



Inter Office Memo

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

DATE: November 19, 2020
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 12857 - VARIANCE APPLICATION NO. 4084

APPLICANT/OWNER: C&A Farms, LLC

REQUEST: Allow the creation of a 1.18-acre homesite parcel from an existing 40.00-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the west side of S. Rolinda Ave. approximately one-quarter mile south of its intersection with W. Jensen Ave., and approximately four and one half-miles east of the nearest city limits of the City of Fresno (2253 S. Rolinda Ave., Fresno, CA) (SUP. DIST. 1) (APN 025-041-37S).

PLANNING COMMISSION ACTION:

At its hearing of November 19, 2020, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Woolf and seconded by Commissioner Lawson to deny Variance Application No. 4084, based on the Commission's inability to make the required Findings.

RESOLUTION NO. 12857

This motion passed on the following vote:

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

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:
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Attachments

EXHIBIT A

Variance Application No. 4084

Staff: The Fresno County Planning Commission considered the Staff Report dated November 19, 2020 and heard a summary presentation by staff.

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

- We request that the Commission consider the alternate motion (to approve) listed in the Staff Report.
- We are proposing to create the proposed 1.18-acre parcel to encompass the existing residence and related improvements, which have been in this location for a substantial amount of time, approximately 89 years.
- The residence was built approximately 31 years prior to the passage of the Williamson Act.
- By our calculations, the residence has existed for approximately 41 years prior to the AE-20 Zoning designation. It is our understanding that the previous zoning was A-1, which allowed for much smaller parcels.
- All of the existing improvements have coexisted with the agricultural uses in the area, similar to other farmhouses in the area.
- The subject property owner owns other property in the area; and the property is currently engaged in agricultural production.
- The property is involved in a contractual agreement for sale of the agricultural balance of the property, and the homesite portion of 1.18 acres would be retained by the current owner/applicant.
- The environmental assessment prepared for this proposal indicated either no impact or a less than significant impact, and impacts to farmland were identified as less than significant.
- No future improvements are planned.
- Staff's analysis supported making Finding 3.
- We believe that the four Findings can be made; there are many other smaller "homesite" parcels in the area, as evidenced by the assessors maps of this area and adjacent areas, although the process by which those other parcels came to be is not known to us, we feel that their existence creates precedence supporting the approval of our proposal.

RESOLUTION NO. 12857

- As to Finding 4, the use of the site was consistent for many years before the AE-20 Zoning went into effect.
- No increase in water use was anticipated by any reviewing agencies.
- The Fresno County Department of Agriculture expressed no concerns with our proposal; and there would be no reduction in agricultural use of the parcel as a result of our proposal to create the homesite parcel.
- Because the parcel currently contains 40 acres within the AE-20, the owner would be able to subdivide it into two, twenty-acre parcels, and one residence would be allowed on each.
- We would not be apposed to a restriction of one residence placed upon the proposed 1.18-acre parcel; and, we would be willing to record a "right to farm" covenant.

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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EXHIBIT "B"

ATTACHMENT
TO
AGENDA ITEM

FISCAL IMPACT STATEMENT

Initial Study No. 7811
(State Clearinghouse # 2020080119
Variance Application No. 4084

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

Variance Application:	\$ 6,049.00 ¹
Environmental Assessment (Class III):	1,212.00 ²
Health Department Review:	365.00 ³
Agricultural Commissioner Review:	<u>76.00⁴</u>
Total Fees Collected	\$ <u>7,793.00</u>

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) evaluation.
⁴ Review of proposal by the County Department of Agriculture.



County of Fresno

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

ADDENDUM

Planning Commission Staff Report Agenda Item No. 4 November 19, 2020

SUBJECT: Initial Study No. 7811 and Variance Application No. 4084

Allow the creation of a 1.18-acre parcel from an existing 40.00-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located on the westside of South Rolinda Avenue, approximately one quarter-mile south of its intersection with West Jensen Avenue, approximately four and one half-miles east of the nearest city limits of the City of Fresno (2253 S. Rolinda Avenue, Fresno, CA) (Sup. Dist. 1) (APN 025-041-37S).

**OWNER/
APPLICANT:** C&A Farms, LLC

STAFF CONTACT: Jeremy Shaw, Planner
(559) 600-4207

David Randall, Senior Planner
(559) 600-4052

RECOMMENDATION:

- Deny Variance No. 4084; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Staff Report and Exhibits dated October 8, 2020.

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 would be appropriate, should the Planning Commission determine that the required Findings can be made. A summary of the Initial Study is included as Exhibit 8.

The Notice of Intent to Adopt a Negative Declaration was published on August 12, 2020.

PUBLIC NOTICE:

Notices were sent to 11 property owners within 1,320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

A Variance Application (VA) may be approved only if four Findings specified in Zoning Ordinance Section 877 are made by the Planning Commission.

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

The subject parcel is under Williamson Act Contract No. 3342. As part of this Variance, the property is required to undergo a parcel cancellation of the Williamson Act contract on the proposed 1.18-acre parcel, the remaining 38.82 acres will remain under contract. The Agricultural Land Conservation Commission (ALCC) considered the application for cancellation of the contract and recommended the Board of Supervisors deny the application. Final action on the cancellation is taken by the Board of Supervisors. If the cancellation application is not approved by the Board any variance approval by the Planning Commission would be moot.

BACKGROUND INFORMATION:

The zoning of the subject parcel was established as Exclusive Agricultural, 20-acre minimum parcel size on April 4, 1972 with the approval of Amendment Application No. 2277, as part of an effort by the County of Fresno to establish Zone Districts which were consistent with the Fresno County General Plan, as required by law. No other zoning amendments have been processed for the subject parcel and all nearby parcels share the AE-20 Zone District. The current property owners acquired the property in, which is after the AE-20 Zone District was applied to the parcel.

PUBLIC COMMENT:

None.

CONCLUSION:

Based on the factors cited in the analysis, staff is unable to make Findings 1, 2 and 4. Therefore, staff recommends denial of Variance No. 4084.

PLANNING COMMISSION MOTIONS:**Recommended Motion** (Denial Action)

- Move to determine that the required Findings cannot be made and move to deny Variance No. 4084; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Approval Action)

- Adopt the Negative Declaration prepared for Initial Study No. 7811; and
- Move to determine that the required Findings can be made (state basis for making the Findings) and move to approve Variance No. 4084, subject to the Conditions and Notes attached as Exhibit 1; 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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County of Fresno

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

Planning Commission Staff Report Agenda Item No. 2 October 8, 2020

SUBJECT: Initial Study No. 7811 and Variance Application No. 4084

Allow the creation of a 1.18-acre parcel from an existing 40.00-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located on the westside of South Rolinda Avenue, approximately one quarter-mile south of its intersection with West Jensen Avenue, approximately four and one half-miles east of the nearest city limits of the City of Fresno (2253 S. Rolinda Avenue, Fresno, CA) (Sup. Dist. 1) (APN 025-041-37S).

**OWNER/
APPLICANT:** C&A Farms, LLC

STAFF CONTACT: Jeremy Shaw, Planner
(559) 600-4207

David Randall, Senior Planner
(559) 600-4052

RECOMMENDATION:

- Deny Variance No. 4084; 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. Applicant's Findings
6. Site Plan
7. Approved Variances within a one and one half-mile radius
8. Summary of Initial Study No. 7811

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 (gross)	40.00 acres	Parcel 1: 38.82 acres Parcel 2: 1.18 acres
Project Site	N/A	N/A
Structural Improvements	Single-family residence with accessory structures	Parcel 1: None Parcel 2: No change
Nearest Residence*	Approximately feet north of the subject parcel.	No change
Surrounding Development	Agricultural Uses/farming	No changes
Operational Features	Single-Family Residence	Parcel 1: Agriculture Parcel 2: No change
Employees	None	No change
Customers	None	No change

Criteria	Existing	Proposed
Traffic Trips	Residential/Farming	Parcel 1: Farming Parcel 2: Residential
Lighting	Residential	Parcel 1: N/A Parcel 2: No change

*As measured from the nearest property line of the subject parcel to the edge of the residence

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 would be appropriate, should the Planning Commission determine that the required Findings can be made. A summary of the Initial Study is included as Exhibit 8.

The Notice of Intent to Adopt a Negative Declaration was published on August 12, 2020.

PUBLIC NOTICE:

Notices were sent to 11 property owners within 1,320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

A Variance Application (VA) may be approved only if four Findings specified in Zoning Ordinance Section 877 are made by the Planning Commission.

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

The Applicant is proposing to create a 1.18-acre parcel and a 38.82-acre parcel from an existing approximately 40.00-acre parcel. The subject parcel is under Williamson Act Contract No. 3342. As part of this Variance, the property was required to undergo a parcel cancellation of the Williamson Act contract on the proposed 1.18-acre parcel, the remaining 38.82 acres will remain under contract. Cancellation of a Williamson Act contract requires final action by the Board of Supervisors.

BACKGROUND INFORMATION:

The zoning of the subject parcel was established as Exclusive Agricultural, 20-acre minimum parcel size on April 4, 1972 with the approval of Amendment Application No. 2277, as part of an effort by the County of Fresno to establish Zone Districts which were consistent with the Fresno County General Plan, as required by law. No other zoning amendments have been processed for the subject parcel and all nearby parcels share the AE-20 Zone District.

The current property owners acquired the property in, which is after the AE-20 Zone District was applied to the parcel.

There have been two variances approved within a one and one-half mile radius of the project site:

Application/Request	Date of Action	Staff Recommendation	Final Action
VA No. 2718: Allow the creation of a 10-acre parcel from an existing 47.27-acre parcel AE-20 Zone District	7/22/82	Deferred to Planning Commission	PC Approved
VA No. 2883: Allow reduced setback for an Ag Exempt building in the AE-20.	12/20/84	Deferred to Planning Commission	PC Approved with conditions

Each variance request must be considered on its own merit, based on unique site conditions and circumstances.

REQUIRED FINDINGS:

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

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

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	Front: 35 feet Side: 20 feet Rear: 20 feet	Parcel 2: Front (East):118 feet Side (North): 31.2 feet Side (South):20 feet Rear (West): 55.6 feet Parcel 1: N/A	Yes
Parking	Minimum two spaces for residential use	No change	Yes
Lot Coverage	No requirements	N/A	Yes

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Space Between Buildings	No requirements, except that no animal or fowl pen, coop, stable, barn or corral shall be located within forty (40) feet of any dwelling or other building used for human habitation	No change	Yes
Wall Requirements	No requirement	No change	Yes
Septic Replacement Area	100 percent	No change	Yes
Water Well Separation	Septic tank: 50 feet; Disposal field: 100 feet; Seepage pit: 150 feet	No change	Yes

Reviewing Agency/Department Comments:

Development Engineering Section of the Fresno County Department of Public Works and Planning: According to FEMA FIRM Panel 2100H, the subject parcel is not subject to flooding from the 100-year storm event.

The subject property is located within an agricultural preserve. Any construction or development may require approval from the Policy Planning Unit, Development Services and Capital Projects Division.

Zoning Section of the Fresno County Department of Public Works and Planning: If the Variance application is approved, a mapping procedure to create both parcels is required.

Building and Safety Section of the Fresno County Department of Public Works and Planning: No comment.

Findings 1 and 2 Analysis:

In support of Finding 1, the Variance Findings provided by the Applicant for this proposal assert that subject parcel could be divided into two 20-acre parcels without the need for a variance which is indeed allowed by right subject to the appropriate mapping application. The Applicant's Finding indicate that a covenant could be recorded on the entire property which would eliminate the possibility of future division of the property into smaller parcels, however, the Zoning Ordinance does not contain a provision for a covenant to prevent future parcel division by discretionary approval. The Applicant also notes that all of the residentially related improvements are located on the proposed 1.18-acre parcel, which assertion is supported by staff review of the site plan.

In support of Finding 2, the Applicant asserts that the request to create the substandard parcel is not unique to the area and that there are at least ten (10) examples of parcels that are between 1 and 2 acres in size, and that the existence of these smaller parcels supports the finding that this Variance is necessary to preserve a property right possessed by other owners in the area under the identical zoning classification.

Staff has reviewed the subject proposal and was not able to identify an exceptional or extraordinary condition which did not apply to other parcels in the area. Review of the land uses in the area (Exhibit 4) shows that the parcel is of typical size and shape for this area, with most parcels containing approximately 20 to 40 acres, and many of the parcels in the immediate vicinity are also restricted by Williamson Act Contract. Additionally, many contain a single-family residence similar to the subject parcel. There are no natural features of the site which would inhibit the use of the property as a whole. While the Applicant cites 10 sites in the area that are small lots between one and two acres in area, there is only one substandard parcel within one and one half-mile of the subject property that has been created by a Variance.

The findings provided by the Applicant did not identify a deficit of a substantial property right that would be alleviated by approval of this Variance. The subject parcel in its current configuration with mixed residential and agricultural uses is similar to other parcels in the area. If approved the Variance would permit a unique property right not generally enjoyed by other parcels in the area with the same zoning

Therefore, due to the lack of exceptional features on the parcel and that the lot size restriction does generally apply to other properties in the vicinity staff is unable to make Findings 1 or 2.

Recommended Conditions of Approval:

None.

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	75.56 acres	Orchard	AE-20	Approximately 215 feet
	1.51 acres	Single-Family Residential		
East	118.18 acres	Orchard	AE-20	Approximately one half-mile
South	20.00 acres	Orchard	AE-20	Approximately 1,870 feet

Surrounding Parcels				
West	38.95 acres	Orchard/ Single-Family Residential	AE-20	Approximately one half-mile

*As measured from the nearest property line of the proposed 1.18-acre parcel to the edge of the nearest neighboring residence

Reviewing Agency/Department Comments:

Development Engineering Section of the Fresno County Department of Public Works and Planning: South Rolinda Avenue is classified as a local road with an existing prescriptive right-of-way per the Plat Book. The minimum total right-of-way for a local road is 60 feet. South Rolinda Avenue is a County maintained road and records indicate that this section of South Rolinda Avenue from Jensen Avenue to North Avenue has an average daily traffic (ADT) count of 200, a paved width of 13.4 feet, a structural section of 0.25 feet RMS/ 1 foot IB, and is in fair condition.

A grading permit is required for any grading that is proposed with this application and any grading that has been done without a permit.

If not already present, a ten-foot by ten-foot corner cutoff should be improved for sight distance purposes at any existing or proposed driveway accessing Thompson Avenue. Any work done within the right-of-way to construct a new driveway or improve an existing driveway will require an encroachment permit from the Road Maintenance and Operations Division.

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: South Rolinda Avenue is a County maintained road with a prescriptive right-of-way. South Rolinda is classified as a local road in the County's General Plan requiring 60 feet of right-of-way. Currently, South Rolinda has prescriptive right-of-way, accordingly, an additional 30 feet of right-of-way shall be dedicated along the parcel frontage to satisfy the ultimate right-of-way.

Any driveway improvements constructed within the existing road right-of-way will require an encroachment permit from this Division.

Fresno County Department of Public Health, Environmental Health Division: It is recommended that the Applicant consider having the existing septic tank pumped and have the tank and leach field 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.

Any new development of less than two acres or secondary dwelling will require a nitrogen loading analysis by a qualified professional, demonstrating to the Department that the regional characteristics are such that an exception to the septic system density limit can be accommodated. The Department will refer any analysis to the RWQCB for their concurrence and input.

A Nitrogen Loading Analysis was approved by the Department of Public Works and Planning on June 1, 2020, indicating the soils on the proposed 1.18-acre parcel were adequate to support the two existing septic systems.

The following agencies returned a “no comments” or “no concerns” response to staff’s requests for comment: Design and Resources Divisions of the Fresno County Department of Public Works and Planning; and the State Water Resources Control Board, Division of Drinking Water. Fresno County Fire Protection District.

Finding 3 Analysis:

In support of Finding 3, the Applicant assert that this proposal to create the substandard sized parcel will not be detrimental to the public welfare or injurious to property in the vicinity because no additional improvements are proposed with this application.

With regard to Finding 3, staff acknowledges that there are likely no substantial detrimental impacts to the public welfare, surrounding property and improvement that would occur as a result of this Variance; however, staff also notes that the creation of a new parcel has the potential to increase residential density in the area by allowing the addition of a single-family residence on proposed Parcel 1 (38.82 acres) as a matter of right. Increased residential density has the potential to conflict with adjacent agricultural operations.

This application is subject to the County “Right to Farm” Ordinance, Fresno County Ordinance Code Section 17.04.100 and 17.72.075.

Recommended Conditions of Approval:

None

Conclusion:

Finding 3 can be made.

Finding 4: *That the proposed development is consistent with 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.	Not Consistent: Policy LU-A.9 relates to the creation of homesite parcels, the Applicant declined to pursue the option to create a gift deed and this request does not qualify for any of the other exemptions identified therein. Policy LU-A.10 relates to the creation of parcels for the development of an agricultural commercial center and LU-A.11 relates to the creation of small parcels to support the extraction of oil and gas. The Applicant declined to pursue the option to create a gift deed parcel and the proposal is therefore not consistent with this policy.
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	Consistent: LU-A.7 is intended to protect agricultural uses from increases to residential densities and support commercial agricultural operations. Staff has reviewed this application’s consistency with the required findings for

Relevant Policies:	Consistency/Considerations:
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.	granting a Variance and determined that only three of the four Findings could be made and therefore recommends denial of this Variance, consistent with this policy.

Reviewing Agencies/Department Comments:

Water and Natural Resources Division of the Fresno County Department of Public Works and Planning: The Water and Natural Resources Division has reviewed the subject application and completed a water supply evaluation. The Water and Natural Resources Division has determined that there will be no net increase in water use resulting from approval of this application because the residential and agricultural infrastructure are existing. As such, staff supports approval of the project.

Fresno County Department of Agriculture, Agriculture Commissioner: Since there will be no additional loss of agricultural land, the Fresno County Department of Agriculture has no further comment.

Policy Planning Unit of the Fresno County Department of Public Works and Planning, Development Services and Capital Projects Division: The subject parcel is enrolled in the Williamson Act Program under Contract No. 3342. Pursuant to the Fresno County Williamson Act guidelines, parcels that are enrolled in the program are required to have at least 20 acres of prime soil and an active agricultural operation, or at least 40 acres of non-prime soil and an active agricultural operation to be eligible to remain in the Williamson act Program.

Finding 4 Analysis:

In support of Finding 4, the Applicant's Findings assert that the proposed Variance will not cause productive land to be removed from agricultural use, and that the 38.82-acre parcel remaining in agricultural production would be consistent with the surrounding property.

With regard to Finding 4, staff determined that the proposed parcel split would not be consistent with General Plan Policy LU-A.6 and LU-A.7 discussed in the preceding table. The General Plan policies discussed are intended to address concerns that an increase in the number of residential parcels and decrease in parcel sizes in Fresno County could lead to a conversion of productive agricultural land and impacts from intensification of residential uses not in support of agricultural uses.

The 1.18-acre parcel size does not qualify for any of the exemptions described in General Plan Policy LU-A.9 and stated intent of Policy LU-A.6, to maintain 20 acres as a minimum parcel

size. The remainder 38.82-acre parcel would remain in the Williamson Act contract and would continue the existing agricultural operation. However, the creation of the 1.18-acre residential parcel is not consistent with the intent of the underlying zoning which is intended to be an exclusive district for agriculture and for those uses which are necessary to and an integral part of the agricultural operation.

Because the subject parcel is currently restricted by a Williamson Act Contract, the Applicant was required to file a petition for partial cancellation of the contract. The Agricultural Land Conservation Committee (ALCC) determines if the requested early cancellation of the Contract should be granted and makes a recommendation to the Board of Supervisors for a final decision. If the cancellation request is not granted by the Board of Supervisors, the Variance will not be effective, since the proposed Variance only provides relief from the requirements of the Zoning Ordinance and there is no Variance available in regard to the minimum acreage required by the Williamson Act.

The Agricultural Land Conservation Committee considered the applicant request to cancel the Williamson Contract on the 1.18-acre parcel and made a recommendation of denial of the cancellation application.

Based on the analysis, staff was unable to make Finding 4.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 4 cannot be made.

PUBLIC COMMENT:

None.

CONCLUSION:

Based on the factors cited in the analysis, staff is unable to make Findings 1, 2 and 4. Therefore, staff recommends denial of Variance No. 4084.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Denial Action)

- Move to determine that the required Findings cannot be made and move to deny Variance No. 4084; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Approval Action)

- Adopt the Negative Declaration prepared for Initial Study No. 7811; and

- Move to determine that the required Findings can be made (state basis for making the Findings) and move to approve Variance No. 4084, subject to the Conditions and Notes attached as Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

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EXHIBIT 1
Variance Application (VA) No. 4084
Conditions of Approval and Project Notes

Conditions of Approval	
1.	Division of the property shall be in accordance with the site plan (Exhibit 6) as approved by the Planning Commission.
2.	Prior to approval of the mapping procedure to create proposed Parcels 1 and 2 as required for this Variance, an additional 30 feet of road right-of-way shall be dedicated along the entire existing subject parcel (APN 025-041-37S) frontage to meet the ultimate right-of-way for South Rolinda Avenue.

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.	<p>Division of the subject property is subject to the provisions of the Fresno County Parcel Map Ordinance. A Parcel Map Application shall be filed to create the two proposed parcels. The Map shall comply with the requirements of Title 17.72.</p> <p>The Fresno County Parcel Map Ordinance (County Ordinance Code, Title 17- Divisions of Land) provides that “Property access improvements associated with the division of the subject property are subject to the provisions of the Fresno County Parcel Map Ordinance, including dedication, acquisition of access easement, roadway improvements, and roadway maintenance.” These requirements will be satisfied through recordation of a parcel map to create the subject parcels, subsequent to the approval of the Variance. The Applicant(s) may apply for an exception request from the road standards through the parcel map process.</p>
2.	The approval of this Variance will expire one year from the date of approval unless the required mapping application to create the parcels is filed in substantial compliance with the Conditions and Project Notes and in accordance with the Parcel Map Ordinance.
3.	All abandoned water wells and septic systems on the subject parcel or resultant parcels shall be properly destroyed by an appropriately licensed contractor, subject to permits and inspections by the Fresno County Department of Public Works and Planning and the Fresno County Department of Public Health.
4.	Prior to destruction of agricultural wells, a sample of the uppermost fluid in the well column shall be checked for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil shall be removed from the well prior to placement of fill material for destruction. The oily water removed from the well must be handled in accordance with federal, state and local government requirements.
5.	Should any underground storage tank(s) be found during development, the Applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division.

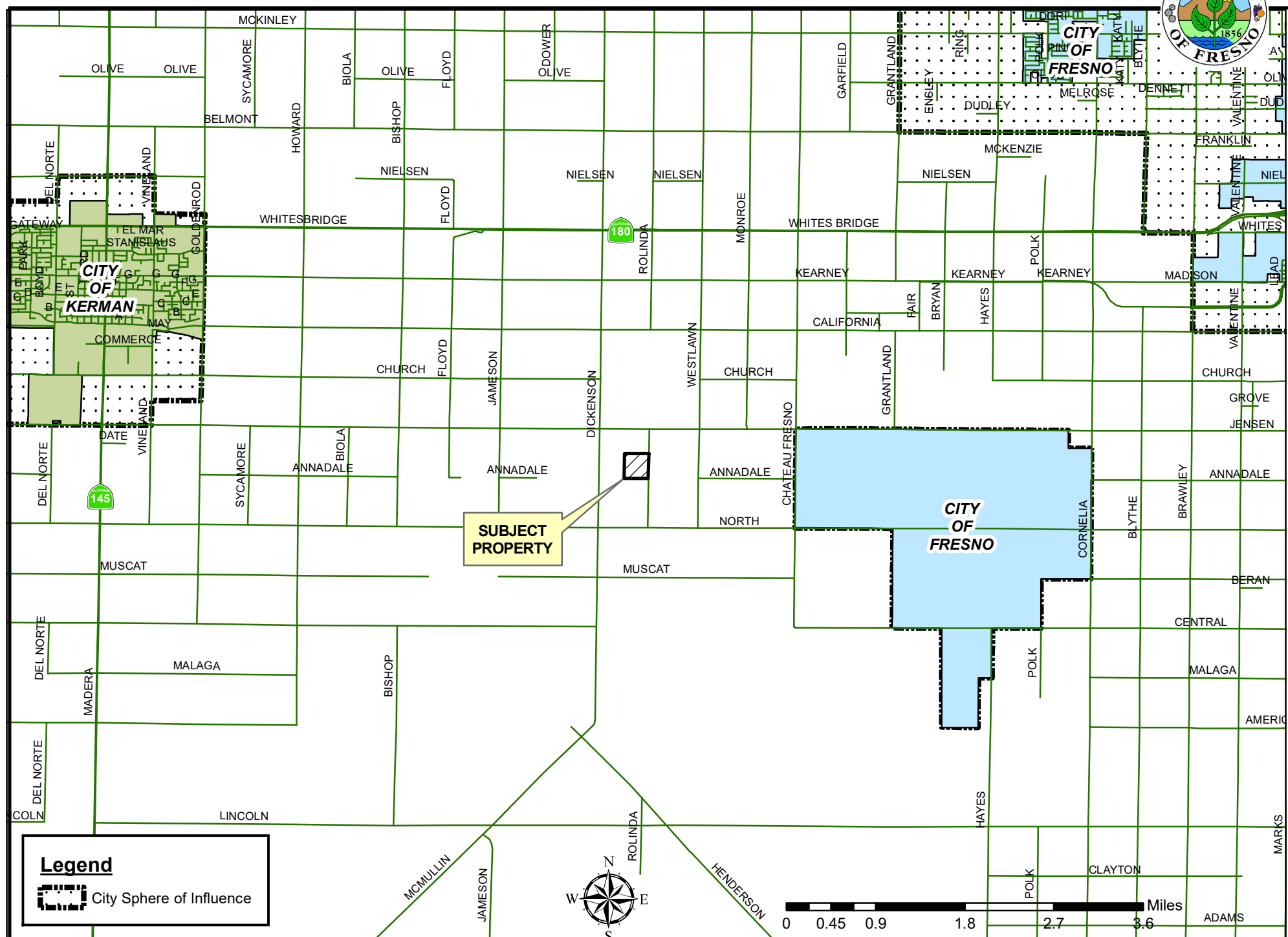
EXHIBIT 1

Notes

6.	A Grading Permit or Voucher shall be required for any grading that has been done without a permit and any grading associated with future development of the existing and proposed parcel(s).
7.	Any additional runoff generated by development of the proposed parcels cannot be drained across property lines and must be retained or disposed of per County standards.
8.	An encroachment permit from the Fresno County Road Maintenance and Operations Division will be required for any work proposed within the County road right-of-way.
9.	South Rolinda Avenue is classified as a local road in the Fresno County General Plan, with an existing prescriptive right-of-way per the Plat Book. The minimum total right-of-way width for a local road is 60 feet.
10.	South Rolinda Avenue is a County maintained road and records indicate that the section of South Rolinda Avenue from Jensen Avenue to North Avenue has an average daily traffic (ADT) count of 200, a paved width of 13.4 feet, a structural section of 0.25 feet RMS/1 foot IB, and is in fair condition.

JS:

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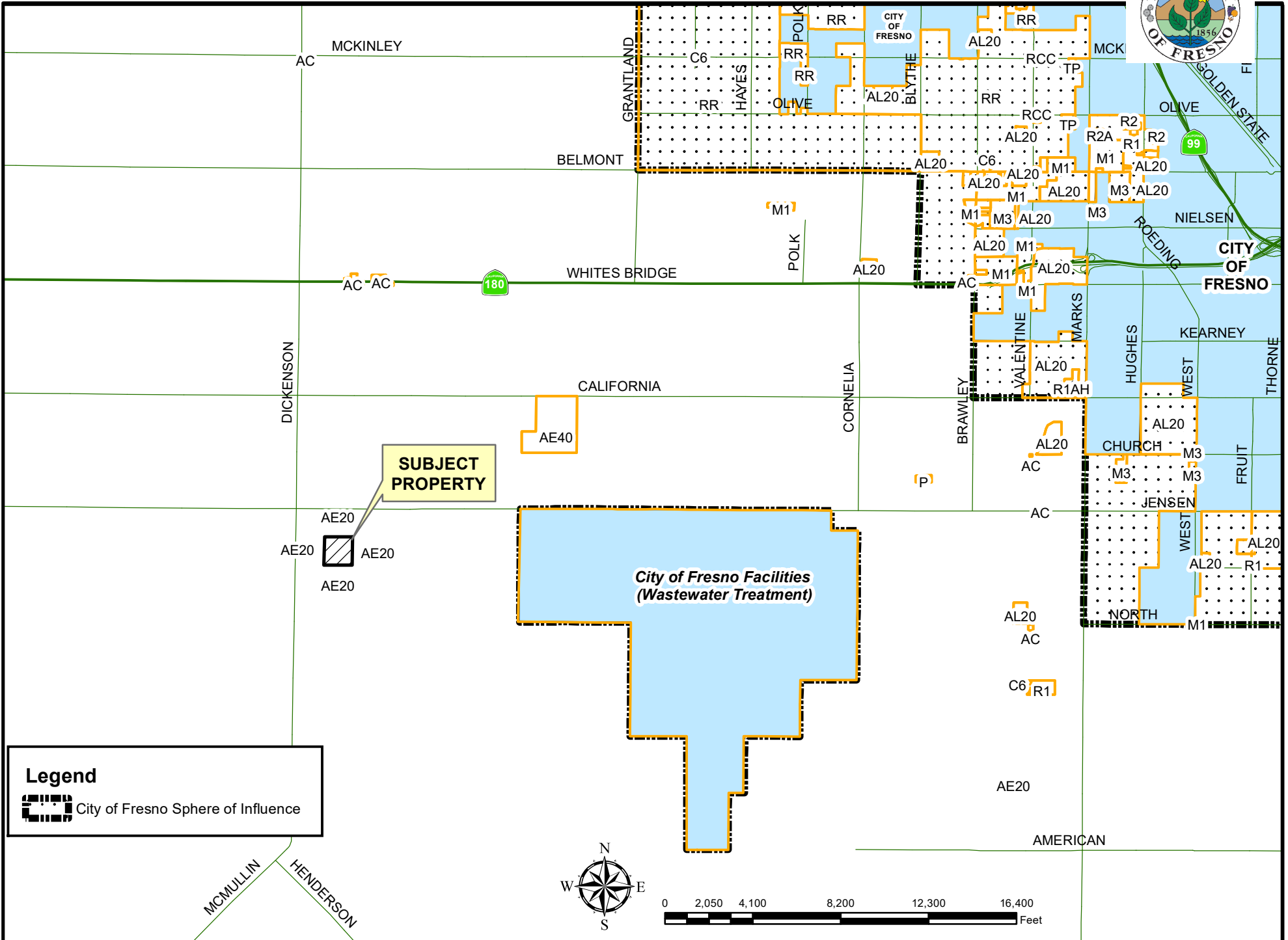
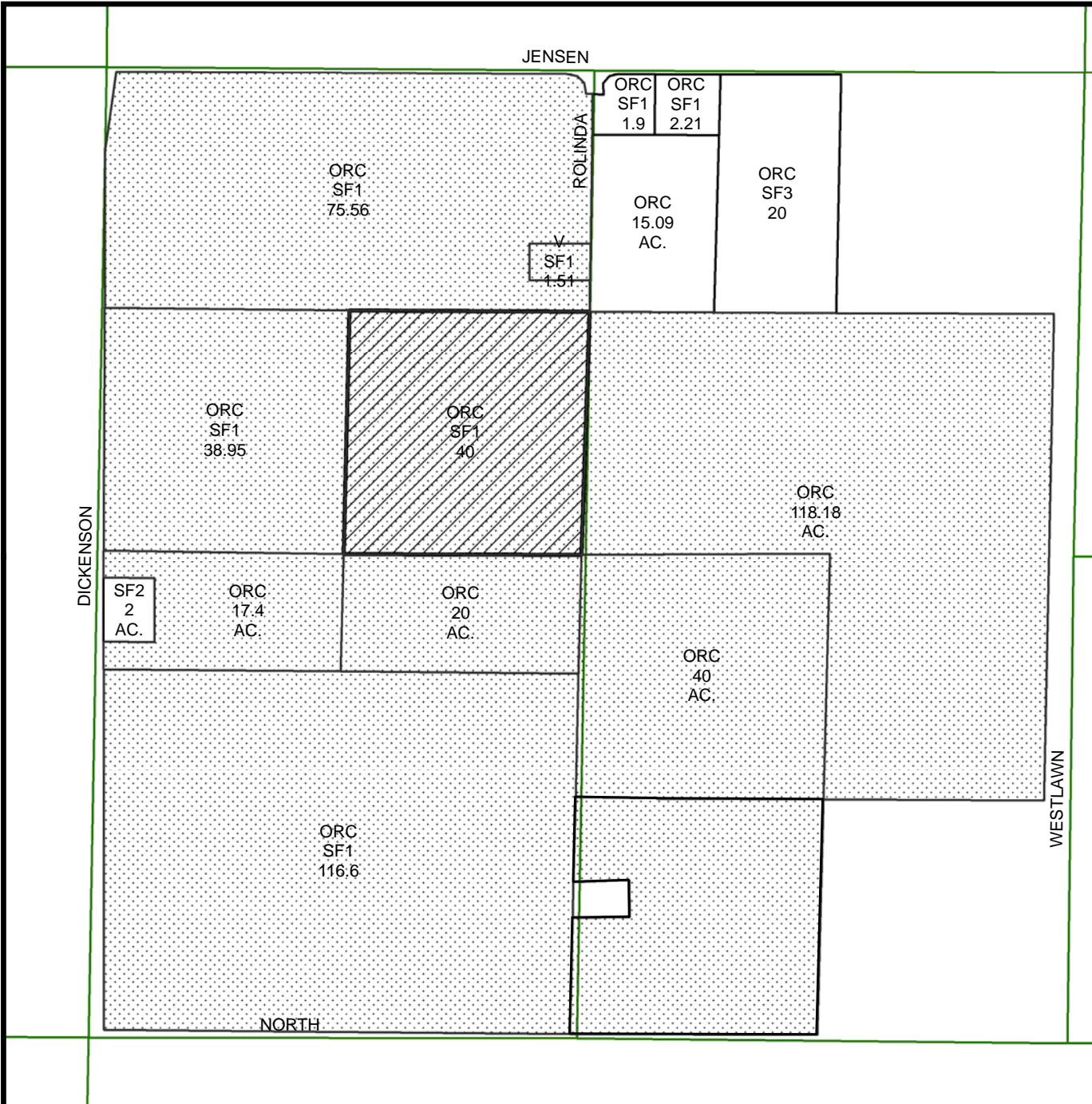


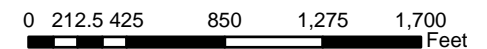
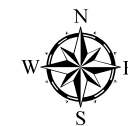
EXHIBIT 4 EXISTING LAND USE MAP



LEGEND	
ORC - ORCHARD	
SF#- SINGLE FAMILY RESIDENCE	
V - VACANT	

LEGEND:

- Subject Property
- Ag Contract Land



Department of Public Works and Planning
Development Services Division

EXHIBIT 5

Pre-Application Review No. 39639 (APN 25-041-37S)

Finding No. 1 (Exceptional of Extraordinary Circumstances)

The subject parcel is located in an area of Fresno County that is planned and zoned for agricultural uses. The property that is the subject of this Variance request is primarily developed with almond trees, a single-family home, and several outbuildings. The proposed variance, if approved, would provide the owner with the ability to subdivide the subject site and create two parcels, one with 1.18 acres, and one with 39.06 acres. Currently, the 40-acre parcel could be divided into two parcels, both with 20 acres. If the requested variance is approved and a Parcel Map is approved the applicant will record a covenant on the entire property to eliminate the possibility of future division into smaller parcels. All of the “domestic” improvements are on the 1.18 acres (future “Residential Parcel”) that is proposed for division from the 39.06 acre “Agricultural Parcel”. Generally, other agricultural properties do not record a covenant to protect against future division of the property. This fact makes this Variance / Division proposal unique in this area.

Finding No. 2. (Preservation of a Substantial Property Right)

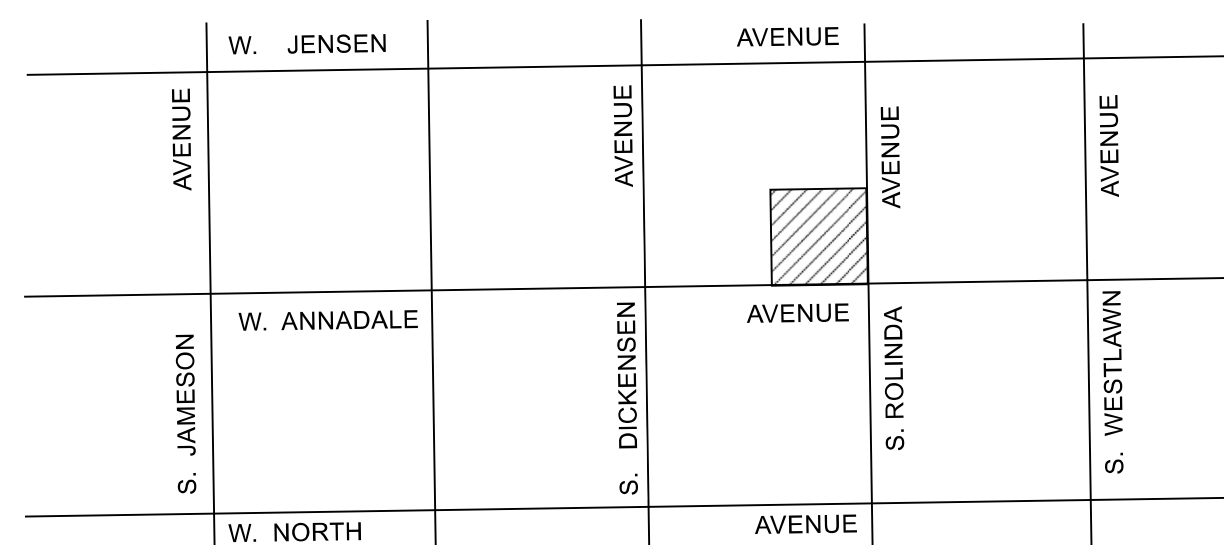
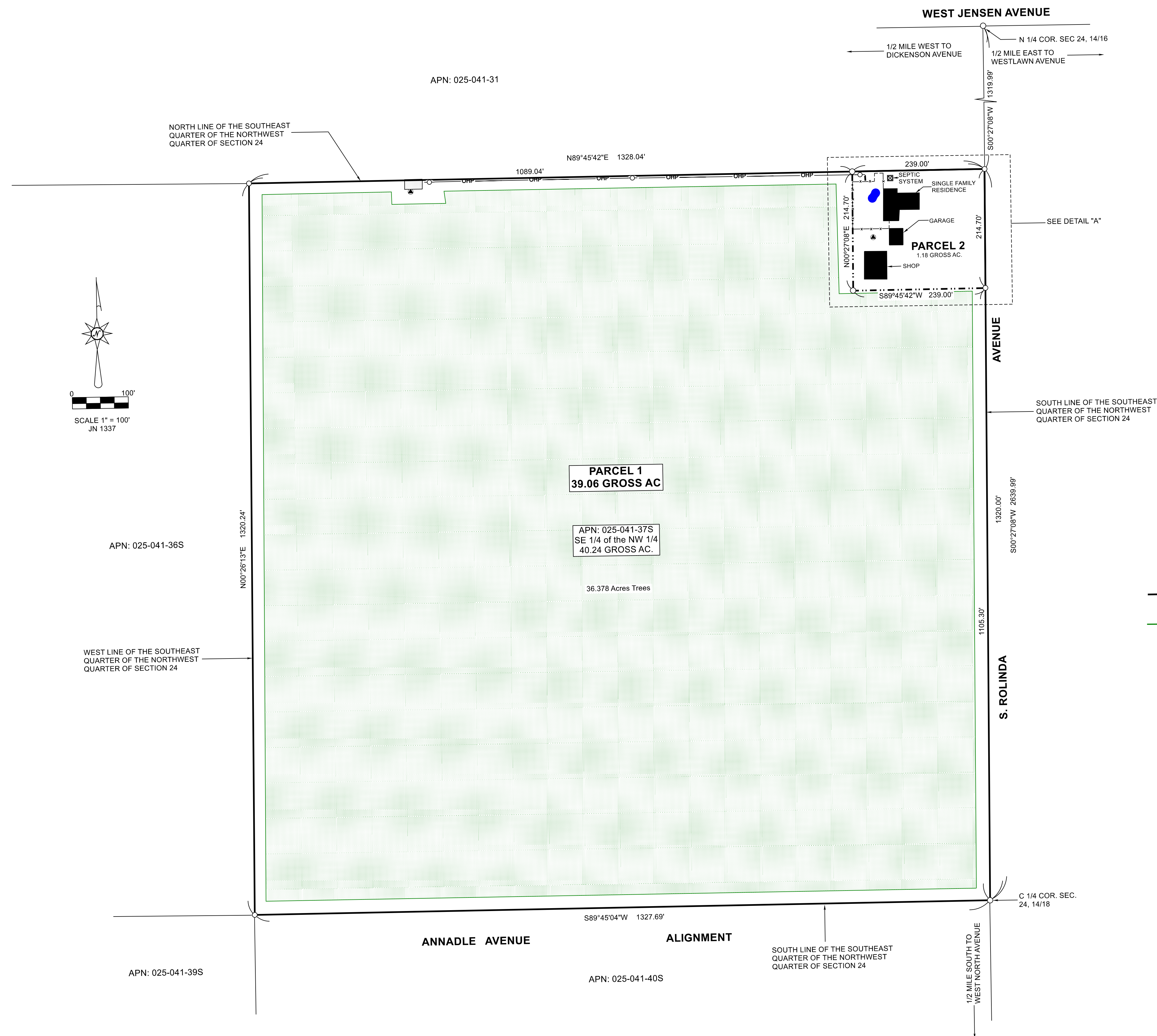
The applicants’ request to divide the 40-acre property into two parcels is not unique to this area. Within one mile of the subject site, there are 10 (ten) examples of small (1.0 – 2.0 acres) parcels adjacent to agricultural properties. If the requested variance is approved, the property owner will enjoy a right that is possessed by other nearby property owners under like conditions and having the same zoning classification.

Finding No. 3 (Public Welfare)

The applicants’ proposal to apply for and obtain a variance and to divide the property will not be detrimental to the public welfare or injurious to property in the vicinity. All of the improvements (sewer, water, PG&E, septic system, water well) on the proposed “1.15-acre Residential Parcel” are existing and no additional improvements are planned at this time.

Finding No. 4: (General Plan)











The proposal for a variance to provide the basis for a future mapping process is consistent with the General Plan. This proposal will not result in agricultural land to be removed from production nor will it serve to stimulate such activity. The applicants’ commitment to hold the 39.06 acres as one parcel and take away the possibility of future land division actually helps the viability of the surrounding agricultural area. Therefore, the proposed variance is consistent with the Fresno County General Plan



LOCATION MAP

NOT TO SCALE

LEGEND

-  - POSITION FOR PROPERTY CORNER
-  - EXISTING EXTERIOR BOUNDARY
-  - PROPOSED NEW DIVISION LINE
-  - EXISTING STRUCTURES AS NOTED
-  - EXISTING FENCE LINE
-  - AG WELL
-  - FILTRATION STATION
-  - DOMESTIC WELL
-  - OVERHEAD POWER LINE
-  - EXISTING ALMOND TREE BLOCK

SITE PLAN

**PROPOSED PARCEL SPLIT OF THE SOUTHEAST QUARTER OF THE NORTHWEST
QUARTER OF SECTION 24, T.14S., R.18E., M.D.B. & M.
FRESNO COUNTY, CALIFORNIA
CONSISTING OF ONE SHEET**

OWNERS:
C & A FARMS LLC
C/O MARICOPA ORCHARDS
1306 W. HERNDON AVE., SUITE 101
FRESNO, CA 93711

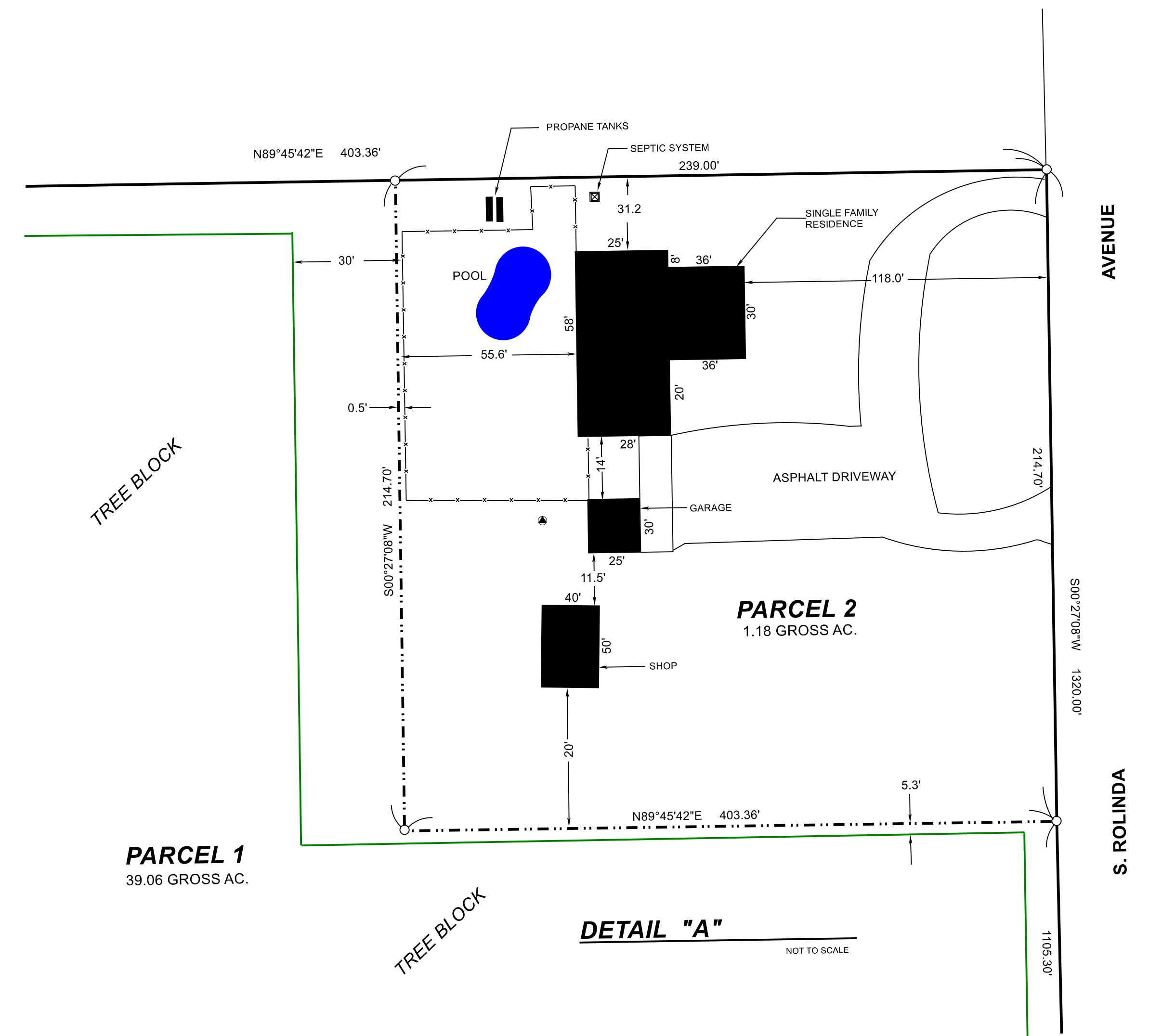
APPLICANT:
C & A FARMS LLC
C/O MARICOPA ORCHARDS
1306 W. HERNDON AVE., SUITE 101
FRESNO, CA 93711

SITE INFORMATION:
2253 SOUTH ROLINDA AVENUE, FRESNO, CA 93706
APN: 025-041-37
ZONE: AE20
ALCC NO: 3342

LEGAL DESCRIPTION:

THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 24,
TOWNSHIP 14 SOUTH, RANGE 18 EAST, MOUNT DIABLO BASE AND MERIDIAN,
IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA, ACCORDING TO THE
OFFICIAL PLAT THEREOF.

CONTAINING 40.24 GROSS ACRES, MORE OR LESS.



Surveyed & Platted by:

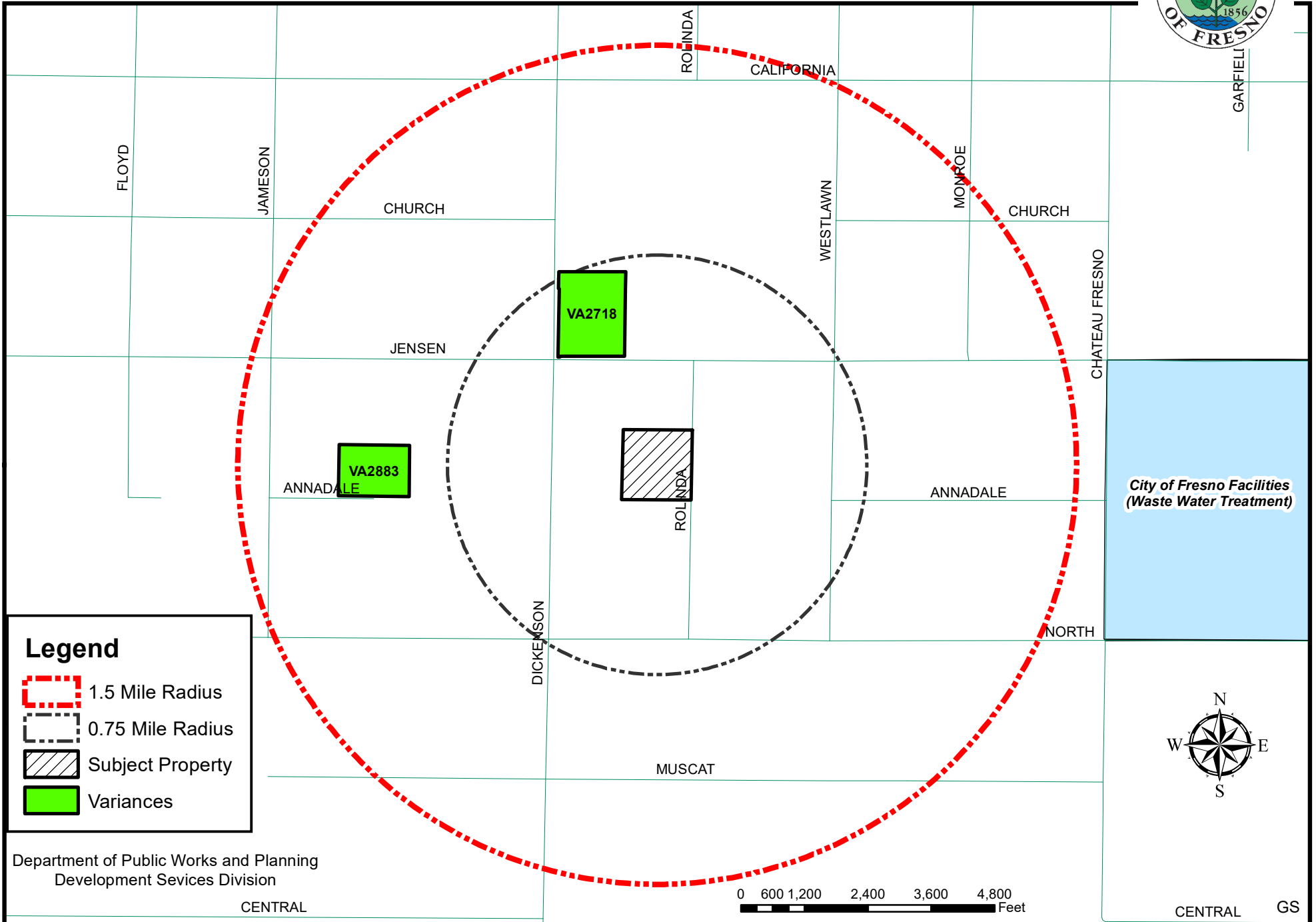
C.H. Robles & Associates, Inc.
Land Surveyors

CHR

100 E. Cedar Avenue Coalinga, CA 93210 Phone (559) 935-6051 Fax (559) 935-8906	310 N. Irwin Street, #22 Hanford, CA 93230 Phone (559) 647-5669
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E-Mail: chrobles_assoc@att.net

VARIANCES WITHIN A 1.5-MILE AND 0.75-MILE RADIUS





County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

APPLICANT: C&A Farms, LLC

APPLICATION NOS.: Initial Study Application No. 7811 and Variance Application No. 4084

DESCRIPTION: Allow the creation of a 1.18-acre parcel from an existing 40-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located on the west side of South Rolinda Avenue, approximately one quarter-mile south of its intersection with West Jensen Avenue, and approximately four and one half-miles east of the nearest city limits of the City of Fresno (SUP. DIST. 1) (025-041-37S) (2253 South Rolinda Avenue).

I. AESTHETICS

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

- A. Have a substantial adverse effect on a scenic vista; or
- B. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway; or
- C. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality; or
- D. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

FINDING: NO IMPACT:

This application proposes to allow the creation of a 1.18-acre parcel to encompass an existing single-family residence and several accessory buildings. As no development or

EXHIBIT 8

additional outdoor lighting is proposed with this application, there will be no impacts to the existing visual character or quality of public views of the site and its surroundings. The remainder of the 40-acre parcel is dedicated to agricultural production (orchards). Additionally, no scenic vistas or other scenic resources were identified, and the property is not located within a state scenic highway.

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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is currently restricted under Williamson Act contract. According to the 2016 Fresno County Important Farmland Map, Rural Land Mapping Edition, the subject property predominately contains Prime Farmland with a small portion of the property being classified as Farmland of Statewide Importance. The Policy Planning Unit of the Fresno County Department of Public Works and Planning determined that the proposed parcel creation is inconsistent with the provisions of the Williamson Act Contract, and the proposed 1.18-acre parcel does not meet the qualifications to remain in the Williamson Act Program and must be removed from the Contract through a partial cancellation of the contract. The Applicant will be required to file a petition for Partial Cancellation of Williamson Act Contract No. 3342 before any action will be taken on the Variance request to create the 1.18-acre parcel.

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

FINDING: NO IMPACT:

The subject parcel is not located in an area zoned for forest land or timberland zoned for Timberland Production, thus will not result in the loss of timberland or forest land.

EXHIBIT 8

- 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 forestland to non-forest use?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project, if approved, will result in the conversion of 1.18 acres of land which contain a single-family residence currently associated with the existing agricultural operation to residential use that would not necessarily remain connected to the agricultural operation. However, the proposed 1.18-acre parcel currently contains a single-family dwelling. The loss of 1.18 acres from the existing 40-acre parcel would be a less than significant impact to farmland.

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

FINDING: NO IMPACT:

No development is proposed, and no development will be authorized with this application. If the Variance application is approved, a mapping application will be required to create the proposed 1.18-acre parcel. No development is proposed; therefore, the approval of this application is will not result in any conflict with, obstruction of, or implementation of an applicable air quality plan; nor result in the generation of any additional criterial pollutants or emissions which may be associated with the existing farming operation.

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

EXHIBIT 8

- B. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; or
- C. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means; or
- 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; or
- 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 proposed parcel creation does not propose any development and will not conflict with any adopted Habitat Conservation Plan, Natural Community Conservation or other approved local, regional or state Habitat Conservation Plan.

V. CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5; or
- B. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5; or
- C. Disturb any human remains, including those interred outside of formal cemeteries?

FINDING: NO IMPACT:

Aside from the ongoing agricultural operations on the subject parcel, no development or ground disturbance is proposed with this application. If approved, a subsequent mapping procedure will be required to create the proposed 1.18-acre "homesite" parcel which may be independent of the existing farming operation. No historical or archaeological resources were identified, and as no ground disturbance will occur, no previously unknown subsurface archaeological, historical or cultural resources will be impacted as a result of the approval of this application. Under the provisions of AB52, the Tribes who had previously requested notification were notified of this application.

EXHIBIT 8

None of the Tribes responded to the notification or requested consultation on this project.

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 approval of this application will authorize a mapping procedure to create a 1.18-acre parcel containing a single-family residence. The remaining acreage (approximately 39.06-acres) currently dedicated to almond production will remain engaged in the agricultural operation. No increase in the baseline consumption of energy associated with the agricultural operation or residential use is anticipated to result from the proposed parcel creation.

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

EXHIBIT 8

FINDING: NO IMPACT:

The subject property is not located in an area subject to lateral spreading, subsidence, or liquefaction, as described in Chapters five (5-28) Seven (7-5) and Nine (9-9) or Figure 9-6 of the Fresno County General Plan Background Report (FCGPBR), nor is it located in an area of expansive soils as identified by Figure 7-1 of the FCGPBR. The project will not result adverse impacts associated with the rupture of a known fault, strong seismic ground shaking, ground failure or liquefaction, as there is no construction or ground disturbance proposed with this application.

- 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: LESS THAN SIGNIFICANT IMPACT:

If this application is approved, the resultant 1.18-acre parcel would contain two existing septic systems. Due to the size of the proposed parcel, two septic systems would be in excess of the limit imposed by the Fresno County Local Area Management Program (LAMP). Accordingly, the property was required to undergo a Nitrogen Loading Analysis calculation to determine if the soils on the property were capable of supporting the two existing septic systems. The nitrogen loading analysis was approved by the Fresno County Department of Public Works and Planning on June 1, 2020.

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

FINDING: NO IMPACT:

No ground disturbance or other physical changes to the land are proposed with this application, and no paleontological or unique geologic resources were identified.

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 development is associated with this application that would generate greenhouse gases or conflict with an applicable greenhouse gas emissions reduction plan.

EXHIBIT 8

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; or
- 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; or
- 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; or
- F. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or
- G. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

FINDING: NO IMPACT:

The subject parcel is currently used for residential purposes and for the cultivation of almonds. No additional use of hazardous materials or generation of hazardous emissions is proposed with this application. The subject property is not located on a hazardous materials site, as identified by the US EPA NEPAassist mapping tool, nor within the boundaries of an airport land use plan or in an area of increased risk to persons or structures due to wildland fires.

X. HYDROLOGY AND WATER QUALITY

Would the project:

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

FINDING: NO IMPACT:

Although the subject parcel is currently engaged in agricultural production, the project entails a request to allow a minor land division and subsequent mapping procedure and

EXHIBIT 8

will not involve any waste discharge or any activity which may degrade surface or groundwater.

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

FINDING: NO IMPACT:

The project does not entail any increase in the current water use. No concerns related to water supply were expressed by any reviewing agencies or County departments. The proposed 1.18-acre homesite parcel contains a single-family dwelling and several accessory buildings which will be served by a private domestic well on the property. The remaining 38.06 acres contain almond orchards which will be irrigated by an on-site agricultural well. The Water and Natural Resources Division of the Fresno County Department of Public Works and Planning determined in their review that there would not be a net increase in water use resulting from approval of this application, as the residential and agricultural infrastructure is existing.

- 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 project site is not located within the erosion hazard area for western Fresno County identified by Figure 7-4 of the Fresno County General Plan Background Report (FCGPBR). Additionally, no grading or development is proposed with this project; therefore, it will not increase surface runoff or contribute polluted runoff.

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

FINDING: NO IMPACT:

The subject property is not located in an area at risk from the 100-year flood inundation as identified by Figure 9-7 or flood inundation from dam failure as identified by Figure 9-

EXHIBIT 8

8 of the Fresno County General Plan Background Report (FCGPBR), or at risk from tsunami or seiche; according to FEMA, FIRM Panel 2100H the property is located in Zone X, which is an area of minimal flood hazard.

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

FINDING: NO IMPACT:

No additional water use is anticipated with this application. If approved, a mapping procedure will be required to create a 1.18-acre residential homesite parcel which will be independent of the remaining 38.06-acre agricultural operation. No development or other ground disturbance is proposed which would result in erosion or siltation, or additional impervious surfaces that may increase surface runoff or alter the existing drainage plan.

XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community?

FINDING: NO IMPACT:

No development is proposed with this application, and creation of the proposed 1.18-acre parcel will not physically divide an established community.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed creation of the 1.18-acre homesite parcel is not consistent with Land Use Policies of the General Plan nor the property development standards of the Exclusive Agricultural Zone District, except that such a parcel creation may be allowed subject to discretionary review and approval through a Variance. This request to allow the creation of a substandard sized parcel does not meet the established criteria to allow any exemptions to the AE-20 Zone District standards or General Plan Policy; however, no significant environmental impacts are anticipated to result from the creation of the homesite parcel. Future division of the remaining portion of the subject property, or the addition of a second residence on the proposed homesite parcel, or the addition of a primary and secondary residence on the remaining 38.06-acre parcel could result in an increase in the residential density of the area; however, such a division would be subject to discretionary review and approval.

EXHIBIT 8

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 development or ground disturbance is proposed with this application; therefore, no impacts to mineral resources will occur. The subject property is not located in an area of known mineral resources as identified by Figures 7-7, 7-8, 7-9, 7-10 or 7-11 of the Fresno County General Plan Background Report.

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:

No new noise impacts will occur as a result of this proposal, as no development is proposed. No increase in the baseline noise levels from the existing agricultural operation is anticipated.

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?

EXHIBIT 8

FINDING: NO IMPACT:

The approval of this application will not result in the construction of any new housing nor the displacement of any existing housing or people.

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; or
2. Police protection; or
3. Schools; or
4. Parks; or
5. Other public facilities?

FINDING: NO IMPACT:

The proposed parcel creation will not require the provision of any new or physically altered government facilities.

XVI. RECREATION

Would the project:

- A. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or
- B. Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

FINDING: NO IMPACT:

The project will not result in an increase in use of existing neighborhood or regional parks or other recreational facilities.

XVII. TRANSPORTATION

EXHIBIT 8

Would the project:

- A. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities; or
- B. Be in conflict or be inconsistent with the California Environmental Quality Act (CEQA) Guidelines Section 15064.3, subdivision (b); or
- C. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or
- D. Result in inadequate emergency access?

FINDING: NO IMPACT:

No development or improvements to any existing transportation infrastructure is proposed with this application; therefore, no impacts to the circulation system, no increased hazards resulting from development, or changes in the adequacy of existing emergency access is anticipated.

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: NO IMPACT:

No development or any ground disturbance is proposed with this application; therefore, no impacts to tribal cultural resources as defined in PRC Section 21704 will occur.

XIX. UTILITIES AND SERVICE SYSTEMS

EXHIBIT 8

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; or
- B. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years; or
- 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; or
- 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 changes to the existing utilities and services are anticipated. The existing 40-acre parcel contains a domestic well and an agricultural well. If the application is approved, a subject mapping procedure to create the proposed 1.18-acre parcel will be required. As a result, the 1.18-acre parcel will retain the domestic well which serves the existing residence and the remaining 38.06 acres will retain the agricultural well to serve the almond orchards. No increased wastewater capacity is proposed and no increased generation of solid waste or conflicts with solid waste reduction statutes is anticipated.

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

EXHIBIT 8

- 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 subject property is not in an area prone to the occurrence of wildfire.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

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

FINDING: NO IMPACT:

The subject parcel is located in an area of agricultural production, sparse residential development, and is itself involved in ongoing agricultural operations. No development or physical changes to the environment are proposed with this application; therefore, no impacts to the quality of the environment or reduction in habitat for fish and wildlife species are anticipated.

- 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:

As discussed under Section II and Section XI above, the proposed parcel creation will result in the conversion of a small portion of land to strictly residential use, which residential use is currently appurtenant to the farming operation. If this Variance request is approved, a 1.18-acre portion of the land which contains the residence will become independent of the remaining portion of the land which is dedicated to almond production. Additionally, the request to create a parcel containing less than the minimum acreage required by the underlying Zone District is inconsistent with both the Fresno County General Plan and Zoning Ordinance. However, due to the relatively small amount of acreage that will be converted and considering that the balance of the property, constituting approximately 38.06-acres, will remain in agricultural production, impacts to farmland resulting from this proposal would be less than significant.

EXHIBIT 8

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

FINDING: NO IMPACT:

The approval of this application will not result in a change in land use of the subject property, or the proposed homesite parcel to be created. Both the residential use and the farming operation are existing. Therefore, the project will not result in environmental effects that would cause substantial adverse effects on human beings, directly or indirectly.

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Variance Application No. 4084, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Energy, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation, Tribal Cultural Resources Utilities and Service Systems, and Wildfire.

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

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

JS

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ATTACHMENT C

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: IS 7811	LOCAL AGENCY PROPOSED 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): Jeremy Shaw, Planner	Area Code: 559	Telephone Number: 600-4207	Extension: N/A
Project Applicant/Sponsor (Name): C & A Farms, LLC	Project Title: Variance Application No. 4084		
Project Description: Allow the creation of a 1.18-acre parcel from an existing 40.00-acre parcel n the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.			
Justification for Negative Declaration: It has been determined that there would be no impacts to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Mineral Resources, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation, Tribal Cultural Resources, Utilities and Service Systems, and Wildfire. Potential impacts related to Agricultural and Forestry Resources, Geology and Soils, and Land Use and Planning have been determined to be less than significant. Mitigation Measures were not necessary to reduce any impact to less than significant.			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – August 12, 2020		Review Date Deadline: Planning Commission – November 19, 2020	
Date: 	Type or Print Signature: David Randall, Senior Planner	Submitted by (Signature): Jeremy Shaw, Planner	

State 15083, 15085

County Clerk File No.:_____

LOCAL AGENCY NEGATIVE DECLARATION

ATTACHMENT D

Variance Application (VA) No. 4084 Conditions of Approval and Project Notes

Conditions of Approval	
1.	Division of the property shall be in accordance with the site plan (Exhibit 6) as approved by the Planning Commission.
2.	Prior to approval of the mapping procedure to create proposed Parcels 1 and 2 as required for this Variance, an additional 30 feet of road right-of-way shall be dedicated along the entire existing subject parcel (APN 025-041-37S) frontage to meet the ultimate right-of-way for South Rolinda Avenue.

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.	<p>Division of the subject property is subject to the provisions of the Fresno County Parcel Map Ordinance. A Parcel Map Application shall be filed to create the two proposed parcels. The Map shall comply with the requirements of Title 17.72.</p> <p>The Fresno County Parcel Map Ordinance (County Ordinance Code, Title 17- Divisions of Land) provides that "Property access improvements associated with the division of the subject property are subject to the provisions of the Fresno County Parcel Map Ordinance, including dedication, acquisition of access easement, roadway improvements, and roadway maintenance." These requirements will be satisfied through recordation of a parcel map to create the subject parcels, subsequent to the approval of the Variance. The Applicant(s) may apply for an exception request from the road standards through the parcel map process.</p>
2.	The approval of this Variance will expire one year from the date of approval unless the required mapping application to create the parcels is filed in substantial compliance with the Conditions and Project Notes and in accordance with the Parcel Map Ordinance.
3.	All abandoned water wells and septic systems on the subject parcel or resultant parcels shall be properly destroyed by an appropriately licensed contractor, subject to permits and inspections by the Fresno County Department of Public Works and Planning and the Fresno County Department of Public Health.
4.	Prior to destruction of agricultural wells, a sample of the uppermost fluid in the well column shall be checked for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil shall be removed from the well prior to placement of fill material for destruction. The oily water removed from the well must be handled in accordance with federal, state and local government requirements.
5.	Should any underground storage tank(s) be found during development, the Applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division.

Notes	
6.	A Grading Permit or Voucher shall be required for any grading that has been done without a permit and any grading associated with future development of the existing and proposed parcel(s).
7.	Any additional runoff generated by development of the proposed parcels cannot be drained across property lines and must be retained or disposed of per County standards.
8.	An encroachment permit from the Fresno County Road Maintenance and Operations Division will be required for any work proposed within the County road right-of-way.
9.	South Rolinda Avenue is classified as a local road in the Fresno County General Plan, with an existing prescriptive right-of-way per the Plat Book. The minimum total right-of-way width for a local road is 60 feet.
10.	South Rolinda Avenue is a County maintained road and records indicate that the section of South Rolinda Avenue from Jensen Avenue to North Avenue has an average daily traffic (ADT) count of 200, a paved width of 13.4 feet, a structural section of 0.25 feet RMS/1 foot IB, and is in fair condition.

JS:

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