



# County of Fresno

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

## EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: Rosemarie Braun
- APPLICATION NOS.: Initial Study No. 7949 and Variance No. 4099
- DESCRIPTION: Variance to allow for the reduction of the minimum parcel size requirements to create a 2.18-acre parcel and a 27.76-acre parcel from an existing 29.94-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.
- LOCATION: The subject parcel is located on the northeast corner of E. American Avenue and Navelencia Avenue approximately 3.9 miles west of the city limits of the City of Orange Cove (APN 185-161-47) (22756 E. American Avenue) (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?

FINDING: NO IMPACT:

The project intends to split the existing 29.94-acre parcel at the portion of the parcel already improved with a single-family residence. As the project proposes to split the subject parcel and with no development proposed, the project would not have a substantial adverse effect on a scenic vista. According to Figure OS-2, Navelencia Avenue is designated as a Scenic Drive and fronts the subject parcel. However, the project scope does not propose any immediate development that would impact the scenic resource. Additionally, policies with regard to the protection and preservation of the scenic road would prevent damage to the identified scenic drive. The project would

not substantially degrade the existing visual character of the subject parcel as the scope of the project would be confined to the changing of the legal boundaries of the subject parcel in terms of the proposed and remainder parcel.

- 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 project does not propose development and intends to split the existing parcel between the farming portion and existing homesite. From this consideration, no new sources of substantial light or glare is proposed with this application.

## 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 parcel consists of land designated for Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Rural Residential. The project intends to separate the existing homesite from the agricultural operation. There is no further development proposed with this application with the only intent on changing and creating the legal boundaries of the subject parcel. There is no planned conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is enrolled in the Williamson Act Program under Contract No. 1090. Pursuant to the Fresno County Williamson Act Program Guidelines, parcels that are enrolled in the Program are required to have at least 20 acres of Prime soil and an active agricultural operation, or at least 40 acres of Non-Prime soil and an active

agricultural operation to be eligible to remain in the Williamson Act Program. The proposed 2.18-acre parcel does not qualify to remain in the Program and must be removed from the Program. The proposed 2.18-acre parcel would be required to be removed from the Williamson Act Program. Partial cancellation of the Williamson Act Program must be filed by the Applicant and would be at the discretion of the Board of Supervisors. The Partial Cancellation petition would be heard by the Agricultural Land Conservation Committee for a recommendation to the Board of Supervisors. If Partial Cancellation is given by the Board of Supervisors, the project would then be consistent with the Williamson Act as the proposed 2.18-acre parcel would be removed from contract and the remaining acreage would still be above 20 acres and still be farmed.

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

FINDING: NO IMPACT:

The subject parcel is not zoned for forest land, timberland or timberland zoned Timberland Production and the project would not result in the loss of forest land or conversion of forest land to non-forest use.

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

FINDING: NO IMPACT:

The project scope is confined to the changing of lot lines to create a new parcel that is already developed for residential use. The remaining acreage would still be farmed and be subject to the same zoning restrictions for agricultural and agricultural supportive uses.

### 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?

FINDING: NO IMPACT:

The San Joaquin Valley Air Pollution Control District was given the opportunity to review and comment on the subject proposal. No concerns were expressed by the Air District that a conflict exists between the proposal and an applicable Air Quality Plan. Additionally, as there is no development or operation proposed with this project, no considerable increase in criteria pollutants are expected as a result of the project.

- 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:

In consideration of the scope of the project, there is no new development proposed and no operational change in the use of either proposed parcel where increased pollutant concentrations or other emissions would 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?

FINDING: NO IMPACT:

Per the California Natural Diversity Database (CNDDDB), there are no reported occurrences of a candidate, sensitive, or special status species in vicinity of the project site. The CNDDDB reported occurrences of the Sanford's Arrowhead which are reported in the canal located along the northern property line, however, this project does not anticipate additional development where encroachment or removal could occur. The project does not anticipate substantial adverse effect on the Sanford's Arrowhead.

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

FINDING: NO IMPACT:

Aerial images of the subject parcel indicates that a canal system is located along the eastern and northern property lines. Designation by the National Wetlands Inventory describes both identified wetlands as excavated indicating the human made system.

There are no riparian habitats associated with the identified manmade wetlands. The project does not propose development and therefore would not impact the identified wetland.

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

FINDING: NO IMPACT:

The project proposes to create a substandard parcel from an existing 29.94-acre parcel. There is no development proposed with this application, with the only change being the creation of a homesite parcel. The project would not interfere substantially with the movement of any native resident or migratory fish. There were no identified migratory wildlife corridors or native wildlife nursery sites identified on the project site.

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

FINDING: NO IMPACT:

Reviewing agencies and departments did not identify any policies or ordinances, or an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved plan that would be in conflict with the project.

## V. CULTURAL RESOURCES

Would the project:

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

FINDING: NO IMPACT:

The project intends to create a lot from the existing parcel. The created parcel would contain the existing single-family residence. The remainder would be farmed. In consideration of the project scope and existing improvements, no substantial adverse impact associated with a historical or archeological resource would occur.

## VI. ENERGY

Would the project:

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

FINDING: NO IMPACT:

The project would not result in additional energy resource consumption where a significant environmental impact could occur. Reviewing agencies and departments did not identify any state or local plan for renewable energy or energy efficiency that would be in conflict with the project.

## 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:

According to the Earthquake Hazard Zone Application, the project site is not located within an Earthquake Hazard Zone.

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

FINDING: NO IMPACT:

Per Figure 9-5 of the Fresno County General Plan Background Report (FCGPBR), the project is located in an area identified as having a 0-20% peak horizontal ground acceleration assuming a 10% probability of a seismic hazard in 50 years. The project will comply with all applicable building code standards and regulation. In considering the low probability of the subject site being susceptible to a seismic hazard and compliance with building standards, the project would not result in substantial adverse effects due to strong seismic ground shaking. As the subject site is not likely to be subject to strong seismic ground-shaking, seismic-related ground failure is also not likely to occur and adversely affect the project.

#### 4. Landslides?

FINDING: NO IMPACT:

According to Figure 9-6 of the Fresno County General Plan Background Report (FCGPBR) the subject site is not located in area designated with landslide hazards.

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

FINDING: NO IMPACT:

The project does not propose any new development. The project will not result in substantial soil erosion or loss of topsoil.

#### 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:

No geologic unit or unstable soil has been identified on the project site.

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

FINDING: NO IMPACT:

Per Figure 7-1 of the FCGPBR the project site is not located on land identified as having soil exhibiting moderately high to high expansion potential.

#### D. 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; or

#### E. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

FINDING: NO IMPACT:

The project does not propose the development of additional septic systems or alternative wastewater disposal systems. No unique paleontological or unique geologic feature was 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 will not result in any additional operational characteristics where an increase in greenhouse gas emissions would occur. As noted, the project intends to split an approximately 2-acre portion of the project site from the existing approximately 29-acre site. The proposed 2-acre site would contain the existing single-family residence and the remainder parcels would be contain the existing agricultural operation.

## 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 proposal will not result in the creation of a significant hazard to the public or the environment as the project will only result in the division of land. The existing residential and agricultural use will remain.

- 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 located within a one-quarter mile of an existing or proposed school.

- 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:

Based on the NEPAassist database, the project site is not located on a hazardous material site.

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

FINDING: NO IMPACT:

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

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

FINDING: NO IMPACT:

The project is for creation of a substandard sized parcel. The proposed substandard parcel will be utilized as a home site with the remainder parcel continuing to be utilized for agricultural purposes. The project will not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan and would not expose people or structures to a significant risk of loss, injury or death involving wildland fires.

## X. HYDROLOGY AND WATER QUALITY

Would the project:

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

FINDING: NO IMPACT:

The State Water Resources Control Board and the Water and Natural Resources Division have reviewed the subject application and did not express concern with the project to indicate that the project would result in conflict with water quality standards or substantially degrade surface or ground water quality. There were no concerns

expressed with the project to indicate that the project would result in substantial decreased groundwater supplies.

- 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;

FINDING: NO IMPACT:

Per the project scope, there is no additional development that would result in erosion or siltation of the 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?

FINDING: NO IMPACT:

The subject site is already developed with a single-family residence and accessory structures. The project will result in minimal change to the built environment. Fresno County standards require that all runoff be kept on site and not cross property lines. There are no planned stormwater drainage systems in the vicinity of the project site. With minimal change occurring on the project site, the project will not result in substantial increase surface or stormwater runoff that would adversely affect the project site or adjacent properties. Additionally, per County standards, runoff generated by the site will be required to stay on site and not move over property lines.

- 4. Impede or redirect flood flows?

FINDING: NO IMPACT:

Per FEMA FIRM Panel C2100H, the project site is located in Zone X, Area of Minimal Flood Hazard. Therefore, the project is not likely to impede or redirect flood flows.

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

FINDING: NO IMPACT:

The subject property is not located in a flood hazard zone and is not located near a body of water that would indicate increased risk from a tsunami or seiche. The project would not result in increased risk of release of pollutants due to project inundation from flood hazard, tsunami, or seiche zone.

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

FINDING: NO IMPACT:

The North Kings Groundwater Sustainability Agency (NKGSA) was notified of the project proposal. No concerns were expressed by the NKGSA. No other reviewing agency or department commented on the project to indicate that the project would conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

## XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community?

FINDING: NO IMPACT:

The project will not physically divide an established community.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

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

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

This application is not consistent with the above policies because the proposed 2-acre parcel does not qualify for any of the exemptions under Policy LU-1.9 (financing parcel; gift to family to assist with farming; or ownership prior to adoption of AE-20 Zoning), LUS-A.10 (agricultural commercial center), or LU-A.11 (resource recovery location). However, these policies are codified in the Fresno County Zoning Ordinance under Section 816.5.A, where this Variance application is requesting relief from the 20-acre minimum parcel size.

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

If the cancellation request is approved, the Contract will be cancelled, and the property owner will no longer be limited to compatible uses stated under the Williamson Act. The parcel would be allowed to split into the proposed 2-acre parcel. No immediate development is associated with the application, but the property owners would no longer be obligated to maintain the existing agricultural operation and would be permitted to develop the proposed parcel following approval of the Variance application and mapping application.

Although the project proposal is in conflict with the identified policies, this is not considered to be a significant environmental impact as the nonrenewal of the contract established a 10-year wind-down period during which time that applicant is still subject to the terms of the agreement. The Applicant has already filed for non-renewal, so the contract will end either through the early cancellation process or through expiration of the 10-year period. The loss of 2.5 acres of active farmland on this parcel is not a significant loss of agricultural resources and has a less than significant impact on conflict with plans and policies adopted to avoid an environmental effect.

## XII. MINERAL RESOURCES

Would the project:

- A. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; or

- B. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local General Plan, Specific Plan or other land use plan?

FINDING: NO IMPACT:

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

### XIII. NOISE

Would the project result in:

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

FINDING: NO IMPACT:

There is no new use or development associated with the subject application that would result in generation of ambient noise levels or excessive ground-borne noise levels. The project intends to create a homesite parcel with the remaining land to be utilized for agricultural purposes, therefore no change in the existing conditions is expected.

- 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 is not located within two miles of a public airport or public use airport and is not within the vicinity of a private airstrip.

### XIV. POPULATION AND HOUSING

Would the project:

- A. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?; or
- B. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

FINDING: NO IMPACT:

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

## XV. PUBLIC SERVICES

Would the project:

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

FINDING: NO IMPACT:

Department and Agency review of the project did not result in comments requiring the provision of new or physically altered governmental facilities that could potentially cause significant environmental impacts. The project will create a substandard parcel with the remaining land utilized for agricultural purposes. There will be no significant impact on the listed public services and facilities.

## XVI. RECREATION

Would the project:

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

FINDING: NO IMPACT:

The project will not result in substantial population change that would increase the use of existing neighborhood or regional parks that would deteriorate from use nor will this project require the 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 existing subject parcel currently has road frontage along E American Ave. The project will not have any effect on the identified roadways as there is no proposed use or development associated with the project, minimal change is expected on circulation system. There were no identified program, plan, ordinance or policy addressing the circulation system that would be in conflict with the project. Review of the project indicates that the project would not conflict with CEQA Guidelines section 15064.3, subdivision (b). The project would no result in hazards due to design or 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:

Participating California Native American Tribes were notified of the subject application and given the opportunity to enter into consultation with the County on addressing potential impacts on tribal cultural resources. No concerns were expressed by the notified tribes and no evidence was submitted to indicate the presence of tribal cultural resources.

#### XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

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

FINDING: NO IMPACT:

The project proposes to create a homesite parcel that does not meet the minimum parcel size of the underlying zone district. The homesite parcel is already developed with a single-family residence and the remaining land is to be utilized for agricultural production. The project will not require the relocation or construction of new or expanded utilities and services systems.

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

FINDING: NO IMPACT:

The State Water Resources Control Board, the Water and Natural Resources Division, have reviewed the project and did not express concern in terms of available water supplies.

- 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?

FINDING: NO IMPACT:

The proposed homesite parcel is already improved with a single-family residence and private septic system. There are no plans for development of a new septic system. If development of a new septic system were to occur, the system would be subject to building permit and inspection.



- 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:

Review of the project did not indicate that the proposal would generate solid waste in excess of local infrastructure or conflict with federal, state, or local management and reduction statutes. As noted, the project will result in one additional parcel, but would not impact the current solid waste generated by the parcel.

## 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:

Per the 2007 Fire Hazard Severity Zones in LRA Map produced by the California Department of Forestry and Fire Protection, the project site is not located in any identified fire hazard severity zones.

## XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

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

FINDING: NO IMPACT:

The project proposes to create a homesite parcel with the remaining land to remain in agricultural production. The proposed homesite parcel is already improved with a single-family residence and the remainder parcel improved with a vineyard. There will be no change in the use of either parcel and would not degrade the quality of the environment or reduce habitat of a wildlife species.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will create an approximately 2.18-acre parcel from the existing approximately 30-acre project site. The proposed 2-acre parcel will be utilized as a homesite and is already improved with a single-family residence. This project will separate the 2.18-acre site from the approximately 30-acre parcel that is utilized for agricultural. Reducing the amount of farmable acreage could have a cumulative impact, but in considering the approximately +/-28-acres of remaining land for agricultural purposes and a majority of land in the proposed 2.18-acre site is improved and was not previously farmable space, the impact will be less than significant.

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

FINDING: NO IMPACT:

Review of the project did not identify any substantial adverse effects on human beings.

## **CONCLUSION/SUMMARY**

Based upon the Initial Study prepared for Variance No. 4199, staff has concluded that the project will not/will 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, 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 Planning have been determined to be less than significant.

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

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