



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 3 November 14, 2024

SUBJECT: Variance No. 4142 and Initial Study No. 8329

Allow the creation of three 20-acre parcels and a remaining 63-acre parcel from an existing 123-acre parcel within the AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located on the north side of Millerton Rd. 1.21-miles east of Auberry Rd., approximately 6.8-miles east from the community of Friant (APN 138-061-16) (10836 Millerton Rd.) (Sup. Dist. 5).

**OWNER/
APPLICANT:** James Heisdorf

STAFF CONTACT: Alexander Pretzer, Planner
(559) 600-4205

David Randall, Senior Planner
(559) 600-4052

RECOMMENDATION:

- Deny Variance No. 4142 and Negative Declaration prepared for the project based on Initial Study (IS) No. 8329; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Approved Variances within One-Half Mile Radius
6. Site Plans and Detail Drawings
7. Applicant's Variance Findings
8. Summary of Initial Study No. 8329
9. Draft Negative Declaration

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agricultural	No change
Zoning	AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District.	No change
Parcel Size	123- acre parcel	20-acre parcel 20-acre parcel 20-acre parcel 63-acre parcel (Remainder)
Project Site	Single Family Residence on the northern section, unused area towards the southern	Divide the parcels into four sections. The access road shall connect all parcels to Millerton Road (see Site Plan for details).
Structural Improvements	Single Family Residence	No change
Nearest Residence	279-feet northward	No change
Surrounding Development	Agricultural fields & Single-Family Residences	No change

EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: No**ENVIRONMENTAL ANALYSIS:**

An Initial Study was prepared for the project in accordance with the requirements of the California Environmental Quality Act (CEQA). Based on the Initial Study, staff has determined that a Negative Declaration is appropriate. A summary of the initial Study is included as Exhibit 8.

PUBLIC NOTICE:

Notices were sent to 38 property owners within 1,320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PUBLIC COMMENT:

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

PROCEDURAL CONSIDERATIONS:

A Variance Application may be approved only if four Findings specified in the Fresno County Zoning Ordinance, Section 873-F are made by the Planning Commission. The decision of the Planning Commission on a Variance Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission’s action.

The minimum parcel size that may be created in the AE-40 Zone District is 40 acres. A property owner may not create parcels with less than the 40-acre minimum parcel size if they do not qualify under the conditions listed in Section 816.5.

Typical alternatives to a Variance Application are to either create a homesite parcel or rezone the property to a zone district that allows the project as proposed.

Rezoning, as is most often the case, of this parcel to a higher density Zone which allows smaller parcels, would be problematic, as the underlying General Plan Land Use Designation of Eastside Rangeland does not allow for such higher density residential Zoning.

BACKGROUND INFORMATION:

The property is designated Eastside Rangeland within the Sierra North Regional Plan, surrounded by land designated for low density residential on the north and west.

The parcel is currently restricted under a Williamson Act Contract. A Williamson Act Cancellation Petition has been submitted to the Policy Planning Unit for processing and assigned Revision to Land Conservation Contract (RLCC) No. 1052; and will be brought before the Board of Supervisors for a decision after the Planning Commission decision on this Variance.

According to Fresno County records, in 1986 a tentative parcel map was approved which allowed the creation of two 40-acre parcels. The applicant subsequently applied for a Tentative Parcel Map Waiver in 2010, and a minor variance application in 2015 which proposed to create two 36-acre parcels and a 60-acre parcel. The Tentative Parcel Map Waiver expired in 2019.

Every variance application is considered on its own merit, based on unique site conditions and circumstances. The approval of other variances in the vicinity of this project does not create a precedent for approval. Within one half-mile of the subject property there is only one variance on record from 28 years ago for creation of substandard sized parcels. It was approved by the Planning Commission.

Application/Request	Staff Recommendation	Final Action	Date of Action
VA 3467: <i>Allow for the creation of two 5-acre parcels from an existing 10-acre parcel (AE-20)</i>	Denial	<u>PC Approval (W/Conditions)</u>	December 1, 1994

	Current Standard:	Proposed Configuration:	Is Standard Met (y/n):
Setbacks	<u>AE-40</u> Front: 35 feet Side: 20 feet Rear: 20 feet	No change	Yes
Parking	N/A	N/A	N/A
Lot Coverage	No requirement	N/A	N/A
Separation Between Buildings	No requirement for residential or accessory structures, excepting those used to house animals which must be located a minimum of 40 feet from any human-occupied building.	N/A	N/A
Wall Requirements	N/A	N/A	N/A
Septic Replacement Area	100 percent of the existing system.	No change	N/A
Water Well Separation	Building sewer/septic tank: 50 feet Disposal field: 100 feet Seepage pit/cesspool: 150 feet	Any existing or proposed water wells will be required to meet minimum setbacks (separation) from proposed septic systems.	Yes

ANALYSIS/DISCUSSION:

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

Reviewing Agency/Department Comments:

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

Finding 1 Analysis:

In support of Finding 1, the applicant’s findings describe the subject property as having four addresses assigned to the parcel. In addition, the topography of the parcel is “rolling terrain” of which “causes some difficulty to provide a safe, accessible road for its users.”

The applicant also states the northern portion increases in elevation relative to the southern portion and thus would prove difficult for emergency transportation vehicles to access the northern section.

Concerning the four addresses there is nothing unique about this situation. This is the normal practice applicable to all properties. There are three homes allowed on the property, as one home is allowed by-right per 40 acres. Previously, the subject parcel was able to have four residences by right under the previous zoning ordinance. There were several mobile home permits issued between 1983 and 1994 in addition to a single-family dwelling unit in 1997. Each home would have been issued a separate address, as an address is based on the location of a building not on the location of parcel lines or number of parcels.

Although the topography is “rolling terrain”, this again is not unique, the adjacent parcels have the same circumstance. The topography does not create substantive limit to the property from being used for its intended use. Subdividing the land would not enhance the ability to construct roads or other improvements and does not decrease the distance emergency transportation vehicles must traverse to reach the northern portion of the parcel.

Recommended Conditions of Approval:

None

Finding 1 Conclusion:

Finding 1 cannot be made as there are not any extraordinary circumstances relating to the property that does not apply to other properties in the area with the same zone classification.

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

Reviewing Agency/Department Comments:

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

Finding 2 Analysis:

In response to Finding 2, the applicant simply articulated the properties circumstances but did not identify any substantial property right common to properties in the vicinity that they were deprived of, that the Variance would restore. Granting this variance would provide a new

privilege not enjoyed by other parcels in the area. No other parcels are allowed to further divide below the minimum acreage.

Recommended Conditions of Approval:

None

Finding 2 Conclusion:

Finding 2 cannot be made as the property enjoys the same substantial property rights as the surrounding properties with the same zoning classification, a valid deficit of a substantial property right enjoyed by other owners in the vicinity with the same zoning classification has not been identified.

Finding 3: **The granting of a variance will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located.**

Surrounding Parcels

	Size:	Use:	Zoning:	Nearest Residence:
North:	4.92-acres 4.93-acres 4.7-acres 4.71-acres	Low density residential (Sierra North Regional Plan)	AE-40 (et.al.)	0.43-miles 0.45-miles 0.43-miles N/A
South:	62-acres	Rangeland	AE-40	N/A
East:	500-acres	Rangeland	AE-40	N/A
West:	337-acres 10-acres 5-acres 5-acres 10-acres 4.79-acres	Rangeland Low density residential (Sierra North Regional Plan)	AE-40 AE-40 (et.al.)	N/A 0.29-miles 0.30-miles 0.34-miles 0.37-miles 0.51-miles

Reviewing Agency/Department Comments:

No comments specific to land use compatibility were expressed by reviewing Agencies or Departments.

Finding 3 Analysis:

In support of Finding 3, the applicant’s Findings state that the granting of the variance will not be detrimental to the public welfare or injurious to property or improvements in the vicinity and is consistent with the use of a large majority of other parcels within the vicinity.

While the impact of this singular variance may not constitute a materially detrimental impact, staff notes that the creation of three separate legal non-conforming parcels (and a remainder conforming lot) has the potential to increase residential density in the area by allowing an additional single-family residence on the newly created parcels and a 2nd residence through a

Director Review and Approval on the new parcel. Cumulatively, this and other such increases in residential density has the potential to conflict with adjacent agricultural operations.

The minimum acreage requirement of the AE-40 Zone district is intended to arrest this parcellation pattern and limit the potential conflicts between residential and agricultural activities. However, the limited scale of this individual request by itself is not a significant material detriment to properties in the vicinity.

Recommended Conditions of Approval:

None

Finding 3 Conclusion:

Finding 3 can be made as granting this single variance will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located.

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

Relevant Policies:	Consistency/Considerations:
<p>Sierra North Regional Plan Policy 402-01:6.02a1: <i>An Exclusive Agricultural Zone District on land to be used for grazing and other agricultural operations. The minimum lot size shall be 40 acres.</i></p>	<p>Inconsistent: Substandard parcels that are created for residential purposes will likely interfere with agricultural operations on surrounding parcels that are designated and zoned for production of food and fiber and may potentially result in removal of adjacent or neighboring lands from agricultural use. Moreover, it may set a precedent for other landowners to create similar residential parcels in the area, which will compound the incompatibility between the agricultural and residential use of lands located in an area of the County designated and used for agricultural operations.</p>
<p>Sierra North Regional Plan Policy 402-01:6.02d: <i>Creation of homesites less than 40 acres may be permitted in Eastside Rangeland area when on of the following conditions exists:</i></p> <ol style="list-style-type: none"> 1. <i>A lot less than 40 acres is required for financing a residence to be owned and operated by the owner of abutting property, or</i> 2. <i>The lot or lots to be created are intended to be conveyed exclusively for use by a person related to the owner by adoption, blood, or marriage, within the third degree of</i> 	<p>Inconsistent: The three 20-acre parcels proposed by the applicant do not meet the criteria listed in the Sierra North Regional Plan to allow creation of substandard homesite parcels.</p>

Relevant Policies:	Consistency/Considerations:
<p><i>consanguinity, there is only 1 lot per related person, and there is no more than 1 conveyance per each 10 acres, or</i></p> <p>3. <i>The present owner owned the property at the time of implementation of the policies and wished to retain his homesite and sell the remaining acreage for grazing or other agricultural purposes.</i></p> <p><i>The minimum lot size shall be 2 gross acres, except that a lesser shall be permitted when the owner submits evidence satisfactory to the Health Office that the soils meet the Water Quality Control Board Guidelines for liquid waste disposal, but in no event shall the lot be less than 1 gross acre, maximum lot size shall be 5 acres.</i></p>	

Reviewing Agency/Department Comments:

No comments specific to the General Plan were expressed by reviewing agencies or departments.

Finding 4 Analysis:

In support of Finding 4, the applicant states the variance would not be contrary to the objectives of the General Plan as the number of parcels will be equivalent to the number of residences previously allowed (four), with the overall density not changing as it will remain four residences over 123-acres as existed previously.

The applicant’s statement is incorrect, as described in the table above the proposed variance conflicts with several Sierra North Regional Plan Policies. The property is designated Eastside Rangeland within the Sierra North Regional Plan. In addition, the lands are designated AE-40. The intent behind the Eastside Rangeland Designation and the AE-40 Zone District is to prevent parcellation less than its designated amount (less than 40-acres).

Recommended Conditions of Approval:

None.

Finding 4 Conclusion:

Finding 4 cannot be made as the proposed development is inconsistent with the General Plan Policies stated above.

CONCLUSION:

Based on the factors cited in the analysis, staff has concluded that the required Findings 1, 2, & 4 for granting the variance cannot be made as there are no exceptional or extraordinary

circumstances or conditions applicable to the property, the variance is not necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity, and will be contrary to the objectives of the General Plan. Staff therefore recommends denial of variance No. 4142.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Denial Action)

- Move to determine that required Findings No. 1, 2, & 4 cannot be made based on the analysis in the staff report and move to deny variance No. 4142; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Approval Action)

- Move to determine the required findings can be made (state basis for making the findings) and move to approve variance No. 4142, subject to the Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

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EXHIBIT 1

**Variance No. 4142 & Initial Study No. 8329
(Including Conditions of Approval and Project Notes)**

Conditions of Approval	
1.	Division of the subject parcels shall be in accordance with the site plan (Exhibit 6) as approved by the Planning Commission.
2.	Prior to recording of the final map, an access easement shall be established so that all proposed parcels have access to a public road.
3.	Prior to recording of the final map, Revision to Land Conservation Contract No. 1052 shall be completed subject to the condition of approval and the Certificate of Cancellation recorded with the Fresno County Recorder's Office, removing the three proposed 20-acre parcels from Agricultural Land Conservation Contract No. 162.

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	Division of the subject property is subject to the provisions of the Fresno County Parcel Map Ordinance. A Parcel Map Application shall be filed to create the three proposed parcels. The Map shall comply with the requirements of Title 17.72. The subdivision will require that a Tentative Parcel Map be prepared in accordance with the Professional Land Surveyors Act, the Subdivision Map Act and County Ordinance. The Tentative Parcel Map application shall expire two years after the approval of said Tentative Parcel Map. Upon approval and acceptance of the Tentative Parcel Map and any Conditions imposed thereon, a Final Parcel Map shall be prepared and by a Professional Land Surveyor or Registered Civil Engineer authorized to practice Land Surveying, in accordance with the Professional Land Surveyors Act, the Subdivision Map Act and County Ordinance. Recordation of the Final Parcel Map shall take place within two years of the acceptance of the Tentative Parcel Map unless a Map extension is received prior to the expiration date of the approved Tentative Parcel Map. Failure to record the Final Parcel Map prior to the expiration of said Tentative Parcel Map may void the Parcel Map application.
2.	The approval of this Variance will expire one year from the date of approval unless the required mapping application to create the parcels is filed in substantial compliance with the Conditions and Project Notes and in accordance with the Parcel Map Ordinance. Prior to site development, all survey monumentation – Property Corners, Centerline Monumentation, Section Corners, County Benchmarks, Federal Benchmarks and Triangulation Stations, etc. - within the subject area shall be preserved in accordance with Section 8771 of the Professional Land Surveyors Act and Section 6730.2 of the Professional Engineers Act.
3.	Prior to destruction of agricultural wells, a sample of the uppermost fluid in the well column shall be checked for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil shall be removed from the well prior to placement of fill material for destruction. The oily water removed from the well must be handled in accordance with federal, state, and local government requirements.
4.	Currently this area requires a test hole and inspection prior to the issuance of sewage disposal construction permits. The test hole evaluation may result in a requirement for an engineered septic system. Such a system, following an on-site investigation, must be designed and installation certified by a Professional Engineer or Registered Environmental Health Specialist who is knowledgeable and experienced in the field of onsite wastewater treatment system design and installation. Whenever possible, test hole procedures should be conducted during the Spring runoff period in order to accurately assess seasonal high ground water conditions. Any proposal for a new sewage disposal system shall be installed under

EXHIBIT 1

Notes	
	permit and inspection by the Department of Public Works and Planning Building and Safety Section. Contact Department of Public Works and Planning at (559) 600-4540 for more information.
5.	At such time the applicant or property owner(s) decides to construct a new water well, the water well contractor selected by the applicant will be required to apply for and obtain a Permit to Construct a Water Well from the Fresno County Department of Community Health, Environmental Health Division. Please be advised that only those persons with a valid C-57 contractor's license may construct wells. For more information, contact the Water Surveillance Program at (559) 600-3357.
6.	Should any underground storage tank(s) be found during development, the Applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division.
7.	A Grading Permit or Voucher shall be required for any grading that has been done without a permit and any grading associated with future development of the existing and proposed parcel(s).
8.	Any additional runoff generated by development of the proposed parcels cannot be drained across property lines and must be retained or disposed of per County standards.
9.	An encroachment permit from the Fresno County Road Maintenance and Operations Division will be required for any work proposed within the County Road right-of-way.
10.	Any new development of less than two acres or secondary dwelling may require a nitrogen loading analysis by a qualified professional, demonstrating to the Department of Public Works and Planning (Department) that the regional characteristics are such that an exception to the septic system density limit can be accommodated. The Department will refer any analysis to the Regional Water Quality Control Board, Central Valley Region for their concurrence and input. Any new sewage disposal systems that are proposed, shall be installed under permit and inspection by the Department of Public Works and Planning Building and Safety Section. Contact Department of Public Works and Planning at (559) 600-4540 for more information.
11.	The subject property is located within the State Responsibility Area (SRA) boundary. Any future development shall be in accordance with the applicable SRA Fire Safe Regulations, as they apply to driveway construction and access.
12.	According to FEMA FIRM Panel 1055H, southern portion of the area of the subject property is found to be under Flood Zone A, subject to flooding from the 100-year storm. Any future development within the Special Flood Hazard Area shall conform to provisions established in Fresno County Ordinance Code Title 15, Chapter 15.48 Flood Hazard Areas. Any future structure and associated electrical equipment/electrical system components (e.g., service panels, meters, switches, outlets, electrical wiring, walk-in equipment cabinets, generators, bottom of the lowest edge of the solar array, pool-associated motors and water heater, receptacles, junction boxes, inverter, transformers, etc.) must comply with the FEMA flood elevation requirements. All electrical wiring below the flood elevation shall be in a watertight conduit or approved direct burial cable. Grading import is not allowed within the flood zone. Any dirt material used for grading must be obtained within the designated flood area as to not cause an impact to the determined area of flooding. Manure pits and waste lagoons that are susceptible to flooding must be consulted with State departments of environmental management or natural resources on how to prevent overflow of these waste treatment facilities into local stream, rivers, or even drinking water supply. FEMA Elevation Certificate is required for every future structure to be constructed within the Special Flood Hazard Area. If the future building/structure is near the Special Flood Hazard Area, a certified Map of Survey/Map of Flood Hazard Area (MOS), stamped and signed by a Professional Land Surveyor delineating the distances from proposed structure(s) to the flood zone boundary and at least two property lines will be required. The MOS must show spot elevations within the perimeter of the proposed structure and the flood zone for

Notes	
	verification purposes.
13.	According to the U.S.G.S. Quad Map, intermittent streams may be present within the subject property based on the contour lines. Any future work within or near a stream will require a clearance from California Department of Fish and Wildlife (CDFW).
14.	According to the Wetlands Mapper of U.S. Fish and Wildlife Service, a wetland may be present within/nearby the subject property. For any future development on wetlands, U.S. Fish and Wildlife Service and other appropriate agencies should be consulted regarding any requirements they may have.
15.	Millerton Road currently has 60 feet of prescriptive road right-of-way. Road right-of-way shall be perfected.
16.	The end of curbed/taper edge of any existing or future access driveway approach should be set back a minimum of 5 feet from the property line.
17.	A 10 foot x 10 foot corner cut-off should be improved for sight distance purposes at any existing or future driveway accessing Millerton Road and Ferguson Road Avenue if not already present.
18.	Any existing or future access driveway should be set back a minimum of 10 feet from the property line.
19.	Any existing or future entrance gate should be set back a minimum of 20 feet from the road right-of-way line or the length of the longest truck entering the site and shall not swing outward.
20.	If this application is approved, a parcel map application will have to be filed with Fresno County in order to effect the property division. Furthermore, if there is no legal access provided to any proposed parcel without public frontage access, a covenant should be required, whereby the Subdivider agrees to grant a 60 foot wide access easement to each parcel as it is created. A Registered Civil Engineer shall certify the access easement.

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EXHIBIT 2
LOCATION MAP

VA 4142

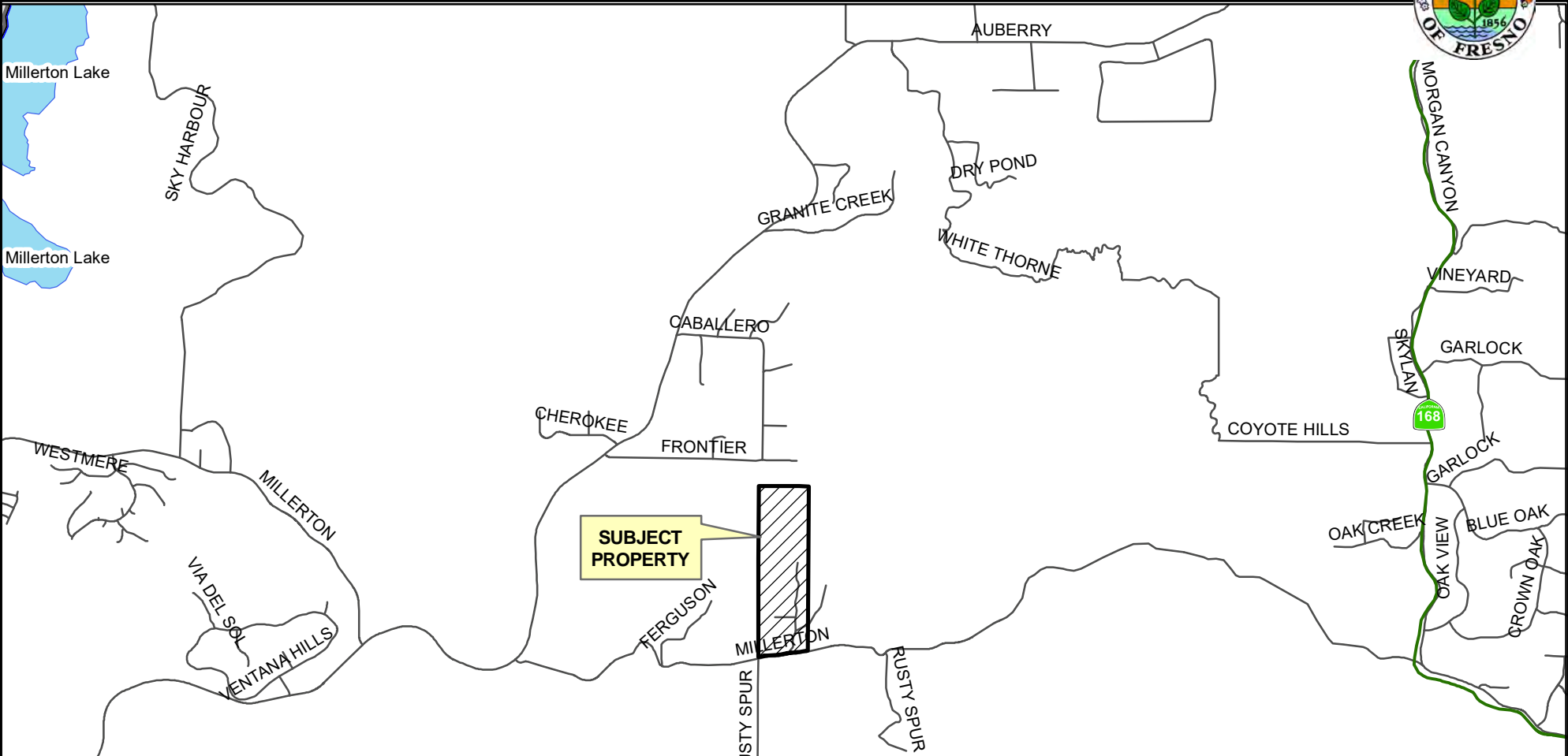


EXHIBIT 2

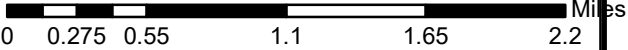
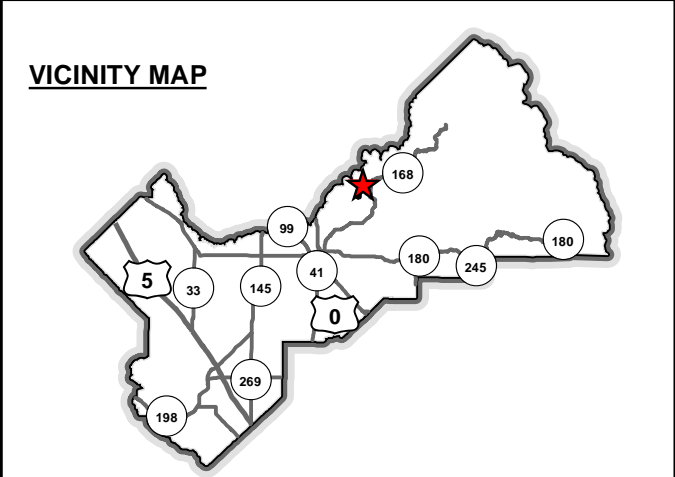
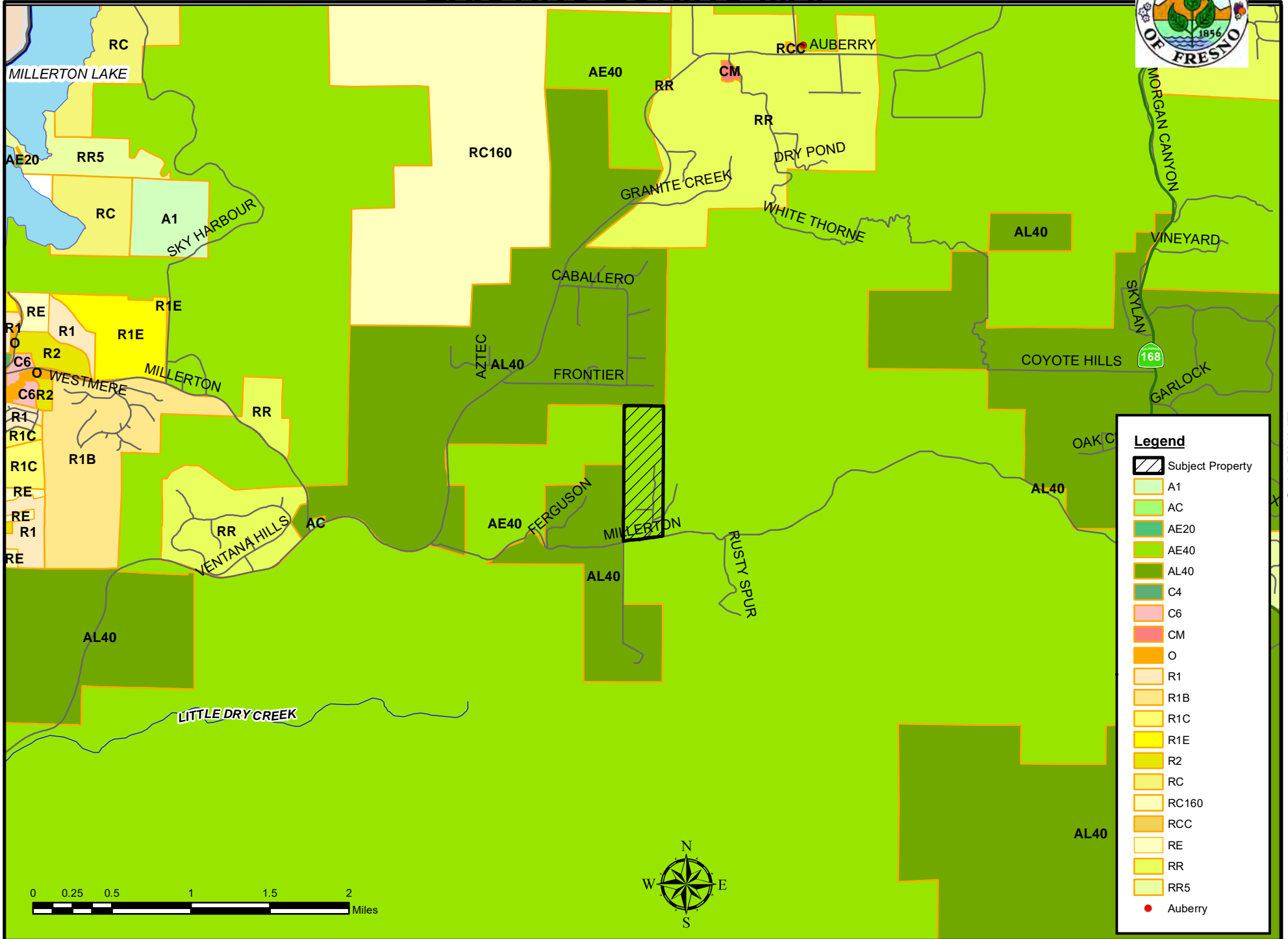


EXHIBIT 3
EXISTING ZONING MAP



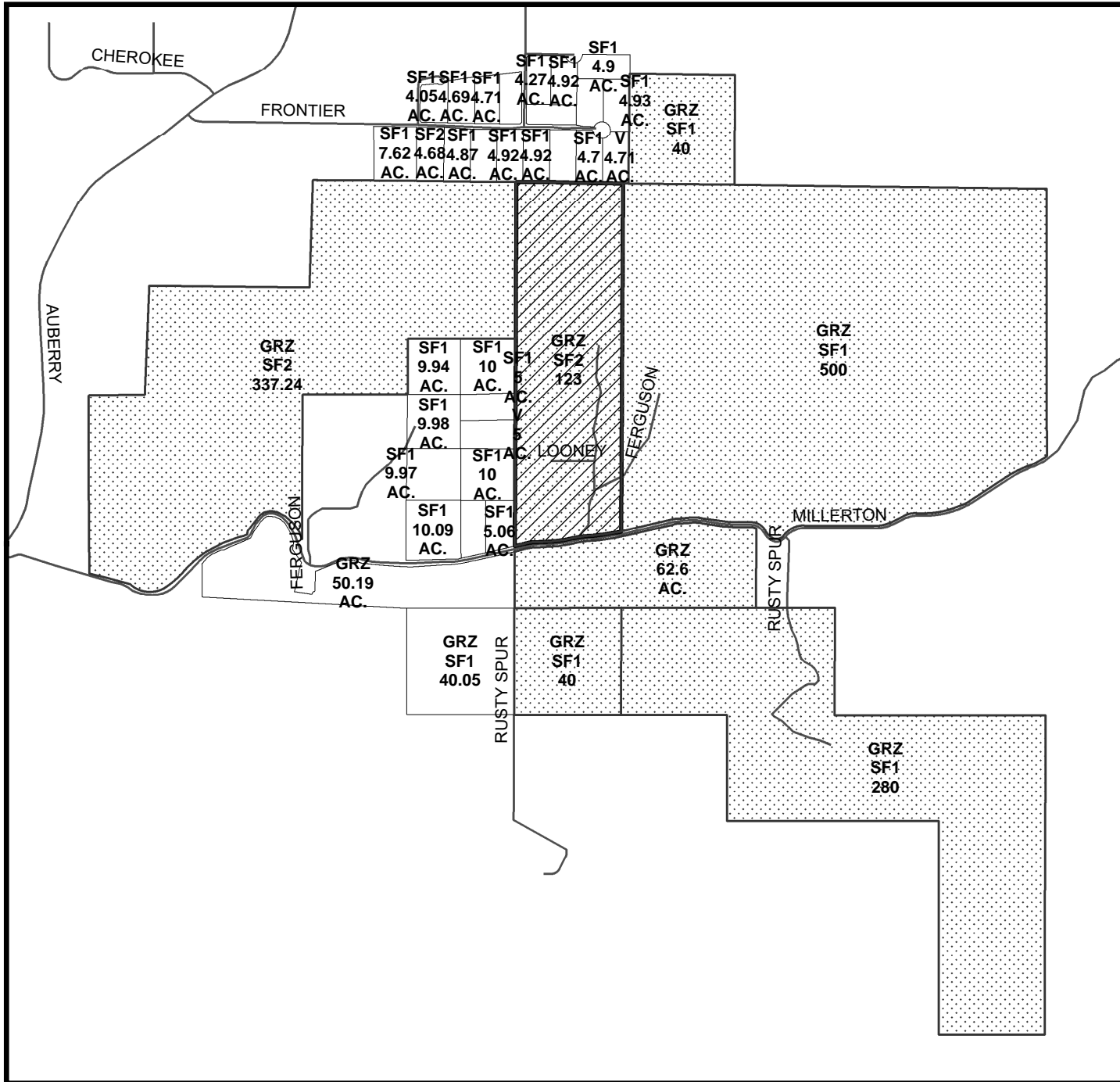
Legend

- Subject Property
- A1
- AC
- AE20
- AE40
- AL40
- C4
- C6
- CM
- O
- R1
- R1B
- R1C
- R1E
- R2
- RC
- RC160
- RCC
- RE
- RR
- RR5
- Auberry



EXISTING LAND USE MAP

VA 4142

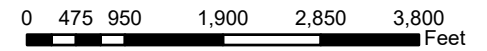


LEGEND	
GRZ - GRAZING	
SF#- SINGLE FAMILY RESIDENCE	
V - VACANT	

LEGEND:

- Subject Property
- Ag Contract Land

EXHIBIT 4



Department of Public Works and Planning
Development Services Division

APPROVED VARIANCES WITHIN A HALF MILE RADIUS

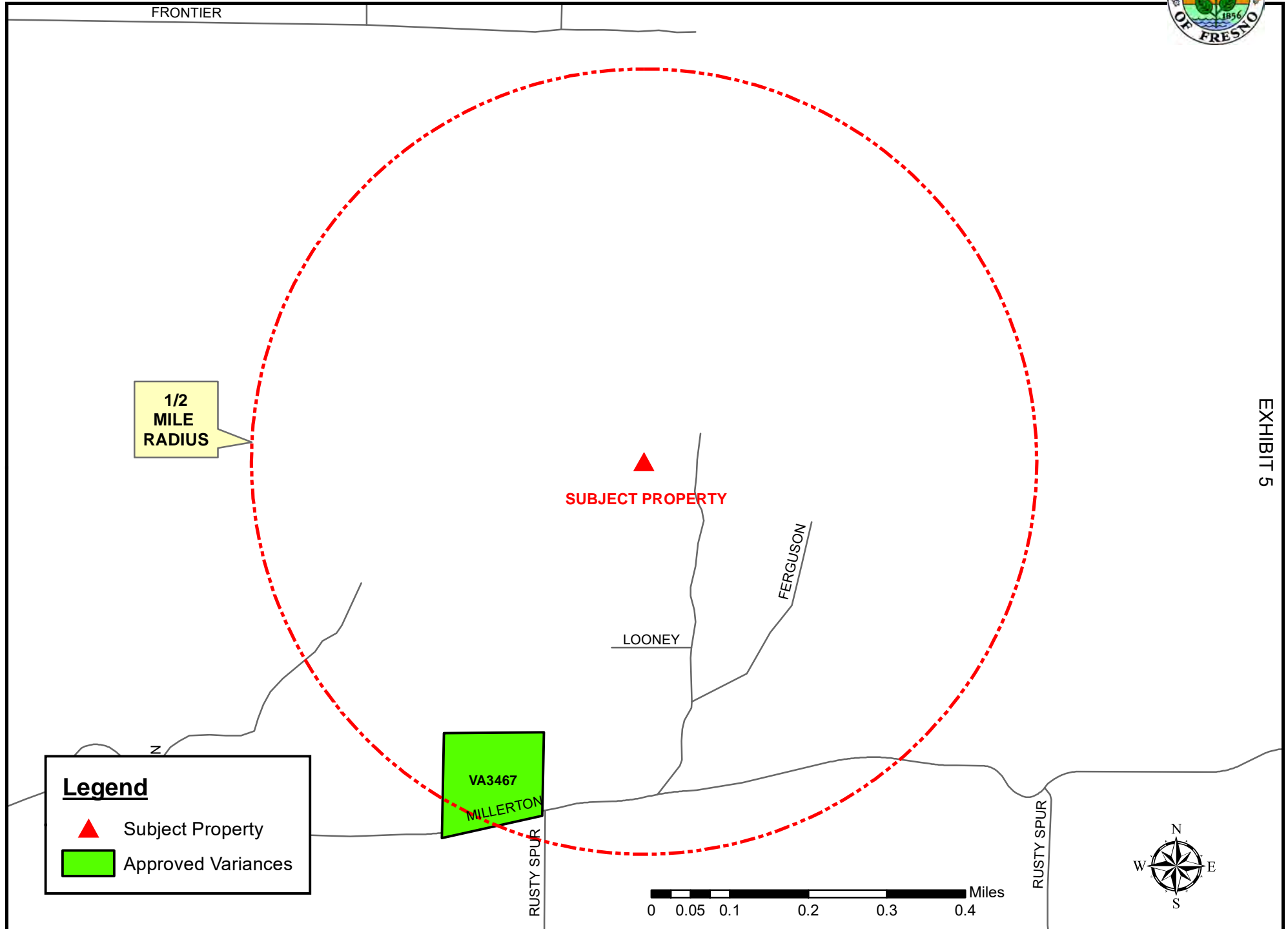


EXHIBIT 5

HEISDORF VARIANCE APPLICATION
 PROPOSED SITE EXHIBIT
 10836 MILLERTON ROAD, CLOVIS, CA 93619
 APN 138-061-16

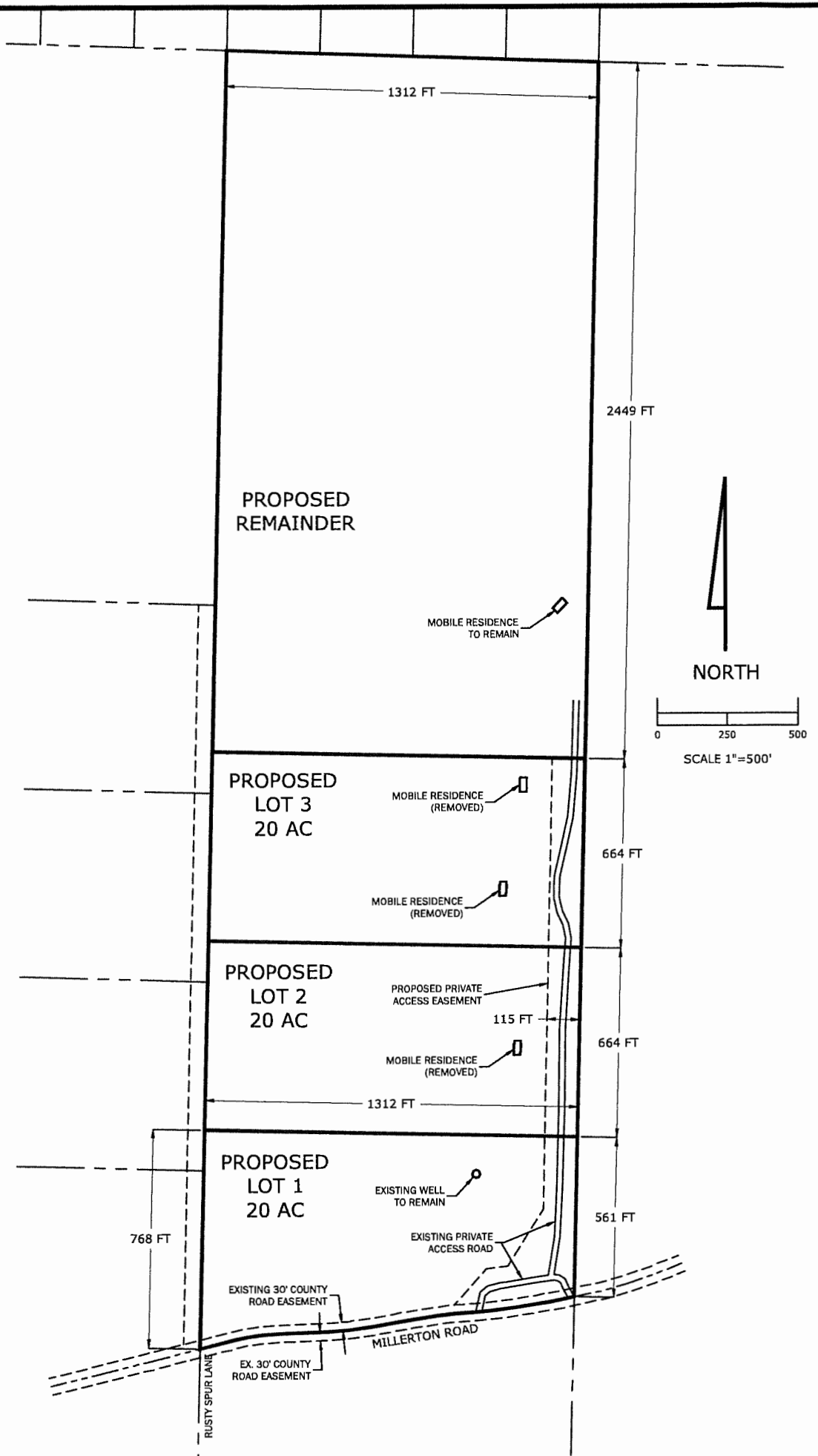


EXHIBIT 7

Variance Findings

Pre-Application Review No. 22-009158

APN 138-061-16

Property Location: 10836 Millerton Road, Clovis, Ca 93619

Applicant: James Heisdorf
571 W. Everglade Avenue, Clovis, CA 93619
559-905-7735
jaheisdorf@hotmail.com

Required findings necessary for the granting of a Variance application as specified in zoning ordinance Section 877:

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

Unlike other properties in the area, the subject parcel has 4 addresses assigned to one parcel. In order to maintain this condition post-project, a reduction in mapped lot size is necessary. The parcel has a configuration that is long and narrow, giving it limited frontage along the public roadway. A private access easement and roadway will be placed along the eastern edge of the parcels in a new private road easement. The topography of this area is rolling terrain, which causes some difficulty to provide a safe, accessible road for its users. As the northern portion of the property increases in elevation, it becomes more difficult to construct a suitable roadway and access continues to be farther from emergency services and public road access. For this reason, this variance is requested in order to minimize the distance of all parcels from public road access and emergency services.

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

The granting of this variance would ensure that the property enjoys the same benefit that other properties in the area enjoy, namely:

- 2.1. That the otherwise landlocked newly created parcels can establish safe access to the public roadway, for their own use, as well as for emergency services.
- 2.2. That said access is provided by means of a roadway that provides adequate sight distances and safe vertical curvatures, in a location where the topography would otherwise restrict this from being economically possible.
- 2.3. That the location of the access road is in proximity to a property edge, and does not adversely affect the properties it is located on by bisecting them.
- 2.4. That each new parcel contains a suitable building pad, as other properties in this area include.
- 2.5. That all of the above is made possible without the need to create unusually shaped parcels, that would hinder the generally expected use of the property, and add additional difficulties in maintaining fencing, fire breaks, and emergency access roads along each parcel's perimeter.

The property is currently assigned 4 addresses and previously contained 4 residences. To preserve these 4 addresses post-project, a reduction in the size of mapped lots is needed.

3. The granting of a variance will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located.

There will be no dangerous or detrimental conditions caused to the surrounding properties as a result of the granting of this variance. The proposed use does not significantly differ from the existing use, and is consistent with the use of a large majority of the other parcels in the vicinity.

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

The granting of this variance will not be contrary to the objectives of the General Plan, for the reasons stated below:

- 4.1. The number of parcels created will be equivalent to the number of residences that previously existed on the singular parcel.
- 4.2. The proposed minimum parcel size will be generally equivalent in magnitude to the parcel size allowed under the zoning ordinance, and will still be far greater than the minimum size of many adjacent parcels, some of which are as small as five acres.
- 4.3. The overall density will not change. It will remain 4 residences over 123 acres, as existed previously.
- 4.4. Granting of this variance will not modify, hinder, or restrict the use of any parcel created on, or adjacent to, the existing parcel.
- 4.5. Minimum dimensions and setbacks for this zoning designation will be adhered to.

Please feel free to call or text me at (559) 905-7735 or email me at jaheisdorf@hotmail.com with any questions or for additional clarification needed to support the approval of this variance.

Thank you,

James Heisdorf



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: James Heisdorf
- APPLICATION NOS.: Initial Study No. 8329 and Variance No. 4142
- DESCRIPTION: Allow the creation of three 20-acre parcels and a remaining 63-acre parcel from an existing 123-acre parcel within the AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District.
- LOCATION: The subject parcel is located on the north side of Millerton Rd. 1.21-miles east of Auberry Rd., approximately 6.8-miles east from the community of Friant (APN 138-061-16) (10836 Millerton Rd.) (Sup. Dist. 5).

I. AESTHETICS

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

- A. Have a substantial adverse effect on a scenic vista; or
- B. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway; or
- C. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

FINDING: NO IMPACT:

The subject parcel is located in a foothill area characterized by open space and low density single-family residential development. No scenic vistas, other scenic resources, or historic buildings were identified during analysis of this proposal, nor is the project site located near a scenic highway.

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

FINDING: NO IMPACT:

According to the applicant's submitted plans, no lighting has been proposed as this simply creates additional parcels.

II. AGRICULTURAL AND FORESTRY RESOURCES

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

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

FINDING: NO IMPACT:

The subject parcels are designated as Eastside Rangeland in the County Adopted Sierra North Regional Plan, which allows for grazing and other agricultural operations, and limited non-agricultural uses, and are also classified as Grazing land per the 2020 Fresno County Important Farmlands Map. The subject parcel contains approximately 123 acres combined, adjacent parcels to the northeast range in size from approximately 10 to 40 acres and contain some sparse residential development. There are larger parcels located to the west, southwest, south and southeast which range in size from 160 to 640 acres.

There is no forestland in the vicinity, that would be impacted by this proposal. The project was reviewed by the Fresno County Agricultural Commissioner's Office, which did not express any concerns related to the project resulting in the conversion of Farmland to non-agricultural uses. Because the subject parcel is designated as grazing land in the 2020 Fresno County Important Farmlands Map, the project would not convert any Prime, Unique or Farmland of Statewide Importance to non-agricultural uses, nor interfere with any existing agricultural operations in the vicinity.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The 123-acre parcel is enrolled in the Williamson Act Program under Contract No. 162. According to comments from the Fresno County Department of Public Works and Planning, Policy Planning Unit, the three 20-acre proposed parcels will be removed from agricultural use because of the parcellation. Accordingly, the submission of a Statement of Intended Use was required for this proposal, to determine its consistency with the provisions of the Williamson Act. The applicant's submitted Statement of Intended Use

was evaluated by the Policy Planning Unit, which made the determination that the proposed use would not conflict with the provisions of the Williamson Act.

- 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; or
- 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 subject parcels are not zoned for forest land or timberland, and therefore will not result in the loss of forest land or the conversion of forest land or farmland to incompatible 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?
- 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 parcels created will only be reflected on a map; no construction has been proposed. This proposed project is not expected to conflict with or obstruct implementation of the applicable Air Quality Plan or violate any air quality standard or result in a cumulatively considerable net increase in any criteria pollutant for which the project region is designated a non-attainment area, under any ambient air-quality standard.

No construction has been proposed at this time. As the area has sparse residential development, and with no current construction proposed, as indicated by the applicant, the project is therefore unlikely to either generate substantial pollutant concentrations, other emissions or odors, that would adversely affect a substantial number of people, and would be a less than significant impact.

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:

This project proposal was reviewed by the United States Fish and Wildlife Service (FWS). Comments from FWS indicate that based on information obtained from the California Natural Diversity Database (CNDDDB), the project is within 4.5 miles of a recorded occurrence of the federally threatened California Tiger Salamander (CTS), and that wetlands and ponds in the vicinity may provide suitable breeding habitat for the CTS.

A search of the Information Planning and Consultation system (IPaC) resource list by County staff produced a list of threatened or endangered species that may be affected by development activities in the area. Of those species listed, none were associated with critical habitat located on or near the project site, however, the list indicated the project site is within the range of the endangered Blunt Nosed Leopard Lizard and endangered Vernal Pool Tadpole Shrimp, however no occurrences have been recorded in proximity to the project site. With regard to migratory birds, the IPaC list indicated no particular species in the area that may be affected by the project but indicated that several breeds of migratory birds have a probability of being present during certain times of the year.

No construction has been proposed at this time. As the project entails the creation of parcels that will be reflected only on a map there will be no substantial effect on any species identified in the IPaC list.

- 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:

No riparian habitat or state or federally-protected wetlands were identified in the analysis. The habitat assessment did note that one linear water feature was identified off site. However the project does not propose any construction that would have a negative impact on the identified water feature.

- 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:

See discussion under Section IV.A above.

- E. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
- 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:

No conflicts with any existing local policies or ordinances protecting biological resources were identified, nor were any conflicts with any adopted Habitat Conservation, Natural Community Conservation, or other approved plans identified, in the analysis of this 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:

The parcels created will only be reflected on a map; no construction has been proposed. As such there will be no substantial impact to any historical or archaeological 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: LESS THAN SIGNIFICANT IMPACT:

The project is not anticipated to have a significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during construction or operation as according to the applicant's submitted plans, no construction has been proposed as this simply creates additional parcels.

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?

FINDING: NO IMPACT:

The project scope is to allow for the creation of four parcels from an existing 123-acre parcel within the AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District. No adverse effects nor foreseeable conditions would be created by division of the parcel into four separate lots.

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

FINDING: NO IMPACT:

The project parcel is in the foothills of the Sierra Nevada, and in an area of relatively steep slopes as identified in Figure 7-2 of the Fresno County General Plan Background Report (FCGPBR) and in an area of Generalized Erosion Hazard, per Figure 7-3 of the (FCGPBR). Policy OS-F.6 states that, the County shall require that development on hillsides be limited to maintain valuable natural vegetation, especially forests and open grassland, and to control erosion. Policy OS-F.7 states that, the County shall require developers to consider a site's natural topography with respect to the design and siting of all physical improvements to minimize grading.

None of the reviewing agencies or departments expressed concerns related to the potential for erosion or landslide because of the proposed project.

- 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 site is not located in an area of lateral spreading, subsidence, liquefaction or collapse as identified in the Fresno County General Plan Background Report (FCGPBR).

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

FINDING: NO IMPACT:

The subject property is not located in an area of expansive soils, as identified by Figure 7-1 of the Fresno County General Plan Background Report.

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

FINDING: NO IMPACT:

There are no septic systems proposed with this application.

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

FINDING: NO IMPACT:

No paleontological resources were identified by any reviewing agencies. Nor would the division of the land cause any impact.

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: LESS THAN SIGNIFICANT IMPACT:

No construction has been proposed at this time. However, any future potential greenhouse gas emissions generated from the operation of construction equipment and vehicles would be temporary and not anticipated to result in significant impacts on the

environment. Additionally, the project would not conflict with any plans, policies or regulations adopted for the reduction of greenhouse gas emissions.

IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- A. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or
- B. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

FINDING: NO IMPACT:

The project scope is to allow for the creation of four parcels from an existing 123-acre parcel within the AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District. No hazards nor foreseeable conditions are readily present currently.

- 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:

There are no schools located within one-quarter mile of the subject property. For reference, the closest school, Solid Truth Academy is located 0.79-miles north of the project site.

- 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, result in a safety hazard or excessive noise for people residing or working in the project area?

FINDING: NO IMPACT:

Per review of the project area using the United States Environmental Protection Agency's NEPAssist, no hazardous materials sites are located within the boundaries of the subject parcel. The project site is not located within an Airport Land Use Plan nor in the vicinity of a private airstrip.

- F. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

FINDING: NO IMPACT:

No adopted emergency response plans in the area of the project site, were identified in the analysis. The project would not impair implementation of or physically interfere with an adopted emergency response plan. No comment was received from either the Fresno County Fire Protection District or CALFIRE relating to conflict with any emergency response plans.

- 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 was reviewed by the Fresno County Fire Protection District/CALFIRE and will be required to comply with all applicable Fire Code and County Ordinance pertaining to State Responsibility Area Fire Safe Regulations. The project does not include the construction of an structures or any increase of people at the site.

X. HYDROLOGY AND WATER QUALITY

Would the project:

- A. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality; 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 proposed parcel creations currently proposed will not generate any waste discharge that would otherwise degrade surface water quality or violate water quality standards or waste discharge requirements. The project will not affect groundwater supplies or recharge as no use of groundwater is proposed. A hydrogeological survey was conducted in December of 2023, which determined there was sufficient water to support the creation of four parcels.

- C. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
 - 1. Result in substantial erosion or siltation on or off site?
 - 2. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site?

3. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or

4. Impede or redirect flood flows?

FINDING: NO IMPACT:

The project will not alter drainage patterns or alter any existing watercourse. No additional storm water runoff will be generated.

The proposed project will not increase the impervious surface area or result in erosion, on or off site, or increased rate of surface runoff, impede or redirect flood flows. The subject property is not located in an area subject to flooding from the 100-year (one percent chance) storm event per FEMA, FIRM Panel 1060H.

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

FINDING: NO IMPACT:

The project site is not located in an area subject to flood hazard, tsunami, or in seiche zone, and therefore there would not be a risk of release of pollutants due to inundation.

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

FINDING: NO IMPACT:

The project, once constructed, does not propose any water use. No conflicts with the implementation of a water quality control plan or sustainable groundwater management plan were identified in the analysis.

XI. LAND USE AND PLANNING

Would the project:

A. Physically divide an established community; or

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will not divide an established community however could potentially create higher levels of residential homes of which may conflict with the agricultural land use plan and policies to prevent agricultural and residential conflicts.

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 impacts to known mineral resources were identified in the analysis, the project does not propose to utilize or disturb any known mineral resources and will not result in the loss of availability of a locally-important mineral resource recovery site.

XIII. NOISE

Would the project result in:

- A. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project more than 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: LESS THAN SIGNIFICANT IMPACT:

Temporary ambient noise level increases may occur if by-right residential homes are to be constructed because of the parcel creation (up to eight homes permitted via by-right and via discretionary permits), however due to the rural area and lack of homes in the vicinity, no current concerns regarding excess noise or ground-borne vibration were identified by any reviewing agencies. Additionally, the project will be subject to the provisions of the Fresno County Ordinance Code, Title 8, Chapter 8.40 – Noise Control.

- 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 be residing or working in the project area to excessive noise levels; or

FINDING: NO IMPACT:

The project site is not located within the vicinity of a private air strip or within an airport land use plan, or within two miles of a public airport, and would not expose people living or working in the project area to excessive noise levels. The nearest airport is located approximately 8.5-miles north of the project site.

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:

No housing is proposed to be added or displaced with this application.

XV. PUBLIC SERVICES

Would the project:

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

FINDING: NO IMPACT:

No new or physically altered governmental facilities are proposed with this application.

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 increase the use of any existing parks or other recreational facilities or involve the construction or expansion of such facilities.

XVII. TRANSPORTATION

Would the project:

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

FINDING: NO IMPACT:

The project will not conflict with programs or plans addressing transit facilities.

- B. Be in conflict or be inconsistent with the California Environmental Quality Act (CEQA) Guidelines Section 15064.3, subdivision (b); or

FINDING: LESS THAN SIGNIFICANT IMPACT:

No significant impact to vehicle miles traveled can be seen.

- 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

FINDING: NO IMPACT:

The project will not change the existing road geometry.

- D. Result in inadequate emergency access?

FINDING: NO IMPACT:

Millerton Road is Classified as an Arterial Road in the Fresno County General Plan, requiring an ultimate right-of-way of 106 feet. The project will not conflict with any program, plan, ordinance or policy the pertains to the circulation system, or be inconsistent with provisions of CEQA regarding significance of transportation impacts. The project will not create any hazards to traffic due to design features.

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the

landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k); or
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? (In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.)

FINDING: NO IMPACT:

Under the provisions of Assembly Bill (AB) 52, the County was required to provide notice of preparation of this Initial Study to Native American tribes who had previously indicated interest in reviewing CEQA projects. Notices were sent in January of 2024 to the appropriate Tribal government representatives. No consultation was established, and Table Mountain Rancheria expressed no interest in 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: LESS THAN SIGNIFICANT IMPACT:

The project will not require wastewater treatment, utilize any local water source, generate any solid waste, except that which would be incidental to construction, and would be required to be removed and disposed of at an appropriate landfill, or other facility

authorized to handle such construction waste. Additionally, the project will be required to comply with all applicable regulations pertaining to the reduction of 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:

- 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:

The project site is in a State Responsibility Area (SRA), and given the topography and seasonally dry conditions, is also prone to wildfire risk. Accordingly, the applicant had preliminary discussions with the Fresno County Fire Protection District and the California Department of Forestry and Fire Protection (CALFIRE) prior to submitting this application.

The Fire District and Calfire did not express any concerns with the proposal. The project will be subject to the requirements of the current California Fire Code including all applicable State Responsibility Area - Fire Safe Regulations, per Fresno County Ordinance Code Title 15.

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 proposed parcel creations are not deemed to cause a significant impact towards the habitat of a fish or wildlife species.

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

FINDING: NO IMPACT:

No cumulatively considerable impacts were identified, which would result from the project.

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

FINDING: NO IMPACT:

No environmental effects resulting in any adverse effects on human beings were identified in the analysis.

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Variance No. 4142, 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, Agriculture, Air Quality, Energy, Hazards and Hazardous Materials, Geology and Soils, Hydrology and Water Quality, Noise, Greenhouse Gas Emissions, Transportation, and Wildfire, Mineral Resources, Population and Housing, Public Services, Recreation, Utilities and Service Systems.

Potential impacts related to Land Use and Planning have been determined to be less than significant.

Potential impacts relating to Biological Resources, Cultural Resources, and Tribal Cultural Resources have 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.

AP

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EXHIBIT 9

File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721		Space Below For County Clerk Only. CLK-2046.00 E04-73 R00-00	
Agency File No:	LOCAL AGENCY NEGATIVE DECLARATION	County Clerk File No:	
IS 8329		E-	
Responsible Agency (Name):	Address (Street and P.O. Box):	City:	Zip Code:
Fresno County	2220 Tulare St. Sixth Floor	Fresno	93721
Agency Contact Person (Name and Title):	Area Code:	Telephone Number:	Extension:
Alexander Pretzer, Planner	559	600-4205	N/A
Project Applicant/Sponsor (Name):	Project Title:		
James Heisdorf	Variance No. 4142		
Project Description:			
Allow the creation of three 20-acre parcels and a remaining 63-acre parcel from an existing 123-acre parcel within the AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District. The subject parcel is located on the north side of Millerton Rd. 1.21-miles east of Auberry Rd., approximately 6.8-miles east from the community of Friant (APN 138-061-16) (10836 Millerton Rd.) (Sup. Dist. 5).			
Justification for Negative Declaration:			
Based upon the Initial Study prepared for Variance No. 4142, 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 Land Use and Planning, Mineral Resources, Population and Housing, Public Services, Recreation, Utilities and Service Systems.			
Potential impacts related to Agriculture, Air Quality, Energy, Hazards and Hazardous Materials, Geology and Soils, Hydrology and Water Quality, Noise, Greenhouse Gas Emissions, Transportation, and Wildfire, have been determined to be less than significant.			
Potential impacts relating to Aesthetics, Biological Resources, Cultural Resources, and Tribal Cultural Resources have determined to be less than significant.			
A Negative Declaration is recommended and is subject to approval by the decision-making body. The Initial Study is available for review at 2220 Tulare Street, Suite A, street level, located on the southwest corner of Tulare and "M" Street, Fresno, California.			
FINDING:			
The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication:		Review Date Deadline:	
Fresno Business Journal – October 4, 2024		Planning Commission – November 14, 2024	
Date:	Type or Print Signature:	Submitted by (Signature):	
	David Randall Senior Planner	Planner	

State 15083, 15085

County Clerk File No.: _____

**LOCAL AGENCY
NEGATIVE DECLARATION**