



# County of Fresno

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

## Planning Commission Staff Report Agenda Item No. 3 July 24, 2025

**SUBJECT:** Variance Application No. 4150 and Initial Study No. 8381

Allow the creation of two substandard size parcels, 2.08-acre and 14.93-acre (20-acres required) from an existing substandard 17.01-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

**LOCATION:** The subject parcel is located on the southwest corner of the intersection of E. American and Sunnyside Avenues approximately 2.65 miles west of the City of Fresno. (APN: 340-020-82S) (5447 E. American Ave.) (Sup. Dist. 5).

**OWNER:** Orlando Gonzales

**APPLICANT:** Orlando Ramirez

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

Tawanda Mtunga, Principal Planner  
(559) 600-4256

### RECOMMENDATION:

- Deny Variance No. 4150 based on the analysis of the required findings in the Staff Report; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**EXHIBITS:**

1. Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Site Plan
6. Applicant's Variance Findings
7. Summary of Initial Study No. 8381
8. Draft Negative Declaration

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
General Plan Designation	Agricultural	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.	No change
Parcel Size	17.01-acre parcel	2.08-acre parcel 14.93-acre parcel
Project Site	Single Family Residence, garage and vineyard	Split the parcel into two substandard parcels with a Single-Family Residence to be located on the proposed 2.08-acre parcel (see Site Plan for details).
Structural Improvements	Single Family Residence and garage	No change
Nearest Residence	38-feet west of the subject parcel	No change
Surrounding Development	Agricultural fields, & Single-Family Residences	No change

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

Initial Study No. 8381 was prepared for the project by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the Initial Study, staff has determined that a Negative Declaration would be appropriate, should the Planning Commission determine that the required Findings can be made. A summary of the Initial Study is included as Exhibit 7.

**PUBLIC NOTICE:**

Notices were sent to 33 property owners within 1320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

**PUBLIC COMMENT:**

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

**PROCEDURAL CONSIDERATIONS:**

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

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

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

**BACKGROUND INFORMATION:**

The property is designated as Agriculture within the General Plan and is surrounded by land designated for Agriculture.

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. 1053. RLCC No. 1053 will be brought before the Board of Supervisors for a decision after the Planning Commission decision on this Variance.

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

	<b>Current Standard:</b>	<b>Proposed Configuration:</b>	<b>Is Standard Met (y/n):</b>
Setbacks	<u>AE-20</u> Front: 35 feet Side: 20 feet Rear: 20 feet	No change	Yes
Parking	N/A	N/A	N/A

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

#### **ANALYSIS/DISCUSSION:**

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

#### **Reviewing Agency/Department Comments:**

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

#### **Finding 1 Analysis:**

In support of Finding 1, the applicant's findings state the family has been farming for many years at various locations. Due to the passing of a family member, they were left to maintain the family farming business while being a fulltime caretaker for another family member. As they were already retired, maintaining the business and being a caretaker has become too much. They want to fully devote their time to family and separate from the farming family business.

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

adjacent properties are subject to the same constraint and cannot be further divided into smaller parcels. The limited number of smaller parcels in the surrounding area, were established using an alternative mapping method mentioned, which include the homesite provision and other authorized provisions in place at the time of their establishment.

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

**Recommended Conditions of Approval:**

None

**Finding 1 Conclusion:**

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

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

**Reviewing Agency/Department Comments:**

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

**Finding 2 Analysis:**

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

Property owners in the vicinity of this Variance Application with identical Zoning classification, do not have the ability to divide their property to substandard parcels. The AE-20 (Exclusive Agriculture, 20-acre minimum parcel size) Zone District sets the minimum lot size for parcels at 20-acres and requires a variance or a rezone application to waive the lot size requirement. As the property is currently substandard in size, approval of the application would make the proposed parcels more substandard than what is existing and allowed.

The desire to sell the vineyard in order to stay in the residence due to personal circumstance is not preserving a substantial property right of the applicant. If the unique circumstance of the property precluded a property being able to be used for the uses allowed under the zoning ordinance, then a finding that a variance is necessary for the preservation and enjoyment of a substantial property right would be warranted.

In this instance the property has been able to be utilized for its allowed purposes including agriculture uses. Hence, their substantial property right to use the property for the uses listed in the Ordinance are not inhibited and a variance is not necessary to protect those rights.

**Recommended Conditions of Approval:**

None

### **Finding 2 Conclusion:**

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

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

### **Surrounding Parcels**

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

### **Reviewing Agency/Department Comments:**

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

### **Finding 3 Analysis:**

In support of Finding 3, the applicant's Findings states the granting of the Variance will not have a negative impact on the surrounding area of their property since adjoining parcels are already substandard in size. Additionally, the proposed 2.08-acre parcel is utilized for residential purposes as that is where the existing residence is at.

While the impact of this singular variance may not constitute a materially detrimental impact, staff notes that the creation of two legal non-conforming parcels has the potential to increase residential density in the area by allowing a primary residence on the proposed 14.93 and a 2<sup>nd</sup> residence through a Director Review and Approval on both the new parcels. Cumulatively, this and other such increases in residential density has the potential to conflict with adjacent agricultural operations. The substandard parcels mentioned in the Applicant's findings were established over thirty years ago by allowable mapping procedures at that time.

The minimum acreage requirement of the AE-20 Zone District is intended to arrest this parcellation pattern and limit the potential conflicts between residential and agricultural activities. However, the limited scale of this individual request by itself may not be a significant material detriment to properties in the vicinity. Staff also notes that surrounding parcels are restricted from dividing into more than one parcel unless the division is in accordance with the Fresno County Zoning Ordinance and the California Subdivision Map Act.

**Recommended Conditions of Approval:**

None

**Finding 3 Conclusion:**

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

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

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<b>General Plan Goal LU-A:</b> <i>To promote the long-term conservation of productive and potentially productive agricultural lands and to accommodate agricultural-support services and agriculturally related activities that support the viability of agriculture and further the County's economic development goals.</i>	<b>Inconsistent:</b> 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.
<b>General Plan Policy LU-A.6:</b> <i>The County shall maintain twenty (20) acres as the minimum permitted parcel size in areas designated Agriculture, except as provided in Policies LU-A.9 and LU-A.10. The County may require parcels sizes larger than twenty (20) acres based on zoning, local agricultural conditions, and to help ensure the viability of agricultural operations.</i>	<b>Inconsistent:</b> The proposed parcel creation is not consistent with this Policy. There are exceptions allowed subject to certain criteria. In this instance, the application either did not meet the criteria or elected not to choose one of the available options for creating a substandard parcel.
<b>General Plan Policy LU-A.7:</b> <i>The County shall generally deny requests to create parcels less than the minimum size specified in Policy LU-A.6 based on concerns that these parcels are less viable economic farming units, and that the resultant increase in residential density increases the potential for conflict with normal agricultural practices on adjacent parcels. Evidence that the affected parcel may be an uneconomic farming unit due to its current size, soil conditions, or other factors shall not alone be</i>	<b>Inconsistent:</b> The proposal is not consistent with Policy LU-A.7 as the parcel is currently already substandard and the proposed parcel division would create two even more substandard sized parcels.  The creation of parcels less than 20 acres in the AE-20 Zone District would be inconsistent with Policy LU-A.7 and set a precedent for parcellation of farmland into smaller parcels which are economically less viable farming units and could potentially

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<i>considered a sufficient basis to grant an exception. The decision-making body shall consider the negative incremental and cumulative effects such land divisions have on the agricultural community.</i>	allow additional single-family residences on the proposed parcels.
<b>General Plan Policy LU-A.14:</b> <i>The County shall ensure that the review of discretionary permits includes an assessment of the conversion of productive agricultural land and that mitigation be required where appropriate.</i>	<b>Consistent:</b> In this case, productive agricultural land would not necessarily be converted, rather it would be allocated to vineyard to be located on the remainder proposed 14.93-acre parcel.
<b>General Plan Policy PF-C.16:</b> <i>The County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation. The evaluation shall include the following:</i> <ol style="list-style-type: none"> <li><i>a. A determination that the water supply is adequate to meet the highest demand that could be permitted on the lands in question. If surface water is proposed, it must come from a reliable source and the supply must be made "firm" by water banking or other suitable arrangement. If groundwater is proposed, a hydrogeologic investigation may be required to confirm the availability of water in amounts necessary to meet project demand. If the lands in question lie in an area of limited groundwater, a hydrogeologic investigation shall be required.</i></li> <li><i>b. A determination of the impact that use of the proposed water supply will have on other water users in Fresno County. If use of surface water is proposed, its use must not have a significant negative impact on agriculture or other water users within Fresno County. If use of groundwater is proposed, a hydrogeologic investigation may be required. If the lands in question lie in an area of limited groundwater, a hydrogeologic investigation shall be required. Should the investigation determine that significant pumping-related physical impacts will extend beyond the boundary of the property in question,</i></li> </ol>	<b>Consistent:</b> The Water and Natural Resources Division reviewed the project proposal and determined that the project site is not located in a water short area, and has determined that there is adequate ground water in the area and that the project would not significantly impact the ground water levels in the area.



Relevant Policies:	Consistency/Considerations:
<p><i>those impacts shall be mitigated.</i></p> <p>c. <i>A determination of the impact that use of the proposed water supply is sustainable or that there is an acceptable plan to achieve sustainability. The plan must be structured such that it is economically, environmentally, and technically feasible. In addition, its implementation must occur prior to long-term and/or irreversible physical impacts, or significant economic hardship, to surrounding water users.</i></p>	

**Reviewing Agency/Department Comments:**

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

The subject parcel is enrolled in the Williamson Act Program under contract 6508. The Fresno County Williamson Act Program Guidelines require parcels to have at least 20 acres of Prime soil and an active agricultural operation, or at least 40 acres of non-Prime soil and an active agricultural operation to be eligible to remain enrolled in the Program.

The existing 17.01-acre parcel contains soil classified as Prime. The proposed VA application would result in creation a of a 2.08-acre residential parcel that cannot remain under Williamson Act contract. The applicant can submit a cancellation petition for removal of the 2.08-acre parcel from the Williamson Act contract for consideration by the Agricultural Land Conservation Committee and the Board of Supervisors. Additionally, the remaining 14.93 acres does not meet the minimum parcels size to remain under contract and must be removed from the Williamson Act Program via recording a Notice of contract Non-Renewal. Land for which a Notice of Nonrenewal is recorded will still be subject to all Williamson Act restrictions until the expiration date of the contract, which is typically nine years from the date the Notice of Nonrenewal is recorded.

**Finding 4 Analysis:**

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

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

Staff notes the Applicant has filed A Williamson Act Cancellation Petition with the Policy Planning Unit for processing RLCC No. 1053 and will be brought before the Board of Supervisors for a decision after the Planning Commission decision on this Variance.

**Recommended Conditions of Approval:**

If the Variance is approved, prior to recording of the final map, Revision to Land Conservation Contract No. 1053 shall be completed subject to the Condition of Approval and the Certificate of Cancellation recorded with the Fresno County Recorder's Office, removing the proposed 2.08-acre and 14.93-acre parcels from Agricultural Land Conservation Contract No. 6508.

**Finding 4 Conclusion:**

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

**CONCLUSION:**

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

**PLANNING COMMISSION MOTIONS:**

**Recommended Motion** (Denial Action)

- Move to determine that required Findings No. 1, 2, & 4 cannot be made based on the analysis in the staff report and move to deny Variance No. 4150; 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. 4150, subject to the Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**Recommended Conditions of Approval and Project Notes:**

See attached Exhibit 1.

AA:

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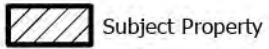
**Variance Application (VA) No. 4150 & Initial Study No.8381  
(Including Conditions of Approval and Project Notes)**

Conditions of Approval	
1.	Division of the subject parcels shall be in substantial accordance with the site plan (Exhibit 5) as approved by the Planning Commission
2.	Prior to recording of the final map, Revision to Land Conservation Contract No. 1053 shall be completed subject to the Condition of Approval and the Certificate of Cancellation recorded with the Fresno County Recorder's Office, removing the proposed 2.08-acre and 14.93-acre parcels from Agricultural Land Conservation Contract No. 6508.
Conditions of Approval reference recommended Conditions for the project.	
Notes	
<b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b>	
1.	Division of the subject property is subject to the provisions of the Fresno County Ordinance. A mapping procedure shall be filed to create the proposed parcels. The Map shall comply with the requirements of Title 17.72.
2.	The approval of this Variance will expire 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.
3.	A Grant Deed should be required for the tentative application. A Grant Deed shall be required for the final application.
4.	According to the Wetlands Mapper of U.S. Fish and Wildlife Service, a wetland may be present 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.
5.	The end of curbed/taper edge of any existing or future access driveway approach should be set back a minimum of 5' from the property line.
6.	Any existing or future entrance gate should be set back a minimum of 20' from the road right-of-way line or the length of the longest truck entering the site and shall not swing outward.
7.	10' x 10' corner cut-off should be improved for sight distance purposes at any existing or future driveway accessing American Avenue and Sunnyside Avenue if not already present.
8.	Any future work done within the County road right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division.

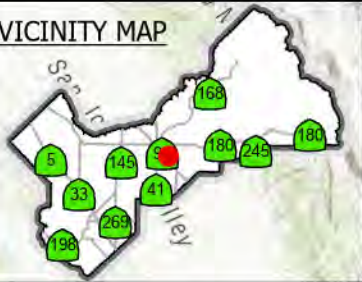
Notes	
9.	A grading permit/voucher may be required for any grading that has been done without a permit and any future grading with this application.
10.	If this application is approved, a parcel map application will have to be filed with Fresno County in order to effect the property division.

Aa:  
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**Legend**



**VICINITY MAP**



**LOCATION MAP**

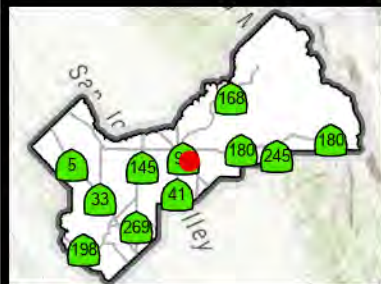
**VA4150**

**2023**

Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division  
 Person Prepared by : chuvar  
 On Date : 5/12/2023





**Legend****Existing Zoning Map**

VA4150

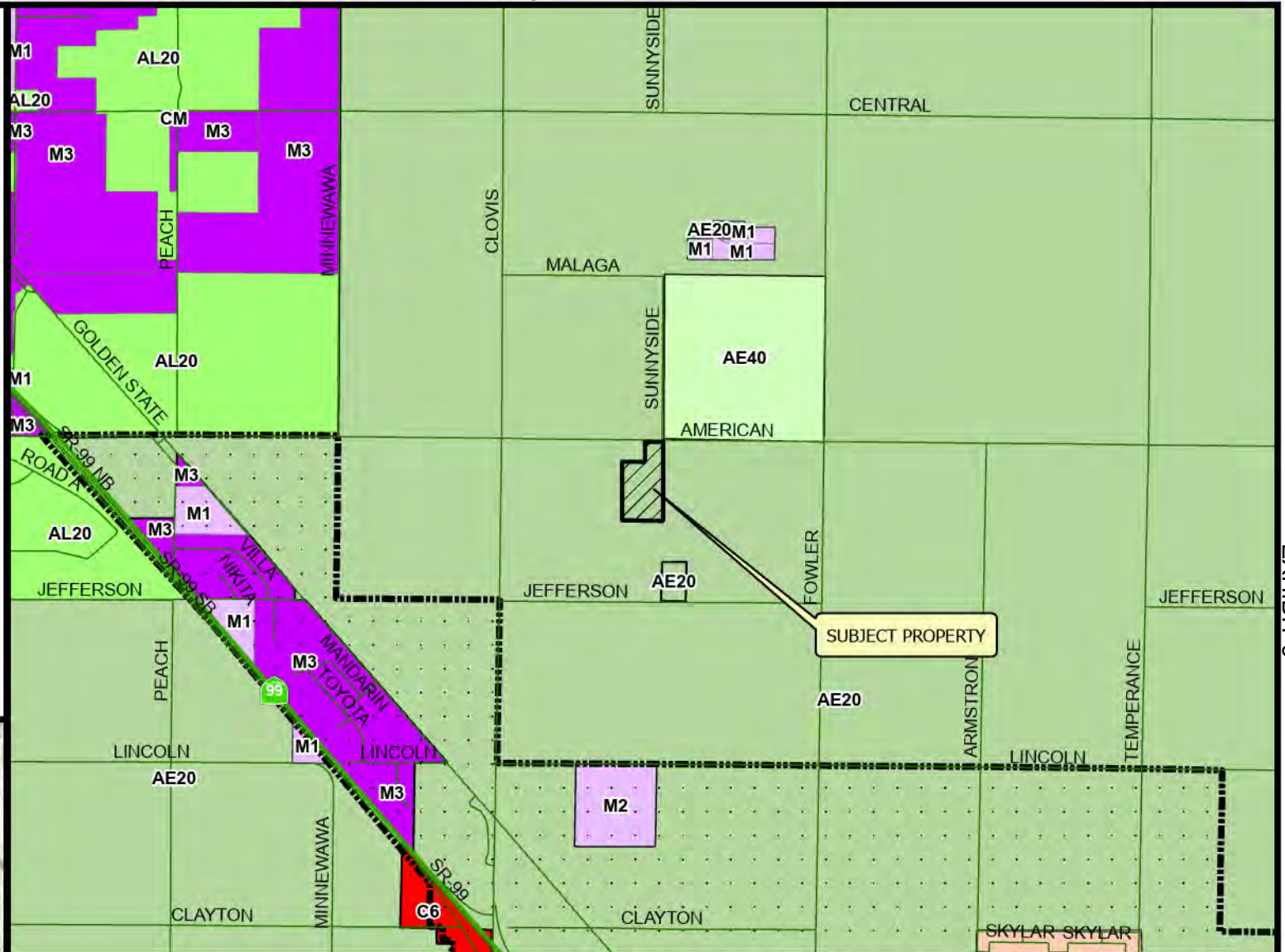
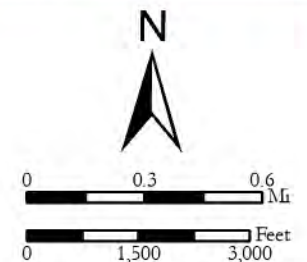
STR 4 - 15/21

2023

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



Person Prepared by : chuang

On Date : 5/12/2023



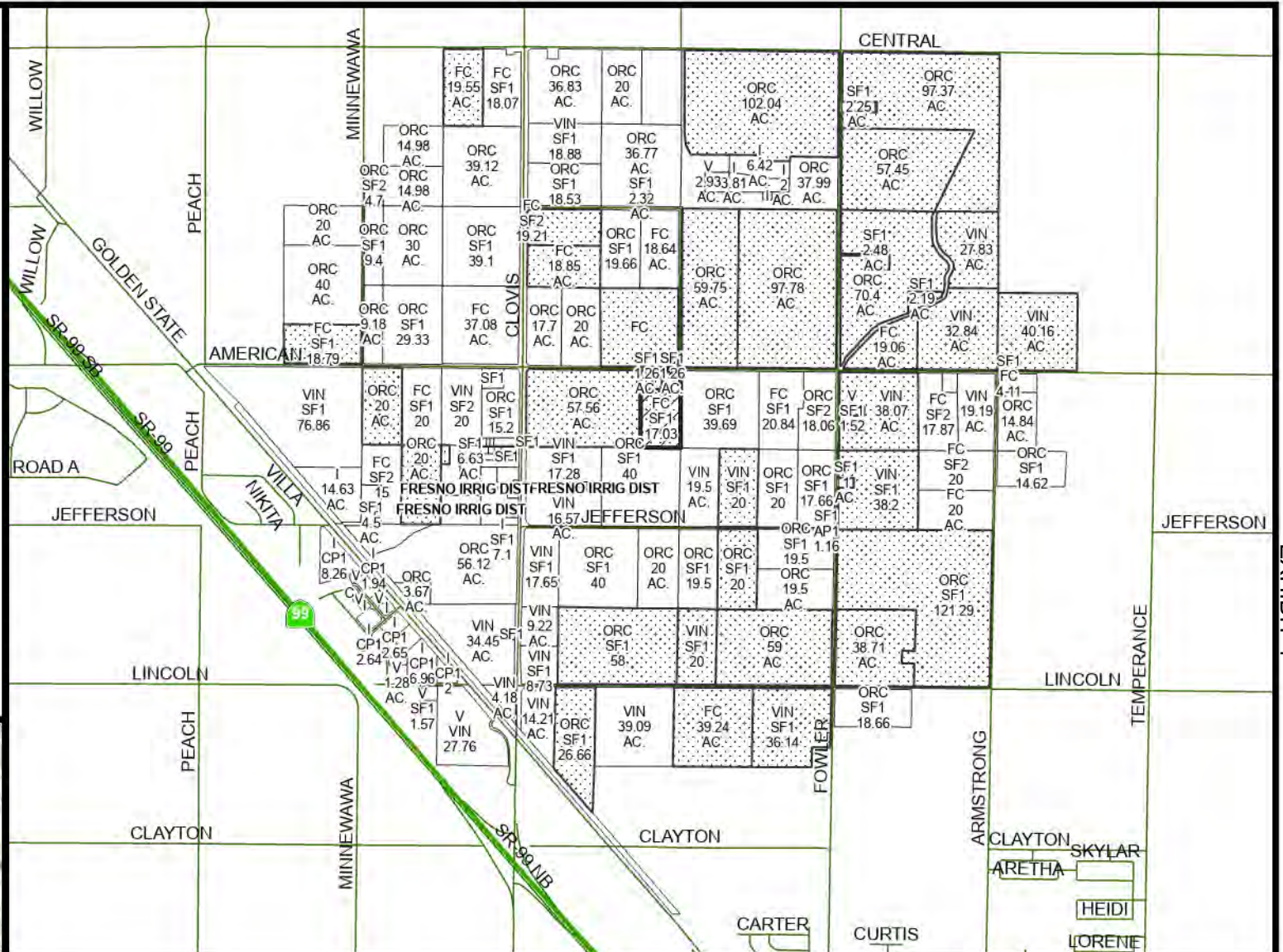
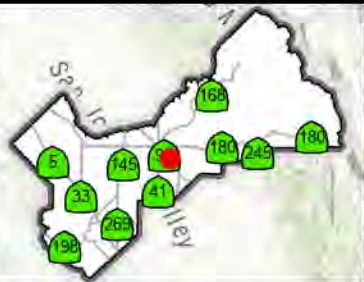


**LEGEND:**

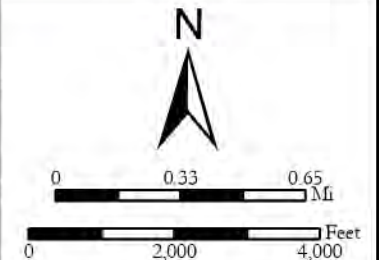
-  Subject Property
-  Ag Contract Land

**LEGEND**

- AP1 - APARTMENT
- C - COMMERCIAL
- CP# - OFFICE COMM./PROF
- FC - FIELD CROP
- I - INDUSTRIAL
- ORC - ORCHARD
- PONDING BASIN
- SF#- SINGLE FAMILY RESIDENCE
- V - VACANT
- VIN - VINEYARD

**Existing Land Use Map****VA4150****2023**

Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division  
 Person Prepared by : chuang  
 On Date : 5/12/2023



# COUNTY OF FRESNO

## STATE OF CALIFORNIA

### LEGAL DESCRIPTION

PROPOSED PARCEL 1  
THE NORTH 334 FEET AND EAST 298.15 FEET OF THE EAST HALF OF THE  
NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 4,  
TOWNSHIP 15 SOUTH, RANGE 21 EAST, M.D.B. & M., ACCORDING TO THE  
OFFICIAL PLAT THEREOF;

EXCEPTING THEREFROM AN UNDIVIDED ONE-HALF INTEREST IN ALL  
MINERALS, MINERAL DEPOSITS, OIL, GAS AND OTHER HYDROCARBON  
SUBSTANCES AS PREVIOUSLY RESERVED OF RECORD.

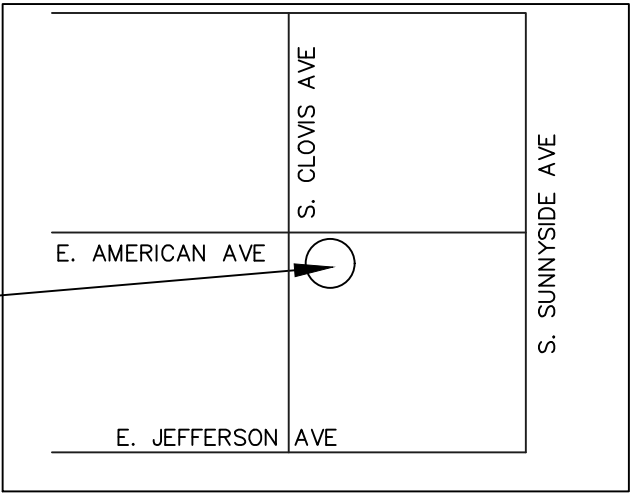
KNOWN AS A PORTION OF 5447 EAST AMERICAN AVENUE, FRESNO, CA  
93725-9377

PROPOSED PARCEL 2  
THE EAST HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST  
QUARTER OF SECTION 4, TOWNSHIP 15 SOUTH, RANGE 21 EAST, M.D.B. &  
M., ACCORDING TO THE OFFICIAL PLAT THEREOF;

EXCEPTING THEREFROM THE NORTH 334 FEET:

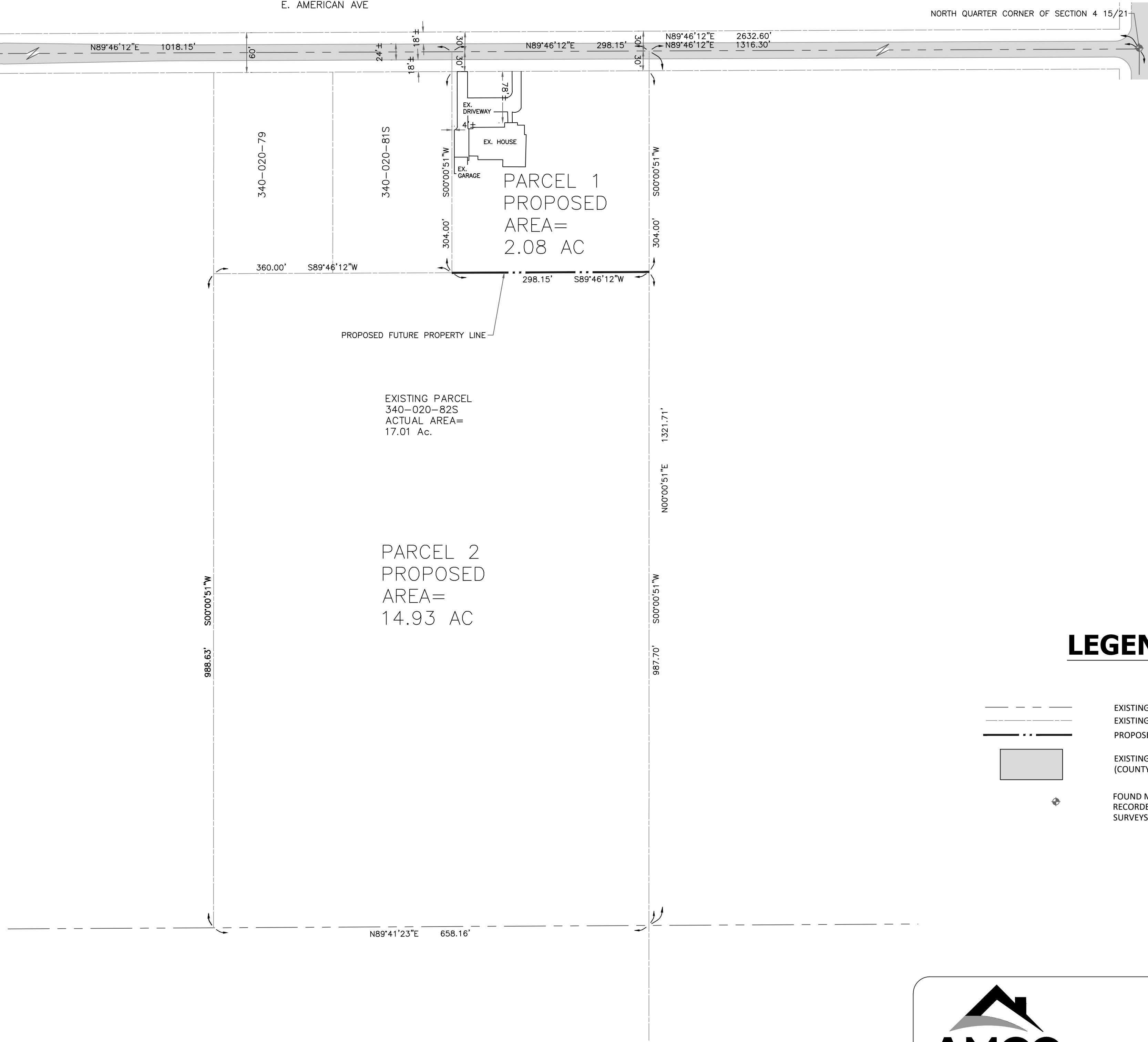
EXCEPTING THEREFROM AN UNDIVIDED ONE-HALF INTEREST IN ALL  
MINERALS, MINERAL DEPOSITS, OIL, GAS AND OTHER HYDROCARBON  
SUBSTANCES AS PREVIOUSLY RESERVED OF RECORD.

KNOWN AS A PORTION OF 5447 EAST AMERICAN AVENUE, FRESNO, CA  
93725-9377



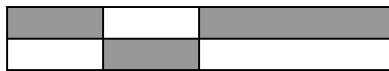
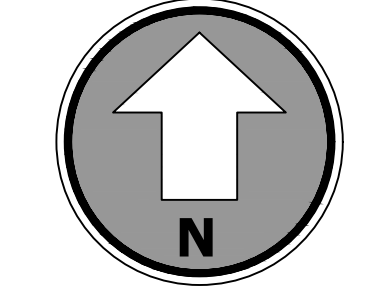
VICINITY MAP

NTS



### LEGEND

- EXISTING SECTION LINE
- EXISTING PROPERTY LINE
- PROPOSED PROPERTY LINE
- EXISTING ASPHALT PAVEMENT (COUNTY ROAD)
- FOUND MONUMENT PER DOC. 2000-0062779 RECORDED IN BK 44 PG 56 OF RECORD OF SURVEYS F.C.R

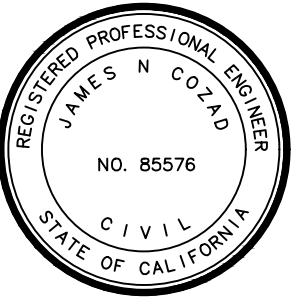


SCALE: 1"=100'

PROJECT SITE



TEL: (559)289-0746



PROJECT ENGINEER:

DATE JAMES N. COZAD RCE 85576

REVISIONS		
#	DATE	DESCRIPTION

PREPARED FOR:  
**ORLANDO ROBERT GONZALEZ**  
ADDRESS: 5447 EAST AMERICAN AVE., FRESNO, CALIFORNIA 93725  
TEL: (559)XXX-XXXX

**TENTATIVE MAP**  
**APN: 340-020-82s**

5447 E. AMERICAN AVE., FRESNO COUNTY, CA 93725

DATE CREATED: 2/03/2023  
AMCO PROJECT #: 22-0XX  
SHEET #: 1 OF 1



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

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

Robert and Rosie Gonzales established Gonzales Farms around 1973. The farming operation which included locations in Fowler, Easton, and Caruthers, experiencing great success in table grapes and tree fruit. Upon Robert's passing in 2002, Rosie, the matriarch of the family, assumed the farming operation with the assistance of their son Orlando. During this difficult time Orlando, who grew up in the farming operation with his father, was already overwhelmed with his loving wife having a debilitating illness which led to permanent blindness. Although it was a challenge balancing work life with the full-time care of his loving wife, Orlando assisted his mother with the ongoing responsibility of the farming operation.

Unfortunately, in December of 2020, the matriarch of the family Rosie passed away. It was just prior to this that Orlando had already retired from farming to care daily for his wife, Jovita. This unfortunate loss forced Orlando to take on the full-time responsibility of both farmer and caregiver. Orlando, who is fully retired, is feeling the pressure of having to make decisions that have an effect on his ability to care for his wife and maintain the farm at the same time. Orlando must now focus his full attention on his wife and grandchildren, so it is now time to completely separate from the former family business.

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

Granting of the variance will maintain and preserve the current vineyard operation. Mr. Gonzales in in conversation with the adjacent property owner and fellow farmer, whom has interest in purchasing the proposed 15-acre vineyard for addition to his farming operation which will continue the intent and purpose of the agriculturally zoned district. The division of the property will permit Orlando and Jovita to remain in the existing home without further duress and the vineyard will maintain its current land use. The division of the property will not change current conditions, nor will it affect current Ag preserve status of the vineyard land.

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

Subdivision of the property will not be materially detrimental to the existing home, agricultural environment, and/or surrounding areas. The immediate area is developed with two additional similar estate sized homes that were originally part of the greater

Gonzales Farming operation. All previously developed sites including the subject property have been and are, utilized for single-family rural residential uses that are compatible in nature, architectural elements and purpose. Each residence independently maintains its own well and septic system per County requirements and the proposed division will not impact area properties and their existing improvements in any way.

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

The request to divide the property is unique and that the owner is seeking to simply divide and sell the vineyard property to the adjacent property owner and/or actively sell to a local area farmer. The farming of the vineyard will not change, but rather provides Mr. Gonzales the opportunity to keep the family farming legacy alive going forward, but also provides Orlando the ability to focus on caring for his disabled wife and lifelong partner. The General Plan permits the establishment of rural residential properties long with the primary agricultural uses. The proposed division of the property does not create a detriment to the General Plan objectives, nor does it jeopardize current farming practices of the site.



# County of Fresno

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

## EVALUATION OF ENVIRONMENTAL IMPACTS

APPLICANT: Orlando Ramirez (Ramirez Land Planning)

APPLICATION NOS.: Initial Study No. 8381 and Variance Application No. 4150

DESCRIPTION: Allow the creation of two substandard size parcels (2.08-acre and 14.93-acre) from an existing 17.01-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located on the south side of E. American Ave., directly abutting S. Sunnyside Ave. Approximately 2.65 miles west of the City of Fresno. (APN: 340-020-82S) (5447 E. American Ave.) (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; or
- D. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

FINDING: NO IMPACT

This application proposes to allow the creation of a 2.08-acre parcel encompassing an existing single-family dwelling. As no development or additional outdoor lighting is proposed with this application, there will be no impacts to the existing visual character or quality of public views of the site and its surroundings. The remainder of the 14.93-

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

## II. AGRICULTURAL AND FORESTRY RESOURCES

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

- A. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use; or
- 8. Conflict with existing zoning for agricultural use, or a Williamson Act Contract?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is currently restricted under Williamson Act contract No. 6509. According to the 2016 Fresno County Important Farmland Map, Rural Land Mapping Edition, the subject property is classified as Prime Farmland. The Policy Planning Unit of the Fresno County Department of Public Works and Planning determined that the proposed parcel creation is inconsistent with the provisions of the Williamson Act Contract, and the proposed 2.08-acre parcel does not meet the qualifications to remain in the Williamson Act Program and must be removed from the Contract through a partial cancellation of the contract. The Applicant will be required to file a petition for Partial Cancellation of Williamson Act Contract No. 6509. Additionally, as the remaining 14.93 acres does not meet the minimum parcels size to remain under contract, the Applicant must record a Notice of contract Non-Renewal. The land for which a Notice of Nonrenewal is recorded on will still be subject to all Williamson Act restrictions until the expiration date of the contract.

To meet compliance with requirement, the Applicant has filed an Irrevocable Notice of Nonrenewal for the entire 17.01-acre parcel with the Fresno County Records Office in April 2024, document No. 2024-0039033. Additionally, the applicant has complied with the Fresno County Policy Planning Unit for processing of the contract cancellation.

- C. Conflict with existing zoning for forest land, timberland or timberland zoned Timberland

Production; or

- D. Result in the loss of forest land or conversion of forest land to non-forest use?

FINDING: NO IMPACT:

The subject parcel is not located in an area zoned for forest land or timberland zoned for Timberland Production, thus will not result in the loss of timberland or forest land.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project, if approved, will result in the conversion of 2.08 acres of land that is currently devoted to residential uses, unconnected to the existing agricultural operation. No additional residential development is proposed., and the separation of 2.08-acres from the existing 17.01-net acre parcel would be a less than significant impact to Farmland due to the fact that about 14.93-acres, a substantial portion (approximately 88 percent) of the existing parcel's land area, will remain in agricultural production.

### III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

- A. Conflict with or obstruct implementation of the applicable Air Quality Plan; or
- B. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard; or
- C. Expose sensitive receptors to substantial pollutant concentrations; or
- D. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

FINDING: NO IMPACT:

No development is proposed, and no development will be authorized with this application. If the Variance application is approved, a mapping application will be required. Therefore, the approval of this application will not result in any conflict with, obstruction of, or implementation of an applicable air quality plan; nor result in the generation of any additional criteria! pollutants or emissions which may be associated with the existing farming operation.

### IV. BIOLOGICAL RESOURCES

Would the project:

- A. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; or
- B. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; or
- C. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means; or
- D. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; or
- E. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- F. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan?

FINDING: NO IMPACT:

As the project entails the creation of parcels that will be reflected only on a map there will be no substantial effect on any species identified in the IPaC list and will not conflict with any adopted Habitat Conservation Plan, Natural Community Conservation or other approved local, regional or state Habitat Conservation Plan.

## V. CULTURAL RESOURCES

Would the project:

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

FINDING: NO IMPACT:

Aside from the ongoing agricultural operations on the subject parcel, no development or ground disturbance is proposed with this application. If approved, a subsequent

mapping procedure will be required to create the proposed 2.08-acre residential parcel. No historical or archaeological resources were identified, and because no ground disturbance will occur, no previously unknown subsurface archaeological, historical or cultural resources will be impacted as a result of the approval of this application or subsequent mapping procedure. Under the provisions of AB52, the Tribes who had previously requested notification were notified of this application. None of the Tribes responded to the notification or requested consultation on this project.

## VI. ENERGY

Would the project:

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

FINDING: NO IMPACT:

The approval of this application will authorize a mapping procedure to create a 2.08-acre parcel containing a single-family residence. The remaining acreage (approximately 14.93-acres) currently dedicated to grape vineyards will remain engaged in the agricultural operation. No increase in the baseline consumption of energy associated with the agricultural operation or residential use is anticipated to result from the proposed parcel creation.

## VII. GEOLOGY AND SOILS

Would the project:

- A. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
  - 1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; or
  - 2. Strong seismic ground shaking; or
  - 3. Seismic-related ground failure, including liquefaction; or
  - 4. Landslides; or
- B. Result in substantial soil erosion or loss of topsoil; or

- C. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse; or
- D. Be located on expansive soil as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

FINDING: NO IMPACT:

According the California Department of Conservation Earthquake Hazard Zone Application (EQ Zapp), the project is not located on a known earthquake fault zone. In considering the lower chance of reaching peak horizontal ground acceleration and no proposed development, there is minimal adverse risks associated with the project related to strong seismic ground shaking or seismic-related ground failure. Figure HS-8 of the Fresno County General Plan indicates that the project site is not located in a moderate or high landslide hazard area. The project would not result in a loss of topsoil or soil erosion where a significant risk of loss, injury, or death would occur as no development is purposed with this application. No geologic unit or unstable soil was identified on the project site. Per Figure 7-1 of the Fresno County General Plan Background Report (FCGPBR), the project site is not located on soils exhibiting moderately high to high expansion potential. The project will not result adverse impacts associated with the rupture of a known fault, strong seismic ground shaking, ground failure or liquefaction, as there is no construction or ground disturbance proposed with this application.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

If this application is approved, the resultant 2.08-acre parcel would contain one existing septic system which would be with the standards of the Fresno County Local Area Management Program (LAMP) which limits parcels to one septic system per two acres.

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

FINDING: NO IMPACT:

No ground disturbance or other physical changes to the land are proposed with this application, and no paleontological or unique geologic resources were identified.

## VIII. GREENHOUSE GAS EMISSIONS

Would the project:



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

FINDING: NO IMPACT:

No development is associated with this application that would generate greenhouse gases or conflict with an applicable greenhouse gas emissions reduction plan.

#### IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- A. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or
- B. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; or
- C. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; or
- E. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962 and, as a result, would it create a significant hazard to the public or the environment; or
- F. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area; or
- G. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or
- H. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

FINDING: NO IMPACT:

The subject parcel is currently used for residential purposes and agricultural production with the vineyard. No additional use of hazardous materials or generation of hazardous emissions is proposed with this application. The subject property is not located on a hazardous materials site, as identified by the US EPA NEPAAssist mapping tool, nor within the boundaries of an airport land use plan or in an area of increased risk to persons or structures due to wildland fires. The subject parcel is also not located within two miles of an airport, or within the boundaries of an airport land use plan, and the use

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

## X. HYDROLOGY AND WATER QUALITY

Would the project:

- A. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

FINDING: NO IMPACT:

The subject parcel is currently engaged in agricultural production and use, this proposal entails a request to allow a minor land division and subsequent mapping procedure to create a residential parcel, and will not involve a change in land use or and will not involve any waste discharge or any activity which may degrade surface or groundwater.

- B. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

FINDING: NO IMPACT:

The project does not entail any increase in the current level of water use. No concerns related to water supply were expressed by any reviewing agencies or County departments. The proposed 2.08-acre residential parcel contains a single-family dwelling which will be served by an existing domestic well. The remaining 14.93 acres contain vineyards which will be irrigated by an on-site agricultural well. The Water and Natural Resources Division of the Fresno County Department of Public Works and Planning determined in their review that there would not be a net increase in water use resulting from approval of this application, as the residential and agricultural infrastructure is existing.

- C. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

1. Result in substantial erosion or siltation on or off site; or
2. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site; or
3. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or
4. Impede or redirect flood flows?

FINDING: NO IMPACT:

The project site is not located within the erosion hazard area for western Fresno County identified by Figure 7-4 of the Fresno County General Plan Background Report (FCGPBR). Additionally, no grading or development is proposed with this project; therefore, it will not increase surface runoff or contribute polluted runoff.

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

FINDING: NO IMPACT:

The subject property is not located in an area at risk from the 100-year flood inundation as identified by Figure 9-7 or flood inundation from dam failure as identified by Figure 9-8 of the Fresno County General Plan Background Report (FCGPBR), or at risk from tsunami or seiche; according to FEMA, FIRM Panel 2145H the property is located in Zone X, which is an area of minimal flood hazard.

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

FINDING: NO IMPACT:

No additional water use is anticipated with this application. If approved, a mapping procedure will be required to create a 2.08-acre residential parcel which will be independent of the remaining 14.93-acre parcel's agricultural operation. No development or other ground disturbance is proposed which would result in erosion or siltation, or additional impervious surfaces that may increase surface runoff or alter the existing drainage plan.

## XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community?

FINDING: NO IMPACT:

No development is proposed with this application, and creation of the proposed 2.08-acre parcel will not physically divide an established community.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed creation of the 2.08-acre residential parcel is not consistent with General Plan Policies LU-A.6, LUA.7 LU-A. 12, and LU-A.13 nor the property development standards of the Exclusive Agricultural Zone District. This Variance request to allow the creation of two substandard sized parcels. The proposed 2.08-acre substandard parcel would be used for residential purposes in an area of the County designated and zoned for agricultural uses which are not compatible with residential uses. Substandard parcels created for residential purposes in areas of the County designated and zoned for agricultural uses creates conflict with agricultural uses in the surrounding area; however, no significant environmental impacts are anticipated to result from the creation of the residential parcel. Future division of the remaining portion of the subject property, or the addition of a second residence on the proposed residential parcel, or the addition of a primary and secondary residence on the remaining 14.93-acre parcel could result in an increase in the residential density of the area.

## XII. MINERAL RESOURCES

Would the project:

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

FINDING: NO IMPACT:

No development or ground disturbance is proposed with this application; therefore, no impacts to mineral resources will occur. The subject property is not located in an area of known mineral resources as identified in the Fresno County General Plan Background Report.

## XIII. NOISE

Would the project result in:

- A. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; or
- B. Generation of excessive ground-borne vibration or ground-borne noise levels; or
- C. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

FINDING: NO IMPACT:

No new noise impacts will occur as a result of this proposal, as no development is proposed. No increase in the baseline noise levels from the existing agricultural operation is anticipated.

#### XIV. POPULATION AND HOUSING

Would the project:

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

FINDING: NO IMPACT:

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

#### XV. PUBLIC SERVICES

Would the project:

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

FINDING: NO IMPACT:

The proposed parcel creation will not require the provision of any new or physically altered government facilities.

## XVI. RECREATION

Would the project:

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

FINDING: NO IMPACT:

The project will not result in an increase in use of existing neighborhood or regional parks or other recreational facilities.

## XVII. TRANSPORTATION

Would the project:

- A. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities; or
- B. Be in conflict or be inconsistent with the California Environmental Quality Act (CEQA) Guidelines Section 15064.3, subdivision (b); or
- C. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or
- D. Result in inadequate emergency access?

FINDING: NO IMPACT:

No development or improvements to any existing transportation infrastructure are proposed with this application; therefore, no impacts to the circulation system, no increased hazards resulting from development, or changes in the adequacy of existing emergency access will occur.

## XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

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

FINDING: NO IMPACT:

No development or any ground disturbance is proposed with this application; therefore, no impacts to tribal cultural resources as defined in PRC Section 21704 will occur.

#### XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

- A. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects; or
- B. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years; or
- C. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments; or
- D. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or
- E. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

FINDING: NO IMPACT:

No changes to the existing utilities and services are anticipated. The existing 17.01-acre parcel contains a domestic well and an agricultural well. If the application is approved, a subject mapping procedure to create the proposed 2.08-acre parcel will be required. As a result, the 2.08-acre parcel will retain the domestic well which serves the existing residence, and the agricultural well for irrigation of the vineyard. No increased wastewater capacity is proposed and no increased generation of solid waste or conflicts with solid waste reduction statutes is anticipated.

## XX. WILDFIRE

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

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

FINDING: NO IMPACT:

The subject property is not in an area prone to the occurrence of wildfire, or in an area of steep slopes.

## XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

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

FINDING: NO IMPACT:

The subject parcel is located in an area of agricultural production, sparse residential development, and is itself involved in ongoing agricultural operations. No development or physical changes to the environment are proposed with this application; therefore, no impacts to the quality of the environment or reduction in habitat for fish and wildlife species are anticipated.

- B. Have impacts that are individually limited, but cumulatively considerable ("cumulatively considerable" means that the incremental effects of a project are considerable when



viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

**FINDING: LESS THAN SIGNIFICANT IMPACT:**

As discussed under Section II and Section XI above, the proposed parcel creation will result in the conversion of a small portion of land to exclusively residential use, which residential use is currently appurtenant to the farming operation. If this Variance request is approved, a 2.08-acre portion of the land which contains the residence will become independent of the remaining portion of the land which is dedicated to vineyards. Additionally, the request to create a parcel containing less than the minimum acreage required by the underlying Zone District is inconsistent with both the Fresno County General Plan and Zoning Ordinance. However, due to the relatively small amount of acreage that will be converted and considering that the balance of the property, constituting approximately 14.93-acres, will remain in agricultural production, impacts to farmland resulting from this proposal would be less than significant.

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

**FINDING: NO IMPACT:**

The approval of this application will not result in an appreciable change in land use of the subject property, or the proposed residential parcel to be created. Both the residential use and the farming operation are existing and will continue. Therefore, the project will not result in environmental effects that would cause substantial adverse effects on human beings, directly or indirectly.

**CONCLUSION/SUMMARY**

Based upon the Initial Study prepared for Variance Application No. 4150, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Energy, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation, Tribal Cultural Resources Utilities and Service Systems, and Wildfire.

Potential impacts related to Agricultural and Forestry Resources, Geology and Soils, and Land Use and Planning have been determined to be less than significant.

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

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## EXHIBIT 8

File original and one copy with: <b>Fresno County Clerk 2221 Kern Street Fresno, California 93721</b>		Space Below For County Clerk Only.  CLK-2046.00 E04-73 R00-00	
Agency File No: <b>IS 8381</b>	<b>LOCAL AGENCY PROPOSED NEGATIVE DECLARATION</b>		County Clerk File No: <b>E- 202510000143</b>
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor		City: Fresno Zip Code: 93721
Agency Contact Person (Name and Title): Alyce Alvarez, Planner		Area Code: 559	Telephone Number: 600-9669 Extension: N/A
Project Applicant/Sponsor (Name): Orlando Ramirez, Ramirez Land Planning		Project Title: IS 8285 & VA 4150	
Project Description:  Allow the creation of two substandard size parcels (2.08- acre and 14.93-acre) from an existing 17.01-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The subject parcel is located on the south side of E. American Ave., directly abutting S. Sunnyside Ave. Approximately 2.65 miles west of the City of Fresno. (APN: 340-020-82S) (5447 E. American Ave.) (Sup. Dist. 5).			
Justification for Negative Declaration:  Based upon the Initial Study prepared for Variance No. 4150, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Mineral Resources, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation, Tribal Cultural Resources, Utilities and Service Systems, and Wildfire.  Potential impacts related to Agricultural and Forestry Resources, and Land Use and Planning have been determined to be less than significant.  A Negative Declaration is recommended and is subject to approval by the decision-making body. The Initial Study is available for review at 2220 Tulare Street, Suite A, street level, located on the southwest corner of Tulare and "M" Street, Fresno, California.			
FINDING:  The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – June 13, 2025		Review Date Deadline: Planning Commission – July 24, 2025	
Date:	Type or Print Signature: David Randall Senior Planner	Submitted by (Signature): Alyce Alvarez Planner	

State 15083, 15085

County Clerk File No.: E-202510000143

**LOCAL AGENCY  
MITIGATED NEGATIVE DECLARATION**