



# County of Fresno

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

## INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM

1. **Project title:**  
Initial Study No. 7385 and Variance Application No. 4038
2. **Lead agency name and address:**  
County of Fresno Department of Public Works and Planning  
2220 Tulare Street, 6<sup>th</sup> Floor  
Fresno, CA 93721
3. **Contact person and phone number:**  
Chrissy Monfette 559-600-4245
4. **Project location:**  
The project site is located on the east side of S. Valentine Avenue, between W. Muscat and W. Central Avenues, addressed as 3637 S. Valentine Avenue, Fresno, CA 93706 (APNs: 327-061-47 and -46; Previously: 327-061-27S). (Sup. Dist. 4)
5. **Project sponsor's name and address:**  
Duane and Karen Soares Living Trust  
3637 S. Valentine Ave  
Fresno, CA 93706
6. **General Plan designation:**  
Agriculture
7. **Zoning:**  
AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)
8. **Description of project: (Describe the whole action involved, including, but not limited to, later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)**  
Allow the creation of a 2.50-acre parcel from an existing 39.10-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District where a minimum of 20 acres is required.
9. **Surrounding land uses and setting: Briefly describe the project's surroundings:**  
The project site is in an area of agricultural land uses with some scattered residential development.
10. **Other public agencies whose approval is required (g., permits, financing approval, or participation agreement.)**  
Fresno County Board of Supervisors (Williamson Act Cancellation)
11. **Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?**

One local Native American Tribal Government requested consultation on this project; however the representative failed to respond to several attempts to schedule a meeting and discuss the project. Consultation was therefore

concluded without any mitigation measures being integrated into the project. There is no proposed development and the Initial Study determined that no impacts to Tribal Resources or Cultural Resources would occur.

NOTE: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21080.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

- |   |   |
|---|---|
| <input type="checkbox"/> Aesthetics                         | <input type="checkbox"/> Agriculture and Forestry Resources |
| <input type="checkbox"/> Air Quality                        | <input type="checkbox"/> Biological Resources               |
| <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Energy                             |
| <input type="checkbox"/> Geology/Soils                      | <input type="checkbox"/> Greenhouse Gas Emissions           |
| <input type="checkbox"/> Hazards & Hazardous Materials      | <input type="checkbox"/> Hydrology/Water Quality            |
| <input type="checkbox"/> Land Use/Planning                  | <input type="checkbox"/> Mineral Resources                  |
| <input type="checkbox"/> Noise                              | <input type="checkbox"/> Population/Housing                 |
| <input type="checkbox"/> Public Services                    | <input type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Transportation                     | <input type="checkbox"/> Tribal Cultural Resources          |
| <input type="checkbox"/> Utilities/Service Systems          | <input type="checkbox"/> Wildfire                           |
| <input type="checkbox"/> Mandatory Findings of Significance |   |

**DETERMINATION OF REQUIRED ENVIRONMENTAL DOCUMENT:**

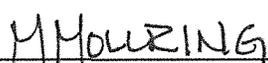
On the basis of this initial evaluation:

- I find that the proposed project **COULD NOT** have a significant effect on the environment. **A NEGATIVE DECLARATION WILL BE PREPARED.**
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the Mitigation Measures described on the attached sheet have been added to the project. **A MITIGATED NEGATIVE DECLARATION WILL BE PREPARED.**
- I find the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required
- I find that as a result of the proposed project, no new effects could occur, or new Mitigation Measures would be required that have not been addressed within the scope of a previous Environmental Impact Report.

**PERFORMED BY:**

**REVIEWED BY:**

  
\_\_\_\_\_  
Chrissy Monfette, Planner

  
\_\_\_\_\_  
Marianne Mollring, Senior Planner

Date: June 11, 2019

Date: 6-11-19

**INITIAL STUDY  
ENVIRONMENTAL CHECKLIST FORM  
(Initial Study Application No. 7385 and  
Variance Application No. 4038)**

The following checklist is used to determine if the proposed project could potentially have a significant effect on the environment. Explanations and information regarding each question follow the checklist.

1 = No Impact

2 = Less Than Significant Impact

3 = Less Than Significant Impact with Mitigation Incorporated

4 = Potentially Significant Impact

**I. AESTHETICS**

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

- 1 a) Have a substantial adverse effect on a scenic vista?
- 1 b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
- 1 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?
- 1 d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?

**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:

- 2 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?
- 2 b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?
- 1 c) Conflict with existing zoning for forest land, timberland or timberland zoned Timberland Production?
- 1 d) Result in the loss of forest land or conversion of forest land to non-forest use?
- 2 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?

**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:

- 1 a) Conflict with or obstruct implementation of the applicable Air Quality Plan?
- 1 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?
- 1 c) Expose sensitive receptors to substantial pollutant concentrations?
- 1 d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

**IV. BIOLOGICAL RESOURCES**

Would the project:

- 1 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?
- 1 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?
- 1 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?
- 1 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?
- 1 e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
- 1 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?

**V. CULTURAL RESOURCES**

Would the project:

- 1 a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?
- 1 b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?
- 1 c) Disturb any human remains, including those interred outside of formal cemeteries?

**VI. ENERGY**

Would the project:

- 1 a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?
- 1 b) 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:
  - 1 i) 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?
  - 1 ii) Strong seismic ground shaking?
  - 1 iii) Seismic-related ground failure, including liquefaction?
  - 1 iv) Landslides?
- 1 b) Result in substantial soil erosion or loss of topsoil?
- 1 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?
- 1 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?
- 1 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?
- 1 f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

**VIII. GREENHOUSE GAS EMISSIONS**

Would the project:

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

**IX. HAZARDS AND HAZARDOUS MATERIALS**

Would the project:

- 1 a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
- 1 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?
- 1 c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
- 1 d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?
- 1 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?
- 1 f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
- 1 g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

**X. HYDROLOGY AND WATER QUALITY**

Would the project:

- 1 a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?
- 1 b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?
- 1 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 i) Result in substantial erosion or siltation on- or off-site;
  - 1 ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;
  - 1 iii) 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
  - 1 iv) Impede or redirect flood flows?
- 1 d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?
- 1 e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

**XI. LAND USE AND PLANNING**

Would the project:

- 1 a) Physically divide an established community?
- 2 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?

**XII. MINERAL RESOURCES**

Would the project:

- 1 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?
- 1 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?

**XIII. NOISE**

Would the project result in:

- 1 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?
- 1 b) Generation of excessive ground-borne vibration or ground-borne noise levels?
- 1 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?

**XIV. POPULATION AND HOUSING**

Would the project:

- 1 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)?

- 1 b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

#### XV. PUBLIC SERVICES

Would the project:

- 1 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 i) Fire protection?  
1 ii) Police protection?  
1 iii) Schools?  
1 iv) Parks?  
1 v) Other public facilities?

#### XVI. RECREATION

Would the project:

- 1 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?
- 1 b) Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

#### XVII. TRANSPORTATION

Would the project:

- 1 a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?
- 1 b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?
- 1 c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
- 1 d) Result in inadequate emergency access?

#### XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

- 1 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 i) 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
- 1 ii) 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?

#### XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

- 1 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?
- 1 b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?
- 1 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?
- 1 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?
- 1 e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

#### XX. WILDFIRE

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

- 1 a) Substantially impair an adopted emergency response plan or emergency evacuation plan?
- 1 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?
- 1 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?
- 1 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?

#### XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

- 1 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?
- 1 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)
- 1 c) Have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

**Documents Referenced:**

This Initial Study is referenced by the documents listed below. These documents are available for public review at the County of Fresno, Department of Public Works and Planning, Development Services and Capital Projects Division, 2220 Tulare Street, Suite A, Fresno, California (corner of M & Tulare Streets).

- Fresno County General Plan, Policy Document, Background Report and Final EIR (2000)
- Fresno County Zoning Ordinance

CMM:

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File original and one copy with: <b>Fresno County Clerk 2221 Kern Street Fresno, California 93721</b>		Space Below For County Clerk Only.  CLK-2046.00 E04-73 R00-00	
Agency File No: <b>IS 7385</b>	<b>LOCAL AGENCY PROPOSED NEGATIVE DECLARATION</b>		County Clerk File No: <b>E-</b>
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): Christina Monfette, Planner	Area Code: 559	Telephone Number: 600-4245	Extension: N/A
Project Applicant/Sponsor (Name): Duane and Karen Soares Living Trust	Project Title: Variance Application No. 4038		
Project Description: Allow the creation of a 2.50-acre homesite parcel from an existing 39.10-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District where a minimum of 20 acres is required.			
Justification for Negative Declaration:  It has been determined that there would be no impacts to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Mineral Resources, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation, Tribal Cultural Resources, Utilities and Service Systems, and Wildfire.  Potential impacts related to Agricultural and Forestry Resources; and Land Use and Planning have been determined to be less than significant. Mitigation Measures were not necessary to reduce any impact to less than significant.			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – June 14, 2019		Review Date Deadline: Planning Commission – August 8, 2019	
Date:	Type or Print Signature: Marianne Mollring, Senior Planner	Submitted by (Signature): Christina Monfette, Planner	

State 15083, 15085

County Clerk File No.: \_\_\_\_\_

**LOCAL AGENCY  
MITIGATED NEGATIVE DECLARATION**



# County of Fresno

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

## NOTICE OF DETERMINATION

To:  Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

County Clerk, County of Fresno  
2221 Kern Street  
Fresno, CA 93721

From: Fresno County Department of Public Works and Planning, Development Services and Capital Projects  
2220 Tulare Street (corner of Tulare and "M") Suite "A", Fresno, CA 93721

Subject: Filing of Notice of Determination in compliance with Section 21152 of the Public Resource Code

Project: Initial Study Application No. 7385 and Variance No. 4038

Location: The project site is located on the east side of S. Valentine Avenue, between W. Muscat and W. Central Avenues, addressed as 3637 S. Valentine Avenue, Fresno, CA 93706 (APNs: 327-061-47 and -46; Previously: 327-061-27S). (Sup. Dist. 4)

Sponsor: Duane and Karen Soares Living Trust

Description: Allow the creation of a 2.50-acre homesite parcel from an existing 39.10-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District where a minimum of 20 acres is required.

This is to advise that the County of Fresno ( Lead Agency  Responsible Agency) has approved the above described project on August 8, 2019, and has made the following determination:

1. The project  **will**  **will not** have a significant effect on the environment.
2.  An Environmental Impact Report (EIR) **was not** prepared for this project pursuant to the provisions of CEQA. /  A Negative Declaration **was** prepared for this project pursuant to the provisions of CEQA.
3. Mitigation Measures  **were**  **were not** made a condition of approval for the project.
4. A statement of Overriding Consideration  **was**  **was not** adopted for this project.

This is to certify that the Initial Study with comments and responses and record of project approval is available to the General Public at Fresno County Department of Public Works and Planning, 2220 Tulare Street, Suite A, Corner of Tulare and "M" Streets, Fresno, California.

Christina Monfette, Planner  
(559) 600-4245 / EMAIL [cmonfette@fresnocountyca.gov](mailto:cmonfette@fresnocountyca.gov)

Date

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



# County of Fresno

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

## EVALUATION OF ENVIRONMENTAL IMPACTS

APPLICANT: Duane and Karen Soares Living Trust

APPLICATION NOS.: Initial Study Application No. 7385 and  
Variance Application No. 4038

DESCRIPTION: Allow the creation of a 2.50-acre parcel from an existing 39.10-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District where a minimum of 20 acres is required.

LOCATION: The project site is located on the east side of S. Valentine Avenue, between W. Muscat and W. Central Avenues, addressed as 3637 S. Valentine Avenue, Fresno, CA 93706 (APNs: 327-061-47 and -46; Previously: 327-061-27S). (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 point). 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 2.5-acre parcel in the AE-20 Zone District where 20 acres is the minimum parcel size. The proposed 2.5-acre parcel is currently developed with a single family residence. No immediate changes would occur to the aesthetic properties of the area as a result of this variance request.

Due to the size of the original parcel, a second residence could be developed without the need for additional discretionary review; this is allowed by Zoning Ordinance Section 816.5 subsection B.2 which allows that “not more than one (1) additional residence may be constructed or placed upon a parcel of land for ... each twenty (20) acres in excess of twenty (20) acres in the AE-20 District...”. The subject parcel was considered to have 40 acres (gross) prior to this variance request and therefore was permitted to develop up to two residences. Therefore, there is no change in the number of permitted residences and no potential impact to aesthetic resources as a result of additional residential development.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The entirety of the subject parcel was restricted by Williamson Act Contract at the time this application was submitted. The County’s Policy Planning Division determined that the proposed 2.5-acre parcel would not be consistent with the usage limitations or minimum acreage and the Contract was therefore required be cancelled in the area of the proposed 2.5-acre parcel. The remainder/farming parcel continues to meet usage and acreage requirements. The property owner filed a notice of non-renewable for the 2.5-acre parcel and received a favorable recommendation from the Agricultural Land Use Committee at its March 6, 2019 hearing. Such recommendation will be carried forth to the Board of Supervisors for a final decision if the Planning Commission acts to approve this variance request.

This does not present a significant impact to Prime Farmland, Unique Farmland, or Farmland of Statewide Importance because all of the active farmland on the subject parcel remains under contract. It is only the area which was developed as 2.5 acres of residential use which had to be removed. Therefore, no farmland would be converted to

non-agricultural uses and there are no conflicts with agricultural use or Williamson Act Contracts.

The potential for additional farmland to be removed from the parcel to accommodate an additional residence on the remainder parcel also presents no impact to existing agricultural zoning because, as discussed above, this site currently has the right to develop a second residence without discretionary approval.

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:

This project is not located in an area of timberland production or forestland and therefore will have no impacts on potential losses thereof.

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 applicant indicates that his family has farmed the subject parcel for almost 70 years; however if this project is approved, the residential development will separate from the farming operation due to the creation of a 2.5-acre parcel. Future landowners may purchase the home unaware of the fact that farming operations can occur early in the morning or at other times that are not convenient to typical residential use. Such complaints have the potential to interfere with agricultural operations; therefore, in order to prevent a conflict of uses between residential and agricultural, the Applicant will be required to sign an acknowledgement of the "Right to Farm", which informs the property owner that noise and dust may occur as a result of the adjacent operations. The Right to Farm notice will be presented to any future property owners prior to finalization of the land purchase agreement. No other changes will occur as a result of this application which could result in the conversion of farmland to a non-agricultural use.

There is no impact on the conversion of forestland to a non-forest use because the project site is not located in the vicinity of any forestland or timberland.

### 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. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under a Federal or State ambient air quality standard; or
- D. Expose sensitive receptors to substantial pollutant concentrations; or
- E. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

FINDING: NO IMPACT:

Approval of this variance request would allow the applicant to file a mapping application to allow the developed residential portion of this parcel to function a legally separate parcel from the remaining agricultural area. No new development is authorized by the variance, directly or indirectly, and therefore no change in the baseline of the release of criteria pollutants will occur.

#### 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:

There are no physical effects associated with the actions taken on this project and therefore no potential to cause adverse impacts to special-status species. Further, the project site does not contain riparian habitat and the use of the parcel for agricultural purposes generally limits use by animals to foraging only. No nesting or denning sites are available due to the disturbed ground and lack of trees in and around the project site. The project site is not subject to a local, regional, or state 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:

No development or earthmoving is proposed as part of this application. As discussed in further detail in Section XVIII *Tribal Cultural Resources*, the County engaged in Tribal Consultation under the provisions of Assembly Bill 52 to determine if known resources were located on the site. No such resources were identified and therefore, no impacts to Cultural Resources will occur as a result of this project. No cultural resources which were not associated with local Native American Tribes, such as residences of historical figures, were identified on the subject parcel. Further, the site has been subject to farming practices for more than 50 years, reducing the probability that surficial resources would be present.

## 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:

Following approval of this application, there will be no change in the baseline energy usage at the project site. The applicant indicates that the remainder parcel may be leased to an adjacent farmer, which could result in a minor increase in energy efficiency

by allowing for greater economies of scale if the parcel is farmed in coordination with neighboring fields. If the property is not leased, or is continued to be farmed separately, then there would be no change from the baseline because the 2.5 acres proposed for residential use are already developed with a single family residence, storage building, fence, and lawn prior to the filing of this application.

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

FINDING: NO IMPACT:

The project would not directly or indirectly cause adverse effects associated with the rupture of a known fault, strong groundshaking, seismic-related ground failure or landslides because there is no change in the baseline usage of the parcel. Following the variance request, the Applicant will continue to reside in the onsite residence and farming operations will continue on the remainder of the subject parcel.

- 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; or
- 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: NO IMPACT:

A septic system has been installed to serve the existing single-family residence on the proposed 2.5-acre parcel. No new development is proposed and there is no need for

additional or expanded septic systems. Therefore, there is no concern that new construction could occur on expansive soils.

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

FINDING: NO IMPACT:

No ground-disturbing activities are proposed as part of this application and no paleontological resources are present on site. No physical changes will occur which could cause damage to a paleontological resource, site, or geologic feature.

## 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:

Approval of this Variance request would allow the applicant to file a mapping application to separate the existing residential use on the project site from the acreage which is used as farmland. There are no physical changes associated with this request and therefore no increase to the amount of greenhouse gas produced at the project site. As a result, the project will have no impact on the generation of greenhouse gas emissions and will not conflict with plans, policies, or regulations adopted for the purpose of reducing the emissions of greenhouse gases.

## VIII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

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

- D. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment; or
- E. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area; or
- F. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or
- G. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

FINDING: NO IMPACT:

There will be no increase in the use of hazardous materials at the project site as a result of this application. The parcel is currently used to cultivate alfalfa, silage corn, and winter forage and includes a 2.5-acre residential area. Approval of this proposal would allow that residential unit to function as a separate legal parcel. There will be no increase to the risk of persons on site or in the vicinity due to use of hazardous materials on site or at a nearby location. Similarly, there is no change from the baseline regarding airport noise, compliance with an emergency evacuation plan, or risk of wildfire. Therefore, this project will have no impacts on Hazards and Hazardous Materials.

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; or
- 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?
- D. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation; or
- E. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

FINDING: NO IMPACT:

No increase in the amount of waste water produced by the project site is anticipated as a result of this application. Approval of the variance will permit the property owner to file a mapping application which will allow the residential development to function as a separate legal parcel. No new structures are proposed that could affect run-off direction or quality and therefore will not expose additional persons or hazardous materials to risk of inundation due to flood hazard, tsunami, or seiche.

## XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community?

FINDING: NO IMPACT:

The project site is not located in an established community and does not propose any physical changes. Therefore, the project will have no impact on the physical division of established communities.

- 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 (see Section II: Agricultural and Forestry Resources).

This application is not consistent with the above policies because the proposed 2.5-acre parcel does not qualify for any of the exemptions at 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 Zoning Ordinance Section 8.16.A, where this variance application is requesting relief from the 20-acre minimum parcel size. The applicant's findings indicate that his family has owned the subject parcel since before implementation of the AE-20 zoning; however LU-A.9 does not extend to family members who inherited or purchased the property after the zoning had been established.

While this application is not consistent with this policy, its noncompliance will not result in a significant adverse environmental effect. The original parcel size (prior to road dedication, i.e. gross) was 40 acres and due to its location in the AE-20 Zone district, one residence is allowed (by right) for each 20 complete acres (Zoning Ordinance Section 816.C subsection 1). Typical residential development in Fresno County covers an area up to 2.5 acres; this leaves approximately 17.5 acres of a typical 20-acre Agricultural Parcel for farming purposes and road dedication. In this case, the remainder parcel will have 36.6 acres remaining for farming purposes. The Applicant's findings indicate that a lease agreement is in place for a neighbor to farm this acreage; however, even if it were sold to someone who developed a 2.5-acre residential area on the parcel, approximately 34.1 acres would remain in agricultural production. Considering that 0.9 acres of the subject parcel have been dedicated to the County as right-of-way, the percentage of farmland that would remain in agricultural production would be consistent with typical usage in the AE-20 district on typical 20-acre parcels. Further division of this parcel would increase the residential density in this area; however, such requests would be subject to a new variance application and additional CEQA review.

Therefore, the project would not lead to an increase in residential densities or a reduction in the amount of available farmland, despite lack of consistency with General Plan Policies. This project will have less than significant impacts on conflicts with plans,

policies, and regulations adopted for the purpose of mitigating or avoiding environmental impacts.

## 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 physical changes are proposed by this application and therefore no impacts will occur regarding the availability of known mineral resources or the loss in availability of a locally-important mineral resource.

## 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; or

FINDING: NO IMPACT:

There is no proposed increase in activities as a result of this application. There is the chance that new farming practices on the remainder parcel will create a variation from the existing baseline; however, no uses which would produce ground-borne vibration or noise levels are proposed. New farming practices would be restricted to the by-right uses of the AE-20 Zone District, which is the current level of restriction on the parcel. The project will have no impacts on the generation of temporary or permanent noise levels.

## 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)?

FINDING: NO IMPACT:

Approval of this variance request would not directly induce substantial unplanned population growth. However, the incremental contribution of residentially-sized parcels in an area designated by the General Plan for Agricultural uses could lead to an increase in population growth in an area that was previously not contemplated. There is one existing homesite parcel across from the proposed 2.5-acre and approximately 45 parcels less than one acre in size located at the corner of Muscat and Valentine, approximately 660 feet north of the project site. This collection of parcels is known as Beran's Tract. A lack of recent records relating to these parcels suggests that they were created during the time that these parcels were zoned residential (1965 to 1985), when no variance would have been required to create small parcels. A number of these parcels have been developed with single-family residences and two have commercial uses: Clem's Hall which is an event center, and the West Park Market, a convenience store.

The approval of this variance would allow a new 2.5-acre lot to be created more than 600 feet south of Beran's Tract and adjacent to existing agricultural uses. Due to the availability of space within Beran's Tract, the proximity of West Park Market to the residentially-sized parcels, and the discussion in Section XI regarding the failure of this project to increase residential densities, there will be no impact on increases to unplanned population growth in the area.

- B. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

FINDING: NO IMPACT:

This project proposes to create a separate legal parcel for an existing residence, separate from the existing farming operation. The applicant currently lives in the subject residence. No other homes are impacted and no persons will be displaced.

## 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;

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

FINDING: NO IMPACT:

Approval of this application does not authorize any increase to use at the project site and therefore would not result in adverse physical impacts associated with new or altered government facilities. The 2.5-acre parcel will continue to function as a single-family residence and the farming operation will continue to produce agricultural products. No increase in numbers of persons at the site will occur, precluding the need for additional police and fire protection services. Similarly, no new homes will be built which could result in an increase in school-age children in the area. As a result, no new schools or parks would be required by this project. Other public facilities, such as light and power will continue to serve the existing residence.

#### 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 site is located in an area dedicated to agricultural production. There are no parks or recreational facilities in the vicinity of the project.

#### XVI. 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. Would the project conflict or be inconsistent with 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 increase to traffic is anticipated as a result of this application. There are no road improvements or expansions proposed to support this application and no new equipment is proposed to be used or transported over any existing roads. Therefore, the project will have no impacts to programs, plans, or policies regarding the circulation system. The project is consistent with CEQA Guidelines section 15064.3, subdivision (b), which discusses the need to quantify the amount of vehicle miles traveled (VMT); there is no increase to the baseline of vehicles that will arrive and depart the project site and therefore no impact to VMT.

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

- 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:

There is no development proposed as part of this application and therefore no opportunity to excavate previously unknown resources. Continuous use of this parcel for farming purposes for at least the past 70 years precludes the possibility that above-ground or surficial resources are present at the site.

On October 12, 2017, under the Provisions of Assembly Bill 52 (AB 52), the County provided notice regarding this project to the following Tribal Governments: Santa Rosa Rancheria Tachi Yokut Tribe, Table Mountain Rancheria, and the Dumna Wo Wah. Notification was sent to the Picayune Rancheria of Chukchansi Indians on November 2, 2017. The separate timing for that notice was due to the fact that the Picayune Rancheria requested notification under AB 52 after the original notices had been sent. Table Mountain Rancheria declined consultation in a letter dated October 23, 2017 and

Dumna Wo Wah requested consultation in a letter dated October 25, 2017. The other two Tribal Governments did not respond within 30 days of receipt of the notice and were therefore presumed to have declined consultation. Staff engaged with the Dumna Wo Wah by email on March 21, 2018, requesting information relating to any known resources at the site and inviting the Tribe to an in-person meeting to discuss the project. Additional emails were sent with no answer from the representative. Due to a lack of responsiveness from the Dumna Wo Wah, the County concluded consultation on June 11, 2018. With such conclusion, the County completed its requirements under Assembly Bill 52 and determined that mitigation would not be necessary to avoid impacts to Tribal Cultural Resources as a result of this project.

## 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 are proposed to the function of either proposed parcel. The 2.5-acre parcel will continue to operate as a residence for the applicant and the remainder parcel will continue to be farmed. The agricultural well shown on the site plans on the 2.5-acre parcel has been decommissioned and will not serve either proposed parcel.

It is possible that a new well installed on the remainder parcel; however, this would not impact the amount of water used onsite and therefore there will be no impacts on water quality or availability. Similarly, there will be no increase in the production of solid waste and therefore no impacts associated with federal, state, or local management and reduction statutes.

## XX. WILDFIRE

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

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

FINDING: NO IMPACT:

The project site is not in an area that is at high risk of damage from wildfire and the lack of development on the parcel would preclude offsite impacts to areas determined to be within a very high fire hazard severity zone.

## 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:

There are no physical changes associated with this project, which is located in an area of active agricultural production. The opportunity for special-status species to be present at the project site is low and there will be no increase in the level of ground disturbance and farming activities. Therefore, no impacts to special status species or the habitats of special status species will occur as a result of this variance application.

- 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:**

In accordance with the Fresno County General Plan, cumulative impacts of the loss of farmland and the conversion of large agricultural parcels to single-family residential usage, must be considered on a project-by-project case. As discussed in Section XI, homesites on farming parcels are typically developed up to 2.5 acres. Further, this parcel would have been allowed to develop two residences prior to the mapping application which would be authorized by this Variance request. Therefore, this project contributes no increase in the potential density in this area. The remainder parcel would be allowed to develop only the one homesite by right following the mapping application.

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

**FINDING: NO IMPACT:**

Approval of this application would allow the property owner to file request to create a parcel with less than the required acreage for the zone district. No environmental effects which would cause substantial adverse impacts to human beings were identified as part of this application; primarily due to the fact that there is no change in the baseline operations at the project site, with the exception of the removal of the 2.5-acre from the Williamson Act Contract. That action will have no impact on the baseline at the project site because the area of residential development was not considered agricultural land; the usage was considered to be a compatible use because the residence was occupied by farmers.

## **CONCLUSION/SUMMARY**

Based upon the Initial Study prepared for Variance Application No. 4038, 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. Mitigation Measures were not necessary to reduce any impact to 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.



# County of Fresno

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

DATE: October 11, 2017

TO: Department of Public Works and Planning, Attn: Steven E. White, Director  
Department of Public Works and Planning, Attn: Bernard Jimenez, Assistant Director  
Development Services, Attn: William M. Kettler, Division Manager  
Development Services, Attn: Chris Motta, Principal Planner  
Development Services, Current Planning, Attn: Marianne Mollring, Senior Planner  
Development Services, Policy Planning, ALCC, Attn: Mohammad Khorsand  
Development Services, Zoning & Permit Review, Attn: Tawanda Mtunga  
Development Services, Site Plan Review, Attn: Hector Luna  
Development Services, Building & Safety/Plan Check, Attn: Chuck Jonas  
Development Services, Building & Safety/Plan Check, CASp, Attn: Dan Mather  
Development Engineering, Attn: Nadia Leon, Grading/Mapping  
Road Maintenance and Operations, Attn: Randy Ishii/Frank Daniele/Nadia Lopez  
Design Division, Transportation Planning, Attn: Mohammad Alimi/Dale Siemer  
Department of Public Health, Environmental Health Division, Attn: Janet Gardner/  
Kevin Tsuda  
U.S. Department of Interior, Fish & Wildlife Service, San Joaquin Valley Division, Attn:  
Patricia Cole, Chief (Note: Hard copy.)  
CA Regional Water Quality Control Board, Attn: Dale Harvey  
CALTRANS, Attn: Dave Padilla  
CA Department of Fish and Wildlife, Attn: Renee Robison, Environmental Scientist  
State Water Resources Control Board, Division of Drinking Water, Fresno District,  
Attn: Carl Carlucci, Jose Robeldo  
Table Mountain Rancheria, Attn: Robert Pennell, Cultural Resources Director  
Dumna Wo Wah Tribal Government, Attn: Robert Ledger, Tribal Chairman  
Santa Rosa Rancheria Tachi Yokut Tribe, Attn: Ruben Barrios, Tribal Chairman  
San Joaquin Valley Unified Air Pollution Control District (PIC-CEQA Division), Attn:  
PIC Supervisor  
Fresno Irrigation District, Attn: William R. Stretch and Sen Saetern  
Kings River Conservation District, Attn: Rick Hoelzel  
Fresno County Fire Protection District, Attn: Chris Christopherson, Battalion Chief

FROM: Chrissy Monfette, Planner *AMW*  
Development Services Division

SUBJECT: Initial Study Application No. 7385 and Variance Application No. 4098

APPLICANT: Duane Soares

DUE DATE: October 26, 2017

The Department of Public Works and Planning, Development Services Division is reviewing the subject applications proposing to allow the creation of a 2.50-acre homesite parcel from an existing 39.10-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District where a minimum of 20 acres is required.

The Department is also reviewing for environmental effects, as mandated by the California Environmental Quality Act (CEQA) and for conformity with plans and policies of the County.

Based upon this review, a determination will be made regarding conditions to be imposed on the project, including necessary on-site and off-site improvements.

We must have your comments by October 26, 2017. Any comments received after this date may not be used.

**NOTE - THIS WILL BE OUR ONLY REQUEST FOR WRITTEN COMMENTS. If you do not have comments, please provide a "NO COMMENT" response to our office by the above deadline (e-mail is also acceptable; see email address below).**

Please address any correspondence or questions related to environmental and/or policy/design issues to me, Chrissy Monfette, Planner Development Services Division, Fresno County Department of Public Works and Planning, 2220 Tulare Street, Sixth Floor, Fresno, CA 93721, or call (559) 600-4245, or email [cmonfette@co.fresno.ca.us](mailto:cmonfette@co.fresno.ca.us).

G:\4360Devs&Pln\PROJSEC\PROJDOCS\VA\4000-4099\4038\ROUTING\VA4038 Routing Ltr.doc

*Activity Code (Internal Review): 2376*

Enclosures

Project  
Routing



Fresno County Department of Public Works and Planning

Date Received: 9/14/2017

IS 7385  
VA 4038

(Application No.)

MAILING ADDRESS:

Department of Public Works and Planning  
Development Services Division  
2220 Tulare St., 6th Floor  
Fresno, Ca. 93721

LOCATION:

Southwest corner of Tulare & "M" Streets, Suite A  
Street Level  
Fresno Phone: (559) 600-4497  
Toll Free: 1-800-742-1011 Ext. 0-4497

APPLICATION FOR:

- Pre-Application (Type)
Amendment Application
Amendment to Text
Conditional Use Permit
Variance (Class 1) / Minor Variance
Site Plan Review/Occupancy Permit
No Shoot/Dog Leash Law Boundary
General Plan Amendment/Specific Plan/SP Amendment
Time Extension for
Director Review and Approval
for 2nd Residence
Determination of Merger
Agreements
ALCC/RLCC
Other

DESCRIPTION OF PROPOSED USE OR REQUEST:

Creation of a 2.50 acre homesite parcel.

CEQA DOCUMENTATION: [X] Initial Study [ ] PER [ ] N/A

PLEASE USE FILL-IN FORM OR PRINT IN BLACK INK. Answer all questions completely. Attach required site plans, forms, statements, and deeds as specified on the Pre-Application Review. Attach Copy of Deed, including Legal Description.

LOCATION OF PROPERTY: East side of Valentine Ave between Muscat and Central Ave
Street address: 3637 S Valentine Ave Fresno, CA 93706

APN: 327-061-275 Parcel size: 39.10 Section(s)-Twp/Rg: S 25 - T 14 S/R 19 E

ADDITIONAL APN(s):

I, Duane Soares (signature), declare that I am the owner, or authorized representative of the owner, of the above described property and that the application and attached documents are in all respects true and correct to the best of my knowledge. The foregoing declaration is made under penalty of perjury.

Owner (Print or Type) Duane and Karen Soares Living Trust Address 3637 S Valentine Ave City Fresno Zip 93706 Phone 301-3196
Applicant (Print or Type) same Address Address City City Zip Zip Phone Phone
Representative (Print or Type) same Address Address City City Zip Zip Phone Phone

CONTACT EMAIL: dsoares@ucanr.edu

OFFICE USE ONLY (PRINT FORM ON GREEN PAPER)

Application Type / No.: VA 4038 Fee: \$ 6,049
Application Type / No.: Fee: \$
Application Type / No.: Fee: \$
Application Type / No.: Fee: \$
PER/Initial Study No.: IS 7385 Fee: \$ 1,212
Ag Department Review: Fee: \$ 96
Health Department Review: Fee: \$ 703
Received By: CMM Invoice No.: 101204 TOTAL: \$ 8,040

UTILITIES AVAILABLE:

WATER: Yes [X] / No [ ]
Agency: well
SEWER: Yes [X] / No [ ]
Agency: septic

STAFF DETERMINATION: This permit is sought under Ordinance Section:

Sect-Twp/Rg: - T S/R E

Related Application(s):
Zone District:
Parcel Size:

APN # - - -



Development

Services

Division

MAIL TO:

DUANE

SOARES  
3637 S. VALENTINE  
FRESNO, CA 93706

# Pre-Application Review

Department of Public Works and Planning

NUMBER: 30837 (SOARES)  
APPLICANT: DUANE SOARES  
PHONE: \_\_\_\_\_

PROPERTY LOCATION: 3637 S. Valentine  
APN: 327-061-275 ALCC: NO Yes # 11/11/11 VIOLATION NO. NO  
CNEL: NO Yes (level) LOW WATER: NO Yes WITHIN 1/2 MILE OF CITY: NO Yes  
ZONE DISTRICT: AE20; SRA: NO Yes HOMESITE DECLARATION REQ'D.: NO Yes  
LOT STATUS:

Zoning:  Conforms; ( ) Legal Non-Conforming lot; ( ) Deed Review Req'd (see Form #236)  
Merger: May be subject to merger:  Yes ZM# \_\_\_\_\_ Initiated \_\_\_\_\_ In process \_\_\_\_\_  
Map Act: ( ) Lot of Rec. Map;  On '72 rolls; ( ) Other \_\_\_\_\_; ( ) Deeds Req'd (see Form #236)

SCHOOL FEES: No  Yes \_\_\_\_\_ DISTRICT: Washington PERMIT JACKET: No  Yes \_\_\_\_\_  
FMFCD FEE AREA:  Outside ( ) District No.: \_\_\_\_\_ FLOOD PRONE: No \_\_\_\_\_ Yes \_\_\_\_\_

PROPOSAL Variance to allow the creation of a 2.5 acre parcel from an existing 39.10 ac parcel within the AE20; min 165 ft lot width, min 170 ft lot depth and min 20 acres lot size required in AGC  
COMMENTS: Zone Dist. if approved a mapping procedure in the creation of  
ORD. SECTION(S): Parcels 816.5.A BY: [Signature] DATE: \_\_\_\_\_

### GENERAL PLAN POLICIES:

LAND USE DESIGNATION: Agriculture ( ) GPA: \_\_\_\_\_  
COMMUNITY PLAN: Edison ( ) AA: \_\_\_\_\_  
REGIONAL PLAN: \_\_\_\_\_ ( ) CUP: \_\_\_\_\_  
SPECIFIC PLAN: \_\_\_\_\_ ( ) DRA: \_\_\_\_\_  
SPECIAL POLICIES: \_\_\_\_\_ (X) VA: 6,049.00  
SPHERE OF INFLUENCE: \_\_\_\_\_ ( ) AT: \_\_\_\_\_  
ANNEX REFERRAL (LU-G17/MOU): \_\_\_\_\_ ( ) TT: \_\_\_\_\_

### PROCEDURES AND FEES:

( ) MINOR VA: \_\_\_\_\_  
(X) HD: 703.00  
(X) AG COMM: 76.00  
( ) ALCC: \_\_\_\_\_  
(X) IS/PER\*: 1,212.00  
( ) Viol. (35%): \_\_\_\_\_  
( ) Other: \_\_\_\_\_  
Filing Fee: \$ 8,040.00  
Pre-Application Fee: -\$247.00  
Total County Filing Fee: 7,793.00

COMMENTS: \_\_\_\_\_

### FILING REQUIREMENTS:

- Land Use Applications and Fees
- This Pre-Application Review form
- Copy of Deed / Legal Description
- Photographs
- Letter Verifying Deed Review
- IS Application and Fees\* \* Upon review of project materials, an Initial Study (IS) with fees may be required.
- Site Plans - 14 copies (folded to 8.5"x11") + 1 - 8.5"x11" reduction
- Floor Plan & Elevations - 8 copies (folded to 8.5"x11") + 1 - 8.5"x11" reduction
- Project Description / Operational Statement (Typed)
- Statement of Variance Findings
- Statement of Intended Use (ALCC)
- Dependency Relationship Statement
- Resolution/Letter of Release from City of \_\_\_\_\_  
Referral Letter # \_\_\_\_\_

### OTHER FILING FEES:

- ( ) Archaeological Inventory Fee: \$75 at time of filing  
(Separate check to Southern San Joaquin Valley Info. Center)
- CA Dept. of Fish & Wildlife (DFW): (\$50) (\$50+\$2,792.25; \$50+\$2,010.25)  
(Separate check to Fresno County Clerk for pass-thru to DFW.  
Must be paid prior to IS closure and prior to setting hearing date.)

PLU # 113 Fee: \$247.00  
Note: This fee will apply to the application fee if the application is submitted within six (6) months of the date on this receipt.

BY: Chrissy Monteforte DATE: 2/19/2016  
PHONE NUMBER: (559) 600-4245

### NOTE: THE FOLLOWING REQUIREMENTS MAY ALSO APPLY:

- COVENANT
- MAP CERTIFICATE
- PARCEL MAP
- FINAL MAP
- FMFCD FEES
- ALCC or ALCC
- SITE PLAN REVIEW
- BUILDING PLANS
- BUILDING PERMITS
- WASTE FACILITIES PERMIT
- SCHOOL FEES
- OTHER (see reverse side)

## VARIANCE APPLICATION FINDINGS

Duane and Karen Soares

RECEIVED  
COUNTY OF FRESNO

SEP 14 2017

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

VA 4038

**OWNER:**

Duane Lee and Karen Lee Soares Revocable Living Trust

**PROPERTY LOCATION:**

3637 South Valentine Ave.

**APN:** 327-061-27S

**EXISTING ZONE DESIGNATION:** AE-20

**REQUEST:** Grant a Variance to allow the creation of a 2.50 acre home site from a 39.1 acre parcel in a AE-20 Zone.

#1 This property has been our families primary residence since 1997 and we purchased the property from Deloris Coito, my maternal grandmother in 2004. My grandparents Fred and Deloris Coito purchased this property around 1948. We have entered a lease/purchase agreement with the property owners too our north and south. The south half of this quarter section will be planted in almonds within the next two years. This property has been in my family for almost 70 years and we would like to kept the home site in our family for many more years.

#2 There are several Rural Residential lots of various sizes within a one mile radius of this property on Valentine Ave., Central Ave. and on Muscat. Some of these Rural Residential lots are occupied by property owners of the adjacent property and share the same conditions as this variance application.

#3 The north-east corner of this property has always been a home site and there will be no physical changes to the site. The addition of another 2.5 acers of Rural Residential lot will have a very minimal impact on the surrounding property owners since there are several existing residential lots in the area.

#4 The north half of this quarter section is planted in Walnuts and the south half will be planted in Almonds within the next two years. There is a total of 152.83 acers in this quarter section. There will be a total of 8.70 acers of Rural Residential if this Variance is approved. There will be 94% of this quarter section in agricultural production for the next 20 to 30 years. In addition, there will be no loss of agricultural producing acreage. The percentage of acers in agricultural production for this quarter section is higher than some of the surrounding sections. Therefore, this quarter section is consistent with the County General Plan to preserve productive farm land.

SITE PLAN

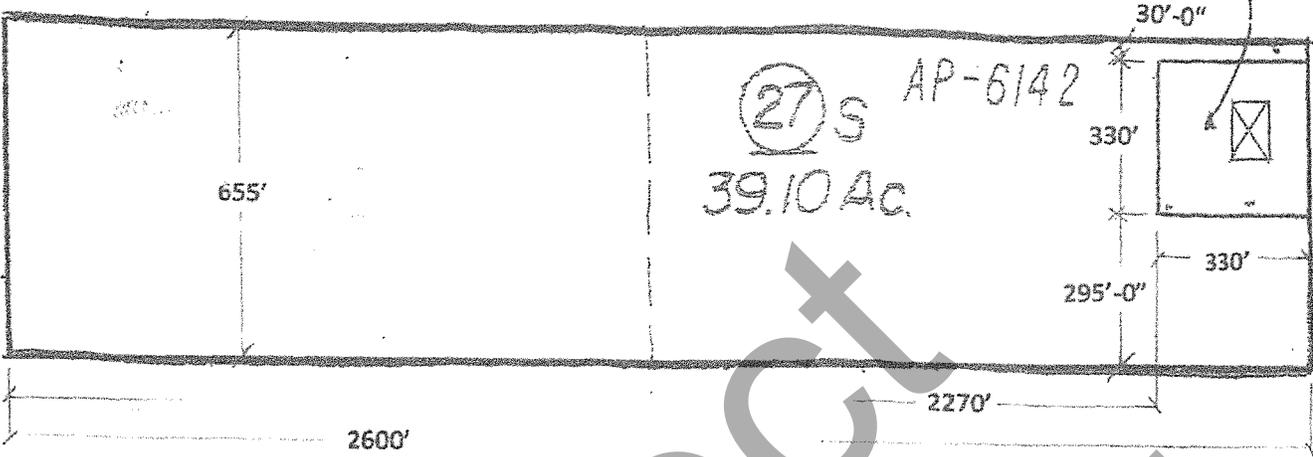
RECEIVED  
COUNTY OF FRESNO

SEP 21 2017

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

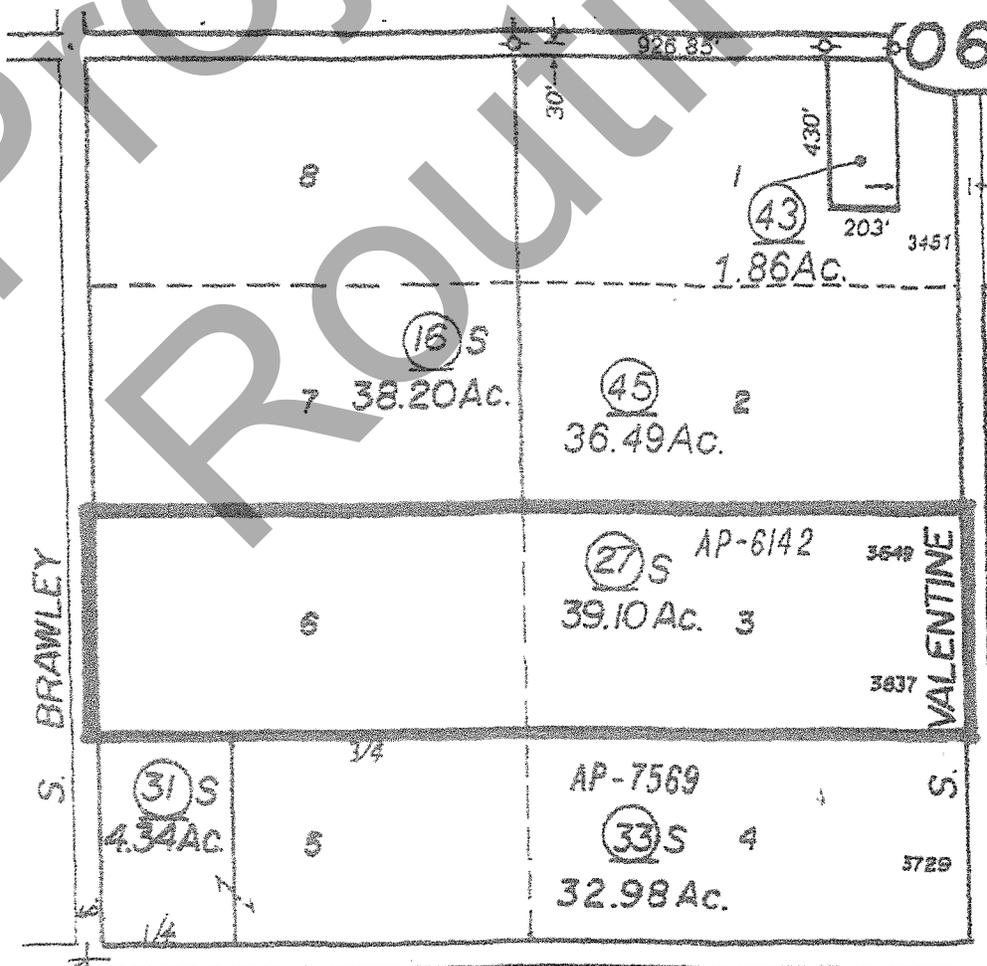
VA 4036  
See Detail A

Brawley



VALENTINE Ave.

W. MUSCAT



W CENTRAL

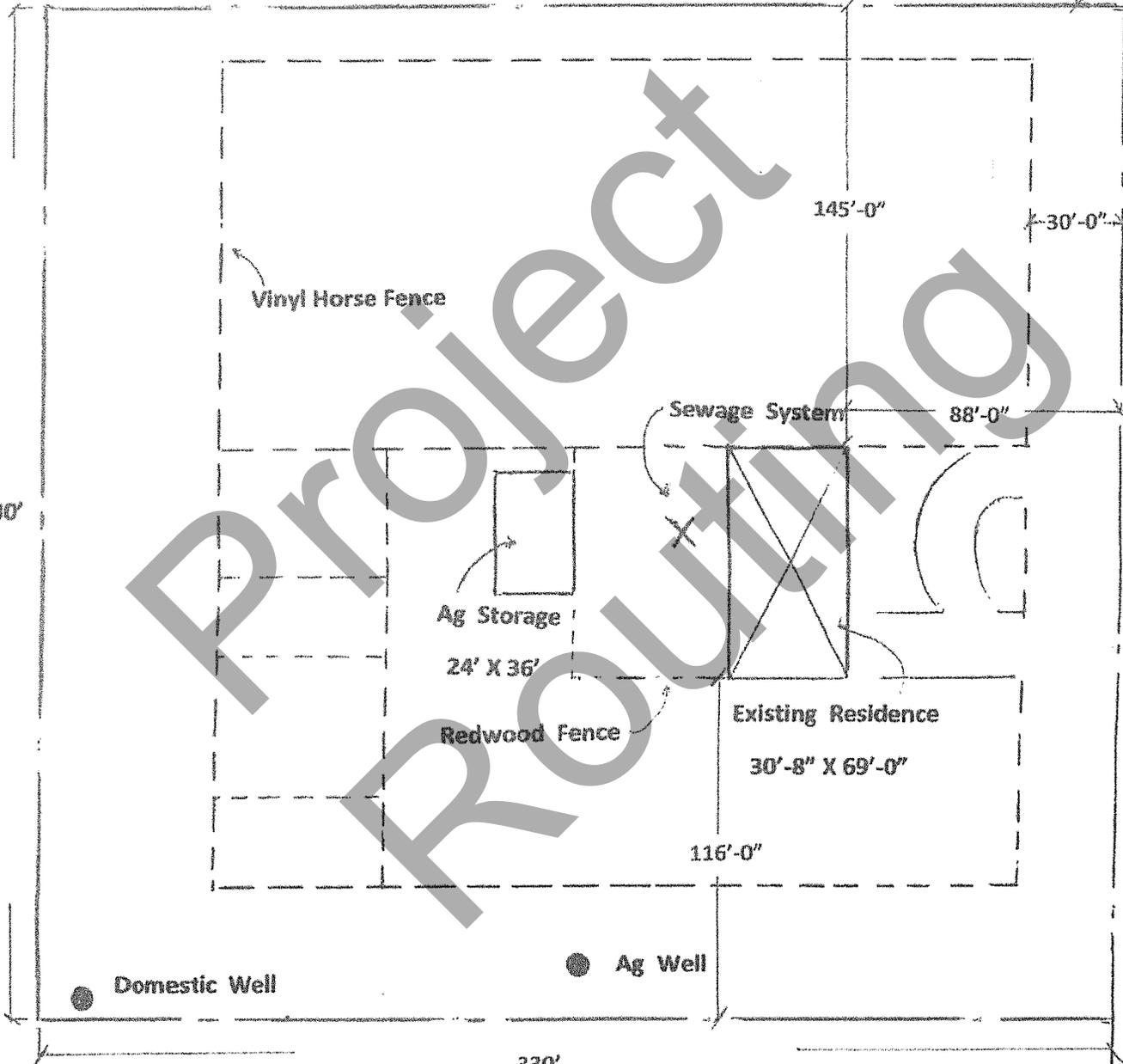
Detail A

N

1" = 50'

Scale

330'



Existing Property Lines

RECEIVED  
COUNTY OF FRESNO

SEP 21 2017

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

VA 4038

Valentine Ave

Project  
Reviewing

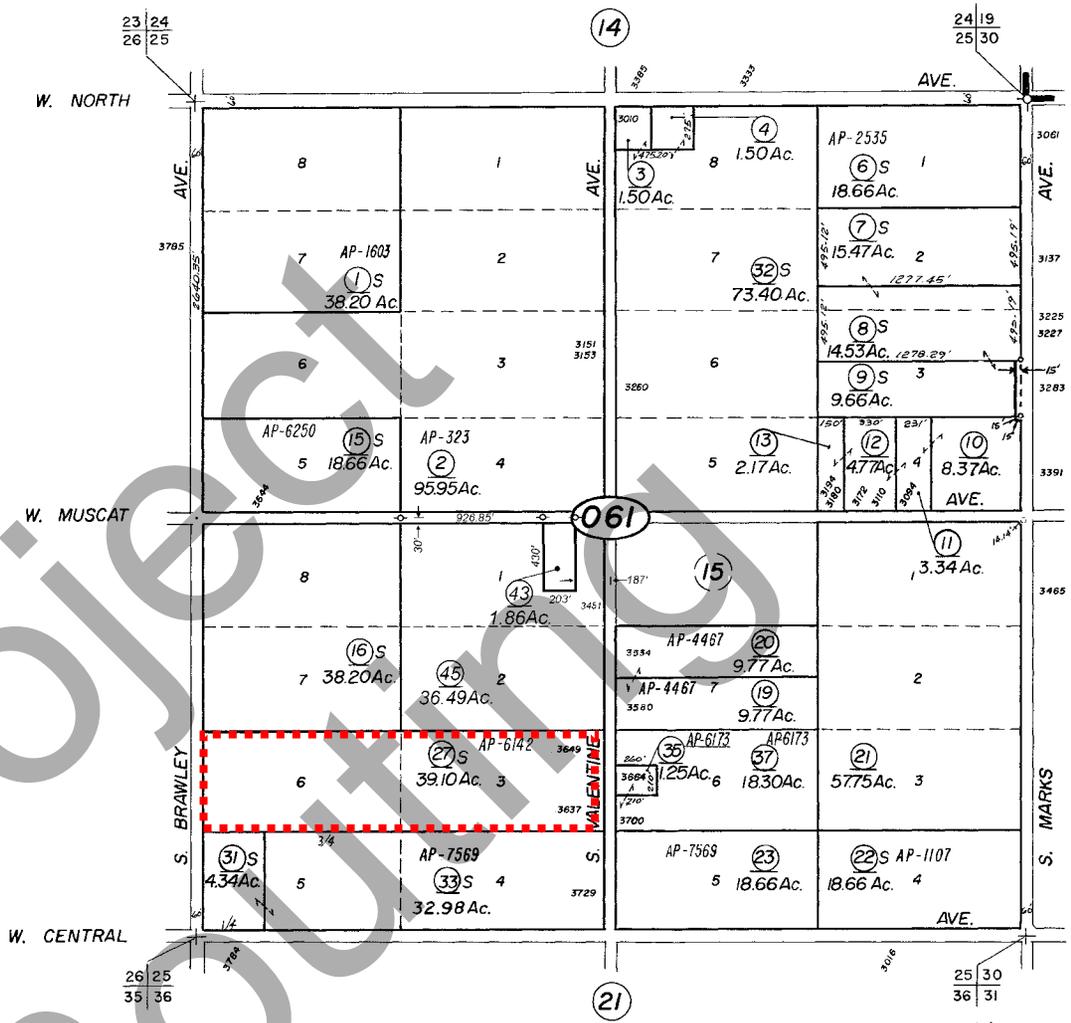
330'

— NOTE —  
This map is for Assessment purposes only.  
It is not to be construed as portraying legal  
ownership or divisions of land for purposes  
of zoning or subdivision law.

(22)

(23)

Bk.  
328



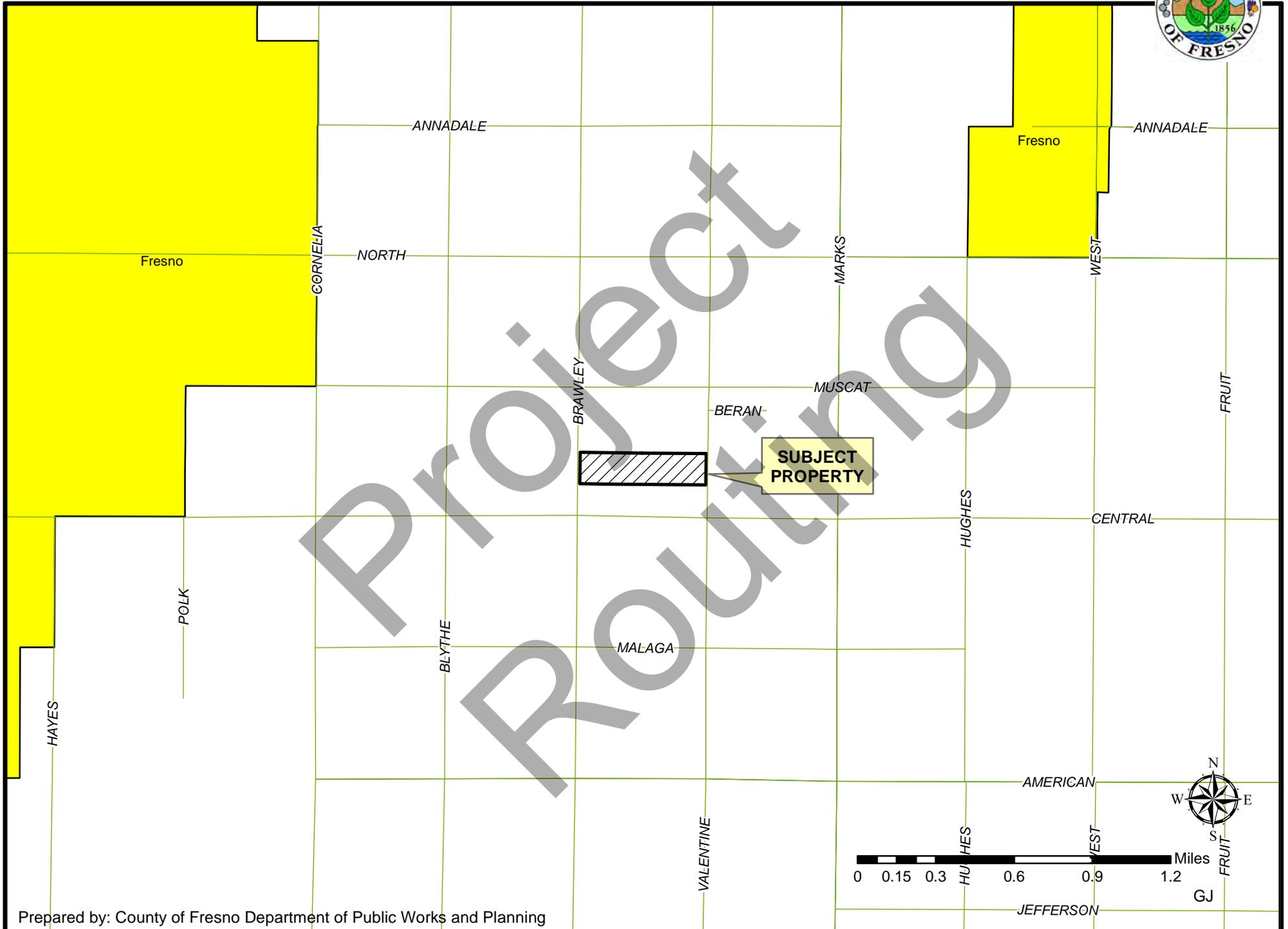
Agricultural Preserve  
Bank of California Tract - Plat Bk. 2, Pg. 14

Assessor's Map Bk. 327 - Pg. 06  
County of Fresno, Calif.

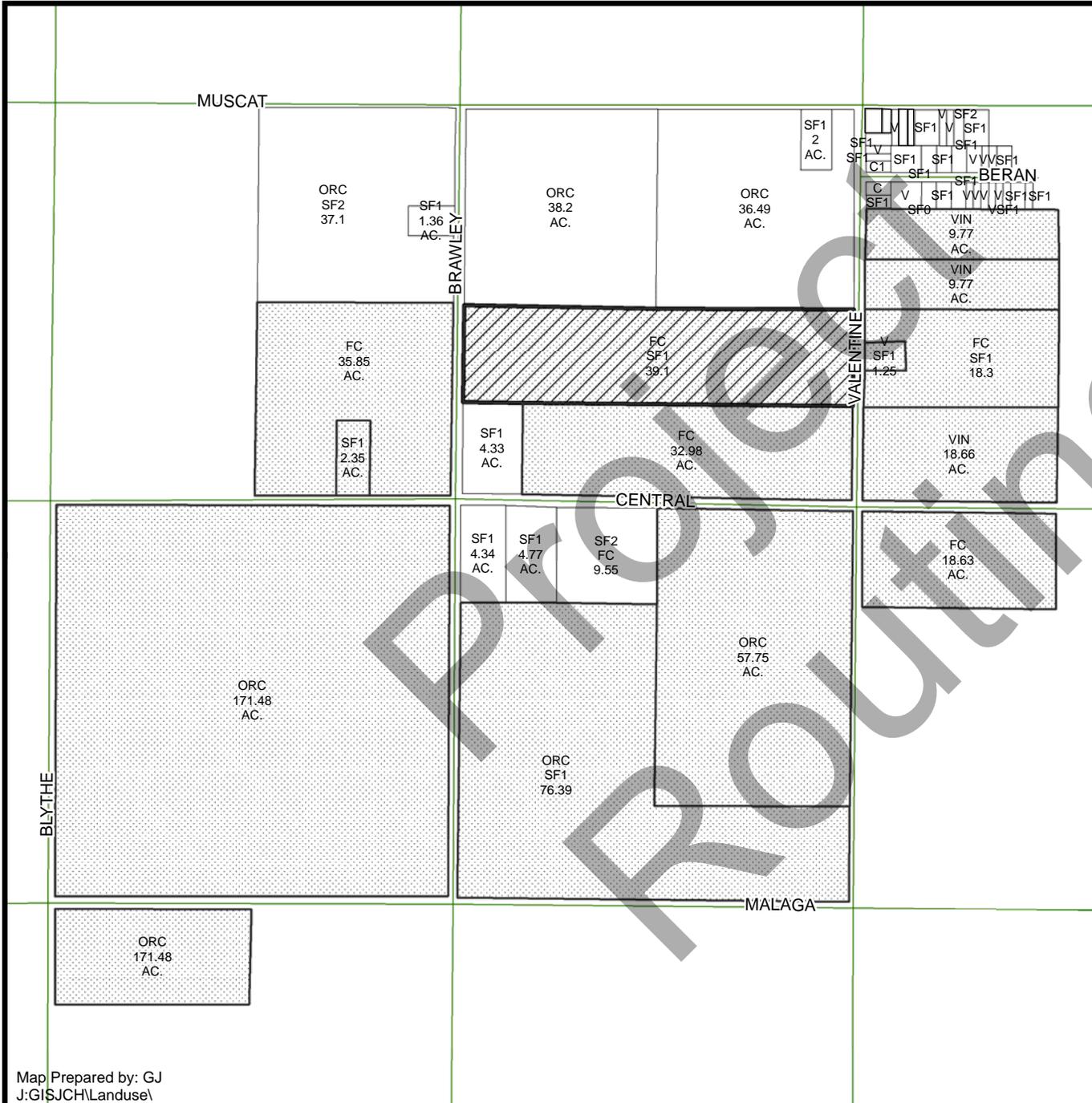
NOTE - Assessor's Block Numbers Shown in Ellipses.  
Assessor's Parcel Numbers Shown in Circles.



# LOCATION MAP



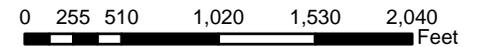
# EXISTING LAND USE MAP



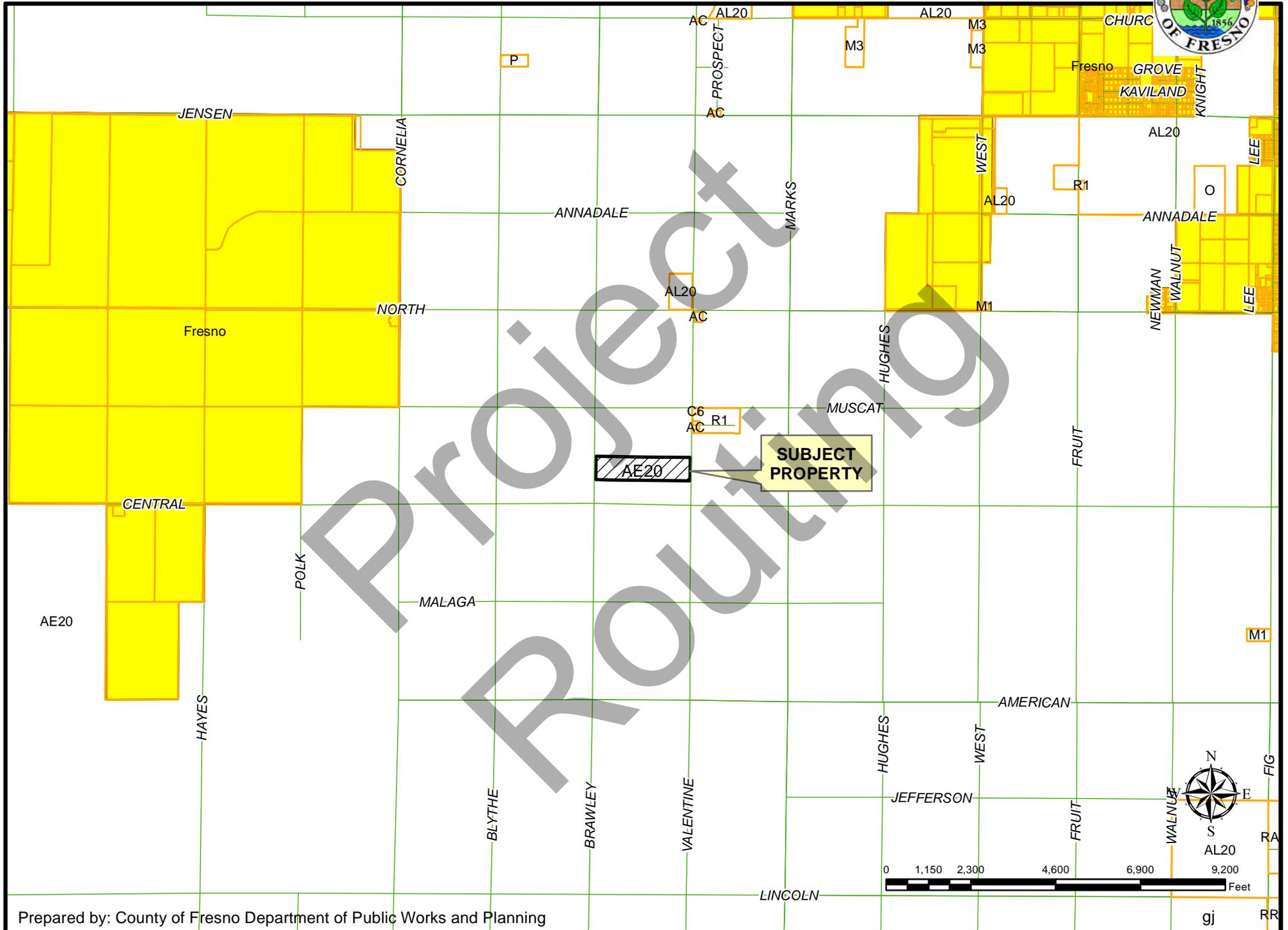
LEGEND	
C	COMMERCIAL
C#	COMMERCIAL
FC	FIELD CROP
ORC	ORCHARD
SF#	SINGLE FAMILY RESIDENCE
V	VACANT
VIN	VINEYARD

**LEGEND:**

- Subject Property
- Ag Contract Land



# EXISTING ZONING MAP





FRESNO County Recorder  
Paul Dictos, C.P.A.  
DOC- 2015-0123493  
Check Number 9439  
Thursday, SEP 24, 2015 14:05:43  
Ttl Pd \$22.00 Rcpt # 0004396301  
CRR/R2/1-2

Recording requested by  
Duane Lee Soares  
Karen Lec Soares  
and when recorded mail  
this deed and tax statements to

Duane Lee Soares and  
Karen Lee Soares  
3637 S. Valentine, Fresno, CA 93706

3637 S. Valentine, Fresno, CA 93706

APN 327-061-27s

### Grant Deed

The Grantor(s) hereby declare(s):  
 No transfer tax due: This conveyance is to transfer Grantor's interest to or from a revocable living trust. R & T code 11930.

The property is located in  an unincorporated area  the city of Fresno.

For a valuable consideration, receipt of which is hereby acknowledged Duane Lee Soares and Karen Lee Soares, husband and wife, hereby grant to Duane Lee Soares and Karen Lee Soares, trustees of the Duane Lee Soares and Karen Lee Soares Revocable Living Trust dated 9/23/15,

the following real property in the County of Fresno, State of California:

See Exhibit A attached hereto and made a part hereof.

Date: 9/23/15 Duane Lee Soares  
Duane Lee Soares

Date: 9/23/15 Karen Lee Soares  
Karen Lee Soares

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

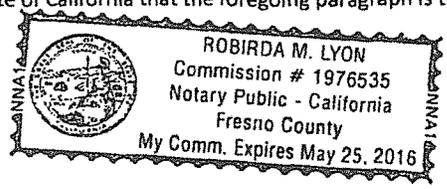
State of California

County of Fresno

On 9/23/15 before me, Robirda M. Lyon, a notary public, personally appeared DUANE LEE SOARES and KAREN LEE SOARES, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/shē/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signatures on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Signature Robirda M. Lyon (Seal)



**EXHIBIT "A"**

**LEGAL DESCRIPTION**

Lots 3 and 6 in the Southwest quarter of Section 25, Township 14 South, Range 19 East, Mount Diablo Base and Meridian, of the Bank of California Tract, according to the map recorded in Book 2 Page 14 of Plats, records of said County; Excepting an undivided 1/2 of all oil, petroleum, hydrocarbonates and all minerals in and to said lands as reserved in Deed from Zabell Marie Paul Mazmanian, et vir, recorded August 30, 1948 in Book 2671, Page 391 of Official Records.

Apn: 327-061-27s

Project  
Routing



# County of Fresno

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

## Agricultural Land Conservation Committee Staff Report Agenda Item No. 2 March 6, 2019

**SUBJECT:** Review and make a recommendation to the Board of Supervisors regarding a petition for **PARTIAL CANCELLATION of AGRICULTURAL LAND CONSERVATION CONTRACT NO. 6142 (RLCC NO. 990)**, removing a 2.5-acre portion of a 39.10-acre parcel to create a separate parcel as a residential parcel. The subject parcel contains soils that are classified as "Prime Farmland".

**LOCATION:** Located on the north side of West Central Avenue between South Valentine Avenue and South Brawley Avenue approximately two miles west of the nearest city limits of the City of Fresno. The subject property is identified on the Assessor's plat as Parcel No. 327-061-27s and is located in Supervisorial District 4.

Owner/Applicant Duane and Karen Soares

**STAFF CONTACT:** Anthony Lee, Planner  
(559) 600-9613

Mohammad Khorsand, Senior Planner  
(559) 600-4230

### RECOMMENDATION:

Staff believes that the required Five Findings under Government Code Section 51282(b) can be made and therefore, recommends that the Agricultural Land Conservation Committee (Committee) recommend that the Board of Supervisors approve the petition for cancellation of Agricultural Land Conservation Contract No. 6142, subject to the following conditions:

1. The landowner shall obtain the necessary land use approvals, including approval of a mapping application to create the 2.5-acre residential parcel.
2. The applicant shall pay the Cancellation Fee 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 submittal of the mapping application to create the homesite parcel.

**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 of the Government Code, and makes a recommendation to the Board of Supervisors to approve or deny the petition. The subject property is located on the north side of West Central Avenue between South Valentine Avenue and South Brawley Avenue approximately two miles west of the nearest city limits of the City of Fresno (see Location Map Exhibit "A", Zoning Map Exhibit "B", Existing Land Use Map Exhibit "C", and Aerial Map Exhibit "D").

This petition was filed in conjunction with a Variance Application to allow creation of the 2.5-acre homesite parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District where the minimum parcel size is twenty (20) acres.

**DISCUSSION:**

The Williamson Act program is a voluntary program, whereby private landowners enter into contracts with local governments for the purpose of restricting specific parcels of land to agricultural or qualified open space uses. In return, landowners receive property tax assessments which are lower than normal, because they are based upon farming and open space uses, as opposed to full-market value. The purpose of the Williamson Act is to provide an incentive for keeping the land in agricultural use [at least for the duration of the Contract, which is typically ten (10) years].

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, 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 proposed petition is processed under the provisions of Government Code Section 51282(a), which allows the Board of Supervisors to grant tentative approval for cancellation of a 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 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.*

An executed Notice of Partial Nonrenewal for ALCC No. 6142 was accepted by the County Recorder on August 9, 2018 and was assigned Document No. 2018-0097418. The Nonrenewal is for the 2.5-acre portion subject to this petition.

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.*

According to the California Department of Conservation's Important Farmland 2014 Map and the Natural Resources Conservation Services' Soil Survey, the subject 39.10-acre parcel contains soil that is classified as Prime Farmland. The subject property was purchased by the applicant's grandparents in 1948 and has continuously been in agricultural production (rotation of alfalfa, silage corn and winter forage). The applicant proposes to cancel a 2.5-acre portion of the property to create a separate parcel for residential use, to include an existing residence and related structures. The applicant states that the 36.6-acre balance of the property is currently leased to an adjacent farming operation.

Staff does not believe that removal of the 2.5-acre portion of the site from Contract restrictions will result in removal of adjacent land from agricultural uses; therefore, staff believes that Finding No. 2 can be made.

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

The 39.10-acre parcel is designated for Agricultural use in the General Plan and is zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size). The Agricultural and Land Use Element of the General Plan sets goals and policies promoting long-term conservation of productive agricultural lands. Policy LU-A.1 of the General Plan directs urban-type development away from valuable agricultural lands to cities and unincorporated communities where public facilities and infrastructure are available or could be made available to accommodate such developments.

Policy LU-A.6 states the County shall maintain twenty acres as the minimum permitted parcel size in areas designated as Agricultural. However, Policy LU-A.9 of the General Plan states the County may allow the creation of homesite parcels smaller than the 20-acre minimum parcel size if the parcel involved in the division is at least twenty acres in size, subject to the following criteria:

- a. The minimum lot size shall be sixty thousand (60,000) square feet of gross area, except that a lesser area shall be permitted when the owner submits evidence satisfactory to the Health Officer that the soils meet the Water Quality Control Board Guidelines for liquid waste disposal, but in no event shall the lot be less than one (1) gross acre; and
- b. One of the following conditions exists:
  1. A lot less than twenty (20) acres is required for financing construction of a residence to be owned and occupied by the owner of abutting property; or
  2. The lot or lots to be created are intended for use by persons involved in the farming operation and related to the owner by adoption, blood, or marriage within the second degree of consanguinity; there is only one (1) lot per related person; and, there is no more than one (1) gift lot per twenty (20) acres; or

3. The present owner owned the property prior to the date these policies were implemented and wishes to retain his/her homesite and sell the remaining acreage for agricultural purposes.

Upon review, it was determined that the applicant did not qualify for any of the exceptions listed under Policy LU-A.9 and therefore, a Variance application has been filed.

As indicated in Finding No. 2 above, the subject parcel contains soil that is classified as Prime Farmland according to the Department of Conservation's Important Farmland 2014 Map and the Natural Resources Conservation Services' Soil Survey. This classification is considered to have the best combination of physical and chemical characteristics for producing food, feed, forage, fiber and oilseed crops.

Although the subject parcel contains Prime soil, the 2.5-acre proposed parcel contains an existing residence and related structures. Additionally, the applicant's search for a homesite of a comparable size parcel revealed that a homesite parcel of equal size is not available in the vicinity of the subject parcel.

Based on these facts, staff believes that the proposed alternate use is not inconsistent with the County General Plan policies for protection of agricultural resources, and therefore believes Finding No. 3 can be made.

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

The subject property and surrounding parcels are located in a rural area of the County and designated as Agricultural and zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size). The surrounding parcels are in agricultural use.

Based on these facts, the removal of the 2.5-acre portion of the subject 39.10-acre parcel will not result in discontinuous patterns of urban development. Therefore, staff believes that Finding No. 4 can be made.

5. *That there is no proximate, non-contracted land which 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.*

County staff provided a map identifying similar size non-contracted parcels within a 5-mile radius of the subject parcel and asked that the applicant address why the identified non-contracted parcels could not be used for the proposed alternate use. The applicant submitted information regarding the availability of those parcels identified by County staff.

In addressing availability, the applicant mailed letters to the property owners of non-contracted parcels identified in the map discussed above requesting information if their properties were available for sale. The applicant's letters were sent standard mail and pictures of mailing labels and stamped envelopes were provided to County staff. The

applicant states that they have not received any responses from the property owners that were contacted by the date the staff report was prepared.

Finding No. 5 requires that petitioners document efforts to identify non-contracted parcels within a five-mile radius of the subject property that could accommodate the alternate use and explain why none of the non-contracted parcels are suitable and available for the alternate use. As indicated above, the applicant mailed letters to landowners of similar size parcels within a 5-mile radius to see if their properties were available for sale. The applicant has indicated that there has been no response received from any of the property owners who were contacted. Therefore, staff believes that Finding No. 5 can be made.

**OTHER REVIEWING AGENCIES:**

As of January 1, 2001, Government Code Section 51284.1(a) requires notification to be provided by the County to the Director of the State Department of Conservation (the Director) once a cancellation petition has been accepted as complete. Under Government Code Section 51284.1(c), the Director's comments, if provided, are required to be considered by the Board of Supervisors before acting on the proposed cancellation.

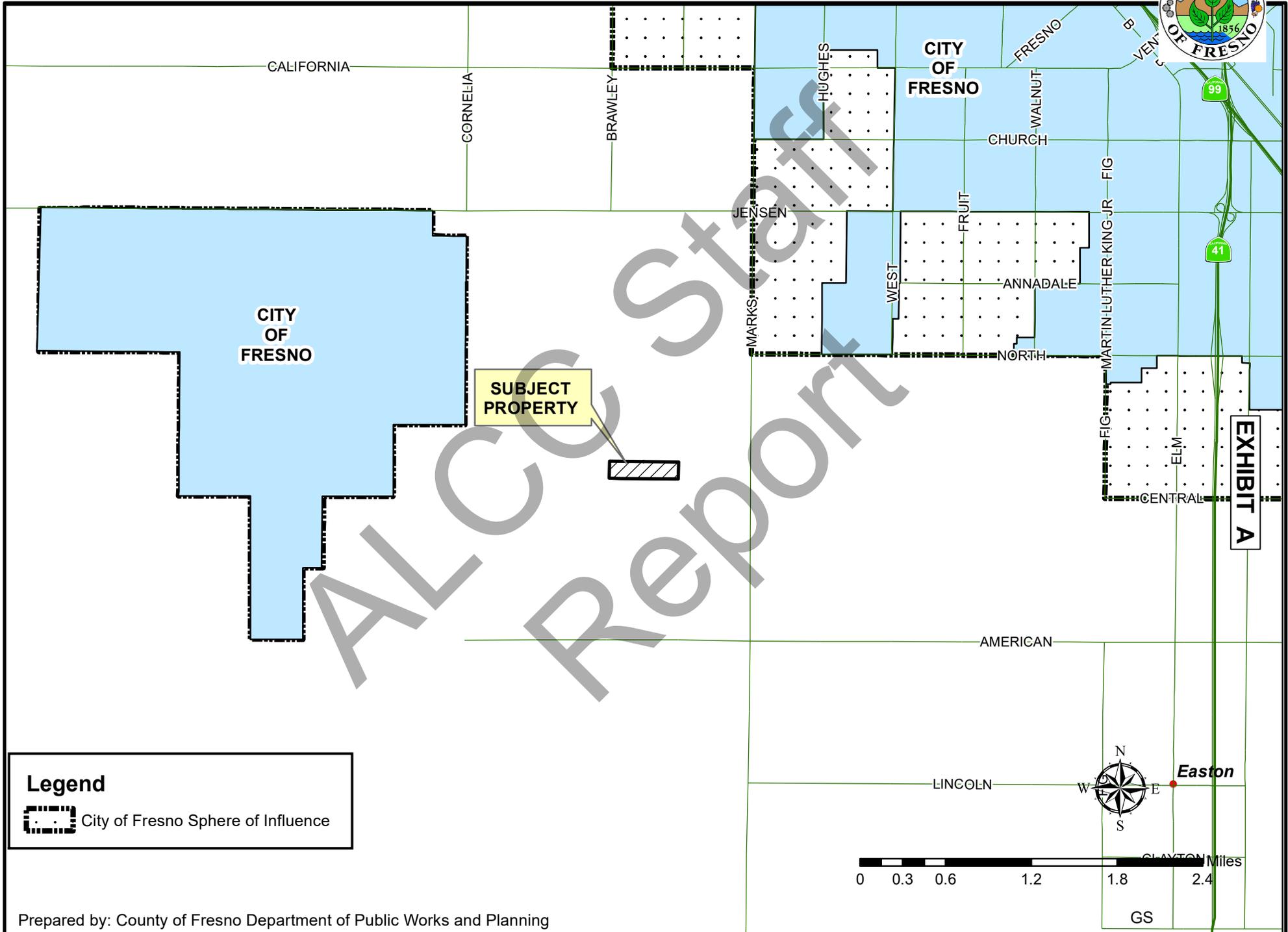
The petition was forwarded to the Department of Conservation (Department) on January 30, 2019. Staff allows at least 30 days for the Department to provide comments. Staff had not received a response from the Department by the date the staff report was prepared.

**CONCLUSION:**

Based upon staff's analysis of the proposed alternate use against the consistency findings listed under Government Code 51282(b), staff believes all the findings can be made, and therefore recommends approval of partial cancellation of Agricultural Land Conservation Contract No. 6142, subject to the conditions listed on page one of the staff report.

However, if the Committee believes that the required findings cannot be made, the Committee may recommend that the Board of Supervisors deny the cancellation of Agricultural Land Conservation Contract No. 6142.

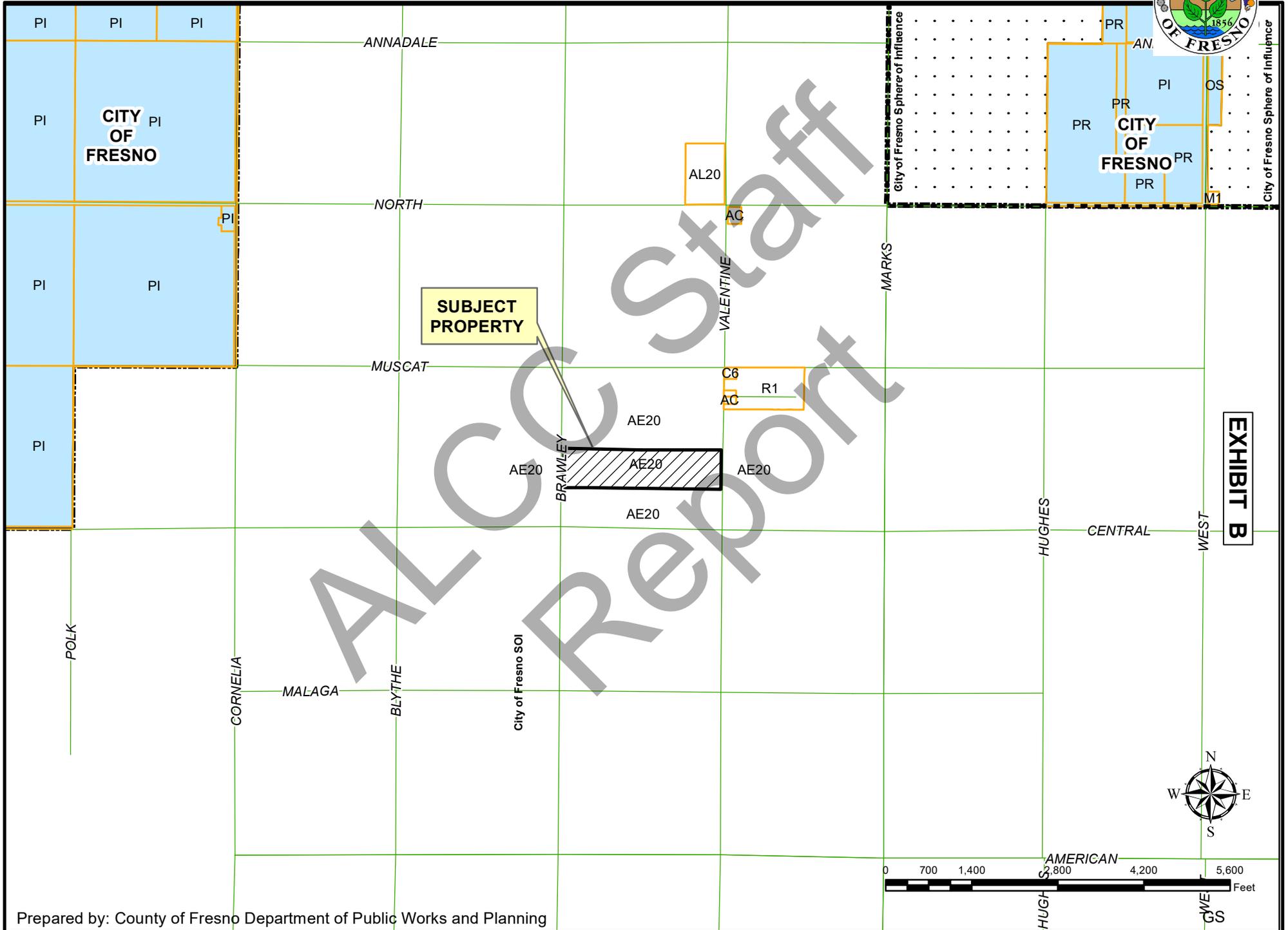
# LOCATION MAP



**Legend**

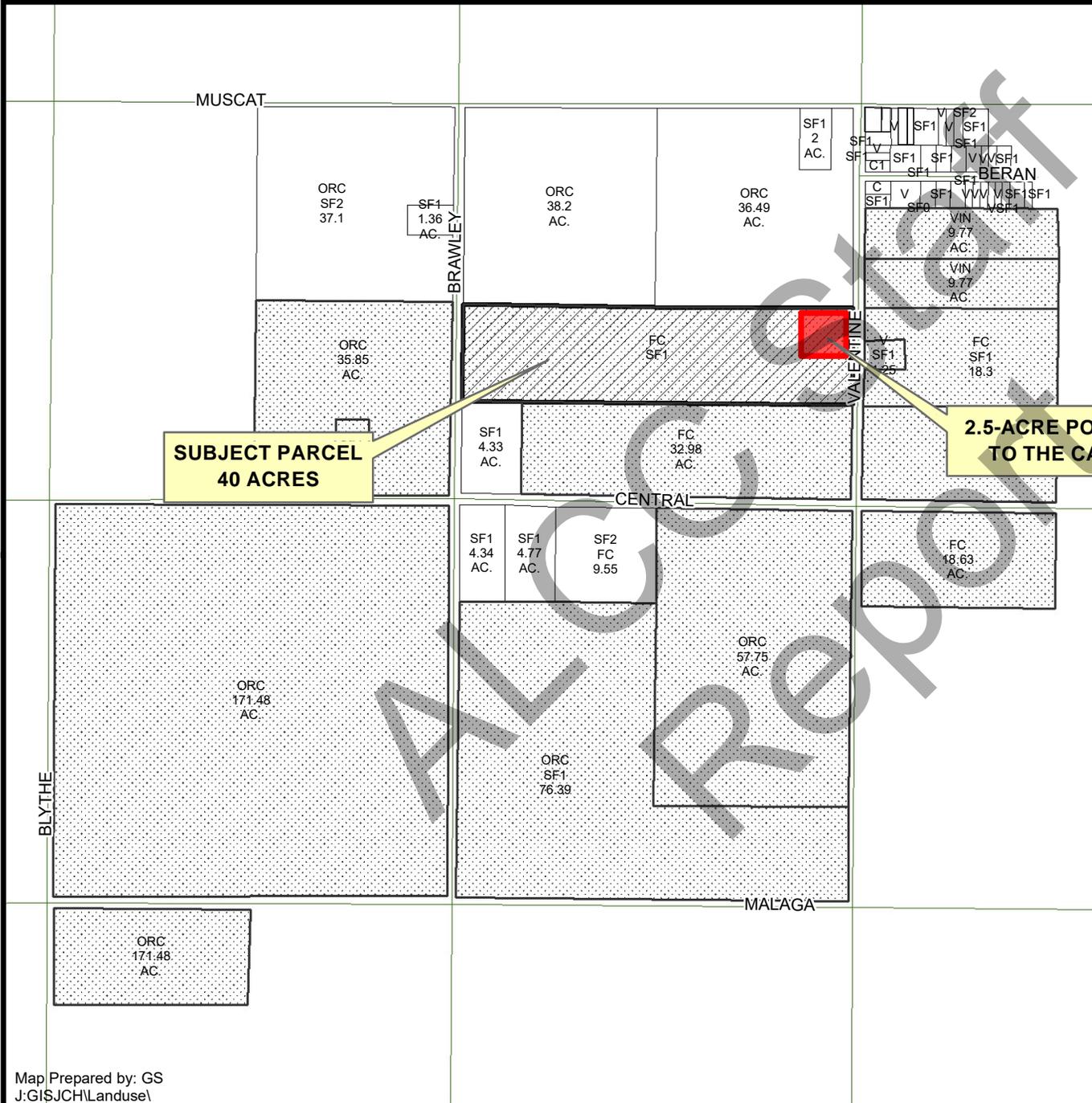
- City of Fresno Sphere of Influence

# EXISTING ZONING MAP



**EXHIBIT B**

# EXISTING LAND USE MAP



LEGEND	
C	- COMMERCIAL
C#	- COMMERCIAL
FC	- FIELD CROP
ORC	- ORCHARD
SF#	- SINGLE FAMILY RESIDENCE
V	- VACANT
VIN	- VINEYARD

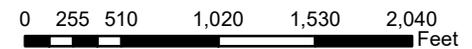
**SUBJECT PARCEL  
40 ACRES**

**2.5-ACRE PORTION SUBJECT  
TO THE CANCELLATION**

**LEGEND:**

	Subject Property
	Ag Contract Land

**EXHIBIT C**





Untitled Map

Write a description for your map.

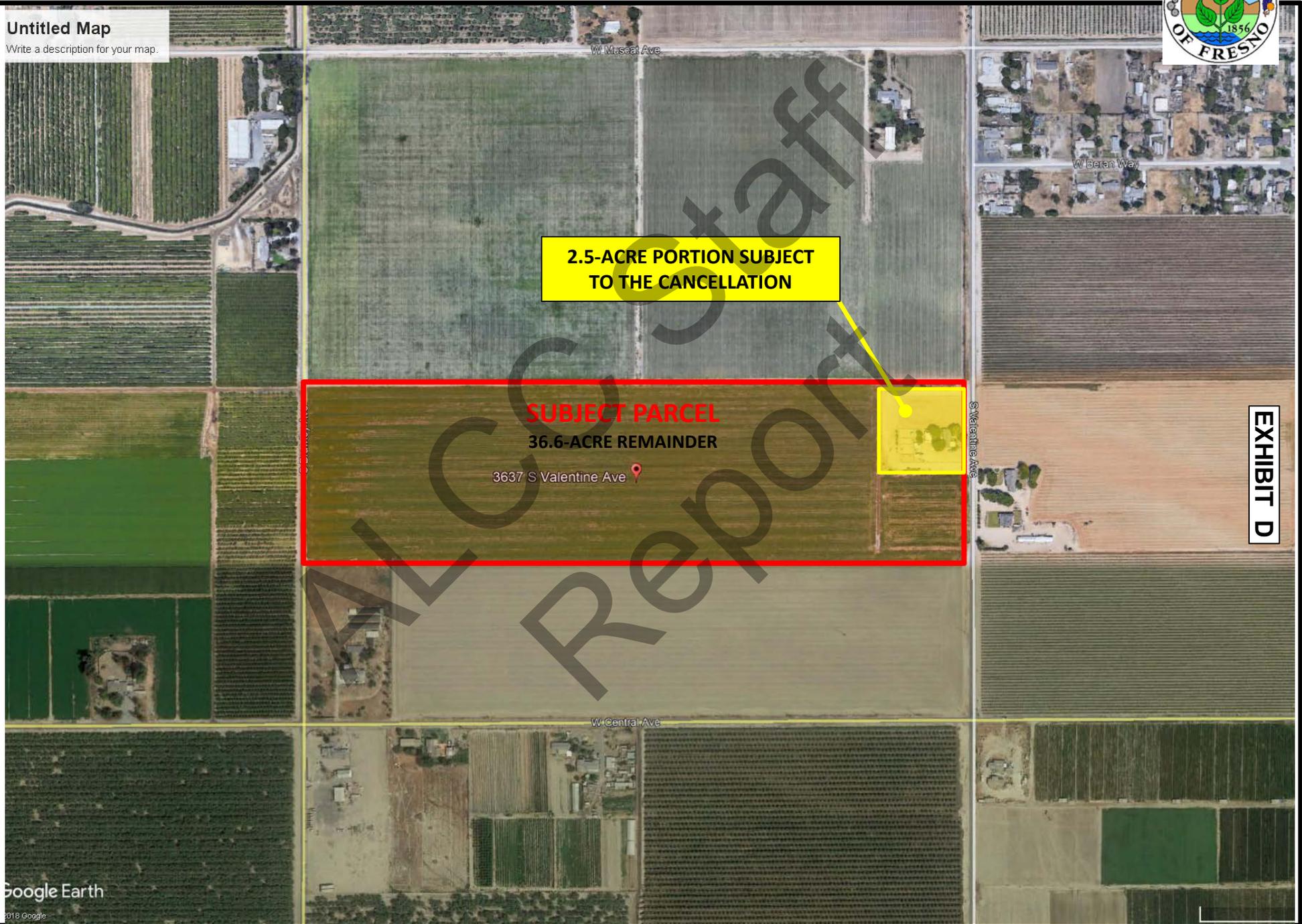


EXHIBIT D

**From:** [Lee, Anthony](#)  
**To:** [Monfette, Christina](#)  
**Subject:** RLCC No. 990, Partial Cancellation of Williamson Act Contract No. 6142, Agricultural Land Conservation Committee Hearing 3-6-19, Soares  
**Date:** Thursday, March 7, 2019 9:56:05 AM  
**Attachments:** [image002.png](#)

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Good morning Chrissy.

Below is the item brought before the Agricultural Land Conservation Committee on March 6, 2019 regarding partial cancellation of Williamson Act contract to allow a creation of a 2.5-acre residential parcel. At the end of staff's presentation, a unanimous vote was made by the Committee to recommend approval of Partial Cancellation of ALCC No. 6142 to the Board of Supervisors.

**1. *Review and Make Recommendation* to the Board of Supervisors regarding Partial Cancellation of Agricultural Land Conservation Contract No. 6142 (RLCC NO. 990).**

- Contact person, Anthony Lee (559) 600-9613, email: [anthonylee@fresnocountyca.gov](mailto:anthonylee@fresnocountyca.gov)

*Anthony Lee, Planner with the Department of Public Works and Planning, presented a summary of the staff report, including the required findings. Mr. Lee stated that staff's evaluation of the proposed petition indicates that all of the required findings could be made, and recommends that the Agricultural Land Conservation Committee forward a recommendation of approval for Partial Cancellation of Contract No. 6142 to the Board of Supervisors.*

*A motion was made to recommend approval of Partial Cancellation of ALCC No. 6142 to the Board of Supervisors.*

*Motion Maker: Neff*  
*Second: Rinder*  
*In Favor: Unanimous*  
*Opposed: None*



**Anthony Lee | Planner**  
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