



Inter Office Memo

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

DATE: July 24, 2025

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 13093 – VARIANCE NO. 4156 AND INITIAL STUDY NO. 8482

APPLICANT: Orlando Ramirez

OWNER: Colin Kawano

REQUEST: Allow the creation of a 1.27-acre parcel from an existing 39.38-acre parcel and allow a 10-foot side yard setback for an existing garage on the 38.11-acre remainder parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located on the north side of E. Caruthers Ave., approximately 0.25-miles east from the intersection with south De Wolf Ave., approximately 0.9-miles south of the City of Selma. (APN: 385-102-02s) (8420 E. Caruthers Ave.) (Sup. Dist. 4).

PLANNING COMMISSION ACTION:

At its hearing of July 24, 2025, the Commission considered the Staff Report and testimony (summarized in Exhibit A). A motion was made by Commissioner Borchardt and seconded by Commissioner Arabian to deny Variance No. 4156 based on the analysis of the inability to make the required findings as stated in the Staff report to the Commission and directed the Secretary to prepare a Resolution documenting the Commission's action.

RESOLUTION NO. 13093

This motion passed on the following vote:

VOTING: Yes: Commissioners Borchardt, Arabian, Abrahamian, Hill, Roman, and Zante

No: Commissioners Carver and Quist

Absent: Commissioner Whelan

Abstain: None

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

By:

Time Chris W. Motta, Manager
Development Services and Capital Projects Division

:aa:

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NOTES: The approval of this project will expire two years from the date of approval unless a determination is made that substantial development has occurred. When circumstances beyond the control of the Applicant do not permit compliance with this time limit, the Commission may grant an extension not to exceed one additional year. Application for such extension must be filed with the Department of Public Works and Planning before the expiration of the Variance.

Attachments

EXHIBIT A

Variance Application No. 4150

- Staff: The Fresno County Planning Commission considered the Staff Report dated July 24, 2025 and heard a summary presentation by staff.
- Applicant: The owner and the owner's representative disagreed with Staff's recommendation and stated that the Variance Findings could be made and offered the following information:
- In support of Finding No. 1, the owner's long-term family ownership of the property constitutes an extraordinary circumstance.
 - In support of Finding No. 2, the owner should have the right to retire and remain in their home, and sell the vineyard to a willing farmer.
 - In support of Finding No. 4, approval of the application would allow the family to stay in their home, with no net loss of farmland or reduction in agricultural production.
 - While the property could be divided into two 20-acre parcels without requiring a Variance, the owner chose not to pursue this option, citing their intent to retire from farming and the sale of their farming equipment being done.
- Others: No individuals presented information in support of or in opposition to the application.
- Correspondence: No written correspondence was received.

RESOLUTION NO. 13093

EXHIBIT "B"

ATTACHMENT
TO
AGENDA ITEM

FISCAL IMPACT STATEMENT

Variance Application No. 4156

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

Variance Application:	\$ 6,049.00 ¹
Initial Study Application:	\$ 1,288.00 ²
Health Department Review:	\$ 703.00 ³
Total Fees Collected	\$ <u>8,040.00</u>

¹ Review and research, engaging with reviewing departments and multiple agencies, staff's analysis, Staff Report and Board Agenda Item preparation, public hearings before County Planning Commission and County Board of Supervisors.

² Includes project routing, coordination with reviewing agencies, preparation and incorporation of analysis into Staff Report

³ Review of proposal and associated environmental documents by the Department of Public Health, Environmental Health Division and Agricultural Commissioners Review.



ATTACHMENT B

County of Fresno

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

Planning Commission Staff Report Agenda Item No. 4 July 24, 2025

SUBJECT: Variance Application No. 4156 and Initial Study No. 8482

Allow the creation of one substandard 1.27-acre parcel (20-acres required) from an existing 39.38-acre parcel and allow a 10-foot side yard setback for an existing garage (20-feet required) on the 38.11-acre remainder parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District..

LOCATION: The subject parcel is located on the north side of E. Caruthers Ave., approximately 0.25-miles east from the intersection with south De Wolf Ave., approximately 0.9-miles south of the City of Selma. (APN: 385-102-02s) (8420 E. Caruthers Ave.) (Sup. Dist. 4).

OWNER: Colin Kawano

APPLICANT: Orlando Ramirez

STAFF CONTACT: Alyce Alvarez, Planner
(559) 600-9669

Tawanda Mtunga, Principal Planner
(559) 600-4256

RECOMMENDATION:

- Deny Variance No. 4156 based on the analysis of the required findings in the Staff Report; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Site Plan
6. Applicant's Variance Findings
7. Summary of Initial Study No. 8482
8. Draft Negative Declaration

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agricultural	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.	No change
Parcel Size	39.38-acre parcel	1.27-acre parcel 38.11-acre parcel
Project Site	Two Single Family Residences, with garages and vineyard	Split the parcel into two parcels, one being substandard, with a Single-Family Residence on each proposed parcel (see Site Plan for details).
Structural Improvements	Two Single Family Residences and garages	No change
Nearest Residence	185-feet south of the subject parcel	No change
Surrounding Development	Agricultural fields, & Single-Family Residences	No change

EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: N**ENVIRONMENTAL ANALYSIS:**

Initial Study No. 8482 was prepared for the project by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the Initial Study, staff has determined that a 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 7.

PUBLIC NOTICE:

Notices were sent to 9 property owners within 1320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PUBLIC COMMENT:

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

PROCEDURAL CONSIDERATIONS:

A Variance Application may be approved only if four Findings specified in the Fresno County Zoning Ordinance, Article 5, Chapter 860.5.068 are made by the Planning Commission. The decision of the Planning Commission on a Variance Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission's action.

The minimum parcel size that may be created in the AE-20 Zone District is 20 acres. A property owner may not create parcels with less than the 20-acre minimum parcel size if they do not qualify under the conditions listed in Section 822.3.080.

Rezoning, this parcel to a higher density zone, which permits smaller parcels, would present challenges, as the existing General Plan Land Use Designation of Agriculture does not accommodate increased density residential Zoning.

BACKGROUND INFORMATION:

The property is designated as Agriculture within the General Plan and is surrounded by land designated for Agriculture. Typical alternatives to a Variance Application include creating a homesite retention parcel. Due to the property being transferred over to the current owner of record in 2009, a homesite retention parcel would not be applicable in this circumstance.

This Variance request also proposes to reduce the side yard setback requirement to allow an existing garage located on the remainder 38.11-acre parcel, to encroach 10-feet off of the required 20-foot setback from the proposed property line.

The parcel is currently restricted under a Williamson Act Contract. A Williamson Act Cancellation Petition has been submitted to the Policy Planning Unit for processing and assigned Revision to Land Conservation Contract (RLCC) No. 1054. RLCC No. 1054 will be brought before the Board of Supervisors for a decision after the Planning Commission decision on this Variance.

Every variance application is considered on its own merit, based on unique site conditions and circumstances. The approval of other variances in the vicinity of this project does not create a precedent for approval. There were no records of similar variances related to substandard sized parcel creations considered within one-half mile of the subject parcel.

	Current Standard:	Proposed Configuration:	Is Standard Met (y/n):
Setbacks	<u>AE-20</u> Front: 35 feet Side: 20 feet Rear: 20 feet	1.27-acre: No change 38.11-acre: Side: 10 feet	Y: with the approval of this Variance

	Current Standard:	Proposed Configuration:	Is Standard Met (y/n):
Parking	N/A	N/A	N/A
Lot Coverage	No requirement	N/A	N/A
Separation Between Buildings	No requirement for residential or accessory structures, excepting those used to house animals which must be located a minimum of 40 feet from any human-occupied building.	N/A	N/A
Wall Requirements	N/A	N/A	N/A
Septic Replacement Area	100 percent of the existing system.	No change	Yes
Water Well Separation	Building sewer/septic tank: 50 feet Disposal field: 100 feet Seepage pit/cesspool: 150 feet	Any existing or proposed water wells will be required to meet minimum setbacks (separation) from proposed septic systems.	Yes

ANALYSIS/DISCUSSION:

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

Reviewing Agency/Department Comments:

No comments specific to extraordinary circumstances or conditions were expressed by reviewing Agencies or Departments.

Finding 1 Analysis:

In support of Finding 1, the applicant's findings state the family has been farming for generations on the property. The family now wants to fully devote their time to family and separate from the farming family business.

While the County acknowledges the applicant's position, the response to Finding 1 fails to provide justification for exceptional or extraordinary circumstances unique to the subject property. The application does not meet the criteria of an exceptional or extraordinary circumstances that does not apply generally to other property with the same zoning. All of the

adjacent properties are subject to the same constraint and cannot be further divided into smaller parcels. Additionally, there is no unique physical feature or situation not common to other properties in the area with the same zoning. The 20-foot side yard setback standard applies to all parcels in general vicinity that are zoned AE-20.

The Applicants desire to fully retire from farming and sell the vineyard is not an exceptional or extraordinary circumstance.

Recommended Conditions of Approval:

None

Finding 1 Conclusion:

Staff cannot recommend making Finding 1 as there are no extraordinary circumstances identified relating to the property that do not apply to other properties in the area with the same zone classification.

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

Reviewing Agency/Department Comments:

No comments specific to substantial property right were expressed by reviewing Agencies or Departments.

Finding 2 Analysis:

In response to Finding 2, the applicant states that allowing the Variance will remove any further duress to the owners as it would allow the family to sell the vineyard, while still being allowed to stay in their home.

Property owners in the vicinity of this Variance Application with identical Zoning classification, do not have the ability to divide their property to substandard parcels. The AE-20 Zone District sets the minimum lot size for parcels at 20-acres and requires a variance or a rezone application to waive the lot size requirement.

The desire to sell the vineyard in order to stay in the residence due to personal circumstance's is not preserving a substantial property right of the applicant. If the unique circumstance of the property precluded a property being able to be used for the uses allowed under the zoning ordinance, then a finding that a variance is necessary for the preservation and enjoyment of a substantial property right would be warranted. Additionally, all property owners have the same constraints and opportunities, there is nothing that prohibits the property from being used for its allowed use in the zoning ordinance. However, property owners do not have the right to have a development standard waived simply to meet their personal preferences.

In this circumstance, the side setback does not create a situation where it creates a loss of a substantial property right of the applicant, which right is possessed by other property owners under like conditions.

In this instance the property has been able to be utilized for its allowed purposes including agriculture uses, the development of two homes by right (one home by right per 20-acres).

Hence, their substantial property right to use the property for the uses listed in the Ordinance are not inhibited and a variance is not necessary to protect those rights.

Recommended Conditions of Approval:

None

Finding 2 Conclusion:

Staff cannot recommend making Finding 2 as the Variance is not necessary for the property to enjoy the substantial property rights allowed by the Zoning and Ordinance, which are the same substantial property rights enjoyed by other owners in the vicinity with the same zoning classification.

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:	38-acres	Crops	AE-20	N/A
South:	40-acres	Single Family Residence and crops	AE-20	320-feet
East:	39.69-acres	Single Family Residence and crops	AE-20	35-feet
West:	1.26-acres	Single Family Residence	AE-20	32-feet

Reviewing Agency/Department Comments:

No comments specific to the granting of this proposal to be materially detrimental to the public welfare or injurious to property and improvement in the vicinity were expressed by reviewing Agencies or Departments.

Finding 3 Analysis:

In support of Finding 3, the applicant's Findings states the granting of the Variance will not have a negative impact on the surrounding area of their property as the surrounding area has established farming operations with homes in rural settings. Additionally, this proposal allows one home on each proposed parcel for an established living opportunity with the vineyard.

While the impact of this singular variance may not constitute a materially detrimental impact, staff notes that the creation of two legal non-conforming parcels has the potential to increase residential density in the area by allowing 2nd residences through a Director Review and Approval on both the new parcels. Cumulatively, this and other such increases in residential density has the potential to conflict with adjacent agricultural operations.

The minimum acreage requirement of the AE-20 Zone District is intended to arrest this parcellation pattern and limit the potential conflicts between residential and agricultural activities. However, the limited scale of this individual request by itself may not be a significant material

detriment to properties in the vicinity. Staff also notes that surrounding parcels are restricted from dividing into more than one parcel unless the division is in accordance with the Fresno County Zoning Ordinance and the California Subdivision Map Act. Additionally, the encroachment into the side yard setback has not been shown to be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located.

Recommended Conditions of Approval:

None

Finding 3 Conclusion:

Staff can recommend making Finding 3 as granting this single 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.

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

Relevant Policies:	Consistency/Considerations:
General Plan Goal LU-A: <i>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.</i>	Inconsistent: Substandard parcels that are created for residential purposes will likely interfere with agricultural operations on surrounding parcels that are designated and zoned for production of food and fiber and may potentially result in removal of adjacent or neighboring lands from agricultural use. Moreover, it may set a precedent for other landowners to create similar residential parcels in the area, which will compound the incompatibility between the agricultural and residential use of lands located in an area of the County designated and used for agricultural operations.
General Plan Policy LU-A.6: <i>The County shall maintain twenty (20) acres as the minimum permitted parcel size in areas designated Agriculture, except as provided in Policies LU-A.9 and LU-A.10. The County may require parcels sizes larger than twenty (20) acres based on zoning, local agricultural conditions, and to help ensure the viability of agricultural operations.</i>	Inconsistent: The proposed parcel creation is not consistent with this Policy. There are exceptions allowed subject to certain criteria. In this instance, the application either did not meet the criteria or elected not to choose one of the available options for creating a substandard parcel.
General Plan Policy LU-A.7: <i>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</i>	Inconsistent: The creation of parcels less than 20 acres in the AE-20 Zone District would be inconsistent with Policy LU-A.7 and set a precedent for parcellation of farmland into smaller parcels which are economically less viable farming units and could potentially

Relevant Policies:	Consistency/Considerations:
<i>in residential density increases the potential for conflict with normal agricultural practices on adjacent parcels. Evidence that the affected parcel may be an uneconomic farming unit due to its current size, soil conditions, or other factors shall not alone be considered a sufficient basis to grant an exception. The decision-making body shall consider the negative incremental and cumulative effects such land divisions have on the agricultural community.</i>	allow additional single-family residences on the proposed parcels.
General Plan Policy LU-A.14: <i>The County shall ensure that the review of discretionary permits includes an assessment of the conversion of productive agricultural land and that mitigation be required where appropriate.</i>	Consistent: In this case, productive agricultural land would not necessarily be converted, rather it would be allocated to vineyard to be located on the remainder proposed 38.11-acre parcel.
General Plan Policy PF-C.16: <i>The County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation. The evaluation shall include the following:</i> <i>a. A determination that the water supply is adequate to meet the highest demand that could be permitted on the lands in question. If surface water is proposed, it must come from a reliable source and the supply must be made "firm" by water banking or other suitable arrangement. If groundwater is proposed, a hydrogeologic investigation may be required to confirm the availability of water in amounts necessary to meet project demand. If the lands in question lie in an area of limited groundwater, a hydrogeologic investigation shall be required.</i> <i>b. A determination of the impact that use of the proposed water supply will have on other water users in Fresno County. If use of surface water is proposed, its use must not have a significant negative impact on agriculture or other water users within Fresno County. If use of groundwater is proposed, a hydrogeologic investigation may be required. If the lands in question lie in an area of</i>	Consistent: The Water and Natural Resources Division reviewed the project proposal and determined that the project site is not located in a water short area, and has determined that there is adequate ground water in the area and that the project would not significantly impact the ground water levels in the area.

Relevant Policies:	Consistency/Considerations:
<i>limited groundwater, a hydrogeologic investigation shall be required. Should the investigation determine that significant pumping-related physical impacts will extend beyond the boundary of the property in question, those impacts shall be mitigated.</i> c. <i>A determination of the impact that use of the proposed water supply is sustainable or that there is an acceptable plan to achieve sustainability. The plan must be structured such that it is economically, environmentally, and technically feasible. In addition, its implementation must occur prior to long-term and/or irreversible physical impacts, or significant economic hardship, to surrounding water users.</i>	

Reviewing Agency/Department Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning indicated:

The subject parcel is enrolled in the Williamson Act Program under contract 2809. The Fresno County Williamson Act Program 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 Program.

The existing 39.38-acre parcel contains soil classified as Prime. The proposed VA application would result in creation of a 1.27-acre residential parcel that cannot remain under Williamson Act contract. The applicant can submit a cancellation petition for removal of the 1.27-acre parcel from the Williamson Act contract for consideration by the Agricultural Land Conservation Committee and the Board of Supervisors.

Finding 4 Analysis:

In support of Finding 4, the applicant simply states the variance would not be contrary to the objectives of the General Plan as it allows the owner to sell the vineyard to another willing farmer to continue farming while allowing the family to remain in the home.

While the existing use and parcel is consistent with the General Plan, as described in the table above, the proposed variance would allow creation of parcels that conflict with several General Plan Policies. The property is designated Agriculture within the General Plan. In addition, the existing parcels are located in the AE-20 Zone District. The intent behind the Agricultural Designation and the AE-20 Zone District is to prevent creation of parcels less than the required 20-acre minimum parcel size.

Staff notes the Applicant has filed A Williamson Act Cancellation Petition with the Policy Planning Unit for processing RLCC No. 1054 and will be brought before the Board of Supervisors for a decision after the Planning Commission decision on this Variance. Additionally, while there are zoning regulations and the General Plan appendix relative to setbacks, there are no General Plan policies specifically pertinent to the proposed reduction in setback requirement that would conflict with the objectives of the General Plan.

Recommended Conditions of Approval:

If the Variance is approved, prior to recording of the final map, Revision to Land Conservation Contract No. 1054 shall be completed subject to the Condition of Approval and the Certificate of Cancellation recorded with the Fresno County Recorder's Office, removing the proposed 1.27-acre parcel from Agricultural Land Conservation Contract No. 2809.

Finding 4 Conclusion:

Staff cannot recommend making Finding 4 as the proposed development is inconsistent with the General Plan Policies as stated above.

CONCLUSION:

Based on the factors cited in the analysis, Staff cannot recommend making required Findings 1, 2, & 4 for granting the variance; as there are no exceptional or extraordinary circumstances or conditions applicable to the property, the variance is not necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners with the same zoning in the vicinity, and will be contrary to the objectives of the General Plan.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Denial Action)

- Move to determine that required Findings No. 1, 2, & 4 cannot be made based on the analysis in the staff report and move to deny Variance No. 4156; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Approval Action)

- Move to determine the required findings can be made (state basis for making the findings) and move to approve Variance No. 4156, subject to the Conditions of Approval and Project Notes listed in 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.

AA:

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EXHIBIT 1

**Variance Application (VA) No. 4156 & Initial Study No.8482
(Including Conditions of Approval and Project Notes)**

Conditions of Approval	
1.	Division of the subject parcels shall be in substantial accordance with the site plan (Exhibit 5) as approved by the Planning Commission
2.	Prior to recording of the final map, Revision to Land Conservation Contract No. 1054 shall be completed subject to the Condition of Approval and the Certificate of Cancellation recorded with the Fresno County Recorder's Office, removing the proposed 1.27-acre parcel from Agricultural Land Conservation Contract No. 2809.
3.	Prior to the recording of the final map, a nitrogen loading analysis (NLA) is required to be completed by a qualified professional.

Conditions of Approval reference recommended Conditions for the project.

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	Division of the subject property is subject to the provisions of the Fresno County Ordinance. A mapping procedure shall be filed to create the proposed parcels. The Map shall comply with the requirements of Title 17.72.
2.	The approval of this Variance will expire two years 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.	A Grant Deed should be required for the tentative application. A Grant Deed shall be required for the final application.
4.	Caruthers Ave currently has an existing 40' of road right-of-way and an ultimate right-of-way of 60' per the Fresno County General Plan. An additional 10' of road right-of-way must be dedicated or irrevocably offered along the subject parcel to meet the ultimate right-of-way for Caruthers Ave. Any setbacks for new construction must be based on the ultimate road right-of-way for Caruthers Ave.
5.	The end of curbed/taper edge of any existing or future access driveway approach should be set back a minimum of 5' from the property line.
6.	Any existing or future entrance gate should be set back a minimum of 20' from the road right-of-way line or the length of the longest truck entering the site and shall not swing outward.
7.	10' x 10' corner cut-off should be improved for sight distance purposes at any existing or future driveway

Notes	
	accessing American Avenue and Sunnyside Avenue if not already present.
8.	Any future work done within the County road 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.
9.	A grading permit/voucher may be required for any grading that has been done without a permit and any future grading with this application.
10.	If this application is approved, a parcel map application will have to be filed with Fresno County in order to effect the property division.
11.	According to FEMA FIRM Panel 2650H, the northern portion of the area of the subject property is found to be under Flood Zone A, subject to flooding from the 100-year storm. Any future development within the Special Flood Hazard Area shall conform to provisions established in Fresno County Ordinance Code Title 15, Chapter 15.48 Flood Hazard Areas. Any future structure and associated electrical equipment/electrical system components (e.g., service panels, meters, switches, outlets, electrical wiring, walk-in equipment cabinets, generators, bottom of the lowest edge of the solar array, pool-associated motors and water heater, receptacles, junction boxes, inverter, transformers, etc.) must comply with the FEMA flood elevation requirements. All electrical wiring below the flood elevation shall be in a watertight conduit or approved direct burial cable. Grading import is not allowed within the flood zone. Any dirt material used for grading must be obtained within the designated flood area as to not cause an impact to the determined area of flooding. Manure pits and waste lagoons that are susceptible to flooding must be consulted with State departments of environmental management or natural resources on how to prevent overflow of these waste treatment facilities into local stream, rivers, or even drinking water supply. FEMA Elevation Certificate is required for every future structure to be constructed within the Special Flood Hazard Area. If the future building/structure is near the Special Flood Hazard Area, a certified Map of Survey/Map of Flood Hazard Area (MOS), stamped and signed by a Professional Land Surveyor delineating the distances from proposed structure(s) to the flood zone boundary and at least two property lines and existing structures will be required. The MOS must show spot elevations within the perimeter of the future structure and within the flood zones to ensure that the future structure will be above the BFE (Base Flood Elevation) and/or outside the Flood Zone A.
12.	According to the U.S.G.S. Quad Map, Long Pond is located at the northern portion of the area of the subject property. The lowest floor of the any future structure/building should be elevated above the high water level of the Long Pond to at least a minimum of twelve inches (12") and the crown of the adjacent street AND any associated electrical equipment/electrical system components shall be elevated above the finish floor elevation. All sides of any future building shall be sloped 2% for a distance of 5' to provide positive drainage away from the building.

Aa:

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EXHIBIT 2

Legend



Subject Property

SAGINAW

BLAINE

MAGNOLIA
ADOBE
MISSION

MITCHELL

MOUNTAIN VIEW

TEMPERANCE

LOCAN

CARUTHERS

THOMPSON

DE WOLF

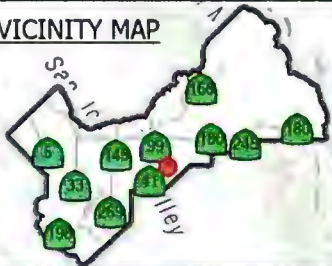
KAMM

KAMM

SUBJECT PROPERTY

HIGHLAND

VICINITY MAP



LOCATION MAP

VA4156 & IS8482

2023

Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division

Person Prepared by : chuang

On Date : 9/26/2023



0 0.23 0.45 Miles

0 1,500 3,000 Feet

EXHIBIT 3

Legend

-  Subject Property
-  Selma
-  City Sphere of Influence
-  AE20
-  AL20

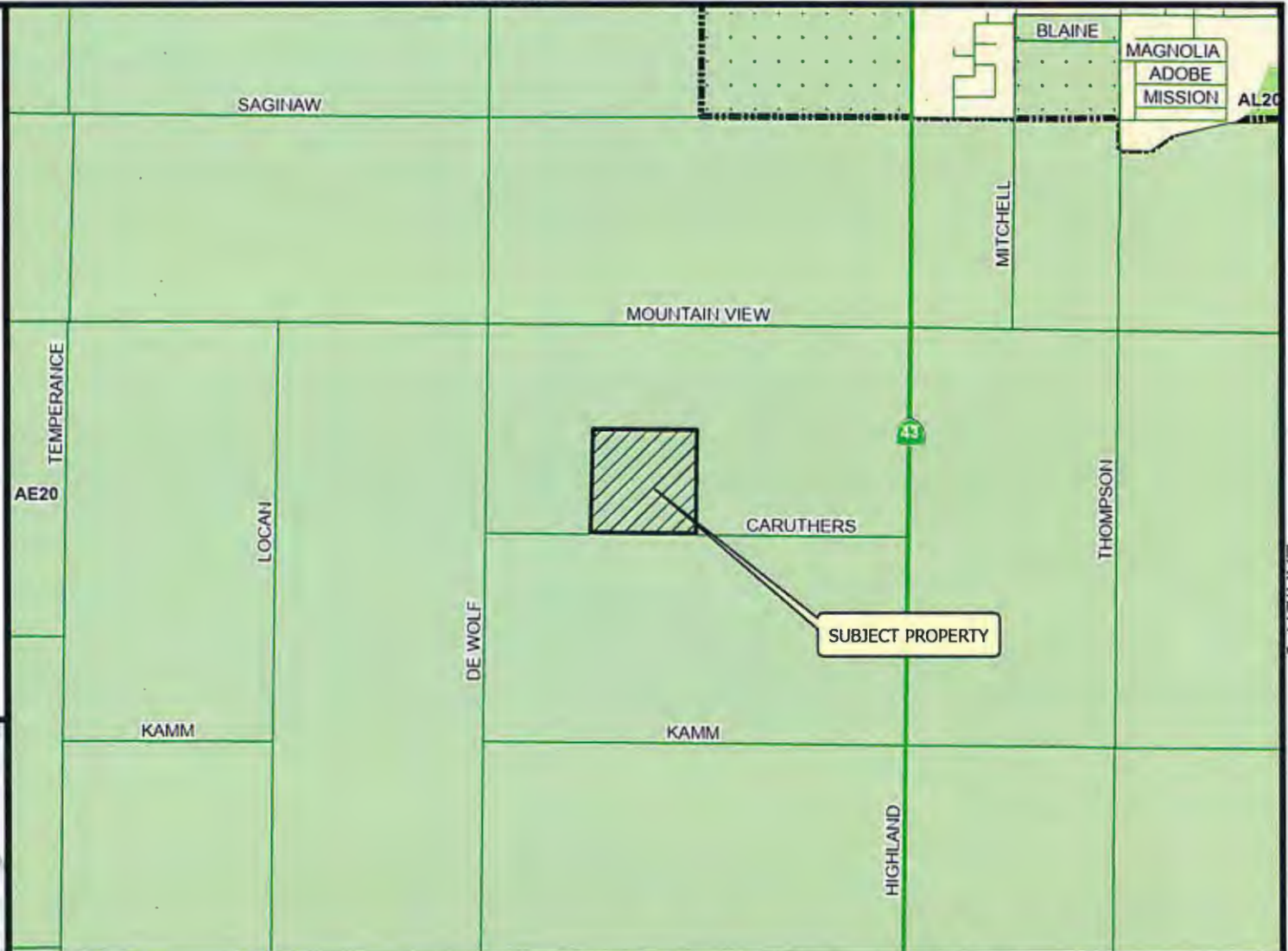
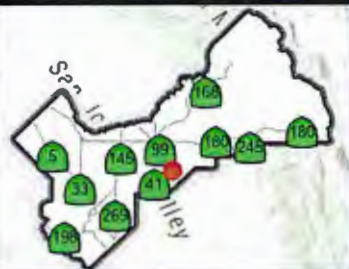


EXHIBIT 3

ATTACHMENT B PAGE 14



Existing Zoning Map

VA4156 & IS8482
STR 13 - 15 / 20

2023

Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division
Person Prepared by : chuang
On Date : 9/26/2023

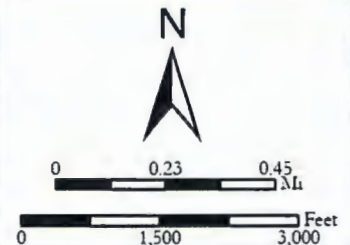
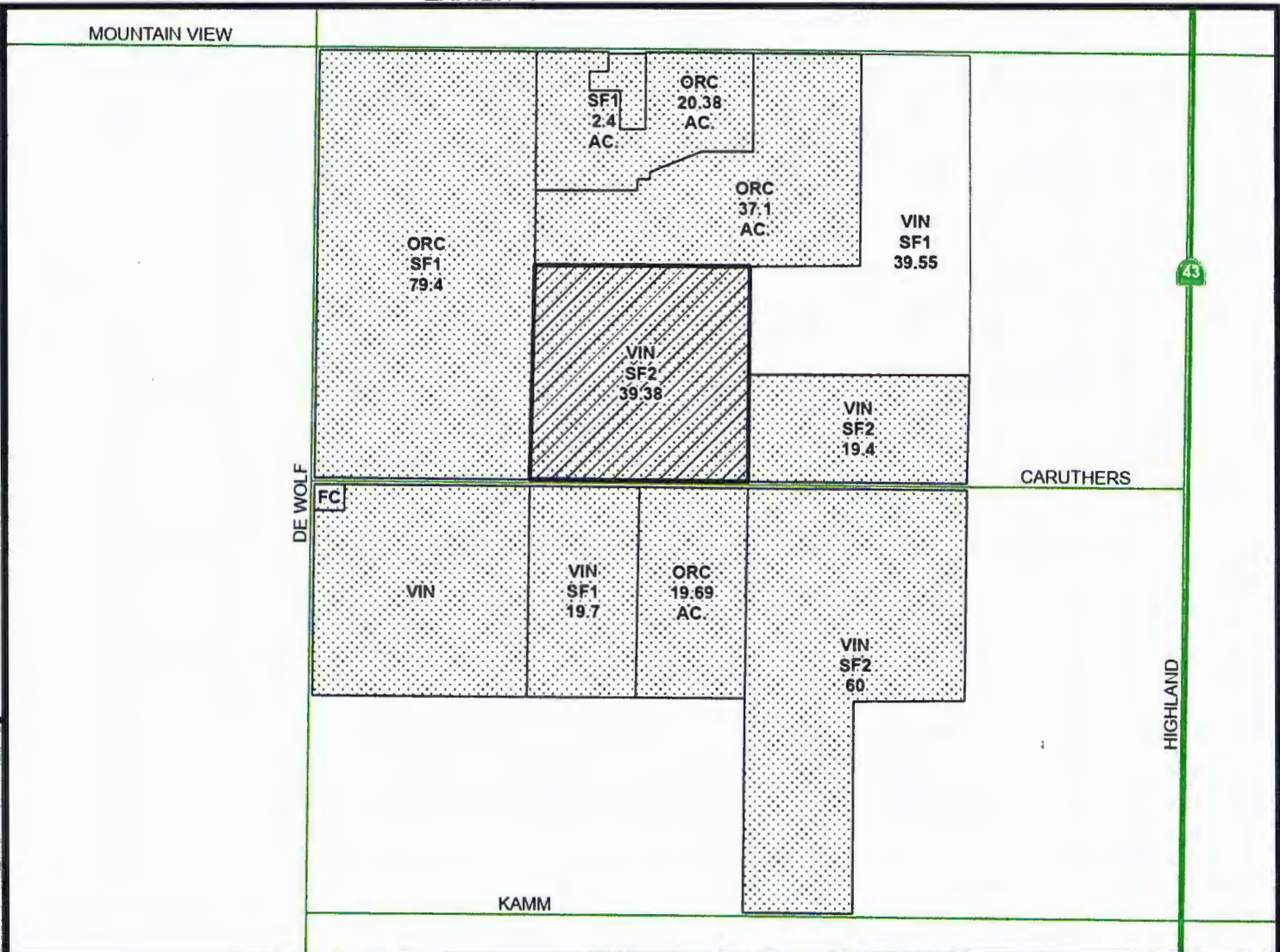


EXHIBIT 4

LEGEND:

-  Subject Property
-  Ag Contract Land

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

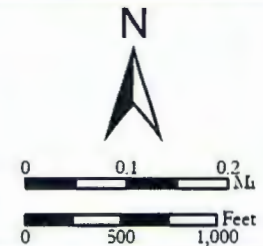


Existing Land Use Map

VA4156 & IS8482

2023

Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division
 Person Prepared by : chuang
 On Date : 9/26/2023



S89°53'32.4"W, 1322 63'

AFFIDAVIT OF CHANGE OF
TRUSTEE RECORDED ON
OCTOBER 9, 2009 AS DOCUMENT
NO 2009-0140822, O R F C

PROPOSED REMAINDER PARCEL

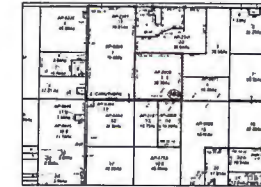
GRANT DEED RECORDED ON
MARCH 27, 2009 AS DOCUMENT
NO 2009-0041203, O R F.C
AREA = 39.380 ACRES

GRANT DEED RECORDED ON
AUGUST 21, 2008 AS DOCUMENT
NO 2008-0019204, O R F C

Site plan for 8420 E Caruthers Ave. The plan shows a proposed parcel of 21,201 sq ft, bounded by 5895 S 244th W to the north, 8420 E Caruthers Ave to the east, and Caruthers Avenue to the south. The parcel is divided into two lots: a 17,177 sq ft lot on the left and a 4,024 sq ft lot on the right. The left lot contains an existing SFR (Single-Family Residence) with a 17'1" front setback and a 21'2" side setback. The right lot contains an existing SFR with a 16'1" front setback and a 20'0" side setback. The plan also shows a 5'1" front setback and a 5'0" side setback for the proposed parcel. The plan includes a north arrow, a scale bar, and a legend for various features.

CENTER QUATER CORNER
OF SECTION 13, TOWNSHIP
16 SOUTH, RANGE 2 EAST,
MOUNT DIABLO BASE AND
MERIDIAN, FOUND 1" IRON
PIPE, TAGGED RCE 13746.
DOWN 8" . VERIFIED PER
TIES ON FILES WITH
FERSNO COUNTY
SURVEYOR, #TF3074.

S SEPTIC
W WELL
D DRAIN
G GARAGE
P PROPANE



VICINITY MAP



AC

PURPOSE :
TO INDICATE THE PROPOSED PARCEL
SUBDIVISION.

NOTE :
PARCEL 1 = 55249.88 sqft; 1.27 Acre
REMAINDER PARCEL = 1660229.99 sqft;
38.11 Acre

Parent parcel boundary is marked in thick line

PREPARED BY:
ORLANDO RAMIREZ
RAMIREZ LAND PLANNING INC

CHECKED BY :

DATE: 2.May.2023

CLIENT:
COLIN KAWANO

PROJECT:
TENTATIVE PARCEL MAP

LOCATION:
APN 385-102-02S
FRESNO COUNTY, CA

DESCRIPTION :

Plan is created using a existing survey plan dated 20th June 2012 & a parcel exhibit. All distances are in US feet. Bearing are calculated. Area calculations conducted through CAD(computer Aided Design-Autodesk AutoCAD 2020 version)

SHEET NO
1 of 2 GRAPHIC SCALE= 1/16"=1'-0"

REQUIRED FINDINGS NECESSARY FOR THE GRANTING OF A VARIANCE APPLICATION AS SPECIFIED IN ZONING ORDINANCE SECTION 877

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

The Kawano family has had the property since around 1953. The farming operation included table grapes. Mr. Colin Kawano is fully retired and is feeling the pressure of having to make decisions that influence his ability to maintain the farm. Colin would like to focus on retirement and full attention on his wife and grandchildren so it is now time to completely part ways with the farming business. Additionally, recent surgeries have limited movement to a 20% disability in the right arm which makes running a farming operation that much more difficult.

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

Granting of the variance will maintain and preserve the current vineyard operation. Mr. Kawano in in conversation neighboring farmers who have interest in purchasing the vineyard for addition to their ongoing farming operations. Potential sale to a fellow neighbor will maintain the intent and purpose of the agriculturally zoned district for continued vineyard operation. The division of the property will permit Colin and Mrs. Kawano to remain in the existing forever home without further duress and the vineyard will maintain its current land use. The division of the property will not change current conditions, nor will it affect current Ag preserve status of the vineyard.

- 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.**

Subdivision of the property will not be materially detrimental to the existing home, agricultural environment, and/or surrounding areas. The immediate area is surrounded by established farming operations with homes in very rural settings. There is an existing additional single-family home on the east side of the Kawano residence that will remain with the proposed vineyard split. This will provide the new owner(s) with an established living opportunity in addition to the vineyard. All existing accessory buildings have been and are utilized for single-family rural residential uses that are compatible in nature, architectural elements and purpose.

Each residence independently maintains its own well and septic system per County requirements and the proposed division will not impact area properties and their existing improvements in any way.

4. The granting of such variance will not be contrary to the objectives of the General Plan.

The request to divide the property is unique and that the owner is seeking to simply divide and sell the vineyard property to a local area farmer while maintaining the family homestead. With sale of the vineyard, operationally that will not change, but rather provides Mr. Kawano the opportunity to keep the family home going forward and provides the Kawano's the ability to focus on caring for each other during these golden years. The General Plan permits the establishment of rural residential properties along with primary agricultural uses as proposed. The division of the property does not create a detriment to the General Plan objectives, nor does it jeopardize current farming practices of the site.



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

APPLICANT: Orlando Ramirez (Ramirez Land Planning)

APPLICATION NOS.: Initial Study No. 8482 and Variance Application No. 4156

DESCRIPTION: Allow the creation of one substandard size parcel (1.27-acres) and a 38.11-acre parcel from an existing 39.38-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located on the north side of E. Caruthers Ave., approximately 0.25-miles east from the intersection with south De Wolf Ave., approximately 0.9-miles south of the City of Selma. (APN: 385-102-02s) (8420 E. Caruthers Ave.) (Sup. Dist. 4).

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 1.27-acre parcel encompassing an existing single-family dwelling. As no development or 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 38.11-acre parcel is dedicated to agricultural production (vineyard) with an existing Single Family Residence. Additionally, no scenic vistas or other scenic resources were identified, and the property is not located within a state scenic highway. Although there is no development being proposed, in the event development is proposed, it will be subject to Section 834.4.025.B(1)(a). of the Zoning Ordinance, which requires outdoor lighting to be hooded, arranged and controlled so not to be directly visible from an abutting property or public street right-of-way.

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 No. 2809. According to the 2016 Fresno County Important Farmland Map, Rural Land Mapping Edition, the subject property is classified as a small portion being Unique Farmland, Farmland of Statewide Importance, and majority Prime Farmland. 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 1.27-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. 2809.

To meet compliance with requirement, the Applicant has complied with the Fresno County Policy Planning Unit for processing of the contract cancellation.

- 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.

- 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 1.27-acres of land that is currently devoted to residential uses, unconnected to the existing agricultural operation. No additional residential development is proposed as there is an additional home already currently on site and will remain with the agricultural production, and the separation of 1.27-acres from the existing 39.38-net acre parcel would be a less than significant impact to Farmland due to the fact that about 38.11-acres, a substantial portion (approximately 97 percent) of the existing parcel's land area, will remain in agricultural production.

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. Therefore, the approval of this application 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
- 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:

As the project entails the creation of parcels that will be reflected only on a map there will be no substantial effect on any species identified in the IPaC list 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 1.27-acre residential parcel. No historical or archaeological resources were identified, and because 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 or subsequent mapping procedure. Under the provisions of AB52, the Tribes who had previously requested notification were notified of this application. 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 1.27-acre parcel containing one of the two existing single-family residences. The remaining acreage (approximately 38.11-acres) currently dedicated to grape vineyards will remain engaged in the agricultural operation along with the additional existing Single Family Residence. 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?

FINDING: NO IMPACT:

According the California Department of Conservation Earthquake Hazard Zone Application (EQ Zapp), the project is not located on a known earthquake fault zone. In considering the lower chance of reaching peak horizontal ground acceleration and no proposed development, there is minimal adverse risks associated with the project related to strong seismic ground shaking or seismic-related ground failure. Figure HS-8 of the Fresno County General Plan indicates that the project site is not located in a moderate or high landslide hazard area. The project would not result in a loss of topsoil or soil erosion where a significant risk of loss, injury, or death would occur as no development is purposed with this application. No geologic unit or unstable soil was identified on the project site. Per Figure 7-1 of the Fresno County General Plan Background Report (FCGPBR), the project site is not located on soils exhibiting moderately high to high expansion potential. 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 1.27-acre parcel would contain one existing septic system which would be with the standards of the Fresno County Local Area Management Program (LAMP) which limits parcels to one septic system per two acres.

- 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.

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
- E. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962 and, as a result, would it create a significant hazard to the public or the environment; or
- F. 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
- G. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or
- H. 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 agricultural production with the vineyard. 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. The subject parcel is also not located within two miles of an airport, or within the boundaries of an airport land use plan, and the use

of the property will not change, therefore the project will not interfere with an emergency response or evacuation plan.

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:

The subject parcel is currently engaged in agricultural production use, this proposal entails a request to allow a minor land division and subsequent mapping procedure to create a residential parcel, and will not involve a change in land use or and 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 level of water use. No concerns related to water supply were expressed by any reviewing agencies or County departments. The proposed 1.27-acre residential parcel contains a single-family dwelling which will be served by an existing domestic well. The remaining 38.11 acres will contain a Single Family Residence and vineyards 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:

According to FEMA FIRM Panel 2650H, the northern portion of the area of the subject property is found to be under Flood Zone A, subject to flooding from the 100-year storm. Any future development within the Special Flood Hazard Area shall conform to provisions established in Fresno County Ordinance Code Title 15, Chapter 15.48 Flood Hazard Areas. As there is no development proposed with this proposal, there is no impact at this time.

- 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 1.27-acre residential parcel which will be independent of the remaining 38.11-acre parcel's 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 1.27-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 1.27-acre residential parcel is not consistent with General Plan Policies LU-A.6, LUA.7 LU-A. 12, and LU-A.13 nor the property development standards of the Exclusive Agricultural Zone District. This Variance request to allow the creation of one substandard sized parcel. The proposed 1.27-acre substandard parcel would be used for residential purposes in an area of the County designated and zoned for agricultural uses which are not compatible with residential uses. Substandard parcels created for residential purposes in areas of the County designated and zoned for agricultural uses creates conflict with agricultural uses in the surrounding area; however, no significant environmental impacts are anticipated to result from the creation of the residential parcel. Future division of the remaining portion of the subject property, or the addition of a second residence on the proposed residential parcel, or the addition of a primary and secondary residence on the remaining 14.93-acre parcel could result in an increase in the residential density of the area.

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 in 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?

FINDING: NO IMPACT:

The project intends to create a substandard parcel with the remaining land to be utilized for agricultural production. The underlying zone district for Agricultural uses will not change. Therefore, in considering the project scope and existing conditions, the project will not induce substantial unplanned population growth in the area and would not displace people or housing necessitating construction of replacement housing elsewhere

XV. PUBLIC SERVICES

Would the project:

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

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 are 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 will occur.

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

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 39.38-acre parcel contains a domestic well and an agricultural well. If the application is approved, a subject mapping procedure to create the proposed 1.27-acre parcel will be required. As a result, the 1.27-acre parcel will retain the domestic well which serves the existing residence, and the 38.11-acre parcel will retain the agricultural well for irrigation of the vineyard. 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
- 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, or in an area of steep slopes.

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 exclusively residential use, which residential use is currently appurtenant to the farming operation. If this Variance request is approved, a 1.27-acre portion of the land which contains the residence will become independent of the remaining portion of the land which is dedicated to vineyards with a single-family residence. 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 38.11-acres, will remain in agricultural production, impacts to farmland resulting from this proposal would be less than significant.

- 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 an appreciable change in land use of the subject property, or the proposed residential parcel to be created. Both the residential use and the farming operation are existing and will continue. 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. 4156, 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.

AA

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EXHIBIT 8

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 8482	LOCAL AGENCY PROPOSED NEGATIVE DECLARATION		County Clerk File No: E- 202510000144
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): Alyce Alvarez, Planner	Area Code: 559	Telephone Number: 600-9669	Extension: N/A
Project Applicant/Sponsor (Name): Orlando Ramirez, Ramirez Land Planning	Project Title: IS 8482 & VA 4156		
Project Description: Allow the creation of one substandard size parcel (1.27-acres) and a 38.11-acre parcel from an existing 39.38-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The subject parcel is located on the north side of E. Caruthers Ave., approximately 0.25-miles east from the intersection with south De Wolf Ave., approximately 0.9-miles south of the City of Selma. (APN: 385-102-02s) (8420 E. Caruthers Ave.) (Sup. Dist. 4).			
Justification for Negative Declaration: Based upon the Initial Study prepared for Variance No. 4156, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Mineral Resources, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation, Tribal Cultural Resources, Utilities and Service Systems, and Wildfire. Potential impacts related to Agricultural and Forestry Resources, and Land Use 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.			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – June 13, 2025		Review Date Deadline: Planning Commission – July 24, 2025	
Date:	Type or Print Signature: David Randall Senior Planner	Submitted by (Signature): Alyce Alvarez Planner	

State 15083, 15085

County Clerk File No.: E-202510000144

MITIGATED NEGATIVE DECLARATION

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Notice of Appeal of Planning Commission Decision

Appeal Fee: \$555.11

effective FY 2025-26

Due at Time of Appeal Filing

Appellant Instructions – Complete all sections below. Print or type, this side only.

Project Site Address

8420	E CARUTHERS	SELMA	93662	385-102-02s
<i>Number</i>	<i>Street</i>	<i>City</i>	<i>Zip Code</i>	<i>Assessor's Parcel Number (APN)</i>

Appellant Information

Name: COLIN KAWANO

Mailing Address: 8420 E CARUTHERS

SELMA, CA 93662

Phone Number: (559) 285-6920

Is the Appellant also the project Applicant? ☐ Yes ☐ No
If no, complete Applicant Information section.

Applicant Information

Name: ORLANDO RAMIREZ

Mailing Address: 4233 W WATHEN AVE

FRESNO, CA

Phone Number: (559) 999-1953

RECEIVED

AUG 06 2025

Subject of Appeal

Date of Planning Commission Decision: July 24, 2025

Month Day Year

CLERK. BOARD OF SUPERVISORS

I wish to appeal the Planning Commission's decision to: ☐ Approve ☒ Deny

- | | | |
|--|--|--|
| ☐ Amendment Application
No. _____
☐ Amendment to Text Application
No. _____
☐ Conditional Use Permit
No. _____ | ☐ Director Review and Approval Application
No. _____
☐ General Plan Amendment Application
No. _____
☐ Tentative Parcel Map Application
No. _____ | ☐ Tentative Tract Map Application
No. _____
☒ *Variance Application
No. <u>VA4156</u>
☐ Other: _____ |
|--|--|--|

Reason(s) for Appeal: *(Attach additional pages if necessary)* WE FEEL THE PROPOSED VARIANCE IS NOT A DETRIMENT TO THE AREA AND THE REQUEST IS A RIGHT POSSESSED BY OTHER PROPERTY OWNERS UNDER LIKE CONDITIONS IN THE AREA, HAVING THE IDENTICAL ZONING CLASSIFICATION

Colin Kawano

Appellant Signature

July 28, 2025

Date

Return completed form and fee to the Clerk of the Board of Supervisors, 2281 Tulare Street, Room 301, Fresno, CA 93721

*Fresno County Ordinance §876.6.020(B)(2) requires that any appellant, other than the applicant, County Department Director, or Board of Supervisors member, must be a property owner within a certain distance from the Variance Application property. The Department of Public Works & Planning will verify that the ordinance requirements are met. If the requirements are not met, the appeal fee will be returned and no date for appeal hearing before the Board of Supervisors will be set.

For Office Use Only

Copy sent to: W. Kettler, C. Motta, A. Samarin Date copy sent: 8-7-25

Hearing set for: _____

ATTACHMENT D

**Variance Application (VA) No. 4156 & Initial Study No.8482
(Including Conditions of Approval and Project Notes)**

Conditions of Approval	
1.	Division of the subject parcels shall be in substantial accordance with the site plan (Exhibit 5) as approved by the Planning Commission
2.	Prior to recording of the final map, Revision to Land Conservation Contract No. 1054 shall be completed subject to the Condition of Approval and the Certificate of Cancellation recorded with the Fresno County Recorder's Office, removing the proposed 1.27-acre parcel from Agricultural Land Conservation Contract No. 2809.
3.	Prior to the recording of the final map, a nitrogen loading analysis (NLA) is required to be completed by a qualified professional.

Conditions of Approval reference recommended Conditions for the project.

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	Division of the subject property is subject to the provisions of the Fresno County Ordinance. A mapping procedure shall be filed to create the proposed parcels. The Map shall comply with the requirements of Title 17.72.
2.	The approval of this Variance will expire two years 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.	A Grant Deed should be required for the tentative application. A Grant Deed shall be required for the final application.
4.	Caruthers Ave currently has an existing 40' of road right-of-way and an ultimate right-of-way of 60' per the Fresno County General Plan. An additional 10' of road right-of-way must be dedicated or irrevocably offered along the subject parcel to meet the ultimate right-of-way for Caruthers Ave. Any setbacks for new construction must be based on the ultimate road right-of-way for Caruthers Ave.
5.	The end of curbed/taper edge of any existing or future access driveway approach should be set back a minimum of 5' from the property line.
6.	Any existing or future entrance gate should be set back a minimum of 20' from the road right-of-way line or the length of the longest truck entering the site and shall not swing outward.
7.	10' x 10' corner cut-off should be improved for sight distance purposes at any existing or future driveway

ATTACHMENT D

Notes	
	accessing American Avenue and Sunnyside Avenue if not already present.
8.	Any future work done within the County road 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.
9.	A grading permit/voucher may be required for any grading that has been done without a permit and any future grading with this application.
10.	If this application is approved, a parcel map application will have to be filed with Fresno County in order to effect the property division.
11.	According to FEMA FIRM Panel 2650H, the northern portion of the area of the subject property is found to be under Flood Zone A, subject to flooding from the 100-year storm. Any future development within the Special Flood Hazard Area shall conform to provisions established in Fresno County Ordinance Code Title 15, Chapter 15.48 Flood Hazard Areas. Any future structure and associated electrical equipment/electrical system components (e.g., service panels, meters, switches, outlets, electrical wiring, walk-in equipment cabinets, generators, bottom of the lowest edge of the solar array, pool-associated motors and water heater, receptacles, junction boxes, inverter, transformers, etc.) must comply with the FEMA flood elevation requirements. All electrical wiring below the flood elevation shall be in a watertight conduit or approved direct burial cable. Grading import is not allowed within the flood zone. Any dirt material used for grading must be obtained within the designated flood area as to not cause an impact to the determined area of flooding. Manure pits and waste lagoons that are susceptible to flooding must be consulted with State departments of environmental management or natural resources on how to prevent overflow of these waste treatment facilities into local stream, rivers, or even drinking water supply. FEMA Elevation Certificate is required for every future structure to be constructed within the Special Flood Hazard Area. If the future building/structure is near the Special Flood Hazard Area, a certified Map of Survey/Map of Flood Hazard Area (MOS), stamped and signed by a Professional Land Surveyor delineating the distances from proposed structure(s) to the flood zone boundary and at least two property lines and existing structures will be required. The MOS must show spot elevations within the perimeter of the future structure and within the flood zones to ensure that the future structure will be above the BFE (Base Flood Elevation) and/or outside the Flood Zone A.
12.	According to the U.S.G.S. Quad Map, Long Pond is located at the northern portion of the area of the subject property. The lowest floor of the any future structure/building should be elevated above the high water level of the Long Pond to at least a minimum of twelve inches (12") and the crown of the adjacent street AND any associated electrical equipment/electrical system components shall be elevated above the finish floor elevation. All sides of any future building shall be sloped 2% for a distance of 5' to provide positive drainage away from the building.

Aa:

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ATTACHMENT E

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State 15083, 15085

County Clerk File No.: E-202510000144

MITIGATED NEGATIVE DECLARATION