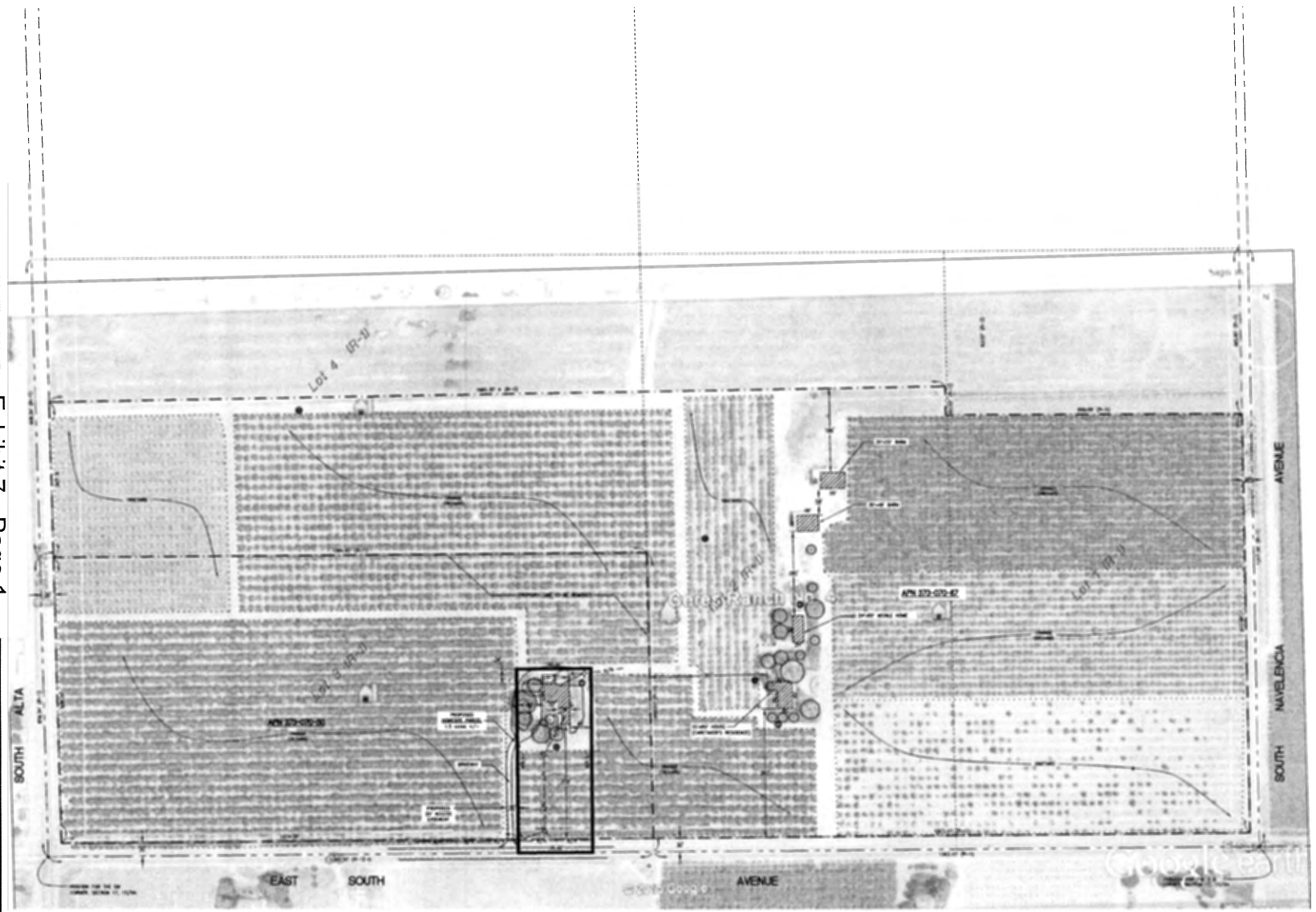
The proposed merger of APN 373-070-87 and the remaining portion of APN 370-070-50 will create a parcel of approximately 58.35 +/- acres. Said merged or enlarged parcel size enhances the remaining parcel's agricultural visibility.

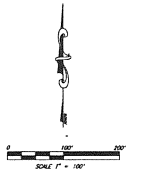
The existing home site and related agricultural uses have functioned without conflicts for many years. Also, removing the exiting home site from the Williamson Act guidelines will bring the property into compliance with said Act that does not allow home site to be covered by the law. For these reasons, the proposed Variance is consistent with the policies of the Fresno County General Plan.

g:\wpdocs\Ceres Mangement 14-02\Ceres Mangement Variance findings.docx

SITE PLAN
CERES RANCH No. 4 LLC

BEING A PORTION OF THE NORTHWEST 1/4 OF SECTION 17, T. 15 S., R. 24 E., M.D.B.M. IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA





LEGEND

- ASPHALT CONCRETE (A"
- CONCRETE (CONC)
- STRUCTURES(BLDG)
- DOMESTIC WELL
- AGRICULTURAL WELL
- SEPTIC
- SECTION LINE
- RIGHT OF WAY
- EXISTING PROPERTY
- PROPOSED PROPERT
- ORIGINAL LOT LINES
- LOT 1 (R-1) ORIGINAL LOT NUMB
- LIMITS OF ORCHARDS
- (R-1) RECORD DATA PER A.R IN BK 4 OF RS AT PG
- (R-2) RECORD DATA PER OR No 2014-0098641, F.
- SURVEY CONTROL PO
- MONITORING WELL (M
- TREE
- ELEC (E) PG (T) ELECTRICAL TELEPHONE OR COMM UTILITY PULL BOX (P
- LIGHT (SL)
- UTILITY POLE (UP)
- GUY ANCHOR (GUY)
- u/g APPROXIMATED UNDERGR
- o/h OVERHEAD UTILITY LIN

EXHIBIT 7

EXISTING PLANNED USE DESIGNATION:
EXCLUSIVE AGRICULTURE

EXISTING AND PROPOSED ZONE DISRICT:
AE-20

ASSESSOR'S PARCEL NUMBERS:
APN 373-070-50 and APN 373-070-87

PROJECT SITE ADDRESS:
22212 E. South Avenue
Reedley, CA 93654

PROPERTY OWNER CONTACT INFORMATION:
Jack E. Williams III
phone: 510.372.7120, email: jewilliams3@verizon.net

ESI SURVEYING
5054 South Elm Ave.
Fresno, CA 93706
Tel. 888.442.8883
Fax 888.442.8884
www.esple.com

DATE OF SURVEY	07/17/2015
ESP JOB No.	15044
DRAWN BY	PSE
REVISION DATE	November 20, 2015
REV. 1	01/04/2016
	04/19/2016

Exhibit 7 - Page 1

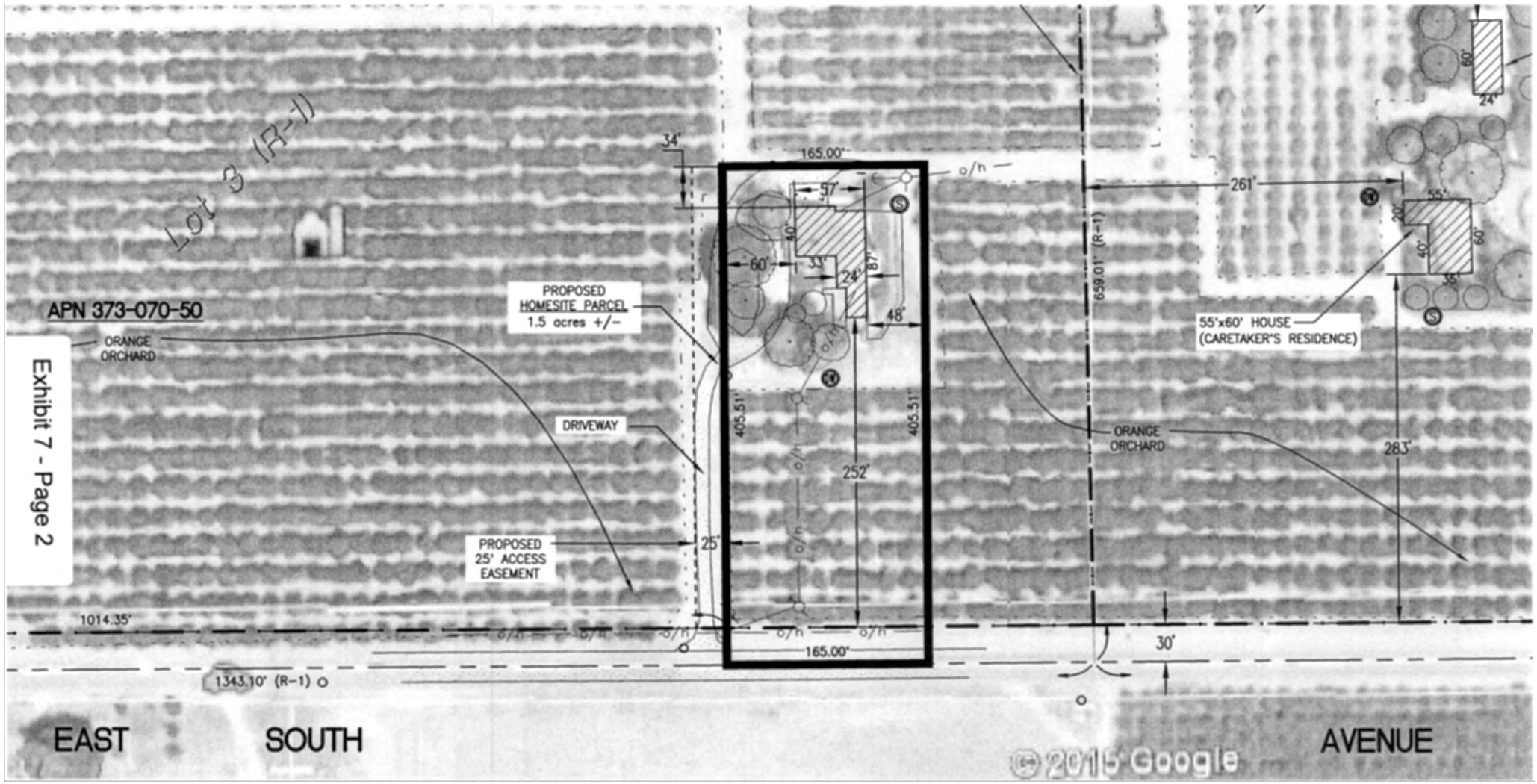


Exhibit 7 - Page 2

County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

APPLICANT: Ceres Management Group

APPLICATION NOS.: Initial Study Application No. 7160 and Variance Application No. 3998

DESCRIPTION: Allow the creation of a 1.5-acre parcel from an existing 18.86-acre parcel (20-acre gross; remaining 17.36-acre parcel to be combined with a 39.49-acre parcel) in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located on the northeast corner of E. South Avenue and S. Alta Avenue, approximately two miles east of the nearest city limits of the City of Reedley (22212 E. South Avenue, Reedley, CA) (SUP. DIST. 4) (APN 373-070-50 & 87S).

I. AESTHETICS

A. Would the project have a substantial adverse effect on a scenic vista; or

B. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway; or

C. Would the project substantially degrade the existing visual character or quality of the site and its surroundings; or

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

FINDING: NO IMPACT:

The proposal entails a request to allow the creation of a 1.5-acre parcel and a 17.36-acre parcel from an existing 18.86-acre parcel (20-acre gross) in the AE-20 Zone District where a minimum of 20 acres is required. There are no development or physical changes associated with the approval of this application or the subsequent mapping application that it authorizes. Existing improvements on the property include a 3,216 square-foot single-family residence with a well

and a septic system and an orange orchard. The property is located in an agricultural area with scattered residential development. Abutting parcels in the north, east and west are planted in orchard and developed with single-family dwellings, and the parcel to the south is developed with a poultry facility and a single-family residence. The project site is not adjacent to a scenic highway.

II. AGRICULTURAL AND FORESTRY RESOURCES

A. Would the project convert prime or unique farmlands or farmland of state-wide importance to non-agricultural use; or

B. Would the project conflict with existing agricultural zoning or Williamson Act Contracts; or

C. Would the project conflict with existing zoning for or cause rezoning of forest land, timberland, or timberland zoned Timberland Production; or

D. Would the project result in the loss of forest land or conversion of forest land to non-forest use; or

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject property is not located on forest land, is classified as Farmland of Statewide Importance on the Fresno County Important Farmland Map (2014), and is currently restricted by Agricultural Land Conservation Contract (Williamson Act Contract) No. 3726.

Pursuant to Fresno County Williamson Act Guidelines, proposed parcels located on land classified as Prime Farmland are required to be a minimum of 20 acres in size to be eligible. In this case, an application for partial cancellation of Williamson Act Contract No. 3726 for the proposed 1.5-acre parcel has been filed by the Applicant. The Agricultural Land Conservation Committee heard the request for cancellation during its May 3, 2017 Meeting and recommended approval to the Fresno County Board of Supervisors. If approved by the Planning Commission, implementation of the proposed Variance will be contingent upon approval of the partial cancellation of Williamson Act Contract No. 3726 by the Board of Supervisors, which would occur after final action on this Variance request.

The proposed 1.5-acre parcel will contain an existing single-family residence and would not be sustainable for agricultural cultivation. The remaining 17.36-acre parcel will continue to be farmed as fruit orchard under Contract No. 3726.

III. AIR QUALITY

A. Would the project conflict with or obstruct implementation of the applicable Air Quality Plan; or

B. Would the project violate any air quality standard or contribute to an existing or projected air quality violation; or

C. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under a Federal or State ambient air quality standard; or

D. Would the project expose sensitive receptors to substantial pollutant concentrations; or

E. Would the project create objectionable odors affecting a substantial number of people?

FINDING: NO IMPACT:

The baseline emissions for this site are based on the existing use as a residence, and cultivation of an orange orchard. Approval of this Variance will allow new parcel lines to be created around the homesite and the orchard. Since the only change is the legal status of the project site, there will be no change to the use and therefore no impacts to any Air Quality Plan or air quality standard violation.

IV. BIOLOGICAL RESOURCES

A. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any candidate, sensitive, or special-status species; or

B. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS); or

C. Would the project have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption or other means; or

D. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; or

E. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or

F. Would the project Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local regional, or state habitat conservation plan?

FINDING: NO IMPACT:

The subject property is located in an agricultural area and has been previously disturbed, as said property has been historically utilized for agricultural cultivation. Additionally, neighboring properties have been historically utilized for agricultural cultivation and, therefore, are unlikely to provide habitat for special status-species. There is no new development proposed as part of this application. The Variance and subsequent mapping application will allow the creation of a new parcel and change the current configuration of property lines. This change will have no physical impact on the parcel.

The California Natural Diversity Database (CNDDB) shows nonexistence of any sensitive or special-status species near the project site. However, accidental discovery of any species in the vicinity will not be impacted by this proposal in that no new development is proposed as part of this application. The Variance and subsequent mapping application will allow the creation of a new parcel and change the current configuration of property lines. This change will have no physical impact on the parcel.

No impacts were identified in regard to: 1) Any candidate, sensitive, or special-status species; 2) Any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS; 3) Federally-protected wetlands as defined by Section 404 of the Clean Water Act; or 4) The movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impediment of the use of native wildlife nursery sites. This proposal will not conflict with any local policies or ordinances protecting biological resources or any provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan.

V. CULTURAL RESOURCES

A. Would the project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5; or

B. Would the project cause of substantial adverse change in the significance of an archeological resource pursuant to Section 15064.5; or

C. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or

D. Would the project disturb any human remains, including those interred outside of formal cemeteries; or

E. Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074?

FINDING: NO IMPACT:

Approval of this Variance request would result in an existing single-family residence with related improvements being located on a 1.5-acre parcel and the existing orange orchard being located on a 17.36-acre parcel. The subject property is not located in an area designated to be highly- or moderately-sensitive to archeological resources and no new development is proposed. No impacts are expected on cultural resources.

No concerns related to this proposal were expressed by the Santa Rosa Rancheria Tribe or the Table Mountain Rancheria.

VI. GEOLOGY AND SOILS

A. Would the project expose people or structures to potential substantial adverse effects, including risk of loss, injury or death involving:

1. Rupture of a known earthquake; or

2. Strong seismic ground shaking; or

3. Seismic-related ground failure, including liquefaction; or

4. Landslides?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project is not located within a fault zone. As such, it will not create a substantial risk or expose people or structures to earthquake rupture, strong seismic ground shaking, seismic-related ground failure, liquefaction or landslides.

B. Would the project result in substantial erosion or loss of topsoil?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Development Engineering Section of the Fresno County Department of Public Works and Planning: 1) a Grading Permit or Voucher shall be required for any grading proposed with this application; and 2) any additional runoff generated by the proposed development shall be retained or disposed of per County Standards. These requirements will be included as Project Notes and implemented on any future development on the property

C. Would the project result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse; or

D. Would the project be located on expansive soils, creating substantial risks to life or property?

FINDING: NO IMPACT:

The project is not located within an area of known risk of landslides, lateral spreading, subsidence, liquefaction, or collapse, or within an area of known expansive soils.

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

FINDING: NO IMPACT:

According to the Environmental Health Division of the Fresno County Department of Public Health, the proposed parcel can accommodate the existing septic system and expansion areas, meeting the mandatory setback requirements as established in the California Plumbing Code and California Well Standards Ordinance. Further, no building permit records are available for the existing septic systems. As such, it is recommended that the Applicant consider having the existing septic tank pumped, and have the tank and drain field(s) evaluated by an appropriately-licensed contractor if they have not been serviced and/or maintained within the last five years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the system(s). This recommendation will be included as a Project Note.

VII. GREENHOUSE GAS EMISSIONS

A. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or

B. Would the project conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

FINDING: NO IMPACT:

Since there is no development proposed as part of this application, there will be no change to the baseline greenhouse gas emissions generated by the site. The project will not be in conflict with any plan, policy, or regulation that was adopted for the purpose of reducing the emissions of greenhouse gases.

VIII. HAZARDS AND HAZARDOUS MATERIALS

A. Would the project create a significant public hazard through routine transport, use or disposal of hazardous materials; or

B. Would the project create a significant public hazard involving accidental release of hazardous materials into the environment; or

C. Would the project create hazardous emissions or utilize hazardous materials, substances or waste within one quarter-mile of a school?

FINDING: NO IMPACT:

No hazardous material impacts were identified in the analysis of this Variance request. Further, no new development is proposed with this Variance request. The nearest school, Sheridan Elementary School, in the city of Orange Cove is approximately four miles to the east of the subject proposal.

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

FINDING: NO IMPACT:

The project is not located on a hazardous materials site and has historically been engaged in agricultural production. No concerns related to the site were expressed by the Fresno County Department of Public Health, Environmental Health Division.

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

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

FINDING: NO IMPACT:

The nearest airport, Reedley Municipal Airport, is approximately 4.4 miles to the northwest of the project site. There is no new land use or development proposed as part of this application that would increase the risk to people working or residing within the project area.

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

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

FINDING: NO IMPACT:

No new development is proposed with this project and the revision of parcel lines will not cause interference with an Emergency Response Plan or Emergency

Evacuation Plan. The subject parcel is in an area of agricultural uses and not within or adjacent to a wildland fire area.

IX. HYDROLOGY AND WATER QUALITY

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

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

FINDING: NO IMPACT:

There is no new development proposed with this Variance application. If approved, the existing 18.86-acre parcel (20 acres gross) will be divided into a 1.5-acre parcel and a 17.36-acre parcel. This will allow the property owner to develop a residence on the 17.36-acre parcel currently planted in orange orchard. However, this potential increase to residential density will not deplete groundwater supplies as the property is not located in a water-short area of Fresno County and will not violate water quality standards.

C. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off site; or

D. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in flooding on or off site?

FINDING: NO IMPACT:

According to the USGS Quad Maps, Willow Creek traverses the subject property. However, the property has been improved with a single-family residence with orange orchard. No new development is proposed by this application and no change will occur to the current use of the property.

E. Would the project create or contribute run-off which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted run-off; or

F. Would the project otherwise substantially degrade water quality?

FINDING: NO IMPACT:

There is no development proposed as part of this application and there will be no additional runoff generated by this site. The project will not degrade water quality. Any additional runoff generated by possible future development cannot be

drained across property lines or into County right-of-way and must be retained on site per County Standards. This mandatory requirement will be included as a Project Note for future development.

G. Would the project place housing within a 100-year floodplain; or

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

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

FINDING: NO IMPACT:

No housing or other structures are proposed as part of this application. According to FEMA FIRM Panel 2685, the subject parcel is not subject to the flooding from the one-percent (1%) chance rain.

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

FINDING: NO IMPACT:

This project will not cause inundation by seiche, tsunami, or mudflow. There is no development proposed with this project.

X. LAND USE AND PLANNING

A. Will the project physically divide an established community?

FINDING: NO IMPACT:

The project will not divide an established community. The area of impacts for this project is limited to the property lines of the 18.86-acre parcel. The nearest community, the City of Reedley, is approximately two miles west of the subject property.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject property is designated Agriculture in the Fresno County General Plan, and is zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size).

According to Policy LU-A.6 of the General Plan, the County shall maintain 20 acres as the minimum permitted parcel size in areas designated Agriculture, except as provided in Policies LU-A.9, LU-A.10, and LU-A.11. The County may require parcel sizes larger than 20 acres based on zoning, local agricultural conditions, and to help ensure the viability of agricultural operations.

With regard to General Plan Policy LU-A.6, the subject proposal is not consistent with General Plan Policy LU-A.9, as said Policy only allows the creation of one homesite parcel smaller than 20 acres from an existing 20-acre (gross) or larger parcel, and the subject Variance request proposes to allow creation of a 1.5 -acre parcel and a 17.36-acre parcel.

According to Policy LU-A.7 of the General Plan, the County shall generally deny requests to create parcels less than the minimum size specified in Policy LU-A.6 based on concerns that these parcels are less viable economic farming units, and that the resultant increase in residential density increases the potential for conflict with normal agricultural practices on adjacent parcels.

In the case of this application, the proposed 1.5-acre homesite parcel is currently improved with a single family residence and the proposed 17.36-acre parcel is planted in orange orchard. This parcel will continue to remain as orchard if this Variance request is approved and will be merged with the adjacent 39.49-acre parcel through a property line adjustment to become a 56.85-acre farming parcel. This increase in parcel size due to the merger will allow the remainder parcel be consistent with Policy LU-A.6 and LU-A.7.

According to Policy PF-C.17 of the General Plan, the County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation. The evaluation shall include the following: A) determination that the water supply is adequate to meet the highest demand that could be permitted on the lands in question; B) determination of the impact that use of the proposed water supply will have on other water users in Fresno County; and C) determination that the proposed water supply is sustainable or that there is an acceptable plan to achieve sustainability.

With regard to General Plan Policy PF-C.17, this proposal was reviewed by the Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning, which did not identify any concerns related to the Variance request. Further, the subject property is not located in a designated water-short area and there is no proposed increase of water use on the property.

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

FINDING: NO IMPACT:

The project will not conflict with any Habitat Conservation or Natural Community Conservation Plans.

XI. MINERAL RESOURCES

A. Would the project result in the loss of availability of a known mineral resource; or

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

FINDING: NO IMPACT:

The project site is not located in an area of locally-important mineral resources recovery, according to Figure 7-7 of the Fresno County General Plan Background Report (FCGPBR).

XII. NOISE

A. Would the project result in exposure of people to severe noise levels; or

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

C. Would the project cause a substantial permanent increase in ambient noise levels in the project vicinity; or

D. Would the project result in a substantial temporary or periodic increase in ambient noise levels?

FINDING: NO IMPACT:

There is no development associated with this application. Approval will not allow a new use on the property which would generate additional noise levels, nor would the approval result in an increase of density in an area which is subject to severe noise levels. Land uses on properties in the area, including the subject property, are agricultural in nature. While such activities may produce temporary increases to the ambient noise levels, the parcel is designated for agricultural use and there is no increase to the baseline noise produced by the current cultivation of oranges.

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

E. Would the project expose people to excessive noise levels associated with a location near an airport or a private airstrip; or

F. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

FINDING: NO IMPACT:

The subject parcel is not located near a Federal Aviation Administration (FAA)-mapped Noise Contour zone. Review of aerial photos indicates that there are no private airstrips near the parcel.

XIII. POPULATION AND HOUSING

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

B. Would the project displace substantial numbers of existing housing; or

C. Would the project displace substantial numbers of people, necessitating the construction of housing elsewhere?

FINDING: NO IMPACT:

This application does not have the potential to induce substantial population growth. There is no displacement of existing housing or people. The scope of the project is limited to allow the processing of a mapping procedure to separate the existing single-family residence from the attached orchard.

XIV. PUBLIC SERVICES

A. Would the project result in substantial adverse physical impacts associated with the provision of new or physically-altered public facilities in the following areas:

1. Fire protection?

FINDING: NO IMPACT:

The Fresno County Fire Protection District reviewed the proposal and expressed no concerns related to fire except that any future development on the property shall require property annexation to Community Facilities District No. 2010-1 of the Fresno County Fire Protection District and the development shall be in accordance with the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought. These requirements will be included as Project Note.

2. Police protection; or

3. Schools; or

4. Parks; or

5. Other public facilities?

FINDING: NO IMPACT:

No impacts on the provision of other services were identified in the analysis of this Variance request.

XV. RECREATION

A. Would the project increase the use of existing neighborhood and regional parks; or

B. Would the project require the construction of or expansion of recreational facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Approval of this application will allow an additional residence to be built on the 17.36-acre parcel, currently planted in orange orchard. One additional residence in this area would not require the expansion of any neighborhood and regional parks. The scope of this application does not include the addition of a residence.

XVI. TRANSPORTATION/TRAFFIC

A. Would the project conflict with any applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation; or

B. Would the project conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demands measures; or

C. Would the project result in a change in air traffic patterns; or

D. Would the project substantially increase traffic hazards due to design features; or

E. Would the project result in inadequate emergency access; or

F. Would the project conflict with adopted plans, policies or programs regarding public transit, bicycle or pedestrian facilities or otherwise decrease the performance or safety of such facilities?

FINDING: NO IMPACT:

The existing single-family residence currently has access to the public road (South Avenue) through a driveway.

The Road Maintenance and Operations Division (RMO) of the Fresno County Department of Public Works and Planning reviewed this proposal and stated that the existing drive approach that serves the residence off South Avenue is composed of a road mix material. Any improvements constructed for this drive approach within the County road right-of-way shall require an encroachment permit from RMO. This requirement will be included as a Project Note.

The Design Division of the Fresno County Department of Public Works and Planning, also reviewed the proposal and expressed no concerns related to traffic or required a Traffic Impact Study (TIS). Additionally, the project will not result in a change in air traffic patterns.

XVII. UTILITIES AND SERVICE SYSTEMS

A. Would the project exceed wastewater treatment requirements; or

B. Would the project require construction of or the expansion of new water or wastewater treatment facilities; or

C. Would the project require or result in the construction or expansion of new storm water drainage facilities; or

D. Would the project have sufficient water supplies available from existing entitlements and resources, or are new or expanded entitlements needed; or

E. Would the project result in a determination of inadequate wastewater treatment capacity to serve project demand; or

F. Would the project be served by a landfill with sufficient permitted capacity; or

G. Would the project comply with federal, state and local statutes and regulations related to solid waste?

FINDING: NO IMPACT:

There are no changes to the existing land uses on the parcel. Approval of this application will allow the processing of a mapping procedure to separate the residential use from the agricultural use. There is no increase in the amount of solid waste, liquid waste, or water usage.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

There is no ground-disturbing activity proposed as part of this application. No new development will be constructed. No impacts to habitat or fish and wildlife species were identified. Likewise, no impacts were identified on cultural resources related to California prehistory.

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

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

FINDING: NO IMPACT:

The project does not have any impacts that are cumulatively considerable, nor will it cause substantial adverse effects on human beings. There is no development or use associated with the approval of this application. Approval would allow a mapping procedure to create a homesite parcel around the existing single-family residence and isolate it from the existing orchard on the parcel.

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Variance Application No. 3998, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Mineral Resources, Noise, Population and Housing, Public Services, Transportation/Traffic, and Utilities and Service Systems. Potential impacts related to Agricultural and Forestry Resources, Geology and Soils, Land Use and Planning, and Recreation have been determined to be less than significant.

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

EA:
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EXHIBIT 9

File original and one copy with:	Space Below For County Clerk Only.
Fresno County Clerk **2221 Kern Street** **Fresno, California 93721**	CLK-2046.00 E04-73 R00-00

Agency File No:	**LOCAL AGENCY PROPOSED NEGATIVE DECLARATION**	County Clerk File No:
IS 7160		**E-**

Responsible Agency (Name):	Address (Street and P.O. Box):	City:	Zip Code:
Fresno County	2220 Tulare St. Sixth Floor	Fresno	93721

Agency Contact Person (Name and Title):	Area Code:	Telephone Number:	Extension:
Ejaz Ahmad, Planner	559	600-4204	N/A

Applicant (Name):	Project Title:
Ceres Management Group	Variance Application No. 3998

Project Description:

Allow the creation of a 1.5-acre parcel from an existing 18.86-acre parcel (20-acre gross; remaining 17.36-acre parcel to be combined with a 39.49-acre parcel) in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The subject parcel is located on the northeast corner of E. South Avenue and S. Alta Avenue, approximately two miles east of the nearest city limits of the City of Reedley (22212 E. South Avenue, Reedley, CA) (SUP. DIST. 4) (APN 373-070-50, 87S).

Justification for Mitigated Negative Declaration:

Based upon the Initial Study (IS 7160) prepared for Variance Application No. 3998, staff has concluded that the project will not have a significant effect on the environment.

No impacts were identified related to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Mineral Resources, Noise, Population and Housing, Public Services, Transportation/Traffic, and Utilities and Service Systems.

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

The Initial Study and ND 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:	Review Date Deadline:
Fresno Business Journal – July 7 , 2017	August 7, 2017

Date:	Type or Print Name:	Submitted by (Signature):
July 5, 2017	Chris Motta, Principal Planner	

State 15083, 15085

County Clerk File No.:_____

LOCAL AGENCY NEGATIVE DECLARATION

ATTACHMENT C

File original and one copy with:	Space Below For County Clerk Only.
Fresno County Clerk 2221 Kern Street Fresno, California 93721	CLK-2046.00 E04-73 R00-00

Agency File No:	**LOCAL AGENCY PROPOSED NEGATIVE DECLARATION**	County Clerk File No:
IS 7160		**E-**

Responsible Agency (Name):	Address (Street and P.O. Box):	City:	Zip Code:
Fresno County	2220 Tulare St. Sixth Floor	Fresno	93721

Agency Contact Person (Name and Title):	Area Code:	Telephone Number:	Extension:
Ejaz Ahmad, Planner	559	600-4204	N/A

Applicant (Name):	Project Title:
Ceres Management Group	Variance Application No. 3998

Project Description:

Allow the creation of a 1.5-acre parcel from an existing 18.86-acre parcel (20-acre gross; remaining 17.36-acre parcel to be combined with a 39.49-acre parcel) in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The subject parcel is located on the northeast corner of E. South Avenue and S. Alta Avenue, approximately two miles east of the nearest city limits of the City of Reedley (22212 E. South Avenue, Reedley, CA) (SUP. DIST. 4) (APN 373-070-50, 87S).

Justification for Mitigated Negative Declaration:

Based upon the Initial Study (IS 7160) prepared for Variance Application No. 3998, staff has concluded that the project will not have a significant effect on the environment.

No impacts were identified related to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Mineral Resources, Noise, Population and Housing, Public Services, Transportation/Traffic, and Utilities and Service Systems.

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

The Initial Study and ND 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:	Review Date Deadline:
Fresno Business Journal – November 1 , 2017	Board of Supervisors – November 14, 2017

Date:	Type or Print Name:	Submitted by (Signature):
October 10, 2017	Chris Motta, Principal Planner	

State 15083, 15085

County Clerk File No.:_____

LOCAL AGENCY
NEGATIVE DECLARATION

Variance Application (VA) No. 3998
Conditions of Approval and Project Notes

Conditions of Approval	
1.	Development shall be in accordance with the Site Plan approved by the Planning Commission.
2.	Prior to completion of a mapping procedure, an agreement incorporating the provisions of the "Right-to-Farm" Notice (Ordinance Code Section 17.40.100) shall be entered into with Fresno County.
3.	The 1.5-acre homesite parcel shall be provided with an access easement. The access easement shall meet the vehicular needs of the users and shall also provide for grading and erosion control to prevent sedimentation or damage to off-site property arising out of its improvement or use. It will be duty of the Registered Civil Engineer to attest to compliance with this condition. Said statement to fully describe all grading work required by the Civil Engineer to be effective at the time of recordation of the Parcel Map.

Conditions of Approval reference recommended Conditions for the project.

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	Division of the subject property is subject to the provisions of the Fresno County Parcel Map Ordinance. A Parcel Map Application shall be filed to create the proposed parcels. The Map shall comply with the requirements of Title 17.72. For more information, contact the Department of Public Works and Planning, Development Engineering Section at (559) 600-4022.
2.	The approval of this project will expire one year from the date of approval unless the required mapping application to create the parcels is filed in substantial compliance with the Conditions and Project Notes and in accordance with the Parcel Map Ordinance. When circumstances beyond the control of the Applicant do not permit compliance with this time limit, the Commission may grant a maximum of two one-year extensions of time.
3.	There is one existing drive approach serving the residence off South Avenue that is composed of a road mix material. An encroachment permit shall be required from the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning for any improvements constructed for this drive approach within the County road right-of-way.
4.	Per the Fresno County Department of Public Health, Environmental Health Division, no building permit records were available for the existing septic system. It is recommended that the Applicant consider having the existing septic tank pumped, and have the tank and drain field(s) evaluated by an appropriately-licensed contractor if they have not been serviced and/or maintained within the last five years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the system(s).
5.	Per the Development Engineering Section of the Fresno County Department of Public Works and Planning: • A grading permit or voucher is required for any grading proposed with this application. • A 10-foot by 10-foot corner cut-off shall be improved for sight distance purposes at the existing driveway onto South Avenue.

ATTACHMENT D

Notes	
	• A 30-foot by 30-foot corner cut-off shall be improved for sight distance purposes at any existing driveway onto Alta Avenue. • On-site turnarounds shall be required for vehicles leaving the subject property to enter Alta Avenue. • Direct access to Alta Avenue shall be limited to one common point. • Willow Creek traverses the subject property. Any improvements within 300 feet of the said creek or any regulated stream shall require an encroachment permit from the Central Valley Flood Protection Board. • Any additional runoff generated by the proposed development of this site shall be retained or disposed of per County Standards.
6.	Per Fresno County Fire Protection District, future development on the property shall: • Require annexation to Community Facilities District No. 2010-01 of the Fresno County Fire Protection District. . • Be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.
7.	Per the Building and Safety Section of the Fresno County Department of Public Works and Planning, the existing septic system and domestic well shall be located on the same parcel as the single-family residence.
8.	Per the Zoning Section of the Fresno County Department of Public Works and Planning, a building permit is required for one of the two existing barns located on the 39.49-acre parcel identified by Assessor's Parcel No. 373-070-87S.

EA:ksn
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