



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: Wyatt Dean Fulbright
- APPLICATION NOS.: Initial Study No. 7931 and Variance Application No. 4094
- DESCRIPTION: Reduce the minimum parcel size requirement in the AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District to allow creation of an approximately 30.18-acre parcel and an approximately 13.20-acre parcel from two parcels totaling 43.38 acres in land (APN 333-100-14 and 333-100-47).
- LOCATION: The project site is located on the south side of State Route 180 (E. Kings Canyon Road) approximately 3,530 feet east of its nearest intersection with S. Frankwood Avenue and approximately 5.94 miles east of the City of Sanger.

I. AESTHETICS

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per Figure OS-2 of the Fresno County General Plan, State Route 180 is designated as a Scenic Highway. There are certain policies regarding development of parcels adjacent to scenic drives and highways. The project does not directly request development of the parcel and only requests to split the parcel. In considering the request and its impact on the scenic resource, the potential to develop on the existing parcel and impact the Scenic Highway is present. The proposal, if approved can allow additional development. It should be noted that development standards per the Fresno County Zoning Ordinance would apply to any development should it be proposed in the future. The General Plan Policies and development standards provided under the Fresno County General Plan provide measures that will have a less than significant impact on scenic resources should future development be proposed. Any intensive land development subject to additional land-use permits would be subject to additional analysis. Therefore, although an impact could occur from development of the site,

mandatory compliance with applicable General Plan Policies and development standards will ensure a less than significant impact on scenic resources.

- 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:

The subject application does not propose any development and only requests to legally divide the project site. The project will not substantially degrade the existing visual character or quality of public views of the site and its surroundings and would not introduce new sources of substantial light or glare than what is already permitted by right.

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?

FINDING: NO IMPACT:

Per the 2016 Fresno County Important Farmland Map, the subject site has land designated as Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance. The project proposes to allow a legal split of the project site. There is no development associated with this project that would convert land to a non-agricultural use.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Parcel 333-100-47 is currently contracted under Williamson Act Contract No. 51. The proposed split will result in Parcel 333-100-47 having 30.18 acres and Parcel 333-100-14 containing 13.20 acres. Review of the project proposal by the Policy Planning Section indicated that a small portion of Parcel 333-100-47 is discontinuous from the main portion of the parcel and will be absorbed by Parcel 333-100-14. This small portion to be absorbed will need to be removed from the Williamson Act Program through the nonrenewal process, per the Policy Planning Section. The Nonrenewal of the Williamson Act Contract on this portion of land was recorded on April 2, 2021. Therefore, with the recordation of the nonrenewal, the proposed parcel split will not be in conflict with the Williamson Act Program. If approved, both parcels after the split would be subject to the development standards and regulations of the existing underlying agricultural zone district. The project would not conflict with the existing zoning for agricultural use.

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

FINDING: NO IMPACT:

The subject parcels are not zoned for forest land, timberland or timberland zoned Timberland Production or result in the loss of forest land or conversion of forest land to non-forest use.

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

FINDING: NO IMPACT:

The project does not propose any change that would result in the conversion of farmland or forest land to a non-agricultural or non-forest use. The project site will be subject to the same standards and regulations dictated by the underlying zone district.

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

FINDING: NO IMPACT:

The San Joaquin Valley Air Pollution Control District (SJVAPCD) has reviewed the subject application and did not indicate that the project would result in a conflict with an applicable Air Quality Plan or cumulative increase in criteria pollutants. The project proposes to legally split the subject parcels and will be subject to the same rules and regulations of the underlying zone district. Any more intensive uses that require a land-use permit would be reviewed further under the applicable air quality plan or consider an increase in criteria pollutants.

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

FINDING: NO IMPACT:

The project proposes to create legal parcels and does not have any development tied to the proposal. Aerial images of the subject site do show that there are single-family residences in the vicinity of the subject parcels, but in considering the project scope, would not expose sensitive receptors to substantial pollutant concentrations or result in other emissions affecting a substantial number of people.

IV. BIOLOGICAL RESOURCES

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project proposes to legally create two separate parcels that will be substandard in size. There is no development associated with this application. The subject parcels have been historically utilized for agricultural production.

Per the California Natural Diversity Database (CNDDDB), there is a reported occurrence of the San Joaquin Adobe Sunburst. The San Joaquin Adobe Sunburst is a federally listed and state listed. It is federally listed as threatened and state listed endangered. CNDDDB lists the site visit date as March 21, 2010 and is presumed extant. The reported occurrence is located in the northeast portion of Parcel 333-100-47. As noted,

the subject application does not propose development with the Applicant indicating that the proposed parcels would still be utilized for agricultural purposes.

The California Department of Fish and Wildlife (CDFW) provided comments on the subject application expressing concern that the project could affect the California Tiger Salamander, a state and federally threatened species. CDFW indicates the review of aerial imagery of the site depicts several wetland/stream features that have potential to support breeding California Tiger Salamander. The project site is within the range of the California Tiger Salamander and may have suitable habitat. CDFW recommends that Mitigation Measures be included with this project due to potentially suitable habitat for California Tiger Salamander. The recommended mitigation measures include focused surveys, avoidance measures, and take authorization. As stated, the project proposes to legally create the subject parcels and will continue to be used for agricultural purposes. As there is no development proposed with this project, a less than significant impact on special status species is seen. More intensive development subject to a land-use permit would be subject to additional environmental review.

There were no riparian habitat or other sensitive natural community identified on the subject parcels. As noted, the parcel has historically been utilized for agricultural purposes.

- C. Have a substantial adverse effect on state or federally-protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the National Wetlands Inventory, the subject site contains three identified wetlands. There are two identified riverine habitats and one freshwater emergent wetlands on the subject property. Further review of the site and aerial imagery of the site shown that one of the riverine habitats is the Alta Main Canal which is a manmade canal utilized for agricultural purposes. The subject application proposes to legally create two parcels. There is no development associated with this project that would substantially effect state or federally-protected wetlands. The property is expected to be used for agricultural production.

- 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 were no migratory corridor or native wildlife nursery site identified on the project site. There were no identified policies, ordinances, Habitat Conservation Plan, Natural Community Conservation Plan, or other local, regional, or state Habitat Conservation Plan that would conflict with the project proposal.

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:

Review of the existing condition of the subject parcels show that the site is currently void of any structures and appears to be utilized for agricultural production. The project proposes to legally split the subject parcels, one of which is under the minimum acre size and requires a Variance to be approved to allow creation of a substandard sized parcel. As the site is not improved with any structures, there is minimal chance that a historical or archaeological resource is on the site. Given that the subject parcels are currently utilized for agricultural production, and no evidence of a cultural resource has been reported on the site, it is unlikely that the project and any subsequent development would adversely affect the subject resources or any human remains. Therefore, as there is no development associated with the request, the project would not have an impact on cultural resources.

VI. ENERGY

Would the project:

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

FINDING: NO IMPACT:

The subject proposal does not include development that would result in energy consumption. Therefore, the project will not result in a significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources. If

development were to occur after the project, construction would be subject to the current building and energy code.

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?

FINDING: NO IMPACT:

Per the Earthquake Hazard Zone Application (EQZapp) and Figure 9-2 of the Fresno County General Plan Background Report, the subject parcels are not located on or near a known earthquake fault.

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

FINDING: NO IMPACT:

Per Figure 9-5 and 9-6 of the Fresno County General Plan Background Report (FCGPBR) the project site is not located in areas identified as being subject to subsidence and has a low percentage for peak horizontal ground acceleration during a probabilistic seismic hazard.

4. Landslides?

FINDING: NO IMPACT:

According to Figure 9-6 of the FCGPBR, the project site is not located in area designated as having a moderate or high landslide hazard.

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

FINDING: NO IMPACT:

The project proposes to legally split the subject parcels. There is no development associated with the proposal, therefore the project would not result in soil erosion or loss of topsoil when compared to existing conditions.

- 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:

According to Figure 9-6 the subject project is not located on land designated as being subject to landslide hazard or subsidence. There was no geologic unit or unstable soil identified on the project site.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per Figure 7-1 of the FCGPBR, the project site could be located on soils exhibiting moderately high to high expansion potential. Although located on area identified as having expansion potential, the project only proposes to legally create parcels and does not propose any development at this time. Any new development would be subject to the current building code, which would take into account standards and regulations to reduce risk of development on expansive soil. Therefore, a less than significant impact is seen.

- 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:

The subject proposal does not include development of the site. If development were to occur on the site and use of a septic system or alternative wastewater disposal system were to be proposed, the system would be subject to mandatory requirements described in the Fresno County Local Area Management Program (LAMP) for design, installation, and operation of on-site wastewater treatment systems. In considering the project proposal and mandatory requirements set forth by the Fresno County LAMP, no impact is seen from the project proposal.

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

FINDING: NO IMPACT:

No paleontological resource or geologic feature has been identified on the project site.

VIII. GREENHOUSE GAS EMISSIONS

Would the project:

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

FINDING: NO IMPACT:

The project proposal would not directly or indirectly generate greenhouse gas emissions or be in conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. The project proposes to legally create the subject parcels and would not generate greenhouse gas emissions.

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?

FINDING: NO IMPACT:

The project proposes to legally create the subject parcels. There is no development or operation involved with the project that would create a significant hazard to the public or environment through the transport, use or disposal of hazardous materials or a hazard through upset or accident conditions involving the release of hazardous materials into the environment.

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

FINDING: NO IMPACT:

The project site is not within one-quarter mile of an existing or proposed school. Additionally, the project would not emit hazardous emissions or handle hazardous materials.

- 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?

FINDING: NO IMPACT:

Per the NEPAssist database maintained by the U.S. Environmental Protection Agency, the subject site is not located on a listed hazardous materials site nor would it result in creation of a significant hazard to the public or environment.

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

FINDING: NO IMPACT:

The project site is not within 2 miles of a public or public use airport. Therefore, the project will not result in a safety hazard or excessive noise for people residing or working in the project area.

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

FINDING: NO IMPACT:

Reviewing agencies and departments did not express concern to indicate that the project will result in impairing implementation of or physically interfere with an adopted emergency response plan or emergency evacuation nor were there expressed concerns that the project would expose people or structures to a significant risk of loss, injury, or death involving wildland fires.

X. HYDROLOGY AND WATER QUALITY

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Water and Natural Resources Division provided comment, noting that the subject parcels are located within a low water area and that a water supply evaluation may be necessary. In considering the request for a water supply evaluation, the project proposal will be a difference in approximately 1.25 acres between the two subject parcels. There is no change to the underlying zone district and there is no development associated with the project where an increase in water usage could be expected. In the

event that a more intensive use that requires a discretionary permit is request on either of the parcels, consideration of a water supply evaluation will be given as there will be more direct water impacts. Therefore, the specific project proposal is not expected to violate water quality standards or waste discharge requirements or substantially decrease groundwater supplies or interfere with groundwater recharge.

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

FINDING: NO IMPACT:

The project proposes to change the parcel lines between two existing parcels to create an approximately 30.18-acre parcel and 13.20-acre parcel. There is no development associated with this project that would result in substantial erosion or siltation, or increase surface runoff. There is not planned stormwater drainage system and per County regulations, stormwater runoff shall not cross property lines and will be expected to be contained within the project site. The project will not impede or redirect flood flows. Per FEMA FIRM Panel C2200H, the subject site is designated Zone X, Area of Minimal Flood Hazard.

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

FINDING: NO IMPACT:

The subject site is not located within a flood hazard zone nor is it located on or near bodies of water that would indicate risk from tsunami or seiche zones.

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

FINDING: NO IMPACT:

Per the Water and Natural Resources Division, the subject site is located in a low water area. There were no concerns expressed by reviewing agencies and departments to indicate that a conflict with or obstruction of implementation of a water quality plan or

sustainable groundwater management plan exists. Therefore, no impact resulting from the project is seen.

XI. LAND USE AND PLANNING

Would the project:

A. Physically divide an established community?

FINDING: NO IMPACT:

The project site is located on the south side of State Route 180 approximately 3,530 feet east of its intersection with S. Frankwood Avenue. The project would not physically divide an established community.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

LU-A.6: The County shall maintain twenty acres as the minimum permitted parcel size in areas designated Agricultural, except as provided in Policies LU-A.9, LI-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.

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

This application is not consistent with the above policies because the proposed 13.20-acre parcel does not qualify for any exemption under Policy LU-A.9 (financing parcel, gift to family to assist with farming; or ownership prior to adoption of AE-20 zoning), LU-A.10 (agricultural commercial center), and LU-A.11 (resource recovery location). However, these policies are codified in the Fresno County Zoning Ordinance under Section 816.5.A, where this Variance application is requesting relief from the 40-acre minimum parcel size.

One out of the two subject parcels are enrolled in the Williamson Act Program. The unenrolled parcel will merge with a portion of Williamson Act Contracted parcel and

would not be compliant with the Williamson Act Program. This small portion of the enrolled parcel will be required to be removed from the Williamson Act through the Nonrenewal process. The nonrenewal process starts a 10-year period where the parcel will be removed from the Williamson Act Program after the period ends. This application is for a Variance from the minimum parcel size required by the Zone District, however, no Variance is available for the Williamson Act. The remaining portion of the contracted parcel will remain in the Williamson Act.

Although the project is in conflict with the identified policies, this is not considered to be a significant environmental impact as the nonrenewal of the contract establishes a 10-year wind-down period during which time, the Applicant is still subject to the terms of the Williamson Act. Per the Applicant, they intend to continue utilizing the parcel for agricultural production, but in a more efficient manner if the Variance is approved. There is no significant loss of agricultural resources and a less than significant impact is seen due to conflict with plans and policies adopted to avoid environmental effect.

XII. MINERAL RESOURCES

Would the project:

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

FINDING: NO IMPACT:

According to Figure 7-7 and 7-8 of the Fresno County General Plan Background Report, the project site is not located on any identified mineral resource locations of principal mineral producing location.

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:

The project does not propose any development that would generate noise or permanently increase noise levels. As stated, the proposal would allow legal creation of parcels. Any use allowed under the Fresno County Zoning Ordinance is regulated by the Fresno County Noise Ordinance and any more intensive use requiring a land-use permit would be reviewed further for noise impacts. The project site is not located within two miles of a public airport or public use airport that would expose people residing or working in the project area to excessive 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)?; or
- B. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

FINDING: NO IMPACT:

The project if approved will legally create two parcels, both of which are under the minimum parcel size required by the underlying zone district. There is no use or development associated with the project that would induce substantial unplanned population growth. The subject site is not improved with any single-family residences or other types of housing therefore, the project would not displace people or housing.

XV. PUBLIC SERVICES

Would the project:

- A. Result in substantial adverse physical impacts associated with the provision of new or physically-altered governmental facilities, or the need for new or physically-altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?
 - 1. Fire protection;
 - 2. Police protection;
 - 3. Schools;
 - 4. Parks; or
 - 5. Other public facilities?

FINDING: NO IMPACT:

Reviewing Agencies and Departments did not express concern with the project proposal to indicate that provision of new or physically-altered governmental facilities are needed to maintain acceptable service ratios, response times, or other performance objectives.

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 proposal would not increase the use of existing neighborhood and regional parks and does not propose construction or expansion of recreational facilities.

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:

The subject application proposes to legally create the subject parcels. There is no new use of development involved with this project. The Applicant has indicated that the subject parcels will be utilized for agricultural production and is allowed by the underlying zone district. Reviewing agencies and departments did not express concern with the application in terms of trip generation. Any intensive use requiring a land-use permit will be further reviewed for impacts to transportation impacts. The project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, and is not in conflict with CEQA Guidelines Section 15064.3. There were no hazards

due to design features or incompatible uses identified and no indication by reviewing agencies and departments that the project would result in inadequate emergency access.

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:

As noted in Section V. Cultural Resources, the subject parcels have historically been in agricultural production and no development of the site is proposed with this project. Under the provisions of Assembly Bill 52, participating California Native American Tribes were notified of the subject application and given the opportunity to enter into consultation with the County to address concerns they may have regarding the project. No requests for consultation was received and no concerns were expressed by reviewing agencies and departments regarding Tribal Cultural Resources. The subject site is not a listed historical site.

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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject proposal does not require or propose construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities. The Applicant has indicated that the subject parcels if

legally created will be utilized for agricultural purposes and improved with an on-site wells for the parcel that does not contain the existing well. The subject site is located in an area identified as being water short and therefore would be subject to further review by the Water and Natural Resources Division which may include the preparation and review of a hydrogeological investigation to identify the water source and determine impacts resulting from the proposed water usage.

- B. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per the Water and Natural Resources Division, the project site is located in an area designated as being water short. The project proposal requests to change existing parcels lines between two parcels and result in one 30.18-acre parcel and one 13.20-acre parcel in an agricultural area. There is no development requested with the project. The parcels have historically been utilized for agricultural purposes. As there is no new use or development proposed, water supplies are not expected to be heavily impacted by the project proposal as little change in the operation or physical environment of the project site will change when compared to the existing site.

- 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:

The project proposes to legally create the subject parcels that are under the minimum parcel size requirements. There is no development involved with this project. Therefore, no wastewater treatment facility or provider is necessary to service the project site. If a use is to be established on the site that requires wastewater treatment, the facility will be required to be compliant with the Fresno County Local Area Management Program (LAMP) and be subject to further review and permitting. The project will not generate solid waste and there is no identified federal, state or local management and reduction statutes and regulation that would be in conflict with the project.

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: LESS THAN SIGNIFICANT IMPACT:

Per the 2007 Fresno County Fire Hazard Severity Zones in LRA Map prepared by the California Department of Forestry and Fire Protection, the subject site is situated in a State Responsibility Area and classified as Moderate Fire Hazard Severity Zone. The project was reviewed by the Fresno County Fire Protection District (FCFPD) with no significant impacts identified by Fire Protection District. They did note that if development of the site is sought, they developer will be subject to the current building code and fire code, and additional review by the FCFPD. The project will not substantially impact an adopted emergency response plan or evacuation plan. The subject site is located on relatively flat agricultural land and does not require installation of infrastructure to mitigate fire risk. The project would not expose people or structures to significant risk due to post-fire instability.

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: LESS THAN SIGNIFICANT IMPACT:

In considering comments provided by the California Department of Fish and Wildlife and records establishing existing natural resources on the project site, the project will have a less than significant impact. The project proposes to allow creation of a 30.18-acre parcel and 13.20-acre parcel from an existing 31.43-acre parcel and 11.95-acre parcel.

There is no development associated with this project and the site has historically been used for agricultural purposes. The physical nature of the site will be unchanged if the project is approved, therefore the project will not substantially degrade the quality of the environment.

- 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:

There were no cumulative impacts identified in the analysis of the project proposal.

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

FINDING: NO IMPACT:

The project would not have substantial adverse effect on human beings, either directly or indirectly.

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Variance Application No. 7094, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to Air Quality, Cultural Resources, Energy, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Mineral Resources, Noise, Population and Housing, Public Service, Recreation, Transportation, and Tribal Cultural Resources.

Potential impacts related to Aesthetics, Agriculture and Forestry Resources, Biological Resources, Geology and Soils, Hydrology and Water Quality, Land Use Planning, Utilities and Service Systems, and Wildfire have been determined to be less than significant.

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

TK

G:\4360Devs&Pln\PROJSEC\PROJDOCS\VA\4000-4099\4094\IS-CEQA\VA 4094 IS Writeup.docx