



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 4 June 22, 2023

SUBJECT: Variance Application No. 4121 and Environmental Review No. 8144

Allow for the creation of four parcels (approximately five-acres each) less than the minimum parcel size requirement from an existing 20.43-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project is located on the north side of Biglione Dr., 0.25-miles east of N. Friant Ave., approximately 1.28-miles north from the City of Fresno (APN: 300-320-15S) (12911 Auberry Rd.) (Sup. Dist. 5).

OWNER: Rose Haytashi

APPLICANT: Ben Ewell

STAFF CONTACT: Elliot Racusin, Planner
(559) 600-4245

David Randall, Senior Planner
(559) 600-4052

RECOMMENDATION:

- Deny Variance Application No. 4121 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. Variances within one-mile of subject parcel
6. Site Plans and Detail Drawings
7. Applicant's Variance Findings
8. Photos

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agricultural	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.	No change
Parcel Size	20.43-acre parcel	Parcel 1: 5.03-acres Parcel 2: 5.06-acres Parcel 3: 5.07-acres Parcel 4: 5.04- acres
Project Site	Single Family Residence on the northern section, unused area towards the southern section	Subdivide the parcel into four substandard parcels
Structural Improvements	Single Family Residence	No change
Nearest Residence	65 feet east 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:

It has been determined that the proposed project will not have a significant effect on the environment and is not subject to further analysis under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3): Common Sense Exemption (Ex: It can be seen with

certainty that there is no possibility that the activity in question may have a significant effect on the environment)

PUBLIC NOTICE:

Notices were sent to 41 property owners within half of a mile of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PUBLIC COMMENT:

No comments were received prior to the creation of this staff 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.

BACKGROUND INFORMATION:

County records indicate that the subject parcel was zoned A-1 (Agricultural District, 36,000 square-foot minimum parcel size required) prior to March 8th, 1977. The subject property and several other properties in the area were rezoned (Amendment Application No. 2989) from the A-1 Zone District to the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The current zoning on the property is AE-20.

In addition to the subject application, there are records of fifteen other variances related to parcel creation within one-mile of the subject property that have requested the waiver of parcel size, and/or lot depth. Thirteen of which were approved by the Planning Commission and/or Board of Supervisors on appeal and two of which were denied. The following table provides a brief summary of these Variance applications and final actions.

Application/Request:	Date of Action:	Staff Recommendation:	Final Action:
VA No. 3482: Allow for a division of existing 10-acre lot into two lots having a minimum of 5-acres	<i>March 16, 1995</i>	Denial	Approved by the Planning Commission
VA No. 3556: Allow the creation of two 5.00-acre parcels, a 5.1-acre parcel and a 5.2-acre parcel (20 acres required) from a 20.3-acre (gross) parcel of land in the AE-20 District.	January 23, 1997	Denial	Approved by the Planning Commission
VA No 2847: Allow the creation of one 5-acre parcel and one 10-acre parcel from existing 15 acres in the AE-20 Zone District	August 2, 1984	Denial	Approved by the Planning Commission
VA No. 4313: Allow reduction of an existing 5.19-acre parcel to four acres	May 20, 1993	Denial	Approved by the Planning Commission

VA No. 3483: Allow creation of a 3.11-acre parcel and a 1.74-acre parcel from a 20-acre parcel in the AE-20 (Exclusive Agriculture, 20-acre minimum parcel size) District and allow the 1.74-acre parcel without public road frontage (165 feet required).	April 18, 1995	Denial	Denied by the Planning Commission Approved by the Board of Supervisors
VA No. 3579: Allow the creation of a 2.74-acre parcel (20 acres required) from a 5.17-acre parcel and waive the 165-foot public road frontage requirement for each new parcel.	July 10, 1997	Denial	Approved by the Planning Commission
VA No. 3590: Allow creation of a 2.50-acre and a 5.10-acre parcel with the smaller parcel having no public road frontage (20 acres and 165 feet required) from an existing 7.60-acre parcel of land in the AE-20 (Exclusive Agriculture, 20-acre minimum parcel size) District.	November 6, 1997	Denial	Approved by the Planning Commission
VA No. 3596: Allow a 6.50-acre parcel (20 acres required) resulting from a property line adjustment between two ten-acre parcels of land in the AE-20 (Exclusive Agriculture, 20-acre minimum parcel size) District.	October 16, 1997	Denial	Approved by the Planning Commission
VA No. 3666: Allow creation of a 2.5-acre homesite parcel without public road frontage (165 feet minimum required) from an existing 10.45-acre parcel of land in the AE-20 (Exclusive Agriculture, 20-acre minimum parcel size) District.	April 6, 2000	Denial	Approved by the Planning Commission
VA No. 3771: Allow creation of a 3.11-acre parcel and a 1.74-acre parcel from a 20-acre parcel in the AE-20 (Exclusive Agriculture, 20-acre minimum parcel size) District and allow the 1.74-acre parcel without public road frontage (165 feet required).	April 22, 2004	Denial	Denied by the Planning Commission
VA No. 3815: Allow the creation of four parcels, 3.9, 4.5, 4.6, and 5 acres in size (minimum 20 acres required), allowing three parcels without public road frontage (minimum 165 feet required) from an existing 18.03-acre parcel in the	October 12, 2006	Denial	Approved by the Planning Commission

AE-20 (Exclusive Agriculture, 20-acre minimum parcel size) District.			
VA No. 3882: Allow creation of a 5.88-acre parcel and a 6.29-acre parcel (minimum 20 acres required) from a 12.17-acre parcel in the AE-20 (Exclusive Agriculture, 20-acre minimum required) District.	November 4, 2008	Denial	Denied by the Planning Commission and Board of Supervisors (Board Resolution No 12118)
VA No. 12162: Allow the creation of two parcels, approximately two acres in size (minimum 20-acres required) from an existing 4.00-acre parcel in the AE-20 (Exclusive Agriculture, 20-acre minimum parcel size) District.	July 16, 2009	Denial	Approved by the Planning Commission
VA No. 4039: Allow the creation of two five-acre parcels from an existing ten-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.	August 7, 2018	Denial	Approved by the Planning Commission and upheld by the Board of Supervisors (Board Resolution No 12664)
VA No. 4058: Allow the creation of a 3.1-acre parcel, a 3.0-acre parcel, and a 2.7-acre parcel from an existing 8.80-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.	March 28, 2019	Denial	Approved by the Planning Commission

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.**

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

	Current Standard:	Proposed Configuration:	Is Standard Met (y/n):
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

Reviewing Agency/Department Comments Regarding Site Adequacy:

No comments specific to the adequacy of the site were expressed by reviewing Agencies or Departments.

Finding 1 Analysis:

In support of Finding 1, the Applicant provides information about their proposed development and the adjacent land use patterns and designations but makes no distinction how the property is a unique circumstance.

The desire to subdivide a property does not constitute an extraordinary physical characteristic or circumstance which is unique to the property.

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 do not apply to other properties in 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 the preservation of a substantial property right were expressed by reviewing Agencies or Departments.

Finding 2 Analysis:

In support of Finding 2, the applicant asserts 19 variances within the vicinity were processed of which 14 variance requesting parcel creations were granted.

As stated previously in the Background Report and within Exhibit 5, there are records of fifteen other variances related to parcel creation within one-mile of the subject property that have requested the waiver of parcel size, and/or lot depth. Thirteen of which were approved by the Planning Commission and/or Board of Supervisors on appeal and two of which were denied.

Review of the land uses in the area (Exhibit 4) shows that the parcel is of typical size and shape for this area, with most parcels containing between 20 to 60 acres with some as large as 90 to 350 acres. Many of the parcels in the immediate vicinity, including some abutting the subject parcel are also 20-acres in size.

Variances can only be used to provide relief to preserve the “substantial property right” to be able to utilize a property for the intended use of the zoning. If regulations and unique physical attributes prohibit this property from realizing any reasonable use intended under the zoning, a Variance would be appropriate to preserve the “substantial property right” such as the ability to be able to build a home on the site; and staff and/or applicant was unable to identify any situation that would constrain the property and create a deficit of a property right enjoyed by other owners in the vicinity, under the same zoning.

There is no physical characteristic that prevents the property owners from utilizing the land for the allowed uses in the zoning, hence no substantial property right is in jeopardy and a variance is not warranted. The creation of smaller parcels and subsequent residential development have the potential to increase residential density beyond what is allowed in the AE-20 Zone District, especially considering the potential for adding second residences by discretionary approval.

Recommended Conditions of Approval:

None.

Finding 2 Conclusion:

Finding 2 cannot be made based on the above analysis as subdividing the parcel in this circumstance would not create a situation where it creates a loss of a substantial property right of the applicant, which right is possessed by other property owners under like conditions.

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 (acres):	Use:	Zoning:	Nearest Residence:
North:	20.45 23.81	Open land with a single-family residence	AE-20	N/A

	Size (acres):	Use:	Zoning:	Nearest Residence:
South:	20.79	Open land with a single-family residence	AE-20	N/A
East:	19.59	Open land with a single-family residence	AE-20	60-feet
West:	19.92	Open land with a single-family residence	AE-20	N/A

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 assert the proposed parcels will reflect the current land division and development trend occurring in the area.

It is the intention of the Applicant, if this Variance is approved, to divide the existing parcel into four smaller parcels, which could be developed separately with single-family dwellings; as such, there would be an increase in residential density beyond the one two dwellings per twenty acres intended for this zone district to allow the potential for ten residences to be developed on this same area. This increase of residential density could be material detrimental to agricultural use in the area.

The minimum acreage requirement of the AE-20 Zone district is intended to arrest this parcellation pattern and limit the potential conflicts between residential agricultural activities.

Recommended Conditions of Approval:

None.

Finding 3 Conclusion:

Finding 3 cannot be made as the increase from the impact of the one existing residence to the potential eight residences would be materially detrimental to the surrounding agricultural uses. the proposed development could have materially detrimental impacts upon surrounding properties.

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

Relevant Policies:	Consistency/Considerations:
<p>General Plan Goal LU-A: <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></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</p>

Relevant Policies:	Consistency/Considerations:
	<p>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>General Plan Policy LU-A.6: <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, LU-A.10, and LU-A.11. the County may require parcel sizes larger than twenty (20) acres based on zoning, local agricultural conditions, and to help ensure the viability of agricultural operations.</i></p>	<p>Inconsistent: 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 sized parcel.</p>
<p>General Plan Policy LU-A.7: <i>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 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></p>	<p>Inconsistent: The proposed parcel division is not consistent with Policy LU-A.7 as it would create one substandard sized parcel.</p> <p>The creation of a parcel 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 allow additional single-family homes on the proposed parcels. Such increase in the area, as noted by Fresno County Department of Agriculture, may conflict with normal agricultural practices on adjacent properties.</p>
<p>General Plan Policy LU-A.12: <i>In adopting land use policies, regulations and programs, the County shall seek to protect agricultural activities from encroachment of incompatible land uses.</i></p>	<p>Inconsistent: The creation of a parcel less than 20 acres in the AE-20 Zone District would be inconsistent with Policy LU-A. 12 as smaller parcels could potentially allow a higher density residential area which is inconsistent with the compatibility of the AE-20 zone district.</p>

Reviewing Agency Comments:

Policy Planning Section Department of Public Works and Planning: The Agriculture and Land Use Element of the General Plan maintains 20 acres as the minimum parcel size in areas designated for Agriculture. Policies LU-A.6 states that the County shall generally deny requests to create parcels less than the minimum size specified in areas designated Agriculture. The creation of additional parcels that will be used for residential purposes could create conflict with agricultural uses in the surrounding area designated and zoned to accommodate agricultural uses.

No other comments specific to General Plan Policy were expressed by reviewing Agencies or Departments.

Finding 4 Analysis:

The Applicant states the parcel and surrounding area needs to be more reflective of the current activity in the area.

The proposed project would be contrary to the Goals and policies of the General Plan as described more specifically in the table above.

Finding 4 Conclusion:

Finding 4 cannot be made as the project would be contrary to General Plan Goal LU-A, Policies LU-A.6, LU-A.7, LU-A.9, and LU-A.12 in the General Plan.

SUMMARY CONCLUSION:

The existence of personal desires and personal circumstance is not a basis for granting a variance. Granting of the variance could be construed as inconsistent with Government code section 65906 which prohibits granting of unqualified variances and states in part “...*shall constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.*”

Based on the factors cited in the analysis, the required Findings for granting the Variance Application cannot be made as there are no exceptional or extraordinary circumstances or conditions applicable to the property itself rather than a personal circumstance, 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, granting of a variance would be materially detrimental to the public welfare, and the application is contrary to the goals and policies of the General Plan.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Denial Action)

- Move to determine that required Findings 1, 2, 3, & 4 cannot be made as stated in the staff report and move to deny Variance Application No. 4121; 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 Application No. 4121, 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.

ER:jp

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EXHIBIT 1
Variance Application (VA) No. 4121 & Environmental Review No. 8144
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 6) as approved by the Planning Commission.

Conditions of Approval reference recommended Conditions for the project.

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 four 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.	It is recommended that the applicant consider having the existing septic tanks pumped and have the tanks and leach lines evaluated by an appropriately licensed contractor if it has not been serviced and/or maintained within the last five years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the system.
4.	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.
5.	As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.
6.	If approved, 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.
7.	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.




EXHIBIT 1

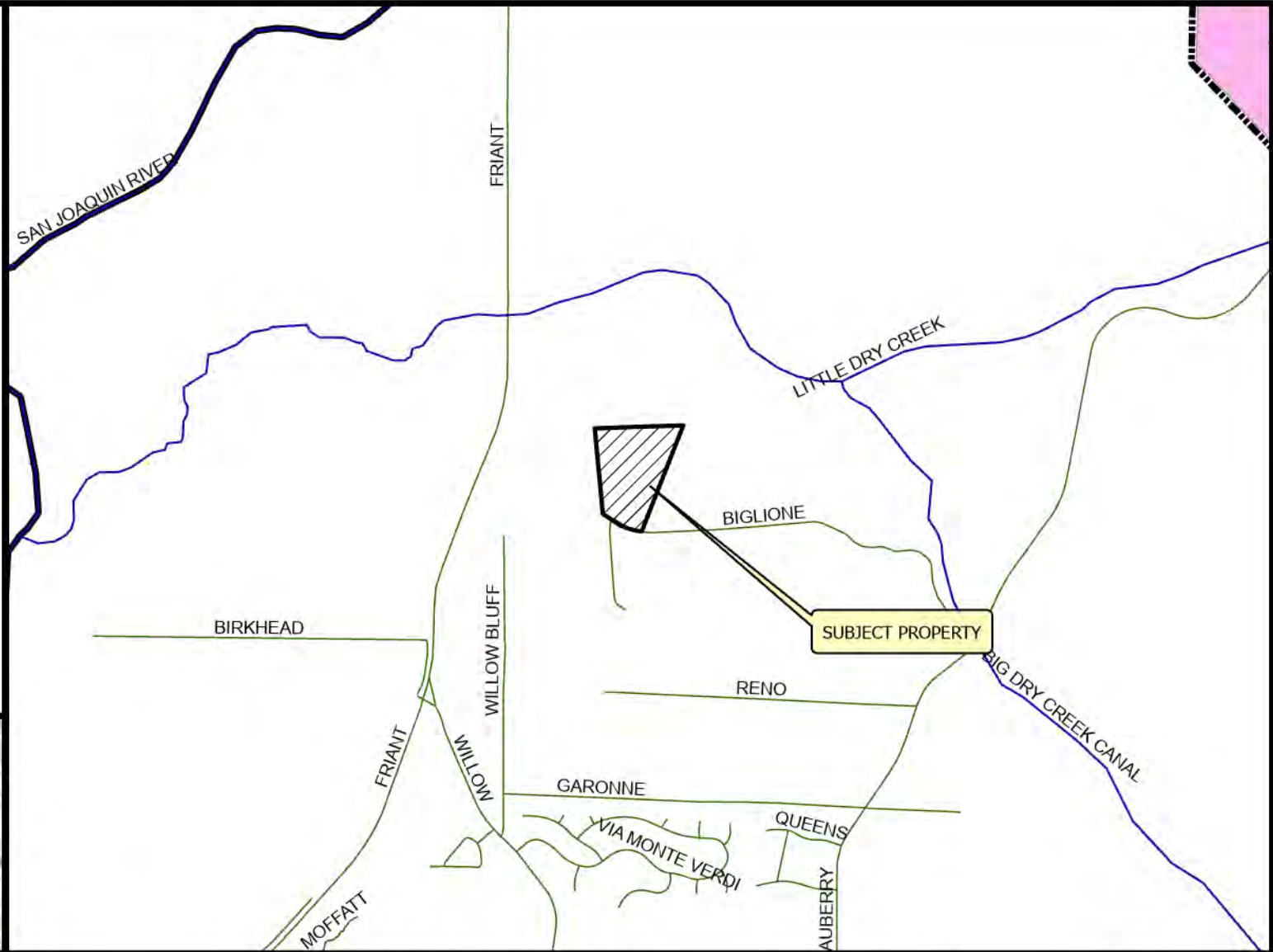
Notes

8.	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.
9.	Any existing or future access driveway should be set back a minimum of 10 feet from the property line.
10.	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.
11.	A grading permit/voucher is required for any future grading with this application.

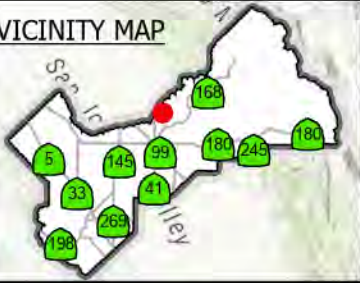
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Legend

-  Subject Property
-  Clovis
-  City Sphere of Influence



VICINITY MAP

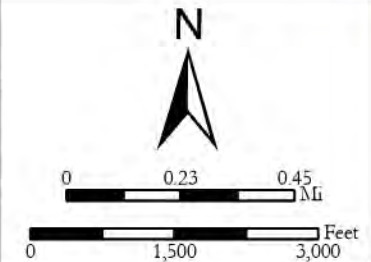


LOCATION MAP

VA4121

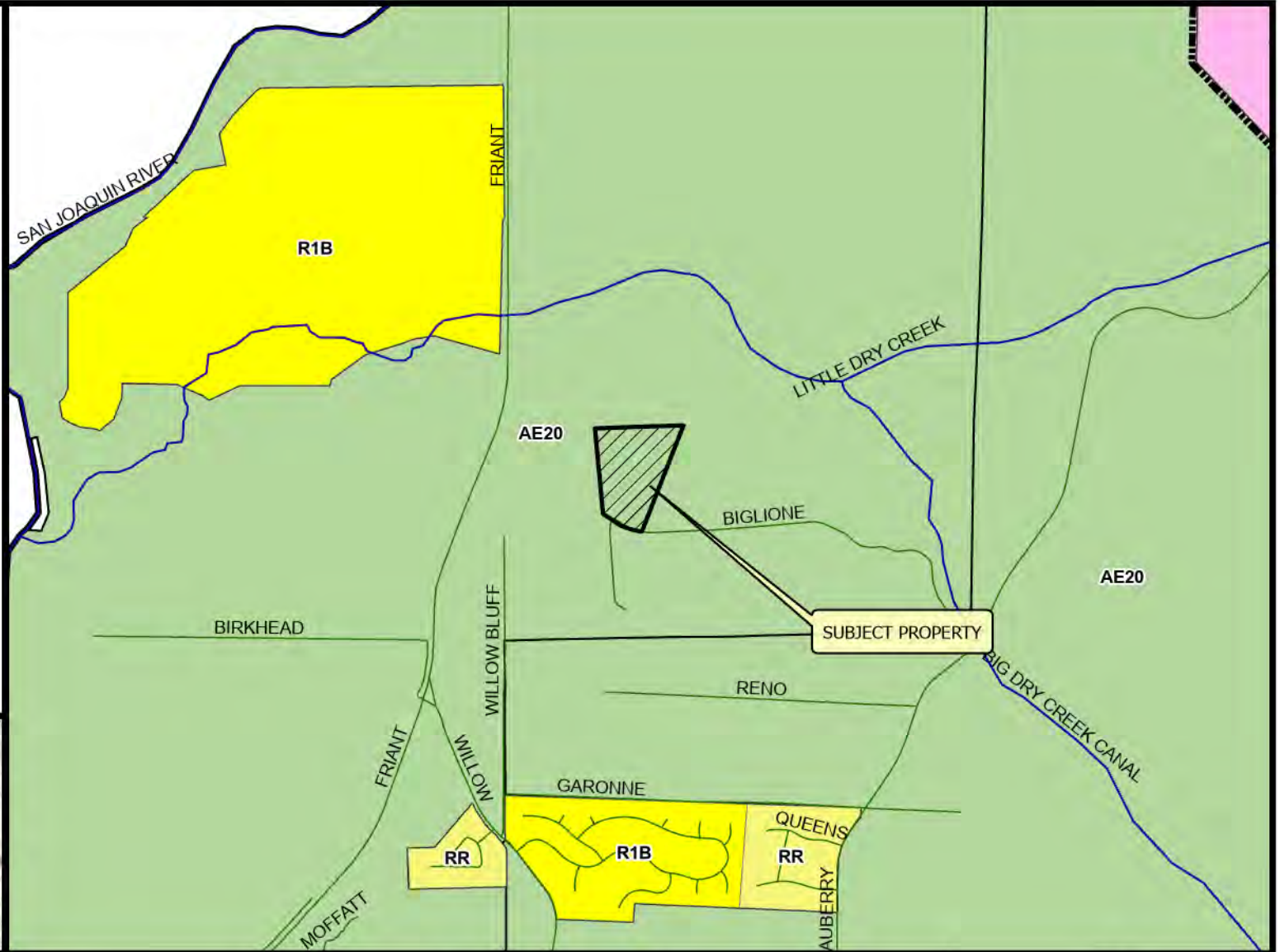
2023

Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division
 Person Prepared by : chuang
 On Date : 5/30/2023



Legend

-  Subject Property
-  Clovis
-  City Sphere of Influence
-  AE20
-  R1B
-  RR

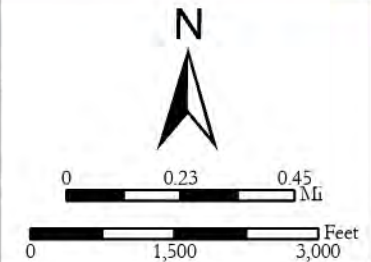


Existing Zoning Map


VA4121
STR 13 - 15/20

2023

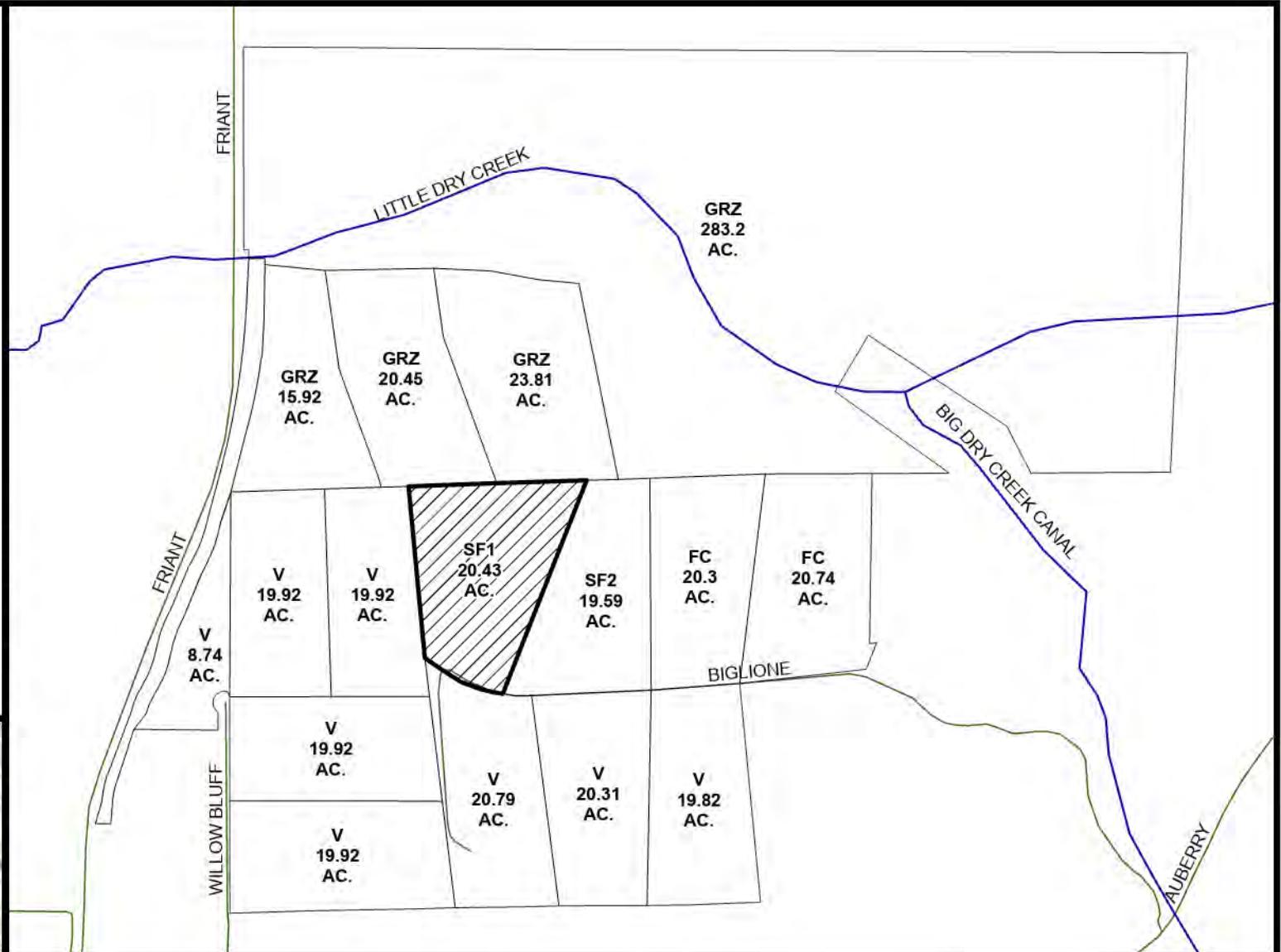
Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division
Person Prepared by : chuang
On Date : 5/30/2023



LEGEND:

 Subject Property

LEGEND
FC - FIELD CROP
GRZ - GRAZING
SF#- SINGLE FAMILY RESIDENCE
V - VACANT

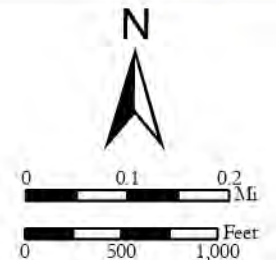


Existing Land Use Map


VA4121

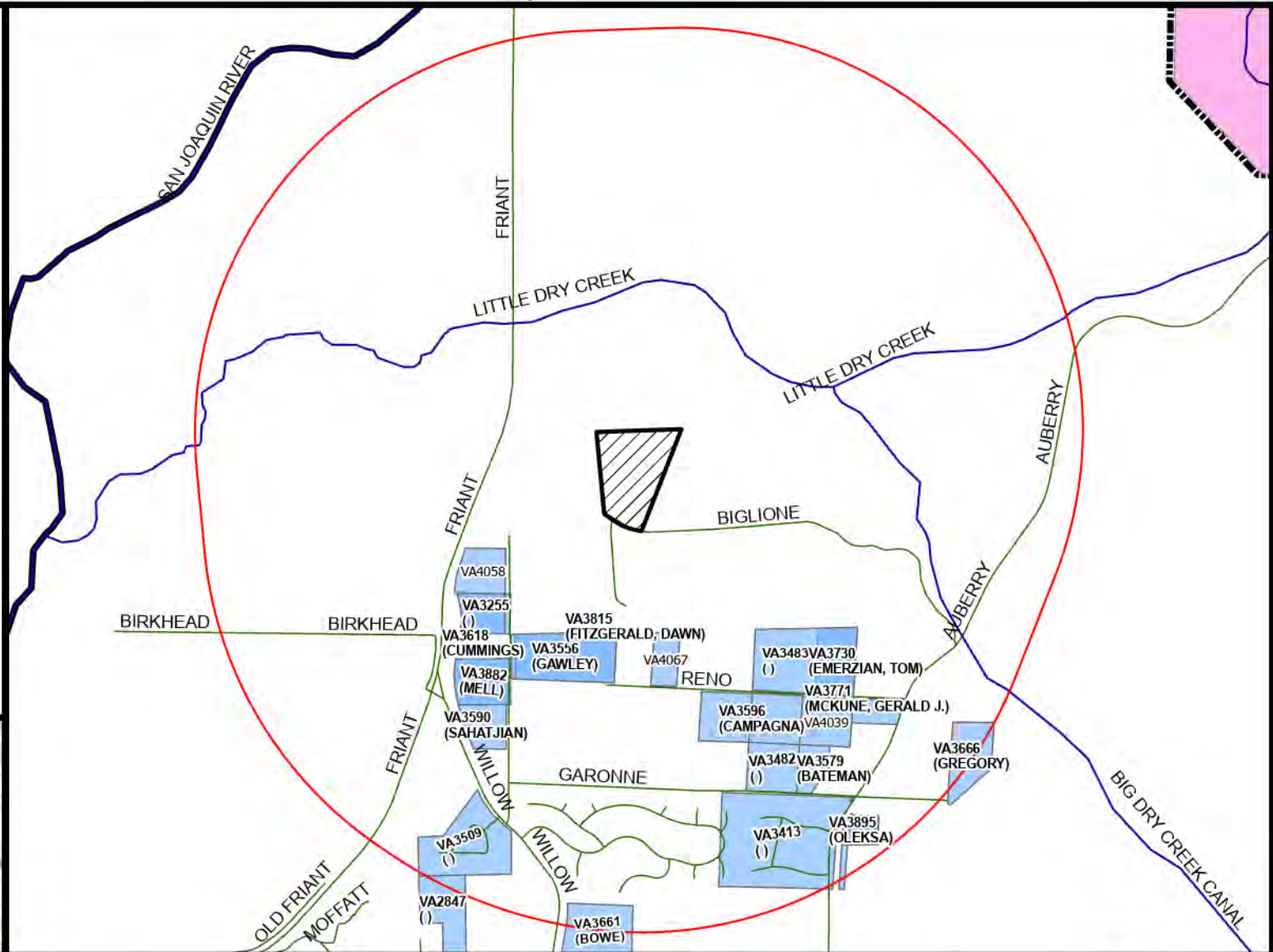
2023

Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division
 Person Prepared by : chuang
 On Date : 5/30/2023



Legend

-  Buffer1Mile
-  Subject Property
-  Variances
-  Clovis
-  City Sphere of Influence

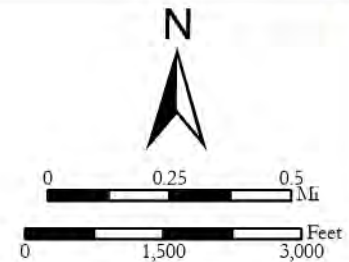


Proximity Map

VA4121

2023

Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division
 Person Prepared by : chuang
 On Date : 5/30/2023



WAIVER OF TENTATIVE AND PARCEL MAP NO. ___-___

BEING A SUBDIVISION OF A PORTION OF BLOCK 9 OF THE MAP OF REDWOOD PARK BOOK 5 OF RECORD OF SURVEYS AT PAGE 4, F.C.R. FRESNO COUNTY, CALIFORNIA IN THE SOUTH HALF OF THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 11 SOUTH, RANGE 21 EAST, M.D.B.&M. FOR HAYASHI

SITE INFORMATION:

EXISTING ZONING
AE20-EXCLUSIVE AGRICULTURE
PLANNED LAND USE
SINGLE FAMILY RESIDENTIAL
SOURCE OF WATER
WELL
SOURCE OF SEWER
SEPTIC SYSTEM

SOURCE OF TELEPHONE
PONDEROSA TELEPHONE COMPANY
SOURCE OF ELECTRICITY
PG&E
SITE AREA
20.43 ACRES (GROSS)
APN 300-320-15S
DOC. NO. 2008-0103133, O.R.F.C.

OWNER
HAYASHI
5458 N PLEASANT AVENUE
FRESNO, CA 3711

NOTE:

SOURCE OF DATA: FIELD SURVEY OF SUBJECT PROPERTY WITH RECORD OF SURVEY TO FILED WITH WAIVER CERTIFICATE.

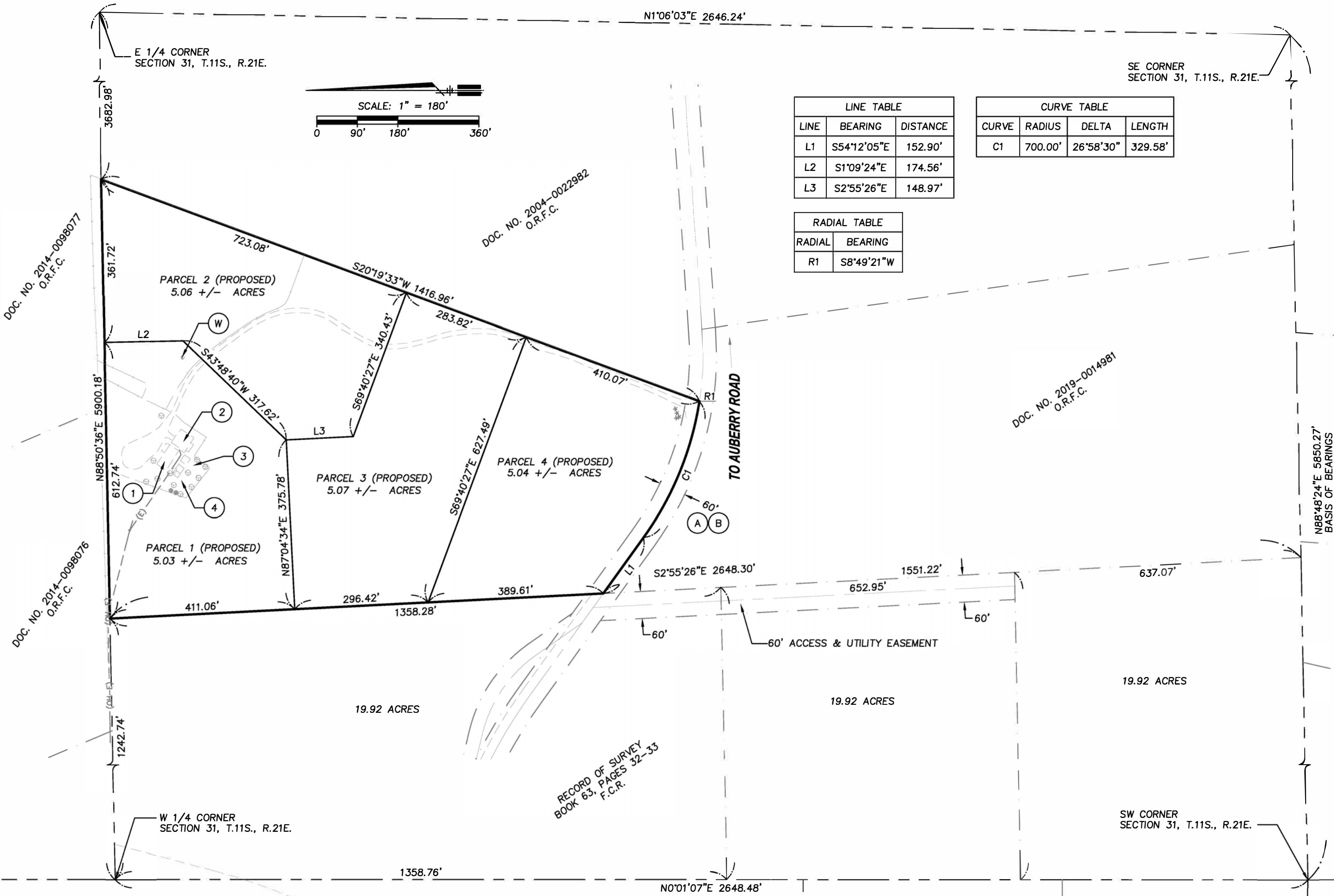
BASIS OF BEARINGS:

THE GEODETIC OBSERVATION OF THE SOUTH LINE OF SECTION 31, TOWNSHIP 11 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE & MERIDIAN. TAKEN TO BE NORTH 88°48'24" EAST.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S54°12'05"E	152.90'
L2	S1°09'24"E	174.56'
L3	S2°55'26"E	148.97'

CURVE TABLE			
CURVE	RADIUS	DELTA	LENGTH
C1	700.00'	26°58'30"	329.58'

RADIAL TABLE	
RADIAL	BEARING
R1	S8°49'21"W



LEGAL DESCRIPTION- A.P.N. 300-320-15S

PARCEL 1:
THAT PORTION OF BLOCK 9 OF REDWOOD PARK, IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF RECORDED IN BOOK 5 OF RECORD OF SURVEYS AT PAGE 4, FRESNO COUNTY RECORDS, AND AS ALSO SET FORTH IN THAT CERTAIN MAP FILED JULY 1, 1974 IN BOOK 26, OF RECORD OF SURVEYS, AT PAGE 82, FRESNO COUNTY RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF SAID BLOCK 9 WHICH LIES SOUTH 02°24'10" EAST A DISTANCE OF 548.58 FEET FROM THE NORTHWEST CORNER THEREOF; THENCE SOUTH 77°37'00" EAST A DISTANCE OF 737.43 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF A CURVE CONCAVE SOUTHWESTERLY, HAVING A CENTRAL ANGLE OF 21°00'00" AND A RADIUS OF 1100.00 FEET, A DISTANCE OF 403.17 FEET; THENCE SOUTH 56°37'00" EAST A DISTANCE OF 275.28 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING SOUTH 56°37'00" EAST A DISTANCE OF 154.72 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF A CURVE CONCAVE NORTHEASTERLY HAVING A CENTRAL ANGLE OF 26°52'31" AND A RADIUS OF 700.00 FEET, A DISTANCE OF 328.34 FEET; THENCE NORTH 17°55'06" EAST A DISTANCE OF 1417.87 FEET TO A POINT ON THE NORTH LINE OF SAID BLOCK 9 WHICH LIES EASTERLY A DISTANCE OF 2218.42 FEET FROM THE NORTHWEST CORNER THEREOF; THENCE SOUTH 86°23'58" WEST ALONG SAID NORTH LINE A DISTANCE OF 975.00 FEET; THENCE SOUTH 05°19'44" EAST A DISTANCE OF 1096.49 FEET TO THE TRUE POINT OF BEGINNING.

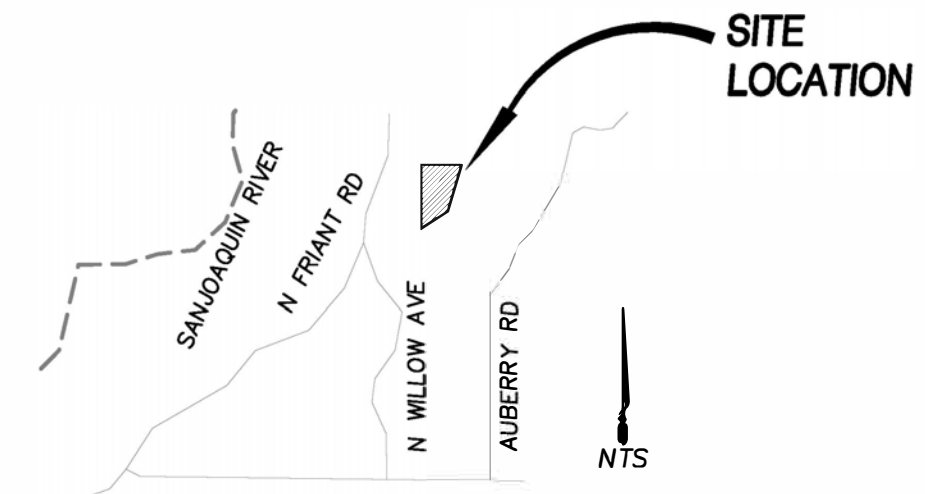
ALSO EXCEPTING THEREFROM THAT CERTAIN MOBILE HOME AS ASSESSED TO THE LAND.

PARCEL 2:
A NONEXCLUSIVE EASEMENT FOR ROAD PURPOSES 60 FEET IN WIDTH, 30 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE LOCATED IN THE SOUTH HALF OF SECTION 31, TOWNSHIP 11 SOUTH, RANGE 21 EAST, IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 12 SOUTH, RANGE 21 EAST, AND IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 12 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN, TO WIT:

PART I:
BEGINNING AT A POINT ON THE CENTER LINE OF THAT CERTAIN FRESNO COUNTY ROAD KNOWN AS CLOVIS-AUBERRY ROAD, SAID POINT BEING SOUTH 13° 21' 49" EAST A DISTANCE OF 271.29 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION 31; THENCE NORTH 24° 52' 19" WEST A DISTANCE OF 286.89 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 31 WHICH LIES SOUTH 86° 23' 00" WEST A DISTANCE OF 58.08 FEET FROM SAID SOUTHEAST CORNER OF SECTION 31; THENCE CONTINUING NORTH 24° 52' 19" WEST A DISTANCE OF 85.36 FEET; THENCE NORTH 53° 39' 49" WEST A DISTANCE OF 201.55 FEET; THENCE NORTH 36° 32' 34" WEST A DISTANCE OF 297.87 FEET; THENCE NORTH 18° 01' 34" WEST A DISTANCE OF 239.18 FEET; THENCE NORTH 03° 05' 14" WEST A DISTANCE OF 201.88 FEET; THENCE NORTH 53° 40' 14" WEST A DISTANCE OF 222.96 FEET; THENCE SOUTH 84° 21' 11" WEST A DISTANCE OF 292.13 FEET; THENCE NORTH 66° 17' 29" WEST A DISTANCE OF 129.33 FEET; THENCE SOUTH 88° 14' 56" WEST A DISTANCE OF 336.26 FEET; THENCE NORTH 46° 10' 19" WEST A DISTANCE OF 197.68 FEET; THENCE NORTH 64° 29' 19" WEST A DISTANCE OF 320.58 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF A CURVE CONCAVE NORTHEASTERLY HAVING A CENTRAL ANGLE OF 41° 23' 34" AND A RADIUS OF 60.00 FEET, A DISTANCE OF 43.35 FEET TO POINT "A"; THENCE CONTINUING NORTHERLY ALONG SAID ARC CONCAVE EASTERLY, HAVING A CENTRAL ANGLE OF 51° 53' 26" AND A RADIUS OF 60.00 FEET, A DISTANCE OF 54.34 FEET; THENCE NORTH 28° 47' 41" EAST A DISTANCE OF 122.45 FEET TO THE POINT OF ENDING.

PART II:
BEGINNING AT THE AFOREMENTIONED POINT "A" THENCE SOUTH 83° 23' 00" WEST A DISTANCE OF 2123.18 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF A CURVE CONCAVE NORTHEASTERLY, HAVING A CENTRAL ANGLE OF 40° 00' 00" AND A RADIUS OF 700.00 FEET, A DISTANCE OF 488.69 FEET; THENCE NORTH 56° 37' 00" WEST A DISTANCE OF 430.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF A CURVE CONCAVE SOUTHWESTERLY, HAVING A CENTRAL ANGLE OF 21°00' 00" AND A RADIUS OF 1100.00 FEET, A DISTANCE OF 403.17 FEET; THENCE NORTH 77° 37' 00" WEST A DISTANCE OF 737.73 FEET TO THE POINT OF ENDING, SAID POINT OF ENDING IS ON THE WEST LINE OF SAID SOUTH ONE-HALF OF SECTION 31 AND LIES SOUTH 02° 24' 10" EAST A DISTANCE OF 548.58 FEET FROM THE WEST ONE QUARTER CORNER OF SAID SECTION 31.

VICINITY MAP:



LEGEND:

- LIMITS OF SUBDIVISION
- PROPOSED PARCEL LINE
- - - EXISTING SECTION LINE
- EXISTING CENTER LINE
- - - EXISTING PROPERTY LINE
- - - EXISTING RIGHT-OF-WAY LINE
- - - EXISTING EDGE OF PAVEMENT
- (E) - - - EXISTING ELECTRIC
- - - EXISTING FENCE (WIRE)
- ⊕ EXISTING WATER HOSE BIB
- ⊕ EXISTING WATER WELL
- F.C.R. FRESNO COUNTY RECORDS
- O.R.F.C. OFFICIAL RECORDS FRESNO COUNTY
- (A) PARCEL 2 - APPURTENANT ACCESS TO AND THROUGH THE SUBJECT PARCEL BEING SUBDIVIDED.
- (B) PREVIOUSLY RESERVED EASEMENT FOR ROAD PURPOSES PER DEED RECORDED 12/19/1974 IN BK. 6379, PG. 565, AS DOC. NO. 94363, O.R.F.C.
- ① EXISTING IMPROVEMENTS RESIDENCE
- ② METAL SHED
- ③ PROPANE TANK
- ④ SEPTIC TANK

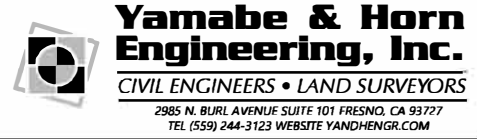


EXHIBIT 6

SEP 30 2021

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION**Variance Findings**

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.

All of the land lying east of N. Friant Avenue alignment can be defined as undulating land with a number of former stream channels. The subject land is not connected to the Willow Bluff Road parcels because of the interruption of Reno Avenue and natural land barriers. The land is located among the northern area and has larger parcels than the Willow Bluff and Reno Road parcels even though both have the same underlying agricultural zoning. The Willow Bluff/Reno Road area properties are in a unique transition area between the larger existing parcels to the east and the San Joaquin River Flood plain area to the west and are smaller in size. The subject site variance request would conform with the direction of development in the area and recommendations made by previous variance approvals by the Board of Supervisors.

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

A recent Planning Commission discussion that analyzed this area in conjunction with parceling to the west and south primarily related to Willow Bluff Avenue and Reno Avenue frontage found that 19 variances have been processed and 14 have been approved, followed by the approval of the variance being considered. The denial of the variance at hand will provide different rights possessed by other property owners under like conditions within the vicinity having identical zoning classification.

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.

The proposed variance will reflect the current land division and development trend now occurring in the area and the County will require improvements that will meet any service issues that may arise during their evaluation. The parcel in question has one home and the home has adequate sewer and water services. Several homes do exist southwest, east, and south of the parcel in question with services. The one to the southwest of which was just constructed near the Willow Bluff Road entrance and the second

parcel from Biglione Drive entrance. A possible extension of the private road may connect in the future to Friant Road at a designated location near the Volcan Sand and Gravel operation.

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

We have an unusual situation at hand in that most of the development activity in the surrounding area over the last decade or two has not been keeping with the General Plan designation or underlying zoning. The Board of Supervisors have recognized this and has directed staff to "rethink" their area and make changes that are more reflective of the current activity in the area. We expect that there may be new designations brought forward on and around the subject land at hand, as the transition area to the west near Willow Bluff Road and south near Reno Avenue continue to move north between Friant Road and Auberry Road.

Therefore this finding should be judged on the proposed intent of the Board of Supervisors.

Our request would generate 4 parcels, each five-acre parcels roughly from an existing 20.43-acre parcel. A review of the history of land division finds that to the southwest near N. Willow Bluff Road parcels range in size from 2.5 acres to 9.49 acres, meanwhile to the south near Reno Avenue parcels range from 2.30 acres to a single 18.90 acre parcel, at the present time. None of these parcels are reflective of the underlying AE-20 zone district and reflect an evolving change in the area to Estate Size residential lots. The entry to the subject property at hand is from Auberry Road currently which serves the residences to the south (near Reno Avenue) while also serving access to a small rural residential development with 2 acre parcels.



