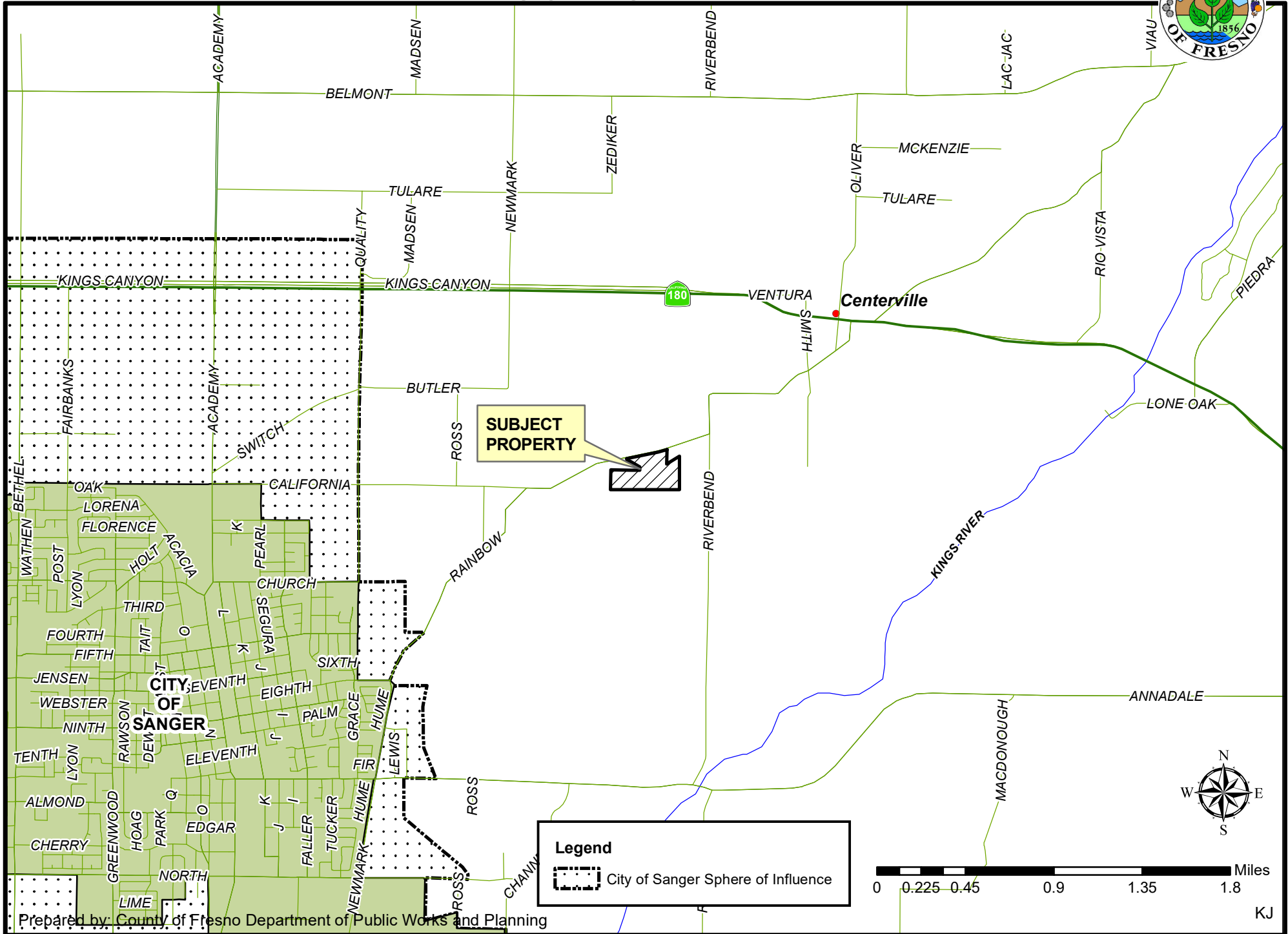
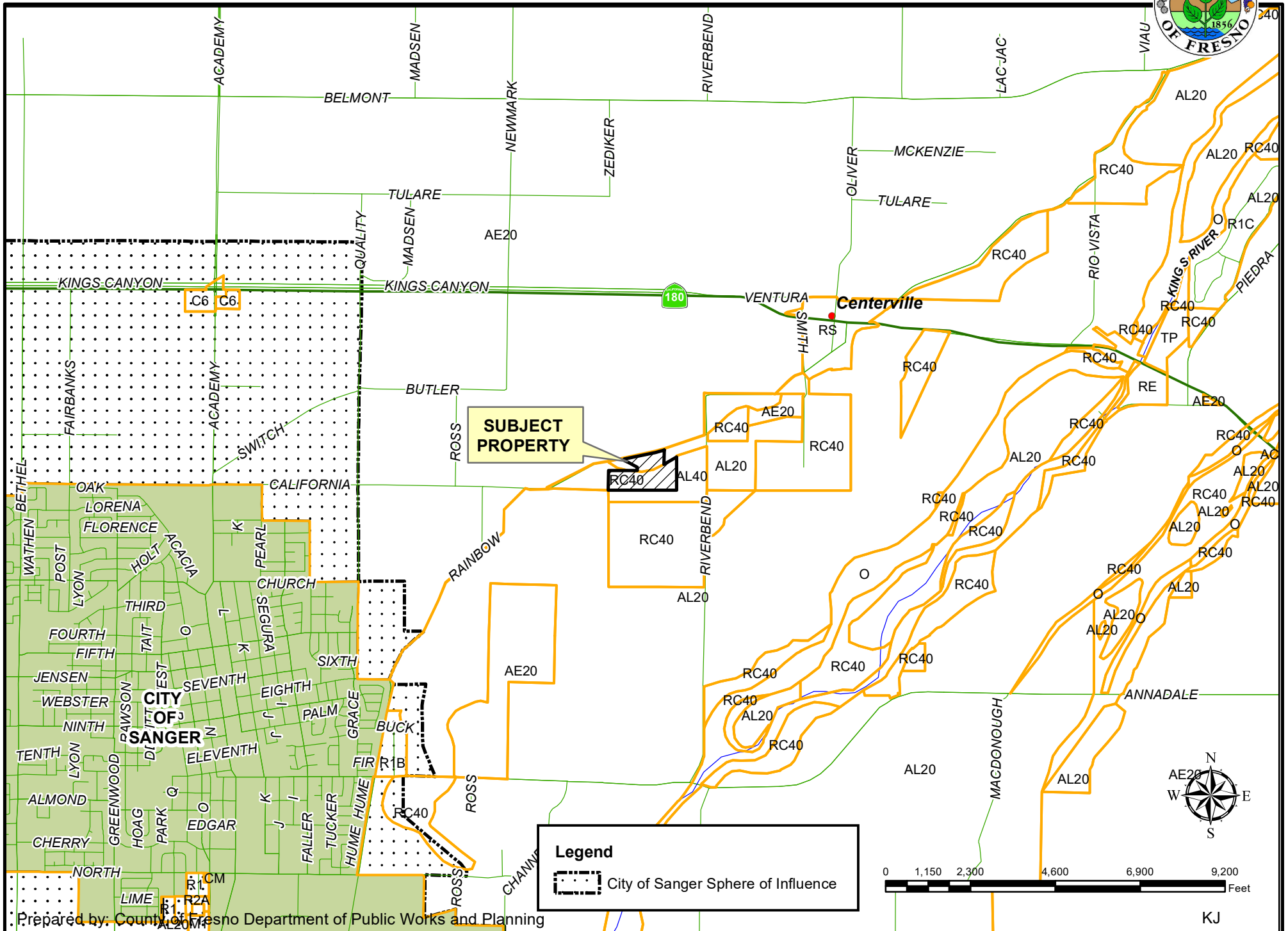


Attachment A LOCATION MAP

RLCC 1030



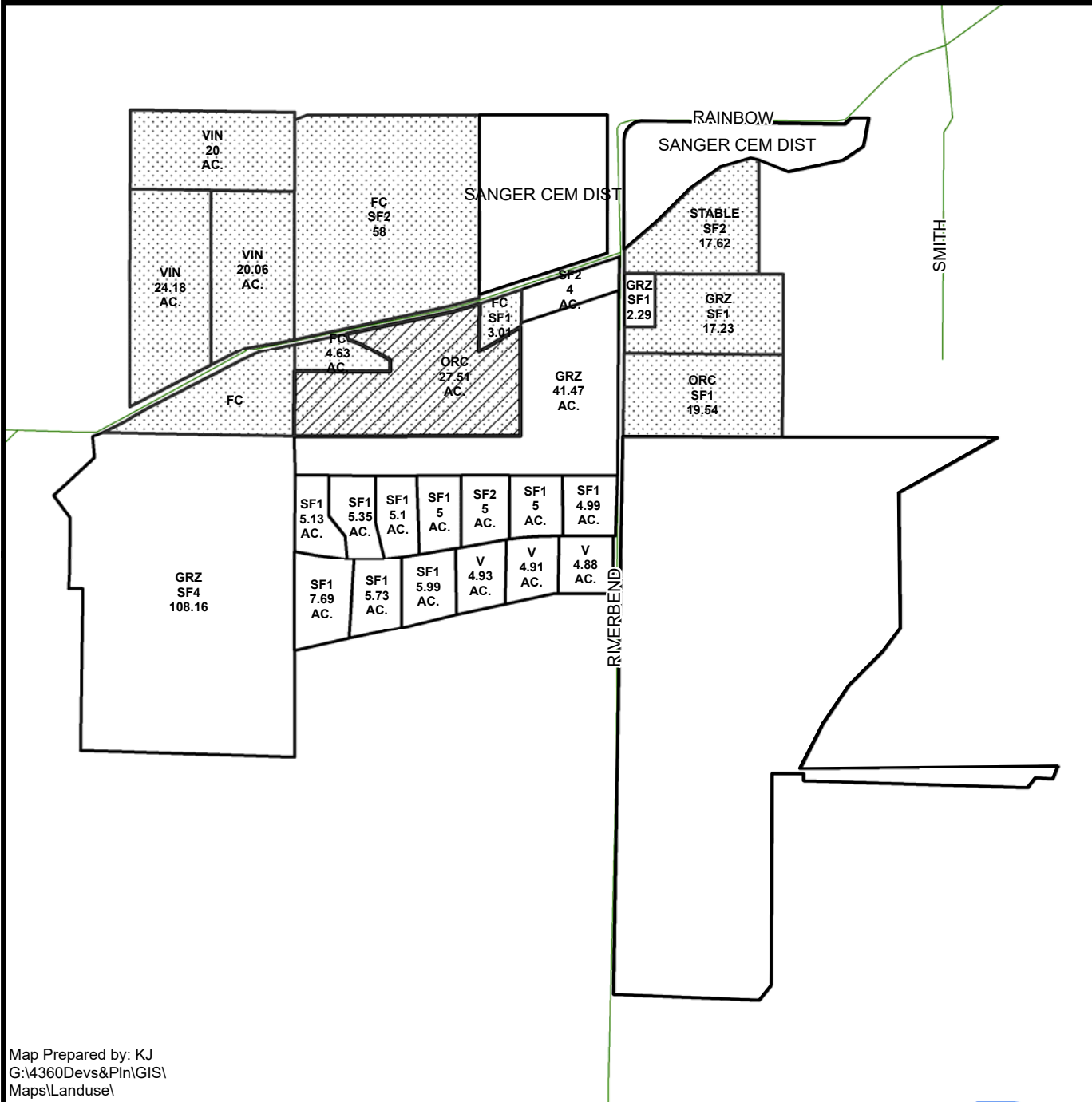
Attachment B EXISTING ZONING MAP



Attachment C

EXISTING LAND USE MAP

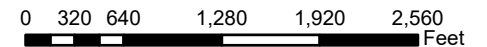
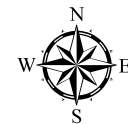
RLCC 1030



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

LEGEND:

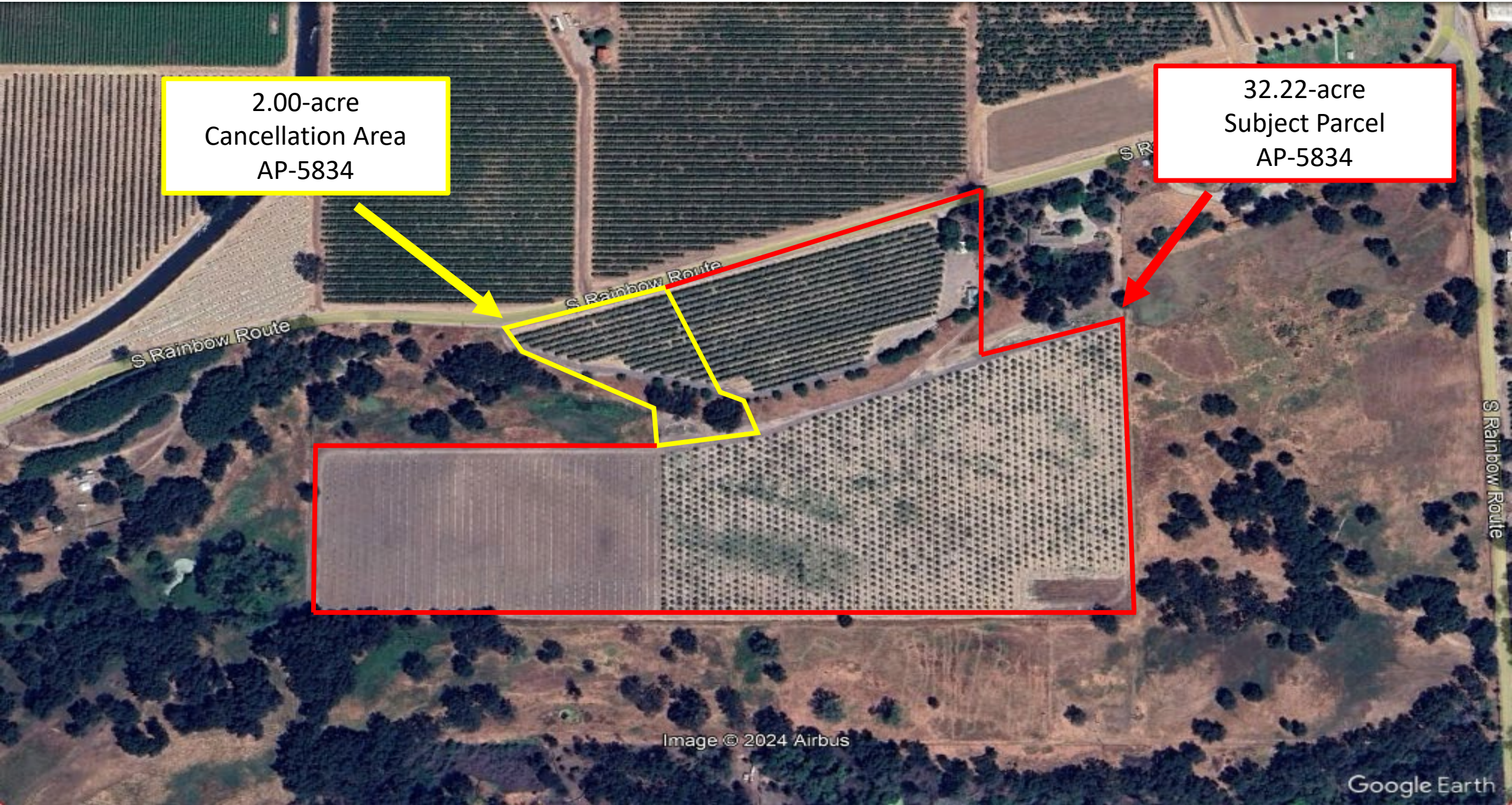
-  Subject Property
-  Ag Contract Land



Map Prepared by: KJ
 G:\4360Devs&PIn\GIS\
 Maps\Landuse\

Department of Public Works and Planning
 Development Services Division

Attachment D



2.00-acre
Cancellation Area
AP-5834

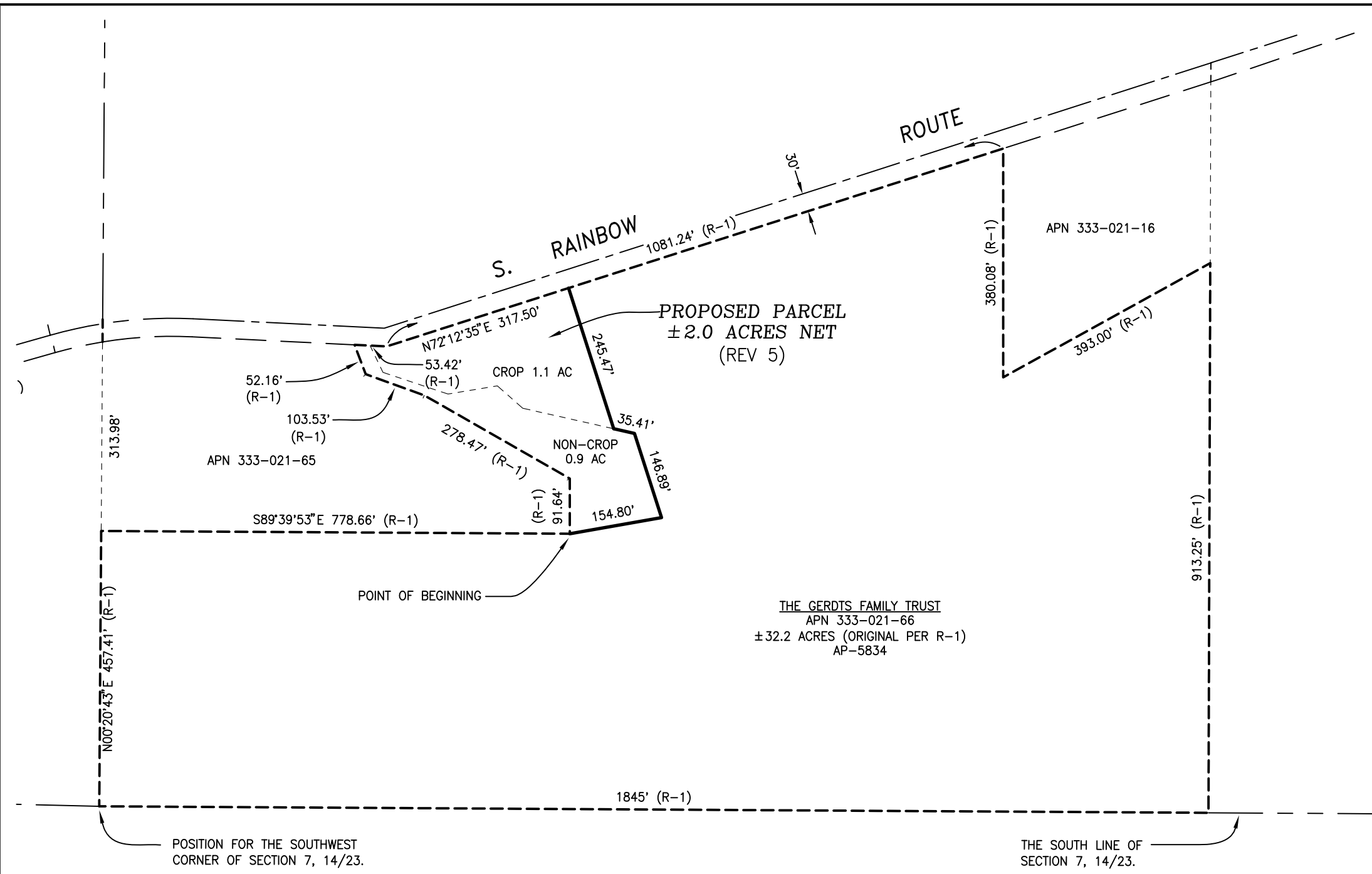
32.22-acre
Subject Parcel
AP-5834

Attachment E

SITE PLAN VARIANCE APP. No. 4076

PRE-APPLICATION REVIEW No. 39698
AGRICULTURAL PRESERVE-5834

BEING A PORTION OF THE SOUTHWEST 1/4 OF
SECTION 7, T. 14 S., R. 23 E., M.D.B.M.
IN THE COUNTY OF FRESNO,
STATE OF CALIFORNIA



LEGEND:

- SECTION LINE.
- - - - - RIGHT OF WAY.
- EXIST. PROPERTY LINE.
- NEW PROPERTY LINE.

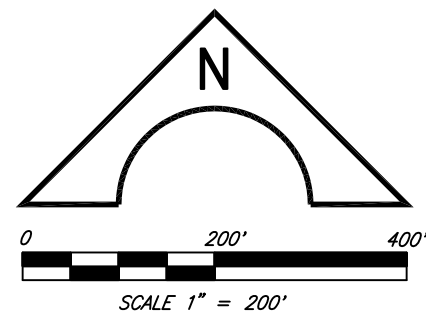
NOTE: THERE ARE NO STRUCTURES,
WELLS, OR SEPTIC SYSTEMS ON
THE SUBJECT PARCEL.

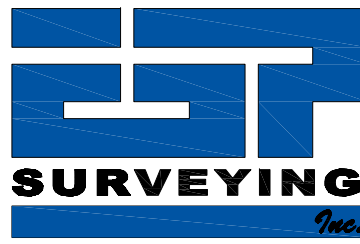
(R-1) RECORD DATA PER DOCUMENT
No. 2008-0156863, RECORDED
ON NOV. 10, 2008, OFFICIAL
FRESNO COUNTY RECORDS.

RECORD OWNERS:

THE GERDTS FAMILY TRUST
MARVIN H. GERDTS & JANICE B. GERDTS (TRUSTEES)
APN 333-021-66

PROJECT INFORMATION			
NAME: GERDTS SITE PLAN	CLIENT: KERRY GERDTS		
TWP, RNG, SEC: 142307 MDB&M	COUNTY OF: FRESNO	STATE OF: CALIFORNIA	



	ESP SURVEYING 2598 N. MIAMI AVE. FRESNO, CA Tel. 559.442.0883 Fax 559.442.0884 www.espls.com	DATE OF SURVEY	N/A
		ESP JOB No.	19049
		DRAWN BY	6335
		DRAWN DATE	6/28/2019
		REV. 1	7/11/2019
		REV. 2	10/19/2020
	REV. 4	06/23/2021	
	REV. 5	08/02/2022	

Attachment F



MEMORANDUM

Fresno County Assessor's Office

DATE: April 16, 2024
TO: Fresno County Board of Supervisors
FROM: Paul Dictos, Assessor/Recorder
SUBJECT: Cancellation Fees for a portion of ALCC #5834

Paul Dictos
4/16/24

Pursuant to Section 51283 (a) of the Government Code, the cancellation valuation of 2.00 acres, described in Exhibit A and further identified as a portion of Assessor's Parcel Number 333-021-91, is hereby certified to be \$250,000.

The cancellation fees, as specified under Section 51283 (b) of the Government Code, would be twelve and one half percent of this figure, or \$31,250.

Attachment

Attachment F

EXHIBIT "A"

Property Description

Portion to be Removed from AP-5834

That portion of the Southwest quarter of Section 7, Township 14 South, Range 23 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, being more particularly described as follows:

COMMENCING at the Southwest Corner of said Section 7, Township 14 South, Range 23 East, thence (1) North 00°20'43" East along the West line of said Section 7, a distance of 457.41 feet; Thence, (2) South 89°39'53" East parallel with the South line of said Section 7, a distance of 778.66 feet to the TRUE POINT OF BEGINNING;

Thence, (3) North 00°00'40" East, 91.64 feet;

Thence, (4) North 60°14'38" West, 278.47 feet;

Thence, (5) North 70°08'13" West, 103.53 feet;

Thence, (6) North 20°48'32" West, a distance of 52.16 feet more or less to a point on the South line of South Rainbow Route Road;

Thence, (7) along the South line of South Rainbow Route Road South 87°10'11" East, 53.42 feet;

Thence, (8) along the South line of South Rainbow Route Road North 72°12'35" East, 317.50 feet;

Thence, (9) leaving said South Rainbow Route Road, South 17°47'25" East, a distance of 245.47 feet;

Thence, (10) South 77°19'08" East, 35.41 feet;

Thence, (11) South 17°47'25" East, 146.89 feet;

Thence, (10) South 80°02'27" West, a distance of 154.80 feet more or less to the TRUE POINT OF BEGINNING.

Containing an area of 2.0 acres, more or less.

End of Description

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act.

Signature: _____

Frank J. Mungia, RCE 26317



Date: August 2, 2022

Attachment G



County of Fresno

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

Agricultural Land Conservation Committee Staff Report Agenda Item No. 2 November 9, 2022

SUBJECT: Review and make recommendation to the Board of Supervisors regarding petition for **PARTIAL CANCELLATION OF AGRICULTURAL LAND CONSERVATION CONTRACT NO. 5834 (RLCC NO. 1030)** to remove a 2.00-acre portion of a 27.51-acre parcel from the Williamson Act program to allow the 2.00 acres to be created as a separate parcel for future residential use.

LOCATION: The subject parcel is located on the south side of Rainbow Route, between Turney Avenue and Riverbend Avenue, approximately one and a half miles northeast of the nearest city limits of the City of Sanger (APNs 333-021-91 and 333-021-92) (Sup. Dist. 5).

OWNER/APPLICANT: The Gerdts Family Trust dated January 8, 1991

REPRESENTATIVE: Dirk Poeschel Land Development Services, Inc.

STAFF CONTACT: Derek Chambers, Planner
(559) 600-4205

Mohammad Khorsand, Senior Planner
(559) 600-4230

RECOMMENDATION:

Staff does not believe that Findings No. 2 and No. 3 under Government Code Section 51282(b) can be made, and therefore recommends that the Agricultural Land Conservation Committee recommend that the Board of Supervisors deny the petition for partial cancellation of Agricultural Land Conservation Contract No. 5834.

BACKGROUND:

The Agricultural Land Conservation Committee reviews petitions for cancellation of Agricultural Land Conservation Contracts for consistency of the petition with the purposes of the Williamson Act, pursuant to Section 51282(b) of the Government Code, and makes a recommendation to the Board of Supervisors to approve or deny the petition.

A petition for partial cancellation (RLCC No. 1007) was submitted for processing proposing to remove a 3.55-acre portion of the subject 27.51-acre subject parcel from the Williamson Act Program to allow creation of a separate 3.55-acre parcel for future residential use. On October

Attachment G

7, 2020, the Agricultural Land Conservation Committee considered RLCC No. 1007 and recommended that the Board of Supervisors deny the petition.

Subsequent to the October 7, 2020, Agricultural Land Conservation Committee meeting, a new petition was submitted which proposes to allow the creation of a 2.00-acre parcel from the 27.51-acre subject parcel to be created as a homesite as the alternative use.

The existing 27.51-acre parcel is partially located in the AL-20 (Limited Agricultural, 20-acre minimum parcel size) and R-C-40 (Resource Conservation, 40-acre minimum parcel size) Zone Districts, with the AL-20 zoned portion designated as Agricultural in the Kings River Regional Plan and the R-C-40 zoned portion designated as Open Space in the Kings River Regional Plan. The proposed 2.00-acre parcel would be located within the AL-20 zoned portion of the existing parcel. The existing 27.51-acre parcel has been improved with three agricultural storage buildings and there are no dwelling units located thereon. The applicant has stated that they plan to construct a conventional home on the proposed 2.00-acre parcel in the future. This petition for removal of the proposed 2.00-acre parcel was filed in conjunction with Variance Application No. 4076.

The Williamson Act Program limits land uses on contracted parcels to commercial agricultural operations, compatible uses adopted by the Board of Supervisors, and certain qualified open space uses. The County's Williamson Act Guidelines require parcels 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 enrolled in the Williamson Act Program. The proposed 2.00-acre parcel does not meet the 20-acre minimum parcel size required to remain enrolled in the Williamson Act Program and therefore, the applicant has submitted a petition to remove the proposed parcel from the Williamson Act Program through the cancellation process.

The existing 27.51-acre parcel is located on the south side of Rainbow Route, between Turney Avenue and Riverbend Avenue, approximately one and a half miles northeast of the nearest city limits of the City of Sanger [see Location Map (Exhibit "A"), Existing Zoning Map (Exhibit "B"), Existing Land Use Map (Exhibit "C"), Aerial Photograph (Exhibit "D"), and proposed Variance Site Plan (Exhibit "E")].

DISCUSSION:

The Williamson Act program is a voluntary program whereby private landowners enter into contract with local governments for the purpose of restricting the use of specific parcels of land to commercial agricultural uses for production of food or fiber. Certain land uses may be determined compatible on land enrolled in the Williamson Act program by the local government having jurisdiction over contracted land. In return, landowners receive property tax assessments that are lower than normal because the assessments are based on farming or qualified open space uses rather than the full unrestricted market value of land. The purpose of the Williamson Act is to provide an incentive to preserve agricultural land for production of food or fiber, at least for the duration of the contract, which is 10 or 20 years depending on the type of contract.

A Williamson Act Contract is an enforceable restriction pursuant to Article 13, Section 8 of the California Constitution and §51252. Williamson Act Contracts are not intended to be cancelled,

Attachment G

and in fact, cancellation is reserved for unusual "emergency" situations. Therefore, the nine-year nonrenewal process has been identified as the legally preferred method for terminating a Williamson Act Contract. The Supreme Court of California has stated that cancellation is not appropriate where the objectives served by cancellation could be served by nonrenewal [Sierra Club v. City of Hayward (1981) 28 Cal.3d 840, 852-853]. The State Attorney General's Office has opined that cancellation is impermissible "except upon extremely stringent conditions" [62 Ops. Cal. Atty. Gen. 233, 240 (1979)]. The Attorney General has also opined that nonrenewal is the preferred contract termination method, as stated: "If a landowner desires to change the use of his land under contract to uses other than agricultural production and compatible uses, the proper procedure is to give notices of nonrenewal pursuant to Section 51245" [54 Ops. Cal. Atty. Gen 90, 92 (1971)].

Landowners or local governments may exit the contract by filing a Notice of Nonrenewal of the contract. Under this process, the remaining contract term (nine years in the case of an original term of ten years) is allowed to lapse, with the contract expiring at the end of the term. During the Nonrenewal process, the subject land will still be subject to contract restrictions, and the annual tax assessment increases incrementally each year until it is equivalent to unrestricted market value of the land at the end of the Nonrenewal period. This would allow lands that have been placed under contract to continue to be used for production of food and fiber for the nine-year remainder of the contract term and the landowner to benefit from lower property tax assessments.

As was mentioned above, cancellation of a contract is reserved for unusual "emergency" situations and the nine-year nonrenewal process has been identified as the legally preferred method for terminating a Williamson Act Contract. To address those unusual "emergency" circumstances, the Statute has provided provisions under which petitions for removal of a contract can be considered by the governing body having jurisdiction over the land. Processing a cancellation petition involves a comprehensive review of the petition to determine if a contract should be cancelled to allow establishment of a proposed alternative use, or if the land should remain in agricultural use for the duration of the contract. Approval of a cancellation petition is discretionary and requires the payment of a fee by the landowner equal to 12.5 percent of the full market value of the property in question.

The proposed petition is being processed under the provisions of Government Code Section 51282(a), which allows a landowner to petition the Board of Supervisors for cancellation of a contract as to all or any part of a parcel and the Board may grant tentative approval for cancellation of the contract if the Board can make all of the findings listed under Government Code Section 51282(b).

Per Government Code Section 51282(b), cancellation of a contract is consistent with the provisions of the Land Conservation Act of 1965 if the Board can make all of the findings listed under said Government Code Section. Staff's evaluation of the proposed petition against the required findings are discussed below:

1. *That the cancellation is for land on which a Notice of Nonrenewal has been served pursuant to Section 51245 of the Government Code.*

On January 21, 2020, an executed Notice of Partial Nonrenewal for Williamson Act Contract No. 5834 was accepted by the County Recorder for the 3.55 acres of land

Attachment G

proposed for cancellation through RLCC No. 1007. The 2.00 acres of land proposed for cancellation through RLCC No. 1030 is encompassed by the Notice of Partial Nonrenewal that was recorded on the 3.55 acres of land proposed for cancellation through RLCC No. 1007.

Based on the fact stated above, staff believes that Finding No. 1 can be made.

2. *That the cancellation is not likely to result in the removal of adjacent lands from agricultural use.*

The existing 27.51-acre parcel contains soils classified as Prime Farmland on the California Department of Conservation Important Farmland Map. The current landowner has utilized the existing 27.51-acre parcel for cultivation of plums for the past ten years and is currently transitioning from a plum orchard to a pistachio orchard. The proposed 2.00-acre parcel that is proposed to be removed from the Williamson Act contract and created as a residential parcel has also been utilized for cultivation of plums.

Neighboring parcels to the north are designated as Agricultural in the County General Plan, are zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) and are actively farmed. The neighboring parcel to the southeast is designated as Open Space in the Kings River Regional Plan, is zoned AL-40 (Limited Agricultural, 40-acre minimum parcel size) and is not utilized for farming. The neighboring parcel to the east is designated as Agricultural in the Kings River Regional Plan, is zoned AL-20 (Limited Agricultural, 20-acre minimum parcel size) and is not utilized for farming. The neighboring parcel to the west is designated as Open Space in the Kings River Regional Plan, is zoned R-C-40 (Resource Conservation, 40-acre minimum parcel size) and is not utilized for farming.

Farming and other agricultural land uses such as dairies, feedlots and poultry facilities necessitate location in sparsely populated areas due to the nature of these uses which generate dust, odor and flies, as well as ground and aerial application of herbicides and pesticides to protect crops.

Substandard parcels created for residential use in areas of the County zoned and designated for agricultural use will eventually be occupied by persons who are not involved with agricultural operations and therefore, are not tolerant of the inconveniences associated with the agricultural operations. This would create incompatibility between the agricultural and residential use of lands located in close proximity of each other and may eventually result in removal of adjacent lands from agricultural operation due to complaints from non-farmers residing on substandard parcels created for residential use.

Further, allowing cancellation of a Williamson Act contract for creation of a substandard parcel for residential use may set a precedent for other landowners to create similar residential parcels in areas of the County zoned and designated for agricultural use, which would compound the incompatibility between agricultural and residential land uses.

Attachment G

Based on the above discussion, staff believes the cancellation could result in the removal of adjacent lands from agricultural use, and therefore Finding No. 2 cannot be made.

3. *That the cancellation is for an alternative use that is consistent with the provisions of the County General Plan.*

The existing 27.51-acre parcel has split zoning comprised of AL-20 (Limited Agricultural, 20-acre minimum parcel size) and R-C-40 (Resource Conservation, 40-acre minimum parcel size). The portion of the existing parcel zoned AL-20 is designated as Agricultural in the Kings River Regional Plan, and the portion of the existing parcel zoned R-C-40 is designated as Open Space in the Kings River Regional Plan. The proposed 2.00-acre parcel would be located within the portion of the existing parcel zoned AL-20 and designated as Agricultural in the Kings River Regional Plan.

According to Kings River Regional Plan Policy 405-01:3.01, policies in the Agriculture and Land Use Element of the County General Plan shall apply to those areas designated as Agricultural in the Kings River Regional Plan.

The Agriculture and Land Use Element of the County General Plan sets goals and policies promoting long-term conservation of productive agricultural lands. General Plan Policy LU-A.1 states that the County shall maintain agriculturally designated areas for agricultural use and shall direct urban growth to cities and unincorporated communities. General Plan Policy LU-A.6 states that the County shall maintain twenty (20) acres as the minimum permitted parcel size in areas designated as Agricultural. General Plan Policy LU-A.7 states that the County shall generally deny requests to create parcels less than the minimum size specified in Policy LU-A.6 based on concerns that such parcels would be less viable economic farming units and the resultant increase in residential density would increase the potential for conflict with normal agricultural practices on adjacent parcels. General Plan Policy LU-A.12 requires protection of agricultural activities from encroachment of incompatible uses. General Plan Policy LU-A.13 states that the County shall protect agricultural operations from conflicts with non-agricultural uses.

Creation of the proposed 2.00-acre residential parcel could result in two residential units on the proposed 2.00-acre parcel and one residential unit on the 25.51-acre balance of the subject parcel for a total of three residential units. As stated above, General Plan Policy LU-A.7 states that the County shall generally deny requests to create parcels less than the minimum size based on concerns that such parcels would be less viable economic farming units and the resultant increase in residential density would increase the potential for conflict with normal agricultural practices on adjacent parcels.

Staff believes the proposed petition which could result in three residential units in an area of the County that is designated and zoned for agricultural uses is inconsistent with the General Plan policies cited above.

Based on the above discussion, staff believes the proposed alternative use is not consistent with the County General Plan policies for protection of agricultural land, and therefore Finding No. 3 cannot be made.

Attachment G

4. *That the cancellation will not result in discontinuous patterns of urban development.*

The existing 27.51-acre parcel is located approximately one and a half miles northeast of the nearest city limits of the City of Sanger. The proposal to create a single 2.00-acre parcel from an existing 27.51-acre parcel in and of itself does not constitute a pattern of discontinuous urban development.

Based on the above discussion, staff believes Finding No. 4 can be made.

5. *That there is no proximate non-contracted land that is both available and suitable for the use to which it is proposed that the contracted land be put, or that development of the contracted land would provide more contiguous patterns of urban development than development of proximate non-contracted land.*

Staff generated a list of non-contracted parcels approximately 2 acres in size located within a 5-mile radius of the existing parcel and utilized online tools to determine whether the parcels are for sale. In this case, none of the approximately 2-acre parcels were for sale.

Based on staff's research, none of the non-contracted parcels of similar size were available for the alternative use, and therefore Finding No. 5 can be made.

ENVIRONMENTAL DETERMINATION:

Initial Study (IS) No. 7677 prepared for Variance (VA) Application No. 4076 addresses potential environmental impacts associated with the cancellation of the contract. The IS has been completed and was circulated for agency review on April 29, 2021 and is included with this staff report as reference material.

OTHER REVIEWING AGENCIES:

County staff sent the proposed cancellation petition to the County Assessor's office for determination of the Cancellation Fee for the 2.00 acres subject to the proposed petition. The Cancellation Fee as determined by the Assessor's office is \$10,000.

CONCLUSION:

Based upon staff's analysis of the proposed alternative use against the consistency Findings listed under Government Code Section 51282(b), staff does not believe that Findings No. 2 and No. 3 can be made and therefore, recommends that the Agricultural Land Conservation Committee recommend that the Board of Supervisors deny the petition for partial cancellation of Agricultural Land Conservation Contract No. 5834.

However, if the Committee believes that the required Findings can be made, the Committee needs to articulate how Findings No. 2 and No. 3 can be made and may recommend that the Board of Supervisors approve the partial cancellation of Agricultural Land Conservation Contract No. 5834, subject to the following conditions:

Attachment G

1. The landowner shall obtain the necessary land use approvals (Zone Variance and Parcel Map) to create the proposed 2.00-acre parcel.
2. The applicant shall pay the Cancellation Fee in the amount of \$10,000.00 as determined by the County Assessor and certified by the Board of Supervisors for issuance of a Certificate of Cancellation by the Board. The Cancellation Fee shall be paid and a Certificate of Cancellation issued prior to approval of the Map to create the proposed 2.00-acre parcel. If the Cancellation Fee is not paid within one year of issuance of the Tentative Certificate of Cancellation, the Cancellation Fee must be re-computed by the Assessor's Office and re-certified by the Board of Supervisors.

G:\4360Devs&PIn\PLANNING\AG\RLCC - Apps\Active Cancellation\RLCC 1030 Gerdts Trust\ALCC\RLCC 1030 ALCC Staff Report Final.docx

Attachment H

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 7677	LOCAL AGENCY 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): Elliot Racusin Planner	Area Code: 559	Telephone Number: 600-4245	Extension: N/A
Project Applicant/Sponsor (Name): Kerry Gerdts	Project Title: Variance Application No. 4076-R		
Project Description: Reduce the minimum parcel size within the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District to allow creation of an approximately 2.0-acre parcel from an existing 27.51-acre parcel that is dual zoned AL-20 and R-C-40 (Resource Conservation, 40-acre minimum parcel size).			
Justification for Negative Declaration: Based upon the Initial Study prepared for Variance Application No. 4076, 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 Air Quality, Cultural Resources, Energy, 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 Aesthetics, Agricultural and Forestry Resources, Biological Resources, Geology and Soils, Greenhouse Gas Emissions, and Land Use Planning have been determined to be less than significant. A Negative Declaration is recommended and is subject to approval by the decision-making body. The Initial Study is available for review at 2220 Tulare Street, Suite A, street level, located on the southwest corner of Tulare and "M" Street, Fresno, California.			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – xxxx		Review Date Deadline: Planning Commission – xxxx	
Date:	Type or Print Signature: David Randall Senior Planner	Submitted by (Signature): Elliot Racusin Planner	

State 15083, 15085

County Clerk File No.: _____

LOCAL AGENCY MITIGATED NEGATIVE DECLARATION



Attachment H

County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: Kerry Gerdts
- APPLICATION NOS.: Initial Study Application No. 7677 and Variance Application No. 4076-R
- DESCRIPTION: Reduce the minimum parcel size within the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District to allow the creation of an approximately 2.0-acre parcel from an existing 27.51-acre parcel that is dual zoned AL-20 and R-C-40 (Resource Conservation, 40-acre minimum parcel size).
- LOCATION: The subject parcel is located on the south side of Rainbow Avenue, approximately 1,204 feet west of its nearest intersection with Riverbend Avenue, and is approximately 1.37 miles northeast of the nearest city limits of the City of Sanger (APN 333-021-66) (SUP. DIST. 5).

I. AESTHETICS

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

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

FINDING: NO IMPACT:

No scenic vista or scenic resource has been identified on or near the project site. According to Figure OS-2 of the Fresno County General Plan, there are no scenic roadways fronting the project site.

- C. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Attachment H

FINDING: LESS THAN SIGNIFICANT IMPACT:

Based on the Applicant's Findings and description of the project, a single-family residence could be proposed on the created parcel at a later date. The remainder portion of the parcel will continue to be utilized for agricultural purposes. If the Variance application is approved, development of both parcels can occur in the future that can degrade the existing visual character or quality public views of the site and its surroundings, but will not have a substantial impact as the underlying zone districts only allow certain uses by right, with additional more intensive uses allowed subject to a discretionary land-use permit. Per the Applicant, there are three separate areas of the project site. An at-grade area even with Rainbow Avenue, a sloping bluff, and a below-grade area. The property is utilized as an agricultural operation improved with orchards. The proposed parcel will be located at the at-grade area fronting Rainbow Avenue. Therefore, based on the proposed development from the Applicant, and future development of the site subject to the Zoning Ordinance, a less than significant impact is seen.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject application will not directly create a new source of light or glare. The project would allow the creation of a new parcel from the existing parcel and will allow both parcels to be developed. The Applicant has stated that development of the new parcel towards a homesite will occur which can create a new source of lighting. Based on the project proposal, and the mention of development of a single-family residence, the project is not expected to be a source of substantial light of glare which would adversely affect day or nighttime views in the area. The project is seen as having a less than significant impact.

II. AGRICULTURAL AND FORESTRY RESOURCES

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

- A. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use; or

Attachment H

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The existing parcel is enrolled in the Williamson Act Program under Contract No. 5834. Pursuant to the Fresno County Williamson Act Program Guidelines, parcels that are enrolled in the Program are required to have at least 20 acres of Prime Soil and an active agricultural operation, or at least 40 acres of Non-Prime Soil and an active agricultural operation to be eligible to remain in the Williamson Act Program. The proposed 2.0-acre parcel does not qualify to remain in the Program and must be removed from the Program through the contract cancellation process. A recommendation for cancellation from the Agricultural Land Conservation Committee and/or approval of the cancellation from the Board of Supervisors is required to allow the subject proposed parcel to cancel their Williamson Act Contract.

- 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 project site is not located in forest land, timberland, or timberland zoned Timberland Production. The project will not result in the loss of forest land or conversion of forest land to non-forest use.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed parcel split will not involve changes to the existing environment that could result in conversion of Farmland to non-agricultural use. The subject parcel is actively farmed; however, the Applicant has indicated that the proposed parcel may be improved with a single-family residence. The remainder of the proposed parcel would still be utilized for agricultural production and would not substantially change the nature of the use or affect surrounding parcels.

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

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- B. 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?

FINDING: NO IMPACT:

The project is to allow creation of a parcel under the minimum parcel size standard of the underlying zone district from an existing parcel. The project will not conflict with or obstruct implementation of the applicable Air Quality Plan and will not result in a cumulatively considerable net increase of any criteria pollutant.

- 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:

The project site is currently utilized as an agricultural operation with the property improved with orchards. Per the Applicant, the created parcel may be improved with a single-family residence. Both the agricultural operation and the potential single-family residence are not uses that are associated with substantial pollutant generation and will not expose sensitive receptors to substantial pollutant concentrations. The project will not result in other emissions adversely affecting a substantial number of people.

IV. BIOLOGICAL RESOURCES

Would the project:

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

FINDING: NO IMPACT:

According to the California Natural Diversity Database, the project site is not located within any reported occurrence areas of a special status species. The proposal is to create a new parcel from an existing parcel. The subject parcel is actively being farmed. The Applicant has stated that the created parcel may be improved with a single-family residence with the remainder parcel continuing to be used for agricultural purposes. Based on current conditions, the parcel experiences disturbance that would deter special status species from inhabiting the subject parcel. In considering current conditions, the project proposal, and potential future development, the project will not substantially adversely affect any special status species directly or through habitat modification.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the National Wetlands Inventory, the subject parcel is located along the boundaries of identified wetlands. Although the subject parcel is located near the identified wetlands, the proposed parcel will not have an adverse effect on the wetland as the parcel is separated by a grade difference and potential development is subject to the setbacks of the underlying zone district. Also, it appears that the identified wetland occurs on the adjacent parcel, Fresno County requires that drainage of a parcel be confined so as not to drain on neighboring properties. Based on these factors, the project is not expected to adversely affect any identified wetlands. There are no riparian or other sensitive natural community identified on or near the subject parcel.

- D. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

FINDING: NO IMPACT:

The project will not interfere substantially with the movement of any native resident or migratory fish or wildlife species. No native resident or migratory wildlife corridor or native wildlife nursery site has been identified on the subject parcel. The subject parcel is currently being utilized for agricultural purposes and disturbance of the site has deterred wildlife species from inhabiting the site.

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

FINDING: NO IMPACT:

The project will not conflict with any local, state, or federal policies or ordinances protecting biological resources. The project also will not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan.

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V. CULTURAL RESOURCES

Would the project:

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

FINDING: NO IMPACT:

The project proposes to create a parcel from an existing property. The property is currently utilized for agricultural and has experienced ground disturbance from the agricultural use. As no historical or archaeological resources has been identified on or near the project, and considering past ground disturbing activities related to the existing agricultural use, no impact is seen on Cultural Resources.

VI. ENERGY

Would the project:

- A. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation; or
- B. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

FINDING: NO IMPACT:

The project proposes to create a parcel from an existing parcel. The project will not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resource as there is not project construction or operation proposed. The Applicant has stated that a single-family residence could be built at a later date. If a single-family residence is built, the residence will be required to abide by the California Building Code which include meeting energy efficiency standards. Therefore, the project will not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

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:

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1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?

FINDING: NO IMPACT:

According to the Earthquake Zone Application administered by the California Department of Conservation, the proposed parcels are not located within a rupture of a known earthquake fault. Additionally, per Figure 9-3 of the Fresno County General Plan Background Report (FCGPBR), the parcel is not located near any other identified Earthquake Hazard Zones.

2. Strong seismic ground shaking?
3. Seismic-related ground failure, including liquefaction?

FINDING: NO IMPACT:

According to Figure 9-5 of the FCGPBR, the subject parcel is not located in an area identified as being in a probabilistic seismic hazard area. Based on this, the project site not likely to be subject to strong seismic ground shaking or seismic-related ground failure due to the strong seismic shaking.

4. Landslides?

FINDING: NO IMPACT:

According to Figure 9-6 of the FCGPBR, the project site is not located in identified Landslide Hazard areas.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project proposal requests creation of a parcel from an existing parcel. The existing parcel is actively farmed. The Applicant per the submitted findings indicate that the proposal 2.0-acre parcel is intended to still be farmed, but also be utilized as a homesite. In considering the Applicant's intent, development of the proposed parcel will result in loss of topsoil. Although a loss of topsoil is considered with development of the parcel, development will be subject to the most current building code standards, which will reduce developmental impacts resulting from the loss of topsoil. The project will not result in substantial soil erosion.

- 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?

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FINDING: LESS THAN SIGNIFICANT IMPACT:

Existing terrain of the project site includes an area level with public right-of-way, a bluff, and a lower level at the bottom of the bluff. The proposed parcel will consist of a portion of the street level area and the bluff, and does not contain any portion of the lower level. Development of the subject site is subject to the current building code and will reduce any impacts development may have if located on or near the bluff. Reviewing agencies and departments did not express concern to indicate that the soil of the project site is unstable or would become unstable as a result of the project.

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

FINDING: NO IMPACT:

Per Figure 7-1 of the Fresno County General Plan Background Report (FCGPBR), the subject parcel is not located in identified Expansive Soil areas.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project proposal is specifically to create a parcel with no development being included with this proposal. The Applicant has indicated that the subject proposal would be utilized for the existing agricultural operation and for a future homesite. If the proposed parcel were to be developed, the project site would be subject to building permits including for any proposed septic system or alternative waste water disposal system. No reviewing agencies and departments indicated that the subject site would not be able to adequately support the use of septic tanks or alternative waste water disposal systems.

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

FINDING: NO IMPACT:

There are no identified unique paleontological resource or unique geologic feature identified on the project site.

VIII. GREENHOUSE GAS EMISSIONS

Would the project:

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

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- B. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project proposal will allow creation of a substandard parcel and a remainder parcel. The Applicant has indicated that the proposed parcel will be utilized as a home site, but currently, there are no plans for development of the site. The project proposal will not directly generate greenhouse gas emissions, but if development of the parcel were to occur, by-right uses under the Limited Agricultural (AL) Zone District are not expected to generate greenhouse gas emissions that would have a significant impact on the environment. Additional uses subject to land-use permits would address impacts related to the proposed use. The San Joaquin Valley Air Pollution Control District (SJVAPCD) has been given the opportunity to review and provide comments on the project. There were no expressed concerns from SJVAPCD to indicate that the project proposal would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gas emissions.

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?

FINDING: NO IMPACT:

The project proposal is to allow creation of a substandard parcel from an existing 27.51-acre parcel. The existing parcel is actively farmed. The proposal will not create a significant hazard to the public through the transport, use, or disposal of hazardous materials, nor will it create a significant hazard to the public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

- C. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

FINDING: NO IMPACT:

The project site does not emit hazardous emissions or handle hazardous materials and is not located within one-quarter mile of an existing or proposed school site.

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- D. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.0 and, as a result, would it create a significant hazard to the public or the environment?

FINDING: NO IMPACT:

Per a NEPAAssist report generated for the project site, there are no hazardous material sites located on or near the project site.

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

FINDING: NO IMPACT:

The project site is not located within an airport land use plan or within two miles of a public airport or public use airport.

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

FINDING: NO IMPACT:

Reviewing agencies and departments did not express concerns to indicate that the project would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. The project will not expose people or structures to a significant risk of loss, injury, or death involving wildland fires.

X. HYDROLOGY AND WATER QUALITY

Would the project:

- A. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality; or
- B. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

FINDING: NO IMPACT:

The Water and Natural Resources Division and the State Water Resources Control Board did not express concerns that the project proposal would violate water quality standards or waste discharge requirements, nor were concerns expressed to indicate

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that the project would substantially decrease groundwater supplies or interfere with groundwater recharge. The project proposes to create a substandard parcel from an existing 27.51-acre parcel. There is no development of the site being proposed that is directly linked to the Variance request. Any development that would occur if the Variance request is approved would be subject to permits and review that will address water usage.

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

FINDING: NO IMPACT:

The project proposes to create a substandard parcel from the existing 27.51-acre parcel. There is no development being proposed directly with the Variance request. The project will not result in the altering of drainage patterns of the site or alter any course of a stream or river. The project will not result in substantial erosion or siltation. The rate or amount of surface runoff will not increase from the project proposal. Per Fresno County standards, stormwater runoff should not be drained across property lines and be kept onsite. There are no planned stormwater drainage systems that service the project area. The project will not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems and will not provide additional sources of polluted runoff. Per FEMA FIRM Panel 2140H, the project site is not subject to flooding from the 100-year storm, therefore the project will not impede or redirect flood flow.

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

FINDING: NO IMPACT:

Per FEMA FIRM Panel 2140H, the project site is not subject to flooding from the 100-year storm. There are not bodies of water near the project site that would indicate the site is at increased risk from tsunami or seiche zones.

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

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FINDING: NO IMPACT:

Reviewing agencies and departments did not express concern with the project to indicate that the proposal would conflict with or obstruct implementation of a water quality control plan or sustainable management plan.

XI. LAND USE AND PLANNING

Would the project:

A. Physically divide an established community?

FINDING: NO IMPACT:

The project proposal will not physically divide an established community.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Development in Fresno County is required to be consistent with the Fresno County General Plan. Goal LU-A reads "To promote the long-term conservation of productive and potentially productive agricultural lands and to accommodate agricultural-support services and agriculturally-related activities that support the viability of agriculture and further the County's economic development goals." This goal relates to the environmental impacts of the loss of farmland and is supported by the following policies:

- LU-A.6: The County shall maintain twenty acres as the minimum permitted parcel size in areas designated Agriculture, except as provided in Policies LU-A.9, LU-A.10, and LU-A.11. The County may require parcel sizes larger than twenty (20) acres, based on zoning, local agricultural conditions, and to help ensure the viability of agricultural operations.
- LU-A.7: The County shall generally deny requests to create parcels less than the minimum size specified in Policy LU-A.6 based on concerns that these parcels are less viable economic farming units and that the resultant increase in residential density increases the potential for conflict with normal agricultural practices on adjacent parcels...the decision-making body shall consider the negative incremental and cumulative effects such land divisions have on the agricultural community.

The above-mentioned policies are intended to address the environmental concern that an increase in the number of homesite parcels and general decrease in parcel size in Fresno County could lead to a conversion of productive agricultural land.

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This application is not consistent with the above policies because the proposed 2.0-acre parcel does not qualify for any of the exemption under Policy LU-A.9 (financing parcel; gift to family to assist with farming; or ownership prior to adoption of AE-20 Zoning), LU-A.10 (agricultural commercial center), or LU-A.11 (resource recovery location). However, these policies are codified in the Fresno County Zoning Ordinance under Section 816.5.A, where this Variance application is requesting relief from the 20-acre minimum parcel size.

The subject parcel is enrolled in the Williamson Act Program. The proposed substandard parcel does not qualify to remain in the Williamson Act Program and must be removed from the Program through the contract cancellation process. A Notice of Non-Renewal has been filed by the Applicant for the proposed parcel as a requirement for cancellation. The Agricultural Land Use Committee will determine if the requested early cancellation of the Contract should be granted and make a recommendation to the Board of Supervisors for a final decision. If the cancellation request is not granted, the Variance request will not be effective, since the proposed parcel would not meet the minimum acreage requirements for the Contract. This application is for a Variance from the minimum parcel size required by the Zone District; however, no Variance is available in regard to the Williamson Act.

If the cancellation request is approved, the contract will be cancelled, and the property owner will no longer be limited to compatible uses stated under the Williamson Act. The parcel would be allowed to split into the proposed 2.0-acre parcel. No immediate development is associated with the application, but the property owners would no longer be obligated to maintain the existing agricultural operation and would be permitted to develop the proposed parcel following approval of the Variance application and mapping application.

Although the project proposal is in conflict with the identified policies, this is not considered to be a significant environmental impact as the nonrenewal of the contract establishes a 10-year wind-down period during which time that applicant is still subject to the terms of the agreement. The Applicant has already filed for non-renewal, so the contract will end either through the early cancellation process or through expiration of the last day of December 29, 2029. The loss of 2.0 acres of active farmland on this parcel is not a significant loss of agricultural resources and has a less than significant impact on conflict with plans and policies adopted to avoid an environmental effect.

XII. MINERAL RESOURCES

Would the project:

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

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FINDING: NO IMPACT:

According to Figure 7-7 of the Fresno County General Plan Background Report (FCGPBR) the project site is not located on or near any identified mineral resource locations. Additionally, the project proposal does not directly indicate development of the project site that would result in the lost of availability of a known mineral resource or resource recovery site.

XIII. NOISE

Would the project result in:

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

FINDING: NO IMPACT:

The project proposes to create a 2.0-acre parcel from an existing 27.51-acre parcel. There is no development or proposed use involved with this project that would result in generation of substantial noise levels, ground-borne vibrations, or ground-borne noise levels. Existing land uses for the surrounding area are agricultural or residential in nature. The subject parcel is utilized for orchard cultivation and does not produce noise in excess of the standard noise generation associated with agricultural uses.

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

FINDING: NO IMPACT:

The project site is not located within two miles of a private airstrip, airport land use plan, public airport or public use airport.

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?

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FINDING: NO IMPACT:

The project proposal will not result in substantial population growth, nor does it propose any development that would induce substantial population growth. The project site is utilized for agricultural cultivation with no residence onsite. The project proposes to split the subject parcel into two parcels and will not displace people or housing.

XV. PUBLIC SERVICES

Would the project:

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

1. Fire protection;

FINDING: NO IMPACT:

The Fresno County Fire Protection District (FCFPD) reviewed the subject application and did not express concerns to indicate that the proposal would result in adverse impacts on service ratios, response times, or other performance objectives.

2. Police protection;

3. Schools;

4. Parks; or

5. Other public facilities?

FINDING: NO IMPACT:

Reviewing agencies did not express concerns to indicate that the project would result in impacts on service ratios, response times, or other performance objectives to the listed services.

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

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- 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 use of existing neighborhood and regional parks or other recreational facilities and will not require the construction or expansion of recreational facilities.

XVII. TRANSPORTATION

Would the project:

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

FINDING: NO IMPACT:

Reviewing agencies and departments did not express concern to indicate that the proposal conflicts with a program, plan, ordinance or policy addressing the circulation system.

- B. Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

FINDING: NO IMPACT:

There is no increase in traffic trip generation or vehicle miles traveled associated with the project proposal. The project site is currently utilized for agricultural cultivation with traffic generation associated with the agricultural operation. There is no direct development proposed with the project. Potential development of the site associated with by-right uses of the underlying zone district are not expected to conflict with or be inconsistent with CEQA Guidelines.

- 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:

Reviewing agencies and departments did not express concerns regarding the design features of the project or regarding emergency access to indicate that the project will result in hazards or inadequate emergency access.

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

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

FINDING: NO IMPACT:

Per Assembly Bill 52 (AB 52) participating California Native American Tribes were notified of the subject application and given the opportunity to enter into consultation with the County on discussing the presence of tribal cultural resources on or near the project site. No participating California Native American Tribe expressed concern with the project proposal. Additionally, the subject parcel has historically been in agricultural use and has experienced ground disturbance resulting from the use. There is no development directly associated with the subject application. Therefore it can be seen that the project does not have an impact on tribal cultural resources.

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

- A. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects; 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

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- E. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

FINDING: NO IMPACT:

The project proposes to create a 2.0-acre parcel from an existing 27.51-acre parcel. There is no development proposed with this project, although the Applicant indicates that future residential development may occur. Future residential development would be subject to all applicable federal, state, and local standards. As there is no development directly involved with the subject application, the project will not require the relocation or construction of water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities. The subject site has been historically utilized for agricultural purposes. There is no direct development proposed with this application, therefore no change in water usage will occur. The project will not produce wastewater, therefore no impact will occur on capacity. Solid waste generation will not increase as a result of the project, therefore the project will comply with federal, state and local management and reduction statutes and regulation.

XX. WILDFIRE

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

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

FINDING: NO IMPACT:

According to the 2007 Fresno County Fire Hazard Severity Zones in LRA Map by the California Department of Forestry and Fire Protection (Cal Fire), the project site is not located in or near a state responsibility area or land classified as very high fire hazard severity zone. According to the map, the project site is located on or near area designated as being a moderate severity zone. If future development of the site were to occur, development would be subject to applicable fire and building code standards. The project will not result in adverse impacts associated with wildfires.

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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:

Based on the project scope, no proposal for new development associated with the application, and current agricultural use, the project does not have the potential to substantially degrade the quality of the environment or reduce the habitat of a fish or wildlife species.

- B. Have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

FINDING: NO IMPACT:

There are no cumulatively considerable impacts identified from the analysis of the subject proposal.

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

FINDING: NO IMPACT:

There were no identified environmental effects that could substantially cause adverse effects on human beings.

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Variance Application No. 4076, 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 Air Quality, Cultural Resources, Energy, 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 Aesthetics, Agricultural and Forestry Resources, Biological Resources, Geology and Soils, Greenhouse Gas Emissions, and Land Use Planning have been determined to be less than significant.

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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.

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